

## 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](mailto: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.

## TEMPLATE FOR SUBMISSIONS (part a)

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	International Solid Waste Association (ISWA)
Contact person and contact information for the submission	Alan Encinas – <a href="mailto:aencinas@iswa.org">aencinas@iswa.org</a> Carlos Silva Filho - <a href="mailto:csilvafilho@iswa.org">csilvafilho@iswa.org</a> Nancy Strand – <a href="mailto:nstrand@avfallnorge.no">nstrand@avfallnorge.no</a>
Date	15/08/2023

### 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:**

*The strategic framework of the treaty must adopt an all-encompassing perspective, taking into account all plastic products and all steps of the plastic lifecycle, that negatively affect public health, the environment and the climate. This broad scope is expected to prioritize upstream approaches but also identify and consider downstream activities within the plastic lifecycle, thereby enabling a comprehensive assessment of impacts, opportunities for intervention and feasible solutions. The use of chemicals that hinder circularity or pose health risks or risks to the environment should be addressed through a phase-out approach.*

*The adoption of a harmonized approach with regular monitoring is essential. Ensuring National Action Plans (NAPs) aligned with key principles and timelines is critical, and a treaty would benefit from incorporating regular monitoring and evaluation processes.*

#### **Explanatory Text:**

*Specific considerations:*

*- **Addressing Plastic Lifecycle and Beyond:** While addressing the full lifecycle of plastic, the treaty should not isolate plastics but also look at the broader waste and resource management flows to consider an integrated approach. Contributing to developing the governance and infrastructure capacities to address the issue of solid waste pollution as a whole.*

**-Integrated Waste Management Approaches prioritizing upstream initiatives:** The treaty should promote the 3R principle (Reduce, Reuse, Recycle), circular economy models, and eco-designed plastic packaging and products, restraining plastic production and consumption to sustainable levels and Establishing conditions for well-functioning markets for recycled plastics.

**- Acknowledging marine Plastic Pollution as a global and systemic challenge with four key systemic failures:**

- Poor or absent solid waste management services and infrastructure (mainly in low-income countries), and insufficient monitoring & law enforcement (mainly in high-income countries)
- Problematic and vulnerable markets for secondary plastics, resulting in poor and very fragile incentives for material recovery.
- Lack of a systemic and in-depth understanding of:
  - a) The technical challenges and the restrictions of material properties and the flows of plastics.
  - b) The effects of social consumption patterns and littering behaviors on solid waste generation

**-Role of Science and Transparent Decision-Making:** Science-based evidence and scientific methods should provide the foundation on which decisions are made. Transparency and inclusion must be central to the process to ensure fair representation, especially for those most negatively affected.

**-Knowledge Sharing:** Global education campaigns with cross-generational engagement are required to enhance the exchange of experiences, networking and mobilization towards an effective implementation of the treaty. In addition, online databases are an important instrument to incentivize successful solutions based on existing experiences. International exchange of success and failure stories via seminars, conferences and an online open platform could facilitate collective learning and effective problem-solving.

**- Regulatory Framework:** The development of an effective regulatory framework is crucial. This should consider the existing conditions and capacities of each country to set realistic yet ambitious targets, understanding the gaps that need to be addressed, and further informing the required financial and technical assistance to achieve ideal conditions. The effectiveness of this comprehensive framework relies heavily on the support of robust legislation to be addressed at national, sub-regional and local levels, and well-executed communication strategies.

**-Governance and financing systems** are key for a successful implementation, the instrument should include financial tools and robust governance systems and consider a global funding mechanisms for investments in developing countries.

**-Tailoring to Local Conditions:** Given the sector's specificity, large variations in waste management maturity and dependence on local practices and characteristics prevent a one-size-fits-all approach. Therefore, the development of targets, measurement of baselines and achievements, as well as monitoring and evaluation of progress should take into account local conditions. Thus, it enables the necessity for capacity building and continued assistance directed to local authorities, in order to translate the scope and principles of the international agreement to the local reality.

## 2. Principles

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

### **Proposed principles:**

The principles that the treaty should include are centered around promoting sustainable, responsible, accountable, and equitable practices. They should encompass the **Principle of Sustainable Development**, which calls for development that meets present needs without compromising the ability of future generations to meet their own needs, the **Precautionary Principle**, which advocates for preventive action in the face of uncertainty, and the **Polluter Pays Principle**, which suggests that those responsible for pollution should bear the costs of managing it to prevent damage to the environment and human health .

The treaty should also include the **Principle of Solidarity**, emphasizing the shared responsibility of nations in the collective effort to address transboundary environmental challenges. Furthermore, the **Principle of Cooperation** should be entailed to effectively execute the means to realise the shared objectives by calling nations to work together to address the issues. In this scenario, it is paramount that high-income nations support middle and low-income nations.

Additionally, the **Principle of Public Participation and Access to Information** encourages the involvement of all stakeholders in environmental decision-making processes and transparency in providing environmental information and the **Principle of Accountability** stresses the obligation to answer for the responsibilities that have been conferred. Finally, the **Principle of Environmental Justice** advocates for the fair treatment of all people regardless of race, color, national origin, or income in the development, implementation, and enforcement of environmental laws, regulations, and policies.

**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).*

*Acknowledging the disparities between developed and developing nations is another essential element. Differences in the stages of development and implementation, particularly in waste management, call for tailored approaches and interventions. A starting point for all should be establishing reliable sound waste management systems, a key step towards transitioning to a circular economy.*