WRITTEN SUBMISSION TO INC3 FROM THE MINISTRY OF ENVIRONMENT IN LIBYA

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<th>Name of country (for Members of the committee)</th>
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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?

There is a correlation between the three main factors related to plastics: production, consumption, and waste. Increased consumption leads to increased production and increased waste and pollution. In addition, the use of hazardous chemicals in plastics, and the design of problematic, unnecessary and single-use plastic products also leads to increased waste generation and pollution. Furthermore, pollution occurs at every stage of the plastics lifecycle, including during production, manufacturing, transport and sale, and finally leakage. This is the equation in simplified form, so a comprehensive approach must take all of these factors into account.

In order to achieve the main objective of the instrument, the proposed scope of the future instrument should prioritise the following high-risk plastic categories based on criteria including their potential to become pollution and the potential harm to human health and the environment:

Packaging products:
- Food and beverage packaging (beverage bottles, cups, beverage packaging bags, food containers, plastic cutlery and plates, snack bags, sachets, nets and wraps for fruits and vegetables, plastic carrier bags, bin bags, etc.).
- Cosmetics & personal care (toothpaste tubes, shampoo and liquid soap bottles, cream and lotion containers, and other beauty product containers, etc.).
- Pharmaceutical & medical (personal protective equipment, medication bottles, blister packs for pills, protective casings and inserts for medical devices, test tubes, etc.).
- Other packaging products (clothing, household goods, stationery, electronics, etc.)

**Products for human consumption:**
- Absorbent hygiene products (AHP) (baby nappies, sanitary protection pads, tampons, adult incontinence products and personal care wipes, etc.).
- Kid toys (teethers rattlers, stack toys, play food, plastic balls, Balloons, etc.).
- Other human consumption products (clothes hangers, water pipes, furniture, tyres, synthetic textiles, paint, contact lenses, ear bud sticks, disposable vacuum filters, cigarette butts, disposable e-cigarettes, etc.).

**Sector-specific products:**
- Fishing (nets, lines, pots and trowels, plastic mesh, fish aggregating devices “FADs”).
- Agriculture (irrigation pipes and equipment, mulch film, plastic silage wrap, greenhouse tunnels, etc.).
- Animal Husbandry (plastic slatted floor, plastic fence, animal’s feeder and drinker, pet’s toys, etc.).
- Other activity products (construction materials, electrical materials and equipment, electronic materials, automotive components and accessories, industry equipment, energy and electricity sector equipment, sports equipment, recreational and camping equipment).

**Microplastics:**
Microplastics are any small plastic particles with microscopic dimensions less than 5 millimeters (0.2 inch) in diameter. Microplastic particles can be classified according to their source to two types:

- Primary microplastics: (include microbeads found in personal care products such as toothpastes, skin care and scrubs, plastic pellets (or nurdles) used in industrial manufacturing, and plastic fibers used in synthetic textiles such as nylon).
- Secondary microplastics: (any particles that result from the breakdown of larger plastic materials once released into the environment particularly in the marine environment include plastic bags, bottles, fishing nets, textiles, paint, tyres, etc.).

The most appropriate control measures should be matched to these high-risk plastic categories through annexes. Control measures to be considered include: elimination, significant reduction, non-toxic circulation, including reuse and recycling targets, and environmentally sound management. Additional plastic categories subject to these groups of control measures may include polymers and chemicals of concern.
2. Principles

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

UNEA Resolution 5/14 decides that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution taking into account, among other things, the principles of the Rio Declaration on Environment and Development. The 27 principles of the Rio Declaration constitute a useful reference for discussion, especially:

- Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature. (Principle 1).
- States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. (Principle 2).
- In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it. (Principle 4).
- The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries. (Principle 6).
- States shall cooperate in a spirit of global partnership to conserve, protect and restore the health and integrity of the Earth's ecosystem. In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities. The developed countries acknowledge the responsibility that they bear in the international pursuit of sustainable development in view of the pressures their societies place on the global environment and of the technologies and financial resources they command. (Principle 7).
- States should cooperate to strengthen endogenous capacity building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, adaptation, diffusion and transfer of technologies, including new and innovative technologies. (Principle 9).
- States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries. (Principle 11).
- States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health. (Principle 14).
- In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation. (Principle 15).
• National authorities should endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment. (Principle 16).

In addition to the Rio Principles, relevant international convention standards and existing principles should also be taken into account when developing the basic provisions of the treaty.

The Stockholm Declaration and Plan of Action for the Human Environment put environmental issues and pollution control at the forefront of international concerns, and the Stockholm Declaration contained 26 principles that could also be a valuable reference that could be well utilized to discuss the principles during the allotted time in the third session of the Intergovernmental Negotiating Committee, especially:

• Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated. (Principle 1).

• States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea. (Principle 7).

• For the developing countries, stability of prices and adequate earnings for primary commodities and raw materials are essential to environmental management since economic factors as well as ecological processes must be taken into account. (Principle 10).

• The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures. (Principle 11).

• In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population. (Principle 12).

• Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries. (Principle 23).

In addition, In addition to the above, Article 195 of the United Nations Convention on the Law of the Sea states that "Duty not to transfer damage or hazards or transform one type of pollution into another. In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another". 
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).*

The treaty should follow detailed procedures regarding institutional arrangements. A Conference of the Parties would be established to evaluate and follow up on implementation measures and serve as the governing body of the legal instrument. In this context, the treaty text for the new treaty on plastic pollution must state clearly that the COP is to use the rules of procedure of the INC when adopting its own rules of procedure.

Implementation measures for the treaty should include national action plans, in addition to a mechanism for technical and financial support, capacity building and exchange of information and expertise.

The treaty should include a detailed mechanism for financial and technical support, especially to help developing countries implement their obligations in a timely manner. The support should include:

- Capacity building in the areas of data collection and analysis, waste management, monitoring and reporting.
- A mechanism to support small and medium initiatives in the field of plastic reuse and recycling.
- Public awareness activities and community engagement.
- Involving stakeholders in national action plans and waste management.

It is desirable that the treaty be open to development and improvement by including clear procedures for the adoption of amendments. The treaty could establish procedures for States parties to propose amendments, an authorized expert committee to review and recommend amendments, and the Conference of the Parties to decide on the proposed amendments. A three-fourths majority (as provided for in the Minamata, Rotterdam, Stockholm, Basel, and UNFCCC) could be used as a threshold for adoption of amendments.