

## Summary of the Second Meeting of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution: 29 May – 2 June 2023

Every piece of plastic we have ever interacted with is likely still on Earth. It may be intact or disintegrating on land or in the marine environment, but it is still with us. Plastic has been found at the highest heights and deepest depths of the natural world. And every second of every day, more plastic is produced and used, perpetuating a plastic pollution crisis. The production and manufacture of plastic involve a slew of hazardous chemicals and additives, with increasing risks to human health and the environment. Furthermore, plastic is derived from fossil fuels, which produce greenhouse gas emissions, contributing significantly to climate change.

To address this scourge of plastic pollution, in March 2022 the United Nations Environment Assembly (UNEA) adopted resolution 5/14 to end plastic pollution. This historic resolution established an Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument (ILBI) on plastic pollution.

Initially beset by procedural debate, the second meeting of the INC made commendable progress toward the development of the ILBI. Engaging in discussions based on an options paper, delegates considered multiple elements that could eventually be included in the future treaty.

This meeting was seen by many as a test of the Committee members' commitment to the process and to the eventual treaty to end plastic pollution. While the meeting was characterized by procedural scuffles, long delays, and late nights, the spirit of Nairobi prevailed. Having shared their views on the options paper, INC-2 concluded by setting out a path for the intersessional period leading to INC-3, mandating the preparation of a "zero draft" of the new treaty for consideration at INC-3, and allocating time for a one-day pre-meeting event to discuss a synthesis report of elements that were not considered during INC-2. They were also able to elect the remaining members of the INC bureau, through two votes, and to come to an understanding on the provisional application of the draft rules of procedure.

INC-2 was held at the headquarters of the UN Educational, Scientific and Cultural Organization (UNESCO) in Paris, France, from 29 May – 2 June 2023. It brought together over 1,656 participants attended INC-2, from 169 countries and the EU, and over 300 observer organizations.

## A Brief History of the INC

As plastic pollution becomes ever more visible both on land and in waterways, calls to tackle the mounting plastic waste crisis have reverberated around the world. Of the approximately 10 billion tonnes of plastic produced since the 1950s, studies show that over 7 billion tonnes are now waste, with between 8-12 million tonnes of plastic leaking into the marine environment each year. This number is expected to more than triple by 2050.

Studies have linked unsustainable production and consumption patterns to exponential growth in plastic pollution, which impacts human health as well as the health of terrestrial and marine ecosystems. In 2022, there were reports of plastic particles being found in human lungs and in human blood; and a 2021 report found microplastics in human placenta.

## Origins of the INC

In response to these growing concerns, UNEA passed a number of resolutions to discuss the best ways to address plastic pollution. Specifically, UNEA resolution 3/7 established an Ad Hoc Expert Group (AHEG) on marine litter and microplastics to identify, *inter alia*: the range of national, regional, and international response options, including actions, innovative approaches, and voluntary and legally binding governance strategies and approaches; and

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environmental, social, and economic costs and benefits of different response options. The AHEG met four times between 2018 and 2020.

In parallel, several other bodies have conducted work related to marine litter and microplastics, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), the Strategic Approach to International Chemicals Management (SAICM), the International Maritime Organization (IMO), the World Health Organization (WHO), the World Trade Organization (WTO), and various Regional Seas Programmes and Conventions.

There are also numerous voluntary initiatives on marine litter, several public-private partnerships to address land-based sources of marine pollution, and other dialogues considering plastic pollution. However, gaps remain in regulatory frameworks addressing plastic, and plastic pollution, including marine plastic.

### Key Turning Points

**UNEA-3:** At the third meeting of UNEA held in Nairobi, Kenya, in December 2017, delegates adopted resolution 3/7, establishing an AHEG on marine litter and microplastics.

**AHEG-1 and 2:** At the first AHEG meeting in Nairobi, Kenya, in May 2018, delegates exchanged views on barriers to combat marine litter and microplastics and considered the work of existing mechanisms addressing this issue. The option of establishing a new global governance structure was also raised. During the second AHEG meeting held in Geneva, Switzerland, in December 2018, the group convened two workshops to better understand elements related to information, monitoring, and governance.

**UNEA-4:** At its fourth session in Nairobi, Kenya, in March 2019, UNEA extended the AHEG's mandate until UNEA-5.

**AHEG-3 and 4:** At its third meeting (December 2019, Bangkok, Thailand), the AHEG requested the Secretariat to produce reports on the financial and technical resources and mechanisms to address the issue, as well as on partnerships. Due to the COVID-19 pandemic, AHEG-4 met virtually in November 2020. The Group concluded its work, agreeing to forward a Chair's Summary to UNEA-5. The Summary contained, *inter alia*, a non-exhaustive list of recommendations for future action on marine litter and microplastics. It reflected a growing consensus to address plastic pollution more broadly. Some of the recommendations included strengthening existing instruments, including voluntary measures, and calling for UNEA to establish an INC towards a new global agreement.

**UNEA-5.1:** The first part of UNEA-5 (UNEA-5.1) was held virtually in February 2021, due to the COVID-19 pandemic. Delegations highlighted national efforts to combat marine litter and plastic pollution. However, they postponed formal discussions on the issue until the resumed session of UNEA-5.

**2021 Ministerial Conference:** From 1-2 September 2021, the governments of Ecuador, Germany, Ghana, and Viet Nam co-convened the Ministerial Conference on Marine Litter and Plastic Pollution under the auspices of the United Nations Environment Programme (UNEP) online and in-person in Geneva, Switzerland. At this meeting, Peru and Rwanda called for support for their resolution, which would be tabled at UNEA-5.2, also calling to establish an INC.

**UNEA-5.2:** Held at UNEP headquarters in Nairobi, Kenya, from 28 February - 2 March 2022, UNEA-5.2 closed the circle on the discussions on marine litter and plastic pollution. Convening

under the theme "Strengthening Actions for Nature to Achieve the Sustainable Development Goals," UNEA-5.2 vaulted itself into the history books by adopting resolution 5/14 to "End plastic pollution: Towards an international legally binding instrument," which established the INC and called for an *ad hoc* Open-ended Working Group (OEWG) to lay the necessary groundwork.

**OEWG:** Hosted by the Government of Senegal in Dakar from 29 May- 1 June 2022, the OEWG to prepare for the INC on plastic pollution met to address two core issues: the rules of procedure governing the INC's work and decision-making, and the INC's meeting schedule. They quickly agreed on the latter but were unable to conclude on the draft rule on voting rights, specifically voting rights for regional economic integration organizations. The group agreed to forward this issue to INC-1.

**INC-1:** Held from 29 November – 2 December 2022, in Punta del Este, Uruguay, delegates elected Gustavo Meza-Cuadra, Peru, as Chair of the INC, and decided that the role of chair would alternate to Ecuador after INC-3. They were unable to elect all members of the bureau and postponed this decision to INC-2. They also postponed discussions on the rules of procedure. The Committee decided to request the INC Secretariat to prepare a document, ahead of INC-2, which would outline options for the ILBI's possible elements, based on a comprehensive approach that addresses the full lifecycle of plastics, including identifying possible objectives, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation, and including both legally binding and voluntary measures.

### INC-2 Report

On Monday morning, INC Chair Gustavo Meza-Cuadra, Peru, opened the meeting, calling for effective, decisive, and swift negotiations towards an ILBI on plastic pollution. He underscored the importance of collective action to address the entire lifecycle of plastic, which affects human health and the environment and pledged to ensure inclusive discussions taking into consideration the views of governments and stakeholders.

Philippe Franc, Permanent Representative to UNESCO, France, expressed hope that INC-2 would be a decisive session towards drafting the new treaty.

Via video, President Emmanuel Macron, France, underlined the need to conclusively address plastic pollution by 2040, particularly by addressing unsustainable consumption and production patterns. He highlighted the country's 2020 anti-waste law and stressed the need for an agreed text of the ILBI by 2024. He called for greater innovation in creating new value chains for sorting, reusing, and recycling plastic, and urged the creation of incentives for the private sector to move from linearity to circularity.

Reiterating the need to eliminate unnecessary plastic, Inger Andersen, UN Under-Secretary-General and UNEP Executive Director, called for a redesign of: products; packaging and shipping; reuse, repair and recycling measures; justice measures for the informal waste sector and waste pickers; and measures to address legacy plastic. She called on the private sector not to wait for the ILBI to be agreed, but to take the initiative to begin to transform production and manufacturing processes to eliminate unnecessary plastic. She expressed hope that INC-2 would mandate a zero draft of the ILBI to be discussed at INC-3, demonstrating ambition to get the deal done.

Urging delegates to “make Paris count,” Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, expressed hope that delegations will use INC-2 to narrow down options and identify gaps, in order to leave Paris with the mandate for a zero draft. She committed to ensuring more effective participation at future meetings of the INC, lamenting the space constraints at the meeting venue.

### ***Election of Officers***

On [Monday](#), INC Chair Meza-Cuadra reminded delegations that INC-1 had deferred designation of vice chairs and a rapporteur to allow for further consultations. He proposed to continue with the election of vice chairs, including Antigua and Barbuda (for small island developing states (SIDS)); Rwanda and Senegal (for Africa); Japan and Jordan (for Asia-Pacific); Ecuador (for the Latin American and Caribbean Group (GRULAC)); Georgia, Estonia, and the Russian Federation (for the Eastern European Group); and Sweden and the US (for the Western European and Others Group (WEOG)).

By acclamation, delegates then elected the vice chairs representing SIDS, the African Group, Asia-Pacific, and GRULAC.

INC Chair Meza-Cuadra then shared that Ukraine had withdrawn their nomination in favor of Georgia, but announced that the Committee would need to hold a vote, by secret ballot, to elect the bureau members from Eastern Europe. He also noted that, due to an objection to a nomination from one Member State, a vote by secret ballot would also be conducted to elect bureau members from WEOG.

After a protracted procedural discussion, delegates engaged in two secret ballots, voting to elect Georgia, Estonia, Sweden, and the US to the INC bureau.

### ***Organizational Matters***

**Adoption of the agenda and organization of work:** On [Monday](#), the Committee adopted the provisional agenda ([UNEP/PP/INC.2/1/Add.1](#)). On [Wednesday](#), delegates approved the organization of work, including the scenario note ([UNEP/PP/INC.2/2](#)).

**Adoption of the rules of procedure:** This matter was addressed [Monday](#), [Tuesday](#), and [Wednesday](#) in plenary, and in open-ended consultations, co-facilitated by Hiroshi Ono (Japan) and Marcelo Cousillas (Uruguay). Delegates debated the provisional application of the draft rules of procedure, and discussed brackets around draft rule 38 (adoption of decisions) in addition to the brackets around draft rule 37 (voting rights).

Opening the agenda item, INC Chair Meza-Cuadra informed delegations that he would conduct further informal consultations on the bracketed text contained in draft rule 37 of the draft rules of procedure ([UNEP/PP/INC.2/3](#)) and update delegates on progress. He stated that the draft rules of procedure are being applied provisionally, as decided at INC-1. UNEP Legal Officer Stadler Trengove drew attention to the INC-1 meeting report, stating that the INC had agreed to apply the draft rules of procedure on a provisional basis, and that the draft rules of procedure, with the exception of bracketed text, do have legal effect.

After a protracted debate, delegates went into open-ended consultations, and informal discussions, eventually agreeing to an interpretative statement to reflect differing views.

**Dates and venues of subsequent INC sessions:** On Friday in plenary, INC Chair Meza-Cuadra introduced the proposed timetable for the INC process ([UNEP/PP/INC.2/INF/3](#)) and noted that all subsequent sessions of the INC will be exclusively in-person meetings.

INC Executive Secretary Mathur-Filipp recalled that INC-1 had taken note of the obligations of host countries, pursuant to the model UN host-country agreement, to issue visas for meeting participants from all Member States. She also noted that, should a country not be in a position to meet these obligations, including with respect to the issuance of visas, the UNEP Executive Director would convene the meeting of the INC in Nairobi, Kenya, at the seat of the INC Secretariat. She informed delegates that, in order for the Secretariat to be able to secure appropriate venues for future INC sessions that would accommodate a larger number of participants, delegates needed to decide on the dates and venues of future sessions at INC-2. The Committee welcomed Kenya’s offer to host INC-3 in Nairobi, in November 2023.

With respect to Canada’s offer to host INC-4, the RUSSIAN FEDERATION shared that their delegations had encountered difficulties obtaining visas for other intergovernmental meetings, and requested assurance that all members from their delegation would be able to obtain visas in a timely manner to participate in INC-4. He proposed that, failing this, the venue would be moved to Nairobi, Kenya. This was supported by IRAN. The UK, US, AUSTRALIA, NORWAY, the EU, SWITZERLAND, JAPAN, GRULAC, and NEW ZEALAND welcomed Canada’s proposal to host INC-4.

CANADA assured the Committee that they would do the utmost to ensure an accessible and inclusive meeting for all members and observers, including by prioritizing participants in the visa application process. The INC Secretariat assured that they would work with the host country to ensure visas for participants from all Member States, noting the possibility to move the venue in line with UN host country agreements.

Following these assurances, the Committee welcomed Canada’s offer to host INC-4 in Ottawa, in the first half of 2024. The Committee also welcomed the Republic of Korea’s offer to host INC-5 in the second half of 2024.

INC Chair Meza-Cuadra noted four proposals to host the diplomatic Conference of the Plenipotentiaries in mid-2025, by Ecuador, Peru, Rwanda, and Senegal.

**Provisional agenda for INC-3:** On Friday in plenary, delegates adopted the decision on the provisional agenda for INC-3.

**Final Decision:** In the final decision on the draft provisional agenda (UNEP/PP/INC.2/L.2) of INC-3, the INC, recalling rule 3 of its draft rules of procedure that apply provisionally to its work, according to which the Committee shall review the draft provisional agenda and revise it, as it deems necessary, and agree to forward it to its next session for adoption.

### ***Preparation of an ILBI on Plastic Pollution, including in the Marine Environment***

This was the main substantive agenda item and was addressed in plenary on [Wednesday](#), and in two contact groups that convened on Wednesday evening, throughout the day on [Thursday](#) and on Friday morning.

The Secretariat introduced the document on potential options for elements towards an ILBI, based on a comprehensive approach that addresses the full lifecycle 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; implementation measures, and additional matters. This options paper formed the basis of discussions in both contact groups.

**General statements:** 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 and restrictions; socio-economic inclusion measures and a just transition; establishing robust means of implementation; 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, and periodically updated by the Conference of Parties; and new, additional, adequate, and predictable means of implementation, with priority access for SIDS. She expressed concern over parallel discussions on control measures and means of implementation 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 multilateral 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 lifecycle 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 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 the sourcing of raw materials to the 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, 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, repairability, and environmentally sound recycling; reporting and transparency in production and labeling across the value chain; avoiding microplastic releases; mobilizing means of implementation from all sources; and conducting thorough social and environmental impact assessments.

For other general statements, please see [Wednesday's coverage](#).

**Contact Group 1:** Contact Group 1, co-facilitated by Gwendalyn Kingtaro Sisor (Palau) and Axel Borchmann (Germany), considered the objectives and substantive obligations of the future ILBI. The group offered their first impressions and priorities on options related to 12 possible core obligations, including:

- phasing out and/or reducing the supply of, demand for, and use of, primary plastic polymers;
- banning, phasing out and/or reducing the use of problematic and avoidable plastic products;
- banning, phasing out and/or reducing the production, consumption and use of chemicals and polymers of concern;
- reducing microplastics;
- strengthening waste management;
- fostering design for circularity;
- encouraging “reduce, reuse and repair” of plastic products and packaging;
- promoting the use of safe, sustainable alternatives and substitutes;
- eliminating the release and emission of plastics to water, soil and air;
- addressing existing plastic pollution;
- facilitating a just transition, including an inclusive transition of the informal waste sector; and
- protecting human health from the adverse effects of plastic pollution.

For more information please see [Thursday's](#) discussions.

On Friday, the Co-Facilitators presented their summary report, noting efforts to identify convergence as well as additional elements/options to be considered for inclusion in the ILBI. Co-Facilitator Borchmann explained that the summary was not an exhaustive list of all the options that had been discussed, and that written statements would supplement the summary in the preparation of the zero draft.

On **objectives**, many states preferred an objective in line with UNEA resolution 5/14. The Co-Facilitators noted diverging views on whether the ILBI should include a time-bound target for ending plastic pollution.

On options related to **encouraging “reduce, reuse and repair” of plastic products and packaging**, the Co-Facilitators reported that delegations were widely in agreement on setting targets under this core obligation. A group of delegations favored regulating and encouraging reduction and reuse of plastics. Other considerations involved ensuring alignment with existing standards, including those set out by the International Organization for Standardization (ISO). Some delegations were opposed to the introduction of tariffs and tax incentives for this purpose.

On **promoting the use of safe, sustainable alternatives and substitutes**, the Co-Facilitators recalled that many delegations supported the provision of platforms for information sharing, with several requesting clarity on types of plastic alternatives and associated criteria to be considered. It was also noted that some

delegations were in favor of tasking a technical review committee with advising on potential alternative and substitute options.

On **eliminating the release and emission of plastics to water, soil and air**, the Co-Facilitators noted that delegations called to address releases throughout the plastic lifecycle as well as in relation to microplastics. A number of delegations underlined the need for binding provisions upstream, whereas others supported downstream provisions. It was noted that several delegations called for measures regarding fishing gear, in line with existing efforts. Some delegations supported the adoption of guidelines at the national level.

On **addressing existing plastic pollution**, the Co-Facilitators noted that a majority of delegations expressed urgency on tackling existing plastic pollution. The Co-Facilitators highlighted that a number of delegations called for additional awareness raising, especially with regard to best available techniques and best environmental practices, adapted to national indicators. The Co-Facilitators also cited that some delegations called for the need for plastic alternatives, in line with other options, supported by further scientific research.

On **facilitating a just transition**, including an inclusive transition of the informal waste sector, the Co-Facilitators cited broad support among delegations for facilitating a just transition with a focus on poverty alleviation of the most vulnerable. Several groups called for the inclusion of waste pickers in the process of a just transition. Some delegations endorsed using a human rights approach to guide this process, in line with the UN General Assembly resolution on the right to a clean, healthy, and sustainable environment.

On **protecting human health from the adverse effects of plastic pollution**, the Co-Facilitators highlighted that many delegations were in favor of nominating a subsidiary body to synthesize research and science on the impacts of plastic and plastic pollution, highlighting that additional work was necessary to close existing knowledge gaps on this subject. It was also indicated that delegations were widely in favor of cooperation and exchange of information with other bodies, including the WHO and the International Labour Organization (ILO).

Many delegates expressed their support for the summary report. Several raised additional matters. Co-Facilitator Borchmann clarified that some of these had already been included, and noted additional points that would be added to the report.

The group then turned to discussion on next steps for intersessional work, in the lead up to INC-3. Co-Facilitator Borchmann provided a summary of possible intersessional work, organized into areas to consider and areas to identify. On areas to consider, the Co-Facilitators discussed definitions, including problematic and avoidable plastic polymers and products, microplastics, and circularity. He listed specific criteria, such as substances of concern in plastics; problematic and avoidable plastic polymers and products; design; and substitutes/alternatives to plastic polymers and products. The Co-Facilitators also indicated potential targets, including for the phaseout of problematic and avoidable plastic polymers and products, and for reuse and repair of plastic products. On areas to identify, the Co-Facilitators listed potential substances of concern in plastics, problematic and avoidable plastic polymers and products; and potential sources of release of microplastics (products and sectors).

Delegates expressed appreciation to the Co-Facilitators for summarizing proposed activities for intersessional work. In addition to calling for further information on specific modalities in the lead

up to INC-3, delegations raised concerns on the inclusion of criteria; the need for appropriate definitions; the importance of neutrality and not prejudging ILBI outcomes; the delineation of technical versus substantive work; and the sequencing of work during the intersessional period. The Co-Facilitators emphasized that these points would be given due consideration and reflected in the INC-2 summary report, including with selected inputs from delegations' written submissions.

Delegates also considered a list of existing measures in other multilateral environmental agreements (MEAs) and other informational documentation to be prepared over the course of the INC.

**Contact Group 2:** Contact Group 2, co-facilitated by Katherine Lynch (Australia) and Oliver Boachie (Ghana), considered means of implementation, implementation measures, and additional actions. Delegations discussed the elements in the options paper related to: NAPs; exchange of information; stakeholder engagement; awareness raising and education; research; cooperation and coordination; financial assistance; capacity building; technology transfer on mutually agreed terms; technical assistance; compliance; periodic assessment and monitoring of progress; and national reporting.

For more information, please see [Thursday's](#) coverage.

On Friday, Co-Facilitator Lynch provided a summary of the group's discussions, noting that the Co-Facilitators' report would be annexed to the meeting report. She highlighted convergence on the development of **NAPs** to coordinate and support implementation of the ILBI across the plastics lifecycle at the national level. She noted the caution raised by some delegations that the development of NAPs must not be the only legally binding provision of the future instrument. She noted suggestions by some delegations that NAPs could also include indicators against which progress could be tracked at the national level and recorded across the lifecycle. She highlighted divergent views, noting that some delegations understood NAPs as a nationally-driven process with countries setting their own targets, and conducting their own reviews, updates, and/or resubmissions. She drew attention to the linkage between the preparation of NAPs and periodic national reporting, with calls to establish baselines and undertake periodic reviews.

On **exchange of information**, she noted concerns expressed regarding mandatory disclosures. She highlighted discussions on clusters of issues including, among others:

- best practices, knowledge, research and technologies;
- sustainable consumption and production, environmentally sound waste management, sources of plastic pollution, human and animal exposure to plastic pollution and the associated risks and reduction options, among policymakers, stakeholders and the public; and
- information exchange on Indigenous knowledge systems and practices.

On **stakeholder engagement**, she highlighted support for a multi-stakeholder action agenda to promote active and meaningful participation in the development and implementation of the ILBI and to accelerate action. She noted convergence of the role of **awareness raising and education**, including calls for this to be mandatory.

She also pointed to the group's prioritization of a science-backed and evidence-based instrument in relation to **research**, noting broad support for a scientific and technical body to evaluate scientific data, socio-economic data and impacts, problematic plastics, polymers,

and chemicals of concern. She highlighted calls for a facilitative **compliance** mechanism. She also noted the strong support among several delegations for establishing **national reporting** as a legal obligation under the instrument, applying to all parties, with an option to progressively increase or expand reporting over time.

In the ensuing discussion, some delegations underlined the need for two separate articles on financial resources and/or assistance, and on a financial mechanism, and stressed the need to consider both the Global Environment Facility (GEF) as well as the establishment of a dedicated fund.

Some delegations called to rename the compliance committee to the “implementation and compliance committee,” with others stressing the need for an enabling compliance mechanism. Some delegations highlighted the need to also include reference to socio-economic concerns related to plastic pollution.

Many underlined the need for the ILBI to include the principle of common but differentiated responsibilities as an overarching principle, with others preferring a reference to the Rio Principles more generally.

Others noted that technology transfer was key to the implementation of the ILBI, with some underlining that this should be done on fair and equitable terms.

One delegation called for time to make submissions towards the zero draft during the intersessional period. Some delegations underlined the need to review NAPs, noting that NAPs should include information on the provision of financial support from developed to developing countries; and highlighted the importance of NAPs including the traditional knowledge of Indigenous Peoples.

Others, highlighting the robust discussions during the contact group, cautioned against assuming general agreement on any issue.

Co-Facilitator Lynch also listed matters flagged to be addressed during the intersessional period, noting that some issues would need to be considered before INC-3, while other issues could be dealt with later in the process towards adopting the treaty. She noted that some other issues could even be considered after the ILBI’s adoption. She highlighted areas of intersessional work throughout the rest of the process, including on:

- the potential role, responsibilities and composition of a scientific and technical body;
- NAPs;
- provisions within existing MEAs on cooperation and coordination;
- monitoring;
- options to define technology transfer on mutually agreed terms;
- modalities for potential financing mechanisms;
- options to mobilize and align private and innovative finance;
- mapping current funding and finance available to address plastic pollution and determining the need for financial support for each Member State; and
- identifying capacity building and training gaps.

One delegation supported regional intersessional discussions. Another stressed that intersessional work should be inclusive and transparent, requesting clarity on the modality, scope and frequency of the work. He also noted that intersessional work would be of a technical nature and would not be used towards decision making.

Several delegations prioritized the development of a zero draft before INC-3.

Acknowledging the need for intersessional work, some prioritized definitions and key terms for the ILBI including on capacity building

and financing. Many prioritized intersessional work on a scientific and technical body, and NAPs.

Delegations also variously prioritized the need to work on private and innovative financing, coordination with the future science-policy panel on chemicals, waste, and pollution, the need for capacity building, and technology transfer in the intersessional period. Many prioritized intersessional discussions on means of implementation more generally, with some noting that these discussions could run beyond the immediate intersessional period.

Some delegations noted that none of the issues identified were priorities for the immediate intersessional period, stating that a financial needs assessment for each Member State might be too granular and could prejudge the negotiations. One delegation opined that work on compliance could be done after the ILBI’s adoption.

On the format of the intersessional work, some favored a hybrid, informal intersessional meeting. Some delegates preferred informal meetings of heads of delegations, with the understanding that this would not be considered as part of the formal INC process.

**The way forward:** On Friday, in plenary, INC Chair Meza-Cuadra proposed that delegates conduct informal consultations on the way forward, co-facilitated by Marine Collignon (France) and Maria Angélica Ikeda (Brazil).

INC Chair Meza-Cuadra informed delegations that the contact group reports would be annexed to the report of the meeting. He informed the Committee that technical revisions of the reports would be conducted to ensure consistency of terminology. Delegates then took note of the reports.

The Co-Facilitators of the informal consultations on the way forward to INC-3 made an oral report of the decision on intersessional work. The Committee adopted the oral decision.

The Committee adopted the oral decision.

**Final Decision:** The decision:

- encourages members and observers to send submissions from INC-2 to the Secretariat and requests the Secretariat to post these submissions on the INC website; and
- requests INC Chair Meza-Cuadra, with the support of the Secretariat, to prepare a zero draft text of the ILBI for consideration at INC-3, guided by the views expressed at INC-1 and INC-2, with a full range of options indicated.

The decision also requests the Secretariat to: invite submissions from observers (by 15 August 2023) and members (by 15 September 2023) on elements that were not included in the options paper, such as on principles and scope, as well as on any areas for intersessional work; post any submissions received on the INC website; prepare a synthesis report of submissions; and to convene a one-day preparatory meeting back-to-back with INC-3 to discuss the synthesis report.

### **Closing Plenary**

On Friday, in plenary, delegates adopted the report of the meeting (UNEP/PP/ INC.2/L.2). GRULAC called for a regional preparatory meeting ahead of INC-3. AOSIS emphasized its commitment to realizing a robust agreement addressing plastic across its lifecycle. The EU underlined that plastic pollution contributes to the triple planetary crisis and stressed its commitment to engaging with all parties on developing the ILBI. The AFRICAN GROUP pledged its active participation in the remaining negotiation sessions.

SAUDI ARABIA highlighted its commitment to the INC process, stressing that multilateralism depends on trust. INDIA reiterated the need for consensus in guiding negotiations and emphasized the need



for intersessional work to be built on sound technical and scientific understanding. SENEGAL and ECUADOR reiterated their offers to host the Diplomatic Conference. The UK emphasized the need to continue momentum into the intersessional period, including by bringing technical experts into discussions on plastics and polymers of concern. TÜRKIYE called for shifting plastic markets from linear to circular. GUATEMALA reiterated their commitment to participate in efforts to realize an effective ILBI.

The INDIGENOUS PEOPLES MAJOR GROUP urged to extend the UN's mandate for establishing voluntary funds to ensure Indigenous Peoples take part in intersessional work. The GLOBAL YOUTH COALITION ON PLASTIC POLLUTION called to shift focus from reactive measures to prevention strategies. The INTERNATIONAL CHAMBER OF COMMERCE underlined the critical role of business and industry in reaching a successful ILBI.

The CENTER FOR HUMAN RIGHTS AND CLIMATE CHANGE RESEARCH proposed an intersessional meeting to address the transboundary movement of waste and state liability for redressing harms on human and environmental health. The INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN) highlighted that the ILBI presents a valuable opportunity to address the impact of hazardous chemicals and additives in plastics. The NETWORK OF LATIN AMERICAN CIVIL SOCIETY ORGANIZATIONS called for a balanced, fair, and inclusive ILBI involving waste pickers, while also drawing on contributions of civil society.

The AFRICAN TOBACCO CONTROL ALLIANCE noted cigarette filters are a source of significant hazardous pollution and microplastics. LOCAL AUTHORITIES MAJOR GROUP called for effective multilevel governance considerations to facilitate implementation of the ILBI at local levels.

INC Executive Secretary Mathur-Fillip noted that momentum has grown significantly since INC-1, and shared that over 1,656 participants attended INC-2, from 169 countries and the EU, and over 300 observer organizations.

Chair Meza-Cuadra recognized the difficult moments during the session, but shared that the spirit of UNEA resolution 5/14 guided the Committee to a successful conclusion. Underlining that “there is much more that unites us than separates us,” he pledged to do the utmost to ensure that the zero draft reflects deliberations, and emphasized the importance of the intersessional work. He concluded the session by quoting French author Victor Hugo: “It is sad to think that nature speaks and that humankind doesn't listen.” He gaveled the meeting to a close at 9:25 pm.

### **A Brief Analysis of INC-2**

Plastic is a malleable material, taking different forms depending on the additives included in the manufacturing process. This allows for it be made stronger, pulled or stretched. Engineers call this tensile strength, which is the ability of plastic to withstand a certain amount of stress without failure. But when plastic is subjected to too much stress, the material can change its form and may even take on new properties. Similarly, a multilateral negotiation process faces a certain amount of stress, and its success is highly dependent on the strength and commitment of the negotiators to withstand the pressure.

The second session of the Intergovernmental Negotiating Committee (INC-2) towards an international legally binding instrument on plastic pollution, including in the marine environment,

illustrated the tensile strength of multilateral negotiations. Going into INC-2, anticipation was high. Not only did the Committee have to take the first steps toward negotiating a new treaty on plastics pollution by considering the elements presented in an options paper, but delegates also had to complete some procedural matters left over from INC-1: electing the bureau and approving the draft rules of procedure. Accomplishing these matters proved to be a Herculean task, stretching the imagination, patience and determination of states and observers alike. In the end, integrity prevailed, and the strength of the INC passed its first stress test.

This brief analysis will examine the challenges faced at INC-2 and reflect on the results of this stress test.

### ***Election Tension***

Right from the start, delegates were thrown into a political loop. Since INC-1 did not finish the task of establishing its bureau, this became the first agenda item at INC-2. Customarily, bureau members are nominated by their regions, and elected by acclamation. Of course, as the saying goes, there are exceptions to every rule. Lately, election by acclamation has not always been possible, largely due to international tensions over the ongoing conflict in Ukraine. At INC-2, candidates from the Russian Federation, Estonia, and Georgia were nominated to fill two seats on the Bureau. Since the Eastern European Group was unable to reach consensus on two nominees, the INC had no choice but to vote by secret ballot and elected Estonia and Georgia to the bureau. In another unprecedented move, one member challenged the election of bureau members who had already been approved at INC-1, necessitating another vote for both Sweden and the US to fill the remaining seats on the bureau. This vote resulted in both Sweden and the US being re-elected to the bureau.

The use of secret ballots—again breaking norms on consensus-based decision making—had some delegations deeply concerned that these underlying tensions could threaten to derail the substantive negotiations.

### ***Procedural Debacles***

By Monday afternoon, it was clear that the draft rules of procedure (RoP) remained another source of tension. Indeed, the matter was not settled until Wednesday morning, after considerable efforts by Committee members. Many called out what they perceived as delay tactics of some delegations, but what was really going on? At the organizational session in Dakar, Senegal, in 2022, a working group tasked with drafting the RoP was unable to conclusively finalize its work. As a result, they forwarded a provisional set of draft RoP to INC-1, in Punta del Este, Uruguay.

At INC-1, the Committee agreed to provisionally apply the RoP, with one rule in brackets. They agreed to defer further consideration to INC-2. In Paris, several delegations, led by Saudi Arabia, India, Brazil, and Iran, recalled their request at INC-1 to also bracket a rule that provides for the possibility of voting on substantive matters, if efforts to reach consensus were not successful. These delegations were adamant that they would not permit substantive work to begin before their opposition to voting was officially recorded. Given the polarized views on many different substantive issues related to the legal architecture of the future treaty, these delegations believed that subjecting certain issues to a vote—rather than adopting by consensus—would silence their views early in the negotiations, and possibly bind them to a process where their views were no longer considered valid.

Some observers were quick to criticize those countries who requested to bracket the rules on voting, accusing them of undermining the process. Many recalled that previous INCs for the negotiations of other multilateral environmental agreements had included the possibility of voting, with several worrying that relying strictly on consensus could open the possibility for a single delegation to hijack the negotiations.

With discussions in plenary seemingly stalled, the dais proposed convening informal consultations. But even this proposal resulted in hours-long talks without breaking the deadlock. At this point, many were unclear about whether the INC Chair, with the support of the Secretariat, could reconcile this impasse. In the end it was Brazil who stood up and proposed holding informal dialogues, without support from the dais. This resulted in a compromise solution: an interpretative statement noting that the rules of procedure are being applied provisionally, and there are different understandings on the rule on voting. The statement did the trick: it recognized the value of consensus while still allowing for voting—a necessary tool to move ahead in negotiations—if no one opposed it.

But that was not the only hurdle the Committee had to overcome before finally getting to work on the substantive issues.

### ***Constituting Contact Groups***

There is an implicit trust placed in the Chair of any meeting that they will impartially carry out their mandate, offering the opportunity for members to speak, while also being fully aware of the tenor, pace, direction and consequence of discussions in the room. Before INC-2 started, a scenario note was circulated by the Secretariat on behalf of the Chair, which laid out the proposed working modalities: two contact groups to be constituted (preferably on the first day), one on objectives and substantive obligations, and the other on the means of implementation and other implementation measures of the future agreement.

In standard practice, delegations can make proposals to include other issues on the agendas of the contact groups. In this case, some delegations requested including a discussion on principles and approaches, calling to at least include placeholder text for this to be addressed if time permitted. However, several countries contested this proposal, insisting such discussions had not been agreed, as they typically occur after agreement is reached on substantive matters.

At this stage, delegations were treated to what some have termed “TikTok diplomacy,” which could be described as statements made to be circulated in social media and not meant to be engaged with during the meeting. One delegate, frustrated with the seemingly endless procedural debates, and eager to begin substantive work, stood up in the middle of the plenary and passionately called on everyone to leave the plenary room and “begin working.”

Chair Meza-Cuadra—visibly amused by this spontaneous and unusual display—acquiesced, and abruptly adjourned the meeting to allow the contact groups to begin their work. However, he did not uphold the request for the placeholder text and faced protests that he ignored other delegations’ requests to speak. This procedural debate put additional stress on delegations’ trust in the impartiality of the Chair, and ironically resulted in further delays in starting discussions on the substance of the future ILBI.

### ***And Finally, We Work (All Night Long)***

When the INC finally began discussing the options paper on Wednesday night—three full days later than scheduled—delegates had the chance to express their views on what should be reflected in

the new instrument. Here, the main points of contention were around how the instrument would build a legal mandate: some countries (mainly the US, Saudi Arabia, China, and India) called for a bottom-up approach, where states would determine their commitments based on their capacity and best intentions, along the lines of the Paris Agreement on climate change. Considering their influence in the negotiations, at this stage, such calls for bottom-up contributions seem likely to be included in the future instrument. Others, mainly countries from the developing world, preferred strong global commitments applied to all countries, but with common but differentiated responsibilities, considering the scourge of legacy plastics and waste left the by the developed world for decades.

The meeting also gave a glimpse of where countries prefer to put control measures along the lifecycle of plastics. Most developing countries called for strong controls on the upstream part of the cycle. Other countries, including those in the over 80 countries making up the High Ambition Coalition, preferred a focus on upper-midstream and downstream measures, such as on product design and sustainable waste management, citing principles of circularity.

Means of implementation also divided delegates, but along familiar lines. Who should pay for the implementation of a new treaty, and how will the money be used? Should a new fund be established, as is the case under the Minamata Convention on Mercury, or should the Global Environment Facility be used, as is the case for the Stockholm Convention on Persistent Organic Pollutants, among others? How will technology transfer be governed? These are daunting questions, even in more established discussions such as the UN Framework Convention on Climate Change and the Convention on Biological Diversity. Many noted that the INC will need to use some degree of imagination in addressing these issues as the negotiations move forward.

### ***Moving Forward***

By the meeting’s end, the INC successfully demonstrated its strength, even when faced with daunting procedural debacles. Pre-meeting concerns that civil society’s participation would be limited due to space constraints at the venue were alleviated the day before the meeting began. But delegates’ goal to agree on a mandate that the Chair and the Secretariat prepare a “zero draft” of the treaty to form the basis for negotiations at INC-3 was not as simple. Agreement on what would happen during the intersessional period added another layer of stress on the INC.

On the final day, an informal group had to be convened to address the details of the intersessional period to prepare for INC-3. Delegates decided to mandate the Secretariat to prepare a Committee-driven zero-draft, to clearly reflect differing views on various elements associated with the plastic lifecycle. These include, among others, identifying options on definitions and criteria along the plastic supply chain, including on problematic and avoidable plastic polymers and products, design for circularity, substitutes and alternatives, releases and emissions, and addressing means of implementation.

Additionally, delegates requested the Secretariat to draft a synthesis report to take into account elements that had not been included in the options paper considered at INC-2, such as principles and scope. In an unusual move, however, delegates also scheduled a one-day meeting before INC-3 to review the synthesis report and determine if it adequately reflects all submissions received. All



in all, this decision was met with relief, and left delegates more confident that the INC process withstood the stress test and was “back on track.”

French essayist Roland Barthes once wrote, “More than a substance, plastic is the very idea of its infinite transformation.” And INC-2 did transform. This meeting was—at least at one point—on the brink of chaos, stretching beyond its limits. But, thanks to the commitment of delegates, both procedural and substantive discussions remained intact, and the INC withstood the pressure. This was a testament to delegates’ resolve to collectively find solutions for addressing the harmful effects of plastic on human health and the environment, and hopefully bodes well for INC-3 and beyond.

### Upcoming Meetings

**UNFCCC SB 58:** Delegates to the 58th sessions of the UNFCCC Subsidiary Body for Implementation (SBI) and Subsidiary Body for Scientific and Technological Advice (SBSTA) will convene to prepare for the 28th meeting of the Conference of the Parties (COP 28). **dates:** 5-15 June 2023 **location:** Bonn, Germany **www:** [unfccc.int/sb58](http://unfccc.int/sb58)

**64th Meeting of the GEF Council:** The Global Environment Facility Council, which meets twice annually, develops, adopts, and evaluates the operational policies and programs for GEF-financed activities. It also reviews and approves the work programme, making decisions by consensus. **dates:** 26-30 June 2023 **location:** Brasilia, Brazil **www:** [thegef.org/events/64th-gef-council-meeting](http://thegef.org/events/64th-gef-council-meeting)

**UN High-level Political Forum on Sustainable Development:** The 2023 session of the HLPF under the auspices of Economic and Social Council will take place on the theme “Accelerating the recovery from the coronavirus disease (COVID-19) and the full implementation of the 2030 Agenda for Sustainable Development at all levels.” It will include in-depth review of SDGs 6 (clean water and sanitation), 7 (affordable and clean energy), 9 (industry, innovation and infrastructure), 11 (sustainable cities and communities), and 17 (partnership for the Goals). **dates:** 10-19 July 2023 **location:** UN Headquarters, New York, US **www:** [hlpf.un.org/2023](http://hlpf.un.org/2023)

**7th Meeting of the GEF Assembly:** The seventh Global Environment Facility Assembly will provide an opportunity for ministers, prominent environmentalists, government officials, business leaders, leaders of GEF Agencies and of the main environmental conventions, as well as civil society representatives and Indigenous Peoples, to discuss governance and financing solutions for global environmental challenges and to forge new partnerships focused on addressing the drivers of ecological strains. **dates:** 22-26 August 2023 **location:** Vancouver, Canada **www:** [thegef.org/events/seventh-gef-assembly](http://thegef.org/events/seventh-gef-assembly)

**International Conference on Chemicals Management (ICCM) 5:** The ICCM will undertake reviews and evaluation of the implementation of the Strategic Approach to International Chemicals Management (SAICM), a multi-stakeholder policy platform to promote chemicals safety. **dates:** 25-29 September 2023 **location:** Bonn, Germany **www:** [saicm.org/About/ICCM/tabid/5521/Default.aspx](http://saicm.org/About/ICCM/tabid/5521/Default.aspx)

**CRC 19:** The Rotterdam Convention’s Chemical Review Committee (CRC) will review notifications of final regulatory action and proposals for severely hazardous pesticide formulations for potential inclusion in the Rotterdam Convention. **dates:** 3-6 October 2023 **location:** Rome, Italy **www:** [pic.int](http://pic.int)

**POPRC 19:** The Stockholm Convention’s Persistent Organic Pollutants Review Committee (POPRC) is due to consider the draft risk profile for chlorpyrifos and the draft risk management evaluation for medium-chain chlorinated paraffins and long-chain perfluorocarboxylic acids, their salts and related compounds. **dates:** 9-13 October 2023 **location:** Rome, Italy **www:** [pops.int](http://pops.int)

**Montreal Protocol MOP 35:** The 35th session of the Meeting of the Parties will discuss issues related to the implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer. **dates:** 23-27 October 2023 **location:** Nairobi, Kenya **www:** [ozone.unep.org/meetings/thirty-fifth-meeting-parties](http://ozone.unep.org/meetings/thirty-fifth-meeting-parties)

**Minamata Convention COP5:** The fifth meeting of the Conference of the Parties to the Minamata Convention on Mercury will review implementation of the convention. **dates:** 30 October – 3 November 2023 **location:** Geneva, Switzerland **www:** [mercuryconvention.org/en/meetings/cop5](http://mercuryconvention.org/en/meetings/cop5)

**INC-3 on Plastic Pollution:** The third meeting of the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment, will focus on a zero draft of the instrument. **dates:** 13-17 November 2023 **location:** Nairobi, Kenya **www:** [unep.org/about-un-environment/inc-plastic-pollution](http://unep.org/about-un-environment/inc-plastic-pollution)

For additional upcoming events, see: [sdg.iisd.org](http://sdg.iisd.org)

### Glossary

AHEG	Ad Hoc Expert Group
AOSIS	Alliance of Small Island States
GEF	Global Environment Facility
GRULAC	Latin American and Caribbean Group
ILBI	International legally binding instrument
INC	Intergovernmental Negotiating Committee
MEAs	Multilateral environmental agreements
NAPs	National action plans
SCP	Sustainable consumption and production
SIDS	Small island developing states
UNEA	United Nations Environment Assembly
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
WHO	World Health Organization