

Plastic Pollution INC-3 Highlights: Thursday, 16 November 2023

Delegates attending 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, engaged in contact groups in the morning, convening for a stocktaking plenary in the afternoon. They based their discussions on the [Zero Draft text of the ILBI](#), relating specifically to the regulation of the plastics lifecycle, and elements that had not been discussed at previous sessions of the INC, contained in the [Synthesis Report](#).

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

Contact Group 1: Co-Facilitators Gwendalyn Kingtaro Sisior (Palau) and Axel Borchmann (Germany) opened the session, underscoring the need to finalize a first reading in time for the stocktaking plenary.

Delegates opened discussions on extended producer responsibility (EPR). Many participants highlighted the value of having a globally unified system to establish producer responsibility, particularly addressing how this would enhance reuse, recyclability and recycling rates, as well as stimulate secondary markets. Others shared their preference for option 2, noting that flexibility is needed to encourage more countries to participate. One country voiced support for not including an option on EPR, while another called to have this included in provisions on waste management. Another country suggested merging both options. Many countries highlighted flexibility in implementing EPR schemes, based on their sovereign rights, capacities, capabilities, and national circumstances. Many others suggested applying EPR to operationalize the polluter pays principle.

On emissions and releases throughout the plastics lifecycle, a number of delegations supported defining terms, including concerning “emissions” and “releases.” One called for the deletion of “emissions”, noting that this would encroach on the mandate of the UN Framework Convention on Climate Change (UNFCCC). Some countries called for conducting further scientific research on releases, while others underlined the need to review the scope of this provision, pointing to the inclusion of “non-plastic elements.”

Some countries called to focus this provision on emissions and releases of plastic pellets, flakes, and powder from production, storage, handling, and transport. Others indicated preference for a sectoral approach to addressing the sources of emissions and releases of plastic polymers, plastics, including microplastics, and plastic products across their lifecycle. Many countries called to include language related to abandoned, lost, or discarded fishing gear (ALDFG) under this provision.

Several delegations cautioned against duplicating existing instruments, such as the International Maritime Organization (IMO). A number favored addressing unintentional releases of microplastics, with several calling for intersessional work on this.

On waste management, some delegations underlined that waste management systems will require means of implementation (MoI). Others urged considering the special circumstances of SIDS, and recognizing the role of waste pickers.

Countries also addressed options related to global standards for waste management and country-driven waste management, respectively, with several preferring the latter. Many expressed support for addressing the full lifecycle of ALDFG. Others suggested placing ALDFG under emissions and releases, while also underscoring the need for a just transition for artisanal fishers in this regard.

On trade in listed chemicals, polymers and products, and in plastic waste, one delegation reserved their position, given that the objective of the ILBI has not yet been agreed upon. A number of countries pointed to the World Trade Organization (WTO) as the sole regime under which issues of trade are discussed. Some noted that trade provisions in the ILBI may negatively impact developing countries, including by creating trade barriers and other unnecessary challenges. Some delegations suggested including provisions for non-parties, while others noted this could remain as a placeholder, until other parts of the ILBI are defined. On transboundary movement of plastic waste, a wide number of participants urged avoiding duplications with relevant provisions of the Basel Convention.

Regarding existing plastic pollution, including in the marine environment, some countries noted the absence of binding provisions on remediation and, citing the special circumstances of SIDS, called for the establishment of a legal framework to address transboundary plastic pollution, especially ALDFG, in line with the Cartagena and MARPOL Conventions. Others prioritized accumulation zones and hotspots. One delegation emphasized the role of Indigenous and local knowledge systems. Another countered that waste remediation should be determined in accordance with national capacities.

On just transition, a number of countries emphasized the need for adequate working conditions for actors involved in waste management and the plastics value chain, especially informal waste pickers. One delegation stressed that MoI, including technical and financial assistance, was paramount for facilitating a just transition. Another mentioned that efforts to address informal waste pickers should be addressed in social policies of each respective country, qualifying that waste management is under the remit of national and local governments.

Concerning transparency, tracking, monitoring and labelling, one delegation called attention to the positive results of package labelling, and stressed that it was necessary to consider information across the plastics lifecycle. Another country suggested that clarity was needed on whether reference to national regulations should be included in the ILBI, and if so, whether this would be better suited to the provision on reporting.

Contact Group 3: Co-Facilitators Danny Rahdiansyah (Indonesia) and Marine Collignon (France) opened the session.

Regarding **institutional arrangements**, countries converged on the need to establish different types of subsidiary bodies/panels/committees to guide the work of the Governing Body, including on: science and technical/technological matters; monitoring, review, and evaluation; implementation and compliance; and financial/economic matters. Several delegations stressed the need for ensuring inclusiveness and fairness of these bodies, guided by consensus, with due attention to geographical and gender balance, and the principle of common but differentiated responsibilities (CBDR).

Many countries emphasized that certain subsidiary bodies should be established without delay to proceed with intersessional work, but diverged on whether all would need to be set up simultaneously. On this point, one delegation noted that given time limitations, the scientific and technical body may not achieve all desired outcomes during the intersessional period. One country proposed the creation of a clearinghouse to facilitate an effective exchange of information and support cooperation. Several delegations underlined the importance of multistakeholder engagement for informing the work of subsidiary bodies, with one calling attention to the role of NGOs, academia, and industry.

Regarding **final provisions**, countries exchanged views based on a description of standard articles on final provisions provided by the Secretariat ([UNEP/PP/INC.1/8](#)) and the Synthesis Report. Several countries highlighted that these provisions should be negotiated after the substantive obligations of the treaty were agreed upon, with one delegation noting that the inclusion of a provision on reservations depends on the nature of the future treaty, and another stating that the necessity of final provisions depends on the content of the future treaty. A number of countries also emphasized that a decision on whether the treaty would have annexes was yet to be determined.

Delegates widely supported the establishment of a legal drafting group at a later stage of the negotiations to determine final provisions, referencing the process adopted for the Minamata Convention. Some delegations stressed that such a legal drafting group should be composed of all members. One delegation underlined that final provisions must be agreed by consensus.

Completing a first round of discussions on all elements of the synthesis report, the group took up discussions on possible intersessional work and next steps. A number of countries expressed concern that written and non-text proposals had not yet been reflected in the Co-Facilitators summary, and called for a compilation text reflecting all inputs and proposals already submitted. Co-Facilitator Collignon emphasized that efforts would be made to integrate all inputs from respective contact groups on advancing the instrument.

In a night session, the group considered the list of issues to be addressed through **intersessional work**.

Plenary

Election of officers: Georgia, for EASTERN EUROPEAN STATES, nominated Estonia as Vice-Chair to the INC bureau.

Way forward on the second round of negotiations: The contact groups reported on their progress over the last day and a half. INC Chair Gustavo Meza-Cuadra then informed delegations that the interventions made in the contact groups as well as over 300 written submissions would be incorporated into a new iteration of the Zero Draft, to be released by the Co-Facilitators in sections beginning on Thursday evening. He explained that this text would provide the basis for a second round of discussions.

He further noted that the second round of talks is scheduled to conclude at noon on Saturday, 18 November, after which the Co-Facilitators would present their summary reports towards a revised version of the Zero Draft, as well as the suggestions

for intersessional work. Lastly, he highlighted that the summary reports would be annexed to the meeting report.

BRAZIL, ARGENTINA, NIGERIA, and CAMEROON recalled their preference for a new dedicated financial mechanism for the ILBI. COSTA RICA and SAUDI ARABIA indicated their support for a new financial mechanism, hosted by an existing financial institution.

IMO drew attention to ongoing work to reduce environmental risks related to transportation of plastic pellets, and mandatory marking of fishing gear, in cooperation with the Food and Agriculture Organization of the UN. UN INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO) called to promote a circular economy across the plastics value chain, prioritizing the design stage.

SOUTH ASIA CO-OPERATIVE ENVIRONMENT PROGRAMME underlined that the operationalization of the ILBI hinges on well-planned institutional arrangements, including coordinating ongoing work at the regional levels, referencing a plastic free rivers and seas for South Asia project.

UN OFFICE FOR DISASTER RISK REDUCTION underscored that plastic waste management and recycling infrastructure must be made resilient to disasters, and called to address accumulation zones, which heighten disaster risk.

INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO) emphasized the importance of developing international standards, highlighting their role in increasing the transparency of global trade including by ensuring verifiability and compliance.

BREAK FREE FROM PLASTIC YOUTH called for: drastically reducing plastic production in the immediate term to stay within planetary boundaries; respecting human rights; and protecting the interests of common people as opposed to corporate interests and those of the 1%.

Adjourning the session, INC Chair Meza-Cuadra announced that the plenary would reconvene on Saturday, 18 November.

In the Breezeways

“When does plastic become waste?” Delegates have delicately skirted this question throughout the INC process. If one considers emissions from the production of plastic, or the leakage of nurdles during transport before polymerization, then in principle all plastic could be seen as waste. This interpretation is very different from anyone who views plastic waste as something discarded, having come to the end of its utility. On the other hand, “circularity” suggests that waste generation can be addressed by recovery, reuse, and recycling, opening a path to “closing the loop” on the production of virgin plastics. Rallying against this, a growing number of civil society actors have intimated that the concept of circularity has been “co-opted by the plastics industry,” and that the related notion of a “plastics lifecycle” is misleading. “It gives the impression that plastics can be recycled endlessly,” shared one, but this is far from the case. “What we need now is to address the plastics *lifespan*.”

These perspectives also have a bearing on discussions around extended producer responsibility, with some asserting that business has an inherent motivation to evade responsibility on plastics management, given the prospect of additional costs.

And these views feed into the broader discussions on international trade, where participants are also cognizant of special interests along the plastics value chain, which, one recalled, “perpetuate global inequality.” In their discussions on Thursday, many invoked global trade rules to circumscribe the range of actions that can be taken to address the entire lifecycle of plastics. With two days to go, one participant was hopeful that delegates will use the new round of negotiations to craft something new, noting that, “some market flexibility will be required if we are going to solve the scourge of plastic pollution.”