

Summary

GAIA and BFFP Latin American Member Organisations' analysis of the zero draft of the plastics treaty

The Latin American and Caribbean organisations that have been jointly monitoring the global plastics treaty process since the adoption of UNEA resolution 5/14 in 2022, would like to express the following views on the zero draft of the legally binding instrument to stop plastic pollution:

1. We consider the zero draft to be a balanced document in terms of proposals. It needs to be considered as a basis for negotiations at INC-3 to be held from 13-19 November in Nairobi, Kenya.
2. Provisions should be more specific to ensure that the destination of the negotiations is a specific treaty and not a framework treaty, to avoid the delays implied by a framework treaty with additional protocols negotiated after the adoption of the treaty.
3. Regarding the objectives in Part I, it is of utmost importance that they focus on the protection of human rights and environmental justice. In particular the health of people and the protection of the environment from the damage caused by the entire plastic chain, including the extraction of raw materials and the manufacture of their precursors. Option 2 sub-options 1 and 2 seem to us to come closest to these requirements. The rights of indigenous peoples must be especially protected in this treaty.
4. On primary plastic polymers in Part II, it is essential that the treaty sets realistic reduction targets for the production of primary plastic polymers, and that compliance with the targets is mandatory for all countries. Option 1 in this paragraph is the one we recommend, with the correction that human and environmental health should be considered simultaneously. It will be necessary to quantify the baseline production for the establishment of the targets. Such quantification should be done with independently validated methods and without conflict of interest. Reduction targets should be set in order to respect planetary boundaries and protect human rights. Current data suggest a reduction of at least 70% of 2019 production by 2050 to avoid direct carbon emissions that would cause climate change of more than 1.5 degrees¹. The Treaty would have to take into account the contribution of other greenhouse gases within the plastic chain (e.g. methane) as well as indirect effects (e.g. the impact of microplastics on carbon sinks).

¹ Data from Eunomia and Zero Waste Europe (2022) referenced by CIEL (2023) [Reducing Plastic Production to Achieve Climate Goals](#)

5. The elimination of direct and indirect subsidies for the production of plastics and the production of hydrocarbons and precursors as raw materials for their manufacture must be an obligation for countries.
6. Chemicals and even hazardous polymers must be eliminated from plastics production. Option 1 in part 2 Chemicals and polymers of concern is the most appropriate option.
7. Currently, all plastic products and materials are problematic. Criteria for the disposal of such products and materials should be established. Disposal criteria should be established transparently by a panel of independent experts free of conflict of interest.
8. Emissions of microplastics from plastic materials, as well as primary and intentionally aggregated microplastics, should be eliminated throughout the entire life cycle of plastics. Intentionally aggregated microplastics should be banned as a first step, as proposed in option 1 of this section.
9. Reduction, reuse, refilling and repair actions should be promoted for all products that will replace plastic.
10. On just transition, the proposed language in the zero draft is on the basis of voluntary compliance. The Treaty provisions must recognise in a binding way the role and participation of self-employed waste pickers, waste pickers' associations and cooperatives and other workers in the plastics chain. Ensuring decent and fair working conditions for grassroots waste pickers and reducing plastics production are not mutually exclusive.
11. Due to the pollution crisis that plagues our planet, it is necessary to include in the treaty an approach that is also applicable to the restoration of ecosystems and territories collapsed by plastic pollution.
12. The framework of Indigenous Peoples' rights must be included and respected, starting from the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), recommendations of the rapporteurs and the UN Permanent Forum on Indigenous Issues - UNPFII, relevant international, regional and local agreements that uphold self-determination and sovereignty, the right to protect their spaces and their own knowledge systems, which must also be recognised at the same level as scientific knowledge during the design, negotiation and implementation process of the Plastics Treaty.
13. Transboundary trade in plastic waste must be banned. The Basel Convention's plastics amendment has failed to stop the Waste Colonialism that the countries of the region are suffering from. The principles of Extended Producer Responsibility, Source Correction and Non-translocation of pollution should involve each country taking responsibility for the plastic waste it generates within its territory and not sending it to more vulnerable territories.²

² On the Colonialism of Waste: In Ecuador: <https://www.uasb.edu.ec/publicacion/la-partida-3915-importacion-de-desechos-plasticos-en-ecu>

We hope that these comments will be considered by GRULAC countries in the drafting of their positions and joint and individual declarations, and that they will serve as input to the process of analysis of the draft being developed by our governments.

We remain at your disposal to continue contributing our views, experience and field work to this process.

Signed:

Taller Ecologista, Argentina.
Mingas for the Sea; Ecuador.
PlastiCo Project, Ecuador.
Common Frontiers, Mexico.
Asociación Ecológica Santo Tomás, Mexico.
Mexican Academy of Environmental Law and Ecological Action, Mexico.
Colectivo Ecologista Jalisco, A.C., Mexico.
Fundación Agua Clara, Venezuela.
Toxisphera, Brazil.
Zero Garbage Brazil Alliance.
Healthy Hospitals, Brazil.
RAP-AL, Uruguay.
CESTA Friends of the Earth, El Salvador.
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