



In 2022, the **IUCN World Commission on Environmental Law (WCEL)** created the Plastic Pollution Task Force to provide insights and support to the Treaty negotiation process. The following is one of a series of ten targeted legal briefs that are part of the present IUCN Submission for the third Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

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[IUCN WCEL Briefings for Negotiators for INC-3](#)

These are updated briefings of the INC-1 and INC-1 submissions, please note,



the Parties for various MEAs to create synergies and mechanisms of coordination between treaty regimes with overlapping terms and areas of regulation. It builds on a steadily evolving understanding of these many forms of international legal regimes as interdependent and able to function together to reinforce their areas of shared overlap rather than as potential areas of conflict or a reason for not taking strong legal and regulatory action in these areas as part of the ILBI.

1. Utilize an expansive scope of understanding the impacts of plastic pollution

What? Plastic pollution effects nearly every aspect of life at the individual, community, national, regional and international level. During INC- 1 and INC-2, States and stakeholders emphasized these impacts and stressed that the ILBI should be responsive to the multiple levels of effects caused by plastic production, consumption and pollution. This includes the lives of producers and consumers as well as those working in the formal and informal economies. These impacts are environmental and also span a variety of other areas, implicating many forms of legal rights and obligations at the international and regional levels. In addition to the regimes discussed in the UNEP briefing note 10 in advance of INC-1, many other regimes should be considered when designing the potential interactions with the ILBI because plastic pollution has wide-ranging legal, regulatory, economic and social connections.

How? In recognition of the many forms of **human rights** that are fundamentally connected to plastic pollution and its impacts, the negotiations should examine regime interactions with the core international human rights law treaties, including topics such as just transitions, non-discrimination, the right to life, food rights, water rights, labour and employment rights,

communities rights, and protections for rural communities. These linkages were affirmed by a number of States during discussions at INC-1 and INC-2, especially regarding the need for just transitions as part of the terms and application of the ILBI and the need to incorporate traditionally marginalized communities in the creation of the ILBI. Specific treaty regimes of relevance:

- International Covenant on Civil and Political Rights (ICCPR) including the right to life (Art 6) and non-discrimination (Art 2, 26), equality between genders (Art 3), freedom of association and the right to join trade unions (Art 22), rights of children generally (Art 24), and the rights of minority communities (Art 27).

In General Comment 36 on the right to life, the Committee on Civil and Political Rights



- International Covenant on Economic, Social and Cultural Rights (ICESCR)



the associated court systems. Indeed, these courts have created case law that can be quite critical to



- SDG 12



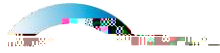
data demonstrating the impacts of some plastics production methods and waste disposal, especially involving incineration, on the ozone layer.

- Convention on the Conservation of Migratory Species of Wild Animals including provisions recognizing State Party obligation to adopt measures relating to pollution and other safety threats to migratory species. It should be noted that many of these interlinkages are amplified in the CMS Strategic Plan for Migratory Species 2015-2023. Given the impacts of plastic pollution on multiple migratory species, the potential overlaps with the ILBI are numerous.
- International Treaty on Plant Genetic Resources for Food and Agriculture including resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for groundwater, soil, and agriculture, the potential overlaps with the ILBI are numerous.
- United Nations Convention to Combat Desertification including involvement of Indigenous and local communities in order to facilitate entrenchment across all levels of government and society, use of National Action Plans as reporting tools for State Parties, which could lead to some overlaps with plastics pollution in terms of terrestrial sources, and capacity-building, technology transfer and community engagement.

In COP 15 (2022) Decision 20, State Parties adopted measures recognizing the intertwinement of desertification and drought issues with sustainable land management terms more broadly and cross-cutting treaty regimes. This was expanded in Decision 8 from COP 15, highlighting the ways in which reporting requirements under the UNCCD and other related treaty regimes could be beneficial to each other through information sharing and data collection practices.

- Convention on International Trade in Endangered Species of Wild Flora and Fauna notably, the Strategic Vision for 2021-2030 stresses the potential opportunity for advancing the principles of CITES through collaboration with other related treaty regimes. Given the impacts of plastic pollution on all species, including endangered species, the potential overlaps with the ILBI are numerous.
- United Nations Framework Agreement on Climate Change & Paris Agreement on Climate Change including a stress on the role of human activity in generating greenhouse gas emissions, which would cover plastic production, and damage to the directly connect with the understanding that the science of climate change and greenhouse gas emission impacts will expand and change, requiring flexibility in legal and regulatory responses. Principles used include equity, precaution, future generations protection and sustainable development.

The Paris Agreement includes just transitions, food security, human rights, Indigenous communities and local communities, gender equity and the rights of children and future generations. It establishes Nationally Determined Contribution reporting requirements, which could represent areas of significant overlap with National Action Plans in the



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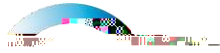


Taken together, there are important areas of overlap between the CBD regime and subsequent decisions of the Conferences of the Parties that will be critical to



- United Nations Convention on the Law of the Sea enshrining the prevention of maritime pollution as one of the duties of a Flag State (Art 94), State Party obligations regarding conservation and management of living resources within their maritime territories (Sect 2), obligation to protect the marine environment, including in relation to pollution (Art 145), and obligation to protect human health (Art 146). Additionally, UNCLOS includes_

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_____ High Seas Treaty in the preamble, reinforcing State Party obligations under UNCLOS, incorporating Indigenous communities and traditional knowledge (Art biological diversity loss and degradation of ecosystems of the ocean, due, in particular, to climate change impacts on marine ecosystems, such as warming and ocean deoxygenation, as well as ocean acidification, pollution, including plastic pollution, and _____
_____ Seas Treaty contains general principles (Art 7) including

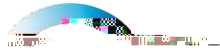


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dedicated Protocol Concerning Specifically Protected Areas and Wildlife and the Protocol Concerning Pollution from Land-Based Sources and Activities.

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- UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or

primary legal and regulatory protections for the designated areas and parallel international oversight (Art 5, 7).

- UNESCO Convention for the Safeguarding of Intangible Cultural Heritage including protections for and recognition of Indigenous and traditional knowledge as a form of intangible cultural heritage.
- UNESCO Convention on the Protection of the Underwater Cultural Heritage providing definitions of underwater cultural heritage (Art 1), regulating State-based activities that impact on underwater cultural heritage (Art 5)

- UNESCO Declaration on the Responsibilities of the Present Generations Toward Future Generations including the interlinkages between environmental health and protection

(Art 5) as well as obligations of current generations as stewards of natural resources for responsibility to identify, protect and safeguard the tangible and intangible cultural heritage and to transmit this common heri

What? A core part of most international and regional treaty regimes is the existence of one or more governance mechanisms for the implementation of the treaty. Often, these mechanisms include sub-committees or other structures that specialize in regime convergence and allow for coordination between treaty regimes with overlapping or similar interest areas. For example, the Food and Agriculture Organization (FAO) and World Health Organization (WHO) have a dedicated, shared governance entity for the adoption, review and periodic updating of the Codex Alimentarius, the internationally accepted standards for food practices. These systems offer a formal structure within which to discuss and take decisions on critical issues of shared knowledge.

How? Consider the inclusion of these for004Fuog1 11.tr be de