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:**

For emphasis, Uganda aligns itself with (UNEA Resolution 5/14): “long-term elimination of plastic pollution”, to “avoid detriment from plastic pollution to ecosystems and the human activities dependent on them” through “a comprehensive approach that addresses the full life cycle of plastic including all plastics (i.e. materials, products & associated substances) based on the principles of prevention. Additionally, co-benefits of control measures for other issues should be considered, including climate change and the promotion of a circular economy. These could be embedded in preambular paragraphs of the treaty.

**Explanatory Text:**

- The lifecycle of plastics constitutes an entire system from the sourcing of feedstock (fossil sources) to make plastics (and associated environmental and health impacts) as well as the waste management or pollution phase (including impacts from waste-management residues or by-products). It is only through the full life cycle approach that the plastics crisis can be comprehensively addressed with priority to upstream actions to prevent the generation of hazardous materials and waste that excludes false downstream solutions like open burning, incineration, firing in coal-fired power plants, and other waste-to-energy processes, co-processing in cement kilns, and chemical recycling which should be prohibited, to protect human health and the environment.

- **Plastics** should include plastic products (including products made partly from plastics), plastic materials (plastic polymers and additives including fillers), and plastic polymers.

- Plastic pollution should include all sources and forms of plastic pollution including plastics and associated chemicals (including feedstock, monomers, oligomers, polymers, and intentional and non-intentional additives) in the environment, including human bodies.
2. Principles

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

Proposed principles:

- May consider specific rights such as access to information, health, and a clean and safe environment as declared by UNGA resolution adopted in 2022.
- Polluter Pays Principle
- Principle of Prevention & waste hierarchy
- Just Transition

Explanatory Text:

The treaty ought to recognize the need for a healthy, toxic-free environment, information, participation, and access to effective remedies occur at every stage of the plastics lifecycle and should be eliminated where they occur in the plastics lifecycle. Persons in vulnerable situations are particularly affected, including formal and informal workers in plastic manufacturing and recycling such as waste pickers, fence line communities, children, youth and women. It is therefore vital that the treaty adopts principles as well as mechanisms for accountability and access to remedy.

To uphold transparency and access to information, plastic manufacturers should be obliged to make information about the chemicals they use for production and in plastic materials transparent. This will help them improve sustainability, become responsible, and gain trust and recognition for their efforts. Companies along the value chain, and especially downstream users, will know about the ingredients of the articles or products they use and produce. Recyclers will be able to handle waste responsibly and avoid producing contaminated secondary raw materials used for new products. Consumers will be able to access their right to know and make informed decisions while purchasing and disposing of plastic products.

The right to information on the hazards of plastics and the right to effective remedies to plastic pollution as well as the Principles of prevention, precaution, and polluter pays, are key, as are the rights of affected communities and environmental defenders to participate in policy-making.

In Africa, relatively few countries produce plastic, but shoulder the burden of toxic and non-recyclable plastic waste exports, therefore Principle 16 of the Rio Declaration has special significance: “The polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.” Polymer producers are accountable for the pollution costs of all their plastics, irrespective of the country where the plastics end their life, and whether the plastics are ultimately destined for recycling or disposal. In line with the polluter pays principle is the mandatory development and implementation of EPR schemes, including deposit return schemes for certain product categories (such as beverage bottles), the treaty can oblige countries to establish EPR schemes for a specified list of plastic applications (e.g. packaging) and specify a set of criteria or guidelines for the essential elements of such schemes.

However, the development and implementation of criteria for reuse, repair, and safe mechanical recycling should be at the forefront of all member states.

The waste hierarchy is also a well-established principle and serves to establish resource efficiency and waste minimization.
All measures taken in regulating the plastic life cycle must be seen through a just transition lens for all workers affected by planned changes in the global plastics economy. At the same time, it is important to recognize the very special role of waste pickers. Waste pickers are the backbone of the waste collection and sorting systems in most countries. They are also one of the most vulnerable occupational groups, predominantly women from socially and ethnically marginalized communities. As such, waste pickers deserve particular emphasis in a new plastics treaty, to ensure their meaningful inclusion in treaty provisions and implementation, and realize their full potential as engineers of the global materials economy, placing them at the vanguard of collection, sorting, reuse, repair, composting and recycling systems.

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 the governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).*

Proposed inputs:

- Support the Institution of a Scientific body for the treaty
- Support Enforcement and Accountability system for the treaty.

Explanatory Text:

The Scientific body is an important component of the instrument and should adopt baselines, standards, methodologies, and definitions; evaluate environmental and health costs, and environmental justice at National, Regional, and International levels; strengthen Life Cycle Assessments (LCAs) standards; compare LCAs of plastics and their alternatives. The body should be free from conflict of interest with corporations with financial stakes in the life cycle of plastics and hosted by the Secretariat with a representation of possibly the national focal points.

To make plastic pollution and other serious breaches of treaty provisions criminal offenses under the country’s national law, and provide communities harmed by plastic pollution with access to legal and other effective remedies.

Develop a comprehensive, precise, and public identification of plastic feedstock, polymers, and additives as a prerequisite to effective regulation fulfilling the right to information relative to health and the environment.