Proposed response template on written submissions prior to INC-3 (part a)

At its second session, the intergovernmental negotiating committee (INC) requested the secretariat to invite written submissions on:

- Elements not discussed at INC-2, such as principles and scope of the instrument

INC-2 further requested the secretariat to post any submissions received on the INC website and to prepare a synthesis report of the submissions.

The template below was prepared by the secretariat, in consultation with the Chair, and is meant as a guide to assist Members and Observers in preparing their written submissions.

A number of documents prepared by the secretariat for INC-1 and INC-2 are of relevance to this submission, including:

**UNEA resolution 5/14** on ‘End plastic pollution: towards an international legally binding instrument’

**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’

**UNEP/PP/INC.1/6** on ‘Glossary of key terms’

**UNEP/PP/INC.1/8** on ‘Description of standard articles on final provisions that are typically included in multilateral environmental agreements’

**UNEP/PP/INC.2/4** on ‘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’

**UNEP/PP/INC.2/INF/4** on ‘Additional information linked to the options for the potential elements towards an international legally binding instrument’

**UNEP/PP/INC.2/INF/7/REV.1** on ‘Information submitted by the Secretariat of the Basel, Rotterdam and Stockholm conventions’

All written submissions must be sent to unep-incplastic.secretariat@un.org. As detailed in the mandate, the submissions received will be made available on the INC webpage, a synthesis report of the submissions will also be developed in advance of INC-3.

Please note that not all fields in the template need to be answered in the submission.

**Deadline for submissions:**

I. **By 15 August 2023** for written submissions from observer organizations.

II. **By 15 September 2023** for written submissions from Members of the Committee.
Elements not discussed at INC-2

1. **Scope**

*What is the proposed scope for the future instrument?*

*Which types of substances, materials, products and behaviors should be covered by the future instrument?*

**Proposed scope:**

UNEA Resolution 5/14, which sets the mandate to develop an international legally binding instrument on plastic pollution, specifically to end plastic pollution, including in the marine environment, defines the future instrument’s scope in the following manner:

- **Comprehensive approach** that addresses the **full life cycle of plastic**.

Chile advocates for a dedicated article on "Scope" since it serves as a formal source if doubts arise regarding the interpretation of the instrument.

**Explanatory Text:**

- The future instrument should cover the full life cycle of plastics, upstream, midstream and downstream. Obligations and measures should be based on a hierarchy between avoidance, reduction, reuse, recycling and elimination.
- A comprehensive approach, including a just transition and broad but ambitious means of implementation, is crucial for the success of the instrument.
- Whilst the future instrument should include both voluntary and binding measures, Chile believes an ambitious instrument with clear compliance mechanism is key for accomplishing the objective.
The focus of the scope of the future instrument should be ending plastic pollution, including polymers and chemicals of concern, problematic and avoidable plastic products, as well as marine and terrestrial debris.

The scope of the Treaty should clearly indicate the protection from plastic pollution of the marine environment, in accordance with the mandate in Resolution 5/14.

The future instrument should address plastic pollution from a triple planetary crisis perspective, taking into account the impact of the measures under discussion on climate change and biodiversity loss and protect human health.

2. **Principles**

*What principles could be set out in the future instrument to guide its implementation?*
Proposed principles:

- Common but differentiated responsibilities and respective capacities.
- Polluter pays Principle.
- Precautionary Approach.
- Progressive Implementation.
- Eco-systemic Approach.
- Human Rights approach, which must contain, among others, the right to a safe, clean, healthy and sustainable environment.
- Gender perspective.
- Inclusion of vulnerable groups, such as: children, people with disabilities, pregnant women and elderly.
- Access to information, public participation in decision-making and justice in environmental matters.
- Science-based policy and decision-making.
- Waste Hierarchy.
- Just transition.
- Coherence among existing MEAs to create synergies and avoid duplication.
- Transparency.
- Prevention principle.

Explanatory Text:

Common but differentiated responsibilities and respective capacities: Acknowledging different capabilities and differing responsibilities of States in addressing plastic pollution throughout all its life cycle.

Polluter pays principle: the polluter should bear the cost of remediating pollution.

Precautionary approach: where there are threats of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Progressive implementation: The fulfillment of the normative content of the Treaty should not be implemented in fixed timeframes, but taking into account national, regional and subnational capacities and cooperation from developed countries.

Ecosystem approach: The ecosystem approach follows a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.

Human Rights approach: Recognize the right to a clean, healthy and sustainable environment as a human right, in line with Resolution A/76/L.75 of the General Assembly.
Gender perspective: Acknowledging gender-based inequalities, ensure equal participation in subsidiary bodies and panels, and recognize women’s empowerment as a cross-cutting priority. Ensuring that the mechanisms and provisions or the Instrument consider the special burden of adverse environmental outcomes on women and gender minorities and propose solutions accordingly.

Inclusion of vulnerable groups: Plastic pollution is an issue that affects us all, but its effects do not affect the entire population in the same way, acknowledging there are various groups that are more vulnerable, such as children, people with disabilities, gestating women and elderly.

Access to information, public participation and justice in environmental matters: Guarantee the rights of every person to access to information, public participation in decision-making and justice in environmental matters, as enshrined in Principle 10 of the Rio Declaration. Stakeholders should be considered in the negotiation process and included in the implementation of the new instrument.

Science-based policy and decision-making: Promote the role of science, considering geographical representation and gender perspective, in the negotiation process and the implementation of the Treaty, in order to develop and use the best available science, scientific information, technology and best environmental practices. Chile strongly supports science-based decision-making; research should inform the process and also the implementation so the instrument can adapt to new scientific knowledge. Research should be forward-looking and not only look at the gaps but also the solutions in the future, including reducing plastic production and increasing reuse and recycling. Science-based policy and decision-making should furthermore include traditional knowledge, knowledge of indigenous peoples and local knowledge systems.

Waste Hierarchy: Promote circularity and prioritize the prevention of production and use, reduction, reuse, recycling and recovering of plastic waste sequentially. The basis is the identification of the polymers and plastics that will be regulated.

Just transition: Ensuring that the whole of society – all communities, all workers, all social groups, and especially vulnerable groups – and their rights are considered in the negotiation and implementation of the treaty. A special consideration is due to those groups directly affected on their jobs or ways of life by the measures and provisions adopted by the Instrument.

Coherence among existing MEAs to create synergies and avoid duplication: Closely analyze existing multilateral environmental agreements in order to enhance coherence, complementarity, creating synergies and avoiding duplications and contradictions.

Transparency: Commitment to publish and disseminate information regarding decision-making and the content of monomers, polymers and plastics in general.

Prevention principle: Action should be taken to protect the environment at an early stage and to prevent environmental damages from occurring by avoiding the generation of waste, the reduction in quantity of waste or hazardousness of plastics.

3. Additional considerations
Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).

Proposed inputs:

Explanatory Text: