



Written submission - Chile

Open Ended Working Group for the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution

25 May 2022

Since 2017, the Ministry of Foreign Affairs and the Ministry of Environment of Chile have actively participated in international groups working on the preparation for scientific, legal, and administrative information to establish a background to support UNEA 5 resolution 5/14 with the mandate of starting the negotiation for an international legally binding instrument to end plastic pollution including in the marine environment.

In this framework, Chile has participated on the four meetings of the “Ad hoc open-ended expert group on marine litter and microplastics”, the “Scientific Advisory Committee on Marine Litter and Microplastics”, the Forum of Ministers of Environment of Latin America, and the Caribbean and the United Nations Environment Assembly.

In addition, it is worth noting the active participation that our country has had in initiatives that seek to address the problem of marine litter and plastic pollution, such as the International Maritime Organization, the Basel Convention (in whose last COP the inclusion of plastic waste in the field of its competence), the APEC Asia-Pacific Economic Cooperation Forum (where we led in 2019, together with the Republic of Korea, the development of a roadmap on marine debris in the region) and the Pacific Alliance.

During the resumed Fifth Session of UNEA, or UNEA 5.2, Chile co-sponsored the original draft resolution presented by Peru and Rwanda. The Chilean delegation at UNEA 5.2 promoted the paragraph that recognizes the important work of waste pickers and informal workers, including them in this international process. Chile, together with Portugal, chairs the Group of Friends of Nairobi to Combat Marine Litter and Plastic Pollution, an instance that has brought high-level technical-political discussion between the Embassies accredited to UNEP. Finally, Chile is part of the “High Ambition Coalition to End Plastic Pollution” promoted by Rwanda, as a result of the resolution adopted at UNEA 5.2.

This active engagement has allowed to express and support the environmental position of Chile in the multilateral arena, including the experience acquired in the development of relevant regulations on extended producer responsibility and recycling promotion of plastic packaging, environmental risk assessment of plastic pollution, phasing out single use plastic and plastic bags, among other examples.

In this framework, Chile suggests the following aspects to be considered in the negotiations to be held by the OEWG between 29 May and 1 June 2022 in Dakar, Senegal.

1. Given that the timeframe considered for the outcome of this negotiation is brief, we suggest that the Secretariat proposes a general structure for the legally binding instrument *in advance* of the first meeting of the Committee, or INC – 1, based on the experience in the negotiations of relevant MEA, particularly the ones related to chemicals and waste, and that this structure is agreed *by this first meeting of INC - 1*. In this way, negotiations on substantial aspects can start from the first parts of the process, instead of using relevant negotiation time on formal aspects.
2. Due to the complexity and diversity of subjects to be negotiated, Chile agrees on option 1 of having 5 sessions of the INC with an estimated time of 93 hours of negotiations.
3. Plastic pollution includes industrial, economic, transboundary, environmental, and cultural aspects, that are interrelated but sometimes lack a relationship between them. Therefore, and to avoid duplications, we suggest taking the example of the negotiation of Minamata Convention, where great subjects are divided in chapters. In this context, the new plastic instrument may be structured in chapters, where each one of them is destined to a particular subject in the list of the resolutions, such as: circular economy, plastic design, marine plastic litter, microplastics, international cooperation, health and pollution, information exchange, effectiveness, and compliance, among others.
4. Considering different national and logistical realities of countries participating in this process, we suggest that the Secretariat informs member States on the time and place of each INC at least 8 weeks in advance. It is essential that full hybrid participation is allowed for negotiation, including interventions and active participation of virtual participants in the negotiation process. We also suggest that meeting documents are made available to participants at least a month in advance of each meeting.
5. We suggest that the Secretariat shortens the limit of national statements to 2 minutes, so that time is destined to negotiations of the sections of the instrument.
6. To ensure a wide acceptance of the outcomes of the negotiation and the new legally binding instrument we suggest that the Secretariat allows and promotes in person and hybrid participation in equal conditions of all interested parties, including NGOs, industry, academia, other international organizations, among others.
7. We suggest incorporating gender equality and regional considerations as a rule in the expert groups and subsidiary bodies that may be established on the framework of this process, including 50/50 gender parity and equal participation for all regional groups.
8. We express our agreement on the 2/3 rule for decision making and approval of the contents on the new international legally binding instrument.