**First session of the Intergovernmental Negotiating Committee to develop an internationally legally binding instrument on plastic pollution, including in the marine environment (INC- 1)**

26 November – 2 December 2022

**MEMBERS BRIEFING NOTE**

**Cluster # 5: Environmentally Sound Waste Management**

1. **Background Information[[1]](#footnote-1)**

Under this cluster, negotiators must consider the role of the agreement in addressing the ‘downstream’ stage of the plastics life cycle - environmentally sound waste management (ESM). Separating out discussions on ESM from midstream and upstream stages is critical to avoid conflation and develop measures tailored to the very end of the plastics life cycle once all other options for its retention in the economy have been exhausted. As waste management (i.e. downstream) approaches inherently rely upon measures enacted further upstream, EIA and CIEL believe such discussions could take place later in negotiations after core provisions for upstream and mid-stream have been agreed. This cluster will require consideration of how this work will align with efforts already underway under the Basel Convention, which has attempted (rather imperfectly) to describe and address it but not within the context of resource efficiency and circular economy approaches and in the absence of robust means of implementation. For example, it will be essential to differentiate between mechanical and so-called ‘chemical’ (or ‘advanced’) recycling in the context of the discussion on circularity and resource efficiency. Chemical recycling is a term that has been used to describe multiple technologies that 4 thermally or chemically destroy plastic at very high heats, such as pyrolysis and gasification, with little resemblance to mechanical recycling and much greater environmental and climate impacts.

EIA and CIEL recommend that the Basel Secretariat engage fully in the INC negotiations with a view to identify areas of necessary development for the Draft Guidelines for Environmentally Sound Management of Plastic Waste (ESM Guidelines). It will be particularly important to focus on areas requiring significant development, including priority orders of action for waste management operations that consider hazardous emissions, efficiency scenarios of different recycling processes and climate trade-offs. For example, negotiators will need to consider when incineration, waste-to-energy and other end-of-life treatments fall out of the scope of ‘environmentally sound’ – something not elaborated upon in the existing ESM guidelines. As a priority, negotiators must develop the Basel Convention’s existing work and to advance legally binding provisions on waste management.

Further to this, EIA and CIEL advise negotiators deploy ‘systems thinking’ as a diagnostic tool when considering what constitutes ESM. This involves contemplating how outputs and impacts of different waste management methods can influence one another within integrated systems such as ecosystems and the wider environment. For example, landfilling plastic waste with a single as opposed to a double liner may be considered ‘environmentally sound’, but this would not consider toxic effluent polluting aquifers or water which is destined for human consumption. This is especially important considering the ability for plastic pollution and associated chemicals to migrate through physical and biological systems, having secondary, tertiary, and compounding impacts.

**2. Potential questions that could facilitate discussions at the first session**

The following table is based on the concept note developed by the Secretariat of the INC.

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| **INC concept note element** | **Response** | **Why is this important to the Pacific Region?** |
| 26. Considerations for the legally binding instrument |  |
| (a) Which problem or problems will the instrument/[the cluster] aim to address? | **Member State comments**: | **Member State comments**: |
| How will the aim be reflected in the instrument? | **Member State comments**: | **Member State comments**: |
| (b) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing the problem or problems? | **Obligation/s:****Member State comments**: | **Member State comments**: |
| **Control measures:** **Member State comments**: | **Member State comments**: |
| **Voluntary measures:****Member State comments**: | **Member State comments**: |
| (c) How can the instrument create an incentive-based approach and enabling environment such that it is in everyone’s interest to implement their obligations? | **Member State comments**: | **Member State comments**: |
| 27. Considerations in structuring the process to reach agreement |  |
| (a) On what issues can early agreement be envisaged?  | **Member State comments**: | **Member State comments**: |
| (b) What areas require further work to be undertaken by the secretariat or by the Chair of the committee? | **Member State comments**: | **Member State comments**: |
| By when? | **Member State comments**: | **Member State comments**: |
| (c) How can the INC ensure that the interests of all stakeholders are considered and contribute to the process of elaborating the instrument? | **Member State comments**: | **Member State comments**: |

1. [from EIA and CIEL Sequencing of work for the INC 4th July 2022](https://apps1.unep.org/resolutions/uploads/submission_-_sequencing_of_inc_work_eia_ciel.pdf) [↑](#footnote-ref-1)