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BULLETIN

States Seek Treaty on Plastic Pollution

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With negotiations likely to start later this year, a treaty supported by the United Nations Environment Programme (UNEP) is expected to make it possible to tackle the problem of plastic waste pollution, a transnational problem requiring international cooperation. The challenge will not be its adoption as much as its implementation, as it requires legislative action and investment by countries and business. However, it will benefit especially the environment, biodiversity, and human health. It is in Poland's interest to negotiate flexible solutions and identify directions for national action.

Plastics and Their Impact on the Environment. Plastics are one of the most widely used industrial materials, especially in packaging, but also in textiles, pharmaceuticals, the automotive sector, construction, and others. At the same time, according to World Bank estimates, plastic waste accounts for as much as 12% of all waste generated globally. The Organisation for Economic Co-operation and Development (OECD) indicates that as much as two-thirds of this amount is generated by products used five years or less, mainly packaging and textiles. Meanwhile, only 9% of the plastic produced globally is recycled (e.g., 11% in the UK; 5-6% in the U.S.). The remaining 19% is incinerated, 50% ends up in landfills, and 22% is discarded into the local environment where it can flow into rivers then to seas and finally into the oceans. The UN experts estimate that up to 11 million tonnes of plastic may enter the marine environment each year and, without counteraction, this figure will double by 2030 and almost triple by 2040. According to a report prepared for the World Economic Forum, by 2050 there will be more plastic by weight than fish in the seas and oceans.

Plastic pollution has serious consequences for the environment and human health. It harms biodiversity, threatening many species of plants and marine and coastal animals and, in the case of uncontrolled dumping, also affects land animals (which swallow various types of plastic waste or become entangled in it). Plastic particles called microplastics—microscopic pieces formed when plastics break down, for example, under UV light—are found in fish or seafood and can adversely affect the human body when ingested. Initial studies indicate that microplastics may disrupt hormonal and neurological activity, fertility, and other functions. Uncontrolled burning of plastics results in air pollution, producing carcinogenic dioxins, sulphur and nitrogen oxide, and particles harmful to the respiratory system. The production and disposal of plastic (including controlled burning) also produces greenhouse gases, mainly CO_2. U.S. experts estimate that the volume of emissions from the U.S plastics industry will exceed those from all U.S. coal-fired power plants by 2030.

Attempts to Address the Problem to Date. The problem of plastic pollution has been regulated at the international level in a piecemeal and cursory manner. For example, the regulations against plastic pollution of the marine environment in the 1972 London and 1973 MARPOL Conventions prohibit the disposal of plastics into the sea only from aircraft, ships, or platforms. The 1982 UN Convention on the Law of the Sea addresses shore-side pollution but does so in a general way, directing states only to take measures to prevent and control such activities and to strive for regional and global standards. Not much more specific is the 1989 Basel Convention, which, in addition, deals only with waste moved across borders. Notwithstanding these agreements, individual attempts have been made in some 120 countries to regulate the use of plastics at the national level, for example through bans or taxes. Mostly, however, these are selective and often only apply to plastic bags (for instance, Rwanda completely banned their use in 2008), which are only a small portion of plastic waste.

Recognising this problem, countries in recent years have taken new initiatives in this sphere, albeit mainly related to ocean pollution. Action plans to combat marine litter have been adopted by the G7 (2015) and the G20 (2017), and similar steps

have also been taken by regional organisations: the South Asian ASEAN, the Pacific APEC, and the Caribbean CARICOM (from 2019) and Alliance of Small Island States AOSIS (from 2021). When it comes to tackling plastic pollution at sea and on land, the EU is leading the way (2018 "Plastics Strategy"). It has been followed by, among others, the OECD, which adopted in March a "Declaration on a Resilient and Healthy Environment for All", and 30 of its 38 members (with the exception of, among others, Poland) have announced unilateral commitments to reduce plastic pollution. In addition, there is global action by UNEP, the World Health Organisation, the World Trade Organisation, the International Maritime Organisation, and others. Furthermore, there are non-state initiatives, mostly by NGOs and corporations using plastic, such as "ReSource: Plastic" launched in 2019 and the Plastics Pact Network of 2020.

The existing legal regime is therefore incomplete, and some treaty solutions are incompatible with each other. There is also no unified vision for waste management. The multitude of initiatives and regulations confuses companies and increases the cost of doing business.

Main Features of the Proposed Treaty. The solution could be a global treaty on plastic pollution, which has been compared to the Paris Agreement on climate change due to its ground-breaking nature. A negotiating committee of 175 countries was set up in March unanimously under the aegis of UNEP and is expected to start work in the second half of the year. By 2024, it should agree on the specific contents of the agreement. For now, countries have only set out general guidelines. It will then be subject to ratification.

The aim of the treaty is to reduce and, in the long term, eliminate plastic pollution by creating a circular economy for plastics. It will contain legally binding obligations, but it is likely to give countries the option to choose how to achieve the main aim by making their own commitments (like the Paris Agreement). It will also support coordination between existing initiatives. Contrary to the aspirations of some countries, such as Cambodia and Japan, it is intended to address more than just waste management and not just the seas and oceans. It will attempt to regulate pollution in a holistic manner, covering all ecosystems and the entire lifecycle of plastics, including their production and use. However, it is unclear whether it will establish quantitative limits on plastic production, an idea so far opposed by major producer countries such as China and the U.S., as well as by recycling technology leaders such as Japan. A possible financial support mechanism for developing countries is also likely to be controversial at the talks. A mixed position was taken by business. The proposal for an ambitious treaty is supported by more than 90 global corporations, including H&M, Nestle, PepsiCo, and Unilever, in part because more uniform solutions on a global scale would reduce their production costs. However, large chemical companies such as BASF, Dow, Ineos, and ExxonMobil are sceptical, since the creation of a circular plastic economy would reduce demand for new plastics they produce.

Perspectives and Recommendations. UNEP estimates that the implementation of a circular economy for plastic would reduce its production by 55% by 2040, reduce the amount of plastics entering the oceans by 80%, and lead to a cut in related greenhouse gas emissions by 25%, as well as create hundreds of thousands of jobs in the waste-management sector. The envisaged treaty could thus clearly reduce pollution to the benefit of biodiversity and human health. The chances of its adoption are ample, as there are no clear opponents even amongst the largest plastic-producing countries. The latter will, however, insist on at least no limits on production. The question also remains as to how the ratification process of the agreement (especially by the U.S.) will go. The need for countries and businesses to incur costs to implement the treaty may in turn be hampered by a recession in the global economy, predicted by some economists in the near term, in part because of the energy crisis caused by Russia's aggression against Ukraine.

It is in Poland's interest to be actively involved in the treaty talks in order to negotiate suitably flexible solutions beneficial to Polish businesses. It also is advisable to take steps, in consultation with business, to develop realistic potential commitments to combat plastic pollution for at least the next 10 years (following the example of many other OECD countries, including those in Central Europe, that have already made them).

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