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:**

**Explanatory Text:**

2. **Principles**

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

**Proposed principles:**

We suggest the inclusion of **local and subnational governments** and the “**whole of government**” principle in the future instrument.

**Explanatory Text:**
We welcome the “Principles” section of the options document as it would play an important role in clarifying the underpinning principles and approaches for the future instrument implementation and could avoid repetition of said principles throughout the instrument.

We believe it is important to recognize upfront that a whole of government (and whole of society) approach is fundamental to ensure an inclusive and participatory implementation of the future instrument. The inclusion of the whole of governments principle would send the clear message that the instrument implementation requires the inclusion and active participation of all levels of governments and ensure harmonization vertically between levels of governments (as well as horizontally across governments).

This inclusion would be in accordance with the recently adopted Kunming-Montréal biodiversity framework, where the “whole of government” is recognized under section C (“considerations for the implementation”), stating that this is a framework for all, and that its success requires polities will and recognition at the highest level of government and relies on action and cooperation by all levels of government.

A definition of a “whole of government” approach should be added in the future instrument glossary to ensure that harmonization vertically between levels of government and horizontally across governments is included. We must clarify that it covers all levels of governments in a multi-level governance approach.

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:

We take the opportunity to ask that the role of local and subnational governments be explicitly mentioned in the future instrument since they have the prevailing authority and responsibility regarding plastic pollution and waste management.

In the “Governing body” section (A), we should define the role of the future instrument Major Groups. We could also suggest the creation of Advisory Committees for Cities and for Subnational Governments to support the work of the Secretariat of the INC.

Explanatory Text:

We need an explicit mention of the “local and subnational governments” in the future instrument since we play an important role as enabler of the implementation of the future obligations of the treaty. A specific mention would reinforce the sense of ownership and responsibility towards the treaty implementation by “all levels of governments”.

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The cities, local and subnational governments are at the frontlines of the plastics crises and are already addressing the consequences of plastic pollution in our environment, health services and waste management.

We ask for a mention of the “local and subnational governments” in the zero draft as a strong signal of recognition of our role and will be ready to provide additional suggestions and comments in writing on wording ahead of the INC-3.