

Please see comments from the Inuit Circumpolar Council to the Guiding Elements
Questions added in blue letters below the questions.

Common guiding elements for all Clusters

Members are invited to take these general elements into consideration when preparing their interventions for the Cluster discussions:

- *Identification of elements that should be included in the text of the instrument itself as necessary to ensure legal clarity, effectiveness, and predictability in implementation, and of those elements that could be operationalized subsequently through decisions of the Conference of the Parties.*

Answer: elements needed:

- A human rights approach throughout the treaty text,
 - recognition of Indigenous Peoples as vulnerable populations and rights holders,
 - full life-cycle approach of plastics needs to be covered (i.e. not just a 'waste management approach')
 - chemicals in plastics need to be dealt with in a separate article
 - a global monitoring plan for plastics and chemicals in plastics needs to be included
- *Identification of possible provisions in the text that could lead to mandates from the Diplomatic Conference for work to be carried out during the interim period.*
 - *Identification of linkages between elements contained in the articles, with a view to streamlining the provisions of the future instrument, while ensuring its effectiveness and coherence throughout the instrument.*

Guiding questions as starting point in Cluster discussions

Cluster A:

- *National plans*
- *Reporting*
- *Implementation and compliance*
- *Information exchange*
- *Effectiveness evaluation*

1. *What purposes are National Plans expected to serve as a contribution to the achievement of the objectives of the instrument?*

National plans should describe how the country intends to reach **mandatory** goals of globally agreed targets to reduce plastic production, consumption, and waste. They

should outline how the country is planning to effectively implement the provisions of the treaty. National plans can further be used to monitor the progress of a given Party and help determine the effectiveness of the treaty in reducing plastic pollution as a whole.

2. *How could provisions on reporting, implementation and compliance, information exchange, and effectiveness evaluation support the overall implementation of the instrument, and what is the relationship between these articles?*

The effectiveness evaluation of the treaty can use information from provisions on reporting, implementation, and compliance to measure the progress of activities to achieve the goals of the treaty. Information exchange can support the implementation and compliance.

3. *What will be the role of information exchange in the overall implementation of the instrument and how can it contribute to its effectiveness?*

The exchange of information can be on many areas affecting the treaty implementation, such as effective measures to achieve progress in various activities, including:

- methods to reduce plastic use,
- alternatives to plastics,
- alternatives to problematic chemicals used in plastics,
- plastic monitoring methodologies,
- setting up viable lifecycle approaches for products,
- sustainable and environmentally sound waste management practices,
- human rights, human health, and environmental concerns due to plastic production, use, recycling, and disposal practices

By exchanging information, Parties and observers can better work together to achieve the common goal of eliminating plastic pollution, thereby contributing to a better effectiveness of the treaty.

Cluster B:

- *Releases and leakages*
- *Existing and legacy plastic pollution*
- *Plastic waste management*
- *Plastic products design*
- *Plastic products*

1. *What considerations should guide decisions on determining which plastic products will require possible global measures, actions or cooperation?*

First and urgent consideration should be given to those products which are responsible for a majority of the plastic pollution (such as plastic packaging and single use plastics),

as well as products which are violating human rights and causing harm to the environment and human health. Consideration also needs to be given to toxic chemicals used in plastic products.

2. *What type of enabling factors should be considered to address existing and legacy plastic pollution, including the process to identify and evaluate the locations or accumulation zones and subsequent remediation efforts?*

Global monitoring of plastic pollution will need to be put in place to identify locations of plastic pollution and accumulation zones, as well as sensitive areas that need protection. Capacity building, technical assistance and financing to allow for monitoring, development of needed methodologies for monitoring and remediation will need to be put in place. The polluter pays principle should be used to help financing the monitoring and remediation efforts.

3. *How can Parties cooperate in the implementation of effective waste management policies, taking into account the different national circumstances and needs?*

Implementation of already existing treaties and protocols, such as the Basel Convention, needs to be strengthened and enforced. Export of plastic waste can only be allowed to countries who have effective and environmentally sound waste management in place, which does not violate human rights and protects human and environmental health.

Cluster C:

- *Capacity-building, technical assistance, technology transfer, including international cooperation*
 - *Financial resources and mechanism*
1. *What elements must be considered to ensure that all available financial sources, including public finance, are effectively mobilized for the implementation of the instrument?*

Financial mechanisms should be making resources available to any country or population in need of assistance. Financial resources should be accompanied by technical assistance and capacity building, to ensure that funds are spent meaningfully and in the most effective way.

2. *What role should the private sector have in facilitating the mobilization of financial resources, capacity building and technical assistance, and what elements could be considered under the financial mechanism to promote such a role?*

The polluter pays principle should be used to ensure that those companies who are responsible for the plastic pollution also finance the solutions. All stages of the lifecycle of plastics need to be considered.

3. *What provisions related to technology transfer could foster international cooperation, considering the capacity differences between countries?*

Technology transfer needs to be coupled with capacity building and training, and an information exchange on best available technologies and best practices needs to be implemented effectively.

Cluster D:

- *Preamble*
- *Objective*
- *Principles and approaches*
- *Definitions*
- *Just transition*
- *Public information, awareness, education and research*
- *Secretariat*
- *Final provisions*

1. *Which principles and approaches could be useful in guiding the effective implementation of the instrument, and how could these be best reflected in the instrument?*

There are several principles and approaches that have already been agreed at the UN that need to be recognized, reflected and included in the preamble **and** treaty articles, including:

[UN General Assembly Resolution A/RES/76/300, adopted 28 July 2022:](#)

“1. Recognizes the **right to a clean, healthy and sustainable environment as a human right**;

2. Notes that the right to a clean, healthy and sustainable environment is **related to other rights and existing international law**;

3. Affirms that the promotion of the human right to a clean, healthy and sustainable environment **requires the full implementation of the multilateral environmental agreements under the principles of international environmental law**;

4. Calls upon States, international organizations, business enterprises and other relevant stakeholders to **adopt policies**, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all.”

Principles of the Rio Declaration on Environment and Development:

1: “**Human beings (...) are entitled to a healthy and productive life in harmony with nature.**”

3: The right to development must be fulfilled so as to **equitably** meet developmental and **environmental needs of present and future generations.**

4: “(...) environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”

7: “States shall cooperate in a spirit of global partnership to **conserve, protect and restore the health and integrity of the Earth's ecosystem.** (...)”

8: “(...) States should **reduce and eliminate unsustainable patterns of production and consumption** (...)”

10: “Environmental issues are best handled with the **participation of all concerned citizens**, at the relevant level. (...)”

14: “States should effectively cooperate to **discourage or prevent** the relocation and transfer to other States of **any activities and substances that cause severe environmental degradation or are found to be harmful to human health.**”

15: “In order to protect the environment, the **precautionary approach shall be widely applied** by States according to their capabilities. Where there are threats of serious or irreversible damage, **lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.**”

16: “(...) the **polluter should, in principle, bear the cost of pollution** (...)”

22: “**Indigenous people** and their communities and other local communities have a **vital role** in environmental management and development **because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation** in the achievement of sustainable development.”

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):

Preamble: “Recognizing that respect for **indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,**”

Article 3: “**Indigenous peoples have the right to self-determination.** (...)”

Article 18: “**Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, (...)**”

Article 20: “Indigenous peoples have the right (...) to be secure in the **enjoyment of their own means of subsistence (...)**”

Article 24, para 2: “Indigenous individuals have an **equal right to the enjoyment of the highest attainable standard of physical and mental health.**”

Article 29, para 1: “Indigenous peoples have the **right to the conservation and protection of the environment** and the productive capacity of their lands or territories and resources. (...)”

Article 32, para 3: “ (...) appropriate measures shall be taken to **mitigate adverse environmental, economic, social, cultural or spiritual impact.**”

Article 41: “The **organs and specialized agencies of the United Nations system** and other intergovernmental organizations **shall contribute to the full realization of the provisions of this Declaration** through the mobilization, inter alia, of financial cooperation and technical assistance. **Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.**”

Article 46, para 2: “In the exercise of the rights enunciated in the present Declaration, **human rights and fundamental freedoms of all shall be respected.** (...)”

2. *How can actions related to public information, awareness, education, and research support implementation?*

Public information awareness and education can overall help to reduce plastic pollution and avoid harm. Research and monitoring can help identify problems with and solutions to plastic use and pollution and can help to determine the effectiveness of the treaty.

3. *Considering the progress achieved so far in the discussions related to issues such as the Secretariat and definitions, does the current formulation in the Aid to Negotiations reflect the level of detail required?*

No. The Aid to Negotiations does not recognize some of the main problems with plastic pollution, in particular upstream measures to avoid plastic use and its dispersal in the environment, as well as reducing the use of harmful chemicals in plastics. The document fails to outline globally binding activities for the Parties that would lead to the necessary reduction of plastic pollution. The above mentioned human rights principles, including recognition of Indigenous Peoples as vulnerable populations and rights holders, should be clearly included in the treaty text.