

## Introduction

Plastics are ubiquitous in today's world. The widespread use of plastics means plastic pollution comes from various sectors and industries, all of which use the material for bespoke applications with varying levels of risk when it comes to emissions into the environment and all of which require tailored interventions to mitigate these risks. This is because the alternatives, trade-offs and solutions inherently vary depending on the industries, markets, contexts and applications in which they are used.

With this in mind, negotiators for the new International Legally Binding Instrument (ILBI) on plastic pollution may wish to consider how to set out dedicated programmes of work for each major industrial sector in which plastics are used, as well as designing globally legally binding measures that address plastics at the material level (e.g. to phase down overall plastic production and phase out polymers and chemicals of concern). This could include, but not necessarily be limited to, dedicated programmes for the sectors with the highest usage of plastics, including fisheries, agriculture, packaging, textiles, transportation, healthcare/medical and construction.

The different uses of plastics will be subject to different considerations and governance, thus sector-specific programmes for both those sectors identified above and more in the future will need to have the scope to bring in relevant stakeholders, coordinate global strategies and design interventions that are appropriate for the different contexts.

## Examples of different sectors and their plastics usage

- **Packaging.** About 141 million tonnes of plastic packaging is produced globally per year, generating more waste than the next four biggest industrial sectors combined; 40 per cent of plastic waste, comes from packaging. Mismanagement of plastic packaging waste, lack of recyclability and the presence of toxic chemicals in plastic packaging<sup>1</sup> contribute to a myriad of environmental and health challenges.
- **Agriculture.** Agricultural supply chains use 12.5 million tonnes of plastic products every year accounting for 3.5 per cent of global plastic production.<sup>2</sup> Leakage of this plastic into the environment causes physical, chemical and biological harm to soil, terrestrial, aquatic and marine life, ecosystems and human health.<sup>3</sup>
- **Textiles.** 60 per cent of all clothing material is derived from plastic materials such as nylon, acrylic and polyester. In 2015, textile production generated 42 million tonnes of plastic waste, but due to their low recyclability textiles are often incinerated or discarded with other solid waste.<sup>4</sup> Between 1625 per cent of the 14 million tonnes of microplastics released into the marine environment annually are from synthetic textiles.
- **Fisheries.** Abandoned, lost or otherwise discarded fishing gear (ALDFG) compromises an estimated 27 per cent of beach litter in Europe, 46 per cent of the floating debris in the Great Pacific Garbage Patch<sup>5</sup> and, in a study in the North Pacific Ocean, nearly 90 per cent of marine debris intercepted by longline.<sup>6</sup> ALDFG poses a significant transboundary threat to the marine environment, navigational safety and food security.

# The role of the sectoral approach and how it can progress in the INC process

- The Zero Draft (ZD)<sup>7</sup> presents opportunities for a sectoral approach in seven of the 13 provisions in Part II, three provisions in Part IV and in Annexes C and D. This reflects support found in pre-session submissions representing 124 member States and the High Ambition Coalition submission, which now boasts 60 members.<sup>8</sup>
- The current framing of the sectoral approach in the ZD recognises how a sectoral approach can help guide overarching obligations, for example, by populating an Annex, crafting tailored guidance or creating targets and baselines. Crucially, what is currently missing is the requisite language to enable, facilitate and implement such work.
- To bridge the sectoral approach and governance, dedicated programmes of work, as proposed by Rwanda,<sup>9</sup> are a mechanism to undertake the work to facilitate tailored and effective regulations and cooperation to address the unique characteristics, materials, products, treatments and challenges of differing sectors. Dedicated programmes of work will enhance expertise, allocate resources appropriately and enable bespoke adaptability to meet treaty obligations.

## What is a dedicated programme of work?

These programmes can be viewed as akin to subsidiary bodies in other multilateral environmental agreements. Dedicated programmes are similar in that they can be established under the Treaty to utilise specific expertise, here sectoral, to advise and to make recommendations for the Parties to implement the overarching obligations of the Treaty. Dedicated programmes can assist the implementation of the Treaty by developing decisions and sectoral strategies and populating or amending Annexes.

However, dedicated programmes of work are distinguishable from any subsidiary body established to date because of their collaborative nature. Whereas most subsidiary bodies may be limited to delegates and State-sponsored experts, sectoral knowledge requires input from various stakeholders and rightsholders across the value chain. As an example, a dedicated programme of work for fisheries could include interested Member States, intergovernmental organisations such as the Food and Agricultural Organisation and the International Maritime Organisation, regional fisheries management organisations, regional fisheries bodies, non-governmental stakeholders such as fishing gear producers, fishing and seafood companies, port authorities, local municipalities, recyclers and relevant non-governmental organisations.

To engage all these relevant stakeholders, part of the mandate for dedicated programmes of work should be to create a multistakeholder action agenda<sup>10</sup> to be approved by the Conference of the Parties (CoP). Agendas are a way to bridge engagement with stakeholders across the value chain by setting out clear and dedicated responsibilities, mobilising resources and addressing the overarching mandate from the CoP. The Treaty should help facilitate the requisite engagement with other relevant international and regional governance as well as from participants with subject matter knowledge.

While these programmes may at first be mandated to produce initial decisions, guidance or recommendations to populate Treaty Annexes, the programmes could be utilised on an ongoing basis. For example, to assist the CoP in developing a continuous review of the implementation for their sector through recommendations for updating the action agenda, addressing specific operational decisions that can be taken by the CoP for the implementation of the Treaty and advising the CoP on issues relating to the means of implementation and capacity-building based on identified needs of different regions, groups of stakeholders, or otherwise.

Moreover, the dedicated programmes can play a critical role in promoting transparency, disclosure and cooperation amongst stakeholders, in particular galvanising momentum to advance and operationalise solutions before they become legally binding – in other words, motivating industry to get ahead of oncoming regulation and thus making the process of implementation smoother and more effective in meeting the overall objectives.

# Advancing a sectoral approach – some of the necessary language for the ILBI to operationalise the dedicated programmes of work:

## 1. Enabling language in the overarching objectives of the Treaty

The eventual Treaty text will contain provisions that have overarching obligations on, for example, eliminating problematic sources, product design, setting reduction targets and best end-of-life treatment.

The ZD recognises that much of this work would be best undertaken through sector-specific guidance, but lacks the specificity on how this will be manifested in the eventual instrument, thus the next iteration could refer to a provision on the dedicated programmes of work to fulfil that obligation, similar to how it currently refers to “national plans”.<sup>11</sup>

## 2. Empowering text for the governing body to establish dedicated programmes of work responsible for implementing the above mentioned Treaty provisions

Member States must decide on the preferred structural way forward to enabling these dedicated programmes. Possibilities could include either a dedicated article that sets out overarching objectives for all dedicated programmes of work in Part IV or V of the text,<sup>12</sup> but will also require empowering the governing body the function to establish dedicated programmes of work and appropriate mandates as deemed necessary for the implementation of the Treaty.<sup>13</sup>

## 3. Empowering language in a provision to adopt and implement guidance

The language in the overarching objectives and/or institutional governance must also empower the CoP to adopt any guidance or work produced from the dedicated programmes, as appropriate. These decisions should take every effort to be made in consensus, but as a last resort rely on the rules of procedure for voting. Further, the text must reflect that decisions are binding on all parties, unless otherwise provided for in the decisions or an exemption set out in the text.<sup>xiv</sup> Thus, requiring Parties to adopt measures to implement an adopted strategy into its national plans.

## 4. Facilitating language under the Secretariat

When the Treaty establishes a Secretariat, among its other functions language should be included to arrange and service meetings for the dedicated programmes of work. Additionally, a Secretariat function would be to help prepare and transmit reports based on information received and or derived from meetings of the dedicated programmes of work. Further, to convey information from dedicated programmes to the parties on guidance, capacity-building and information-sharing to assist in implementing sectoral governance.

## How this plays out once established

At the first meeting of the CoP, the governing body should adopt a mandate for each dedicated programme of work for the sectors identified as the most urgent; EIA suggests packaging, fisheries and aquaculture, agriculture and textiles as a priority. Other future sectors identified include wastewater, healthcare, construction and transport; however, as new information becomes available, the CoP must be empowered to initiate new sectoral programmes that we may not yet be aware of.

Relevant stakeholders must be identified for participation and, where appropriate, financing utilised to facilitate the adoption of a multistakeholder action agenda. From there, stakeholders can fulfil the agenda with the relevant expertise. For agriculture, collaboration with the FAO could help identify the relevant farmers, labourers,

governmental bodies, agricultural businesses, consumers, non-governmental organisations and research institutions, financial agencies and retailers that have knowledge to facilitate this process. These stakeholders could build on existing international work, such as the development of a Voluntary Code of Conduct on agricultural plastics and the adopted Voluntary Guidelines for the Marking of Fishing Gear.

A focus for the agricultural agenda may be identifying single-use or short-lived plastic products and problematic plastics to be banned, such as polyvinyl chloride, oxo-degradable plastics and synthetic polymer-coated fertilisers. Also, developing product design standards, such as minimum mulching film thickness, product labelling and marking or genuinely sustainable alternatives. There could also be guidance created for Parties to adopt relevant agriculture-related EPR schemes and best technologies for end-of-life treatment.<sup>15</sup>

The dedicated programme on agriculture would report these findings through the Secretariat back to the Parties for adoption at the CoP into the appropriate Annexes or taken as decisions to guide domestic and regional legislation. Specific questions or recommendations could also be raised for other subsidiary bodies such as scientific and technical bodies. Reviews of decisions taken by the CoP could then take place to ensure the most effective implementation, avoid problem-shifting and adapt to new data and technologies.

## Conclusion

The next iteration of Treaty text must clarify the roles of various sectors and how to achieve the sectoral approach through enabling, empowering, facilitative and implementation-oriented language.

The Action Agenda is a crucial supporting instrument for fostering momentum and mobilising stakeholders. Overarching mandatory upstream measures to reduce consumption and ban problematic plastics are essential to end plastic pollution. However, a sectoral approach through dedicated programmes of work will play an imperative role in creating guidance to intervene across the lifecycle of plastics, ending plastic pollution.

These programmes can leverage existing efforts such as the Ellen MacArthur Foundation's Global Design Rules for packaging, engage with stakeholders, foster sectoral accountability, operationalise existing commitments and promote decisive action.

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6. Uhrin, A.V. et al (2020). Relative Abundance of Derelict Fishing Gear in the Hawaii-based Pelagic Longline Fishery Grounds as Estimated from Fishery Observer Data (Sci Rep 10, 7767).
7. UNEP/PP/INC.3/4 Advance: Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment [hereinafter Zero Draft]. Available [here](#).
8. Submission by the High Ambition Coalition (February 2023). [Available here](#).
9. Submission By Rwanda (February 2023). Available [here](#).
10. UNEA 5/14 resolution End Plastic Pollution Towards an International Legally Binding Instrument\* includes the provision under 3(m) to "initiate a multi-stakeholder action agenda". [Available here](#).
11. See, for example, common provisions under Waste Management and further Part V1 on national plan
12. For example, language on establishing the Conference of the Parties is found in UNFCCC Art. 7 or Ramsar Article; subsidiary bodies in Convention on Biological Diversity Article 24.
13. For example, language on establishing the Conference of the Parties is found in UNFCCC Art. 7 or Ramsar Article; subsidiary bodies in Convention on Biological Diversity Article 24.
14. See, for example, Zero Draft, Part II. Section 4.
15. FAO, Assessment Of Agricultural Plastics And Their Sustainability – A Call For Action. [Available here](#)