Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from stakeholders. The template below is intended to provide guidance to members of the committee and stakeholders in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and stakeholders to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably UNEP/PP/INC.1/5 on ‘Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment’.

The template is divided into three sections:

1. Substantive elements
2. Implementation elements
3. Additional input

All written submissions must be sent to unep-incplastic.secretariat@un.org. The statements received will be compiled and made available the INC webpage.

Please note that it is not required for all fields to be answered in the template for submission.

Deadline for submissions:

- 6 January 2023 for written submissions from stakeholders.
- 10 February 2023 for written submissions from Members of the Committee.
I. Substantive elements

1. Objective(s)

a) What objective(s) could be set out in the instrument?

Proposed Objective:

1. Establish mechanisms for environmentally sound management of plastics
2. Promote the limited consumption of plastics and their reuse
3. Establish legally binding measures for polluters
4. Define a maximum pollution threshold according to the type of plastic and the methods of measuring the thresholds.

Explanatory Text:

It is no longer necessary to demonstrate the dangers of plastic for both the environment and human health. This instrument should be legally binding with sanctions in case of non-compliance because it is about human lives and the future of the next generation. Moreover, since plastics already exist in large quantities, including microplastics, this instrument should promote an environmentally sound management of the plates as well as a north-south transfer of knowledge and technology for a better management and an effective recycling of the latter.
2. Core obligations, control measures and voluntary approaches

a) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?

The instrument should encourage voluntary action by civil society organizations on the ground and encourage the multiplication of such action in a North-South, Private Sector-Civil Society Organization cooperation. The instrument should emphasize the responsibility of polluters, establishing the principle of common but differentiated responsibility with an emphasis on the obligation of multinationals such as Coca-Cola to find alternatives to plastic in the countries where they are present within a time frame that includes sanctions.

Also, the instrument should promote research and sharing of data and expertise between the North-South on microplastic and the means to contain and reduce them at the level of the sea. It would be wise for the instrument to set up an international multi-stakeholder platform whose role would be to conduct research, sharing of knowledge and technology for the eradication of plastic and find alternatives that are less polluting for humans and the environment, especially the marine environment.

The instrument should assign obligations to each party: industrial companies, countries of the North, countries of the South and civil society organizations, while establishing a mechanism to monitor the implementation of these obligations.

II. Implementation elements

1. Implementation measures

a) How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)

b) How to ensure effectiveness of the instrument and have efficient national reporting?
c) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).

As an annexes to the instrument, we need to have the guidelines for the drafting of national plans and reports with the elements to evaluate the implementation. Furthermore, we recommend the establishment of a multi-stakeholder consultative expert group whose aim will be to define and evaluate the axes of the different national reports and plans in conformity with the objectives and obligations of the instrument while taking into account the realities and capacities of each country. The national reports could be sent every two years with an evaluation phase to be carried out by the consultative group of experts which will have two focal points in each country: one from civil society and another from the government. The civil society focal point will have the role of monitoring, evaluating, verifying and reporting on the actions carried out at the national level and will produce a report independent of the national report.

We encourage the creation of a multi-stakeholder platform or committee such as a conference of the parties that will be held every year in order to present the level of progress in the implementation of the objectives of the instrument, to share knowledge and technology transfer and to strengthen partnerships for action.

2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) What measures will be required to support the implementation of the instrument?

Capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.
III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

As an introduction to the instrument, we recommend an official definition of terminologies such as: plastic, microplastic and other relevant terms for a proper implementation of the instrument.

The instrument should further stimulate youth-led action and recognize the place of youth in this crucial engagement, and define a youth group associated with the implementation of the instrument.