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:

I. Substantive elements
II. Implementation elements
III. 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:

By building an understanding of the Kenyan context regarding waste management, including existing legal and regulatory framework, the Kenya Plastic Action Plan provides in-depth research into the Kenyan plastics sector. It incorporates the entire plastics value chain, spanning from imports of raw material to manufacturing processes to uses and subsequent recycling of different plastic fractions. The study followed a qualitative approach and included a literature review, online questionnaire, face to face interviews throughout the whole country, focus group discussions and a stakeholders’ forum. All findings are supported by the extensive local and international experience of the consultancy consortium. Thus, the Kenya Plastic Action Plan aims to document local plastics waste management practices, highlight global best practices for extended producer responsibility as well as sketch a unified private sector position on an Action Plan specific to the Kenyan context. Most importantly, this report is meant to inform the development of a suitable and sustainable policy framework on plastics in Kenya.

Explanatory Text:

Plastic waste spread throughout the country • Practically no tradition of waste segregation • Slow growth in formalized waste collection • Insufficient waste management infrastructure • Gaps in regulations and laws on plastics waste management

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?

A handful of companies in the vicinity of Nairobi have been identified to realize a business model beyond home composting scale. The respective capacities range from around 10 to 25 tons throughput per day, combined significantly below 100 tons per day. This economic sector is represented through the Compostable Forum (currently no internet presence). The theoretical input from solid waste in the wider Nairobi area can roughly be estimated in a range of 2,000 to 3,000 tons per day. The operational commercial composting operations therefore can process compost in a range of 2-3% of all occurring organic waste. Samples have shown that the technical standard applied is basic. These facilities are not operating as controlled composting facilities according to international understanding. Commercial or industrial composting is a niche phenomenon in Kenya.

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).

There is an increasing awareness that policies do not succeed or fail on their own merits. Within complex messy systems, it is unclear how best to ensure effective policy design and implementation. However, rather than just let policies drift into full or even partial failure, governments are now beginning to take an interest in ways in which the policy process – especially the implementation phase – can be strengthened and supported. This article contributes to the debate in three ways: by unpicking the key factors behind policy failure; by exploring different approaches to policy support; and by identifying key messages for policy practitioners.
The Kenya Vision 2030 is implemented in successive five year Medium Term Plans (MTPs), with the Third Medium Term Plan (2018-2022) development underway. The MTPs set the framework for policy actions, public investment priorities and expenditure planning. There is strong GoK ownership of the plans which have been formulated in a participatory manner. A results’ framework is in place and MTPs are reviewed and assessed by a system of Annual Progress Reports (APRs) which have been consistently produced thus far. Kenya’s Public Finance Management (PFM) Act 2012, amended in 2014 sets the rules for how the government at national and county levels can raise and spend money. It provides for the effective management of public finances by the national and county governments; the oversight responsibility of Parliament and county assemblies as well as the different responsibilities of government entities and other bodies. It was enacted as an outcome of the 2010 Constitution which introduced new rules to change how public resources - including land, services, and money are shared towards a fairer and equitable distribution.

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?**

The purpose of this debate is to discuss the following six critical instrumentation issues and to provide recommendations for limiting their impact on implementation science: use of frameworks, theories, and models; role of instrument psychometric properties; use of ’home-grown’ and adapted instruments; choosing the most appropriate evaluation method and approach; practicality; and need for decision-making tools.
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).

There are a few things about efforts to improve reading instruction that non-educators would benefit from knowing—and which we would benefit from sharing with them. Knowing these things would enable them to better support our work. These “to knows” include: • what we hold as our mission (our purpose as a school), our beliefs about teaching and learning and our vision for student success; • what levels of performance we have established as our expectations and benchmarks by grade level; • how our students are doing in reading compared to benchmarks and goals; • a few key ideas related to reading instruction (e.g., differentiation, urgency).