

# Submission A: Scope & Principles including elements not discussed at INC-2

At its second session, the Intergovernmental Negotiating Committee requested the Secretariat to invite written submissions from Members and Observers on:

- (a) Elements not discussed at INC-2, such as scope and principles of the instrument; and
- (b) Any potential areas for inter-sessional work compiled by the cofacilitators of the two contact groups, to inform the work of INC-3.

This primer relates to **Option A** and aims to provide Members with guidance and recommendations for Scope and Principles and elements not discussed at INC-2.

This document was jointly prepared by and submitted to the Secretariat by Fauna & Flora and the Zoological Society of London.

Additional information relating to [Option B can be found here](#) and specifically explores the issue of Microplastic pollution, highlighting why this area would benefit from intersessional work and offers suggested topics for discussion.

In order to fully protect biodiversity from the impacts of plastic pollution and to ensure that solutions to the problem are locally appropriate and informed by local communities to facilitate eventual implementation of the Global Plastic Treaty, this submission focuses on biodiversity and elevating local voices.

Throughout this submission, we articulate ways in which the draft text of the Treaty should be made more biodiversity-positive and highlights where and how local voices should be driving both the development and implementation of an ambitious, effective and locally appropriate legally binding instrument.

**This submission is being shared to support Members of the Committee in the preparation of their own submissions ahead of the 15 September 2023 deadline.**

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## 1. Scope

*What is the proposed scope for the future instrument?*

*Which types of substances, materials, products and behaviors should be covered by the future instrument?*

### Proposed scope

The scope of the International, Legally Binding Instrument (ILBI) to end plastic pollution including in the marine environment should address the following:

- **Geography** – All nations and territories should be considered in scope, with the acknowledgment that territories in the Global South are disproportionately affected by plastic pollution. The ILBI must enable equitable and nationally appropriate solutions, prioritising the world's most vulnerable communities.
- **Substances/materials** - It should cover all plastic materials, including those derived from fossil fuels and/or recycled plastic and plastics made from biomass and organic feedstocks.
- **Behaviours** – The key drivers of pollution within the full life cycle of plastics must be addressed including: sourcing of feedstock and chemical additives, product design, production, manufacturing and end of life processing.
- **Products** - It should address plastic products in all sizes and categories ranging from macro- to microplastics, as well as derivatives, and by-products.
- **Triple planetary crises** – It should address the role of plastic pollution in exacerbating biodiversity loss and climate change.

### Explanatory Text

Plastic pollution is a significant threat to biodiversity. Communities around the world that are reliant upon, and work to preserve the health and functioning of aquatic ecosystems, are disproportionately impacted by plastic pollution. This submission is made in the context of averting biodiversity impact associated with plastic pollution and ensuring that local voices are driving both the development and implementation of an ambitious, effective and locally appropriate legally binding instrument.

Effective policy and practicable solutions rely upon a collective, global effort to make a meaningful difference due to the nature of this form of pollution, interactions with biodiversity and impacts on people and places.

#### **Geography:**

Pursuing a global scope that introduces binding measures and targets for all nations, while recognising sub-national and devolved mechanisms; that applies to the full life cycle of plastic; and which addresses all scales of pollution (macro- and micro-plastic) will result in a comprehensive, ambitious and internationally legally binding instrument appropriate to the scale and severity of the environmental issue it aims to address.

Plastic pollution is a pervasive, transboundary issue with presence and accumulation recorded in all environs spanning land and sea – including Areas Beyond National Jurisdiction (ABNJ). This is partly driven by international supply chains, complex material flows and global trade.

### Substances/Materials:

Bioplastics, bio-based, biodegradable, oxo-(bio)degradable and compostable plastics, are often referred to as ‘alternative plastics’ and are increasingly being put forward as solutions to the problem of marine plastic pollution. There is currently a lack of clear evidence to suggest that alternative plastics present an improvement over conventional plastics from the perspective of reliably protecting marine biodiversity and therefore should be included within scope of the ILBI.

	Feedstock?	Does it fully and reliably biodegrade in the marine environment?	Potential impacts on marine biodiversity?	Can existing systems effectively manage it at end of life?	Is use compatible with circular economy principles?
Conventional plastic	Fossil fuels	No	Physical and chemical	Yes, depending on the product and polymer	Yes, if designed to be recovered, refilled, re-usable or recyclable
Bio-based plastic	Minimum % organic feedstocks, sometimes combined with fossil fuels.	No	Physical and chemical	Yes, depending on the product and polymer	Yes, if designed to be recovered, refilled, re-usable or recyclable
Biodegradable plastic	Fossil fuels or organic feedstocks	No; it depends on specific conditions	Physical and chemical, until decomposition	No; it could contaminate waste streams	No; it is designed to break down
Oxo-(bio) degradable plastic	Fossil fuels or organic feedstocks	No; it depends on specific conditions	Physical and chemical, until decomposition	No; it could contaminate waste streams	No; it is designed to break down
Compostable plastic	Fossil fuels or organic feedstocks	No; it depends on specific conditions	Physical and chemical, until decomposition	Maybe; it requires specific conditions	No; it is designed to break down

Table 1: Evidence-based comparison between conventional, fossil fuel derived plastic and alternative plastics derived in part of wholly from biomass. Source: *Alternative Plastic: Is it the answer to ending marine plastic pollution?*<sup>1</sup>

### Behaviours:

The ILBI signifies a historic opportunity to drive forward much-needed systemic change to address plastic pollution but also to establish rules that avoids the introduction of unintended consequences.

- **Sourcing:** While recognising the imperative of moving away from fossil fuel stocks, a move to increased reliance on plastic derived from biomass (organic feedstocks), for example, will exacerbate biodiversity loss by driving land-use changes<sup>2</sup>, jeopardise food security and further fuel the climate crisis<sup>3</sup> and may not fully address the threat of pollution.
- **Design:** Material scientists and product designers must employ sustainable design techniques that reduce use of unnecessary plastic and harmful chemical additives; improve transparency throughout the supply chain, simplify product and packaging design based on the waste hierarchy principles (Reduce, Redesign, Reuse & Refill, Recapture and Recycle) and with end-of-life processing in mind.
- **End of life:** A reliance on end-of-life technologies to recapture and recycle plastic material, in the absence of upstream preventative measures in the form of production reduction and chemical detoxification, will do little to reduce the amount of plastic entering the environment and will lead to further emissions of both green-house gas emissions and chemical leakage from plastic products.

**Products:**

Plastic is known to leak into the environment across the life-cycle – it is not only an end-of-life phenomenon. Undoubtedly, significant attention will be needed to bring about systems that reverse reliance on single-use plastics and other problematic materials but, for any plastic pollution ILBI to be fully coherent, it must also introduce mandatory and ambitious measures to combat microplastic pollution.

Microplastic pollution poses a significant threat to biodiversity - impeding healthy ecosystem function, jeopardizing resilience in the face of a changing climate and driving biodiversity loss in a negative feedback loop. Increasingly, the evidence shows that microplastics are present and accumulating in all environments – in the air we breathe, the water we drink and in the food we eat. Specific measures are required that address and eliminate primary and secondary sources of microplastic pollution where possible and which support a transition from end-of-pipe/downstream solutions and perceived ‘quick fixes’ to sustainable upstream preventative action that stems the flow of microplastics to the environment throughout the life cycle of a product. Therefore, and in line with the ILBI’s mandate, the scope must explicitly include microplastics.

For example:

- **Plastic pellets flakes and powders** – the feedstock of the plastic industry – are known to enter the environment at multiple points of the supply chain from the point of production, during transport on land and at sea and during manufacturing and recycling processes. Pellets are ingested by marine life, smother sensitive coastal habitats and impact inshore fisheries yet are an entirely preventable source of microplastic pollution<sup>4</sup>.
- **Intentionally added microplastic ingredients in personal care products** flow unimpeded through wastewater into the environment. Filter feeding organisms at the base of oceanic food webs have been shown to ingest and retain microplastic particles from personal care products which prompted successful legislative bans in some countries and regions<sup>5</sup>.
- Macroplastics fragment and break down into meso- and microplastic particles and fibres during normal use. Examples include but are not limited to **textiles**<sup>6</sup> and maritime infrastructure made from **Expanded Polystyrene (EPS)**. Polystyrene is inherently toxic and is known to adsorb environmental toxins resulting in a myriad of physical and chemical impacts on biodiversity<sup>7</sup>.
- **Single-use plastic** items such as bottles are used once then disposed of, often ending up mismanaged and entering into the environment where they reside for hundreds of years. A transition to reusable, refillable water bottles has been shown to significantly reduce the amount of plastic consumption – to the tune of 9 million items from one trial in one capital city (London, UK). This model is replicable and scalable in countries with access to safe public drinking water, presenting a tangible solution to one aspect of the plastic pollution problem<sup>8</sup>.
- **Abandoned Lost or otherwise Discarded Fishing Gear (ALDFGs)** accounts for up to 75% of the plastic polluting the world’s coral reefs, seriously impeding resilience and reducing productivity. Nets and ropes pose a grave threat of entanglement to both seabirds and marine megafauna. Coastal communities have successfully intervened to retrieve, repurpose and resell end-of-life gear as feedstock for carpet manufacture in pioneering examples of transitions to a more circular economy for Nylon polymer<sup>9</sup>.

In order to meet its objectives – to end plastic pollution including in the marine environment (UNEP 5/14), we envisage that the ILBI will take the form of a specific convention whereby

binding measures and core obligations are included in the body of the convention with additional core measures and supplementary technical information and substantive details included in one or more Annexes to the Convention.

**Triple planetary crises:**

UNEP defines the triple planetary crisis as climate change, biodiversity loss and pollution, which are inextricably interconnected and need to be considered together. Plastics contribute to climate change at the extraction, production, recycling and end-of-life phases<sup>10</sup>. Plastic pollution causes the breakdown of crucial ecosystems that we are reliant on by impacting aquatic systems’ ability to carry out critical life support functions (e.g., disruption of the biological carbon pump<sup>11</sup>). The pervasive nature of plastics in the environment has led to over 2000 species being impacted by plastic pollution in the marine environment<sup>12</sup>, affecting species’ health and resilience. The direct linkages between plastic pollution, climate change and biodiversity loss mean that the ILBI must not be siloed. Inclusion of the triple planetary crisis in this scope can have significant impact to adequately allow the necessary and urgent changes needed to protect and stabilise planetary health.

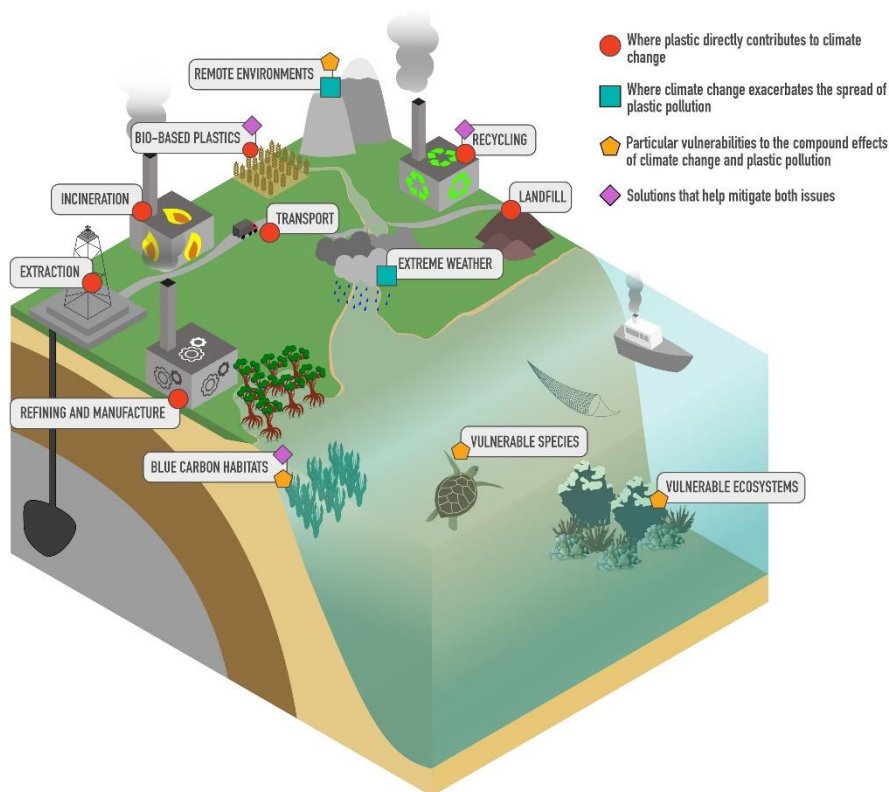


Figure 1: Interactions between plastic and climate. A schematic illustrating points made throughout Ford et al.’s (2022) paper, whereby plastic will affect climate change through the contribution of GHGs and interact with the impacts of climate change in the natural environment. Coloured shapes indicate how each component is connected to both plastic pollution and climate change. The various stages of plastic production from extraction to waste management contribute to GHG emissions, while climate change can cause extreme weather events and accelerate the spread of plastics to vulnerable and remote environments. Blue carbon habitats play an important role in sequestering carbon, but they can also bury and trap plastics, preventing further spread. Image and text taken from Ford et al. (2022)<sup>13</sup>.

## 2. Principles

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

### Proposed principles

In light of this submission's focus on ensuring that the language of the ILBI to end plastic pollution including in the marine environment is biodiversity positive and driven by and representative of local actors most at risk, we highlight below key principles that are particularly relevant, and which must not be left out. Several draw on Section C and/or the Targets of the Global Biodiversity Framework (GBF) or the principles of the Rio Declaration for the Environment.

1. **Avoidance of adverse consequences** to the climate, biodiversity and food security and need to acknowledge the interlinkages between biodiversity and health. There is a need for multiple sectors, disciplines and communities to work together and aim to avoid counterproductive solutions and to sustainably balance and optimize, the health of people, animals, plants and ecosystems, recognizing the urgent need to reduce pressures on biodiversity and decrease environmental degradation to reduce risks to health (adapted from para 25 GBF).
2. Wide application of the **precautionary approach**, such that where there are threats of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation (adapted from Rio Declaration for the Environment Principle 15).
3. Based on **scientific evidence and traditional knowledge and practices**, recognizing the role of science, technology, and innovation. (Para 12 GBF), and the need to establish a scientific body to advise the ILBI. Ensure the best available data, information and knowledge are accessible to decision makers, practitioners, and the public to guide implementation. (Adapted from Target 21 GBF).
4. Enabling **responsible and sustainable socioeconomic development** that, at the same time, contributes to the conservation and sustainable use of biodiversity (para 13 GBF).
5. Each Party would contribute to implementation **in accordance with national circumstances and capabilities**. (Para 11 GBF) The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. (Rio Declaration for the Environment Principle 6).
6. The need to catalyse implementation through **mobilization of broad public support** at all levels. (Para 12 GBF). The importance of full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by Indigenous peoples and local communities (adapted from Target 22 GBF, also with Para 8 GBF in mind).
7. The full implementation of the framework requires **adequate, predictable, and easily accessible financial resources** (para 23 GBF).

### Explanatory Text

This submission is made through the lens of ensuring the ILBI is biodiversity positive and driven by and representative of local actors. This table provides rationale for the principles highlighted above.

PRINCIPLE	RATIONALE
<p>1. Avoidance of adverse consequences to the climate, biodiversity and food security and need to acknowledge the interlinkages between biodiversity and health. There is a need for multiple sectors, disciplines and communities to work together and aim to sustainably balance and optimize, the health of people, animals, plants and ecosystems, recognizing the urgent need to reduce pressures on biodiversity and decrease environmental degradation to reduce risks to health (adapted from para 25 GBF).</p>	<ul style="list-style-type: none"> <li>• Planetary systems don't operate in isolation, therefore must be considered together to avoid exacerbating the triple planetary crises – climate change, biodiversity loss and pollution.</li> <li>• Healthy aquatic systems protect us from impacts of the climate crisis and provides half the oxygen that we breathe. Plastic pollution causes breakdown of crucial ecosystems by impacting the aquatic systems' abilities to carry out the critical life support functions – these are all the more important in the face of climate breakdown.</li> <li>• Human health will be severely impacted by the triple planetary crisis, which are each intimately connected to plastic pollution.</li> <li>• It is imperative to take a systems approach, using sound science that takes into account the intricacies and interlinks between planetary systems coupled with the application of precautionary principle to avoid unintended consequences and negative externalities associated with false solutions and biodiversity-harming clean up methods.</li> <li>• Example: A move to increased reliance on alternative plastic derived from biomass (organic feedstocks), for example, will exacerbate biodiversity loss by driving land-use changes, jeopardise food security, driving deforestation and further fuel the climate crisis<sup>14</sup>.</li> </ul>
<p>2. Wide application of the precautionary approach, such that where there are threats of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation (adapted from Rio Declaration for the Environment Principle 15).</p>	<ul style="list-style-type: none"> <li>• Plastic pollution has increased exponentially because of a rapid and unsustainable acceleration in global plastic production. We have let the situation get out of control, paying insufficient attention to the evidence, particularly of impact on biodiversity and coastal communities.</li> <li>• The scientific evidence relating to plastic pollution that is available today is sufficient to indicate broad impacts on biodiversity, ecosystem function and local communities. This evidence should be considered sufficient to support the application of the precautionary principle and encourage states to move forwards with actions to address the serious implications of plastic pollution.</li> </ul>
<p>3. Based on scientific evidence and traditional knowledge and practices, recognizing the role of science, technology, and innovation. (Para 12 GBF), and the need to establish a scientific body to advise the ILBI. Ensure the best available data, information and knowledge are</p>	<ul style="list-style-type: none"> <li>• This principle will be important as Parties consider the establishment of a scientific body to advise the ILBI bodies.</li> <li>• Local actors are best placed and equipped with location-specific knowledge and practices, to conserve and ensure sustainable use of biological resources. The ILBI must champion these local actors to be successful, and communities must be able to bring their local experiences and knowledge to the decision-making process.</li> </ul>



<p>accessible to decision makers, practitioners, and the public to guide implementation. (Adapted from Target 21 GBF).</p>	<ul style="list-style-type: none"> <li>• This principle recognises that innovation and collaboration must therefore be fostered from within the Global South, and the ILBI must not default to Global North leadership.</li> <li>• The process should seek out experiences and solutions from the Global South.</li> <li>• In order to do this, communities will require access to the right, up to date information – on both process and content - to effectively participate. States have a responsibility to compile and publish all relevant information in open-access formats.</li> <li>• Equitable opportunities for implementation must be created. Community needs must be foregrounded and prioritised throughout implementation to ensure the ILBI will benefit those most vulnerable to the adverse effects of plastic pollution and not inadvertently cause further negative impacts on such communities.</li> </ul>
<p>4. Enabling responsible and sustainable socioeconomic development that, at the same time, contributes to the conservation and sustainable use of biodiversity (Para 13 GBF).</p>	<ul style="list-style-type: none"> <li>• Local communities, particularly in developing economies, are reliant on healthy ecosystems and thriving biodiversity and are therefore disproportionately impacted by the effects of plastic pollution. They often face unique challenges relating to local investment, infrastructure and needs.</li> <li>• Plastic pollution is a key element of socio-economic challenges for poorer communities, who are often reliant upon the importation of foods and other goods from overseas. These products typically arrive in plastic packaging and are re-sold locally in smaller, more affordable sizes, involving a further step of re-packaging into another form of single-use plastic. In addition to localised plastic consumption, SIDs are increasingly vulnerable to ocean-borne plastic waste. This issue is compounded by the current solely linear approach as opposed to circular approach and insufficiently funded waste management systems, resulting in leakage of plastic waste into the environment, posing a risk to biodiversity and impacting local tourism (often the highest revenue generating sector within island economies).</li> <li>• Appropriate support – both financial and non-financial – is required to enable sustainable, local business models which generate revenue locally and shift reliance away from imported goods.</li> <li>• International contracts for the exportation of plastic waste to countries with appropriate facilities are required. Solutions need to be locally appropriate and look to foreground community needs i.e., create healthy, sustainable economies whilst reducing the impacts of plastic pollution on people and wildlife.</li> <li>• Plastic pollution is undermining the chances of success of achieving the SDGs, for example:             <ul style="list-style-type: none"> <li>○ SDG 3: Good Health and well-being</li> <li>○ SDG 5: Gender Equality</li> <li>○ SDG 6: Clean water and sanitation</li> <li>○ SDG 11: Sustainable cities and communities</li> <li>○ SDG 12: Responsible consumption and production</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ SDG 14: Life below water</li> <li>○ SDG 15: Life on land</li> <li>● We need to reverse this situation with more sustainable, non-toxic circular economies for plastic, and financial support and mechanisms to facilitate a transition away from linear plastic economies.</li> </ul>
<p>5. Each Party would contribute to implementation in accordance with national circumstances and capabilities. (Para 11 GBF) The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. (Rio Declaration for the Environment Principle 6)</p>	<ul style="list-style-type: none"> <li>● Local actors are best placed and equipped with location-specific knowledge and practices, to conserve and ensure sustainable use of biological resources. Therefore, implementation of the ILBI will only be successful if it is informed by the expertise of local actors, strengthened with the necessary financial – and non-financial – support of international states.</li> <li>● As Parties consider the financial mechanisms for the ILBI implementation, this principle will be important as it will be critical that more finance for action makes its way to the local level and that local evidence and pragmatic solutions are considered within the broader context of actions.</li> <li>● Least Developed Countries (LDCs) and Small Island Developing States (SIDS) are the stewards of 80% of the world’s biodiversity<sup>15</sup> and are also the most vulnerable to plastic pollution<sup>16</sup>. Their voices and their experiences must inform the process of implementing the ILBI so that approach and decisions are locally appropriate and look to benefit those most at risk from the pollution crisis.</li> </ul>
<p>6. The need to catalyse implementation through mobilization of broad public support at all levels. (Para 12 GBF). The importance of full, equitable, inclusive, effective and gender-responsive representation and participation in decision-making, and access to justice and information related to biodiversity by Indigenous peoples and local communities (adapted from Target 22 GBF, also with Para 8 GBF in mind).</p>	<ul style="list-style-type: none"> <li>● Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. For example, this entails access for all to public consultations including but not limited to women, Indigenous and under-represented groups.</li> </ul>
<p>7. The full implementation of the framework requires adequate, predictable and easily accessible financial resources (para 23 GBF).</p>	<ul style="list-style-type: none"> <li>● It is important to ensure that the ILBI is appropriately resourced, and that Parties support its running in a timely and proportionate way.</li> <li>● An appropriate mechanism that supports the delivery of the ILBI is essential to ensure implementation and monitoring over time</li> </ul>

### 3. Additional considerations

*Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).*

#### Additional considerations

The options for elements paper (UNEP/PP/INC.2/4) mentions biodiversity just six (6) times (see Annex I) yet plastic pollution is widely accepted as one of the compounding elements of the triple planetary crisis: Climate Change, Biodiversity Loss and Pollution. Building on evidence presented in Annex I, this submission would like to highlight opportunities for language that is biodiversity-positive to be incorporated throughout the ILBI.

It is also important that language which is responsive to local actors' situations and needs is incorporated throughout the ILBI. These are the people who are often on the frontline of the experience of plastic pollution and who have the local knowledge to help shape solutions that will work in their contexts.

Furthermore, to ensure clear communication, it is important that clear terminology is used and that phrases such as 'circular economy' and 'problematic plastics' are defined.

#### Preamble

##### 1) Harness the ambition set out in the Global Biodiversity Framework (GBF)

The preamble should acknowledge that the Parties to the Global Biodiversity Framework have set a Target to, by 2030, "Reduce pollution risks and the negative impact of pollution from all sources, by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: [...] preventing, reducing, and working towards eliminating plastic pollution".

##### 2) Reflect principles of international environmental law

In line with the following principles of international environmental law, the ILBI must not focus on the environmental impact of plastic pollution alone, rather, it must take a holistic pragmatic approach which considers all stages of the life cycle and at all scales (macro- and microplastic).

- **Sustainability** – current production, use and disposal of plastic is modelled on linear economies for plastic (a take-make-dispose model) that cannot be considered sustainable. Plastic pollution has exceeded planetary boundaries<sup>17</sup> and fails to meet any of the SDGs (notably, SDG 3, 5, 6, 11, 12, 14 and 15). A transition to more sustainable, non-toxic circular economies for plastic will need to take a systems approach which addresses resource production, use (including product design and marketing), and disposal.

- **Precautionary principle** - Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures which anticipate, prevent, or minimise the causes of- and impact of plastic pollution. Measures should take into account different socio-economic contexts, be comprehensive, and cover all relevant sources, sinks and reservoirs of macro- and micro- plastic pollution.
- **Pollution prevention** - the legacy impact of plastic pollution in the environment is significant. Macroplastics will continue to harm and entangle marine species and will smother sensitive habitats for hundreds of years to come. Microplastics – on account of their size and abundance – are widely bioavailable, bioaccumulating and detrimental to a broad range of species. Microplastics continue to enter the environment directly and also accumulate in the environment from indirect sources, including from the fragmentation of macroplastics. In order to restore the health and resilience of aquatic ecosystems, the prevention of all plastic pollution at source at each stage of the life cycle is critical. Clean up and end of life interventions will not prevent plastic pollution in the absence of upstream measures.
- **Polluter pays principle** – once in the environment, the impact of plastic pollution is severe and wholesale retrieval is both impractical, unfeasible, and rarely cost-effective. Plastic pollution is a transboundary problem and resides in the environment for hundreds of years, slowly fragmenting and becoming increasingly bioavailable and toxic over time. Consequently, the impact – and costs – associated with environmental degradation, biodiversity loss and impact on livelihoods will be felt for generations to come. These costs should be borne by the polluter (irrespective of where the pollution occurs) and not by the impacted.
- **Cumulative impacts** - Plastic pollution is intricately linked to climate change, biodiversity loss and associated food security treats. The environmental impacts of plastic – throughout the lifecycle – cannot be considered in isolation. It is crucial that the ILBI takes a holistic, systems-change approach to eliminate plastic pollution to avoid displacement of problems and the introduction of unintended consequences. For example: a switch to plastic derived solely from biomass may reduce reliance on fossil fuels (benefitting the climate agenda) but would lead to large-scale land use changes to grow alternative feed stocks – driving biodiversity loss and jeopardising food security.

### 3) Acknowledgment of impacts on communities and the need for equitable decision-making through implementation

It is imperative that this ILBI acknowledges the disproportionate impact that plastic pollution has had to-date on the world's poorer communities, who are reliant on healthy ecosystems and thriving biodiversity to survive. The ILBI must be equitable; striving not only to include, but to foreground and centre the voices of these nations and territories, many of whom may not have the resource to engage in person. Under-represented voices (including but not limited to women, communities in the Global South and Indigenous peoples) often struggle to access decision-making processes. However, participatory decision-making is more likely to craft effective solutions that have the necessary 'buy-in' to work in practice<sup>18</sup>.

The knowledge, expertise, and experiences held within these communities are invaluable, and their unique challenges around investment, infrastructure and community needs must be addressed. This should be acknowledged in the preamble. In addition, the international principles of environmental law that promote intergenerational equity and public participation are vital elements that must be integrated throughout the ILBI.

#### 4) Accountability

As this convention is to be legally binding, the need for an appropriate compliance mechanism is essential. This will ensure that Parties are held to account with regard to the implementation and enforcement of the Convention. Parties should have an administrative and regulatory system in place to ensure that the Convention achieves its objectives. It should be noted that Global South may be at greater risk of non-compliance and ensuring any mechanism is equitable.

It is important that this element of the ILBI is developed in parallel with the focal areas outlined in the Scope. It might be useful to consider compliance mechanisms for other UN Conventions such as CITES to inform this element of the ILBI.

### Formation of Science Body

For the effective operationalisation and implementation of the ILBI the creation of a scientific advisory body or technical expert group would ensure the ILBI is evidence led in both the development of criteria and implementation. This group should be inclusive of local experts from the Global South, encompassing local expertise, traditional knowledge and under-represented voices.

Such a group/body could develop scientific guidance and assessment across a range of areas relating to biological, chemical, material, political and social sciences, as well as waste management.

The structure of such a body could follow an Ad-hoc technical expert group model (ARTEG), or within the remit of a Subsidiary Body for Scientific and Technological Advice (SBSTA) or Subsidiary Body for Implementation (SBI). For the task of catering scientific evidence, an ARTEG model made up of nominated experts to explore technical areas of operationalisation and delivery would enable more effective and linked up implementation of the ILBI following ratification.

### Monitoring framework

CATEGORIES IN PROPOSED SCOPE	EFFECTIVE MONITORING APPROACHES
<b>Geography</b>	<ul style="list-style-type: none"> <li>• National Plastic Action Plans are standardised, and held in a centralised database, with information linked to the agreed ILBI targets which cover substances/materials, behaviours and products.</li> <li>• Utilising knowledge, expertise and experience of Indigenous peoples and local communities so that all knowledge is used to aid monitoring.</li> <li>• Indicators for monitoring success of the ILBI, especially monitoring levels of plastic pollution, should include a range of species spanning different trophic levels (i.e., plankton, filter feeders, fish, mammals, megafauna).</li> </ul>
<b>Substances/materials</b>	<ul style="list-style-type: none"> <li>• Transparent reporting across supply chains:</li> <li>• Mandatory transparency and disclosure around volumes of plastic produced (all feedstocks),</li> </ul>

	<ul style="list-style-type: none"> <li>• Mandatory reporting of the implementation of loss prevention measures (and effectiveness of those measures),</li> <li>• Mapping of transport of plastics (e.g., volumes on road, rail, sea) vis a vis mapping of supply chains,</li> <li>• Chains of custody (covering feedstock/material composition, presence of chemical additives);</li> <li>• Reliable monitoring of end-of-life management.</li> </ul>
<b>Behaviours</b>	<ul style="list-style-type: none"> <li>• Virgin plastic tax,</li> <li>• Removal of subsidies supporting plastic production,</li> <li>• Extended Producer Responsibility,</li> <li>• Plastic use monitoring and disclosure,</li> <li>• Sustainable design standards.</li> <li>• Sustainable handling standards.</li> </ul>
<b>Products</b> (must include microplastics)	<ul style="list-style-type: none"> <li>• Standardised monitoring/sampling protocols for plastics of all scales (macro- and microplastics) at all stages of the life cycle.</li> <li>• Standardised international analytical protocols and sample reference libraries that cover all plastics (conventional, fossil-fuel derived and alternative, biomass-derived plastics);</li> </ul>

## Financial mechanism

It is important to ensure that the ILBI is appropriately resourced, and that Parties support its running in a timely and proportionate way.

While it is important to define the scope of the ILBI, it is also important to ensure that there is an appropriate mechanism that supports the delivery of it. As such ensuring accountability and associated compliance processes, financial mechanisms, monitoring and evaluation frameworks, and scientific advisory bodies to inform design and implementation, are in place, is essential.

## ANNEX I

The Convention on Biological Diversity recognises the “*intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components*”; the “*importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere*” and affirms that “*the conservation of biological diversity is a common concern of humankind*”.

The options for elements paper (UNEP/PP/INC.2/4) mentions biodiversity just six (6) times (see Table 2 below) yet plastic pollution is widely accepted as one of the compounding elements of the triple planetary crisis: Climate Change, Biodiversity Loss and Pollution. Of the six biodiversity references in UNEP/PP/INC.2/4, only three are in relation to matters of substance and the references do not go far enough to constitute biodiversity-positive language:

- **Core Obligations:** Only one possible core obligation references biodiversity but the link is made in the context of protecting biodiversity when cleaning-up legacy pollution (Existing Plastic Pollution (Paragraph 19 B iii)). It is important to highlight that all plastic pollution will impact biodiversity, for example, direct sources of microplastic pollution, and therefore the language of all core obligations needs to be biodiversity-positive.
- **Future research:** as highlighted in the explanatory text in Section 2 of this submission, published scientific evidence relating to plastic pollution already indicates broad impacts of plastic pollution on biodiversity, ecosystem function and local communities and warrants the immediate introduction of measures based on the precautionary principle. Further research should build upon not replicate current research and should support the fine-tuning of measures as opposed to delaying action.
- **Principles:** Paragraph 5i highlights the need to avoid ‘adverse consequences to the climate, biodiversity and food security’. It is widely accepted that planetary systems do not operate in isolation. All planetary systems are intricately linked and inter-dependent and therefore, biodiversity-positive language in all principles will benefit climate and food security.

Page number:	Location:	Biodiversity reference in text:
p.11	Possible Core Obligation: Existing Plastic Pollution (Paragraph 19 B iii)	Develop criteria and guidelines on best available techniques and best environmental practices, including to ensure that clean-up activities respect <b>biodiversity</b> .
p.23	Future Research (Paragraph 38 B i)	Impact on human health and the environment, including persistent organic pollutants, and the relationship between plastic pollution, <b>biodiversity</b> loss and climate change;
p.27	Definitions (Paragraph 3 c)	<b>Biodiversity</b> and the climate system
p.28	Principles (Paragraph 5 i)	Avoidance of adverse consequences to the climate, <b>biodiversity</b> and food security;
p.32	Appendix II Background (Paragraph 4 text box, first bullet)	Plastic pollution is at the forefront of the triple planetary crisis of climate change, <b>biodiversity</b> loss and pollution, and the problem continues to grow. Global plastic production and consumption have grown exponentially since the 1950s and is set to triple by 2060 if business continues as usual.2

		Annual global production of plastics doubled from 234 million metric tons in 2000 to 460 million metric tons in 2019. It is forecast to triple under a business-as-usual scenario to an estimated 1,231 million metric tons in 2060. Global plastic materials production in 2020 was dominated by the following regions: Asia (49 per cent), North America (19 per cent) and Europe (15 per cent).
p.33	Appendix II Background (Paragraph 4 text box, fourth bullet)	The impact of plastic pollution is increasingly evident. Plastic pollution is altering habitats and natural processes, reducing ecosystems' ability to adapt to climate change and directly affecting millions of people's livelihoods, food production capabilities and social well-being. Plastic pollution has a disproportionate impact on the most vulnerable populations and affects women more than men. <sup>9</sup> The presence of plastic could dramatically shift the ecology of marine and terrestrial ecosystems. An altered environment and shifts in <b>biodiversity</b> have potentially wide-reaching and unpredictable secondary societal consequences and may impair ecosystem resilience. Plastic is ingested by wildlife. A new study of microplastics in wild-caught fish revealed evidence of plastics in the intestinal tract of 65 per cent of the 496 species examined. A new disease caused solely by plastics has been discovered in seabirds. The birds identified as having the disease, named plasticosis, have scarred digestive tracts from ingesting waste.

Table 2: Results of word search for 'Biodiversity' in Options for Elements Paper (UNEP/PP/INC.2/4)



## References

- <sup>1</sup> [Fauna & Flora. Alternative plastic: Is it the answer to ending marine plastic pollution? \(2022\)](#)
- <sup>2</sup> [Brizga, J., Hubacek, K., & Feng, K. \(2020\). The unintended side effects of bioplastics: Carbon, land, and water footprints. \*One Earth\*, 3, 45–53.](#)
- <sup>3</sup> [Peake, L., Riston, J., & Cripps, I. \(2020\). 'Fixing the system: Why a circular economy for all materials is the only way to solve the plastic problem.' Green Alliance Report. Accessed September 2021.](#)
- <sup>4</sup> [Fauna & Flora. Stemming the tide: Putting an end to plastic pellet pollution \(2022\).](#)
- <sup>5</sup> [Fauna & Flora. Developing and implementing bans on microbeads – a guide for policymakers \(2018\)](#)
- <sup>6</sup> [Fauna & Flora. Addressing microplastic fibre loss in the textile industry. \(2022\)](#)
- <sup>7</sup> [Fauna & Flora. Breaking down ocean polystyrene: An initial investigation into marine uses of foamed polystyrene \(2020\)](#)
- <sup>8</sup> [One Less Bottle](#)
- <sup>9</sup> [Coast 4 C](#)
- <sup>10</sup> [Ford, H.V., Jones, N.H., Davies, A.J., Godley, B.J., Jambeck, J.R., Napper, I.E., Suckling, C.C., Williams, G.J., Woodall, L.C. and Koldewey, H.J., 2022. The fundamental links between climate change and marine plastic pollution. \*Science of the Total Environment\*, 806, p.150392.](#)
- <sup>11</sup> [Stoett, P. and Vince, J., 2019. The plastic–climate nexus. \*Climate change and ocean governance: Politics and policy for threatened seas\*, p.345.](#)
- <sup>12</sup> [https://epic.awi.de/id/eprint/55613/1/WWF\\_Impacts\\_of\\_plastic\\_pollution\\_Report\\_220125\\_1.pdf](https://epic.awi.de/id/eprint/55613/1/WWF_Impacts_of_plastic_pollution_Report_220125_1.pdf)
- <sup>13</sup> [Ford, H.V., Jones, N.H., Davies, A.J., Godley, B.J., Jambeck, J.R., Napper, I.E., Suckling, C.C., Williams, G.J., Woodall, L.C. and Koldewey, H.J., 2022. The fundamental links between climate change and marine plastic pollution. \*Science of the Total Environment\*, 806, p.150392.](#)
- <sup>14</sup> [Ford, H. V., Jones, N. H., Davies, A. J., Godley, B. J., Jambeck, J. R., Napper, I. E., ... & Koldewey, H. J. \(2022\). The fundamental links between climate change and marine plastic pollution. \*Science of the Total Environment\*, 806, 150392.](#)
- <sup>15</sup> [Global Britain in demand: UK climate action and international development around COP26: Government response to the Committee's Second Report. Fourth Special Report of Session 2021–22.](#)
- <sup>16</sup> [IUCN. Small Island Developing States call for ambitious Global Plastics Treaty – INC-2 Paris](#)
- <sup>17</sup> [Persson, L., Carney Almroth, B. M., Collins, C. D., Cornell, S., De Wit, C. A., Diamond, M. L., ... & Hauschild, M. Z. \(2022\). Outside the safe operating space of the planetary boundary for novel entities. \*Environmental science & technology\*, 56\(3\), 1510-1521.](#)
- <sup>18</sup> [Bennett, N. J., Katz, L., Yadao-Evans, W., Ahmadi, G. N., Atkinson, S., Ban, N. C., ... & Wilhelm, A. \(2021\). Advancing social equity in and through marine conservation. \*Frontiers in Marine Science\*, 8, 711538.](#)