Organization of the Petroleum Exporting Countries (OPEC)

PART A

Call for written submissions:
on the potential options for elements towards an international legally binding instrument to end plastic pollution

OPEC Secretariat
Research Division
August 2023
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:**

It is critical that the future instrument focuses on plastic pollution, including in the marine environment, and its root cause, which is the release of end-of-life plastics into the environment. Sustainable production and consumption of plastics in the context of circularity has to be at the core of any future instrument. Such approach would encourage achievement of sustainable development by the Parties.

In order to support the achievement of sustainable development, including the SDGs, the instrument should include science-based and targeted approaches to ensure efficient environmentally sound management of end-of-life plastic waste and to replace proven hazardous additives with environmentally sound alternatives, without undermining the many benefits of plastic for sustainable development. Non-hazardous chemicals, including polymers, are inevitable in a circular system and should not be restricted.

From a practical point of view, the scope of the instrument should consider the specific needs and special circumstances of developing countries. Developing countries particularly need policy space to implement their nationally determined measures.

**Explanatory Text:**
The instrument should be ambitious yet realistic. It should avoid commitments that do not take into account the situation of developing countries that lack the necessary technical and financial capacity. Party driven implementation of the instrument needs to be ensured.

The imposition of such barriers on developing countries, which could hinder their sustainable development and in particular their right to development, should be avoided. Plastics’ enormous potential to support other multilateral environmental agreements and to promote sustainable development is undeniable.

The sustainable production and consumption of plastics, including through the substitution of more emission-intensive materials and products, has significant potential to reduce emissions while supporting sustainable development. Restricting the use or production of plastics through an international instrument without a careful analysis of alternatives risks putting plastics at a disadvantage compared to more emission-intensive materials, for which no such instruments exist.

2. Principles

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

Proposed principles:

1. Ensuring sustainable development
2. Equity and just transition
3. Cooperation and international support
4. Common but differentiated responsibilities and respective capabilities, in the light of different national circumstances
5. Science- and evidence- based approaches in support of development and environment
6. Circularity

Explanatory Text:

1. Ensuring sustainable development should be at the core of any multilateral agreement. The contribution of the instrument to sustainable development would make it relevant and compelling to the Parties;
2. A just transition ensures that the instrument has a positive impact on all Parties, while taking into account the situation of the more vulnerable;
3. As environmental issues do not respect national borders, international and close cooperation between Parties is essential;
4. Developed countries should take the lead in addressing plastic pollution and provide technology, capacity building and financial support to developing countries;
5. Measures should be science- and evidence- based in support of reconciling development and protection of environment without putting unnecessary burdens to the economic and social development of countries;
6. The principle of circularity aims to transform the current open-loop value chain of plastics to a closed-loop value chain to minimize the release of end-of-life plastics into the environment.
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).

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**Proposed inputs:**

Promoting global partnerships and cooperation is critical, whereas developed countries should support developing countries through the provision of means of implementation.

Support in technology transfer, finance, and capacity building needs to be discussed right from the beginning to ensure a well-balanced instrument with a realistic chance of implementation.

In particular, innovative and sustainable technological solutions for recycling and waste management should be promoted. Rights and commitments must be developed in a well-balanced and transparent manner and must consider national circumstances and capabilities of developing countries.

Past experience has shown that the provision of adequate funding from developed to developing countries plays a critical role to make the new instrument work.