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SUMMARIES OF RELOOP SUBMISSIONS TO THE INC PROCESS

A Global Commitment to Combat Plastic Pollution: Exploring the Options in the Zero Draft

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In the ongoing quest for a cleaner, more sustainable planet, tackling plastic pollution is at the forefront of global concerns. The United Nations Environment Assembly's Resolution of 2 March 2022 marked a significant milestone in addressing this issue, leading to the formation of an Intergovernmental Negotiating Committee (INC).

This committee's purpose is to create an international legally binding instrument (ILBI) – referred to in this summary as the “instrument” – aimed at tackling plastic pollution on land and at sea.

Member States are actively involved in the ILBI negotiations and are referred to here as “Parties”, which they become once the ILBI is ratified.

Following meetings in Punta del Este and Paris, the INC released a **Zero Draft** of this instrument in September 2023 as a preparatory step for the third meeting, INC-3, scheduled for November in Nairobi.

The Zero Draft includes 13 control measures to ensure the instrument's effectiveness. All measures have at least one option proposed to implement the measure, with eight control measures having two options, and two of the measures having three options.

This paper from Reloop, prepared by Dr Dominic Hogg, summarises Reloop's response to the options related to the 13 control measures, recommending the most effective approach and related actions that are needed to ensure successful implementation of each of the measures.

The effectiveness of the final instrument will depend on the type of options chosen to implement the measures.

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Analysis of the Options

Measures with an Option 1 and Option 2

Option 1 proposes that the specific targets, such as bans, recycling rates, or reduction goals, are included within the international instrument itself, as annexes linked to the control measures. Parties are expected to adhere to these set targets, which ensures a more uniform and structured global response.

Option 2 provides the Parties to the Treaty with greater flexibility. It allows them to propose bans, regulations or targets based on the criteria specified in the annexes. In this scenario, the Parties are free to outline their own National Action Plans (NAPs) in accordance with the established criteria. While this flexibility may seem attractive, it also introduces uncertainty, as the outcomes become dependent on the content of individual Parties' NAPs.

The importance of the choice between Option 1 and Option 2 lies in the instrument's likely effectiveness. Option 1 emphasises adherence to the instrument's content and provides a clear path to achieving the set objectives. In contrast, Option 2, with its inherent flexibility, leaves more room for interpretation and raises questions about the instrument's credibility.

Measures with an Option 1, Option 2 and Option 3

For two measures, there are three distinct options. In these cases, Option 3 is similar to the Option 2 proposed for those measures where only two options are given.

For example, as regards reducing primary plastic production:

- › Option 1 outlines specific targets for the Parties, focusing on reducing production and supply of primary plastic polymers. It offers a structured approach to tackling the issue;

- › Option 2 introduces a middle-ground approach, inspired by the Paris Agreement's Nationally Determined Contributions (NDCs). It allows parties to propose targets contributing to a global goal specified in the instrument. This approach grants parties the flexibility to reflect their intentions in NAPs; and

- › Option 3 requires that the Parties shall take measures to 'manage and reduce' global production and supply of primary polymers, and communicate these measures in their NAPs, alongside intended domestic supply.

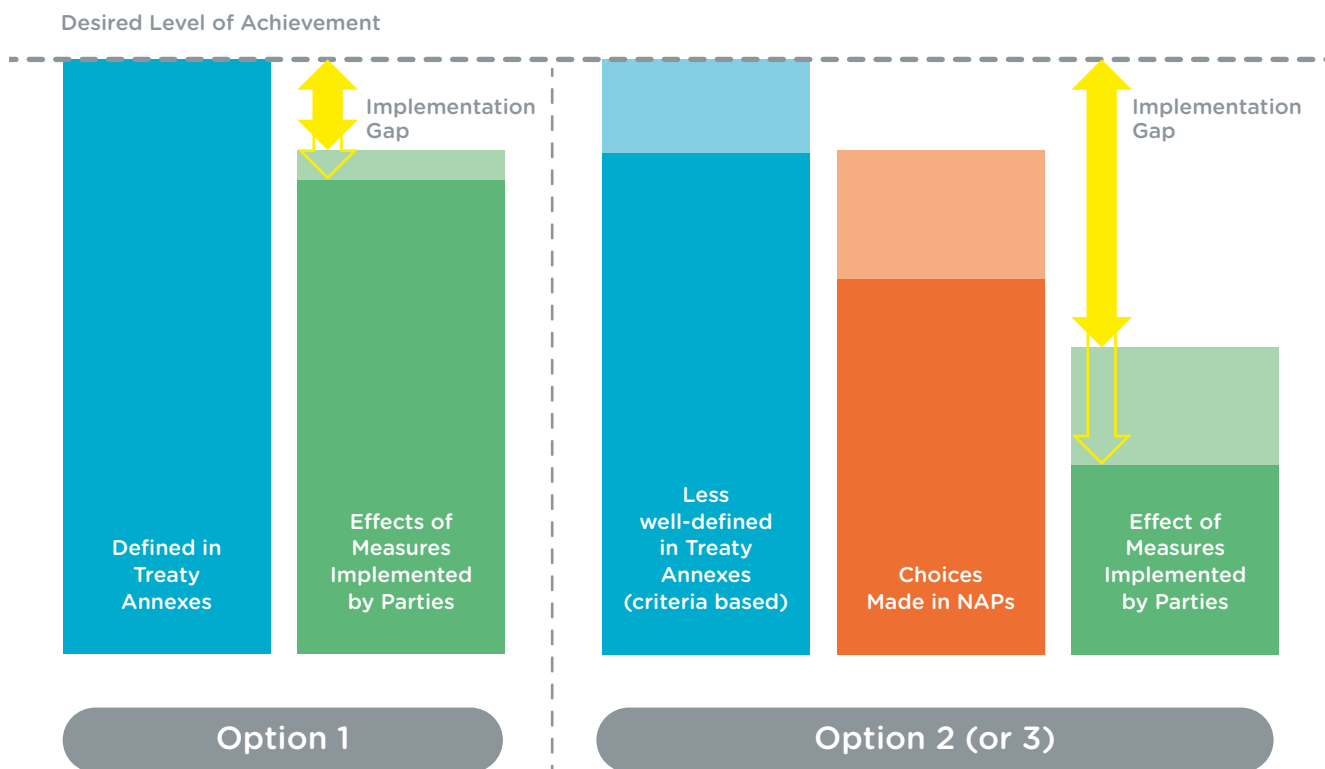
The choice among these three options is critical, because it affects how parties tackle the production and supply of primary plastic polymers and the overall effectiveness of the instrument.

Comparing an Option 1 Approach with an Option 2 (or 3) Approach

Compared to Option 1, the Option 2 (or 3) approach includes additional steps to determine the ultimate impact of a given Control Measure. These additional steps nominally provide greater flexibility, but critically, they increase the risk of the instrument's objective not being met and increase uncertainty around the instrument's attainment.

Option 2 (or 3) is much more likely to undermine the instrument's effectiveness in meeting its objective, and hence its credibility.

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Perhaps the one – very limited – point that might be said in favour of an Option 2 arrangement is that it could encourage a larger number of Parties to ratify the instrument. It should be considered that the same can be said for voluntary agreements in the private sector where there are weak or poorly specified objectives, or low barriers to entry. In both cases, the inclusion of more participants is often achieved at the expense of higher levels of attainment.

Choosing Option 2 or 3 in either of these measures is likely to result in:

- › Over-reliance on NAP content to meet the instrument's objective.
- › Uncertain outcomes.
- › Unclear financing needs.
- › Administrative challenges for the Parties, especially those lacking capacity.

- › Delays in implementation.
- › A patchwork of regulations and compliance challenges which will be costly for businesses to navigate.
- › Greater likelihood of failure to meet the instrument's objective.

Measures with only one Option

In a few control measures, only one option is presented, although in some cases this may be because further discussions around modalities have not yet taken place. It is essential to understand that the extent of the measures is still to be determined by the Parties.

In these cases, the effectiveness of the control measures will depend on the Parties' commitments and the quality of their NAPs. Therefore, it is crucial for the instrument to outline clear reporting and auditing mechanisms to ensure transparency and accountability.

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Evaluating the Role of National Action Plans (NAPs) for Parties

In the pursuit of international environmental objectives, such as tackling climate change and plastic pollution, the role of NAPs has garnered significant attention. NAPs represent a commitment by Parties to implement specific measures, but their effectiveness remains a subject of debate.

Assessing NAP impact

One pressing concern is the need for the INC to provide evidence-based insights. Critical reviews of NAPs or similar mechanisms should gauge whether these plans have led to the expected improvements. It is crucial to determine if the pace of progress aligns with the objectives of the instrument or convention they were designed to uphold. If the evidence supporting NAPs' impact is found to be lacking, this must be communicated transparently.

Conditions for success

For a deeper understanding, we must explore the conditions under which NAPs are most likely to achieve successful outcomes. Uncovering these conditions can shed light on their applicability to the INC's mission. A thought-provoking case study in this

context is the global stocktake, due for completion by the end of 2023. This process will evaluate the effectiveness of NDCs in fulfilling the goals of the Paris Agreement. Additionally, the stocktake will consider the feasibility of countries meeting their proposed NDCs.

The global stocktake dilemma

While it might be argued that the global stocktake intends to pinpoint areas where NDCs require greater ambition, it is equally important to acknowledge the stocktake's five-year cycle for NDC revision and review. This timeline may be necessary given the immense scope of the task. However, it doesn't necessarily align with the urgency demanded by issues such as climate change and plastic pollution.

As we delve into the significance of NAPs in achieving international environmental objectives, understanding the dynamics, successes and challenges of these mechanisms becomes paramount. By critically evaluating their impact and the necessary conditions for success, we can steer international efforts towards a more sustainable future.

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Summary and recommendations

The Zero Draft represents a remarkable opportunity to combat plastic pollution on a global scale. To achieve the INC's objectives, **Reloop strongly recommends an instrument that uses the Option 1 approach** so that control measures detail specific targets. This approach not only gives clarity but will also improve the instrument's effectiveness.

Robust data reporting and audit mechanisms are also essential to ensure both the credibility and effectiveness of the instrument. To make sure the Parties implement the control measures as ultimately set out in the instrument, it is critical to provide support and capacity-building to Parties with limited institutional capacity, ensuring their meaningful engagement.

Furthermore, harmonising standards, definitions and regulations in line with clear global objectives can establish a level playing field for businesses operating across multiple countries. This harmonisation not only fosters improved business practices but also contributes to a cleaner environment.

Reloop recommendations

- ›1. We urge Parties at INC-3 and at subsequent meetings to push for an Option 1 style instrument. An instrument which is largely based on 'Option 2 (and 3)' type measures leaves too much to chance to have a significant impact in the desired timeframe.
- ›2. The instrument should set out the basis for a harmonised and rigorous approach to reporting, as well as appropriate auditing mechanisms, to ensure comparable and transparent data related to plastic pollution.
- ›3. We urge businesses to call for an Option 1 instrument, recognising the benefits of harmonisation in the main target outcomes. An Option 2 or Option 3 instrument would lead to a lack of harmonisation across Parties. Businesses who sell in the jurisdictions of multiple Parties will face unnecessary burdens as a result, and most likely, for reduced benefits relative to an Option 1 style instrument.

Conclusion

In a world where synchronised actions and well-defined objectives drive global initiatives, addressing plastic pollution stands as a paramount task for the advancement of better business practices. The adoption of a uniform set of rules, adhered to by all, is indispensable. Failure to establish adequate regulations in certain countries can lead to the generation of more actual waste – and wasted energies. The cornerstone of our response to plastic pollution must be global cooperation and a shared

commitment. The Zero Draft serves as a promising foundation for addressing the issue of plastic pollution, with Option 1-based control measures offering a transformative approach. Relying on the measures detailed in the second and third options will introduce uncertainties, administrative burdens, and potential inefficiencies. Bridging the gap between setting targets on paper and translating them into concrete actions is of utmost importance.

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