

TEMPLATE FOR SUBMISSIONS (part a)

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	Ocean Conservancy
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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:

The proposed scope for the future instrument should be comprehensive and address the issue holistically. The marine environment has been ground zero of the plastic pollution crises and preventing further harm to it should remain an important element in the instrument. However, the climate, air, freshwater, and soil have been impacted by pollution from plastics, as well. The following significant components could be part of the proposed scope:

Substances: The instrument should be inclusive across plastics and products, building on established definitions in existing international fora, such as the Basel Convention where plastics are defined as “a synthetic material or modified natural material, either a polymer or combination of polymers of high molecular mass modified or compounded with additives such as fillers, plasticizers, stabilizers, flame retardants and colorants.”¹ There are different definitions of plastics in current international or national documents, including those of the International Organization for Standardization (ISO)², and the OECD³. Crucially, the accepted definitions for this instrument should encompass chemical additives present in plastics, bearing notable risks to human and environmental health. As such, these additives should be duly considered within the scope of the instrument. Furthermore, additional substances associated with the complete life cycle of plastics, such as air emissions (including greenhouse gases and other harmful toxins) and water emissions resulting from plastic production, consumption, and disposal, should also be subject to consideration in this context.

¹ [UNEP/CHW.16/6/Add.3/Rev.1](#) (May 25, 2023)

² [ISO 472:201](#): Plastics — Vocabulary. Geneva: International Organization for Standardization, 2013.

³ Organisation for Economic Co-operation and Development. (2023). OECD Definition of Polymer. Retrieved from: <https://www.oecd.org/env/ehs/oecddefinitionofpolymer.htm>

Materials and Products: The instrument should encompass all plastic materials and products that contribute to environmental pollution, including in the marine environment, and that pose risks to human health. This includes single-use plastics for packaging and food service ware, fishing gear made of plastic/nylon and/or containing plastic components, primary and secondary microplastics, and other plastic products commonly found in marine environments.^{4 5} It should consider measures to reduce incentives for continued natural resource extraction (e.g., fossil fuels) and encourage circular sustainable alternatives, such as reuse and refill systems that do not result in regrettable substitutions.

Lifecycle Stages: The scope should extend across the entire lifecycle of plastics, including production, consumption/use, and disposal/end-of-life. It should first and foremost focus upstream on the reduction of plastic production. It should also include components that focus on the sustainable and circular design of plastics that are deemed necessary; transparency in labeling of plastic products; environmentally sound waste management practices; and remediation of legacy plastic pollution (plastics that have and may continue to leak into the environment).

Behaviors and Activities: The scope should address behaviors and activities that contribute to plastic pollution upstream, midstream, and downstream. Upstream activities should focus on government and corporate behaviors to disincentivize a linear plastics life cycle including eliminating subsidies for plastic feedstocks and production, and policies that encourage corporate accountability for pollution from production to end-of-life. Midstream activities should focus on government and corporate behaviors to establish and finance environmentally sound waste management infrastructure and product standardization in design and labeling to incentivize reuse, refill and recycling. Downstream activities should focus on remediation of legacy plastic pollution and, where needed, education and behavior change to reduce plastic waste generation.

Stakeholders: The scope should recognize the roles and responsibilities of various stakeholders, including governments, businesses, civil society organizations, academic institutions, and people affected - including informal waste workers, fishers, communities near production and disposal facilities, and those whose livelihoods are connected to the plastics value chain. It should encourage their participation and cooperation in tackling plastic pollution, including in the marine environment. The instrument should seek to promote their active involvement, collaboration, and engagement, emphasizing the need for multi-stakeholder partnerships to achieve meaningful and lasting impact.

Monitoring and Reporting: The instrument should establish provisions for monitoring, reporting, and sharing of data related to plastic production, trade, and plastic pollution in the environment and other pollution from across the plastics life cycle (e.g., greenhouse gas emissions, toxics). It should include mechanisms to assess the effectiveness of the measures taken and ensure transparency and accountability in addressing the issue. This transparency in reporting and information sharing are crucial for accountability, learning and evidence-based decision-making.

Implementation and Compliance: The scope should include mechanisms for implementation, means of implementation, and compliance of these provisions. It should include measures to support capacity building, technology transfer, financial support, and international cooperation to facilitate effective implementation at all levels. These means of implementation (capacity building, technology transfer,

⁴ The US Plastic Pact's "[Problematic and Unnecessary Materials](#)" list to be phased out by 2025.

⁵ Ocean Conservancy's [Charting a Course to Plastic Free Beaches report](#) that identifies the top ten most commonly polluted single-use plastics and policy actions (including 5 items to phase out) to reduce pollution.

and financial support) are essential for supporting developing countries and countries with limited capacities in implementing the instrument's provisions. One of the goals of the instrument should be to foster international cooperation, coordination, and mutual assistance to ensure the effective realization of its objectives.

Also, the instrument should ensure that these means of implementation allow for an equitable fulfillment of the agreement and provide for burden-sharing around the harmful effects of plastic pollution.

Explanatory Text:

There are various approaches to defining the scope of international agreements. These approaches are not mutually exclusive, and considering the prevalence and ubiquity of plastics and its pollution, we support that a combination of these elements, as well as others, be explored by the committee, including:

(a) Defining the products or substances to which the instrument applies (and to which it does not), similar to article 3 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade⁶.

(b) Defining the jurisdictional scope of application, similar to article 4 of the Convention on Biological Diversity⁷.

(c) Defining the uses of resources to which the instrument applies, similar to article 1 of the Convention on the Law of the Non-navigational Uses of International Watercourses⁸.

(d) Setting out a type or level of activity that will be controlled under the instrument, particularly with respect to hazardous activities, similar to article 1 of the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter⁹.

The proposed scope should be accompanied by a comprehensive explanatory text that provides a rationale for each element and emphasizes the interconnectedness of the various components. It should highlight the urgency of addressing plastic pollution for the health of communities, the climate, and the ocean, and emphasize the need for a holistic and integrated approach.

It should also be noted that the proposed scope of the instrument should be ambitious and overarching, but also include provisions and context that allows it to adapt and be strengthened over time.

⁶ Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. (1998). Article 3.

⁷ Convention on Biological Diversity. (1992). Article 4.

⁸ Convention on the Law of the Non-navigational Uses of International Watercourses. (1997). Article 1.

⁹ Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. (1996). Article 1.

2. Principles

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

Proposed principles:

Ocean Conservancy recommends a harmonious integration of these ten principles to guide the implementation of the ILBI:

Precautionary and Prevention Principle: The instrument should advocate for a precautionary approach to plastic pollution, recognizing that measures should be taken to prevent harm to the environment, wildlife, and human health. To this end, it should emphasize the importance of preventing plastics from becoming pollution by addressing the root causes and reducing production. Doing so would require addressing systemic drivers of production, including fossil fuel subsidies and unsustainable fossil fuel extraction, promoting sustainable production and consumption, and prioritizing source reduction, especially for single-use plastics and plastics identified as problematic by entities such as Plastics Pacts¹⁰ and Ocean Conservancy research¹¹.

This principle should also be applied to reviewing existing and emerging technologies that help sustain demand for virgin plastic production, such as chemical recycling technologies, to prevent the inclusion of these into legal provisions in the instrument or from receiving funds associated with implementing the instrument.

Polluter Pays Principle: Assign responsibility to the producers and/or manufacturers of plastics to bear the costs associated with preventing, mitigating, and managing waste and pollution through encouraging extended producer responsibility schemes that incentivize reduction, reuse, and upstream redesign through eco-modulated fees. Adequate financial resources and international cooperation are necessary to address this global challenge. Therefore, the polluter pays principle could help mobilize funding from those responsible for plastic waste to supplement domestic and international financing to facilitate activities laid out in the instrument and would allow for an equitable distribution of this financing.

Science-Based Approach Principle: Highlight the importance of scientific research, data collection, monitoring, assessment, and the use of the best available science and traditional knowledge in informing decision-making, policy development, and implementation of effective measures to address plastic pollution and foster scientific collaboration across governments and institutions. The principle would underscore the importance of monitoring, evaluating, and quantifying the effectiveness of interventions to track the success of the instrument and maintain accountability.

Remediation Principle: It would emphasize the need to address and mitigate the existing and accumulated plastic pollution in the environment (legacy pollution), including in coastal and marine ecosystems. This principle would complement other measures aimed at prevention, reduction, and sustainable management of plastic waste, creating a comprehensive approach to tackle plastic pollution across its entire life cycle. It should encourage the use of existing networks engaged in cleanup efforts, develop sustainable financing for ongoing remediation, and encourage the integration of citizen science in cleanup efforts as part of tracking and measuring progress.

¹⁰ <https://oceanconservancy.org/wp-content/uploads/2022/03/Fact-Sheet-on-Plastics-Pact-Elimination-List.pdf>

¹¹ <https://oceanconservancy.org/trash-free-seas/international-coastal-cleanup/plastic-free-beaches/>

Life Cycle Approach Principle: Promote a comprehensive and systemic life cycle perspective and approach in managing plastics, considering the environmental impacts of plastic across its entire life cycle, including feedstock extraction, production, use, disposal, leakage, and encouraging sustainable alternatives and circular economy practices.

Environmental Justice Principle: Ensure equitable distribution of the costs and benefits of plastic pollution management, the cumulative impacts on vulnerable communities and the informal waste collecting sector when transitioning to more sustainable materials and practices—ensuring a just transition must be of paramount importance. This approach should encompass vulnerable and historically marginalized communities, indigenous peoples, and countries that may bear a disproportionate burden of plastic pollution and its impacts.

Sustainable Development Principle: Recognize the interlinkages between plastic pollution and the UN Sustainable Development Goals (SDGs) by integrating efforts to address plastic pollution with broader social, economic, and environmental objectives in the SDGs.

Cooperation and Partnership Principle: This principle would emphasize the importance of engaging various stakeholders, including governments, civil society organizations, private sector entities, informal waste collectors, and local communities, to share knowledge, best practices, technologies, and financial resources for effective implementation of measures to tackle plastic pollution. Collaboration, including financing and partnerships among these stakeholders, would be encouraged to maximize the effectiveness and reach of the instrument.

Integration and Synergies Principle: Promote integration and synergies with existing international and regional agreements and conventions, frameworks, and initiatives related to plastic pollution, climate, and environmental protection to ensure coordination, and avoid duplication or contradiction of efforts, while recognizing the need for an overarching legally binding instrument.

Transparency and Information Sharing Principle: These are critical for effective decision-making, monitoring, and reporting. The principle of transparency promotes open access to information, data, and research related to plastic production, trade, and pollution. It ensures that relevant stakeholders have access to accurate and timely information, facilitating informed decision-making and fostering public participation in tackling plastic pollution. Furthermore, transparency and standardized data reporting and sharing requirements improves compatibility, helps outside actors such as investors to better evaluate and manage risks, and increases the efficiency of policy implementation and possible resource mobilization.

Explanatory Text:

The principles provide a general framework that should guide the implementation of the instrument and serve as a foundation for effective action to tackle plastic pollution across the full life cycle of plastics, including in the marine environment. They provide a common understanding and direction for all parties involved, helping to achieve the objective of ending plastic pollution.

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).

Proposed inputs:

In addition to the principles and scope mentioned above, relevant inputs, proposals, and priorities that could be considered in the future instrument are:

Preamble: The instrument could include a preamble that highlights the urgent need to address plastic pollution and emphasizes the importance of international cooperation, sustainable development, and the protection of biodiversity and human health. It could recognize the significance of previous international agreements and resolutions related to plastic pollution, their interlinkages, the absence of and need for an overarching legally binding instrument, and underscore the commitment to achieving the objectives of the instrument. Moreover, this preamble could potentially address the interlinkages with other multilateral agreements, in particular those related to climate, as this interconnection between plastics and climate presents a unique opportunity to achieve global climate change mitigation, and resilience goals alongside plastic pollution prevention.

Institutional Arrangements:

a. Governing Body: Establish a governing body comprised of representatives from parties and relevant stakeholders to provide overall guidance, decision-making, and oversight for the implementation of the instrument. This governing body should facilitate collaboration, review progress, and make recommendations for strengthening the effectiveness of the instrument, and should be tailored to its specific objectives and mandates.

b. Subsidiary Bodies: Consider establishing subsidiary bodies focused on specific areas of plastic pollution management, such as research and development, capacity building and technical assistance, financial mechanisms, and monitoring and reporting. These bodies can provide specialized expertise and support the governing body in implementing the instrument.

For example, the instrument could set up a similar governing structure to other multilateral environmental agreements (MEAs). Among others, these could be:

- The Committee of the Permanent Representatives (CPR): Similar to the UN Environmental Assembly, this body could play a pivotal role in the governance and decision-making process of the instrument. The CPR would be composed of representatives from member states appointed as permanent representatives, and its functions could be policy development, coordination, cooperation, preparatory work, review of activities, budget, finance, representing member states, and reporting.

- **Conference of the Parties (COP):** In most MEAs, the COP is the highest decision-making body. It could be set up to meet annually to review the implementation of the agreement, negotiate and adopt decisions, and provide guidance to the efforts of tackling plastic pollution.
- **Subsidiary Bodies:** Similar to other agreements, a Subsidiary Body for Implementation, and an internal Subsidiary Body for Scientific and Technological Advice or Review Committee could be established and composed of global experts in relevant scientific fields to assess the scientific aspects of the instrument's objectives, monitor progress, and offer evidence-based advice and support to the parties involved in the work of the COP.
- **Open-ended Working Group (OEWG):** The OEWG could meet between COP meetings to facilitate discussions, negotiate specific issues, and provide recommendations to the COP.
- **Polymers, Chemicals, and Additives Pollutants Review Committee:** This committee could support the COP by assessing the listing of new polymers, chemicals, and additives for plastics under the convention, and reviewing the effectiveness of control measures.

c. Scientific and Technical Cooperation and Coordination: Promote external scientific and technical cooperation among countries and relevant organizations to enhance knowledge sharing, research collaboration, capacity building, and the development of innovative solutions to address plastic pollution. To be fully effective, this committee will communicate regularly with the Subsidiary Body for Scientific and Technological Advice or Review Committee, and possibly include some of the same experts, to give continuity and across-silo impact and influence.

d. Secretariat: Establish a dedicated secretariat or designate an existing organization to provide administrative support, facilitate coordination among parties, and possibly serve as a central hub for information exchange and communication related to the instrument, and transparent reporting on the progress against priorities in the instrument.

Many MEAs combine some or all of the above options in their institutional arrangement. Among others, these are:

- United Nations Framework Convention on Climate Change (UNFCCC)
- Convention on Biological Diversity (CBD)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal
- Stockholm Convention on Persistent Organic Pollutants (POPs)
- Montreal Protocol on Substances that Deplete the Ozone Layer

Final Provisions:

a. Dispute Settlement: Include provisions for the peaceful settlement of disputes arising from the interpretation or implementation of the instrument. This may involve mediation, arbitration, or other appropriate mechanisms to resolve conflicts and ensure compliance with the obligations set forth in the instrument.

b. Compliance and Enforcement: Establish mechanisms to monitor and enforce compliance with the provisions of the instrument. This may include reporting requirements, review processes, and the development of incentives or penalties to encourage adherence to the instrument's obligations. This

mechanism should be considered in the agreement itself regarding the legally binding obligations of parties, and in any voluntary national action plan developed thereafter.

c. Review Mechanism: Establish a periodic review mechanism to assess the effectiveness of the instrument in achieving its objectives, identify emerging challenges, and propose adjustments or improvements as necessary.

d. Financial Provisions: Address the financial aspects of implementing the instrument that ensure the equitable fulfillment of the agreement and provide for burden-sharing around the harmful effects of plastic pollution. These include the mobilization of financial resources, mechanisms for financial assistance, and the provision of technical and technological support to developing countries and countries with limited capacities.

Annexes: Consider the inclusion of annexes that provide additional technical guidance, methodologies, or specific measures related to certain aspects of plastic pollution management. These annexes can be updated or expanded over time based on evolving scientific knowledge and best practices.

Explanatory Text:

The inclusion of the above elements ensures that the instrument is comprehensive, responsive to challenges, and capable of achieving its intended goals.

Preamble:

The Preamble provides an essential introductory statement that sets the tone, context, and purpose of the instrument. It allows parties to articulate their shared understanding, values, and commitment towards addressing plastic pollution. Including a Preamble helps to inspire and motivate stakeholders, emphasize the urgency of action, and create a common foundation for cooperation and implementation.

Institutional Arrangements:

The institutional arrangements establish the organizational structure and mechanisms to support the implementation, monitoring, and decision-making processes of the instrument. They define the roles, responsibilities, and relationships among participating parties, governing bodies, subsidiary bodies, stakeholders, and the secretariat. Including institutional arrangements ensures effective coordination, cooperation, and accountability among these, facilitating the smooth operation and implementation of the instrument.

Final Provisions:

These provisions provide clarity on how the instrument will be enforced, monitored, and reviewed over time. They establish procedures for resolving conflicts, ensuring compliance with obligations, and allocating resources. Final Provisions are essential for transparency, accountability, and the long-term viability of the instrument.

Clarity and Consistency:

These inputs help provide specific guidance, frameworks, and principles that help parties interpret and apply the provisions of the instrument in a coherent and unified manner. Clarity and consistency are essential for effective implementation, decision-making, and measuring progress towards the objectives of tackling plastic pollution.

Legal Certainty and Compliance:

Clear institutional arrangements, dispute settlement mechanisms, and compliance procedures provide parties with confidence in the instrument's enforceability. Parties are more likely to adhere to their commitments when they have a clear understanding of their rights, obligations, and the consequences of non-compliance, including in any voluntary national action plan developed thereafter.

Adaptive Management:

This ensures that the instrument is adaptable to accommodate emerging challenges, advancements in scientific knowledge, and changing circumstances. It allows for periodic reviews, updates, and adjustments to reflect new information, best practices, and evolving priorities. An instrument that can adapt and respond to new developments is more likely to remain effective and relevant over time.

Stakeholder Engagement and Ownership:

This allows governments, civil society organizations, industry, academia, and other stakeholders to contribute their expertise, perspectives, experiences, technological developments, and effective policy inputs. This inclusive approach promotes buy-in, collaboration, and shared responsibility, leading to more effective implementation and sustainable outcomes.

The future instrument should aim to create a robust framework that facilitates effective collaboration, coordination, and implementation of measures to tackle plastic pollution in the most ambitious manner conceivable, comprehensively across the full life cycle of plastics. By including these components, the instrument can provide a robust framework for concerted global action, partnerships, accountability, and meaningful action to combat plastic pollution, and protect the marine environment and communities that depend on it.