Saudi intervention on the Preamble, definitions, principles and scope

Preamble, definitions, principles and scope:

Good morning colleagues, it is a great pleasure to be here in beautiful Nairobi and ahead of INC3 to discuss the missing elements in the current zero draft.

First of all the Kingdom of Saudi Arabia would like to start by thanking the secretariat for their all their efforts and in preparing the synthesis report for this meeting, going through the report was very interesting and looking at the different options presented it definitely inspired us, especially under aspects of the scope and principles.

To start off with the Preamble:

We see the preamble being the highlevel summary of the scope of the instrument, therefore we agree with the point of aligning the preamble with UNEA resolution 5/14, this would provide clarity to the base of our work, there could be more emphases on different elements such us understanding the complex challenge of plastic pollution while recognizing its important role in society and the challenge comes from the mismanagement of plastics.

As for elements to bring to the draft would be the following all equally important

1. Acknowledgement of synergies between economy, society and the environment with a view to attaining sustainable development;
2. Circular approaches: the instrument could advocate for a shift away from the linear model of production and consumption. Instead, it could promote a circular economy that minimizes waste and makes the most of resources. This might involve measures like improved product design for easier recycling, promoting repurpose and reuse.
3. Recognition plastic pollution, in marine and other environments, can be of a transboundary nature and needs to be tackled, together with its impacts, through a full-life-cycle approach, taking into account national circumstances and capabilities,
4. Recognition of the important role plastic plays in society
5. Recollection of the Rio Principles;
6. Recognition of the need for a healthy planet to preserve life for future generations;
7. Recognition of the importance of just transitions;
8. Recognition of a human-rights-based approach, including the rights of Indigenous Peoples;
9. Recognition of the need for a healthy planet to preserve life for future generations;
10. Recognition of the importance of the informal sector;
11. Recognition of the special circumstances of developing countries in line with national circumstances, priorities and capacities
12. Recognition of the important role of science and technologies
13. Means of Implementation: action on control measures to shall be commensurate to the ambitious levels of compliance; it is equally important to have equally ambitious levels means of implementation, including financial resources, capacity-building, and technology transfer to support developing countries. As this would be the only way to ensure that our ambitions to address the challenge of plastic pollution can be achieved.
Looking at how the report is broken down is it’s interesting to better visualize it our work, but we think its important that we are concise in our messaging so that there is clarity. For example links with existing resolutions we would prefer reference to the UNEA 5/14 resolution and the 2030 SDGs this would provide the required clarity.

There was a section on plastics and plastic pollution, and we think this is an interesting point to have of recognizing that plastics play important roles in society, including in contributing to the Sustainable Development Goals, and their applications, including in public health, energy transitions, food safety and national security, and that the challenge of plastic pollution lies in the mismanagement of plastics and the role of a circular approach.

The references to health and health concerns doesn’t seem appropriate as we already are acknowledging the right to healthy planet

As for cooperation and coordination and complementarity, we should be clear in regards to and the different intersects plastic pollution has with the multilateral system and ensure synergy between the systems although we don’t think we should be listing the different agreements.

As for actions to be taken we don’t agree with the listing of potential commitments, as that’s the purpose of the control measures but what we can do is show that there is call for action on plastic pollution and a global commitment to work collectively and decisively to achieve the objective on a gradual basis in a common but differentiated manner based on national circumstances and respected capabilities. Taking into account the imperatives of a fair transitions, including the work force and particularly waste pickers in accordance with nationally defined development priorities. While Reaffirming that States should cooperate to strengthen capacity-building for sustainable development by improving scientific understanding through exchanges of scientific and technological knowledge, and by enhancing the development, deployment and transfer of technologies, including new and innovative technologies, as mutually agreed, recognizing that most technologies and expertise rely on developed countries, and they must lead the efforts.

As for the matter of Respective contributions and support, this is one of the key topics conditionalities for developing countries and it is of most importance. Especially when recognizing national circumstances and capabilities, and the differences in developing Parties’ starting points, approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances. Stressing that the level of ambition for obligations shall be commensurate with the level of means of implementation provided to support developing countries, including financial resources, capacity-building and technology transfer and acknowledging the need for means of implementation to be provided from developed to developing Parties and based on the Rio principles measures and policies shall demonstrate that developed countries are taking the lead in modifying long-term trends in ending plastic pollution.

On definitions

We agree that definition are important to MEAs but we would suggest pushing this discussion to the upcoming INCs as we would have more clarity on the control measures text. And agree on the point that definitions can be considered after the scope. We don’t want to be prejudging discussion or working on definitions that might not be included in the instrument. And we agree with para 14 of the possible approaches to definitions, where we focus on the substance and noting terms can evolve over time due to new scientific knowledge or otherwise, and that any agreed definitions included in the instrument might limit the flexibility of the treaty. Also we agree with the building on definitions based on the scope.
On Principles

We want to first acknowledge the secretariat’s effort in the synthesis report in specific in this section as you may recall this is very important to us and to developing countries in general As principles are what govern the instrument. We see that principles would be a separate article that would govern the whole of the instrument and would guide the parties in their actions to achieve the objective of the instrument and to implement its provisions.

So, looking at how the secretariat sectioned the principles and building on that we agree that the reference to the Rio principles are essential but also there has to be a breakdown of these principles.

1. It is important to mention that all parties are dedicated to action under the instrument to address the challenge of plastic pollution and recognizing the transboundary nature for the benefit of all on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. 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. Accordingly, the developed country Parties should take the lead.

2. All commitments must be based on a concern for fairness. There must be equity between countries and their development. It is important to set our commitments fairly between developed and developing countries, according to the responsibilities and means of each, and to set different deadlines for implementation bearing in mind that legacy waste are attributable to developed countries, which therefore have primary responsibility for action. Even the Polluter Pay Principle aligns with the broader principle of equity in international environmental governance. It seeks to distribute the costs of pollution and environmental damage in a fair and just manner. By holding the polluters accountable, the principle ensures that the burden of environmental protection is not disproportionately borne by developing countries, which may lack the resources to address these challenges adequately.

3. To enable global action, the instrument should be designed in a way to encourage the adoption of appropriate and realistic measures by individual countries, taking due account of their specific circumstances. In addition, to strengthen the capacity of developing countries to act, the instrument shall facilitate provisions and means to assist developing countries in fulfilling their obligations.

4. As we see some discussions expanding basic materials we would like to recall that every state has the sovereign right to exploit its natural resources. The principles set out in Rio principles in particular Principle 2 must be respected, which both states that "States have the sovereign right to exploit their own resources" state sovereignty and non-interference in the internal affairs of other countries must be respected

5. From that perspective we are firm believers of a bottom-up approach and the right of Parties to choose policy mixes to combat plastic pollution, considering national circumstances and capacities, including socioeconomic, health, climate and environmental circumstances;

6. As for the precautionary principle, we understand its importance but we also recognize that this principle can hinder progress and innovation by imposing overly burdensome restrictions based on uncertain or incomplete scientific evidence. Decision-making should instead be based on a thorough assessment of available scientific evidence, weighing the potential risks against the potential benefits. So we don’t negatively impact economic development and growth through hindering businesses and industries. This principle can be a guide to governments when implementing national plans “Parties should take precautionary measures to anticipate, prevent or
minimize plastic pollution taking into account that policies and measures should take into account different socio-economic contexts”

7. As set in Rio the right of development is a must and the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations. Therefore, action must be cohesive and not taken without overall consideration of sustainable development Recognizing the synergies between the economy, society and the environment in the pursuit of sustainable development

8. Considering the developing country concerns on the socioeconomic impacts of the implementation of response measures and limiting harm to the economy and environment of developing countries

9. Protection of the environment must not creating new environmental problems, making environmental protection an integral part of the development process, and avoidance of adverse consequences

10. Stated to set clear role of youth, as the creativity, ideals and courage of the youth of the world should be mobilized

11. Measures taken to address plastic pollution must not constitute a mean of arbitrary of unjustifiable discrimination or disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country must be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus. We have seen and are expecting the negative of some national policies in specific regions to the developing nations and in specific in relation to trade as such measures where it shifts the burden and responsibility to developing countries.

As for the call for principles to address pollution itself, we do not agree with this approach, as principles are meant to govern the instrument rather then be specific control measures. Although some suggestions are particularly interesting and we would appreciate discussions with party members and even considering them as intersessional.

As for the approach of principles we agree that there should be an inclusion of them in preamble focusing on main guiding principles such as the right to development and CBDR but also there must be a seprate article on principles

**On Scope**

From our end, again we see the 5/14 resolution as our scope of work since that is our mandate.

We could start with the 5/14, recognizing the challenge ahead of us and also the role of plastics in sustainable development, we would also mention the role of plastic circularity here.

Also looking into the different bullets the secretariat has facilitated maybe we can be clear through such messaging, where we

- recognize the full life cycle aspect but without going into details as that would be too prescriptive for a scope
- To develop, implement national action plans reflecting country-driven approaches to contribute to the objectives of the instrument.
- we could then mention the importance of policies not impeding trade,
- then mentioning the importance of collaboration with other MEAs avoiding duplication.
- The role of science should also be included.
And of course need for sufficient flexibility to accommodate the different capacities and circumstances of developing countries especially LDC, while still being effective in addressing this challenge. Including concerns on the socioeconomic impacts of the implementation of response measures and limiting harm to the economy.

And finally, need to address the availability, accessibility, affordability and cost implications of alternative technologies.

To develop, implement and update national action plans reflecting country-driven approaches to contribute to the objectives of the instrument.