Statement by the Pacific Small Island Developing States (PSIDS) at INC-3

Part II Item 3(a) & (b) Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics

and

Part II Item 4 Exemptions available to a Party upon request

Nairobi, Kenya – 15 November 2023

Final

Delivered by: Nauru on behalf of the Pacific Small Island States

I make the following statement on the behalf of the 14 Pacific Small Island Developing States [PSIDs]. Given the slight change in the organisation of these items, we beg the co-facilitators indulgence, to allow us to complete the statements commenced under Items 2 and with our statement on Part 3, followed quickly by Part 4. We apologise to the Co-Facilitators for any confusion this may cause.

Noting our previous alignment to the AOSIS position to merge Items 2 & 3 we complete our statement on this matter. Regarding Item 3 (a), If the Instrument is to have any chance of succeeding to eliminate plastic pollution, the reduction in production, sale, and distribution is required. Our position is aligned with the waste hierarchy principle, reinforcing the priority of reduction, waste prevention and reuse, rather than focusing on just recycling and waste management alone.

We note several definitions are required, specifically, ‘problematic products’, ‘avoidable products’, ‘short-lived and single-use plastic products’.

Annex B will include vital information for the operation and implementation of the item as we recommend intersessional work with appropriately qualified input to create an initial criteria list for consideration. In the interim, an initial list of criteria and lists for products, could be developed with plastic products already identified by numerous jurisdictions for early action, so populating an initial list should not be challenging.

PSIDS recognises the pressures on producing countries related to reductions and potential phase out and support the necessary just transition and note the interconnected nature of the Zero Draft
recognising the importance to support actions under Item 5(d) on Alternative Plastics and Plastic Products, Item 6 on non-Plastic Substitutes, and Item 12 on Just transition.

**Regarding Item 3 (b),** PSIDS is supportive of an ambitious approach to the management of intentional microplastics and advocates for the phase down and eventual elimination of these products.

Microplastics are an issue of global concern as they are persistent, accumulate in marine environments, and are particularly mobile in the global environment through air and marine currents, having impacts well beyond their point source of emission. Microplastics resulting from the breakdown of plastic products can enter the food chain, potentially impacting human health.

For PSIDS, it is particularly important that we prohibit the production, sale, use, distribution, import, or export of plastics and plastic products containing intentionally added microplastics in order to overcome the challenges in the implementation and monitoring of intentional microplastics, and create a level-playing field through stronger transparency. By prohibiting the production and use of intentionally added microplastics, we can meaningfully contribute to global efforts to reduce the long-term health and environmental impacts of plastic pollution.

Lastly on the Exemptions Available to a Party upon request, it is crucial that the INC outlines the procedure for granting exemptions, including the responsible decision-making authority and the prerequisites for seeking an exemption. We recommend the procedures utilised by the Minamata Convention.

PSIDS supports an ambitious approach to the management of microplastics.

**On Item 4** PSIDS supports the text in item 4 that covers the exemption registration. Allowing Parties to register exemptions for specific products is a pragmatic approach, recognizing that a total and immediate ban on all plastic products might not be feasible. The item also supports the exemption expiry that sets a default expiration for exemptions ensuring that Parties don’t indefinitely postpone phase-out dates, maintaining pressure to find alternatives. In addition, the language here gives Parties flexibility by allowing for extensions for exemptions that might need more time to comply due to unique challenges. There is also flexibility for Parties in setting a final deadline for all exemptions ensuring long-term compliance and progress towards plastic pollution reduction.

PSIDS suggest improving the text by adding consideration for Transparency and Public Availability by making the register of exemptions publicly available and promoting transparency and accountability, which are crucial in environmental governance. We would be adopting a balanced and evidence-based approach to tackling plastic pollution, providing flexibility where needed while ensuring accountability and progress towards reduction goals. It is vital for this global treaty on plastic pollution to be consistent and prevent a “race to the bottom” with clear and binding commitments, along with strong enforcement mechanisms, can ensure that all parties are held to the same standards, preventing industries from relocating to countries with less stringent regulations and ensuring a level playing field.

We will send our proposed additional language for consideration on all items discussed.

Thank you Co-facilitators.