



**KEDUTAAN BESAR REPUBLIK INDONESIA
NAIROBI**

No.D.046/II/2023/06

The Embassy of the Republic of Indonesia in Nairobi presents its compliments to the Secretariat of the United Nations Environment Programme (UNEP) in Nairobi, and has the honor to transmit enclosed herewith letter from Indonesia's National Focal Point for INC Plastic Pollution to the Executive Secretary of INC Plastic Pollution, conveying Indonesia's written submission on the potential options for elements towards an international legally binding instrument.

The Embassy of the Republic of Indonesia in Nairobi avails itself of this opportunity to renew to the Secretariat of the United Nations Environment Programme (UNEP) in Nairobi the assurances of its highest consideration.

Nairobi, 8 February 2023



Secretary of Governing Bodies
United Nations Environment Programme (UNEP)
NAIROBI

Secretariat of Intergovernmental Negotiating Committee (INC) to end plastic pollution
United Nations Environment Programme (UNEP)
NAIROBI
Email: unep-incplastic.secretariat@un.org

Enclosed: As stated



**MINISTRY OF ENVIRONMENT AND FORESTRY
REPUBLIC OF INDONESIA
DIRECTORATE GENERAL OF SOLID WASTE, HAZARDOUS
WASTE AND HAZARDOUS SUBSTANCES MANAGEMENT**

Manggala Wanabakti Building Block 4, 5th Floor – Gatot Subroto, Jakarta 10270,
Telp. 021-5704 501/04 Ext. 4112, Fax. 021-5790 2750; Indonesia – Post Office Box 6505

Our Ref. : SG2/PSLBS/PUS/PLB.2/2/2023
Re. : Written Submission of the Republic of Indonesia

6 February 2023

Ms. Jyoti Mathur-Filipp
Executive Secretary INC Plastics Secretariat

Dear Madam,

With reference to your letter Ref.: UNEP-INC2022-2025 dated 9 December 2022 regarding call for written submission on the potential for elements towards an international legally binding instrument, please find enclosed written submission document from the Republic of Indonesia.

The written submission represents our views and interest concerning the potential elements of legally binding instrument that should be included in negotiation process during INC-2. We are planning to attend INC-2 that will be held in Paris France in May-June 2023 as our commitment to contribute more in the process towards an international legally binding instrument to end plastic pollution.

We look forward to continuing our collaboration with you in the process of negotiation of INC-2.

Sincerely,

Rosa Vivien Ratnawati, SH., M.SD
Director General of Solid Waste, Hazardous Waste, and Hazardous Substances Management
Ministry of Environment and Forestry, Republic of Indonesia
National Focal Point INC Plastics Pollution

Cc.:

1. H.E. Minister of Environment and Forestry.
2. H.E. Vice Minister of Environment and Forestry
3. H.E. Ambassador of the Republic of Indonesia in Nairobi
4. Secretary General Ministry of Environment and Forestry

Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from observers. The template below is intended to provide guidance to members of the committee and observers in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and Observers to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably 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'.

The template is divided into three sections:

- I. Substantive elements
- II. Implementation elements
- III. Additional input

All written submissions must be sent to unep-incplastic.secretariat@un.org. The statements received will be compiled and made available the INC webpage.

Please note that it is not required for all fields to be answered in the template for submission.

Deadline for submissions:

- 6 January 2023 for written submissions from observers.
- 10 February 2023 for written submissions from Members of the Committee.

TEMPLATE FOR SUBMISSIONS

Name of country (for Members of the committee)	Indonesia
Name of organization (for observers to the committee)	
Contact person and contact information for the submission	<p style="text-align: center;">Ms. Rosa Vivien Ratnawati Director General of Solid Waste, Hazardous Waste, and Hazardous Substance Management/ National Focal Point (NFP) INC Plastic Pollution rosavivien@gmail.com</p> <p style="text-align: center;">Ms. Sinta Saptarina Soemiarno Director of Solid Waste Reduction, Ministry of Environment and Forestry Republic of Indonesia sinta.soemiarno@gmail.com</p> <p style="text-align: center;">Mr. Danny Rahdiansyah Deputy Permanent Representative for UNEP and UNHabitat Embassy of Indonesia in Nairobi danny@kemlu.go.id</p>
Date	6 February 2023

I. Substantive elements

1. Objective(s)

a) What objective(s) could be set out in the instrument?

<p>Proposed Objective:</p> <ul style="list-style-type: none"> ● To end plastic pollution, including in the marine environment, with the view to protect human health, the environment from the harmful impact of plastic pollution, and to provide a healthy planet for preserving the life of future generation ● To provide enabling environment and level-playing field for all members of the Committee to implement the provisions of the instrument. ● To develop an instrument that addresses the full life cycle of plastics: <ul style="list-style-type: none"> ✓ To prohibit production, marketing, and promotion of toxic plastics from the life cycle of plastics. ✓ To phase out all problematic plastic items. ✓ To limit production and use of single-use plastic products. ✓ To improve sustainable consumption pattern of plastics. ✓ To improve waste management system.
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- ✓ To promote environment-friendly alternatives of plastic products.
- ✓ To engage and empower local communities in the process.
- To set out comprehensive and coordinated measures to accelerate the transition to a circular economy for plastic globally and include supporting mechanism for its effective implementation.
- To manage plastic waste with a view to provide balance between environmental protection and environmentally sound economic development.
- To establish measures that ensure the implementation of principles under Rio Declaration 1992 as well as principle Common but Differentiated Responsibility and Respective Capabilities.

Explanatory Text:

- Our planet and our life are faced with complex challenges of climate change, biodiversity loss, and pollution. Plastic pollution poses great threat to our health and the environment including land, air, freshwater, groundwater, and marine ecosystems, both to our present time and to our future generations. Our future generations deserve to live in a healthy planet and livable environment.
- UNEA Resolution 5/14 emphasized that plastic pollution represents a serious environmental problem at a global scale, negatively impacting the environmental, social, and economic dimensions of sustainable development.
- The objective of this instrument should reflect the broad mandate of UNEA Resolution 5/14 to guarantee its effectiveness. It should reflect clearly the “what” to be specified, “how” to achieve the goals/targets of the instrument, “when” to achieve those targets in a gradual manner.
- The instrument should be a bottom-up approach based on a sound national action plan, supported by strong collaboration among members of the Committee, International Organizations, private sector, and other related stakeholders.
- In the context of combating plastic pollution and sustainable development, it is important to give balanced portion between environmental protection and economic growth.
- The instrument should take in to account the different capabilities of the member states, in which developing states might still need support and facilities, especially in the field of transfer of technology in order to do a transition toward a more environmentally friendly plastic production.

2. Core obligations, control measures and voluntary approaches

- a) *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?*

UN Resolution 5/14 mandates a creation of a legally binding instrument to end plastic pollution including in the marine environment through a full life cycle of plastic approach that it could be measured at the upstream, midstream, and downstream:

Core obligations

- The treaty must set clear goals, targets, rights, and obligations, respecting national priorities and circumstances. The obligations of member states shall be determined by each member state, respectively, in its national action plan, set for a certain period of time.

- The plastic treaty needs to comprise differentiation of measures and responsibilities to equalize implementation capacities between developed and developing countries. In this regard, the principle of common but differentiated responsibilities (CBDR) should be at the heart of the treaty.
- The instrument needs to adopt incremental processes through which measures are strengthened over time.
- The instrument should be geared towards addressing plastic pollution, through: (i) Preventive action, (ii) Management action, and (iii) Recycling actions
- The instrument should develop guidelines to develop sustainable plastic production and consumption and creates an effective enabling environment for a plastic circular economy.
- The instrument needs to improve communication, education, and behavioral change
- Set a global target for reducing plastic waste, taking into account national circumstances.
- The instrument should guarantee financial, technical, technological, and capacity building assistance from developed countries to developing countries.

Control measures

- Overall, it shall address development of implementing measures throughout the entire lifecycle of plastic, specifically addressing production, design, trade, consumption, and waste management

At the upstream:

- It shall address development of government's mandatory targets, based on the instrument, around aspects to be implemented in national level.
- It shall address promotion of sustainable design of plastic products and materials
- It shall address promotion of innovation, including the development of new business models and environment-friendly design.
- It shall address the reduction of virgin plastic production and distribution.
- It shall address the reduction and elimination of harmful substances in the production and polymerization of plastic.
- It shall address the increasing of production and distribution of plastic pellet, plastic flake, and plastic product are easily to be reused and recycled at the end of its life.
- It shall address the reduction of the avoidable, unnecessary, and unrecyclable single-use plastic production and distribution.
- It shall address the increasing of production and distribution of recycled plastic pellet, flake, and product.
- Addressing obligations of producers, distributors, retailers, and importers of products and/or their packaging, to design its plastic-based product and/or packaging to be easily biodegradable by natural processes, recyclable, or reusable.
- Addressing obligation of producer to prepare an action plan that includes individual waste reduction targets.

At the midstream:

- It shall address the responsibility of producer, importer, and retailer to prevent using and selling of avoidable, unnecessary, and unrecyclable single-use plastic.

- It shall address the responsibility of producer, importer, and retailer to use and sell of recycled plastic product and packaging.
- It shall address the responsibility of producer, importer, and retailer to take-back and collect post-consumer plastic product and packaging.
- It shall address the responsibility of government to provide a proper sorted-collection and treatment systems and facility for plastic waste.
- It shall address the responsibility of citizen and community to sort and dispose the waste properly.
- Addressing obligations of producers, distributors, retailers, and importers of products and/or their packaging, to be withdrawn to enter the recycling stream.
- Fairness of investment in the recycling sector in developing countries.
- Develop market mechanism of the recycled plastic market among parties.
- The Secretariat prepares a report regarding the fulfillment of developed countries' obligations in providing assistance in managing plastic waste in developing countries.

At the downstream:

- It shall address the responsibility of producer, importer, and retailer to reuse, recycle, and treat post-consumer product and packaging.
- It shall address the responsibility of plastic recycling and treatment industry to provide and conduct a proper and environmentally sound technology.
- It shall address the responsibility of government to provide and conduct a proper and environmentally sound technology of plastic waste treatment.
- It shall address the responsibility of government to provide and conduct a proper and environmentally sound final disposal.
- Need to strengthen the research into impact of plastic pollution on humans and environment to strengthen the narrative around cause and effect.

Voluntary approaches

- Encourage voluntary approaches to reduce plastic waste, by involving local government, local community leaders, youth, and academia.
- Increase education of industry as well as consumers around impact of plastic packaging to increase knowledge and the urgency to act.
- Develop an effective communication strategy and campaign in addressing plastic pollution.
- Strengthening bilateral cooperation between developed and developing countries in plastic credit, or other mechanisms that are fair and can support a significant increase in the utilization ratio of recycled plastic.
- The instruments should provide a mechanism that enable member states to perform voluntary approaches under bilateral cooperation that aim to enhance their target in reducing plastic pollution.

II. Implementation elements

1. Implementation measures

- a) *How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- b) *How to ensure effectiveness of the instrument and have efficient national reporting?*
- c) *Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

a) To ensure implementation of the instrument at national level hence:

- Each member states shall ratify the instrument as national legal framework.
- Each member states shall build national plan of action for implementation of the instrument.
- ✓ National plans should include measures among others: (i) encouraging resource efficiency (upstream); (ii) redesign and reuse of products and materials (upstream); (iii) avoiding the unnecessary use of plastic and plastic containing chemicals of particular concern where appropriate (midstream); (iv) increasing collection and recycling rates of plastic waste (downstream); and (v) preventing marine litter and the discharge of microplastics (downstream).
- ✓ National action plans should include a considerable level of enforcement. This means being part of national legislation.
- Each member states shall build national coordinating and implementing team to implement national plan of action.
- Need to have effective reporting by member states of the Committee on the implementation of their commitments.
- The instrument must be effectively implemented implementation through assistance, monitoring, compliance, and advocacy. Members of the Committee and stakeholders must work together to achieve the set goals.
- The instrument must be able to identify the most appropriate assistance mechanism to encourage the broader implementation of each category of instrument.
- Promote collaboration under North-South Cooperation and South-South Cooperation.
- Develop a mechanism to provide policy-relevant, scientific, and evidenced-based data and information related to plastic pollution.
- Adopt common but differentiated responsibilities and polluter pay principle into the instrument.
- Financial windows (digital platform), to identify pledges of funds that can be accessed by developing countries.

b) To ensure an effective instrument and efficient national reporting hence:

- Each member states shall develop national information systems for monitoring and reporting implementation of the instrument.
- The instrument should be supported by scientific data-driven, concrete objectives, and current state baseline.

- Regulate targets of instrument on a national level.
- Establish a national body of focal point to monitor the implementation of the instrument.
- Obligation to make regular reports, which contain information on achievements, best practices, and challenges, as part of evaluations and sources of information.
- The Secretariat prepares a report regarding the fulfillment of developed countries' obligations in providing assistance in managing plastic waste in developing countries.
- Need to have periodical reporting by member states on the implementation of their commitments. The elements to be reported by each member state should include, but not limited to, level of fulfillment of the target.

c) Any other relevant proposals or priorities:

- Each member states shall develop and set national standards for implementing the instrument. It might refer to global standard if applicable.
- Universities, research center, NGOs, private sectors, local government, and other related stakeholders must work together with the national government to address and build solutions to the plastic challenges.
- The instrument must set a compliance mechanism by establishing a committee to ensure the compliance of member states to achieve the target already set out. The Committee shall monitor and evaluate the implementation of each member state. In measuring the compliance of member states, the Committee should: [i] examine the failure of state to fulfill its commitment; based on the examination, the Committee will [ii] provide assistance, advocacy to facilitate those states to achieve their targets and/or [iii] impose sanction to states whose failure to achieve the target is due to the lack of strong commitment. Members of the Committee and stakeholders must work together to achieve the set goals.
- In order to ensure the target in reducing plastic pollution at the global scale has been achieved, a global stocktaking meeting should be conducted for a certain period of time. The meeting will measure whether the measures taken by member states have really affected the reduction of plastic pollution at the global level.

2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) *What measures will be required to support the implementation of the instrument?*

- The instrument should recognize that Member states are at different stages regarding material processing capacity. Development, expansion, and enhancement capacity in developing countries should be prioritized:
 - ✓ Creating an enabling environment and a level-playing field among members of the Committee to effectively implement the instrument.
 - ✓ Strengthening of institutional capacity, technical skill, and knowledge for developing countries to effectively implement the instrument.

- Capacity building on technical know-how in implementation of full life cycle of plastics at upstream, midstream, and downstream.
- Capacity building on technical know-how in implementation of circular economy of plastics.
- Technical assistance on how to measure, analyze, monitor, and report of plastics pollution.
- Technical assistance on how to build a robust and reliable monitoring and reporting system.
- ✓ Promoting technology transfer, financial support, and investment between members of the Committee.
 - Financial assistance on how to access and gain financial resource using the following scheme: government to government (bilateral/multilateral), business to business, business to community, and community to community.
- ✓ Establish a mechanism to ensure that countries with the most resources, advanced technology, and infrastructure support less developed and developing states to implement the instrument properly.
- ✓ Promote actions for the empowerment (training, development of education curricula, etc.) of youth and students, local community, informal workers to raise awareness of the harmful effects of plastics and enable them to take appropriate actions.
- Establishment of a global information hub to facilitate all stakeholders with publication, useful tools, contacts of centers of excellence, and other related materials that can be used for promoting campaign at national level.
- Define country/region specific implementation measures to allow for local requirements and national capabilities.
- Create synergy with related provisions from Basel Convention, Rotterdam Convention, Stockholm Convention, Minamata Convention, CBD, Paris Agreement, and other related international conventions.
- Creation of a dedicated multilateral fund to provide financial resources for enabling activities in developing countries set out under this instrument, as well as for Research and Development.
- Establish a universal tracking system of the implementation of this instrument.
- Promote Research to fill the major knowledge gaps concerning plastics, especially from developing countries.

III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education, and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

- Need to promote awareness raising, public behaviour changes, an public engagement, and education campaign among local government, university students and youth, local community: plastic education as a part of environmental education at all levels of education

- Need to promote more research and innovation as well as scientific publication from developing countries to contribute to the global discourse on plastic pollution, as science-based and evident-based input for policy and regulatory arrangement
- Developing knowledge management as platform for exchange of information, publication, journal, news, feeds, best practices, etc.
- Need to develop an official definition of terminologies used in the Instrument, and other definitions of terminologies related to the Instrument. This may include definition on plastic waste/pollution, the categories of the plastic waste if necessary and definition on the scope of activities in reducing, handling, recycling, reproduction of plastic waste.
- Maximize the existing initiatives, frameworks, and best practices.
- Intensive stakeholder engagement.
- Need to set elements of cooperation under the instruments, such as: exchange of relevant scientific, technological, technical, socio-economic and legal information in plastic waste management, education and training to increase community awareness regarding plastic pollution.
- Need to establish institutional provisions, such as: i) Conference of the Parties to monitor and review implementation, ii) Subsidiary bodies (if necessary), iii) Compliance Committee.
- No reservation under this instrument should be allowed to ensure the effective implementation of this instrument.
- To ensure more states to participate, the entry into force of the instrument should be set to a threshold of at least 50 Parties, through ratification, acceptance or approval and open for accession.
- Amendment to the instrument may be made, only to be implemented after certain period of the entry into force of the instrument.
- Withdrawal may be allowed, after the Party fulfill at least one period of its national action plan.
- Settlement of differences shall be made through amicable consultation and negotiation.