



## INC-3 Written Submission - Part A

Name of organization (for observers to the committee)	WRAP
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### About

WRAP is a climate action NGO working around the globe to tackle the causes of the climate crisis and give the planet a sustainable future by changing the way things are produced, consumed and disposed of. At WRAP we believe that our natural resources should not be wasted and that everything we use should be re-used and recycled. For twenty years, we have brought together businesses, local and central governments, and people to act on the facts and drive change.

Building on our pioneering work in plastics, in 2018 we convened the leading brands and retailers, representing over 80% of the UK's grocery plastic packaging, to commit to ambitious timebound targets under the UK Plastics Pact. This has enabled:

- A 6% reduction in plastic packaging placed on the market.
- An 84% reduction in items identified as problematic plastics.
- An 11% increase in the amount of rigid plastic packaging designed for recycling.
- An increase in recycled content from an industry average of 8.5% to 22%.

Working with local partners, and the Ellen MacArthur Foundation, we are now supporting Plastics Pacts in 14 countries or regions including South Africa, India and Colombia, bringing together 700+ businesses, governments and NGOs to take voluntary action against measurable targets so companies can move at pace and ahead of national or even global legislation towards the common agenda of a circular economy for plastics. We believe these initiatives can help pave the way for the regulation under the Global Plastics Treaty.

These initiatives are having a positive impact in their markets, enabling public private partnerships that have played an important role in driving action ahead of national or global legislation. WRAP is collaborating with the entire plastics value chain to redesign the plastic system and create a new approach that:

- reduces the climate impact of plastic by eliminating unnecessary plastic;
- replaces single-use packaging with reuse systems;

- removes non-recyclable plastic;
- avoids the harmful emissions of new plastic production;
- keeps material in the economy and out of the environment.

But voluntary action alone is not enough. An international legally binding instrument can accelerate these initiatives and the transition towards a circular economy for plastics, keeping them out of the natural environment. Setting a clear global direction, to be implemented at a national level, and creating enabling conditions for necessary investment in infrastructure, innovation and skills. The treaty should commit to address all sources of plastic pollution and include relevant mechanisms to support effective implementation across the world.

*Note: Due to disproportionate impact of plastics packaging and single use plastic items, relative to plastics more broadly, much of our vision and submissions focus on this. We recognize that this is not exhaustive, and focus should also be prioritised on addressing short-lived, highly littered items in a start and strengthen approach, ultimately addressing all causes of plastic pollution.*

## Elements not discussed at INC-2

### 1. Scope

Proposed scope:

The legally binding instrument should cover the **whole life cycle of plastics**, from raw material extraction through production and design to use, reuse, consumption and disposal. The instrument should be underpinned by **full circular economy principles** and follow the **waste hierarchy** of: prevention, reuse and recycling. It should address those plastics that are **short-lived and have high leakage rates as a priority**, including nurdles, packaging, single use plastic items, agri-plastics and fishing gear. It should commit to address **all sources of plastic pollution**, covering materials, products, chemicals, additives and microplastics, recognizing the risk of plastic pollution to human health.

Explanatory Text:

A whole life cycle of plastics approach that is aligned with the waste hierarchy<sup>1</sup> is necessary to address the full environmental impacts of plastics and their production and enact change through the entire plastics supply chain.

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<sup>1</sup> WRAP (2022) The Plastics Waste Hierarchy, <https://wrap.org.uk/resources/report/plastics-waste-hierarchy>

Evidence<sup>2</sup> shows that by applying circular economy principles most plastic pollution could be prevented, in addition to other benefits including a 25% reduction in greenhouse gas emissions across the global plastic lifecycle and creating an additional 700,000 jobs, primarily in the global South.<sup>3</sup>

Addressing plastics that are short-lived and have high leakage rates as a priority should be considered in a 'start and strengthen' approach due to their disproportionate impact. Of all plastics produced, approximately 36% is packaging<sup>4</sup>; most of this is single use and has a short lifetime. The OECD Global Plastic Outlook<sup>5</sup> postulates that packaging constitutes approximately 40% of plastic waste production worldwide.

## 2. Principles

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

WRAP considers the following International Law principles should underpin the future instrument to guide implementation:

- Precautionary Principle
- Common but Differentiated Responsibility
- Polluter Pays Principle
- Proximity Principle
- Protection of the High Seas
- Right to Health
- Human right to a clean, healthy and sustainable environment
- Principles of Sustainable Development
- Intergenerational Equity
- Sustainable Resource Use

Explanatory Text:

The principles listed below are accepted foundations within the canon of International Environmental Law and provide strong established framework principles on which to develop the international legally binding instrument (ILBI).

- Precautionary Principle (precedent established - Rio Declaration 1972 – Principle 15)

<sup>2</sup> International Resource Panel. Policy Options to Eliminate Additional Marine Plastic Litter by 2050 under the G20 Osaka Blue Ocean Vision (Nairobi, UNEP, 2021)

<sup>3</sup> [Plastic Science E.pdf \(unep.org\)](#)

<sup>4</sup> <https://www.unep.org/interactives/beat-plastic-pollution/>

<sup>5</sup> OECD (2022), Global Plastics Outlook: Policy Scenarios to 2060, OECD Publishing, Paris, <https://doi.org/10.1787/aa1edf33-en>.

- Common but Differentiated Responsibility (precedent established – Rio Declaration – Principle 7)
- Polluter Pays Principle (precedent established – Council of the European Communities First Program of Action on the Environment 1973)
- Proximity Principle (precedent established - Basel Convention on the Transboundary Movement of Hazardous Waste 1989)

The following principles reflect broader international law principles relevant to the ILBI, relating to broader environmental management in areas impacted by plastic waste and pollution, human rights and sustainable development.

- Conservation and Management of the Living Resources of the High Seas – precedent established – Section 2, Article 118 / 119 - UN Convention on the Laws of the Sea 1994, establishes cooperative marine protection responsibilities with complementary alignment in the provisions of the Basel Convention on the Transboundary movement of Hazardous Waste 1989
- Right to Health – precedent established – World Health Organisation Charter 1946, reiterated in the International Convention on Economic, Social and Cultural Rights 1966. Human health impacts of plastic pollution must be mitigated to ensure this right is observed.
- Human right to a clean, healthy and sustainable environment – precedent established - UNGA resolution A/RES/76/300 28 July 2022:
  1. *Recognizes the right to a clean, healthy and sustainable environment as a human right;*
  2. *Notes that the right to a clean, healthy and sustainable environment is related to other rights and existing international law;*
  3. *Affirms that the promotion of the human right to a clean, healthy and sustainable environment requires the full implementation of the multilateral environmental agreements under the principles of international environmental law;*
  4. *Calls upon States, international organizations, business enterprises and other relevant stakeholders to adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all*
- Principles of Sustainable Development – precedent established - World Commission on Environment and Development 1987 report, Our Common Future, reflected in the UN Sustainable Development Goals  
*Sustainable development is development which meets the needs of the present without compromising the ability of future generations to meet their own needs*
- Intergenerational Equity – The principle of intergenerational equity holds that, to promote prosperity and quality of life for all, institutions should construct administrative acts that balance the short-term needs of today’s generation with the longer-term needs of future generations.

- precedent established - Stockholm Declaration – 1972

*Principle 1*

*Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.*

Rio Declaration - 1992

*Principle 3*

*The right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.*

- Sustainable Resource Use – precedent established - Stockholm Declaration 1972

Specific to plastics / marine pollution is:

*Principle 7*

*States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.*

An effective instrument will require a suite of tactics established on the overarching principles outlined above and used in concert, to deliver real benefit across all parts of the value chain and mitigate against unintended consequences.

- A system-based approach, looking at the full life cycle of plastics and the hierarchy of waste management. This should guard against unintended consequences, such as moving to materials with greater environmental impact.
- The scope of actions to be addressed by the Treaty should include those related to the (i) control of trade and transboundary movement of plastics, (ii) environmentally sound management of plastics, and (iii) prevention and minimization.
- Common but differentiated responsibility recognises the need for different implementation approaches across States with differing levels of economic development, allowing flexibility for localised nuance. In addition, the underlying issues of the legal, policy, and institutional mechanisms required to enable implementation at the country level, must be addressed.
- A science-based approach is essential.
- The Treaty should be hinged on the Polluter Pays Principle and facilitate the use of a range of tools such as Extended Producer Responsibility.
- The Treaty should foster strong engagement and multistakeholder collaboration, helping to strengthen technical co-operation.
- International funds must be made available to assist developing countries who are managing plastics waste in the absence of adequate infrastructure.
- Governments should ensure facilitated discussions with diverse and relevant stakeholders for decision making, with rights-based approaches to ensure just transitions.
- There is a need to ensure a varied mixture of voluntary and mandatory actions in the treaty.

- Enforcement mechanisms should be put in place for principles such as Prior Informed Consent (which regulates the imports and exports of hazardous chemicals)
- The Treaty should be monitored for impact following implementation to track progress on the issue against stated objectives and undertake course correction activities as required.

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