



Sustainable
Manufacturing and
Environmental
Pollution
Programme

Comments and Suggestions from SMEP partners for developing the Draft Zero INC Document

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INTRODUCTION

After an [UNEA 5.2](#) resolution (5/14) in March 2022, UN member countries started a process to develop an internationally binding instrument against plastic pollution ([INC](#)). The first draft of the internationally legally binding instrument on plastic pollution, including in the marine environment, was [published](#) in September 2023.

The INC document, being negotiated by countries as of November 2023, serves as the basis for a set of standard global rules for action against plastic pollution. This document brings in constructive voluntary insights from partners of the [SMEP Programme](#), who are exposed to a variety of empirical contexts of plastic pollution, including mitigation, material substitution and prevention efforts, in Sub Saharan Africa and South Asia.

DEFINITIONS

For further drafts of the INC instrument, much will depend on the definitions. As the text currently stands, more clarity is needed in the language of “short-lived,” “problematic and avoidable,” and “Intentionally added,”.

Different paragraphs could use uniform approach to listing the terms: plastic polymers, plastics, and plastic products; chemicals and polymers of concern. It is also unclear why “plastic polymers, plastics” are separated by comma. This term can also use more definitional clarity, as in principle using either “plastic polymers” or “plastics” could cover the full range of products and materials.

The term “plastic alternatives” as used in the draft text which refers to plastics and plastic products with “lower greenhouse gas (GHG) life cycle emissions and not hazardous for human, animal or plant life”. While this could include bioplastics and compostable plastics It is important to be more specific. For example:

- The definition focuses on lower greenhouse gas emissions, and we can assume this refers both to the manufacturing process as well as end of life. It will be difficult to prove that bioplastics result in less GHG emissions throughout the entire life cycle as many of these materials are manufactured in small quantities, often result in land use impacts and are shipped around the world.
- It is important to define what makes materials hazardous, and most importantly, what will the acceptable level of hazard be from these new materials.
- There is no explicit mention of how to address the waste streams from any new plastic alternatives. In addition, a list should be developed of acceptable materials and applications where plastics alternatives could or should be used as substitutes and standards should be developed for them so that their impacts can be easily identified throughout the life cycle.

This way, it will be easier for countries to identify projects and research initiatives to support and implement.

- As countries often struggle to keep up with the large number of material options available, it would be helpful if future INC advanced drafts gave more specific, standardized criteria to countries to facilitate assessment of material substitution options to traditional plastics, which could be applied both to plastic alternatives and non-plastic substitutes.

Ultimately, a clear prescription of the different forms of plastics is essential. The Draft Zero of the INC instrument clearly stipulates the different forms of plastics whose manufacture and use should be planned. This specification is very important towards the agenda of the Global Plastics Treaty. A clear and specific prescription ensures that there are no gaps for Party States to deviate from their obligations under an eventual instrument. Moreover, it provides clear guidelines as to which plastics must be banned or severely controlled within the Party States.

OBJECTIVES OF THE INSTRUMENT /PAGE 6/

On Page 6 of the INC draft Zero (Objectives of the instrument), two options are listed:

- Option 1: An objective of an instrument that ends plastic pollution to protect human health and the environment.
- Option 2: An objective of an instrument that protects human health and the environment from plastic pollution.

Option 1 emerges as the preferable choice for the treaty, as it addresses the root cause of plastic pollution, creating room for initiatives that dematerialize and prevent plastic waste, ultimately phasing it out of the economic system—a strategy aligned with circular economy principles. These measures are considered ideal in both theory and practice within the circular economy framework. Conversely, Option 2 poses the risk of allowing plastic pollution to persist, relying solely on remedial measures to protect human and environmental health. This approach is deemed less credible due to governance shortcomings in many regions and the transboundary nature of plastic pollution.

Opting for Option 1 aligns with the essence of the Global Plastics Treaty, incorporating stringent standards and measures essential for eradicating plastic pollution. These standards are crucial for the treaty's agenda, as witnessed in the implementation challenges faced by the Paris Agreement when lacking such rigorous criteria.

Ideally, option 1 would be coupled with subparagraphs 1.2 and 1.3 (as numbered in the text), forming the following statement:

“The objective of this instrument is to prevent, progressively reduce and eliminate plastic pollution, including in the marine environment, thereby protecting human health and the environment.”*

1.2 based on a comprehensive approach that addresses the full life cycle of plastic.

1.3 through the prevention, progressive reduction and elimination of plastic pollution throughout the life cycle of plastic by 2040.

PRIMARY PLASTIC POLYMERS /PART II. 1./

On (Part II. 1. 1.) It may be necessary to define what these “feedstocks and precursors” are.

On (Part II. 1. Option 2. 2.) Should production and supply of all primary plastic polymers be addressed here or should it primarily target only specific type of primary plastic polymers. Should targets be set separately for different types of polymers? This is an important question which can gain from submissions from science-based bodies balanced with industry recommendations.

On (Part II. 1. Option 3. 2.) Throughout the draft different terms are used - necessary, appropriate, relevant. These terms have a different meaning, so unless the drafters intend to give a different meaning in different instances, it would be advisable to use the same term in future INC advanced drafts. This could make the text more objective, avoiding leaving the terms to be decided unilaterally by the country applying the measure.

On the term “Provisions common for the options above” - Elsewhere the reference is made to economic or regulatory instruments. It would be helpful to streamline references to control measures / instruments throughout the next draft text.

CHEMICALS AND POLYMERS OF CONCERN /PART II. 2./

The use of “chemicals and polymers of concern” suggests that there are polymers of concern (plastics) and “chemicals of concern” (which could be any chemicals including inorganic molecules). Listing both “chemicals and polymers of concern” without clear reference can be too broad unless a direct reference is provided to the list of those chemicals and polymers, potentially under the annexes.

On Part II.2, Option 1 – It may be simpler and more straightforward to say "to prohibit" instead of "to not allow and to eliminate".

PROBLEMATIC AND AVOIDABLE PLASTIC PRODUCTS /PART II. 3./

Part II 3a. - Problematic and avoidable plastic products, including short-lived and single-use plastic products – Option 1 is more robust and would avoid watering down requirements to tackle those crucial plastics, including adding restrictions on their exports.

3.b. Option 1 - It would be advisable to better define "intentionally added microplastics".

EXEMPTIONS AVAILABLE TO A PARTY UPON REQUEST /PART II. 4./

On point 4 "Exemptions available to a Party upon request" countries should be mindful of developing Annex B (on the specifics of what constitutes avoidable plastics) seeking to limit issuance of exceptions only to crucial areas where reduction or material substitution options are limited, such as medical products.

PRODUCT DESIGN, COMPOSITION, AND PERFORMANCE /PART II. 5./

Section a. Option 2 calls for observance of international standards. Some of such standards are still to be developed, such as for biodegradables in fishing gear (where biodegradability standards in marine environment are lacking, especially for product lifespans from 2-5 years; evidence from SMEP project Catchgreen). This requires coordination with technical assistance efforts for the development of such (missing) standards or scientific evidence.

Still on Section a. - both options 1 and 2 mention provisions on product labelling. This constitutes another area for dedicated attention, in special standardized labelling facilitating end-of-life recycling, for products made of different materials that cross borders while being traded.

On Section 5.b on reduce, reuse, refill and repair of plastic and plastic products: the text does not specifically mention "services or trade-in-services" related to reduction, reuse and repair. Often a substitute to a plastic product takes the form of a system (e.g. a service) which enables reuse. Those are essential to be identified so any foreseen facilitation measures can be targeted and deployment facilitated.

5. d. - "Alternative plastics and plastic products" It seems strange that the draft provisions on alternative plastics and plastic products and on non-plastic substitutes are phrased so differently. They seem to have the same objective. This could be better aligned in a future draft.

5. d. Option 1. - It would be helpful to clarify the distinction between plastics and plastic products here. Still on 5. d. Option 1: Throughout the draft there are multiple references to "safe, environmentally sound and sustainable" albeit in different contexts. This could create potentially different meanings from provision to provision. It is therefore preferable that the meaning is based on some standards, to avoid a subjective assessment by the party adopting the measures.

5. d. Option 2. - Should the focus be made on using alternative plastics and plastic products instead of more environmentally harmful types of plastic? For example, if alternatives are overall not more environmentally sound or sustainable than the conventional plastics they replace, it does not make sense to use them instead of other types of plastic. The usage of alternatives should be encouraged only if it is easier to mitigate environmental externalities linked to them.

5. d. Option 2. - It would be helpful to streamline and standardize references to "measures / instruments" and "economic/fiscal measures".

For Option 2 to be successful (**Part II. 5.d.**) it is important to note that an essential element of encouraging the development of plastics alternatives with better environmental performance is financing. This will require significant financial investment in research and development.

NON-PLASTIC SUBSTITUTES /PART II. 6./

The next INC Draft text can potentially envisage some language reflecting the objective that where non-plastic substitutes are already available, their use should be prioritized.

6. 1. - “...sustainable non-plastic substitutes, including products, technologies and services...” - substitutes refer to goods. Perhaps replace “including products” with “as well as relevant services and technology”.

Footnote 33 “Measures taken pursuant to this provision could include, for example, fees, reduced tariffs, taxes or subsidies, including repurposed subsidies, as appropriate.” – It is important to define repurposed subsidies. Potentially add some language referring to the reduction of regulatory barriers for and promotion of trade in relevant services and technology, both for non-plastic substitutes and for alternative plastics and plastic products.

EXTENDED PRODUCER RESPONSIBILITY /PART II. 7./

Option 1- Some sort of “multi criteria optimization” would be needed here, to promote cost-effective higher recycling rates while taking into account cumulative GHG emissions from the collection/transportation/recycling process. The recycling should not be happening “at any cost”/ “no matter the emissions level.” First and foremost, in addition to recyclability, there could also be focus on waste minimization through planning and product design and extending useful life of plastic products.

The draft provisions on extended producer responsibility, besides calls for harmonization of national EPR systems (Option 2), do not include ¹ collected at country of sale to country of disposal (e.g. EPR carry-over across jurisdictions). This is important given the extensive plastic content present in trade in secondhand products. The text could be further developed to allow EPR fees carry-over, and monitoring provisions for their proper implementation.

EMISSIONS AND RELEASES OF PLASTIC THROUGHOUT ITS LIFE CYCLE /PART II. 8./

A differentiation needs to be specified in the text, on what is the difference between releases and waste.

Suggested change of section title to: “Emissions and releases of (*and associated with*) plastic throughout its life cycle” Are we only trying to limit emissions and releases of plastic resins (in macro or micro form), or are we aiming to limit emissions and releases associated with plastics life cycle? Namely, when only plastic (resin) is a concern, then easiest way to eliminate its release is to burn it. When the plastic is burned, gaseous and fine particles emissions/ash usually is no longer a plastic resin or polymer. However, it seems that the overarching goal is to prevent emissions and releases of both the plastics and other chemicals/substances associated with the plastics life cycle, including gases/ash/residue/fine particles formed during burning of plastics.

(Part II. 8. 1.) Suggested modified wording: “Each Party shall prevent and eliminate the emissions and *intentional or unintentional* releases *associated with the life cycle* of plastic polymers, plastics, *and plastic products across their life cycle*, including microplastics, to the environment from the sources identified in annex E by the dates identified therein. The emissions and releases covered under this provision should include:”

¹ For further info on EPR fees carry-over across jurisdictions:

<https://www.circularinnovationlab.com/post/study-on-items-shipped-for-reuse-and-extended-producer-responsibility-fees>

Note that “plastic polymers” and “plastics” are synonyms from a chemistry point of view, there is unnecessary repetition in this first phrase.

(Part II. 8. 1.a.) “Emissions of hazardous substances, including microplastics, to air” Instead of “Emissions of hazardous substances” would “chemicals of international concern” be a more inclusive category? “Hazardous” term may be used in slightly different interpretations, depending on the context. For example, many plastic products do not have “hazard” label. There could be potential space for interpretation, at what stage does a “non-hazard” plastic item becomes a hazard substance, and which entity is responsible for hazardous substance vs. non-hazardous item.

(Part II. 8. 1. b.) “Releases to soil and water from the production, transportation and use of chemicals and polymers of concern, plastics and plastic products; and” It seems that “polymer” is a description of the molecular form of a chemical. Therefore, the term “chemicals” includes polymers and other chemicals which are not polymers (could also be not organic).

(Part II. 8. 1. c.) “Releases of chemicals and polymers of concern, plastics and plastic products, including microplastics, to air, soil, and water, and ecosystems.” In this section and throughout the document, is the distinction between emissions and releases based on the physical form and state of the substance (gaseous, liquid, solid), or is it based on the process which generated the substance and caused its transfer into natural environment (burning, burying, discarding/placing into natural environment)?

(Part II. 1. b. & c.) - What is the scope of the polymers covered? It can be assumed that these are only plastic polymers, potentially only virgin plastic polymers. The difference between (b) and (c) is not clear – consider merging them.

WASTE MANAGEMENT /PART II. 9./

Considering that significant amounts of plastic material are already on the environment, point 9 on waste management should also mention a final category “depollution or recovery” as there are workable technologies and services today that can scrub soils for plastics, and intercept plastics in aquatic systems.

9. a. Option 1. 2. - Throughout the draft there are multiple references to “safe, environmentally sound and sustainable” albeit in different contexts. Would the meaning differ from provision to provision. Will it be based on some standards or is it a subjective assessment by the party taking the measures under this provision?

9. b. - “Fishing Gear” - Traceability and safe disposal are called for, but alternative materials (e.g. biodegradable gear) are not mentioned. Consideration should be given to these, at a minimum in terms of research support and facilitation for market upscaling, as they can expand the set of available options to reduce ALDFG.

“Provisions common for options above” - Should a similar provision be envisaged in the section on reduce, reuse, refill and repair section?

“Provisions common for options above” a. - “Invest” would be better as “Promote and invest”

“Provisions common for options above” a. - “...waste management systems...” could be more comprehensive as “...waste management systems, including relevant goods, technologies and services...”

TRADE IN LISTED CHEMICALS, POLYMERS, AND PRODUCTS, AND IN PLASTIC WASTE /PART II. 10./

Part 10. - Section title could be made more precise and refer to “Trade in listed chemicals, *plastic* polymers and *plastic* products, and in plastic waste”.

Part 10. A. 3. c. - What are these *rules, standards and practices*? They should be clearly described somewhere.

10.B.5. - Under transboundary movement of plastic waste, point 5 (*Each party shall prevent and eliminate illegal trade in plastic waste*): this provision can be coupled with technical assistance to support customs authorities and national police forces, which are often underequipped to deal with environmental crimes.

AWARENESS-RAISING, EDUCATION AND RESEARCH /PART IV. 7./

7. 2. Again - throughout the draft different terms are used - necessary, appropriate, relevant. These terms have a different meaning, so unless the drafters intend to give a different meaning in different instances, it would be advisable to use the same term. Will the necessity and appropriateness be decided unilaterally by the country implementing the measure, or the text intend this to be an objective element? If so, adjustments are needed to the next draft.

NEED FOR MANDATORY OBLIGATIONS

The Draft Zero of the Global Plastics instrument outlines the different options available for the INC's negotiations. These options highlight the reality that some of the negotiators are inclined to move away from a mandatory application of the Global Plastics instrument. This is evident from the attempt to redirect the attention of the Global Plastics Treaty to the protection of human health and the environment without the goal of eradicating plastic pollution. The negotiators must remember that the pertinent objective of the proposed Plastics instrument is to eradicate the pollution of plastics globally. This therefore means that the negotiators should:

1. Ensure that the objective of the Global Plastics Instrument is formalised, first, as the eradication of plastic pollution as this will subsequently lead to the protection of human health and the environment.
2. Develop the targets prescribed under the Global Plastics Instrument. Currently the Draft Zero of the Global Plastics Treaty is ambiguous with respect to the plastic production reduction targets, without robust targets in this case it makes it difficult for the Global Plastics Instrument to meet its objectives. A set of robust targets will provide clear guidance on what is expected from all the Party States and will subsequently limit the possibility of certain Party States evading their obligations under the instrument.

Clear mandatory obligations will result in the uniform application of the Global Plastics Treaty which will thereafter ensure the gradual end to plastic pollution.

TIMELINE FOR ELIMINATION OF PLASTIC POLLUTION

The target indicated in the Draft Zero is by 2040 which is quite far off. We propose this to be sooner, perhaps 2030. According to a UN Report, plastic currently accounts for 85% of all marine

litter. This percentage is estimated to double by 2030 and triple by 2040. There is therefore an urgent need to work towards the eradication of plastic pollution.

STANDARDS

There will be a need for new standards development, especially around plastics substitutes and alternatives, where new uses for alternative materials and new materials to replace plastics are being developed and taken up. International standards will facilitate uptake of these and facilitate trade. The mention in the draft zero text (pg. 11) '*Parties are encouraged to work with relevant international organizations towards the development of standards and guidelines*' needs to be strengthened – this is an essential element to supporting a shift from current practices. The language should be firmer, and it would be far better if it was agreed to be changed to: '*Parties **agree** to work with relevant international organizations towards the development of standards and guidelines*'. A special group could even be set up in ISO to facilitate this process.

It is important that the draft text promotes the development of standards for plastic alternatives (such as existing standards for compostable and biodegradable bioplastics) to determine which alternatives are acceptable in terms of their chemical composition, biodegradability or erodibility capabilities, and toxin levels.

Unclear standards arising from the use of “necessary measures” - The Draft Zero of the Global Plastics Instrument, in a number of its options, forfeits the stipulation of measures to what is regulated in the Party States or to what is deemed as a necessary measure by the Party State. This is a significant flaw, which if passed will result in measures that are not uniform and ineffective. The INC should as part of its mandate and in the negotiations consider setting a minimum standard that all the Party States should adopt to ensure effective practices and policies in each Party State that will eventually lead to the eradication of plastics pollution.

STAKEHOLDER ENGAGEMENT

Not much focus has been placed on stakeholder engagement despite its vitality in ensuring the participation of the public towards the achievement of goals under the Plastics Treaty and also holding Party States accountable on their national goals. We propose that the provisions on stakeholder engagement are further developed so that there is a robust engagement of all the stakeholders can be to make the provisions on stakeholder engagement more robust. Moreover, the reports submitted by the Party States should demonstrate the extent to which they have promoted stakeholder engagement.

ENFORCEMENT

It seems to have the common issue of enforcement teeth. It seems that the mechanism is an expert report from the secretariat, which could be initiated by a member or periodic. There is a risk of a lack of meaningful transparency and enforcement provisions, leading to no enforcement. The Secretariat has to have the ability to create transparency around violations, and use peer pressure towards compliance. Transparency allows NGOs to apply such pressure for example. Trying to create meaningful enforcement is important, though, otherwise the document won't result in change.

The draft text is unclear on what “hard” measures can or will be used to enforce implementation and compliance with the instrument, besides the establishment of a technical committee. (Part IV.2). Many of the key measures leading to actual change are yet to be developed, in form of annexes.

NEED FOR CLEAR, POSITIVE INCENTIVES

The draft text is largely about what should not be done. More importantly is to have positive funding and capacity-building to shift these supply chains. Many countries won't know where to start on doing so. Even though the agreement mentions the possibilities for assistance, it doesn't lay out pathways for plastic reduction or substitution. Even if this is not the right place for such, it's needed, otherwise we are asking countries to do something for which they don't have funding, capacity and not even a roadmap. A lot will depend on the ability of the secretariat and ODA instruments to render meaningful assistance.

SERVICES

In the zero draft text, only two mentions of services occur, none of them being linked to plastic pollution mitigation services, related trade-in-services or services that prevent plastic pollution (such as package-less retail systems). We suggest considering adding provisions to support, enable or simplify deployment of trade-in-services that help:

- mitigate (e.g. capture, treat, recycle, upcycle or depollute);
- prevent (e.g. filters, scrubbers or package-less product delivery systems and their related maintenance activities);
- track and trace plastics (via physical or digitally enabled solutions which allow tracking of plastic materials, products or scrap).

Services have been “bundled” together with non-plastic substitutes (Point 6). Given the scale and specificities of those options, it would be ideal to separate those in two paragraphs (material substitutes alone constitute a USD 388 billion market).

DATA

A monitoring and evaluation framework is needed, which tracks the amount of displaced virgin petroleum-based plastic production and the substitution it gives rise to.

APPLICATION-SPECIFIC REQUIREMENTS

An effective approach could be to apply application-specific requirements for each product that needs to be removed from the environment by looking at the actual reduction impacts that it has on the plastic crisis.

ANNEXES

Most importantly, the Annexes remain undeveloped, and that is where most of the contentious negotiations are likely to occur. Key pending points necessary for advancing:

- Definitions of what constitutes primary plastics (Annex A Part I);
- Definition of what constitutes chemicals and polymers of concern (Annex A Part II);
- Definition of what constitutes problematic and avoidable plastic products (incl SUPs)

Annex A Part I calls for a global baseline, timeframe and reduction target / global target for reduction in primary plastic polymers. While a stepwise reduction in chemicals, polymers of concern, and problematic / avoidable plastics is welcome, a blank reduction target for all polymers may be misguided and complicated to implement. Reasons:

The current draft discusses polymers from the supply side. Many primary polymers are used in structural applications which deliver important weight reduction in components and parts across various industries. Instead of establishing a broad-scope stepwise reduction in supply, an alternative would be to establish a stepwise reduction in demand (for example in sectors linked to problematic and avoidable plastic products).

Instead of limiting primary polymer production, this could be qualified to fossil-based or GHG intensive primary polymer production. The important goal here is to decouple plastic production from fossil sources and from accumulation in nature, important for Paris agreement goals and national NDCs. The so-called alternative plastics (including bio-based plastics, as per UNCTAD suggested definition) could be one option in this area, subject to careful analysis and conditions. A cap or stepwise reduction on fossil-based plastics (and an exception for bio-based plastics/ alternative plastics) could be a way to gradually decarbonize the plastics economy.

The current draft text only mentions bioplastics under the plastic alternatives definition proposed by UNCTAD, in a footnote. It is important that bio-based and biodegradable plastics (industrially and at ambient temperature) are examined carefully, taking into consideration their advantages and risks, as potential options to partially replace fossil-based plastics in unavoidable sectors in a future detailed draft.

Annex C Product design, composition and performance: It could be useful to identify the capacity of certain building materials (or construction sector in general) to serve as “plastics sinks”, also identify what materials in construction industry can be substituted by recycled plastics in a safe manner, as well as requirements to “plastics sink” materials (for example, bonds recycled plastics for the minimum of 30+ years, non-powder form, not prone to be powdered, non-soluble, maintains structural integrity under normal use conditions, etc.)

GENERAL COMMENTS

It could be useful for enhanced precision to highlight that throughout the document, under “emissions” and “releases” is understood both intentional and unintentional, or clearly state if only one of those is meant.

The workable global mechanism could be strengthened by adding “waste minimization and prevention through planning, processes optimization, product design”, possibly also through extending useful lives of plastic products and reducing reliance on single use/disposable plastic products where feasible. Here it is important to note that product design is not only focusing on recyclability, but also directly focusing on minimizing the cumulative volume of plastics waste in the medium- and long term.

It is also important to have clarity on whether the INC mechanism is “forward looking” only, or if it does it apply to historic plastics and plastics waste emissions as well. For example, asbestos-containing plastics which are being removed during building retrofits or demolitions. These plastics have been manufactured decades ago, but they are not yet “waste” until the moment of dismantling/demolition.

Since many of the measures will be unilateral measures potentially affecting trade, it could be advisable to include a provision similar to the following provision contained in the UNFCCC: "Measures taken to prevent and eliminate plastic pollution, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade."

DISCLAIMER

This document is a voluntary effort which seeks to assist country negotiators in evolving the current INC Zero Draft. It has been prepared based solely on views from individuals and institutions contributing to various streams of the [SMEP Programme](#). It does not reflect institutional positions of UNCTAD nor that of FCDO, nor those of the institutions linked to the individual co-authors.