Elements not discussed at INC-2

1. Scope

What is the proposed scope for the future instrument?

Which types of substances, materials, products and behaviors should be covered by the future instrument?

Proposed scope:

Plastic products play a crucial role across diverse sectors of agricultural production, encompassing crops, livestock, forestry, fisheries, and aquaculture. However, the improper management of these plastics, stemming from issues like farmer unawareness, limited collection services, deficient end-of-life infrastructure—especially prominent in developing nations—along with other contributing factors, results in their frequent abandonment or disposal in the environment. This not only poses potential risks to human well-being and the ecosystem but also calls for concerted action to rectify the situation.

Nonetheless, it's vital to acknowledge that plastic items utilized in agricultural contexts offer a spectrum of advantages for food security and nutrition. These benefits encompass enhanced yields, heightened production efficiency, and diminished food loss and wastage. As we proceed to chart the course for plastic product usage in agriculture, it is imperative that the emerging Treaty strikes an equilibrium between the merits provided by these products and the associated compromises they entail.

Recognizing the distinct characteristics and potential ramifications of plastics employed in various agricultural domains—ranging from crop production and livestock management to forestry, fisheries, and aquaculture—it is recommended that the Treaty holistically addresses their sustainability through a dedicated program of action with the objective of preventing and reducing plastic pollution with a holistic life-cycle approach. In this regard, the Food and Agriculture Organization (FAO) proposes a two-pronged approach: one tailored to terrestrial agriculture, encompassing crops, livestock, and forestry, and another centered on the fishery and aquaculture sector. This targeted strategy encompasses the prevention and reduction of abandoned, lost, or discarded fishing gear (ALDFG) among other plastic products used in these sectors.

sectors. This approach would facilitate precise, context-sensitive interventions aimed at regulating plastic production, utilization and environmentally sound disposal within these specific spheres, accounting for their unique demands and challenges.

A dedicated programme of work to develop a comprehensive global strategy on plastics used in agriculture and fishing and aquaculture gear could include:

a) An article on plastics used in terrestrial agriculture and one on plastic fishing and aquaculture gear, having as core obligation the prevention and reduction of plastics pollution in agricultural soils, and aquatic bodies. Provisions could include safe design, sustainable usage, and proper disposal including recycling where possible.

b) A mechanism to formulate a comprehensive strategy through mandatory controls and voluntary methods, in collaboration with relevant UN agencies, national bodies, and other relevant organizations.

c) Specific provisions encompassing mandatory controls and voluntary guidelines for waste management, EPR schemes and product standards, among others.

d) A multi-stakeholder action plan involving agri-plastics manufacturers, farmers and fishers, recyclers, local municipalities certification bodies and regional bodies, among others. ensuring a comprehensive strategy for gear throughout its lifecycle. This involves engagement, resource mobilization, and capacity building.

2. Principles

What principles could be set out in the future instrument to guide its implementation?

The Treaty should include the precautionary principle amongst its core pillars. While further research is needed to fully comprehend the environmental, animal, and human health effects of micro- and nano-plastic pollution, the Treaty should embrace the precautionary principle. The potential long-term consequences arising from the cumulative exposure to plastics from diverse sources highlight the importance of prudent and proactive measures.

The principle of leaving no one behind (LNOB) refers to ensuring meaningful inclusion, participation and progress in closing development gaps for all population groups. LNOB not only entails reaching the most vulnerable but requires combating discrimination and rising inequalities within and amongst countries, and their root causes and could be considered among key principles in the Treaty. The principle of leaving no one behind (LNOB) guides FAO’s mission by ensuring that all communities, regardless of their background, have access to equitable and sustainable food systems. FAO actively works to address disparities and promote inclusivity in agricultural development, striving to eradicate hunger and poverty by prioritizing the needs of marginalized groups.

3. Additional considerations

Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).

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The Treaty should promote the establishment and use of criteria and voluntary guidelines and codes of conduct to assist States in ascertaining the nature and implications of plastic use in agriculture through competent international organizations such as FAO. FAO’s voluntary approaches include non-binding “soft law” instruments, such as International Voluntary Codes of Conduct and Voluntary Guidelines, which support Members in formulating and updating strategies, laws and policies. They can also provide responsibilities for non-governmental stakeholders.

Examples of such Codes of Conduct and Voluntary Guidelines of direct relevance for the Treaty include:

a. International code of conduct on responsible fisheries
b. International code of conduct on pesticide management
c. Code of Conduct for Responsible Fisheries
d. Voluntary Guidelines on the Marking of Fishing Gear

Furthermore, in line with the recommendations of FAO Council, FAO is working on the development of the Voluntary Code of Conduct on the sustainable use of plastics in agriculture (VCoC). The development of a VCoC is taking place in parallel to the development of the new global plastics treaty. The Intergovernmental Negotiating Committee is tasked with considering the obligations, measures, and voluntary approaches to be included in the new Plastics Treaty for Member States (UNEA Res. 4/15, para 4a). A VCoC will present a set of internationally recognized, nationally adaptable guiding principles and standards for responsible practices that Governments and other stakeholders can voluntarily apply to promote sustainable management of plastic used in agriculture, and to effectively reduce plastic pollution while promoting efficient, inclusive, resilient and sustainable agrifood systems. The VCoC could inform relevant implementation measures of the new Plastics Treaty by offering concrete guidelines, best practices, and indicators specific to the agricultural sector for all stakeholders; as well as providing perspectives from the food and agriculture sector that may also be applicable to other sectors.

On prevention and reduction of ALDFG, the Treaty should also ensure there is no duplication/contradiction with existing international regulations and management measures established by the International Maritime Organization (IMO), Regional fishery bodies (RFBs) including regional fisheries management organizations or arrangements (RFMO/As), the FAO and relevant IGOs.

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