Third Session of the Intergovernmental Negotiating Committee (INC) toward an international legally binding instrument on plastic pollution, including in the marine environment

Contact Group 3
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Samoa on behalf of the Alliance of Small Island States (AOSIS)

Cluster A: Preamble, definitions, principles, and scope

1. Preamble
The preamble of the ILBI must, at minimum, contextualise and guide its implementation, articulating the following key elements:

1. Elaboration of the need for an urgent global response to combat plastic pollution because of its universal and transboundary nature;
2. Identification of the impacts on human health, livelihoods, food security, economies and the environment, particularly the marine environment;
3. Acknowledgment of the multilateral efforts and initiatives leading up to the development of the ILBI, and underscore the importance of complementarity, coordination and cooperation within the international legal framework, where appropriate;
4. Highlighting the relevant principles and approaches (discussed below);
5. Recognition of the special circumstances of SIDS and the support needed for SIDS to effectively implement the ILBI;
6. Recalling the United Nations Declaration on the Rights of Indigenous Peoples;
7. Recalling the Addis Ababa Action Agenda of the Third International Conference on Financing for Development; and,
8. Considering the need to mobilize new and additional financial resources and access to technology for developing countries to combat plastic pollution.

2. Definitions
If necessary, this article will contain the key definitions necessary to understand the instrument. Where definitions are specific to a particular article, the preference would be for them to be defined in that article. The content of this article should be considered after progress on other articles. However, it is important to distinguish between the definition of terms and development of standards/indicators, and the placement of definitions, whether in an Article under Part I, specific articles related to the definition in other Parts, or in annexes to allow for updating overtime.
3. Principles

Resolution 5/14 expressly reaffirms the Rio Declaration on Environment and Development broadly, as well as mandates the INC to develop the ILBI, taking its principles into account. More specific identified principles and approaches under the ILBI could include:

a. Special circumstances of Small Island Developing States (SIDS);
b. Sovereign right to exploit natural resources/no harm principle;
c. Public participation in environmental decision-making, including full and effective participation by Indigenous Peoples and local communities;
d. Precautionary principle, or precautionary approach, as appropriate;
e. The use of best available science, data, and information, and traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, in accordance with the rights of the holders of such knowledge, including as reflected in the United Nations Declaration on the Rights of Indigenous Peoples and international human rights law;
f. Polluter pays principle;
g. Common but differentiated responsibilities;
h. Waste hierarchy approach; and,
i. Intergenerational and intragenerational equity principle.

4. Scope

Resolution 5/14 already prescribes the scope of the ILBI - It includes the necessary actions across the full life-cycle of plastics to achieve the ultimate objective of ending plastic pollution, including in the marine environment. Specific text or provisions clarifying/refining substantive obligations, including on the substances, materials, products, and behaviours to be targeted, would be more appropriately situated elsewhere in the Instrument - for example: Part II of the Zero Draft. Presently, it is not considered critical to develop or establish a provision or Article on scope, rather to engage in productive discussions on the type, format and structure of the potential obligations and interventions across the life-cycle of plastics.