

In 2022, the **IUCN World Commission on Environmental Law (WCEL)** created the Plastic Pollution Task Force to provide insights and support to the Treaty negotiation process. The following is one of a series of six targeted legal briefs that are part of the present IUCN Submission for the second Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

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IUCN WCEL Briefings for Negotiators for INC-2

These are updated briefings of the INC-1 submissions, please note, and are considered version 2.

- BRIEFING 4 of 6: Just Transition and the Plastic Pollution Treaty

**IUCN BRIEFINGS FOR NEGOTIATORS
Plastic Treaty INC-2 Session**

BRIEFING 4 of 6: Just Transition and the Plastic Pollution Treaty

Key messages:

The Plastic Pollution Treaty's scope, as articulated by United Nations Environment Assembly (UNEA) resolution 5/14, includes the circular economy and elements of the plastic life-cycle as vital elements for addressing plastic pollution and production. The fundamental connections between the circular economy, plastic life-cycle and global efforts to address plastic pollution were affirmed by States and stakeholders throughout the INC-1 discussions. At the same time, a number of States and stakeholders expressly referenced the need to include just transition as part of the Plastic Pollution Treaty during INC-1. In the plastics context, the transition away from plastic production as well as plastic-intensive industries and the informal sector can be seen as essential yet also carries with it the potential to cause unemployment and poverty. Just transition could offer a bridge through which to address the immediate issues of job loss as well as underlying socio-economic barriers and achieve synergies with other treaty systems. This should be done by including just transition terms in the core measures of the Plastic Pollution Treaty, the governance system adopted for the Treaty, and the amendments, annexes or protocols adopted depending on the structural choice made for the Treaty.

1. Basic background on Just Transition

Just transition is most often equated with labour rights movements. This is with good reason, since the origins of just transition philosophies are firmly rooted in union efforts to counter impacts of coal mine closures in the United States during the 1980s and 1990s. From that point onward, just transition has spread and moved beyond one country or industry. While it is still tied to the coal

sector, it has been diversified to include fossil fuels generally, and to balance efforts at transitioning away from high-carbon fuels. Just transition is a larger concept, however, and can be translated across a variety of sectors and issue areas with thorough legal and regulatory measures.

2. Just Transition in the plastics life-cycle and circular economy

What? In the plastics context, the transition away from plastic production as well as plastic-intensive industries and the informal sector can be seen as essential yet also carries with it the potential to cause unemployment and poverty. A number of States and stakeholders expressly referenced the need to include just transition as part of the Plastic Pollution Treaty during INC-1. As has been seen in efforts to transition away from coal and fossil fuel extraction sectors due to climate change law, transitions must be done carefully and inclusively.

How? A just transition in the context of the plastics life-cycle and circular economy will depend on the national or sub-national setting in which it occurs but also will require international law to guide and oversee full implementation.

Based on experiences with transitions in other industries, it has become clear that legal and regulatory efforts should focus on not only the individuals losing their jobs but also their families and communities since there are impacts across these layers. In the plastics context, this will be particularly critical for those engaged in the informal economy, such as waste pickers, who are often at the margins of society to begin with and frequently are women, children, the extreme poor or Indigenous peoples. Thus, they already face structural barriers to education, career choice and career advancement without the added stress of transitioning to another sector or job. To address this, the Plastic Pollution Treaty could include wide-ranging provisions for coordination with and engagement of affected stakeholders, educational assistance with a focus on vocational training, and transitions to green and blue jobs. This would be benefitted by a funding mechanism to aid States and stakeholders engaged in these efforts as well as capacity-building and technology transfer provisions.

Further, transitions and responses to them will require tailoring to the communities in which they are taking place to avoid entrenching discrimination against women, the poor, and members of marginalised communities. Understanding the social and economic issues facing those who are engaged in the plastics industry would be key to facilitating transitions that are realistic for the communities in which these workers live while also advancing equity, non-discrimination and justice. Previous just transitions efforts in the coal sector have demonstrated the need to address issues not directly connected with re-education or training, especially domestic violence and abuse that can come with economic stress in a household.

Additionally, efforts at just transition in the context of the Plastic Pollution Treaty could benefit from exploring synergies with other treaty systems addressing transitions. In this context, the obvious connection would be with the United Nations Framework Convention on Climate Change and Paris Agreement. However, just transition has become an issue in a number of areas, including in the marine context, the energy context and the healthcare context, to name a few. Thus, a broad view of just transition and the sectors that will be impacted by efforts to regulate plastic pollution under the Treaty could facilitate significant shifts that assist multiple treaties in achieving their goals.