Input on elements not discussed at INC-2 (part a)

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<th>Name of country (for Members of the committee)</th>
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<tr>
<td>Name of organization (for observers to the committee)</td>
<td>Tearfund &amp; Tearfund Australia</td>
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<td>Date</td>
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**Introduction**

The following is a joint submission made by Tearfund (UK) and Tearfund Australia, who together are part of a close alliance of aid and development agencies that make up the global Tearfund Family. Our organisations represent more than 350,000 supporters as well as partner organisations across more than 50 countries, who are working in partnership to end poverty. We have a shared objective of lessening the impact of plastic pollution on people living in poverty through reducing the production and use of plastics, improving solid waste management and by seizing the opportunity to create improved livelihoods within a circular economy in plastics.

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 scope of the instrument has already been negotiated and agreed in UNEP/EA.5/Res.14 and we would not wish for it to be reopened. However, it is crucial that the scope is clearly stated in the instrument. To this end we support the suggestions outlined in Appendix I of UNEP/PP/INC.2/4 which we believe to be in line with UNEP/EA.5/Res.14.

**Explanatory Text:**

It is important to note that the language used in the resolution ‘*including in the marine environment*’ is inclusive rather than exclusive and therefore does not exclude other environments. In this way the scope clearly includes plastic pollution in all environments, in recognition of the significant impacts of plastic pollution in non-marine as well as marine environments.

We also note that a proper understanding of the scope of the instrument will rely on an agreed definition of various terms as proposed in Appendix I.B of UNEP/PP/INC.2/4, most importantly “plastic pollution” and the “whole life cycle of plastics”. We support a broad definition of both of these terms.
in line with UNEP/PP/INC.1/7. We also support the definition of a life cycle approach provided in Appendix II, paragraph 5 of UNEP/PP/INC.2/4. On plastic pollution we support the OECD definition contained in the OECD Global Plastic Outlook - ‘Broadly, all emissions and risks resulting from plastics production, use, waste management and leakage.’

With regard to the examples from other instruments cited by the Secretariat in Appendix I of UNEP/PP/INC.2/4, whilst these include important elements for inclusion in the instrument, we do not believe that these need to be addressed in the scope itself. For example:

- Considering the example of the Rotterdam Convention, the **products or substances to which the instrument applies** and to which it does not should be listed in an annex to the instrument.
- Considering the example of the Convention on Biological Diversity, the **jurisdictional scope** of the instrument’s application must be specified in the instrument. This must ensure producer accountability for the leakage of plastic pollution, wherever that leakage occurs, including in areas beyond the limits of national jurisdiction.

2. Principles

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

**Proposed principles:**

The principles of the instrument have already been negotiated and agreed in UNEP/EA.5/Res.14 and we would not wish for them to be reopened. However, it is crucial that the principles are clearly stated in the instrument. To this end we support all of the principles listed in the suggestions outlined in Appendix I.D of UNEP/PP/INC.2/4 which we believe to be in line with UNEP/EA.5/Res.14.

In particular:

(c) the principle of equity and the specific needs and specific circumstances of developing and least developed countries, including SIDS;
(f) extended producer responsibility (EPR);
(h) human rights, including the human right to a clean, healthy and sustainable environment;
(i) avoidance of adverse consequences to the climate, biodiversity and food security;
(k) social rights, particularly of the informal sector workers;
(m) gender equality and diversified perspectives, recognizing that marginalized and vulnerable communities are disproportionately affected by plastic pollution.

**Explanatory Text:**
We note that a proper understanding of the proposed principles will rely on an agreed definition of various terms as proposed in Appendix I.B of UNEP/PP/INC.2/4.

On principle (c), it is crucial that as we decrease the overall production of plastics and phase out specific problematic products, we pay particular attention to the needs and circumstances of low- and middle-income countries and ensure a just transition for communities who depend on plastic to deliver crucial products and services. Many people in low- and middle-income countries find themselves caught up in a vicious cycle where plastic packaging (especially single-use bottles and sachets) appears essential to their daily life as the solution to numerous social and economic problems. Yet, in reality, plastic packaging is exacerbating these very same problems and having devastating effects on their health, their livelihoods and their environments. No one should find themselves in this position, forced to choose between short-term gain and long-term cost. The treaty must ensure that people living in poverty can access the goods they need and want, particularly in relation to water, sanitation and hygiene (WASH), without harming their health and livelihoods.

On principle (f), the principle of Extended Producer Responsibility (EPR) interacts closely with principle (e) polluter pays principle, as EPR is based on the premise that the company who produces the plastic is responsible for dealing with it once it has been used for its intended purpose. It is crucial that EPR schemes integrate waste pickers who are already operating in the context in question. The consequences of excluding them from EPR can include severe human rights impacts and a threat to their livelihoods, which is in direct contravention of principles (h) and (k) as described below.

On principle (h), we believe that the treaty should include a clear affirmation of a rights-based approach. It must recognise the human right to a clean, healthy and sustainable environment, agreed at the United Nations General Assembly in July 2022 and something that is currently being denied to at least 2 billion people who do not have access to solid waste collection and are left with little choice but to dump or burn their rubbish including plastics. Moreover, the treaty should also make reference to the human right to just and favourable conditions of work and to protection against unemployment, something which is particularly relevant to the informal waste sector. These workers, who are the backbone of the collection and recycling sector in many contexts, experience numerous human rights impacts including extremely low and insecure incomes, as well as threats to their livelihoods. This can be as a result of market exclusion in the face of waste sector privatisation, EPR schemes that have led to barriers to waste pickers’ access to waste (such as unreasonable registration fees or parallel collection systems), and exclusion from public (government) and private procurement supply chains. We also note and endorse the Statement on Plastic Pollution and Human Rights signed by over 30 countries and comments made by the United Nations High Commissioner for Human Rights.

On principle (i), it is critical that we address the adverse consequences plastic pollution is having on the climate, biodiversity and food security. For those living in poverty, plastic pollution is not only a threat
in its own right but also a threat multiplier, contributing to and compounding existing threats to people’s health, local environments and livelihoods, making challenging situations even harder. The production and disposal of plastic is directly contributing to and exacerbating the climate emergency, which unfairly and disproportionately impacts the world’s poor.

On principle (k), we support the submission made by the International Alliance of Waste Pickers. Waste pickers are often excluded from the social safety net, including social security and health care. Workers in informal sectors such as waste pickers often lack access to formal banking systems or even identity cards, making them unable to access the loans or other financial services to enable them to move up the value chain and thereby improve their income.

On principle (m), Tearfund works with local partners and movements in more than fifty of the world’s poorest countries, and it is clear to us that plastic pollution is hitting the world’s poorest people the hardest, pushing more people further into poverty. Communities that are already struggling in the face of significant threats are being hit hard on social, economic and environmental levels as plastic pollution damages their health, livelihoods and neighbourhoods. Just like the climate emergency, the impacts of plastic pollution are being felt first and hardest by those who are least responsible for causing the problem and the least well-equipped to deal with the consequences.

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:**

Preamble: The suggested elements for inclusion in the preamble listed in Appendix I.A of UNEP/PP/INC.2/4 along with UNEP/EA.5/Res.14 provide a good starting point for the preamble to the instrument.

Annexes: We agree with all of the potential options for annexes listed in Section F of UNEP/PP/INC.2/4 as well as those annexes which would result from the ‘proposals for intersessional work’ included in the report of Contact Groups 1’s work at INC-2.

**Explanatory Text:**

The suggested elements for inclusion in the preamble listed in Appendix I.A of UNEP/PP/INC.2/4 along with UNEP/EA.5/Res.14 provide a good starting point for the preamble to the instrument. On item (h)
recognition of the importance of a just transition and item (k) recognition of the importance of the informal sector, we support the submission made by the International Alliance of Waste Pickers.

As with the instrument as a whole, we would like to see a *start and strengthen approach* reflected in the annexes to the instrument such that both the list of annexes and their individual content can be periodically updated in line with the latest evidence.