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 treaty and the legally binding instrument should be evolving and additive, complementing other multilateral environmental agreements and international law to avoid negative tradeoffs and reinforcing positive synergies.

The future legally binding instrument should recognize plastic and chemical pollution as a driver of biodiversity loss, pollution, and climate change. The State Parties of the Future Instrument should recognize the transboundary impact of plastic pollution which affects the resilience and functioning of land, water, coastal, marine, and high-seas ecosystems, thereby threatening the economic and social sustainability in societies and sectors which directly or indirectly depend on their resources or services, including agriculture, fisheries, tourism, and industry.

To address the long-term and transboundary nature of plastic pollution, as well as given the fact that the main sources of marine pollution are land-based, the scope of the future instrument should seek to incorporate a holistic source-to-sea perspective that addresses upstream and downstream linkages of plastic pollution across the full water cycle, crossing traditional land, freshwater, coastal, marine and ocean boundaries. The instrument should further address plastic pollution across national, regional, urban, and local levels, with a focus on supporting local governance to manage the heavy burden of reducing plastic pollution under existing consumption and production patterns by way of setting targets at the national level, unlocking financing, raising awareness, and providing technical capacity development at the regional and subnational levels. The future instrument should also address the role of producers and consumers of plastic products, addressing value chain management through full life cycle and circular economy approaches.

Such holistic approaches to plastic pollution require involvement from a large range of societal actors, necessitating mutually beneficial, multi-level and multi-sectoral coordination and accountability mechanisms that ensure the benefits from reducing plastic pollution are shared equitably across populations and geographies.
The future instrument should lastly seek to facilitate the development and uptake of replacement products for plastic products, meanwhile ensuring such products are thoroughly assessed to avoid unintended consequences.

The instrument should cover the following aspects:

- A characterization of the sources, types, behaviour and impacts of plastic litter, including micro and nano plastics.
- The identification of which communities and ecosystems are impacted by plastic pollution and how such impacts are distributed across geographies.
- The diagnosis of how solid waste and wastewater is managed across full life cycle value chains and governance levels including international, national, regional, and subnational.
- The identification of actions across the full life cycle value chain and governance levels needed to prevent plastic leakage.
- The development of national action plans and measurable, verifiable targets that guide action at local levels to prevent plastic leakage and reduce plastic pollution, including an accountability framework that identifies which stakeholders are responsible in driving the actions forward.
- The monitoring and evaluation of the outcomes of the interventions, to identify key uncertainties and knowledge gaps.

Explanatory Text:

Current approaches to the problem of plastic pollution in terrestrial, freshwater, and marine ecosystems often focus on individual segments of a source-to-sea system and/or on one sector. This makes them poorly suited for addressing all the root causes of plastic ending up in riverine and marine environments. The linkages between land, freshwater, coasts, and the ocean are highly relevant in preventing plastic pollution, since significant amounts of plastic waste are carried from land-based sources through waterways to coasts and the ocean. Additionally, the plastics value chain can stretch across thousands of kilometers, especially the production of plastic. However, the consumption/use and disposal of plastic waste tends to be managed by local authorities and communities in isolation with limited resources, which can result in outcomes that may not be optimal for the entire source-to-sea system. To avoid this, they need support from actors across the plastic value chain, the source-to-sea system, and beyond. Policies, procedures, and regulations for different sectors are also developed in isolation, resulting in investments and management practices that maximize local or sectoral benefits and are blind to their potential upstream and/or downstream impacts. These consequences are often not adequately accounted for when the costs and benefits of local investments in managing plastic waste are being considered. Therefore, an instrument with a holistic source-to-sea scope that addresses cooperation between upstream and downstream actors and the transition to a circular economy promoting the reduction, reuse, and recycling of plastic goods is urgently needed. To attend to the global challenge of plastic pollution we must avoid narrow, isolated, and linear methods and act across the life cycle of plastic goods through the source-to-sea and circular economy approaches.

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

Proposed principles:

The linkages between the triple planetary crises of climate change, pollution and biodiversity loss, and the contributions of plastic and chemical pollution to these crises, need to be addressed holistically, across the source-to-sea system. The future instrument should be additive and complementary to existing multilateral environmental agreements, biodiversity law, environmental law, chemical and other pollution treaties and regulations, waste management, cross-border transportation, customs laws, public health law, human rights law, labour law, international, plurilateral and bilateral trade law, the law of the sea and maritime laws, fisheries laws, agricultural law, food security and food safety, forestry law, and intellectual property law. There should be coherence across these legal instruments such that negative trade-offs are avoided, human rights are protected, greenhouse gas emissions are reduced, and biodiversity conserved and restored.

The future instrument should address plastic pollution from source to sea. The sources of plastic pollution and its impacts are different within the source-to-sea system comprised of land, freshwater, coasts, and the ocean. A holistic approach that addresses the upstream and downstream linkages across land, freshwater, coastal, and marine ecosystems should be a core principle in the assessment of issues, involvement of stakeholders, identification of desired outcomes, the weighing of costs and benefits, and should guide the design of investments and interventions.

Measurable, verifiable national level targets for the reduction of plastic leakage to the environment must be set and priorities for reaching those targets must be evaluated against their potential for generating positive impacts for the source-to-sea system as a whole. The future instrument should recognize that current production and consumption patterns place a heavy burden on local waste management services, which in many cases are limited or non-existent and ensure that resources are directed toward improving these services. Financial flows, technical knowledge, capacity building, awareness raising should all be directed toward the immediate needs for halting plastic leakage while investing in longer-term development of circular production and consumption.

Combining the holistic source-to-sea approach with the life cycle approach will strengthen the cost-benefit ratio and help to drive the transformation of the production and consumption of plastic products across the value chain. Intermediate outcomes of reducing plastic leakage through context-relevant investment in improvements to waste management services should be prioritized while commitment to the largescale transformation of production and consumption to circular approaches is undertaken. The impacts of replacement products for plastic need to be thoroughly assessed to ensure future problems are not being created.

Inclusive and collaborative action should be encouraged, engaging upstream and downstream stakeholders from the start, including marginalized and vulnerable people, and ensuring equitable sharing of benefits. Building a framework for accountability between actors, and the actions that they are individually or jointly responsible for, will illuminate the inter-dependencies between them and drive collaborative action. The impacts of plastic pollution are wide ranging and the benefits from reducing those impacts need to be shared equitably across geographies and populations.
Flexibility to adapt through learning gained from pragmatic implementation, monitoring and evaluation will strengthen the long-term success of the future instrument. Implementation should build on and enhance existing institutions, established methods and ongoing process, and evolve over time.

Explanatory Text:

As plastic waste flows towards the ocean, it has myriad negative impacts on the ecosystems it passes through, as well as social and economic impacts. To successfully address plastic pollution, it is necessary to take a source-to-sea view of land-based sources of plastic pollution and dedicate resources where they are most needed. Economies of scale can emerge through regional approaches to managing and recycling plastic waste. Cooperation between upstream and downstream communities and the transition to the reduction, reuse, and recycling of plastic goods can prevent plastic pollution in the source-to-sea system as a whole. Although much of the required action needs to be taken at the local level, municipalities alone cannot drive all the required changes and they need support from actors across the plastic value chain, the source-to-sea system, and beyond. Plastic pollution arises from a lack of accountability and cooperation between actors, e.g., those that produce plastic goods are not in contact with those that manage those goods at the end of their life. For benefits to accrue across the source-to-sea system, various government, private sector, and civil society actors need to develop a common vision for preventing plastic pollution. To achieve this vision, they need to share responsibility for delivering the range of different and complementary actions needed. Making these relationships explicit can be the basis for agreements between actors and help clarify the responsibilities of each actor for contributing to collaborative action. Describing these roles and responsibilities for each actor, and their reliance on other actors, can help identify where changes in behavior and practices, or other enabling conditions, are needed. This provides a system view of all the actions that need to be taken and how they fit together, which can lead to a shared action plan.