



A CoP Environment Chat Series

# LET'S TALK PLASTICS

SESSION #14

GLOBAL LEGAL INSTRUMENT ON PLASTICS  
– KEY ISSUES AND CHALLENGES AHEAD

6 April 2022, 8.30 - 9.30 AM EDT





## TODAY'S SPEAKERS



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# International Legally Binding Instrument on Plastic Pollution: Key Issues and Challenges

Tim Grabel  
Senior Lawyer & Policy Advisor  
Environmental Investigation Agency

## What Happened at UNEA-5.2?

- Groundwork laid in 2014 and 2016
- Efforts to unlock negotiations picked up in earnest in 2017
- Three draft resolutions
  - Rwanda-Peru, 60+ co-sponsors
  - Japan, 2 co-sponsors
  - India

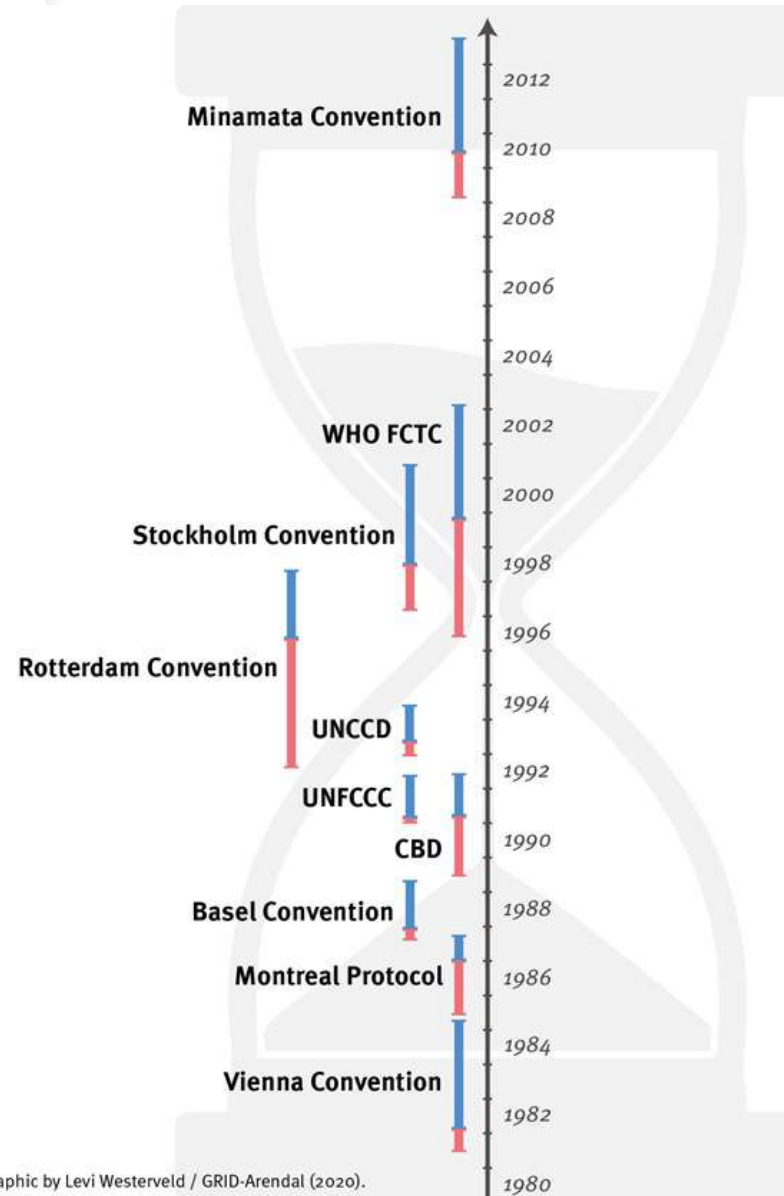


## End Plastic Pollution: Towards an International Legally Binding Instrument

- Convenes an **intergovernmental negotiating committee (INC)** to develop an international legally binding instrument:
  - **plastic pollution in all environments**, including **microplastics**
  - **comprehensive approach** addressing the **full lifecycle of plastics**, including provisions on:
    - sustainable production and consumption of plastics
    - product design
    - environmentally sound waste management
    - national action plans
    - reporting
    - technical and financial assistance

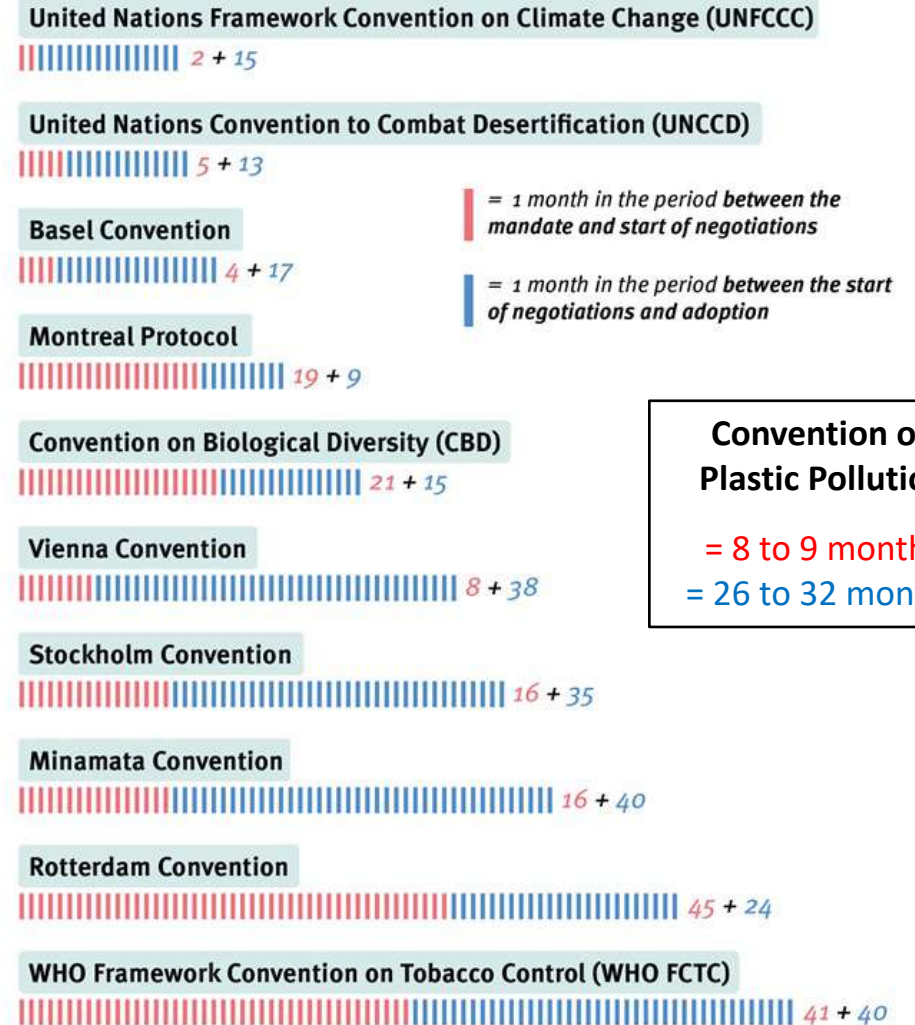
# Timetable

- **Q2 2022:** OEWG to discuss timetable and organization of work
- **Q4 2022:** First INC meeting
- **End of 2024:** Goal to complete negotiations
- **2025:** Conference of plenipotentiaries to adopt instrument and open for signature



Graphic by Levi Westerveld / GRID-Arendal (2020).

## Selected conventions - the time it takes



## Other considerations

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- Role of standards and restrictions on additives in product design?
- Global and/or national targets?
- Scope of reporting?
- Remediation areas?



## End Plastic Pollution: Towards an International Legally Binding Instrument

- Decides the **intergovernmental negotiating committee (INC)** in its deliberations on the instrument *also* to consider:
  - **obligations and measures** in support of the objectives
  - a **financial mechanism**, possibly a dedicated multilateral fund
  - a **scientific and socio-economic mechanism**
  - lessons learned and best practices, including from **informal and cooperative settings**
  - best available science, **traditional knowledge**, knowledge of **indigenous peoples** and local knowledge systems
  - **any other aspects** that the INC may consider relevant

# United Nations Development Programme



## Recommendations

- Participate in the INC (obviously)
- Engage partner countries in advance of negotiations on key issues:
  - A **dedicated multilateral fund** to provide stable and predictable funding to developing countries for **enabling activities**, including:
    - institutional strengthening
    - capacity-building and training
    - reporting and monitoring
    - policy development and implementation
  - Robust role for implementing and bilateral agencies
- Identify **sustainable financing mechanisms** for waste management
- Advocate for controls on **virgin plastic production** and consumption
- Support specific strategies to address **fishing gear** and **agriplastics**



**Thank you**

**Tim Grabel**

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**More information can be found at:**

**<https://reports.eia-international.org/a-new-global-treaty/>**

**<https://reports.eia-international.org/a-new-global-treaty/essential-elements/>**



Associate Professor Trisia Farrelly

Massey University Political  
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UNDP Let's Talk Plastics 14

Global Legal Instrument on  
Plastics Key Issues

March 2022

# 'Ending Plastic Pollution': Pacific Islands







**POLICY FORUM**

## A binding global agreement to address the life cycle of plastics

To eliminate plastic pollution, a holistic approach is needed

By Nils Simon<sup>1</sup>, Karen Rauberheimer<sup>2</sup>, Niko Urho<sup>3</sup>, Sebastian Unger<sup>4</sup>, David Azoulay<sup>5</sup>, Tilsia Farrelly<sup>6</sup>, Joao Sousa<sup>7</sup>, Harro van Asselt<sup>8</sup>, Giulia Carlini<sup>9</sup>, Christian Sekomo<sup>10</sup>, Maro Luísa Schulte<sup>11</sup>, Per-Olof Busch<sup>12</sup>, Nicole Wionrich<sup>13</sup>, Laura Weiland<sup>14</sup>

**A**mid the global plastic pollution crisis, a growing number of governments and nongovernmental actors are proposing a new global treaty. In February 2021, at the fifth meeting of the United Nations Environment Assembly (UNEA)—the world’s highest-level decision-making body on the environment—many governments spoke in favor of an international agreement to combat plastic pollution. In the past, the international community tended to view the plastics problem from a predominantly ocean-focused and waste-centered perspective. However, plastics are increasingly found in all environmental media, including terrestrial ecosystems and the atmosphere, as well as human matrices, including lungs and placenta. We therefore argue for a new international legally binding agreement that addresses the entire life cycle of plastics, from extraction of raw materials to legacy plastic pollution. Only by taking this approach can efforts match the magnitude and transboundary nature of this escalating problem and its social, environmental, and economic impacts. Targeting the full life cycle of plastics allows for a more equitable distribution of the costs and benefits of relevant

the basis that maintaining the status quo was not an option (1). Support for a legally binding global agreement now comes from at least 79 governments, who endorse the Oceans Day Plastic Pollution Declaration from 1 June 2021. Many civil society organizations, as well as a large coalition of major companies, have for years favored a UN treaty on plastic pollution (2). In May 2021, Peru and Rwanda announced they would table a resolution at the upcoming UNEA meeting in February 2022 to establish an intergovernmental negotiating committee to begin developing such an agreement.

The start of negotiations is overdue. In 2019, 368 million metric tons of newly made (or “virgin”) plastics were produced. Current solutions will not match the expected growth in plastics production and waste generation, even if massively scaled (3). In addition, the

### Safe circularity principles

The following principles provide guidance for developing criteria for the circularity of plastics:

- Durability**  
Single-use plastics for which safe and environmentally sound alternatives exist are eliminated; and product design accommodates for safe reusability, reparability, and reusability.
- Recyclability**



A photograph of a dead fish, possibly a snapper, lying on a wooden surface. The fish's stomach is open, and a collection of small, colorful plastic fragments is visible inside. The fragments include white, grey, blue, and black pieces of varying sizes and shapes, some appearing to be shards or small pieces of plastic. The fish's body is a mix of brown and grey, and its eyes are wide open. The background is a plain, light-colored wooden surface.

# Plastic pollution threats in the Pacific Islands



“Even if they developed the most robust national legislative and policy frameworks, Pacific Islands countries would still need **significant support from the international community...**”





“It is out of our control how to influence big suppliers.”

“**[Trade Agreements]** caused an inability of governments to control their own economy. “

“...ministries that do want to address [plastic pollution] have limited power to do so...regardless of the best laid policy legislation argument: ...**the people in the ministries are not the decision makers.**”

....[Coca Cola] is just a company, ... not a government...This is an industry that ... is **a producer of waste that has put a hold on a national policy.**”

# A safe(r) circular economy for plastics in the Pacific Region

Plastics pollution mitigation measures are a right-of-need economic and environmental emergency requiring urgent attention. Plastics are produced from fossil fuels and once released into the environment they never disappear: instead, they degrade into physical and chemical forms, leading to the contamination of an ecological system. If not only on business-as-usual (but will contribute to 1.1 billion tonnes having entered the world's oceans by 2025)<sup>1</sup>

Small Island Developing States, which include Pacific Island states, have strong cultural, economic and social ties to their coasts. While traditionally self-sufficient, the current economy has made Pacific communities increasingly dependent. They are threatened by the transboundary movement of plastics (trade, tourism, the fishing industry and marine litter that flows in or over coasts), and by climate change associated with the full life cycle impacts of plastics.

Pacific nations are currently ill-equipped to manage the costly and harmful impacts of the externally generated problem of plastic pollution. Fortunately, robust policy and best practice solutions exist to prevent negative impacts on future generations.

## Recommendations:

**Develop a plastic pollution policy framework that supports a safe(r) circular economy for plastics in the Pacific region.** A safe(r) circular economy for plastics will help control the risks to food, water, and the marine and terrestrial environments, from the chemical and physical forms of plastics, including marine litter. It will protect communities from the harmful impacts on livelihoods, food security and culture. It will also support state obligations to adopt and enforce legal and institutional frameworks that protect the right to a healthy environment for current and future generations.



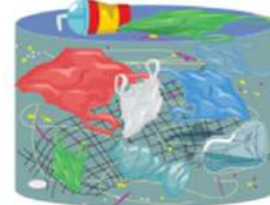
# Plastics Pollution Policy Gaps in the Pacific Region

Pacific Islands policy frameworks do not capture the full life cycle of plastics. Yet, plastics emit greenhouse gases and ozone-depleting chemicals, create marine litter, shed microplastics, and leach toxic chemicals throughout their full life cycle. For example, these toxic chemicals include carcinogenic monomers, additives, and persistent organic pollutants. These plastics and chemicals impact the enjoyment of the right to a healthy environment.<sup>1</sup>

The zero-waste hierarchy which prioritises waste prevention over waste management does not guide Pacific Islands' policy frameworks. There is weak horizontal and vertical integration, few commitments to the long-term elimination of marine litter and discharges of plastics, and the safe retrieval of plastics from the environment.

The absence of the precautionary principle in Pacific Islands' policies exposes human health and marine, freshwater, atmospheric, and terrestrial environments to plastic toxicants. Microplastics do not feature as a hazardous material and environmental standards, including standards for labeling, monitoring and reporting, seldom mention plastics.

## Weak plastics policy cannot protect Pacific communities



Without robust policy frameworks, the volumes of problematic plastics and marine litter entering and remaining in the region and the marine environment, are forecast to increase rapidly over the coming decades. This will continue to compromise intergenerational environmental and human rights and exacerbate plastics-related climate change impacts.

## Recommendation:

Consider the development of a robust plastics pollution prevention policy framework for a safe(r) circular economy for plastics to:

- help protect present and future generations of Pacific Islands peoples and environments from the chemical and physical harms of plastics; and
- support state obligations to adopt and implement legal and institutional frameworks protecting the human right to a healthy environment.

# The Business of Plastics:

## The impacts of plastics pollution on human rights in the Pacific Region

Despite the known environmental and human health harms of plastics, the Pacific Islands are under tremendous pressure to continue to import plastic products, to meet the high consumption expectations of tourists, and to manufacture plastics domestically. Current legal and policy frameworks in the region either exclude or include limited trade-related provisions, production, manufacturing, regulation, packaging, and end-of-life standards, and technical regulations for plastics, persistent organic pollutants, and chemical additives.

This creates conditions for the unrestricted transboundary movement of problematic plastics and subsequent contamination of air, soil, freshwater systems, and the ocean with plastics pollution, including marine litter and microplastics. These legislative and enforcement gaps provide loopholes by which international trading partners and domestic manufacturers can choose to avoid their human rights responsibilities, in particular, those related to a healthy environment.



Once produced and released into the environment, **plastics never disappear**; they break down and disperse into physical, chemical, and genetic forms.<sup>1</sup> The long-term contamination of all ecological systems involves food and water sources, soils, air, humans, and animals. Due to the transboundary nature of plastics, particularly marine litter, nation states and businesses have obligations and responsibilities to cooperate to prevent, reduce, and control sources of, and exposure to, plastics pollution, and to remediate leakage to the environment (see next page).

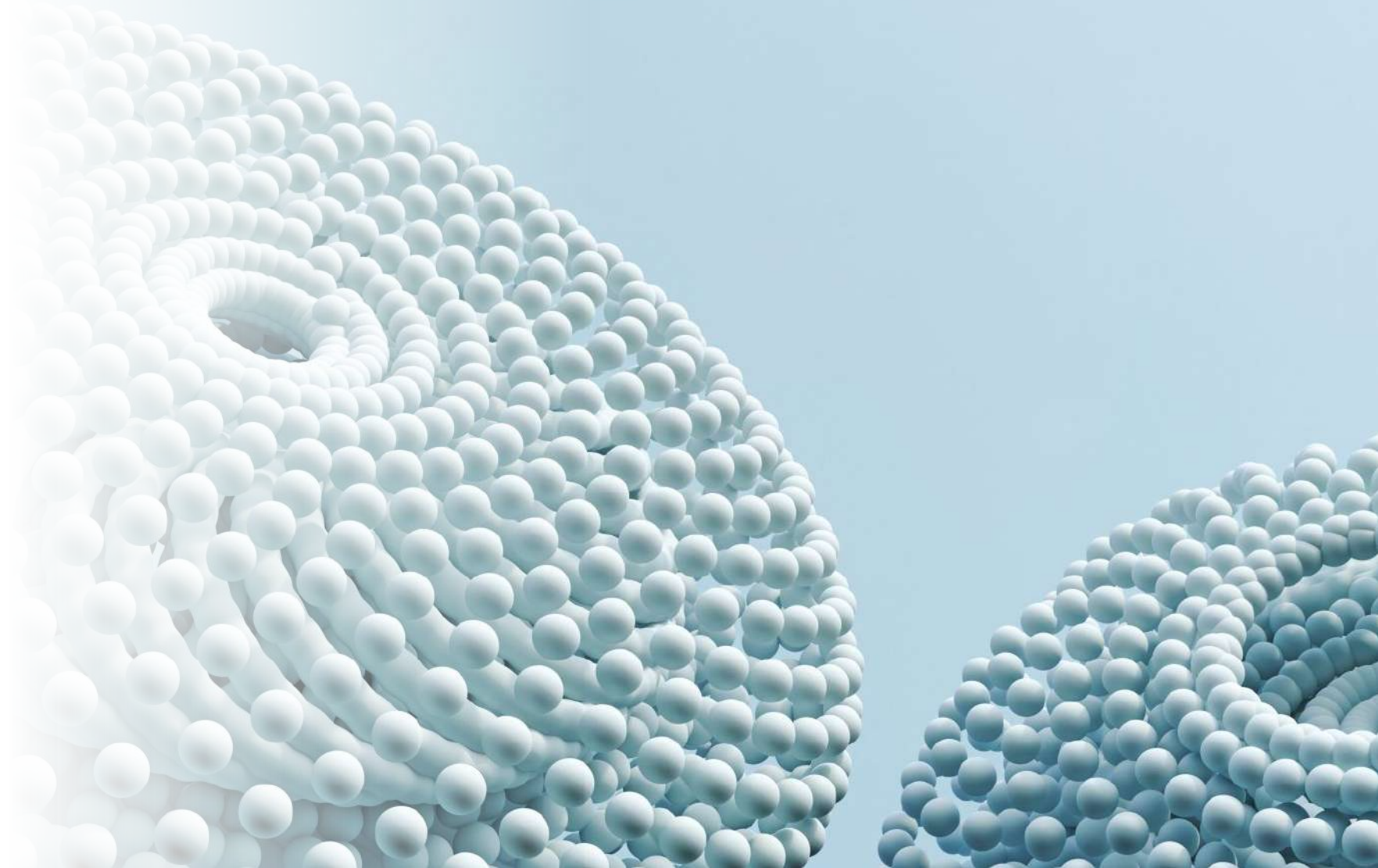
**All nation states will continue to fail to protect citizens from human rights abuses if they allow plastics production and manufacturing companies to devastate the health of the Pacific Islands.**

<sup>1</sup> <https://www.unep.org/resources/report/zero-waste-global-review>





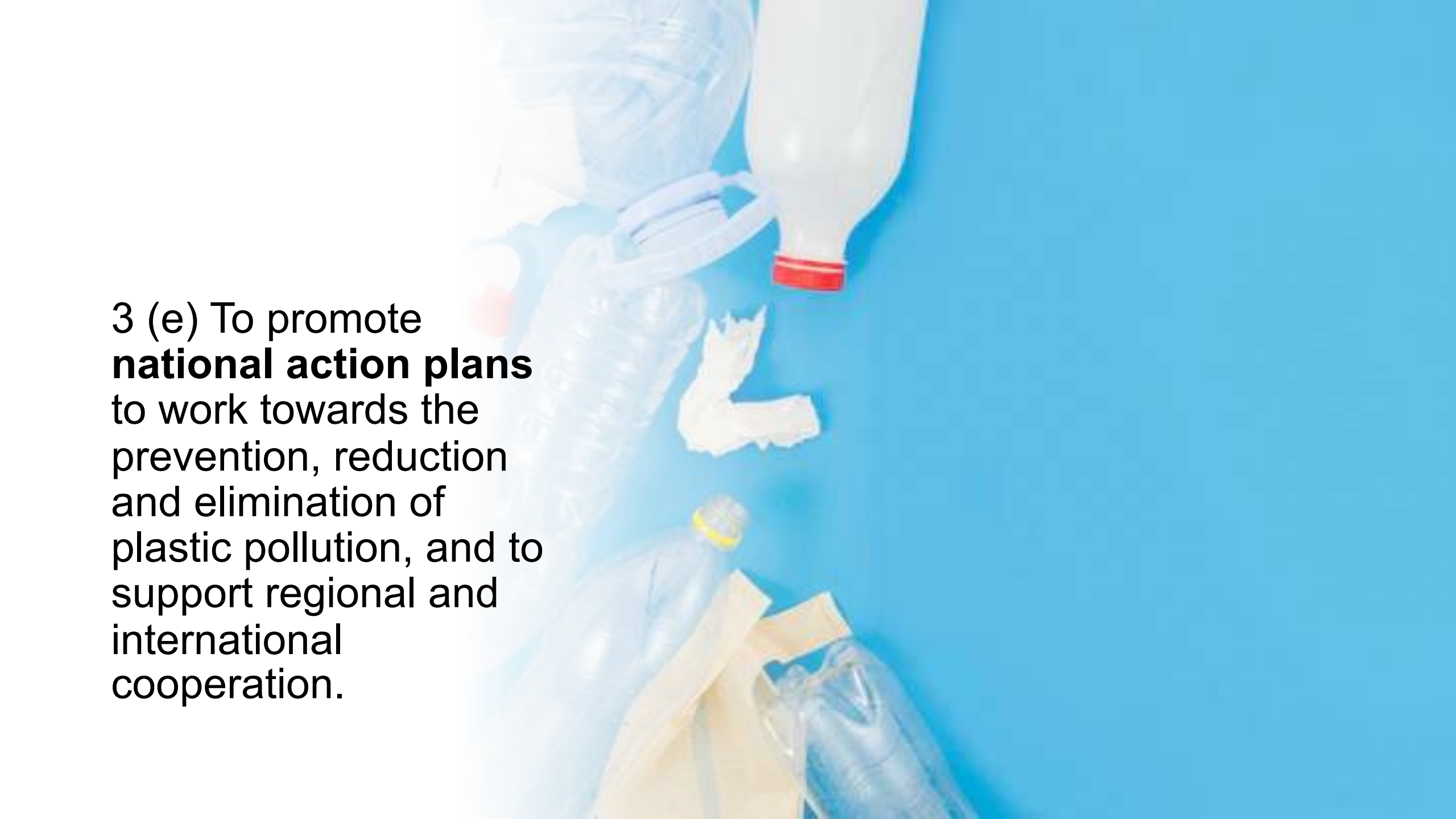
**3(b) To promote sustainable production and consumption of plastics, including, among others, product design...**



3(n) To specify  
arrangements for  
**capacity-building  
and technical  
assistance,  
technology transfer  
on mutually agreed  
terms, and financial  
assistance...**





A collection of various plastic waste items is scattered on a bright blue background. The items include several clear plastic bottles of different sizes, a white plastic bottle with a red cap, a white plastic cap, a piece of white plastic, and a brown paper bag. The items are arranged in a way that suggests they are discarded or being collected for recycling.

3 (e) To promote **national action plans** to work towards the prevention, reduction and elimination of plastic pollution, and to support regional and international cooperation.



4 (d) The best available **science, traditional knowledge, knowledge of [I]ndigenous [P]eoples and local knowledge systems.**

Art by Loretta Reynolds



# Q&A

RAISE YOUR HAND  
OR POST YOUR QUESTION  
IN THE CHAT BOX





## THANKS TO TODAY'S SPEAKERS



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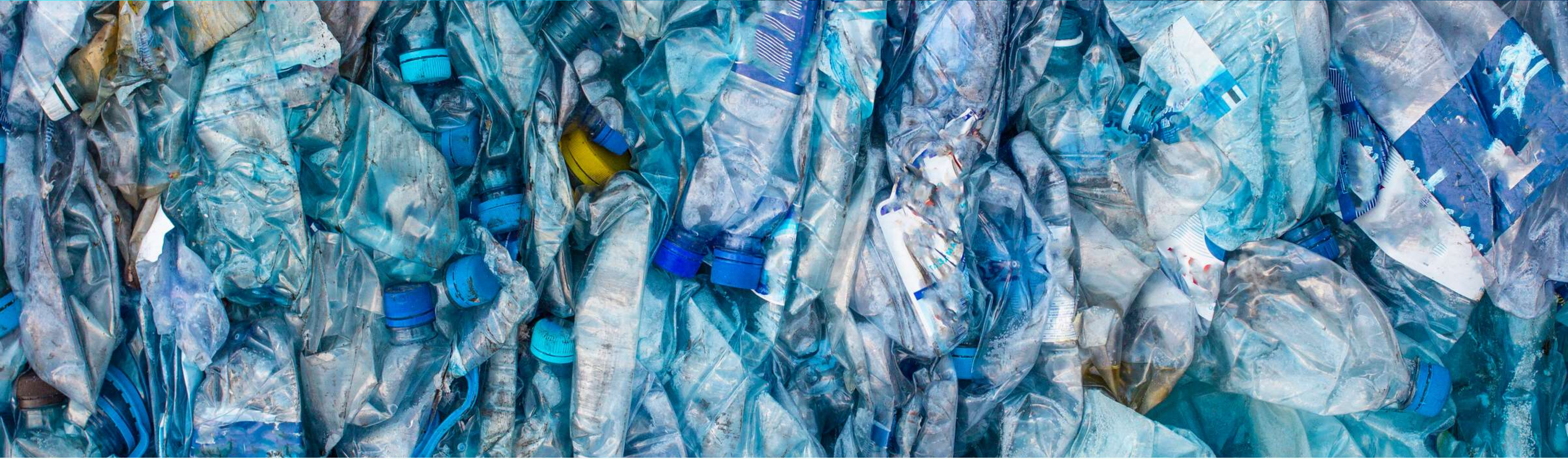
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**THANK YOU!**

**STAY TUNED FOR OUR NEXT SESSION**