

Submission of the State of Libya

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)	Libya
Name of organization (for observers to the committee)	Ministry of Environment
Contact person and contact information for the submission	Salih Diryaq INC National Focal Point
Date	10 th February 2023

I. Substantive elements

1. Objective(s)

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

Proposed Objective: The objective of the treaty has been adequately outlined in the UNEA resolution 5/14. It is long-term elimination of plastic pollution in all ecosystems in order to protect the environment and human health, and avoid detriment from plastic pollution to ecosystems and the human activities dependent on them, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, and including provisions.

In addition, the following elements should be included:

- Promoting the sustainable production and consumption of plastics through the creation of a non-toxic circular economy for plastics, based on a comprehensive approach that addresses the full life cycle of plastics.
- Providing financial and technical resources, technology transfer, and capacity building, especially in developing countries, for the smooth and effective implementation of treaty measures.
- Increasing knowledge through awareness-raising, education and information exchange among regional and national stakeholders.
- Considering the diverse social, economic, and security conditions across nations, to adopt a holistic approach that takes into account the needs of all countries. This approach allows for flexibility through provisions that give countries discretion in implementing their commitments, ensuring that each nation can tailor their efforts to best fit their unique circumstances.

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?*

Focusing on addressing the plastic pollution from a life cycle approach, the following core obligations and control measures need to be included in the future objective of the instrument.

There is a correlation between the three main factors related to plastics: production, consumption, and waste. Increased consumption leads to increased production and increased waste. This is the equation in simplified form, so a comprehensive approach must take all of these factors into account.

Measures and obligations can be clustered into three distinct groups based on the specific results in phases of the plastic life cycle they are expected to deliver:

- a) Elimination and minimization of the total volume of high-risk and leakage-prone plastic products and materials.
- b) Circulation and creation of closed loops for necessary plastic products.
- c) The safe collection, management and disposal of plastic products at the end of use.

In order to achieve the main objective of the instrument, the following core obligations and control measures need should be included, which can be divided into three phases:

Drying up the sources of toxic plastic products:

- Phase out the production, use and trade of toxic plastic products.
- Controlling the export and import of raw materials for single-use plastic products, while finding available and accessible alternatives.
- Establish a mechanism to ensure a fair and equitable transition for informal waste workers and impacted communities, particularly in developing countries.

Improve waste management:

- Reducing the production of plastic waste at the source by encouraging initiatives to find alternatives to various plastic products, for example packaging and shopping bags.
- Promotion of Environmentally Sound Management of plastic waste and classify it into categories based on its characteristics and the degree of its danger to the environment and human health.
- Regional and international agreements to prevent the transport of plastic waste across the seas and estuaries.
- The instrument should include an approach to combating the movement of plastic waste across seas and estuaries.
- A mechanism to ban or control the transfer of plastic waste across the seas and estuaries.
- Funding awareness raising campaigns about the effects of plastic pollution on the environment and human health, and encouraging them to Refuse, Reduce, and Reuse (3Rs).

- Building and strengthening national capacities through exchanging visits and training courses on combating plastic and reducing its effects.

Promote plastic circulation:

- Reducing overall pollution by increasing the circulation of non-toxic plastics.
- Promote the collection, sorting and recycling of plastics in an environmentally sound manner.
- Encourage stakeholder initiatives in the collection, classification and recycling of plastics.
- Controlling production and recycling of plastics containing toxic chemicals to allow for a non-toxic circular economy.

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) 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?)*

Countries should, as deemed appropriate, take measures to ensure the effective implementation of this initiative. These measures can take the form of national strategies, legal reforms, administrative decisions, and initiatives that aim to ensure a smooth transition for vulnerable groups. Some examples of such measures include:

National action plans:

The national action plan should include an integrated roadmap that is in line with the objectives of the instrument. The detailed designs and mechanisms for the action plan should be put in place to implement the common obligation in a way that is most appropriate to national circumstances. In addition, the instrument should include the following elements:

- Develop action plans based on the circular economy in consultation with national stakeholders.
- Made mandatory on all parties to meet their obligations within deadlines according to phases for the completion of the national action plan, and establishing a mechanism for reviewing and updating it.

Monitoring and Evaluation Measures:

Monitoring and evaluation is one of the most important implementation measures as it provides strong indications of the effectiveness of measures being implemented by all parties. In this context, a clear reporting mechanism and a specific time frame should be established in order to verify and evaluate the progress achieved.

b) How to ensure effectiveness of the instrument and have efficient national reporting?

To ensure the effectiveness of the instrument and effective national reporting :

- Establish a robust legal framework to clearly define responsibilities related to the national reporting process.
- Empower national and local stakeholders by strengthening their efforts to report data from regular monitoring and assessment programs on marine litter.
- Enhance national capacities to report quality-assured data, with a specific focus on areas that are hotspots for marine litter.
- Create a national database or platform as a centralized repository for regular national assessment 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).

Lack of Data on Plastic Waste and Production: Data collection Mechanism:

Many countries, particularly developing countries, lack reliable data on the volume and types of plastic waste, as well as the volume of plastic product production, import, and consumption. To address this gap in knowledge, the instrument should establish a mechanism to support scientific research and the creation of national databases. This will help to expand our understanding of the state and impact of plastic pollution.

- Strong involvement of the private sector and Civil Societies to strengthen initiatives toward changing consumer attitudes.
- Reinforcement of research studies on green innovations, impacts of marine litter and plastics (macro, micro and nano plastics) on marine environment and risks on marine life and human health.

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?

On Financial mechanism

- Establish a financial mechanism (similar to the MLF model of the Montreal Protocol) that provides for predictable, accessible, adequate and timely financial resources and technical assistance, including free technology transfer, to developing country Parties on a grant and concessional basis as identified in the needs assessment by developing countries' action plans and other documents by the secretariat of the treaty with identified sources and facilitated access modalities, providing a full package that allows for delivering the global and national goals, operating under the authority of the Parties.
- Developed countries shall contribute to the Fund established.
- Ensure access to financing on a concessional basis from multinational financial institutions and shall subsidize producer parties with lack of handling and recycling/transformation capacities of plastic wastes.
- Promote multilateral cooperation for proper management of this mechanism.

On Technical assistance

- Technical assistance in terms of providing guidance on best practices can provide support for the implementation of policies and programs to eliminate plastic pollution and can help to build the capacity of all plastic industry stakeholders, including local organizations.

On Subsidiary bodies

The treaty should establish key subsidiary bodies to support implementation, including:

- A dedicated scientific, technical and socio-economic assessment bodies, operating under the authority of the Parties, similar to the model in the Montreal Protocol.
- Implementation Committee to consider and report on on-compliance with the provisions of the treaty reporting and control measures.

On other measures

- The treaty should include mechanisms to ensure the resilience of those most vulnerable to the impacts of plastic pollution, including coastal communities in 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).

- The instrument should be based on the principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), as part of the negotiation models.
- Extensive awareness campaigns are needed to increase public understanding and awareness of the instrument's aims and objectives.
- The instrument should include clear and explicit procedures for proposing, reviewing and approving amendments.
- Similar to the Montreal Protocol, conditions relating to the estimated total volume of plastic consumption of States should be established for the instrument's entry into force.
- To ensure the effectiveness of the instrument it should be based on the pollutant pays principle (PPP) as provided for in the Stockholm Declaration.
- The treaty could include final provisions such as the process for amending the treaty, the process for withdrawing from the treaty, and the dispute resolution process.
- Adequate means of implementation through additional and predictable financial assistance provided through multilateral funds established for that purpose as well as capacity building and technical assistance including technology transfer and deployment.