

Plastics INC-2 Highlights: Wednesday, 31 May 2023

Delegates attending the second meeting of the Intergovernmental Negotiating Committee (INC-2) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, convened at the UN Educational, Scientific and Cultural Organization (UNESCO) headquarters in Paris, France. They met in plenary to finalize discussions on rules of procedure (RoP) and open substantive discussions on the elements of the ILBI. The Committee also established two contact groups.

Organizational Matters

RoP: Noting that informal discussions had concluded at 1:00 am on Wednesday morning, BRAZIL shared an interpretative statement that resulted from the informal discussion, which noted that: “the INC understands that, based on discussions on the INC draft RoP, there are different views among INC members on rule 38.1. Therefore, the provisional application of 38.1 has been a subject of debate. In the event rule 38.1 is evoked before the rules are adopted, members will recall this lack of agreement”.

INDIA recalled their request to bracket rule 38.1 (decisions on matters of substance), but stated that in the spirit of flexibility, they would accept the interpretative statement with the understanding that all decisions on matters of substance would be agreed by consensus and that rule 38.1 would not be applied.

INC Chair Gustavo Meza-Cuadra proposed, and delegates agreed, to adopt the interpretative statement. He noted that the statement would be reflected in the report of the meeting and reminded delegations that the draft RoP would continue to be applied provisionally.

Organization of work: Delegates approved the organization of work, including the scenario note (UNEP/PP/INC.2/2). INC Chair Meza-Cuadra noted that the Committee would take up discussions on the date and venue of future INCs and the provisional agenda for INC-3 on Friday.

Preparation of an ILBI on plastic pollution, including in the marine environment

General Statements: The Secretariat introduced the document 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 UNEA resolution 5/14 (UNEP/PP/INC.2/4), noting that this draws on submissions from states and stakeholders. She stated that the options address: objectives; core obligations, control measures and voluntary approaches; means of implementation (MoI); implementation measures, and additional matters.

Costa Rica, for GRULAC, underscored: preventing and reducing plastic pollution at origin; measures addressing sustainable consumption and production (SCP) across the full lifecycle; Extended Producer Responsibility (EPR) and restrictions; socioeconomic inclusion measures and a just transition; establishing robust MoI; including scientific as well as traditional knowledge; and promoting international cooperation and shared responsibility.

The EU called for the preparation of a zero draft for consideration at INC-3; encouraged stakeholders to provide input on the options paper in the contact groups; and underscored that technical intersessional work is central to the success of the negotiations.

Samoa, for the ALLIANCE OF SMALL ISLAND STATES (AOSIS), called for: addressing the full lifecycle of plastics in an ILBI that becomes more comprehensive over time; incorporating international and domestic obligations; banning harmful, problematic, and unnecessary polymers, chemicals, additives, and products, contained in annexes, periodically updated by the Conference of Parties (COP); and new, additional, adequate, and predictable MoI, with priority access for small island developing states (SIDS). She expressed concern over parallel discussions on control measures and MoI in contact groups.

Ghana, for the AFRICAN GROUP, called for: the ILBI to cover the entire plastic lifecycle, including legacy plastics; provisions to promote SCP, including reducing the production and use of plastics and managing waste efficiently; enhancing innovation for alternatives; addressing microplastics; establishing a dedicated multi-lateral fund; country-driven capacity building; and transfer and dissemination of environmentally sound technologies and best practices.

Underscoring the need to distinguish between mandatory and voluntary measures within the ILBI, the Philippines, for the ASIA-PACIFIC STATES, called for: targeting the root causes of plastic pollution, addressing the entire life cycle of plastics from design to disposal; environmentally sound waste management; SCP; reducing legacy plastics; addressing additives of concern; public awareness; including local knowledge; and periodically updating national action plans (NAPs) as a core obligation.

MALAYSIA, for the COORDINATING BODY ON THE SEAS OF EAST ASIA (COBSEA), highlighted leveraging existing mechanisms to foster cooperation on the management of plastic waste disposal, calling for including a structure and affordable solutions to waste management in the ILBI options. He supported a whole lifecycle approach to prevent pollution and promote plastics reuse, as well as safe and economical alternatives.

Palau, for the PACIFIC SIDS, called for reducing the global production of plastics through a lifecycle approach, from sourcing

of raw materials to remediation of waste, and promoting a circular economy approach to protect health and the environment. She also called for bans on problematic plastics, microplastics, and chemicals of concern.

Mauritius, for the HIGH AMBITION COALITION (HAC), called for: binding provisions to restrain and reduce production of plastic polymers, including restricting unnecessary and problematic plastic polymers and plastics of concern; increasing circularity, reparability, and environmentally sound recycling; reporting and transparency in production and labelling across the value chain; avoiding microplastic releases; mobilizing MoI from all sources; and conducting thorough social and environmental impact assessments.

JORDAN called for resources to implement NAPs, regional action plans, and regional cooperation plans. He noted the need to address underlying factors contributing to the scourge of plastic pollution and to focus on the full lifecycle of plastics, including through the promotion and use of SCP patterns, eco-design, and EPR schemes.

INDONESIA called for an instrument that can create a level playing field and to simplify core obligations by clustering implementable, achievable, and accountable obligations, underlining that NAPs should be the backbone of the ILBI.

PAKISTAN lamented unchecked transboundary dumping of plastic waste, noted the importance of eliminating hazardous chemicals from plastic production, and urged banning and/or reducing the use of chemicals and polymers of concern, in conjunction with other measures, such as EPR.

SOUTH AFRICA supported prioritizing common global standards for ending plastic pollution, calling for the introduction of core commitments in the ILBI. NIGERIA supported core legally binding obligations for all ILBI parties and a dedicated multilateral fund.

JAPAN pointed to the G7 pledge for ending plastic pollution by 2040, emphasizing the role of NAPs and reporting to enable the setting of targets and clear timeframes. Prioritizing plastic releases, the US stressed that the ILBI should include a range of control measures to allow for flexibility at various stages of the plastic lifecycle, preferring postponing discussions on compliance.

SAUDI ARABIA noted the importance of shared obligations and, with ARMENIA, MoI to support implementation by developing countries. BAHRAIN favored a bottom-up approach, taking into account specific needs and national circumstances.

IRAN underscored the importance of the ILBI for expanding access to MoI by developing countries, and called to discuss principles and approaches alongside core obligations and MoI. REPUBLIC OF KOREA favored having the ILBI address the full lifecycle of plastic, including by promoting chemical and material recycling, and cautioned against including elements that potentially conflict with other instruments and approaches.

Underlining their leadership in discussions on the technical guidelines on plastic waste under the Basel Convention, CHINA supported clear definitions and scope for the ILBI, including by considering SCP, effects to human health and the environment, MoI, alternatives, and the beneficial uses of plastic.

ANGOLA supported binding measures to address the entire lifecycle of plastic as well as binding control measures.

Supporting a zero draft for INC-3, SWITZERLAND called to distinguish between binding and non-binding, collective and specific, and voluntary and mandatory actions and measures addressing the reduction of production and consumption of

plastics, circularity, and the control of problematic chemicals, polymers, and additives.

RWANDA advocated exploring core obligations to reduce the complexity and size of the plastic pollution problem, and underlined the need to identify types of activities that will require financing.

Calling for the INC Chair to facilitate the drafting of a zero-draft for INC-3, ETHIOPIA urged the development of harmonized global binding measures addressing the entire plastic lifecycle, and emphasized the importance of MoI.

Stating that the ILBI should address plastic pollution and not fight plastic, the RUSSIAN FEDERATION highlighted essential products that require virgin plastic, called for EPR to be rolled out in all countries, supported new, environmentally friendly recycling technology, and cautioned against duplicating efforts.

CANADA called for: an evidence-based ILBI that addresses the sources of plastic pollution across the lifecycle of plastics, including the manufacture, use, and management of plastics; eliminating or restricting unnecessary, avoidable, and concerning polymers and chemicals; binding provisions to eliminate emissions of plastic pollution; and NAPs and a common reporting framework.

QATAR called for goals that are implementable, and emphasized the safe recycling of plastic waste, sharing that all waste from the 2022 World Cup was recycled. INDIA underscored the principle of common but differentiated responsibilities (CBDR). THAILAND called for introducing core obligations on harmful chemical additives, recycling, and waste management, and emphasized implementation in the context of NAPs, monitoring and evaluation, and compliance.

NORWAY emphasized that the ILBI must reduce the supply of new plastics to sustainable levels and eliminate harmful polymers, chemicals, and products.

BANGLADESH stated that global consensus could bring about a common platform for action, including with regard to bans on single use plastics, recycling, and the creation of national and global knowledge and information hubs. PALESTINE emphasized the need to regulate plastics upstream.

SRI LANKA called for establishing global targets to address plastic inflows and reducing plastic production. She called for bans of single use plastics, phasing out of toxic chemicals and additives in plastics, and establishing global criteria to determine problematic plastics.

Highlighting the importance of synergies with other instruments, KENYA highlighted the need to ensure a just transition and to address plastic pollution based on national circumstances, prioritizing addressing problematic polymers and hazardous additives, including by applying the precautionary principle and the polluter pays principle, and through comprehensive EPR schemes.

The PHILIPPINES underlined the need for a global, whole-lifecycle approach, including through: establishing a global EPR framework; increasing plastic waste recovery and recycling; mandatory disclosure of information; incentives for research and development of new sustainable materials; transboundary cooperation; information for consumers; and MoI for developing countries, in accordance with CBDR.

ZAMBIA called attention to its lack of capacity for monitoring and management of plastics, and emphasized the need for more SCP practices, including by introducing alternatives, eco-design, environmental sound waste management, and circularity.

ICELAND stated he looked forward to further discussion around goals, obligations, and MoI.

The UK supported the INC Chair beginning to develop a zero draft following INC-2, as well as intersessional work on the ILBI. GAMBIA highlighted the effectiveness of its national environmental regulations on plastics, emphasizing its willingness to partner with member states and organizations to enhance these efforts.

CÔTE D'IVOIRE stressed the need to accelerate action in developing countries, including by strengthening waste systems, and identifying sustainable alternatives and solutions. CAMEROON called for setting clear and ambitious objectives in the ILBI, drawing lessons from the Stockholm Convention on Persistent Organic Pollutants.

AUSTRALIA underlined the need for strong national led actions, complemented by globally agreed standards. TÜRKIYE emphasized that the ILBI should consider different national circumstances with regard to finance and technology, in line with the leave no one behind principle.

NEW ZEALAND underlined the importance of tackling fossil fuel subsidies to reduce the production of virgin plastics and plastic products. GABON called for consolidating international efforts to minimize plastic pollution, including on addressing hazardous polymers and chemical additives.

ZIMBABWE underlined the need for capacity building on control measures. ISRAEL stressed the importance of the One Health approach, and called for addressing microplastics and legacy plastics in coastal and marine environments. TOGO noted that international cooperation remains critical to the ILBI, calling for effective financing for LDCs.

SOMALIA encouraged producers and manufacturers to stop using hazardous and toxic additives, change product design, and called on companies and industries to adhere to the polluter pays principle. GHANA called for, *inter alia*, establishing a global plastic pollution fee as a control measure.

MONACO called for the ILBI to protect human health and the environment from all sources of plastic pollution. OMAN favored transitioning to a circular economy. Stating that economic development cannot be pursued at the expense of nature, GUINEA supported partnerships to eliminate and remediate plastic pollution and enhance circularity and called to address finance and trade.

COMOROS called for plastic producers to manage the entire lifecycle of their products while being flexible considering national differences and capacities. DEMOCRATIC REPUBLIC OF THE CONGO supported the establishment of a funding and knowledge sharing mechanism under the ILBI. TANZANIA prioritized core obligations addressing the full lifecycle and circularity of plastics, and including a dedicated multilateral fund. MOROCCO requested clarification regarding draft rule 37.1 RoP (voting rights for regional economic integration organizations).

ESWATINI opined the options paper covers all elements that should be part of the ILBI, which should be “a real game changer in ending the devastating effects of plastic pollution.” TUNISIA viewed the options document as an excellent foundation for the work ahead, which should prioritize specific and binding measures to address the high risk of plastics, not only in finished products, but also in their production.

SINGAPORE stressed the need to focus not on plastic itself, since it serves useful purposes for economies and societies, and suggested differentiating priority measures from the options paper and other elements which are better suited to be implemented under NAPs. FIJI called for legally binding global measures

with a robust and effective mechanism for transparency to track progress, and environmentally sound waste management.

BRS SECRETARIAT drew attention to an information note (UNEP/PP/INC.2/INF/7/Rev.1), and to the technical guidelines on plastic wastes adopted at the 2023 BRS COPs. IUCN underscored the need for the ILBI to center on biodiversity and called for the instrument to have a justice and gender-responsive approach.

INTERNATIONAL CHAMBER OF COMMERCE highlighted the need for strengthened stakeholder engagement in the INC process, and supported an ILBI that sets a workable goal to end plastic pollution by 2040. BUSINESS COALITION FOR A GLOBAL PLASTICS TREATY underlined the need for clear options for global and legally binding measures. PLASTICS EUROPE called to accelerate circularity and introduce market drivers for circular plastics.

Proposing a series of health dialogues in the lead-up to INC-3, WORLD HEALTH ORGANIZATION noted that the World Health Assembly had adopted a resolution on biodiversity and human health which addresses the health impacts of microplastics. She called for a binding legal treaty, with special consideration for medical products while alternatives are sought in the interim.

GLOBAL YOUTH COALITION ON PLASTIC POLLUTION underlined that children are the most vulnerable to plastic pollution, and called for the ILBI to include ambitious control measures.

WOMEN'S MAJOR GROUP underlined the need for binding measures, highlighting endocrine disruptors as increasing cancer risks for women. INDIGENOUS PEOPLES MAJOR GROUP stated that to end plastic pollution, the traditional knowledge of Indigenous Peoples will be key, calling for the ILBI to include references to the UN Declaration on the Rights of Indigenous Peoples.

Noting that over 13,000 chemicals are associated with plastics, INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN) highlighted that the ILBI should include the precautionary principle and the human right to a healthy environment, as well as MoI.

GLOBAL ALLIANCE FOR INCINERATOR ALTERNATIVES (GAIA) stated that circularity should “not be aspired to,” but rather prioritizing binding control measures and upholding environmental justice.

INTERNATIONAL ALLIANCE OF WASTE PICKERS called for the ILBI to include a mechanism that ensures a fair and equitable transition for waste pickers and to work with them to add value to recyclables, as well as establish fair prices, environmental service fees, and adequate working conditions, because “a treaty without waste pickers is rubbish.”

The INTERNATIONAL MARITIME ORGANIZATION highlighted the need for ensuring effective implementation of regulating pollution associated with dumping of waste in the marine environment. FAO noted that criteria for identifying plastic products used in agri-food systems needs to be defined so as not to affect agriculture and food safety and security, taking into account the voice of small farmers and fishers.

ENDOCRINE SOCIETY stressed the critical need for core obligations to include banning and phasing out chemicals and problematic and avoidable plastics with due consideration for their effects on human health.

The OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS noted the importance of the ILBI in protecting and respecting human rights, including with regard to health and a sustainable and healthy environment. ILO framed ending plastic

pollution in a manner that generates decent jobs, upholds social justice, and a just transition for all. UN-HABITAT called attention to the urgency of stable financing for municipal solid waste management, including phasing out problematic and unnecessary plastics.

INTERNATIONAL COUNCIL FOR LOCAL ENVIRONMENT INITIATIVES noted that most of the production and consumption of plastic takes place in cities.

CONSUMERS INTERNATIONAL called for the elimination of the most polluting forms of plastics, such as single use plastics, and noted it is unfair to put the burden solely on consumers.

INTERNATIONAL SCIENCE COUNCIL (ISC) called for the establishment of an intersessional technical body on plastics. BREAK FREE FROM PLASTIC stressed the need for robust upstream measures addressing both plastic and petrochemical production. OCEAN CONSERVANCY suggested including a source reduction target in the ILBI, and introducing core obligations to prioritize action on ghost gear and microplastics.

ENVIRONMENT AND SOCIAL DEVELOPMENT ORGANIZATION (ESDO) requested the ILBI focus on, *inter alia*, addressing chemicals and polymers of concern, sustainable alternatives, and existing plastic pollution. CENTER FOR OCEANIC AWARENESS, RESEARCH, AND EDUCATION (COARE) underlined that plastics impede full realization of the SDGs and human rights. TOXICS LINK urged for the ILBI to mandate a harmonized system for guiding a just transition and actions to address legacy plastics.

INTERNATIONAL TRADE UNION CONFEDERATION urged to include just transition obligations in the ILBI to ensure that workers have a voice in the process. GALLIFREY FOUNDATION noted the impacts of chemicals and plastics on human and environmental health and called for restrictions on virgin plastic production.

Establishment of contact groups: INC Chair Meza-Cuadra proposed the establishment of two contact groups. Contact Group 1, co-facilitated by Gwendalyn Kingtaro Sisor (Palau) and Axel Borchmann (Germany), was mandated to consider the objectives and substantive obligations of the future ILBI. Contact Group 2, co-facilitated by Katherine Lynch (Australia) and Oliver Boachie (Ghana), was mandated to consider MoI and additional measures.

SAUDI ARABIA, supported by IRAN, the RUSSIAN FEDERATION, and BAHRAIN, requested including guiding principles in the work of Contact Group 2, proposing that principles are included as a placeholder in the zero draft to be discussed at INC-3, along with a call for submissions from committee members. SAUDI ARABIA also requested Contact Group 2 to only focus on MoI at this stage of the negotiations.

INDIA questioned whether the principles reflected in UNEA resolution 5/14 will guide the Committee's work. Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, confirmed that the resolution guides the Committee's work.

URUGUAY, with SWITZERLAND, COSTA RICA, the EU, COLOMBIA, MEXICO, the US, CHILE, and PERU supported the Chair's mandates for the two contact groups.

SAUDI ARABIA and the RUSSIAN FEDERATION said that meetings should not be gavelled while states have requested the floor.

INC Chair Meza-Cuadra suggested proceeding according to the proposed plan, noting that depending on the amount of time, the contact groups could take up additional issues. He informed delegations that contact groups would conclude their work by Friday, with Co-Facilitators preparing written summaries of their

work to be presented in plenary on Friday, which will be annexed to the final report of INC-2. After repeated calls about lack of clarity about the mandate, plenary was unofficially suspended at 6:14 pm.

INC Chair Meza-Cuadra resumed the plenary at 7:00 pm, after "testy" informal consultations on procedural issues. He recalled that the Committee agreed to a placeholder to discuss principles and approaches in the contact groups and that states might make submissions in the intersessional period, as requested by SAUDI ARABIA.

The RUSSIAN FEDERATION underlined that the INC must act according to the RoP and the agreed conduct of UN meetings. He urged INC Chair Meza-Cuadra to deliver a clear mandate for the contact groups and for future sessions. INDIA urged consensus-based decision-making. SAUDI ARABIA reminded delegations that INC-2 is a multilateral process. GRULAC reiterated their support for the establishment of contact groups. BRAZIL and the US, on behalf of several members, called for transparency and clarity on intended work and urged starting work in contact groups as soon as possible.

Chair Meza-Cuadra adjourned the meeting at 7:14 pm. The contact groups met into the night.

In the Corridors

Having finally overcome the procedural hiccups of the first two days, delegates got down to it, spending the day hearing the priorities of states and stakeholders for the future agreement. In statement after statement, it was clear that the future treaty will be very important. But, depending on who one spoke to, it stands to be important for different reasons.

For some, this treaty would look at plastic production, taking a top-down approach to address plastic waste. For others, this treaty intends to establish new design standards for plastic products, helping the world to avoid the immediate downstream impacts of plastic pollution. However, even here there was debate, for despite many calls for circularity on this front, some opined that "plastic is not an inherently circular material." For others still, the treaty would eliminate the ubiquitous plastic pollution already found in the environment, and guide users on how best to manage and dispose of their plastic waste. While it is still early days in the INC process, hammering out the material scope of the future treaty will be essential to get everyone to agree on first principles.

As the day progressed, all were keen to move into contact groups. With the session going overtime for the second time this week, some wondered why the proposal by one delegation to limit national statements had not been more widely adopted. "We've spent far too much time hearing about things we already know," sighed one exasperated delegate. Others noticed that a stringent time-keeping approach was not introduced until observers were given the time to present their positions. "We've been waiting for two and a half days to share our thoughts, and are cut off at two minutes," several complained.

In the unscheduled breaks between sessions, several turned philosophical. The "delay tactics" by certain delegations made some observers confident that working on this treaty had some countries "running scared." Others, though, focusing on the process, lamented that "the navigation system seems to be broken," with delegates milling aimlessly around the plenary, wondering "Are we lost at sea?" By the end of the evening, sanity prevailed, and delegates hunkered down for a long evening of contact group discussions, which will continue all day Thursday.