POLICY BRIEF

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Toward a Global Plastics Treaty

A Survey of State Submissions ahead of the Second Meeting of the Intergovernmental Negotiating Committee to End Plastic Pollution (INC-2)

Guarini Center
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Contents

Introduction

In response to the alarming acceleration of plastic pollution and its devastating impacts on human health, livelihoods, economies, biodiversity, marine ecosystems, and the wider environment,[1] the international community has commenced the process of developing an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, in accordance with Resolution 5/14 adopted at UNEA 5.2 in 2022.[2]

Following the first session of the Intergovernmental Negotiating Committee (INC) in December 2022 in Uruguay, the UNEP Secretariat, having been tasked with preparing a document that would outline potential options for elements of the ILBI prior to INC-2, invited states to make written submissions on: substantive elements (objectives, core obligations, control measures and voluntary approaches); implementation elements (implementation measures, and means of implementation); and any additional input.

This policy brief summarizes the findings of a survey of the sixty-seven (67) submissions[3] made by states, inclusive of intergovernmental organizations (such as the Group of African States, High Ambition Coalition, and the Alliance of Small Island States), including key preliminary observations ahead of INC-2.[4]

1 United Nations Environment Assembly, UNEP/EA.4/Res.6, Marine plastic litter and microplastics, 1 (Mar. 28, 2019).

2 See United Nations Environmental Assembly, UNEP/EA.5/Res.14, End plastic pollution: Towards an international legally binding instrument (Mar. 7, 2022) [hereinafter Resolution 5/14].

3 United Nations Environment Programme, Pre-session Submissions, Second Session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

4 Note: This survey is not intended to be an exhaustive critical analysis of all states' submissions, rather a high-level overview of the ideas and views expressed ahead of INC-2, keeping in mind that submissions should be read in their entirety and some ideas or views might not be considered confirmed positions by states. Recognizing that the vast majority of states utilized the Secretariat's template for their submissions, this brief is structured to track the areas included in the template: Objective(s) of the Instrument, Measures, Actions and Approaches, and Means of Implementation. States' views on national action plans as a potential implementation tool under the instrument will be incorporated in the discussions.

I. Objective(s) of the Instrument

Objectives typically guide the implementation of multilateral environmental agreements (MEAs) by defining the environmental problem, setting the stage for the actions and/or solution(s) to address it, and providing the foundation for the result(s) expected from cooperative collective action. In this vein, many states supported the formulation of an objective that aligns with the title of Resolution 5/14: "End plastic pollution: Towards an international legally binding instrument."

For example, Australia proposed the following objective, citing that the title of the resolution has "already settled the goal of the treaty" and "there is merit in specifying it":[5]

> "End plastic pollution to protect the environment and human health from the adverse effects of plastic pollution across the full life cycle of plastics"[6]

Canada proposed a similar objective, adding that it "builds upon the collective recognition by UNEA to end plastic pollution," and "aligns with approaches taken by other MEAs."[7] Some opted to use the verb "eliminate" or variations thereof instead of "end."[8] However, many formulations included "end/eliminate plastic pollution," together with the aim to protect or prevent harm to human health and the environment. Apart from these broader and more general iterations, some states sought to add further detail to their qualitative formulations by expressly including issues related to defining the potential scope of the ILBI. Some examples include:

> "The objective of this Convention is to end plastic pollution by regulating plastics across their lifecycle to protect the environment and human health"
>
> ***— Ecuador***

> "To end plastic pollution, including pollution from legacy plastics, in all environments in order to protect the environment and human health, and to create a non-toxic circular economy for plastics, based on a comprehensive approach that addresses the full life cycle of plastics, taking into account, the principles of the Rio Declaration on the Environment and Development (Rio Declaration), as well as national circumstances and capabilities."
>
> ***— Group of African States***

> "1. End plastic pollution in all environments and achieve a non-toxic circular economy for plastics protective of health, livelihoods and the environment; and
> 2. End pollution associated with plastic production, consumption and use to reduce impacts on the other planetary crises, including climate change and biodiversity loss."
>
> ***— Rwanda***

On the other hand, there was limited support for quantitative formulations, with the 2040 goal being the most prominent proposal supported by Japan, Monaco, and Morocco.[9] In its explanatory note, Japan noted that the Osaka Blue Ocean Vision[10] is now supported

5 See Australia.

6 Id.

7 See Canada ("End plastic pollution to protect human health and the environment from its adverse impacts.").

8 See Peru ("To eliminate plastic pollution and protect the human health and the environment from the adverse impacts of plastic pollution throughout the full life cycle of plastics.").

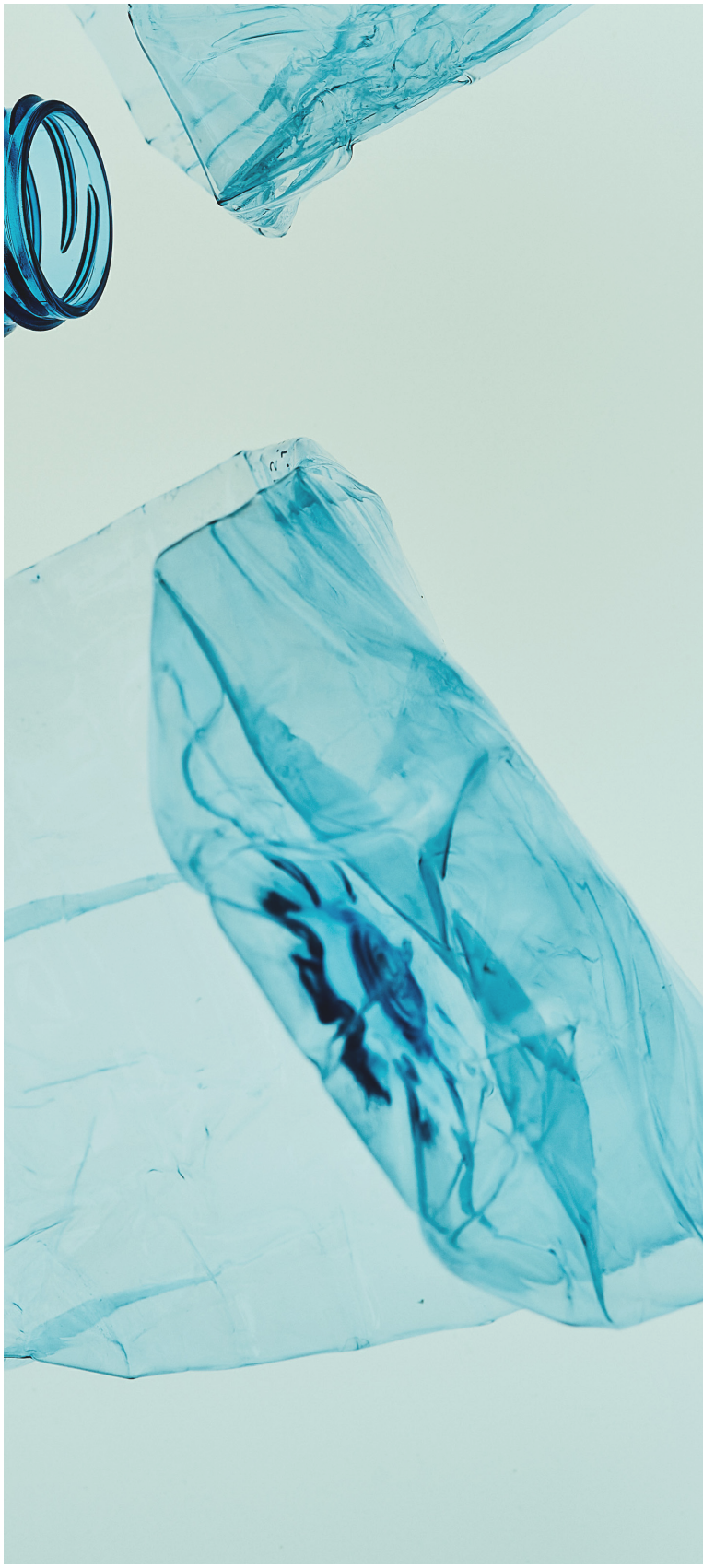
9 See Japan, Monaco and Morocco.

10 Osaka Blue Ocean Vision, G20 Implementation Framework for Actions on Marine Plastic Litter ("As a common global vision, the "Osaka Blue Ocean Vision" was shared by the leaders at the Summit. This vision aims to reduce additional pollution by marine plastic litter to zero by 2050 through a comprehensive life-cycle approach that includes reducing the discharge of mismanaged plastic litter by im-

by more than 80 countries and regions, and though its target is currently 2050, there is growing support for the year 2040. Of note, while Switzerland did not propose the 2040 goal in its proposed objective, it was referenced within the context of their proposed general obligation to limit the manufacture, export, import and primary production of plastic polymers to an agreed level in order to "end plastic pollution by 2040."

Finally, within the context of objectives, some states used the opportunity to highlight certain key principles and approaches that they deemed relevant, including, but not limited to, just transition[11], common but differentiated responsibilities,[12] equity,[13] precautionary,[14] polluter pays,[15] transparency,[16] and, more broadly, the sustainable development goals[17] and the Rio Declaration on Environment and Development.[18]

In summary, there appears to be large support for a qualitative and broad formulation capable of capturing the full scope of the issue without being excessively detailed. Though more diffuse, there is also some support for including references to certain key concepts such as: marine environment and other environments (i.e. jurisdictional scope), life cycle approach, sustainable production and consumption, and circular economy.



proved waste management and innovative solutions while recognising the important role of plastics for society.").

11 See Argentina, Cambodia, Egypt, Group of African States, Nigeria, Sierra Leone.

12 See China, Egypt.

13 See Ecuador.

14 See Ecuador, Kenya.

15 See Ecuador.

16 See Kenya, Ecuador, Nigeria.

17 See Argentina.

18 See Egypt, Group of African States.

II. Measures, Actions & Approaches

This section examines the views expressed under the section titled: "Core obligations, control measures and voluntary approaches" in the Secretariat's template, by identifying the substantive measures, actions and approaches proposed by states, keeping in mind that some of these ideas may not be considered confirmed state positions. From the outset, it appears that there is some degree of uncertainty regarding the distinction between "core obligations" and "control measures." Notably, these terms were not actually used in Resolution 5/14,[19] but are commonly used within the context of the chemicals conventions.[20] As a reminder, prior to INC-1, the Secretariat circulated an official note on the potential elements of the ILBI, which offered clarifying definitions for the two terms.[21]

Further to this, there appears to be disparities among states' conceptualization of the "full-life-cycle of plastics" and the different activities which encompass upstream, midstream, and downstream stages. For the purpose of this brief, we categorize the substantive areas of measures, actions and approaches covered by the submissions as follows: (1) fossil fuel interventions; (2) polymers, chemicals & additives; (3) product design (circularity & sustainability); (4) targeted plastic products; (5) fishing gear; (6) controlled plastic production; (7) waste management; (8) recycling; (9) remediation; (10) plastic waste trade; (11) disclosure; (12) harmonization; (13) extended producer responsibility (EPR); and (14) reporting. Each of these categories of issues are discussed in detail below.

1. FOSSIL FUEL INTERVENTIONS

Recognizing that the petroleum industry and plastic production industry are closely intertwined, both with individual impacts and risks, there was some attempt to target the fossil fuel industry as a means of curbing the procurement of raw materials for producing virgin plastics.

Though scarce, these proposals primarily tended to target subsidies for fossil fuels. For example: restructuring taxation, including through reforming[22] or eliminating subsidies for fossil fuels intended to be used as raw materials for plastics and polymerization.[23] Without being too specific on the types of regulatory interventions, the Federated States of Micronesia highlighted that the "extraction, refinement and use of the fossil fuels causing these interrelated global harms should be rapidly phased

19 Resolution 5/14 (OP3: "...which could include both binding and voluntary approaches.."; OP4a: "Obligations, measures and voluntary approaches in supporting the achievement of the objectives of the instrument;")

20 See, e.g. Montreal Protocol on Substances that deplete the Ozone Layer; Minamata Convention on Mercury.

21 United Nations Environment Programme, Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment, UNEP/PP/INC.1/5 (Oct. 12, 2022) ("Core obligations relate to legally binding commitments for parties to act or not to act in a certain way, in accordance with the objectives of the treaty. In the context of plastic pollution, core obligations may relate to those broad goals that will prompt a systems (or systemic) change, with actions across the life cycle that address the root causes of plastic pollution rather than its symptoms. ... Control measures refer to those provisions intended specifically to prevent, minimize or redress the problem or problems that gave rise to the treaty's adoption. They relate to the specific steps or approaches towards meeting or achieving the core obligations.").

22 See New Zealand.

23 See Norway, Cook Islands and Rwanda.

down across all uses, including plastics production."

2. POLYMERS, CHEMICALS & ADDITIVES

Across the various submissions, there was strong support for regulating polymers, chemicals and additives. However, states used a variety of terms for suggesting what degree of intervention might apply to these substances within a plastics regime. Some of the terms included: "reducing,"[24] "eliminating,"[25] "phasing out,"[26] "restricting,"[27] and "controlling."[28]

Moreover, the submissions varied in the language used to describe the targeted polymers, chemicals, and additives, including "concerning", "toxic", "harmful to human health and the environment", and "impeding circularity." Submissions primarily proposed the use of annexes to list specific targeted substances, though some supported the idea of developing criteria to continuously identify them. There was also some amount of support for setting quantitative targets for reducing their manufacture and use.

Finally, regarding promoting complementarity and identifying which chemicals to target, the United Kingdom specifically cited "the work of the Basel, Rotterdam and Stockholm conventions in the sustainable management of chemicals, whilst also addressing any barriers they pose to reuse and recycling of plastic products." There was also some amount of overlap between proposals to regulate polymers, chemicals, and additives, and specific plastic products, as discussed below.[29]

"Each Party should be required to phase out the manufacture, export, import, and placing on the market of polymers, chemicals, and plastic products listed in an annex. The treaty should set criteria for identifying polymers, chemicals of concern, and plastic products to be listed in an annex."

— Ecuador

"Mechanisms to reduce the production, consumption and trade of specific products, polymers or additives with corresponding annexes."

— Group of African States

"It shall address the reduction and elimination of harmful substances in the production and polymerization of plastic.

— Indonesia

"The production and use of polymers and chemicals are to be phased out, which could include polymers and chemicals with inherent properties that have slow or no degradation time in the environment, bioaccumulation potential and toxic long-term effects (carcinogenic, reprotoxic, endocrine disruptors)."

— Philippines

"Each Party should be required to implement effective measures to limit the manufacture, export and import of primary production of plastic polymers to an agreed level consistent with the goal of eliminating plastic pollution by 2040."

— Switzerland

"Each Party should be required to take effective measures, in alignment with the World Trade Organization (WTO) commitments and other obligations under international agreements wherever required, to reduce the production of plastics polymers to an agreed level to reach a common target."

— Uruguay

24 See European Union, Group of African States, Norway.
25 See Monaco, United Republic of Tanzania, Uruguay.
26 See Philippines, Switzerland.
27 See Monaco, Rwanda, United Republic of Tanzania.
28 See Group of African States.
29 See Targeted Plastic Products, p.8.

3. PRODUCT DESIGN (CIRCULARITY & SUSTAINABILITY)

Inevitably, there was broad support for promoting sustainability and resource efficiency given that Resolution 5/14 provided the basis for these approaches to be included in the agreement.[30] However, some states provided more detail than others as to how this can be achieved through the redesign of plastic products.

While a number of submissions used broad and general language to support circularity and sustainability, there was some amount of special emphasis on consumer incentives[31] and the development of alternatives and substitutes,[32] with clear indications of the need for sustainable and circular design standards and criteria. It was also common to see proposals for the use of targets, especially for the inclusion of recycled content in the production process.

> "Design standards/criteria to ensure products (including their chemical composition) are designed for safe recyclability, reuse and repair."
>
> — ***Australia***

> "Redesigning plastic product to phase out problematic types of plastics and to promote innovation for alternative material with a circularity approach"
>
> — ***Bangladesh***

> "Parties should establish a target(s) to enable sustainable consumption and production of plastic products and support the creation of circular systems. E.g. a minimum recycled content requirement for plastic products. The instrument should establish circularity criteria and guidance for plastic design and production"
>
> — ***Canada***

> "Develop global sustainability criteria and standards for plastics across the full lifecycle."
>
> — ***Moldova***

> ". . . take effective measures to ensure that plastic products produced, manufactured and put on the market are in line with the criteria listed in an annex, and guidance adopted by the COP"
>
> — ***Norway***

> "Product design requirements standards aimed towards reuse and recycling (e.g. minimum recycled content; restrictions on product colour and shape choices); durability; reparability; minimum target for recycling of plastic waste; absence of potential for release of microplastics."
>
> — ***Philippines***

> "Develop global sustainability criteria and standards for plastics...Set global baselines and targets for sustainability throughout the life-cycle of plastics."
>
> — ***Oman***

4. TARGETED PLASTIC PRODUCTS

Arguably the most prominent area of action surrounded the management of specific plastic products. Similar to the management of polymers, chemicals and additives discussed above, a variety of terms was used by states regarding how to describe the plastic products to be targeted by the regime. These included: "unnecessary,"[33] "avoidable,"[34] "difficult,"[35]

30 Resolution 5/14 (OP3b: "To promote sustainable production and consumption of plastics through, among other things, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;")

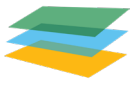
31 See United Kingdom ("The ILBI should require parties to put in place clear economic incentives for businesses to use recycled plastic in the manufacture of plastic packaging, which will create greater demand for this material, for example through a plastic packaging tax.").

32 See, e.g. Morocco ("Develop incentives to recycled plastics and alternative products to plastics.").

33 See Indonesia.

34 See United Kingdom.

35 See Nigeria.



"toxic,"[36] and "problematic."[37] Notably, single-use plastics were typically singled out exclusively in these sections of the submissions.

There were also a number of terms used to indicate the degree of intervention regarding these products, such as "phase down," "restrict," "ban," "eliminate," "reduce," and "regulate."

Beyond simply identifying the need to address specific categories of plastics or types of plastic products, some submissions went further to propose the identification of products via an annex to the agreement, setting quantitative reduction and elimination targets for certain types of plastics, and developing criteria for continuously identifying products to be targeted.

> "Eliminate problematic and unnecessary single-use plastics."
>
> — ***Australia***

> "Phasing out non-essential plastics including single-use plastics"
>
> — ***Cambodia***

> "Voluntary measure: Restrict or ban the production and use of certain plastic products with specific categories and purposes; Prohibit certain products added with plastic microbeads;"
>
> — ***China***

> "Phase down of specific plastic products, including single-use plastics, where alternatives are available, accessible and affordable with corresponding annexes. Setting reduction targets based on timelines (grace period) to phase out specific plastics products, where alternatives are not available, accessible and affordable."
>
> — ***Egypt***

> "Reduction targets and timelines to phase out specific plastics products...The plastic materials subject to the ban could be identified based on criteria"
>
> — ***Group of African States***

> "Possible criteria for identifying plastic products could include high litter risk and/or the necessity of products and/or the possibility for recycling and/or the availability of environmentally sound substitutes and/or content of intentionally added microplastics."
>
> — ***Monaco***

> ". . . phase-out specific plastic products. The manufacturing, import, export and placing on the market of plastic products listed in an Annex should be phased out by a specified date."
>
> — ***Switzerland***

> "Prioritising and formulating lists of problematic plastics"
>
> — ***Thailand***

5. FISHING GEAR

There was limited input among state submissions on fishing gear. However, among these submissions, there was some emphasis on the recovery of abandoned, lost or otherwise discarded fishing gear (ghost gear),[38] extended producer responsibility (EPR) schemes for fishing gear,[39] development of guidance/strategies, and the inclination to rely on existing frameworks and initiatives.

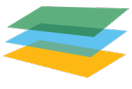
> "Each Party should be required to implement and report on national measures that prevent, reduce, and remove in an environmentally sound manner where appropriate plastic pollution from land and aquatic-based sources, including microplastics and abandoned, lost or otherwise discarded fishing gear."
>
> — ***Canada***

36 See Group of African States, United Republic of Tanzania.

37 See New Zealand, Philippines, Thailand, Uruguay.

38 See Remediation, p.11.

39 See Extended Producer Liability (EPR), p.15.



"Sectoral strategies should be adopted for specific sources of microplastics, fishing gear and agricultural plastics, among others."

— Kenya

"Take effective measures to prevent and reduce loss of fishing gear containing plastic. Obligations and measures should seek to complement and not duplicate efforts in other Conventions such as the IMO."

— Norway

"Development and implementation of EPR schemes, including deposit return schemes for certain product categories (e.g. certain types of fishing gear)"

— Philippines

"Obligations to address sea-based sources of plastic pollution, such as fishing and aquaculture gear, whilst taking into account existing MEAs and internationally recognized schemes (IMO, FAO voluntary guidelines on gear marking, European Committee for Standardization, Regional Seas Conventions, OSPAr Regional Action Plan on Litter)"

— United Kingdom

"The COP should be required to adopt guidance to meet the obligation to reduce release of plastics to water, soil and air from the source categories listed in an Annex (including aquaculture and the fishing industry - fishing gear)"

— Switzerland

6. CONTROLLED PLASTIC PRODUCTION

Across the submissions, there were some proposals to reduce plastic production broadly. It appeared that this would be beyond targeted plastic products discussed above, but there was limited clarity on what the scope might be. In the absence of such, these could be interpreted to mean measures that would control or otherwise manage plastic production, including toward achieving sustainable levels of production.

In this vein, measures proposed include setting conditions for the permitting of plastic production, the use of subsidies to shift to sustainable production, imposition of taxes,[40] mandatory national targets to reduce production, and a slew of strategic programmes and actions to reduce demand for plastics and thereby, reduce production levels.

"General obligations should be required for the countries for plastic reduction, such as banning, taxes, special conditions for permitting of plastic production, and subsidies/incentives to support alternatives of plastic production;"

— Georgia

"Controlling and reducing the overall global plastic production,"

— Cambodia

"In the case of production restriction measures, if any, appropriate phase-out and just transition schemes should be implemented."

— Brazil

"It [the ILBI] shall address the reduction of virgin plastic production and distribution."

— Indonesia

"Reduced production of virgin plastic (associated targets could be appropriate)"

— New Zealand

"Minimise the virgin plastic production and utilisation; but maximise the recyclable plastic production and utilisation"

— Thailand

"Parties should adopt legally binding targets to restrain plastic production and consumption"

— United Kingdom

40 Nigeria ("Mandatory high tax on virgin plastic production").

7. WASTE MANAGEMENT

Integral to a full life-cycle approach, is the inclusion of waste management actions and measures. Notably, there were more qualitative proposals for sustainable waste management, with significant support for the 3Rs (reduce, reuse, recycle) and a clear emphasis across the board on the infrastructure for collecting, sorting, and recycling.

Support for quantitative targets typically related to waste reduction targets. It was also clear that some states saw the need to advocate for prohibitions against unsound waste management practices and the development of guidance, standards and minimum requirements for sustainable and/or environmentally sound waste management.

> ". . . take effective measures to restrict and subsequently phase-out waste management practices that are not environmentally sound and in conformity with guidance to be adopted by the COP."
>
> — ***Switzerland***

> ". . . take measures to facilitate and promote prevention, reduction, reuse and recycling. These measures could be underpinned by targets, for example for the reduction of avoidable plastic waste and the recycling of plastic waste.."
>
> — ***United Kingdom***

> "Build robust system and infrastructure for collection and proper sorting of plastic waste."
>
> — ***Bahrain***

> "Each Party should be required to set binding targets for waste management, in accordance with decisions adopted by the COP. These should include targets on prevention, separate collection and recycling as well as restrictions on incineration, energy recovery, chemical recycling and landfilling. COP should adopt guidelines on the environmentally sound management (ESM) of plastic waste."
>
> — ***Rwanda***

> "Strict observance on segregation of solid waste"
>
> — ***Philippines***

8. RECYCLING

Hand in hand with waste management, recycling is another area critical to the life-cycle approach as well as a means of promoting sustainability and circularity. Most submissions addressed waste management and recycling together. For instance, there was much support for promoting infrastructure and guidelines for collection, sorting and recycling generally. However, there was particular emphasis on developing minimum recycled content requirements and measures for increasing market demand for recycled products as well.

> "Specify minimum recycled content required in producing new plastic products which will help to strengthen the market demand for recycled plastics and hence increase collection, sorting and recycling of plastic waste."
>
> — ***Bahrain***

> "Strengthening plastic recycling market and design for recycling"
>
> — ***Egypt***

> "Each Party to set up systems...for collection and recycling of plastic waste, as well as policies to increase the market demand for reusable products and recycled plastic raw materials... including: targets and/or measures for increased recycling and increased recycled content"
>
> — ***Norway***

9. REMEDIATION

In the discussions and negotiations leading up to the advancement of an ILBI on the issue, the existing plastic pollution in the marine environment, including in areas beyond national jurisdiction (e.g. Global Pacific Garbage Patch), was a major impetus for the international community. Interestingly, however, there was typically broad or general language in support

of remediation with limited input on how this could potentially be operationalized under the regime in most cases. There also appears to be a clear emerging inclination toward delegating the issue to the COP.

Except for a handful of states, it was also unclear in most instances what states thought the jurisdictional scope of remediation should be. Of note, there were also several references to the idea of including recovering abandoned, lost, and discarded fishing gear within the scope of remediation.

> "Parties should take action, including through cooperation to identify, prioritize, and address areas of legacy waste and ensure that remediation of plastic pollution, that poses risks to local communities; biodiversity; fisheries; health; tourism; navigation, and maritime safety, is done in an environmentally safe and sound manner, in line with guidance developed by the COP."
>
> — ***Ecuador***

> "Setting measures to address the plastic pollution legacy."
>
> — ***Egypt***

> "Coordinated global, national and local efforts to address damage caused by ongoing plastic pollution, including clean-up and remediation activities."
>
> — ***New Zealand***

> "Parties should cooperate to develop strategies to identify, prioritise and address areas of legacy waste in an environmentally sound manner, and encourage partnerships with stakeholders in support of these strategies."
>
> — ***Norway***

> "The COP should adopt protocols on best available techniques and best environmental practices for environmentally sound remediation of plastic pollution in the environment."
>
> — ***Rwanda***

> "The COP, or a mechanism within it, should develop guidance to…prioritize and conduct environmentally sound removal of plastic pollution on land and from waterways and nearshore areas, as well as open water removal of abandoned, lost or otherwise discarded fishing gear within national jurisdictions."
>
> — ***Canada***

> "The remediation of plastic pollution in the environment, including the marine environment and areas beyond national jurisdiction."
>
> — ***AOSIS***

> "Collaborative actions to manage existing pollution, including guidance and cooperation to address legacy marine litter, including in international waters."
>
> — ***Australia***

10. PLASTIC WASTE TRADE

Across the submissions there was limited input on regulating the trade of plastic waste. Where there were some proposals on the issue, they were primarily qualitative and typically surrounded "controlling,"[41] "prohibiting,"[42] "preventing,"[43] or "banning"[44] the trade of plastic waste except when destined for sustainable or circular initiatives. Reference was also made to complementarity with existing MEA regimes.

> "Controlling plastic waste trade including synergies with the Basel Convention and the Bamako Convention for the African region."
>
> — ***Group of African States***

41 See United Republic of Tanzania, Group of African States.

42 See AOSIS.

43 See Libya.

44 See Sierra Leone.

> "Regional and international agreements to prevent the transport of plastic waste across the seas and estuaries. The instrument should include an approach to combating the movement of plastic waste across seas and estuaries."[45]
>
> ***— Libya***

> "Ban on waste trade, except where such trade enables circularity (e.g., plastic waste destined for recycling in accordance with the Basel Convention)"
>
> ***— Sierra Leone***

> "Mechanisms for Controlling Transboundary movement of plastic waste including synergies with the Basel Convention and the Bamako Convention for the African region"
>
> ***— United Republic of Tanzania***

> "Prohibiting the trade of plastic waste except for the purpose of sustainability and circularity;"
>
> ***— AOSIS***

11. DISCLOSURE

There was broad support across the submissions for the disclosure of ingredients and composition of plastic products through labeling, coding, and other transparency mechanisms. There was also some emphasis on harmonizing[46] these requirements and facilitating tracking and traceability among the various actors along the supply chain (producers, manufacturers, retailers, etc.). Several submissions also noted that measures and mechanisms for disclosure and transparency could support the implementation of other substantive obligations within the regime.[47]

> "Tracking and transparency on types, ingredients and volumes of plastic products. Eco-labeling and information disclosure requirements on the composition of chemicals in plastic products."
>
> ***— Egypt***

> "Tracking and transparency of the ingredients of plastics."
>
> ***— Group of African States***

> "Tracking the ingredients of plastics (both the polymers and the additives) throughout the supply chain."
>
> ***— Kenya***

> "Each Party concerned, should report on: . . . chemical composition of the plastic . . ."
>
> ***— European Union***

> "Traceability, transparency and labelling standards to support a circular plastics economy, support the phase out of harmful chemicals through mandatory disclosure provisions, reduce 'greenwashing', and increase validity of recycled input materials."
>
> ***— Australia***

> "Technical requirements to ensure traceability of plastic items found in the environment to the producer/importer/point of sales. Harmonized product labelling and information disclosure obligations to improve global transparency allow informed choices, and ease collection and recycling across markets (e.g. chemical contents of products along the value chain)"
>
> ***— Philippines***

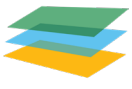
> "The COP should adopt requirements on transparency of chemicals in plastic products, including minimum disclosure obligations on producers and manufacturers and labeling requirements."
>
> ***— Rwanda***

> "The development of a global harmonized system for labeling of plastics, including information on contents, composition and recyclability of plastics;"
>
> ***— AOSIS***

45 In this instance, it is unclear whether the "transport" or "movement" of plastic waste was referring to the trade of plastic waste.

46 See Harmonization, p.14.

47 See Australia.



12. HARMONIZATION

In addition to harmonizing labeling and disclosure requirements, there was also wide support for harmonizing design standards and methodologies to promote sustainability and circularity of plastics, monitoring of activities, reporting obligations, and measuring progress in actions. Some states took the opportunity to elaborate on why harmonizing requirements and standards may be useful to other potential elements of the instrument, including supporting the work of subsidiary bodies, ensuring consistency in actions, smoother implementation, and achievement of the aim and objective of the instrument, and improved data collection. It should also be noted that while some submissions were silent on the issue, there was also one submission which explicitly rejected the idea of harmonization.[48]

> "Global harmonization—potential measures include: standards and definitions to support the circular trade in plastics, reduce the costs of doing business and increase recycling rates. These will be needed to define problematic single-use plastics, standards to ensure products are truly recyclable, and definitions and standards to counter vague and prolific greenwashing claims."
>
> ***— Australia***

> "Harmonized product design standards and requirements aimed at incentivizing reuse, durability, collection and/or recycling. Harmonized definitions, formats and methodologies for reporting to ensure comparable statistical data and enable assessment of the progress of implementation of the instrument and the effectiveness of the instrument in achieving its objectives."
>
> ***— Egypt***

> "The instrument should adopt a set of technical guidelines for sustainability for the purpose of harmonizing definitions. There are guidelines for harmonizing methodologies of plastic monitoring in the environment."
>
> ***— Japan***

> ". . . harmonised definitions and metrics for reporting. Using existing standards and definitions where possible will be useful in this regard and will avoid duplication of existing work/standards."
>
> ***— New Zealand***

> "Open communication channels: among parties of the treaty and the instrument must be established, to aid in the communication of nationally determined action plans without any standardization or harmonization to the elements in these communications, or in the plans themselves."
>
> ***— Saudi Arabia***

> "Harmonization of plastic product packaging specifications across brands. Harmonizing product design standards and requirements aimed at incentivizing reuse, durability, collection and/or recycling."
>
> ***— Sierra Leone***

> "Set up new or review existing international harmonized product standards including design for toxic free and design for friendly recycling and recovery with allowing more resource efficiency and circularity. A global monitoring programme and network of plastic pollution that takes into account national and regional efforts and harmonized methodologies."
>
> ***— Thailand***

> "The Evidence and Technical Body (ETB) could coordinate the development of harmonised global monitoring methodologies and indicators to inform the evaluation of measures implemented under the ILBI. This [transparency] framework should promote harmonised monitoring protocols that can be used to inform global level assessments and evaluation of the sufficiency of the obligations . . ."
>
> ***— United Kingdom***

> "The development of a global harmonized system for design standards, and methodologies to promote circularity of plastics;"
>
> ***— AOSIS***

48 See Saudi Arabia.

13. EXTENDED PRODUCER RESPONSIBILITY (EPR)

There was wide support for extended producer responsibility (EPR), typically in broad generalized language, with limited input on operationalization.[49] However, some of the examples noted below are more detailed and explicit on the potential features of EPR schemes under the agreement than others. It was evident that there was emphasis on specific types of plastics to be subjected to EPR schemes, e.g. fishing gear, beverage bottles, packaging, etc. While it was unclear in some instances whether states favored a national, regional or global approach to EPR, it appears that there was overall more support for nationally-determined EPR schemes. Finally, the most detailed EPR concept was seen in the Global Plastic Pollution Fee (GPPF) proposed by Ghana, which was also identified by Ecuador for active consideration.

> "Develop and use the EPR approach: Implement EPR schemes for plastic waste that oblige producers to finance the collection, treatment, and disposal of their products."
>
> ***— Bosnia and Herzegovina***

> "Polluter pays principle through a robust national EPR programme that prioritises the most vulnerable groups to plastic pollution."
>
> ***— Nigeria***

> "Product design and manufacturing - Reuse, Recycling, Loss of fishing gear, Waste management: measures could include: EPR schemes."
>
> ***— Norway***

> "Mandatory development and implementation of EPR schemes, including deposit return schemes for certain product categories (e.g., beverage bottles, or certain types of fishing gear) e.g. the treaty can oblige countries to establish EPR schemes for a specified list of plastic applications (e.g., packaging) and specify a set of criteria or guidelines for the essential elements of such schemes."
>
> ***— Philippines***

> "To develop and promote mechanisms of extended responsibility of producers and importers for their goods and packaging."
>
> ***— The Russian Federation***

> "Each Party should be required to develop and implement EPR schemes for certain product categories, in accordance with decisions of the COP"
>
> ***— Rwanda***

> "EPR for plastic technology development and transfer and sharing of knowledge across the board (sub-region, regional and global levels)"
>
> ***— Sierra Leone***

> "Each Party should be required to take effective measures to ensure that plastic waste is collected, sorted and recycled...This could include EPR for instance by promoting deposit return schemes, prepaid recycling contributions, or eco-modulation fees."
>
> ***— Switzerland***

> "Regulation Global, Regional and National - Designing and setting up EPR where applicable, for the different waste streams containing plastics."
>
> ***— Tunisia***

> "The GPPF would hold polymer producers accountable for the pollution costs of all their plastics, irrespective of the country where the plastics end their useful life, and of whether the plastics are ultimately destined for recycling or disposal."
>
> ***— Ghana***

14. REPORTING

Views on reporting were particularly extensive in some cases and primarily hinged on national action plans (NAPs) or national actions generally. Some submissions also cited the need for reporting protocols geared toward establishing and maintaining baseline information on

49 See Azerbaijan, Canada, Moldova, Morocco, Oman , Uganda, etc.

the plastics life-cycle in-country. There were, however, some disparities around the types of data and information on plastics that should be supplied by states in these various areas. For instance, while some states might have specified plastic production data, others might have focused on waste generation or best practices, knowledge and technologies.

There was also some amount of support for establishing a mechanism of some kind for the sharing of, and access to information and data to be shared by states. Many states also used the opportunity to emphasize the importance of reporting to global data-collection, to measure global progress, and to inform the development of more robust actions overtime. Finally, there was also a general inclination to build on existing reporting mechanisms under other MEAs and internationally recognized arrangements wherever possible.

> "National reporting . . . so that we can assess global progress towards the instrument's objective and better target our activities…and will be important to drive and measure global progress and increase transparency. National reporting should be . . . harmonised with existing reporting processes where possible to avoid duplication and minimise reporting burdens on governments and industry. We need to establish common baseline information and improve data on plastic production, use, movement through the life cycle, waste management and leakage."[50]
>
> ***— Australia***

> "The reporting mechanism should identify common metrics, facilitate national reporting at a set common frequency and in a process that will garner data and information in a consistent and comparable manner. The reporting should be accessible, complement other relevant global instruments and be subject to review, where appropriate."
>
> ***— Canada***

> ". . . required to report on the quantities and type of plastic polymers, precursors, and feedstocks manufactured, imported, and exported as well as the quantities and type of chemicals applied in production…information on best practices, knowledge, research, and technologies. The Secretariat should establish a central data exchange where information reported by Parties can be made available."
>
> ***— Ecuador***

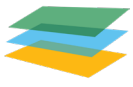
> "Report on: polymers (quantities, types of plastics, chemical composition of the plastic, as well as intended application) produced, imported and/or exported within/to/from its territory… identify key data collection points . . . (e.g. data related to recycling and waste management). Such information . . . should then be used to assess the effectiveness of measures . . . and inform decision-making by the COP. Reports should be made publicly available so that all stakeholders have access to this data. Build upon existing monitoring and reporting protocols, e.g. Regional Sea Conventions and other relevant regional and international instruments (Minamata Convention, SDG monitoring framework or the GPLM Platform developed by UNEP)"
>
> ***— European Union***

> "Achievements, best practices and challenges as part of evaluations and sources of information"
>
> ***— Indonesia***

> "While the developed countries should commit themselves to legally binding obligations to ensure the reduction of hazardous plastic pollution and financial and technological contribution to developing countries, all actions and initiatives of developing countries in this respect including reporting should be voluntary."
>
> ***— Islamic Republic of Iran***

> "Requirements are not to be divorced from, but build on and add value to, what we already report on (e.g. Basel Convention (including the

50 National reporting requirements will be required to provide the key information needed to monitor and measure the parties' collective performance in achieving the objective of the instrument, in particular plastic leakage into the environment.



regional Waigani Convention), the Stockholm Convention, the G20 Report on Actions Against Marine Plastic Litter, and reporting on the Ellen MacArthur Foundation Plastics Global Commitment,)."

— New Zealand

"Each Party should be required to provide… within a specified period after becoming a Party and every year thereafter, statistical data or best estimates where such data is unavailable…"[51]

— Rwanda

"Reporting mechanisms for plastic materials and products throughout the supply chain are needed."

— Uruguay

"Periodic reporting on: national actions…support for implementation provided to developing countries, particularly SIDS…sources, levels, and impacts of plastic pollution on a regular basis… and national sources and levels of plastic being produced, exported, imported and recycled."

— AOSIS

51 See also Rwanda ("Origin of raw materials used to produce polymers, techniques to minimise environmental and health impacts and subsidies; Virgin polymer production, consumption and use as well as composition; Recycled plastic production, consumption and use as well as composition; Chemicals used in plastic products; Plastic waste management and reuse; Sea-based sources; and Microplastics.")

III. Means of Implementation

This part will summarize states' views on capacity building, technical assistance, technology transfer, and financial assistance. Given that there was significant overlap with the views and ideas expressed regarding capacity building, technical assistance, and technology transfer, those means will be discussed altogether, whilst financial assistance will be discussed on its own according to the potential sources, scope, mechanisms, and recipients.

1. FINANCIAL ASSISTANCE

a. Potential sources

There was strong support for multiple sources of finance, including from the private sector, capital investments, international financial institutions and other stakeholders in plastics.

> "We are confident that public, private as well as international and domestic finance will have an important role to play to achieve the objectives of the future instrument. We consider it important to include provisions to incentivize private financial flows and investments to support the overarching goal and objectives of the instrument."
>
> — ***Moldova***

> "There is significant private investment occurring to improve the circularity of plastics. There is an opportunity for the finance mechanism to harness this private capital and investment (in addition to government contributions) to support the instrument's objectives."
>
> — ***Australia***

> "Mobilizing financial support from a wide variety of sources, both public and private, domestically and internationally, is important to ensure that all Parties are able to fulfill their obligations under MEAs. The development and inclusion of provisions for resource mobilization in the implementation of the agreement on plastic pollution . . . "
>
> — ***Canada***

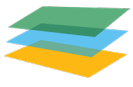
> "The new Treaty should help strengthen and reinforce the connection between finance needs and providers, including Multilateral Development Banks and influential partnerships in the business and finance community. Voluntary contributions from the corporate sector and other stakeholders should contribute additional investment and support, including through innovative solutions."
>
> — ***Norway***

> "The UK sees a crucial role for private sector investment, public-private partnerships, and philanthropy in funding the ILBI's implementation, including through innovative approaches. For example, private sector investment into sustainable production practices, waste management infrastructure and the development of technologies will be stimulated by the establishment of common standards and agreed waste management principles under the ILBI."
>
> — ***United Kingdom***

> "Requiring support for means of implementation from key actors in the plastics supply chain, such as through taxes or levies. Such programmes could complement, but would not be a substitute for, the public financial support to Parties from the Multilateral Fund and the concessional finance from bodies such as the GEF."
>
> — ***Federated States of Micronesia***

Among the submissions, it was noted that there was an inclination to develop some form of extended producer responsibility (EPR) mechanism to serve as a potential source of funding.

> "A self-financing system should be established by implementing an EPR system at the national, regional, and international levels. This EPR system would place financial responsibility for



the treatment and disposal of waste on the producers of the waste, thereby providing a steady stream of funding for the treaty's implementation and enforcement."

— Sierra Leone

"The EU and its Member States stress the need for having provisions that follow the polluter-pays-principle and that ensure the mainstreaming of relevant measures to end plastic pollution into national policy. This could be done also through the implementation of EPR."

— European Union

"The treaty should ensure application of the polluter pays principle and application of a comprehensive EPR system that allows cost-recovery mechanisms."

— Kenya

"Integrate an auto financing system through EPR."

— Morocco

"The new instrument should be established based on EPR and polluter pays principles."

— Türkiye

"Financial assistance could be best achieved through Joint Venture Schemes particularly in EPR implementation."

— Uganda

"The Treaty should foresee the implementation of a Global Extended Producer Responsibility (EPR) system on plastic materials and products to ensure chemicals and plastics manufacturers contribute their fair share."

— Uruguay

"Global Pollution Plastic Pollution Fee (GPPF): The collection of a GPPF from polymer producers... An important purpose of the GPPF would be to generate funds to develop a global waste management infrastructure and meet other costs of implementing the legally binding instrument."

— Ghana

b. Mechanism(s)

There was wide support for the creation of a dedicated financial mechanism under the new agreement, followed closely by a contingency of states advocating for the utilization of existing mechanisms, particularly the Global Environment Facility (GEF). Notably, some states also suggested hybrid approaches. Finally, a number of states also expressed support for the adoption of the multilateral fund model used in the Montreal Protocol.

"Creation of a dedicated multilateral fund to provide financial resources for enabling activities in developing countries set out under this instrument."

— Indonesia

". . . to create a new and independent dedicated financial mechanism to enable developing countries to achieve the objectives, along with considering the link between the financial assistance and implementation of the commitment of developing countries;"

— Iran

"Financial assistance under the treaty should be delivered via a dedicated multilateral fund established for that purpose, operating under the authority of the Parties."

— Kenya

"To reduce administration costs, consideration should first be given to drawing on existing and established mechanisms, such as the GEF."

— Australia

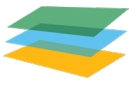
"...we see some merits of the GEF serving as the financial mechanism, including possible substructures."

— European Union

"A dedicated multilateral fund should be established to ensure the success of objective of the instrument as the one established under the Montreal Protocol."

— Malaysia

"Parties should establish the financial mech-



> anisms...comprising of at least the following: Dedicated Multilateral Fund; Trust Fund for Plastic Pollution; and Global Environment Facility Trust Fund."
>
> ***— Rwanda***

> "Establish a financial mechanism (similar to the MLK model of the Montreal Protocol) that provides for predictable, accessible, adequate and timely financial resources."
>
> ***— Egypt***

c. Scope

States also identified a number of areas for which financial assistance should be provided. The most prominent areas included research and development toward alternatives and substitutes, followed closely by supporting infrastructure for waste management and recycling. Few states expressed support for a fund to remediate plastic pollution,[52] or to subsidize activities and actors along the value chain, e.g. through payment (grants or tax concessions) to consumers or producers for plastic pollution reduction.[53]

Finally, there was some emphasis placed on supporting enabling activities, including monitoring, capacity building, and the development of national action plans (NAPs). Notably, in the vein of identifying the areas for financial support, a sizable number of states proposed the use of needs assessments to inform of priority areas.

> "Promote international investment in supporting the creation of viable waste management systems, including the significant investments needed for new infrastructure;"
>
> ***— Morocco***

> "Financing mechanism of National Action Plan (NAP) for Plastic Pollution; Financial support for research and development on plastic pollution; and Financial support for information system for monitoring and regulations."
>
> ***— Philippines***

> "Increase investment in the required infrastructure for plastic waste management and build an integrated waste management infrastructure that is linked to recycling, with increased disclosure and transparency. "
>
> ***— Saudi Arabia***

> "Parties should establish a Trust Fund for Plastic Pollution, operating under the authority of the Parties, in order to provide additional financial assistance to support remediation of existing plastic pollution as well as other agreed-upon costs, funded by the private sector."
>
> ***— Rwanda***

d. Recipients

Where states opted to identify the potential recipients of financial assistance, it was typically developing countries. A significant number also included economies in transition. A handful of other states also made reference to Small Island Developing States as potential recipients.[54]

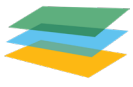
> "Financial and technical assistance is needed for low- and middle-income countries..."
>
> ***— Cambodia***

> ". . . resource mobilization in the implementation of the agreement on plastic pollution in a transparent and ambitious manner is required, including support to developing countries."
>
> ***— Canada***

52 See Rwanda.

53 See Sierra Leone, Libya, and Egypt.

54 See Bahrain, China, European Union.



> "Means of implementation shall address the concerns of developing countries on the impacts of the implementation of response measures. Developing countries shall be enabled to communicate their required needs for effective implementation..."
>
> ***— Saudi Arabia***

> ". . . developing countries be provided with commensurate means for its implementation."
>
> ***— Ecuador***

> "Establish a financial mechanism that provides for....financial resources...to developing country parties on a grant and concessional basis..."
>
> ***— Group of African States***

> ". . . ensure that countries with the most resources, advanced technology, and infrastructure support less developed and developing states to implement the instrument properly."
>
> ***— Indonesia***

> ". . . a financial mechanism that provides for predictable, adequate and timely financial resources and technical assistance, including technology transfer, to developing country Parties and Parties with economies in transition on a grant basis."
>
> ***— Kenya***

> "This aspect should cover financial assistance to developing countries and economies in transition."
>
> ***— Thailand***

> "Developed countries should provide additional, sufficient and predictable financial support and technical assistance to developing countries, mindful of the needs of the LDCs and SIDS."
>
> ***— China***

> "A Finance Committee must also be established to designate a special funds to assist SIDS in the implementation pre/post entry into force."
>
> ***— Palau***

2. CAPACITY BUILDING, TECHNICAL ASSISTANCE & TECHNOLOGY TRANSFER

As previously stated, there was a significant amount of overlap in the discussion of means of implementation generally, but also the views and ideas surrounding capacity building, technical assistance and technology transfer. In support of this contention, it is apparent that many states saw value in proposing an integrated approach to MOI. For instance, in support of the submission of the Group of Latin American and Caribbean States (GRULAC) position, Ecuador noted:

> "The INC should thus conceive of a robust integrated mechanism that ensures the provision and mobilization of new, additional, and predictable flows of financial resources to support relevant research, development, and innovation (R&D&I) projects, promote technology transfer and know-how, and provide capacity building and technical assistance."[55]

There was also notable support for mechanisms intended to share global information, education, and tools for plastic pollution reduction, primarily through the establishment of subsidiary bodies, but also innovative ideas such as the development of a 'Plastics Technology Centre,' as proposed by Egypt:

> "Establish a Plastic Technology Center...that accelerates the development and transfer of technologies through: Providing technical assistance at the request of plastic manufacturers from developing countries on plastic technology issues, particularly plastic recycling technologies; Creating access to information and knowledge on plastic production and recycling technologies; Fostering collaboration among plastic technology stakeholders; Providing guidance on best practices and supporting implementation, etc."[56]

55 See also, e.g., Oman, Brazil, United States, Uruguay, Brazil.

56 See also, e.g., Armenia, Colombia, Egypt, Indonesia, Japan, Oman.

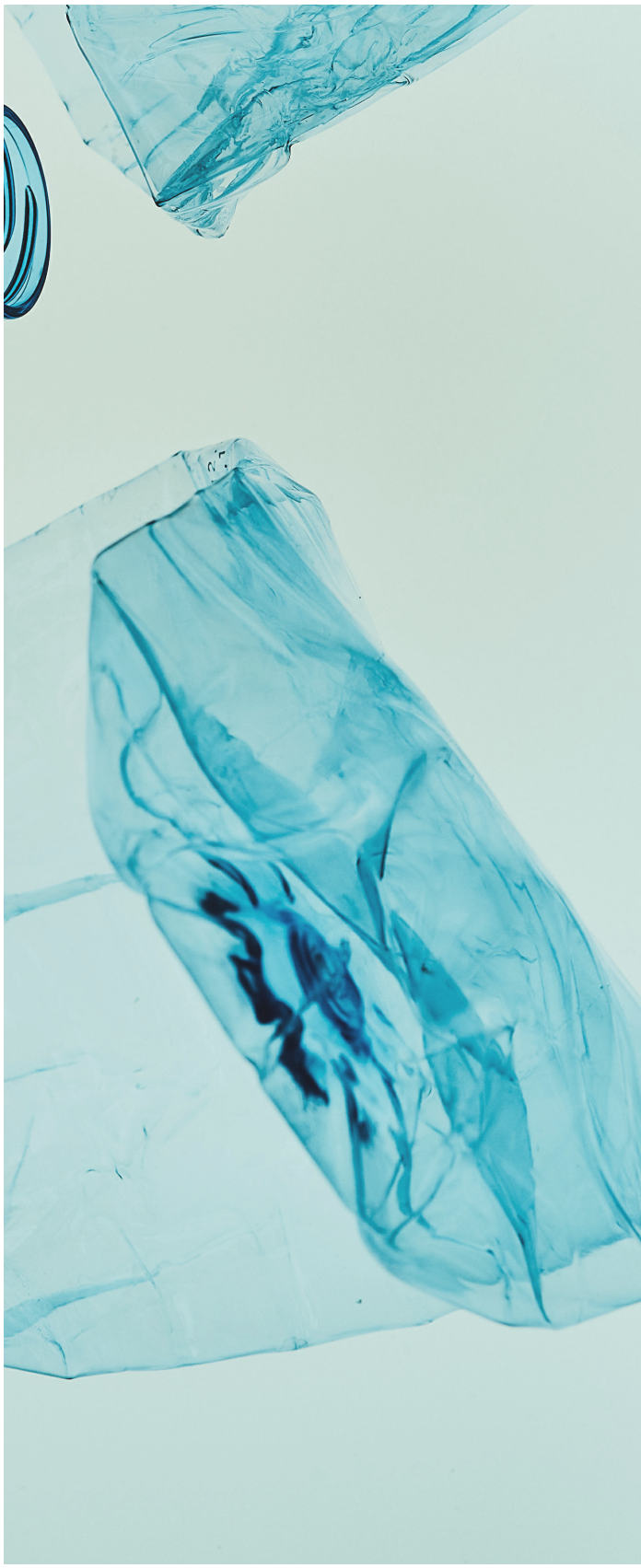
Finally, there was also some amount of support for mainstreaming these initiatives under existing MEAs, institutions and procedures within international environmental law.[57]

> "Create synergy with related provisions from Basel Convention, Rotterdam Convention, Stockholm Convention, Minamata Convention, CBD, Paris Agreement, and other related international conventions."
> Indonesia

> "There are various existing multilateral and bilateral support that can complement the support under the instrument."
> Japan

Many states also used the opportunity to highlight priority areas for support (in order of prevalence):

- Enabling environment for national action plans;
- Product design, sustainable production and environmentally sound waste management and recycling;
- Guidelines on implementation of policies, capacity-building, national plastic pollution prevention programs, waste management, recycling, etc.;
- Effective monitoring and reporting programs and baselines on plastics in-country;
- Means to share information and awareness to promote enforcement;
- Promoting national offices on plastics, regions and international collaborations; and
- Promoting best available technologies and best environmental practices.



57 See also, e.g., Canada, European Union, Qatar, Türkiye.

IV. Summary of Key Observations

- There is significant support for a qualitative formulation of the objective of the ILBI which aligns with the title of Resolution 5/14, while also being broad enough to maintain the latitude in scope to effectively address the issue. Very few states supported quantitative formulations.
- It is apparent that there is some amount of ambiguity in the conceptualization of the full life-cycle and what types of activities comprise each stage.
- Within the context of potential measures, actions and approaches, there appears to be limited support for fossil fuel interventions, managing fishing gear, defining remediation requirements, and regulating plastic waste trade.
- Much of the support seems to reside in the areas of targeted plastic products (particularly single-use plastics), polymers, chemicals and additives of concern, waste management, recycling and sustainability, and disclosure (transparency), albeit at varying degrees of detail.
- Importantly, there also appears to be an emphasis on upstream and midstream measures from developed countries, while developing countries tend to elaborate more on downstream, particularly with regard to support for waste management infrastructure.
- There appears to be broad support for harmonization, but differences in terms of its scope, e.g. labeling, reporting requirements, eco-standard designs, etc.
- There is significant support for the use of extended producer responsibility (EPR) at a high level, however, states have declined to elaborate on the nuances and details of its operationalization in most cases.
- Overall, there is wide support for an agreement supported by annexes, common global targets/goals (where practicable), achievable through nationally-determined actions, and mechanisms to inform, review and update actions over time.
- With respect to means of implementation (MOI), many states indicated a preference for integrated mechanisms for finance, capacity building, technical assistance, and technology transfer, with specific references to developing countries, economies in transition, and Small Island Developing States as potential recipients (though very limited references to SIDS).
- There was also some amount of support for promoting complementarity for MOI through existing mechanisms and processes, and adapting the Montreal Protocol model for the plastics context.

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