

## Plastic Pollution INC-3 Highlights:

**Tuesday, 14 November 2023**

Delegates reconvened in plenary to continue discussions at the third session of the Intergovernmental Negotiating Committee (INC-3) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment. They agreed to establish three contact groups to address different sections of the Zero Draft and elements of the Synthesis Report.

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

**General statements:** INC Chair Meza-Cuadra called for further comments on the Zero Draft ([UNEP/PP/INC.3/4](#)). CÔTE D'IVOIRE called for the ILBI to consider synergies and country needs. VIET NAM called to balance the draft before INC-4 and underlined that the ILBI should not create additional trade barriers for developing countries.

Lamenting the “emotional condemnation” of plastic, UGANDA stressed that the definition of terms in the ILBI should be ongoing throughout the negotiating process and not be undertaken by a designated contact group. ZIMBABWE affirmed their commitment to a plastic-free world, underlining that INC-3 should chart the path towards an ILBI.

TUVALU underlined the need for means of implementation (MoI) for small island developing states (SIDS), and called for a focus on human rights, human health, and the environment throughout the ILBI. GUATEMALA supported identifying priorities at the national and regional levels; and prioritized financial and technical assistance and technology transfer to ensure effective ILBI implementation.

EL SALVADOR underlined that the ILBI should promote effective and responsible management from production to disposal, including through a facilitative compliance mechanism and a circular and inclusive economy. ESWATINI supported establishing clear mandates for intersessional work to draft a list of chemicals of concern.

KENYA called for the ILBI to encompass a top-down approach, addressing upstream, midstream, and downstream phases, including control measures, national, regional, and global extended producer responsibility (EPR), as well as circularity. PANAMA favored a global framework addressing the entire plastics lifecycle, from design and production to consumption and final disposal, encompassing voluntary and obligatory actions, and focusing on prevention, a safe and inclusive circular economy, and robust MoI.

SRI LANKA called for the ILBI to include obligations and control measures across the entire plastics lifecycle, complemented by voluntary approaches addressing the unique situation and capabilities of developing countries. TOGO stressed the particular circumstances of least developed countries, who are disproportionately impacted by plastics due to “porous” national borders and called for the ILBI to reduce plastic consumption and address legacy plastic waste.

GUINEA-BISSAU supported the inclusion of common but differentiated responsibilities (CBDR), the polluter pays principle, and prevention, and noted that the ILBI should cater to countries with extensive coastal zones. GABON supported the role of contact groups in affirming convergences of views, and in engaging scientific, technical, and traditional knowledge in

order to reach a fair consensus; and supported clear mandates and timetables for intersessional work.

THAILAND proposed, *inter alia*: intersessional work with involvement of science and industry to develop screening criteria for listing in the ILBI annexes; and an open-ended working group on potential MoI, including finance.

KUWAIT emphasized the importance of plastics for the global economy and emphasized that the ILBI should be based on sound science in order to minimize plastic pollution and manage waste, in line with a circular economy approach. THE GAMBIA stated that plastic pollution should be addressed irrespective of national circumstances.

PARAGUAY supported national action plans (NAPs), in line with national circumstances, and underlined that provisions of the ILBI should complement, rather than duplicate, existing MEAs. PAPUA NEW GUINEA stressed the importance of the ILBI for addressing plastic pollution in maritime zones.

LIBYA welcomed: capacity building; support for reporting, especially with regard to small, micro, and medium-sized enterprises; and stakeholder engagement, especially with waste pickers and Indigenous communities.

BRS SECRETARIAT drew attention, *inter alia*, to the Global Framework on Chemicals, the 2019 plastic waste amendment to the Basel Convention, and the technical guidelines on plastic waste adopted at the 2023 BRS COPs.

OFFICE OF UN HIGH COMMISSIONER FOR HUMAN RIGHTS called for the ILBI to provide a framework for business responsibility and stressed due diligence in accordance with the UN Guiding Principles on Business and Human Rights.

UN OFFICE ON DRUGS AND CRIME called for the ILBI to standardize national legal frameworks to address organized crime in the plastics lifecycle, particularly with respect to trade and plastic disposal, including illegal dumping at sea.

INTERNATIONAL CHAMBER OF COMMERCE advocated for the ILBI to be ambitious and actionable globally and favored leveraging the existing capacities, expertise, and innovation of the global business community.

CENTRAL AMERICAN COMMISSION FOR ENVIRONMENT AND DEVELOPMENT emphasized the need to: mobilize resources for developing states; and to agree on terms and definitions, especially with regard to recycling practices and consumer rights.

INTERNATIONAL ALLIANCE OF WASTE PICKERS called for the recognition of waste pickers and other workers in informal or cooperative settings in the ILBI, including in its definition of terms, and for mandating measures for a just transition.

GLOBAL YOUTH COALITION ON PLASTIC POLLUTION proposed the establishment of a youth expert working group to support the implementation of the future ILBI. INDIGENOUS PEOPLES MAJOR GROUP called for the ILBI to recognize Indigenous Peoples' science and knowledge systems, innovations, and practices, while ensuring Indigenous Peoples' sovereignty and free self-determination.

BUSINESS COALITION FOR A GLOBAL PLASTICS TREATY stressed that key provisions of the treaty must be fully operational from the beginning, with technical annexes updated over time, underscoring that businesses respond to certainty.

WORKERS AND TRADE UNIONS MAJOR GROUP referred to the International Labour Organization's (ILO) decent work indicators, guidelines on just transition, and the World Health Organization's One Health approach.

THE SCIENTISTS' COALITION FOR AN EFFECTIVE PLASTICS TREATY recommended: drafting an adaptable list of groupings on plastic additives and chemicals of concern; promoting the role of independent experts; and considering UNEP definitions.

WOMEN'S WORKING GROUP ON ENDING PLASTIC POLLUTION stated that the ILBI should include, *inter alia*, a moratorium on single-use plastics and chemicals of concern while also ensuring the meaningful engagement of civil society. She also called on the Committee to institute a zero-tolerance policy on sexual harassment during the negotiation process.

INTERNATIONAL POLLUTION ELIMINATION NETWORK (IPEN) underscored the importance of upholding a human rights-based approach in the development of the ILBI, including by removing reference to waste management approaches that have proven ineffective, such as chemical recycling.

WORLD HEALTH ORGANIZATION proposed that the ILBI focus on health hazards of upstream plastics and recommended adding a requirement in the ILBI for improving transparency on the health risks of plastics.

**Contact group mandates:** INC Chair Meza-Cuadra suspended the meeting to consult on the establishment of contact groups. When plenary resumed, he outlined his proposal for the establishment of contact groups, noting that: Contact Group 1 would review parts I and II of the Zero Draft; Contact Group 2 would address parts III and IV of the Zero Draft; and Contact Group 3 would consider the Synthesis Report on elements not discussed at INC-2 ([UNEP/PP/INC.3/INF/1](#)), taking into account the preparatory meeting, as well as inputs from members for placeholders in the Zero Draft. This group would also consider timelines for intersessional work.

INC Chair Meza-Cuadra noted that textual proposals made during the first round of discussions would be reflected in a revised Zero Draft. He highlighted that the second round of discussions, based on the revised Zero Draft, should start no later than Thursday, 16 November 2023. He also announced that Contact Groups 1 and 2 would communicate inputs on possible relevant intersessional work to Contact Group 3 for further elaboration. He noted that the groups would present a final report to plenary on Saturday, 18 November 2023.

BRAZIL reserved their position on Contact Group 3 discussions, noting the need for more time to consider the Synthesis Report. BANGLADESH called to include challenges faced by downstream developing countries in Contact Group 3 discussions.

ANGOLA, UGANDA, ZIMBABWE, SIERRA LEONE, and PAKISTAN requested clarification on how definitions would be considered by the contact groups. INC Chair Meza-Cuadra assured delegates that the interlinkages between groups would be considered. RUSSIAN FEDERATION sought clarity on the modalities for deleting options in the Zero Draft. Meza-Cuadra responded that these specific issues would be taken up by the contact groups. The Committee then established the three contact groups.

BRAZIL underlined that at INC-4 and beyond, the Committee should continue their work in two contact groups, noting participation considerations for developing countries.

The groups met in the afternoon and into the evening.

### Contact Groups

**Contact Group 1:** This group, co-facilitated by Gwendalyn Kingtaro Sisor (Palau) and Axel Borchmann (Germany), opened consultations in the evening to discuss the proposed options for the objectives of the ILBI. Most delegations supported the options presented in the Zero Draft, with some preferring the option to "end plastic pollution, including in the marine environment, and to protect human health and the environment," while others choosing a more concise objective to "protect human health and the environment from plastic pollution, including in the marine environment."

A large number of countries preferred a clear and concise objective. Some proposed merging one option with the proposed sub options, while others argued against including targets with timelines in the objectives. Many delegations proposed placing more emphasis on certain elements, such as the full lifecycle of plastics, whereas some called for stronger reference to sustainable development. One delegation proposed a new objective which would include eliminating plastic production.

**Contact Group 2:** This group, co-facilitated by Katherine Lynch (Australia) and Oliver Boachie (Ghana), met in the afternoon to consider the provision on finance, which contains, among others, options for the ILBI's financial mechanism, namely a newly established dedicated Fund (stand-alone fund), and a dedicated Fund within an existing financial arrangement. Some delegates expressed support for a stand-alone Fund as a matter of necessity. One group of countries indicated their support for a dedicated fund supported by public finance. Others supported both options, calling for a hybrid approach using both an existing and new financial mechanism. Some others preferred the Global Environment Facility (GEF) as the financial mechanism.

Some called for a broader consideration, including different financing modalities, with one noting that certain finances would need to be dedicated to mobilizing resources from the private sector. Some prioritized public funding provided by developed countries, in line with 2030 Agenda, SDGs, and in accordance with CBDR.

Many underscored leveraging financial support from all sources, including domestic, regional, and international, public, private, and blended finance. Some supported a (global) plastic pollution fee, while others did not find this appropriate, with one delegation noting that this suggests all plastic producing companies are polluting the environment; others considered potential resources for operationalizing such a fee. Some delegations highlighted that financial provisions could not be fully determined until the substantive obligations in the ILBI are outlined.

**Contact Group 3:** This group, co-facilitated by Marine Collignon (France) and Danny Rahdiansyah (Indonesia), met in the afternoon to address the preamble, definitions, principles, and scope.

On the preamble, most shared their preference for a short preamble, setting the foundation for the instrument. Others contended that this section could be developed later, following agreement on substantive provisions.

On definitions, most countries agreed on using relevant existing internationally agreed definitions; others called for including additional definitions in line with best available science. Some countries noted that definitions have a bearing on the overall scope of the ILBI, proposing intersessional work on this.

On principles, some did not support a dedicated provision. One country highlighted that any principles included in the text should not presume legality, while others urged not to backtrack on internationally agreed principles, particularly CBDR, polluter pays and the precautionary principle. Some countries proposed also including trade-related principles. One country proposed a new principle on non-toxic circularity.

On scope, there was general agreement that UNEA resolution 5/14 should guide the provisions of the ILBI, especially with regard to the plastic lifecycle. Some indicated there was no need to include a dedicated provision; while others, citing varying interpretations of the resolution, called for further discussion on how best to determine scope.

### In the Breezeways

Quelling rumors about uncertainties on the working modalities proposed by the INC Chair, the Nairobi Spirit prevailed on Tuesday as delegates agreed to establish contact groups. Armed with clear mandates, delegates spent the afternoon and evening working their way through the Zero Draft and the Synthesis Report. The flexibility of delegates was on full display as they showed a willingness to "learn from past mistakes" made in other processes, even accepting innovative proposals for the working modalities which, some hoped, "will be used for the rest of the meeting."

The contact group setting allowed for honest and practical exchanges. In one room, a seemingly noble proposal to raise funds by imposing a global plastic pollution fee came under scrutiny. Unconvinced delegates expounded on the multiple ways in which the application of this fee could place an undue burden on developing countries. "I guess it is not always so straightforward," acknowledged one observer.

Reflecting on the bigger picture, some were relieved that the INC has "finally shifted gear into work mode," with one hoping that we can start to see a "shift in economic structures built around the convenience of plastic use."