From: Cook Islands Delegation
To: UNEP Secretariat (INC Plastics Statements)
Subject: INC 3 Cook Islands National Interventions, Contact Groups, Nairobi
Submission Date: 15 November 2023

Contact Group 3: Part I: Preamble, Objective, Definitions, Principles, Scope

Thank you co-facilitator. The Cook Islands aligns itself to the statement by Samoa on behalf of the Alliance of Small Islands States, and the Federated States of Micronesia on behalf of Pacific SIDS.

Preamble
We support that the elements highlighted in the synthesis report could provide a first basis for the development of a first draft treaty text. The Preamble should be also kept brief.

Definitions
We agree that relevant existing international definitions should be used for this treaty. There are however definitions that are specific to articles in the draft that need to be defined. We suggest that there are two terms defined as working definitions.

Lifecycle of plastic
The lifecycle of plastic should be understood from the inception of the plastic from extraction of petrochemical feedstocks through non-toxic circularity or end-of-life treatment. This understanding is supported by the working definition from the open-ended working group (OEWG) for the INC process.

Plastic Pollution
Members of the Committee should consider this working definition in advancing the instrument’s text. “Plastic pollution” has not been defined in any other treaty; however, the OECD Global Plastic Outlook defines plastic pollution as defined in Table 1 of the Synthesis Report.

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.

Some of the specific identified principles and approaches under the ILBI could include:

- Precautionary principle
- Polluter pays principle;
- Waste hierarchy approach; and
- Intergenerational and intragenerational equity principle
- Special circumstances of SIDS;
- Public participation in environmental decision-making, including full and effective participation by Indigenous Peoples and local communities;
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;

Scope
On Scope, we support the notion that resolution 5/14 should be the basis of the scope of the instrument. We emphasise the focus on a comprehensive approach that addresses the full lifecycle of plastics. There shouldn’t be much time spent on scope as it can be developed based on the elements of Resolution 5/14.

Contact Group 3: Part V: Governing Body, Subsidiary Bodies, and Secretariat

Thank you co-facilitator.

I am taking the floor on behalf of the Cook Islands in alignment with the statement taken by Samoa on behalf of AOSIS.

The Cook Islands supports the necessity for an institutional framework on governing bodies to be established. The Cook Islands suggests for members to retain Part V Items 1 to 3 of this Zero draft in addressing a need for a (1) Governing body (2) Subsidiary bodies and (3) the Secretariat.

Cook Islands supports:

A. the need for the establishment of a Conference of the Parties ("COP") as the governing body mandated with decision making authority to convene meetings, review the implementation and effectiveness of the instrument, and to consider and adopt amendments to Annexes. The COP’s mandate must also include preparing dedicated programs of work, and to fulfil a comprehensive sectoral strategy by preparing guidelines, measures and targets to support implementation of the sectoral approach in the provisions of the instrument.

B. Secondly, the subsidiary bodies meet the scientific, technical and socio-economic assessment to support the COP in the review and implementation of the instrument. Enabling the subsidiary bodies is also crucial to protect the legitimacy, integrity, trust and credibility of the instrument, through a robust conflict of interest policy. Furthermore, all subsidiary bodies, programs and assessments include best available science, traditional knowledge and knowledge of indigenous peoples and local knowledge systems.

C. Lastly, the establishment of the Secretariat to facilitate in delivering the underlying objectives of the instrument is important including consideration for developing regional centres.

Cook Islands seeks consideration from the parties to ensure this instrument achieves as reflected in UNEA 5/14 Resolution.

Thank you
Contact Group 1: Part I Article 2 (Objectives)
Thank you co-facilitator. The Cook Islands aligns itself to the statement by Samoa on behalf of the Alliance of Small Islands States, and the Federated States of Micronesia on behalf of Pacific SIDS.

We further support the positions by Fiji and the Solomon Islands, that we choose Option 1 and sub paragraph Option 1.2.

Thank you Chair

Contact Group 1: Part II Art 2,3 & 4 (Problematic and avoidable plastic products, including short- lived and single use plastic products.)

Thank you Madam co-facilitator.

On Part II Item 3a Problematic and avoidable plastic products, the Cook Islands aligns with the statement by AOSIS and PSIDS.

However, we further state and emphasise our preference for the elimination and banning of problematic and avoidable plastics, including short-lived and single use plastic products, as reflected in Option 1 of Article 3a.

For Intentionally added microplastics, we also agree with Option 1 for a global ban based on a list in Part II of Annex B.

Lastly, we support an exemption provision, however this must be in a controlled and transparent manner, with an expectation to comply with the phase-out date in Article 4 paragraph 4.

Thank you.