

RECOMMENDATIONS FOR MEMBER STATES REGARDING THE ZERO DRAFT

Key Recommendations:

1. In addition to existing references to ‘workers in informal and cooperative settings’, we want ‘waste pickers’ specifically mentioned in the text on account of our particular vulnerability, and historical role in the sector- for example, in the list of groups that should receive special consideration in part 2.12 on Just Transition.
2. Define essential terms, such as 'waste pickers,' 'workers in informal and cooperative settings,' 'just transition,' and 'informal waste and recovery sector' to enhance clarity and understanding.
3. Just transition is currently cross referenced in sections on EPR (2.7) and National Plans (4.1), we propose that it also be cross referenced in: the sections on Waste Management (2.9); Product design and reduce reuse refill and repair (2.5b); and Part III (financing and capacity-building).

Specific text suggestions are included below.

The International Alliance of Waste Pickers, representing 460,000 organized waste pickers across 34 countries, expresses its appreciation for the inclusion of "Just Transition" in the Zero Draft¹ of the proposed legal instrument addressing plastic pollution. We recommend that the objective of this instrument explicitly include a reference to "just transition."

Furthermore, we strongly urge enhancing the existing text on "Just Transition" within the legal instrument, with detailed recommendations provided in *Annexure-1 Amendments for Zero Draft*, and to specifically mention waste pickers in the text. Waste pickers have been steadfast advocates for "just transition" within the framework of this legal instrument for over a year. It is surprising not to find a reference to waste pickers in the current text. We advocate for guidelines and toolkits in the UN Plastics Treaty to support member states with implementing their obligations related to a Just Transition for workers in plastics value chains.

Simultaneously, we propose cross-referencing "Just Transition" text with other sections, particularly those related to Extended Producers Responsibility, Waste Management, followed by Financing, and subsequently in Problematic and Avoidable Plastics, Product Design, Composition, and Performance, Capacity Building, Technical Assistance, and Technology Transfer. All member states mandatorily undertake measures for Just Transition.

We strongly recommend that member states incorporate clear definitions for terms such as "waste pickers," "workers in informal and cooperative settings," "informal waste recovery sector," and "just transition" within the text. Without clear definitions, these terms can be subject to loose interpretation and may carry different meanings. Definitions for these terms are provided in *Annexure-2 Asks related to those sections addressed in the Synthesis Report for discussion at the Preparatory Meeting*.

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¹ <https://wedocs.unep.org/bitstream/handle/20.500.11822/43239/ZERODRAFT.pdf>

ANNEXURE-1 Amendments for Zero Draft

For Contact Group 1

Part I

2. Objective

Option 1 (*Option 1 is preferable*)

1. The objective of this instrument* is to end plastic pollution, including in the marine environment, and to protect human health, and the environment while facilitating a just transition.

Option 2 (*In case, Option 2 is preferred by member states, we suggest making changes to 1.2 provided below*)

1. The objective of this instrument* is to protect human health and the environment from plastic pollution, including in the marine environment, [.]

Option 2 sub-options that may be considered pertinent for the end of the paragraph: [

1.2 based on a comprehensive approach that addresses the full life cycle of plastic while facilitating a just transition.

Part- II

3. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics

a. Problematic and avoidable plastic products, including short-lived and single-use plastic products

Option 1 *Option 1 is preferable*

1. Each Party shall not allow the production, sale, distribution, import or export of the plastic products, including short-lived and single-use plastic products, listed in part II of annex B, after the dates specified for those products, and identified based on criteria set out in part I of annex B, except where the Party has a registered exemption for the relevant product(s) under part II of annex B pursuant to [part II. on exemptions available to a Party upon request]. Parties shall, in implementing this provision, take appropriate measures to facilitate a just transition.

5. Product design, composition and performance

b. Reduce, reuse, refill and repair of plastics and plastic products

Option 1 (*Option-1 is preferable*)

1. Each Party shall, based on guidance to be adopted by the governing body* at its first session, take effective measures to promote the reduction, reuse, refill, repair, repurposing and refurbishment, as relevant, of plastics and plastic products produced within its territory and those available on its market, in particular through the implementation of reuse, refill and repair systems. Parties shall, in implementing this provision, take appropriate measures to facilitate a just transition, by providing opportunities for waste pickers and other workers in informal and cooperative settings.

c. Use of recycled plastic contents

Option 1 (*Option-1 is preferable*)

1. Each Party shall require plastics and plastic products produced within its territory and those available on its market to contain minimum percentages of safe and environmentally sound post-consumer recycled plastics locally sourced from waste pickers and other workers in informal and cooperative settings on priority basis, as set out in part III of annex C, within the timeframe specified in that annex.

Provision common for Options above

2. Each Party shall take measures to ensure that, where needed, primary plastic in products is replaced by safe and environmentally sound recycled plastic content. The measures taken to implement this provision may include the use of regulatory and economic instruments, public procurement, or incentivizing changes in the supply chain including waste pickers and other workers in informal and cooperative settings and in consumer behaviour and shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

7. Extended producer responsibility

Option 1 (*Option-1 is preferable*)

2. Parties shall, in implementing this provision, take into account how the measures taken would contribute to a just transition with special consideration of waste pickers. These measures shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans].

9. Waste Management

a. Waste management

Option 2 (*Option-2 is preferable*)

1 Each Party shall take effective measures on safe and environmentally sound waste management at its different stages, including handling, collection, transportation, storage, reuse, refurbishing, recycling and final disposal of plastic waste, and facilitate and promote a just transition for waste pickers and other workers in informal and cooperative settings. The measures taken to implement this provision shall be reflected in the national plan communicated pursuant to [part IV.1 on national plans], with an aim to achieving nationally determined targets and minimum requirements developed based on the harmonized indicators set out in part II of annex F.

2. The governing body* shall adopt at its first session, and subsequently update as needed, guidelines on safe and environmentally sound management of plastic waste, taking into account the waste hierarchy, and other relevant international guidelines and guidance, including those related to labour standards and human rights.

Provision common for Options above

[6][5] Parties shall take additional measures to:

b. promote investment and mobilize resources from all sources including Extended Producers Responsibility to cover financing gaps for waste management systems and infrastructure that enable environmentally sound management of plastic waste and enhance waste management capacity, in light of current and expected waste generation levels; and

12. Just transition

1. Each Party shall promote and facilitate a fair, equitable and inclusive transition for affected populations, with special consideration for waste pickers, women and vulnerable groups including children and youth, in the implementation of this instrument*.

This ~~may~~ shall include, but not be limited to:

a. Designating a national coordinating body for engagement with relevant stakeholders, including public authorities, trade unions, workers' associations, non-governmental organizations and local communities; whose activities should include data collection, monitoring, evaluation and national reporting on progress towards just transition.

b. Enabling policies and conditions to ~~improve income~~ ensure living incomes, opportunities and livelihoods for waste pickers and other workers in informal and cooperative settings and impacted communities, including workforce training, development and social programmes including social security, according to their needs and priorities;

d. Promoting a clean, healthy and sustainable environment for communities and workers across the value chain, including workers in the waste management sector in respect and promotion of fundamental human rights;

e. Improving working conditions for workers in the waste management sector, including by providing legal recognition for waste pickers and other workers in informal and cooperative settings through universal registration and issuance of occupational identity cards and facilitating the formalization of their associations or cooperatives, and integration in waste management systems;

f. Integrating waste pickers and other workers in informal and cooperative settings into a safe plastics value chain, including by requiring plastic product producers, recycling and waste management companies to integrate plastics collected and sorted by them into their operation schemes; and

g. Requiring a portion of the fees collected through EPR schemes to be used to improve infrastructure and safeguard and improve the livelihoods, social security and opportunities for, and develop the skills of, workers in the waste sector, including waste pickers and other workers in informal and cooperative settings.

h. Parties shall promote synergy and complementarity with relevant organisations such as trade organizations and trade associations and intergovernmental bodies and cooperate towards the realisation of fundamental workers rights.

For Contact Group 2

Part III

1. Financing

1. Parties shall provide the necessary resources for national activities intended to implement this instrument*. Such resources may include domestic and international funding, as well as facilitation of private sector financing through mandatory EPR service fees or taxes, including voluntary contributions.

10. Each Party shall take measures to:

b. increase financial flows from all domestic and international, public, and private sources, towards projects that prevent or reduce emissions and releases to the environment of plastics and plastic products across the life cycle, including microplastics, including for the development of adequate waste management infrastructure, and just transition for waste pickers and other workers in the informal and cooperative settings.

2. Capacity-building, technical assistance and technology transfer

3. Parties shall promote and facilitate the development, transfer on mutually agreed terms diffusion of and access to up-to-date environmentally sound technologies to address plastic pollution, including through safe and sustainable alternatives and non-plastic substitutes. In implementing this provision, Parties shall promote and facilitate innovation and investment in pursuit of new technologies and innovative solutions, and shall facilitate access to essential technologies, including with respect to financial resources and proprietary rights. The parties shall ensure that waste pickers and other workers in informal and cooperative settings have access to investment, technological and skill upgradation.

Part IV

3. Reporting on progress

Option 1 (Option-1 preferable)

Adding a new point -7 to the existing text

7. The parties shall report to the governing body about the measures taken to facilitate the just transition for waste pickers and other workers in informal and cooperative settings.

6. Information exchange

1. Each Party shall facilitate and undertake exchange of information relevant to the implementation of the instrument*, including on:

c. Knowledge, including Indigenous and waste pickers knowledge, inter alia, on environmentally sound waste management, sources of plastic pollution, human and fauna and flora exposure to plastic pollution and the associated risk management and reduction options.

7. Awareness-raising, education and research

1. Parties, individually, jointly or through relevant regional or international bodies or networks, should cooperate to promote awareness on plastic pollution and the objective of this instrument* and to incentivize behavioral change, capacity-building and the sharing of information, including on Indigenous, traditional and local, and waste pickers and other workers in informal and cooperative settings knowledge systems.

ANNEXURE-2 Asks related to those sections addressed in the Synthesis Report for discussion at the Preparatory Meeting

Definitions:

Workers in Informal and Cooperative Settings:

Workers in Informal and Cooperative Settings, which include waste pickers and others in the plastic value chain, hold crucial roles in plastic waste management. They collect, sort, sell, reusable and recyclable plastic products, including textiles, to sustain their livelihoods, often without state regulation or support. The majority of these workers are typically self-employed or have informal employment arrangements. Many of them organize or coordinate themselves into democratic independent groups of waste pickers and other workers who collaborate to address their livelihood and social protection needs. These groups can be registered as cooperatives, unions, or associations, and the workers in these groups jointly own and democratically manage enterprises dedicated to waste collection, sorting, and selling for reuse and recycling.

Waste Pickers:

Waste pickers can be described as people who participate (individually or collectively) in the collection, separation, sorting, transport, and sale of recyclable and reusable materials and products (paper, plastic, metal, glass, and other materials) in an informal or semi-formal capacity, as own-account workers, or a cooperative or social and solidarity economy setting, and as workers who subsequently achieved formal work arrangements through their organizations².

Just Transition:

Just Transition is defined as ending plastic pollution in a way that is as fair and inclusive as possible to everyone concerned, creating decent work opportunities and leaving no one behind. It is based on making visible those already working at all stages of the plastic value chain, waste pickers and other workers under informal and cooperative settings and recognizing their fundamental human dignity, and their historic contribution. It involves maximizing the social and economic opportunities of ending plastic pollution while minimizing and carefully managing any challenges – including through effective social dialogue among all groups impacted, and respect for fundamental human rights. A plan for a just transition must build and improve upon systems that waste pickers have already established while guaranteeing, better and decent work, social protection, more training opportunities, appropriate technology transfer, support for infrastructure and organizing of workers in cooperatives, and associations, and greater job security for workers at all stages of the plastic value chain, waste-pickers and other workers in informal and cooperative settings, and all workers affected by plastic pollution. Its specific outworking will depend on local context and local consultation. The just transition framework should emphasize supporting waste pickers and other workers who are most vulnerable to occupational disruption from waste management investments and climate change.

² Definition of waste pickers outlined by international waste pickers movement in the constitution of the International Alliance of Waste Pickers (Link: https://globalrec.org/wp-content/uploads/2022/10/international_alliance_waste_pickets_constitution-2022-english.pdf)