PART II: Potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by United Nations Environment Assembly resolution 5/14

C: Means of Implementation

Session 1: National Action Plans, Exchange Of Information, Stakeholders Engagement, Awareness Raising & Education, Research

Malaysia is generally agreeable to the paragraphs on NAPs and acknowledges that having nationally determined and defined measures will be essential to the attainment of the intended results. Additionally, Malaysia would like to see the inclusion of mechanisms that provide comprehensive socioeconomic assessment in the context of plastic pollution and plastic economy, considering the differences in national circumstances and socioeconomic situation. The measure should therefore, leverage on a country-driven process with specific and clear global targets.

Malaysia also can go along with the paragraphs relating to exchange of information. At this point, we would like to see such information to be made available and accessible to all members in a fair and equitable manner.

For the stakeholder engagement Malaysia would like to register that the engagement with stakeholders must be in the form of two-way communication to ensure understanding, clarity and productive discussions. Due consideration must be given to ensure effective and maximum participation by all stakeholders in such engagements.
On paragraph 40(a)(iii), Malaysia suggests that funding to mobilize stakeholder engagement sessions should be borne by stakeholders to ensure fair and balanced sharing of responsibility and financial burden across the boards.

On paragraph 40(b)(iv), we would like to emphasize that submissions by stakeholders should focus on exploring creative and innovative solutions rather than in the form of statements or demand lists.

On this note, Malaysia proposes to explore a more targeted and thematic-based engagement through regional-based stakeholder engagement sessions. This would provide deeper understanding in the local context and this instrument must take into account the national circumstances and capabilities.

Additionally, Malaysia requests the secretariat to provide clarity on how input gathered through the stakeholder engagement could be incorporated into negotiations. Currently, we see it just as information sharing. What we need at this time is a solution in implementing the instrument and addressing the issue.

Malaysia supports the paragraph on awareness raising, education and research, but would like to add that scientific and technical cooperation and coordination undeniably plays a pivotal role in ensuring the effectiveness of the instrument and eventually, in ending plastic pollution. Cooperation and coordination are also key in narrowing the scientific and technical gaps between developed and developing nations, while accelerating and complementing efforts and progress made at the national level.

Therefore, Malaysia strongly proposes that the existing scientific advisory panel provides guidance during the negotiations too, and not just for the implementation of the agreement. It is also equally important to establish a socio-economic advisory panel as an initiative to facilitate effective negotiation process. These panels will provide a platform for the parties to access peer-reviewed, high impact scientific research findings, among others, and to incorporate these findings in national action plans and strategies. This is also to ensure cooperation, effective coordination, continuity and coherence between the instrument and existing multilateral environmental agreements in order to avoid duplications.
Session 2: Coordination and Cooperation

Malaysia echoes the points highlighted by Indonesia and Jamaica regarding south-south, north-south and triangular cooperation. Additionally, we would like to reiterate the suggestion we made under Research option which is for:

1. The existing scientific advisory panel to provide guidance not just for the implementation of the agreement, but also during the negotiations; and
2. To establish a socio-economic advisory panel as an initiative to facilitate effective negotiation process.

These panels will ensure cooperation, effective coordination, continuity and coherence between the instrument and existing multilateral environmental agreements in order to avoid duplications.

Session 2: Financial Assistance, Capacity Building, Technology Transfer On Mutually Agreed Terms and Technical Assistance

Malaysia recommends that the implementation of this instrument takes due consideration of countries readiness and capacity, especially that of the developing countries. Malaysia also recommends that developed countries need to be more active and committed in providing capacity development, technology transfer and financial assistance to assist developing countries in implementing this ambitious treaty. On paragraph 22, Malaysia supports option (a), which is to develop stand-alone provisions for the various categories of means of implementation.

On matters related to financial assistance, Malaysia proposes that a dedicated multilateral fund should be established to support the instrument’s objective and ensure its success. This multilateral fund should have sufficient and predictable funding to ensure that the implementation of the plastic treaty is duly funded.

Malaysia is supportive of exploring innovative and other financing opportunities. Such measures should serve as an additional funding mechanism on top of the dedicated multilateral fund. Malaysia strongly believes that these innovative measures should be nationally determined. This would allow countries the flexibility to leverage on already implemented innovative measures.
In this regard, on paragraph 24(e), Malaysia supports the EPR system as one of the potential financing mechanisms that involves all stakeholders in the plastic value chain. Under the Malaysia Plastic Sustainability Roadmap, Malaysia identified EPR as a mean to transition to a sustainable plastic economy and has adopted the nationwide implementation of Voluntary EPR Phase for the period 2023 to 2025, with intention to move into a mandatory EPR scheme in 2026.

On Capacity Building, Malaysia highlights that due consideration must be given to national circumstances, especially that of the developing countries while developing the capacity-building programs. On this note, Malaysia supports that capacity-building programs must be country-driven, especially in the aspect of waste management and resource efficiency.

On the other note, Malaysia is agreeable to the technology transfer on mutually agreed terms. To keep up with the increasing volume of plastic waste, technology transfer especially on waste disposal and recycling technologies are crucial to improve waste management and increase recycling capacities of developing countries.

The capacity building and transfer of technology mechanisms should be developed in line with the current/existing regulatory framework of related conventions such as Basel Convention and the UNFCCC vis-a-vis related organizations. The provision on Capacity Building and the Transfer of Technology should not be conditional on exhausting reporting requirements.

Malaysia would like to register that promoting technical assistance especially on recycling technology and waste management is essential to keep up with the increasing volume of plastic waste.

To this extent, Malaysia stresses again the importance of establishing a socio-economic advisory panel, utilising the existing scientific advisory panel, to provide technical assistance and advice during negotiation process, as well as throughout the implementation of the instrument.
Session 2: Incremental Cost and Cost Of Transition

Malaysia proposes that there is a need for the financial mechanism to sufficiently address incremental cost and cost of transition. The core obligations presented in the option paper require high cost for transition and there should be a mechanism to provide for that cost. This is to ensure that the cost passing through to end consumers is minimised.

Session 3: Compliance, Periodic Assessment and Monitoring Of Progress And National Reporting

On matters related to Compliance, Malaysia can go along with paragraph 32(a) and (b), regarding the establishment of a committee to facilitate implementation and promote compliance with the provisions of the instrument. Such committee must be balanced in terms of geographical representation, with special emphasis to ensure fair and equitable composition of developing countries.

The compliance measure should be transparent, facilitative and non-adversarial. The committee should be informed by relevant scientific, technical and socio-economic disciplines in carrying out its mandate. In developing the modalities and procedures of the mechanism, the committee should strive to respect national sovereignty, avoid duplication of effort, not to function as an enforcement or dispute settlement mechanism, nor impose penalties or sanctions.

On paragraph 32(c), we support option (iii), and option (i) for paragraph 32(d). We echo with Japan that the committee should provide support and assistance and that its measures should be non-punitive. Therefore, our preference for paragraph 32(e) is option (ii).

On Periodic Assessment and Monitoring of Progress, and National Reporting - There is a need for harmonization of monitoring methodology and reporting mechanism including clear definitions of what needs to be reported, content, data parameters and methodology. Reporting must be perceived, and well designed, so that it is not merely regarded as a task, but rather provides information that can be used by policy makers. To adequately measure the level of progress, there is a need to use a combination of economic and environmental indicators, through national reporting and environmental monitoring.