Third Session of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution, Including in the Marine Environment (INC-3)

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UNODC Statement
Delivered by TBC

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Ambassador Gustavo Meza-Cuadra of Peru, Chair of the Intergovernmental Negotiating Committee,
Ms. Jyoti Mathur-Filip, Executive Secretary of the Intergovernmental Negotiating Committee,
Distinguished delegates, ladies and gentlemen,

Thank you for giving me the floor Mr. president,

Illegal traffic of plastics, illegal operations in the plastic value chain and open dumping at sea and on land remain lucrative and low-risk crimes in many countries due to the lack of harmonized legislation, weak penalties, and inadequate enforcement. While Articles 10b.5 and 6 of the Zero Draft state, “Each Party shall prevent and eliminate illegal trade in plastic waste” and call for the “implementation of effective measures to prevent and eliminate dumping of plastic waste”, more efforts are needed to ensure that the most serious forms of illegal behaviors around plastic pollution, especially those transnational and conducted by organized criminal groups, are treated as serious crimes at national level.

Resolution 10/6, adopted by the Conference of the Parties to the UN Convention against Transnational Organized Crime (UNTOC) in 2020, urges State parties to adopt effective measures to prevent and combat crimes that affect the environment such as waste trafficking. This was echoed by the resolution 79/185 of the United Nations General Assembly in 2021 and the UN Common Approach to Biodiversity. The Basel Convention states in its article 4 “that illegal traffic in hazardous wastes or other wastes is criminal.”
In order to ensure the illegal trade in plastic waste is not only prevented but also eliminated as indicated in the current zero draft, the United Nations Office on Drugs and Crime proposes to include under Part IV of the agreement:

1. Standardisation of national legal frameworks to specifically encourage State Parties to provide definitions and adequate penalties to address the most serious forms of illegal trade, transport, storage, burning, mislabeling, mixing, recycling of contaminated/untreated plastics, unauthorized disposal of plastic waste on land and at sea, which represent an environmental, health, social justice and security threat;

2. Proportional enforcement measures to ensure compliance with the standards set in the new instrument for all violations but also to investigate, prosecute and penalize through the criminal justice system the most grievous actions conducted by legal and individual persons.

While some aspects of ship sources of marine litter have been regulated for many decades, such as through MARPOL Annex V (shipping) and London Convention/Protocol (dumping), UNODC believes this instrument should address the technical gaps in operational disposal, accidental pollution and dumping of marine plastics, notably nurdles and microplastics, and mandatory mechanisms for compliance.

Distinguished delegates,

Plastic waste trafficking and associated illegal operations are high-profit low-risk crimes. We cannot tackle plastic pollution and transition to a circular economy without addressing them and disrupting the illicit flows of plastic waste. Let’s use this instrument as a landmark opportunity to address important gaps in existing international legal frameworks.

I would like to reiterate UNODC's commitment to partner with State parties, UN entities, civil society organizations, private sector and all other partners to join efforts in the fight against illegal dumping and plastic waste trafficking for a safer, healthier, and fairer future.

Thank you for your attention.

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