

## 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 A FOR SUBMISSIONS (part a)**

Name of country (for Members of the committee)	The Islamic Republic of Iran
Name of organization (for observers to the committee)	Ministry of Foreign Affairs
Contact person and contact information for the submission	Mr. Gholamhossain Darzi, Director General for International Affairs of Environment and Sustainable Development <a href="mailto:gdarzi@yahoo.com">gdarzi@yahoo.com</a> & <a href="mailto:irfocal@yahoo.com">irfocal@yahoo.com</a>
Date	1 November 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 scope of the future instrument shall strictly be in line with the mandate as defined in article 3 of the UNEA Resolution No. 5/14 paragraphs 3(b) and 3 (c) indicating that the instrument shall include the followings:

- To promote sustainable development production and consumption of plastics, with the use of the best available technologies, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;
- To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution. Implementing efficient recycling systems and promoting economy, where plastic waste is reduced, reused and repurposed, can significantly decrease the environmental impact of plastics. The core of the plastic pollution crisis is "the resource-inefficient, linear, take-make-waste plastic economy," which should be replaced by a rational and environment friendly economy.
- Further, the scope of the future instrument should focus on development and promotion of sustainable alternatives to replace hazardous additives.

**Explanatory Text:**

- It is strongly viewed that many proposals contained in the documents UNEP/PP/INC.2/4 of 13 April, UNEP/PP/INC.2/INF/4 of 23 May 2023 and UNEP/PP/INC.3.4 of 4 September 2023 aim beyond the above-mentioned objectives

and shift the focus of discussions from plastic pollution to upstream restriction and prohibitions. Such proposals do not give due regard to the followings:

- the vital role of polymers in the world economy and trade;
- the importance of polymers for food security and public health;
- concerns over industry-wide disruptions due to trade measures incompatible with rules of the World Trade Organization (WTO) and preferential trades agreements;
- large variety of national circumstances and capacities.

Therefore, any attempts to impose restrictive measures on oil, gas and chemical industries would be unacceptable. In fact, any ban, reduction or limit on primary polymer production would negatively impact useful world trade and economic activities with less impact on pollution. Concurrently, the scope of the instrument should exclude the stages of extraction and processing of primary raw materials as well as the stages relate to virgin polymer production, since no plastic pollution is generated at these stages of production and raw materials can be used for production of other non-plastic products. Therefore, the following substances and materials should be left outside of the scope of the future instrument due to their absence in the scope of negotiating mandate on plastic pollution provided in the UNEA Resolution NO. 5/14:

- raw materials, such as hydrocarbons and their derivatives,
- intermediate products, such as virgin polymers, which have to be further processed for serving end uses,
- any dual-use items.

It is strongly suggested that, limitations to be put on unnecessary and problematic plastic applications, to make recycling techniques more efficient and environmentally sound, and biodegradable plastics to become a suitable alternative for single use applications of ordinary plastics.

**Which types of substances, materials, products and behaviors should be covered by the future instrument?**

- Primary plastic polymers are not inherently the main source of plastic pollution and therefore production, supply, trade and export/import of these materials/substances should not be subject to any reduction or restriction. Furthermore, issues regarding any possible annexes and lists as well as other relevant technical issues could be discussed/decided in a later stage by a special advisory scientific and technical body after adoption and enforcement of the legally binding Instrument.

## **2. Principles**

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

**Proposed principles:**

- The right to development of developing nations;
- Human beings are at the center of concerns for right based approach to sustainable development. They are entitled to a healthy and productive life in harmony with nature;
- The sovereign right of States to exploit their own resources pursuant to their own environmental and developmental policies;
- International actions in the field of environment and development should also address the interests and needs of all countries;
- In view of the different contributions to global environmental degradation, States have common but differentiated responsibilities and respective capabilities, in the light of different national circumstances;
- The responsibility of developed countries in the international pursuit of sustainable development in particular through transfer of technologies and mobilizing financial resources.
- Any decision, measure, policy and or legislation to address plastic pollution should be nationally determined;
- Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade;
- Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus;
- The need for international cooperation and partnership in good faith to address environmental challenges;
- Following a cooperative and facilitative approach;
- Capacity-building and unimpeded access to technical and financial assistance;
- Equity and just transition;
- Avoid duplicating other multilateral efforts the precautionary approach.

**Explanatory Text:**

The main approach of the instrument should be based on sustainable development. The new instrument should ensure a just transition to an environment friendly economy in a way that takes into account the special needs and national circumstances of developing countries and considers flexibility without imposing an unnecessary burden on the economic and social development of such countries. The instrument should also help reduce plastic pollution and protect the environment by adopting smart and effective strategies. Undoubtedly, promotion of international cooperation and partnership among countries is necessary to advance the main objective/s of the instrument. Developed countries, while being the main contributors to plastic pollution, should act in a way to enhance their support to and resilience of developing countries through transfer of technology, capacity building and more financial assistance.

**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).*

**Proposed inputs:**

- Primary plastics have become a cornerstone of modern society and an integral part of economic life and human civilization today, driving innovation in many industries. Phasing out their supply or demand would not only stifle technological advancements but also put our economic growth and stability at risk, as they have proven to be versatile, durable and cost effective. Therefore, focusing on responsible production, consumption, and management of plastic wastes in particular through efficient and sufficient recycling should be our priority, rather than eliminating a material that has proven indispensable for countries applications and development;
- In addition, economies of a significant number of developing countries are dependent on production, supply, trade and export of substances and materials used in plastics and therefore any international legal regime to regulate, reduce, or restrict plastic production, supply, trade, export and import would significantly impact the economies and right to development of these developing nations. Accordingly, in designing the new instrument such adverse impacts and a mechanism to cover and compensate the possible losses of these countries should be adequately and properly addressed.

**Furthermore, the following points are proposed to be incorporated in the preamble part of the future instrument:**

- To assist countries in developing their national legal and economic systems and to regulate and prevent marine plastic pollution from land-based and sea-based sources;
  - To support the national initiatives to incorporate national legal provisions for marine plastic litter into various sectors of legislation, such as legislation on fisheries, fresh water, protected areas, production and consumption and solid waste management;
  - Elaborate recommendations to develop the economy on the basis of improving the economic mechanisms and sectoral legislation in the field of waste management;
  - Development of cooperation, and coordination framework among relevant regional and international bodies on reduction of plastic pollution;
  - Establishing an advisory scientific and technical body under the future instrument to address and support implementation of the instrument.
-