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?

- The scope of the legally binding instrument should be informed by the mandate of the INC, which is to tackle plastic pollution. Emphasis should thus be placed on issues that directly address plastic pollution including in the marine environment, such as comprehensive waste management. Issues with wider socioeconomic impacts, such as production limits, are complex and their immediate effect on tackling the urgent issue of plastic pollution is uncertain. As such, they would not fall within the mandate of the INC.

- On polymers, chemicals, and additives, there is value for the instrument to clearly identify those that are harmful or problematic, and the basis for this. The instrument should provide for adequate time for transition, and focus on practical solutions that are science-based.

2. Principles

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

The instrument should consider:
- Science-based approach;
- Life-cycle analysis of the environmental impacts of alternatives;
- Avoid creating new environmental problems;
- Specific needs and special circumstances of developing and least developed countries, including small island developing States;
- Adequate transitionary time.

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).

At this stage, we have yet to arrive at a common understanding of the scope and the elements to be included in the instrument. We propose that time be catered at INC-3 for the INC to arrive at this.

We also propose that more time should be allocated to discussion on the substantive elements of the instrument. The INC and intersessional work must be dedicated to building this understanding, so that substantive negotiations can begin.

Our view is that discussions on institutional arrangements, while important, can take place at a later stage. Clarity on the substantive elements is needed to ensure the institutional arrangements are fit for purpose.