

Summary of the Fourth Session of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution: 23-29 April 2024

"This is not a fight against plastic; this is fight against plastic pollution!" This was the statement by Espen Barth Eide (Norway), President of the United Nations Environment Assembly session that adopted the resolution to end plastic pollution.

Delegates attending the fourth session of the Intergovernmental Negotiating Committee (INC-4) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, grappled with these questions.

Delegates worked in five Subgroups throughout the seven-day period, basing their negotiations on a Revised Draft Text compiled after their deliberations at INC-3.

At the end of the meeting, delegates agreed to use a compilation of their work from this session as a basis for negotiations at the next meeting.

The closing plenary was briefly suspended on two occasions to allow delegations to hammer out an agreement on intersessional work.

- develop an analysis of potential sources and means that could be mobilized for implementation of the objectives of the instrument

- including options for the establishment of a financial mechanism, alignment of financial flows, and catalyzing finance; and analyze criteria and non-criteria-based approaches, with regard to plastic products and chemicals of concern in plastic products and product design, focusing on recyclability and reusability of plastic products considering their uses and applications.

While some proposed convening an additional session of the Committee before INC-5, due to the amount of work remaining, delegations were unable to reach agreement.

INC-4 was held in Ottawa, Canada, from 23-29 April 2024. It brought together over 2500 participants, representing governments, academia, civil society organizations, private sector entities, UN entities, and international organizations, with many more tuning into the webcast.

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.

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billion tonnes are now waste, with between 10-15 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 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, the United Nations Environment Assembly (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 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 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

AHEG-1-4: The AHEG met four times from May 2018 to November 2020. Among other things, the Expert Group convened two workshops to better understand elements related to information, monitoring, and governance, and requested the Secretariat to produce reports on the financial and technical resources and mechanisms to address the issue, as well as on partnerships. At its fourth meeting, 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 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 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. Delegates 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: From 29 May – 2 June 2023, delegates met in Paris, France, and despite some procedural hiccups, engaged in discussions based on an options paper, considering multiple elements that could eventually be included in the future treaty. INC-2 mandated the preparation of a "zero draft" for a 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-3: Convening in Nairobi, Kenya, from 11-19 November 2023, INC-3 delegates spent the bulk of the meeting proposing textual submissions to be included in a revised draft text. They agreed on a mandate for the preparation of a revised draft text, based on compilations of submissions by delegations throughout the meeting. After long discussions, however, they were unable to agree on a mandate for intersessional work to be done in preparation for INC-4.

INC-4 Report

On Tuesday, 23 May, INC Chair Luis Vayas Valdivieso (Ecuador) opened the session reiterating the strong shared commitment to deliver an international legally binding instrument, and noting the critical role of advancing negotiations to deliver effective and impactful solutions to address plastic pollution.

UNEP Executive Director Inger Andersen called to end plastic pollution by using less harmful materials, designing for circularity, reusing resources more effectively, ensuring a just transition, and creating a space for the private sector to thrive.

Drawing attention to his country's pledge of CAD 10 million towards the Global Plastic Action Partnership and CAD 5 million towards the World Bank's PROBLUE Fund, Steven Guilbeault, Minister of Environment and Climate Change, Canada, highlighted the Host Country Alliance to lead key political discussions, build momentum, and reach agreement on common goals.

Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, recalled that within the very ambitious timeline set by UNEA Resolution 5/14, INC-4 will consider a Revised Draft Text that reflects the views of all members, stating this is "multilateralism at its best."

Organizational Matters

Adoption of the agenda and organization of work: On [Tuesday](#), delegates adopted the agenda ([UNEP/PP/INC.4/1](#) and [Add.1](#)). On the organization of work, as set out in the scenario note ([UNEP/PP/INC.4/4](#)), INC Chair Vayas highlighted that two Contact Groups would be established, with additional Subgroups to facilitate their work. He noted that a legal drafting group would be established later in the week. Delegates agreed to the organization of work.

Rules of procedure: On [Tuesday](#), INC Chair Vayas recalled delegates had agreed to the provisional application of the rules of procedure ([UNEP/PP/INC.4/2](#)), with the exception of those in brackets, and including rule 38.1 (adoption of decisions), and reminded delegates of the interpretative statement agreed at INC-2. Delegates agreed to proceed on this basis. INDIA recalled their commitment to consensus-based decision making on all substantive matters.

Dates and venues of subsequent sessions: Early on Tuesday morning, 30 April 2024, in plenary, Executive Secretary Mathur-Filipp introduced the hosting arrangements for INC-5, which will convene from 25 November – 1 December 2024, in the Republic of Korea. The REPUBLIC OF KOREA explained the final session of the INC will be held in the coastal city of Busan, noting that the city was preparing to host the largest number of INC participants. She welcomed all participants to INC-5 in Busan.

INC Chair Vayas recalled that Ecuador, Peru, Senegal, and Rwanda had made offers to host the Diplomatic Conference (DipCom) in 2025. RWANDA recalled that they had offered to host the DipCom, noting they would co-host this meeting with Peru, calling it the "KigaLima" Conference, with a pre-meeting planned for Lima and the DipCom planned for Kigali. PERU stressed that this offer was to unite global efforts to fight plastic pollution, and called for the dates to be addressed in order for adequate hosting arrangements to be made. SENEGAL reiterated their offer to host the DipCom. ECUADOR noted their commitment to an integrated

approach to address plastic pollution, highlighted their willingness to host the DipCom, but underlined that the date of the Conference should only be decided after the conclusion of negotiations.

Provisional agenda for INC-5: Early on Tuesday morning, 30 April 2024, in plenary, the Committee agreed to forward the provisional agenda of the fifth session of the INC (UNEP/PP/INC.4/L.2), for adoption at the next session.

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

On [Tuesday](#), the Secretariat introduced the Revised Draft Text ([UNEP/PP/INC.4/3](#)), and noted that it had been compiled by the INC Secretariat based on the outcomes of the three contact groups established at INC-3, with minimal adjustments for ease of reading and without modifying the substance of the text, stating that options are not presented in any order of priority. The text contained options for most provisions, including an "option zero" providing for no text.

General statements: In plenary on [Tuesday](#) and [Friday](#), delegations outlined their priorities in relation to the Revised Draft Text. Highlighting the range of actions that could encompass the scope of the new treaty, they discussed, among others, the importance of:

- achieving sustainable consumption and production for primary plastic polymers and elimination of certain polymers, chemicals, and products of concern;
- encouraging public-private partnerships;
- a future instrument that promotes decent work throughout the plastics lifecycle to protect workers from occupational health hazards; and
- accounting for national circumstances and capacities and circularity, both for improved product design and performance and for environmentally sound waste management.

They also prioritized: means of implementation, including robust financial mechanisms and access to financial resources, technical assistance, and capacity building; the formalization of an intersessional work programme; eliminating plastic pollution, while allowing reasonable transition timelines; and addressing transboundary pollution of plastic waste.

Contact group mandates: On [Tuesday](#), INC Chair Vayas outlined the mandates of the two Contact Groups. He noted that Contact Group 1, co-chaired by Gwendalyn Kingtaro Sisor (Palau) and Axel Borchmann (Germany), was mandated to consider the technical elements addressed in Parts I and II of the text, including any relevant proposed annexes. He said Contact Group 2, co-chaired by Katherine Lynch (Australia) and Oliver Boachie (Ghana), was mandated to consider the implementation measures addressed in Parts III-VI of the text, including any relevant proposed annexes.

He further suggested that Contact Group 1 be divided into three Subgroups, and that Contact Group 2 be divided into two Subgroups.

The Contact Groups, which met on [Tuesday](#), [Friday](#), and Monday, conducted a technical streamlining exercise, including bridging proposals through textual mergers, structural realignment to consolidate options without deleting text, and facilitated focused subgroup discussions, which began on Wednesday. The final Contact Group reports are detailed below.

In Subgroup discussions, delegates conducted a first reading of the specific parts of the text, validated the Co-Facilitators' streamlined texts on the various parts, and, in some cases, moved into line-by-line discussions, proposing brackets in the text as well as new text.

This summary is organized according to the structure of the Revised Draft Text and reflects substantive discussion on each provision.

Part I

Part I of the Revised Draft Text was taken up by Subgroup 1.1, co-facilitated by Sara Elkhoully (Egypt) and Julius Piercy (UK), which met on [Wednesday](#), [Thursday](#), [Friday](#), [Saturday](#), [Sunday](#), and Monday. In preliminary discussions, a few cautioned against including stand-alone articles on principles, objectives, and scope, highlighting that there was no convergence on these matters.

Preamble: Delegates briefly considered preambular language for the new instrument, with some calling for text that recognizes the benefits of plastic and others calling for explicit reference to human rights. On Monday, delegates suggested including text, *inter alia*, including the: principle of equity and the principle of common but differentiated responsibilities (CBDR); sovereignty and rights of states to explore their own resources; and recognition of the important role of plastic products in society, the economy and international trade.

Objective: Many delegations supported indicating the instrument's objective to end plastic pollution, with some adding "including in the marine environment"; and to protect human health and the environment. Some supported an approach based on the "full lifecycle of plastic," while others preferred the "lifecycle of plastic waste." Some delegates indicated their preference not to have a time-bound target in the objectives, with one noting this could be included in the preamble.

Delegations also called for a simple objective focusing on "what" the instrument will do, instead of "how" it will do it, since the latter would be covered under the operative provisions. Others preferred having detailed elements in the objective, including: human and animal health; sustainable development; recognizing the inexorable high end utility of products; biodiversity; capacity building; and circular economy.

Definitions: Delegates agreed not to discuss definitions at this meeting.

Principles: Some delegations reaffirmed their preference to not include a dedicated provision on principles. Several delegations made insertions to existing principles on the list, as well as incorporating new principles/approaches/concepts, such as the promotion, respect, and protection of human rights and the equal treatment of plastic products *vis-à-vis* products made from other materials in terms of their impact on human health, the environment and the climate.

Scope: Discussions on scope comprised a substantial part of discussions on technical matters throughout INC-4. Specifically, while some delegations underlined that the scope is well defined by UNEA resolution 5/14, others expressed preference for merging several of the options to fully define the scope of the ILBI. In their discussions on Monday, some delegations offered language to limit the scope of the full lifecycle to plastic products and their waste.

Some also added text in the list of sectors where the instrument does not apply, including primary plastic products, chemicals, energy, among others.

Part II

This part of the Revised Draft Text was taken up by Subgroups 1.2 and 1.3, co-facilitated, respectively, by Maria Angélica Ikeda (Brazil) and Erlend Draget (Norway), and Andrés Duque Solís (Colombia) and Abdulrahman bin Ali Alshehri (Saudi Arabia). The Subgroups met on [Wednesday](#), [Thursday](#), [Friday](#), [Saturday](#), [Sunday](#), and Monday.

Primary plastic polymers: Discussions under this provision proved contentious. Some delegations supported a mandatory provision on virgin plastic, while others supported a voluntary provision, calling for measures to achieve sustainable production and consumption of plastic throughout its lifecycle. A number of delegations reiterated their preference for no provision on primary plastic polymers, asserting this goes beyond the scope of UNEA resolution 5/14.

Chemicals and polymers of concern: Some delegations proposed globally binding provisions (as opposed to nationally determined measures) to control or regulate the use of chemicals, groups of chemicals, and polymers, through lists outlined in annexes, and implemented through domestic measures and reflected in national plans. One group of countries proposed two lists to be outlined in an annex, which differentiates between chemicals in plastics that are to be banned/eliminated and those that are to be avoided and minimized. Some delegations submitted proposed criteria for identifying chemicals of concern, as well as initial proposals for chemicals to be included in those lists. Others preferred to delete this provision, underlining that it went beyond the mandate of UNEA resolution 5/14.

Problematic and avoidable plastic products, including short-lived and single-use plastic (SUP) products and intentionally added microplastics: Views diverged in discussions on this provision. Some supported a global mandate that could include a list of products subject to a ban, or phase down and phase out measures. Another group of countries called for nationally determined measures, stressing that because there is no uniform understanding on the definition of "problematic" and "avoidable" plastic products, there cannot be support for a global mandate to regulate them. Some stressed the need for intersessional work before INC-5 to generate criteria for establishing definitions on problematic and avoidable plastic products. Another group of countries opposed intersessional work and stressed these criteria should be established at the national level, considering national circumstances.

On Monday, some delegations called for measures at the national level, either on a mandatory or voluntary basis, to identify and/or regulate problematic and/or avoidable plastic products, which would and/or may include short-lived and SUPs. One delegation preferred not to include a provision/article addressing short-lived and SUP in their national territories. Different views were shared on whether problematic and avoidable plastic products would be identified globally through common criteria and listed in annexes, national criteria guided by an annex, or at the national level. Views diverged on whether the measures would require and/or encourage banning, phasing out, phasing down, gradually reducing, regulating or restricting relevant products. Delegates also debated whether

measures would address some or all of the plastics lifecycle, including: manufacture, use, production, sale, distribution, and import or export. Some delegations called for measures under this provision to be elaborated in national action plans, taking into account national circumstances and capabilities, while others noted these measures should be consistent with national laws. Some delegations called for the principle of CBDR to inform the provision/article. One delegate stressed that taking measures on these plastic products should take into account the availability, accessibility, affordability, and environmental impact of any alternative materials. Some delegations called for text linking this provision to the one on chemicals and polymers of concern, with some requesting a zero-text option (deleting the full provision), including the annexes addressing lists of chemicals and groups of chemicals of concern.

On **micro- and nanoplastics**, one delegate, supported by others, proposed specific text requesting parties to “take effective measures to promote research on the scale and scope of leakage of micro- and nanoplastics across the entire lifecycle of plastics and their impacts on all ecosystems, biodiversity, food chains, and human health. They also proposed text requesting parties to take measures to promote transparency and reduce emissions of both intentionally added microplastic ingredients and unintentional releases of microplastics, establish regional centers to monitor and report on leakage and dispersal of microplastics, and establish a dedicated fund to provide resources to promote research on this issue. Responding to this proposal, one delegate suggested replacing reference to nanoplastics with “microplastic pollution,” and, supported by others, to include a no-text option.

Exemptions available to a party upon request: Most countries agreed that the contents of this provision depend upon decisions on the substantive obligations of the ILBI.

Dedicated programmes of work: Some delegations proposed that dedicated programmes of work be determined through national plans.

Product design, composition, and performance: While several delegations converged on the need for product design measures, differences emerged on whether these should be legally binding. Others linked product design standards to the availability of relevant technology. Under this provision, they also addressed sub-provisions on; reduce, reuse, recycling, refill, and repair of plastics and circularity approaches for plastic products, where they discussed whether to impose uniform targets, since countries differ significantly in their waste management capacity; use of recycled plastic contents, where they considered whether to discuss this under waste management; and alternative plastics and plastic products, where delegates considered whether these should be exempted from differentiated regulations.

Non-plastic substitutes: Many delegates called for the manufacture of substitutes based upon the best available science, and dialogue with traditional, Indigenous and local knowledge systems and practices. A few opposed this provision, preferring a no-text option, stating that this goes beyond the ILBI’s mandate.

Extended producer responsibility: Delegates shared a range of views on this provision, with some delegations supporting voluntary EPR schemes, and others calling for an EPR scheme with traceability and accountability mechanisms and international

cooperation. Most countries stressed the need to consider the national circumstances and capabilities of parties, calling for guidelines developed by the governing body of the ILBI. Some countries called for global EPR schemes, others for voluntary guidelines included in an annex, while a few stated their preference to delete provisions on EPR.

Emissions and releases of plastic throughout its life cycle: Views diverged in discussions on this provision. Delegates supported mandating all parties to take measures, with several highlighting that the measures should take into account national circumstances and capacities and/or be nationally determined. Many supported including sources of emissions and releases across the entire plastic lifecycle, from extraction/production, to use and waste, with some calling specifically to include raw materials, polymers, chemicals of concern, pellets, microplastics (intentionally and unintentionally released), and plastic alternatives; as well as production facilities and transportation. Other delegations preferred that the provision be limited to leakages and releases of plastic products and waste, and called to consider this provision under waste management.

Waste management: Some delegations addressed, among others, the need for global waste management measures and targets addressed in an annex, or global targets achieved through nationally determined measures indicated in national plans, or voluntary nationally determined measures through national plans.

Under this provision and others, delegates also considered the issue of fishing gear, which was discussed in a joint meeting of Subgroups 1.2 and 1.3. Some preferred addressing fishing gear through a lifecycle approach, under emissions and releases, noting it is not solely a waste management issue. On the lifecycle approach, views diverged on mandatory or voluntary measures on fishing gear, while others also preferred downstream measures on fishing gear. Other delegates called for a separate provision to provide the necessary means of implementation (MoI) for fishing gear, including technology transfer and finance, with one delegate noting significant technological gaps between advanced fishing industries and artisanal fishers in developing countries, and some not wishing to engage a lifecycle approach due to these disparities.

Trade: Delegations discussed the importance of avoiding duplications with the Basel Convention the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. Some delegations considered the trade measures under discussion would have economic and trade implications that go beyond World Trade Organization (WTO) rules, with some expressing concern that they would be used for discriminatory and/or protectionist purposes. Others called attention to the problem of plastic waste dumping in developing countries.

On trade in listed chemicals, polymers and products, some supported global/harmonized rules prohibiting the export/import of chemicals, polymers, and microplastics controlled by the future instrument, except where permitted under the instrument and when the prior informed consent of the importing state is ensured. Some requested including products that do not meet design standards.

Existing plastic pollution, including in the marine environment: Some called for binding language based on the CBDR principle to address the disproportional effects of the discharge of plastic pollution on developing countries. A few others

diverged, calling to eliminate reference to differentiation, and establish voluntary cooperation on remediation measures.

Just transition: This part was taken up by Subgroup 1.1, where many delegations inserted text to: include persons in vulnerable situations; recognize international human rights instruments as well as the UN guidelines on business and human rights; ensure that the instrument's principles should guide just transition pathways; and avoid creating burdens for developing countries by imposing prohibitive barriers to trade.

Transparency, tracking, monitoring and labelling: Many delegations highlighted the value of having information on the components in plastic products in order to reduce the potential impact of harmful substances on health and the environment. Some said that these provisions should avoid duplication with existing instruments.

Overarching provision related to Part II: Japan submitted a provision calling for cross-cutting measures to enhance circularity, tied to a whole-of-society approach for the lifecycle of plastic by adopting integrated and holistic national policies. Subgroup 1.1 briefly discussed the proposal, and many delegations noted they were not in favor of the provision.

Part III

This part of the Revised Draft Text was addressed by Subgroup 2.1, co-facilitated by Naomi Namara Karekaho (Uganda) and Antonio Miguel Luis (Portugal). The Subgroup met on [Wednesday](#), [Thursday](#), [Friday](#), [Saturday](#), [Sunday](#), and Monday.

Financing: On the related financial mechanism, delegates discussed the establishment of a new dedicated fund, discussing both distinct options and hybrid options with common provisions. Some delegations strongly supported the option of a dedicated, stand-alone, multilateral, and independent fund, modeled after the Montreal Protocol's Multilateral Fund, stressing that the fund should: operate on a grant basis; enable activities for just transition; and provide a baseline assessment followed by periodic updates and review. Many others preferred a hybrid approach, explaining that, *inter alia*, existing funds would work in the interim with a review mechanism working towards a dedicated and stand-alone fund. Several other delegations favored the Global Environment Facility (GEF), noting its track record of using limited public funding to leverage the private sector to avoid potential fragmentation of the existing financial architecture.

The group also considered provisions calling for a (global) plastic pollution fee, to be paid by plastic polymer producers, with some calling for this to be addressed under the EPR provisions in Part II, with several noting there are other ways to operationalize the polluter pays principle. On resource mobilization, view diverged on the need for a wide variety of public and private financing options across both domestic and international spheres, with some noting that domestic resource mobilization efforts are nationally determined and should not be subject to international scrutiny.

Capacity building, technical assistance and technology

transfer: Several underlined that technology transfer should not be on mutually agreed terms. One delegation, supported by others, stressed that capacity building should be responsive to national needs, foster ownership at the national, subnational, and local levels, and avoid bifurcated obligations between developed and developing countries.

On Monday, the group agreed not to engage in a line-by-line reading of the Co-Facilitators' streamlined text, with many pointing to the proposed intersessional work on this part.

Part IV

This part of the Revised Draft Text was addressed by Subgroup 2.2, co-facilitated by Danny Rahdiansyah (Indonesia) and Marine Collignon (France). The group met on [Wednesday](#), [Thursday](#), [Friday](#), [Saturday](#), [Sunday](#), and Monday.

National plans: Delegations underscored that national action/implementation plans should be based on national circumstances and capabilities. Several delegations agreed to leave the decision of the contents of the plans to each party, while others recommended establishing a list of contents in order to best monitor and track progress of implementation. There was a measure of convergence to call these measures "national plans."

Implementation and compliance: Delegates agreed to narrow down the options on the establishment of a compliance mechanism as a subsidiary body to the governing body, with diverging views on the degree of detail to be addressed at its first meeting. Many delegations emphasized the importance of a mechanism that is facilitative, non-adversarial, and non-punitive, and respects national sovereignty, national capacities and circumstances of parties, and ensures equitable geographical representation.

Reporting: Several delegations strongly supported reporting obligations for all parties to ensure transparency and accountability, with some underscoring the importance of information exchange with Indigenous Peoples and local knowledge systems, subject to free, prior, and informed consent.

Periodic assessment, monitoring, and effectiveness evaluation: Views diverged on whether monitoring was part of the mandate under UNEA resolution 5/14. A delegation called for relevant capacity building for developing countries. Some noted this provision should be considered under compliance, with another noting its links to product design discussions in Part II. They also discussed the periodicity of effectiveness evaluations (and assessments), with some preferring a four-year cycle and others a six-year evaluation cycle.

International cooperation: Delegates discussed, among others: the needs-based nature of cooperation arrangements, including South-South, North-South, triangular, or bilateral cooperation; ensuring cooperation does not overburden developing country parties; and avoiding duplication of other relevant international instruments.

Information exchange: Some delegations suggested merging discussions on this issue with those under awareness raising. They also proposed, *inter alia*: deleting specific examples of information exchange, such as on green chemistry; maintaining the focus on "information exchange" rather than "transparency"; and establishing a clearinghouse mechanism as a subsidiary body for this purpose, after adoption of the ILBI.

Awareness-raising, education and research: Discussions called for, among others, introducing a separate article on advancing scientific research, development, and innovation. Some noted a joint provision on awareness raising, education, and information exchange would weaken these provisions.

Stakeholder engagement: Views converged with many delegations supporting a multi-stakeholder action agenda to promote inclusive, representative and transparent actions and leverage efforts through existing bodies, partnerships and other initiatives.

Health aspects: Delegates noted that this issue is already being addressed by the World Health Organization (WHO), with many supporting cooperation and collaboration with the WHO. Another noted the need to define plastic pollution in terms of health, stressing that there is “no direct linkage between plastic pollution and health,” and that any linkage should be based on best available science. Some delegations noted that the evidence base of the health aspects of plastic pollution “is not well developed.” Some called for health aspects to be streamlined throughout relevant parts of the ILBI.

Part V

This part of the Revised Draft Text was addressed by Subgroup 2.2 on [Friday](#) and [Saturday](#).

Governing body: Delegations discussed whether explicit decision-making rules for the body should be included in the text, and what such rules should look like. One delegate, supported by many others, suggested adding an additional paragraph on rules of procedure, including on voting when consensus-based decision making fails, with several noting it may be premature to discuss voting procedures. Delegates diverged on whether extraordinary meetings of the Conference of the Parties (COP) should be held as necessary.

Subsidiary bodies: Some preferred a limited number of subsidiary bodies, with their functions defined by the governing body. They discussed, among others: a compliance and implementation committee; a scientific and technical body; a scientific, technical and socio-economic body; and a clearing house mechanism on the exchange of information, providing support for technical panels to share relevant knowledge of Indigenous Peoples and local communities in relation to free, prior, and informed consent.

Secretariat: Delegates considered three options for a secretariat: UNEP, another existing international organization, or a stand-alone secretariat. Some stated the COP could decide on secretariat functions at a later date. One delegation favored Nairobi, Kenya, as secretariat headquarters.

Part VI

This part, included as a placeholder in the Revised Draft Text, was taken up by Subgroup 2.2 on [Friday](#).

Final provisions: Under this provision, delegates discussed, among others, signature, ratification, acceptance, approval or accession, article withdrawal, amendments, status of annexes, entry into force, and settlement of disputes. Many delegates noted that it is premature to conduct this work, calling instead to devote time to other parts of the text.

Contact Group Reports

On Monday evening, the two Contact Groups reconvened to hear progress reports from the Subgroups.

Contact Group 1 Co-Chairs Gwendalyn Kingtaro Sisor and Axel Borchmann opened the session to hear reports from the three Subgroups. The Subgroup 1.1 Co-Facilitators reported that the group completed a full read through on all elements under their mandate and the technical streamlining they did was validated. They noted that textual negotiations had begun on some provisions. They shared

that the group had agreed not to have negotiations on definitions (Part I.3).

The Subgroup 1.2 Co-Facilitators reported the group had completed a full readthrough on all elements under their mandate and the technical streamlining they did was validated. They noted the group engaged in textual negotiations on some provisions.

The Subgroup 1.3 Co-Facilitators reported the group completed a full read through on all elements under their mandate and the group validated the Co-Facilitators’ technical streamlining. They noted the group engaged in textual negotiations on some provisions.

Co-Chair Borchmann explained that parts of the text would be “frozen” until delegations provide submissions. Another delegation raised concern about inconsistency in working modalities of the different Subgroups. Two delegations requested that the decision not include annexes in the discussions on chemicals and polymers of concern (Part II.2) and problematic and avoidable plastic products (Part II.3) be recorded in the Co-Chairs’ report. One delegation requested clarification on the decision to close the submissions portal after the INC-4 closing plenary. The Co-Chairs informed delegations they would forward the text from the Subgroups to the plenary and closed the meeting.

Contact Group 2 Co-Chairs Katherine Lynch and Oliver Boachie opened the session to hear reports from Subgroups 2.1 and 2.2 and to summarize what the Contact Group would report back to plenary.

Subgroup 2.1 Co-Facilitator Karekaho noted that the Subgroup completed the first readthrough and validation of streamlined text on financing and capacity building, technical assistance, and technology transfer. On “fruitful” dialogue, she identified the potential of a new multilateral fund to implement the treaty, but noted a hybrid approach was also tabled. Regarding Part III.2 on capacity building and technological assistance and technology transfer, she noted, *inter alia*, some countries favored universal obligations for all parties, to avoid duplication, to better link capacity building with technology transfer in line with existing multilateral environmental agreements (MEAs) such as the Minamata Convention on Mercury.

One delegate requested linking technology transfer to the financial mechanism, and lamented that this consideration was not reflected in the streamlined text. Karekaho underlined that all members will be able to reflect on textual suggestions at the line-by-line stage of textual negotiations.

Subgroup 2.2 Co-Facilitators Collignon and Rahdiansyah reported that the Subgroup met five times to validate streamlining of Parts IV-VI of the Revised Draft Text, completing line-by-line textual negotiation for national plans (Part IV.1) and beginning the same for implementation and compliance.

Contact Group Co-Chair Lynch noted that the non-papers containing the Subgroups’ outcomes compiled by the Co-Facilitators would be forwarded to plenary for consideration. One delegation stressed that despite the Subgroups being tasked with identical work methods, their delegation did not feel this was done adequately, and requested that suggested texts be forwarded to INC-5 “without any interference.”

Discussions on the Way Forward

Streamlined Revised Draft Text: On Monday evening in plenary, after hearing reports from the Contact Group Co-Chairs, INC Chair Vayas, proposed, and delegates agreed, to take note of Subgroup outcomes. He announced that the five non-papers

containing the Subgroup outcomes would be available on the INC-4 website. He requested the Secretariat to issue a compilation of the five non-papers with placeholders for potential annexes as the starting point for continuing negotiations at INC-5. He stressed that the Secretariat would standardize formatting of the document and address any typographical errors without making any substantive changes in its content. The Committee agreed to this proposal.

Legal Drafting Group: On [Friday](#), INC Chair Vayas proposed establishing an open-ended legal drafting group, which would begin its work at INC-5. The group will be composed of legal experts designated by Member States and two Co-Chairs appointed by the INC. On Monday evening in plenary, delegates agreed to establish a legal drafting group, with INC Chair Vayas calling on those with the necessary expertise from each region to join the group.

Intersessional Work: On [Sunday](#), INC Chair Vayas proposed the establishment of an ad hoc intersessional open-ended expert group to develop an analysis of potential resources and means that could be mobilized for implementation of the instrument. He also proposed the establishment of a second ad hoc intersessional open-ended expert group to propose criteria on products, chemicals of concern, and related product design issues. Delegates provided additional suggestions for intersessional work, including the need to identify:

- criteria for identifying and listing of polymers of concern, and problematic and avoidable plastics;
- criteria for exemptions of chemicals and polymers of concern, including sector-specific applications;
- modalities for the financial mechanism, including for a newly dedicated Fund for the ILBI; and
- transparency, tracking and monitoring, including minimum requirements for information disclosure.

INC Chair Vayas informed delegates that he would consider the discussion and revert at the next plenary meeting.

On Monday night, INC Chair Vayas proposed that the Committee establish an ad hoc open-ended expert group to develop an analysis of resources and means that could be mobilized for implementation of the objective of the instrument, including for the financial mechanism, by aligning financial flows, catalyzing finance, and enhancing transparency. He noted the expert group would be open to participation by all INC members and would take the report of the Co-Chairs of Contact Group 2 as the starting point.

He similarly proposed establishing a second ad hoc open-ended expert working group to develop criteria on plastic products and chemicals of concern, including those related to, among others, product design. He noted that the expert group would be open to participation by all INC members and would take the report of the Co-Chairs of Contact Group 1 as the starting point in the completion of the draft text. He requested the Secretariat to support the organization of the work of these working groups, including to organize, subject to availability of financial resources, an in-person meeting during the intersessional period before INC-5.

CUBA, COSTA RICA, ECUADOR, SINGAPORE, CHINA, SWITZERLAND, GEORGIA, CANADA, AUSTRALIA, PANAMA, KYRGYZSTAN, MONACO, UK, URUGUAY, EU, JAPAN, CÔTE D'IVOIRE, NORWAY, Vanuatu for the PACIFIC SMALL ISLAND DEVELOPING STATES, COLOMBIA, DOMINICAN REPUBLIC, ICELAND, REPUBLIC OF KOREA, GRENADA, NEW ZEALAND, the PHILIPPINES, ISRAEL,

MALAYSIA, and GUATEMALA supported the Chair's proposal, as a "balanced compromise." CUBA proposed defining the working modalities to allow uniformity among Contact Groups and Subgroups; organizing, prior to or during intersessional work, a meeting of experts of other MEAs, such as the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention, and the Montreal Protocol, to share the modalities being used for national action plans, compliance, reporting, and periodic assessment, in order to ascertain what has been successful and where there are gaps. She also called for discussions on current financial resources, making a reference to UNEA resolution 6/7 on promoting synergies, cooperation, and collaboration.

The US supported the proposal, but suggested changing the wording so that the intersessional working groups will produce criteria for recommendations to the INC. BRAZIL supported the proposal, but called for adjustments for developing countries. IRAQ supported the proposal, but called for extending the mandate of the working group to be open-ended until INC-5. ZAMBIA and SENEGAL supported the proposal and called for the inclusion of non-state members at the intersessional meetings.

RWANDA, supported by PERU and MONACO, took note of the Chair's proposal on intersessional work but regretted that their proposal for work on considering all aspects around primary plastic polymers is not being considered for intersessional work, reiterating the need to consider the full lifecycle of plastics. They requested, with several others including the FEDERATED STATES OF MICRONESIA, that a study on primary plastic polymers be conducted during the intersessional period. Ghana, for the AFRICAN GROUP, supported by SAUDI ARABIA, CAMEROON, ERITREA, GUINEA, NIGERIA, ETHIOPIA, and BOTSWANA, proposed that the expert group on means of implementation also consider the establishment of a financial mechanism, and address relevant scientific and technical aspects. The AFRICAN GROUP also requested the INC Chair to invite technical resource persons to inform the work of the expert groups. KENYA called for intersessional work to also consider relevant placeholder text on biodiversity. NIGERIA proposed that the expert groups be open to two representatives of Member States and to five observer representatives from each Member State.

IRAN called for a balanced approach to the expert groups, and to focus on areas where convergence can be achieved, utilizing time in an efficient manner. Opposing intersessional work on plastic products and chemicals of concern, Saudi Arabia, for the GULF COOPERATION COUNCIL, with BAHRAIN, IRAN, KUWAIT, and the RUSSIAN FEDERATION, proposed that the intersessional expert group address product design towards enhancing recyclability and reusability of plastic products, efficient plastic waste management, and existing and legacy plastics.

Plenary was then suspended for consultations among delegations. Following the suspension, INC Chair Vayas reiterated his proposal for intersessional work. Reporting on the informal consultations, IRAQ proposed that the Committee decide to establish an ad hoc open-ended expert working group to identify and analyze criteria and non-criteria based approaches with regard to plastic pollution and chemicals of concern in plastic products and product design, focusing on recyclability and reusability of plastic products and their uses and applications, for consideration at INC-5. He also requested

that outcomes be made without prejudice to parties' national positions and the outcomes of the negotiations conducted by the Committee.

BRAZIL, supported by SWITZERLAND, the US, Ghana on behalf of the AFRICAN GROUP, SENEGAL, DJIBOUTI, SAUDI ARABIA, the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), and Samoa on behalf of the ALLIANCE OF SMALL ISLAND STATES (AOSIS), proposed that the Committee decide to establish an ad hoc open-ended expert working group to develop an analysis of potential sources and means that could be mobilized, for implementation of the objectives of the instrument, including options for the establishment of a financial mechanism, alignment of financial flows, and catalyzing finance, for consideration by the Committee at INC-5. SENEGAL, supported by DJIBOUTI, requested assurance that the participation of observers and civil society would be welcomed at intersessional meetings.

After the Secretariat orally presented the proposal by Iraq, delegates agreed to establish the intersessional expert groups.

Resumed INC-4: Early Tuesday, 30 April 2024, the EU said their delegation was “deeply concerned” that the remaining negotiating days would not suffice to meet the objective of concluding the INC process by the end of 2024. They suggested additional time for negotiation between INC-4 and INC-5, requesting the administrative, logistical, and financial feasibility to resume the work of the INC during the intersessional period. The RUSSIAN FEDERATION, supported by Kuwait, for the LIKE-MINDED GROUP, SAUDI ARABIA, IRAN, and PAKISTAN, underscored they are “not ready at this point” to take such an important decision.

Adoption of the Report and Closure of the Meeting

Early Tuesday, 30 April 2024, Rapporteur Asha Challenger (Antigua and Barbuda) presented the INC-4 report (UNEP/PP/INC.4/L.1), which delegates adopted.

Noting good progress at INC-4, Julie Dabrusin, Parliamentary Secretary to the Minister of Environment and Climate Change, Canada, on behalf of Minister Steven Guilbeault, said her country, on behalf of the HIGH AMBITION COALITION, is committed to a global treaty that tackles the full lifecycle of plastics from production to disposal.

CAMEROON called to put human health first, recognizing the protection of human health alongside the environment in the ILBI. THE GAMBIA urged driving real change to combat plastic pollution, noting long-term consequences to the planet, healthcare, and marine life. INDONESIA underlined that circularity must be adaptable to local economies, and emphasized the future instrument should be balanced in relation to development, just transition, and economic development.

INDIA underscored that reducing plastic pollution should be based on the “cardinal principle” of sustainable development and CBDR, and consensus-based decision-making, and requested agreement on the rules of procedure before beginning the commencement of textual negotiations. Stressing that the ILBI must not be an “appendage” to any other treaty, KENYA called for a dedicated multilateral fund for implementation, underscored the need for inclusion of youth, the private sector and traditional and Indigenous Peoples, and stressed that EPR should encompass

the entire lifecycle of plastic products. KYRGYZSTAN outlined national measures for phased restrictions of certain plastics to ensure a painless transition to alternatives.

Ghana, for the AFRICAN GROUP, called to achieve sustainable production and consumption of primary plastic polymers and eliminate problematic plastic polymers. She said there is need to consider innovative ways to move forward in the negotiations and called for an open-ended intersessional process with the participation of key partners from civil society, as well as to increase the number of funded participants to three per delegation at INC-5.

Samoa, for AOSIS, emphasized the need for timely and clear instructions on the organization of work, to ensure the agreement contains a robust financial mechanism, taking into account the special circumstances of small island developing states.

The EU stated that the Committee did not make enough progress at INC-4 and called for innovative approaches for resource mobilization. They announced that they would join the [Bridge to Busan](#) initiative, which addresses sustainable production levels of primary plastic polymers, and called for reinforced ministerial involvement at INC-5.

Underscoring that global governance to address plastic pollution will remain fragmented until the ILBI is adopted, the PHILIPPINES called for justice and human rights and for a just transition with recognition of the circumstances of developing countries, including archipelagic states.

Uruguay, on behalf of GRULAC, welcomed the constructive spirit of all delegations, emphasized that plastic pollution is a global multifaceted problem, and outlined the multidimensional needs of developing countries. She called for the creation of a fund with new and additional financial resources and the promotion of human rights as a cross cutting principle in the ILBI.

PERU reiterated the ambitious objectives set in motion by UNEA resolution 5/14. IRAQ noted that humankind has not understood what the dangers of plastic pollution are and emphasized that plastic pollution must be tackled without hindering development objectives and risking an economic crisis. GABON drew attention to the call by the High Ambition Coalition for enhanced ministerial engagement and dialogue to establish areas of shared understanding and convergence, and to make substantive progress on the revised text. COOK ISLANDS lamented that primary plastic polymers were not encompassed within the mandate of the intersessional work and drew attention to their support for the Bridge to Busan initiative.

FIJI highlighted the importance of an ambitious treaty that does “not deprive our children of tomorrow,” urging delegates to break free from plastics and to “break free from brackets.” The INDIGENOUS CAUCUS called for the adoption of concrete, just, and decolonized measures to reduce plastic pollution at the source; and for a rights-based approach to underpin the preamble and operational parts of the treaty. The GLOBAL YOUTH COALITION ON PLASTIC POLLUTION advocated for the openness of regional meetings and intersessional meetings to observers; and underlined that the treaty is not only an agreement between states, but an intergenerational pact.

INC Executive Secretary Mathur-Filipp noted that over 2500 delegates attended INC-4, and expressed gratitude to the INC Chair, the Co-Chairs and Co-Facilitators for “bringing us closer”

to finalizing the ILBI. She underscored that we are now firmly on the road to Busan, and said this is not just about the text, but about providing a better future for future generations and our loved ones.

INC Chair Vayas expressed gratitude for the progress made, adding that fatigue is always rewarded by achievements. Highlighting a growing common denominator of trust in the process, he looked forward to INC-5 in Busan, and closed the meeting at 3:17 am on Tuesday, 30 April.

A Brief Analysis of INC-4

“And the giant stood up and looked over at David. In that moment, he knew his lofty ambitions may be (polyvinyl chloride) pipe dreams and that the fight was going to be much tougher than he could have imagined.”- Anonymous

Creating a treaty on plastics has felt like the David vs Goliath tale. While the negotiating process started with lofty ambitions and confidence that a successful and strong treaty would emerge, it became clear at the fourth session of the Intergovernmental Negotiating Committee (INC-4) that Goliath had awakened, and the true battle had begun...and an easy victory is in no way guaranteed. With one more scheduled meeting of the INC left to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, delegates and observers left Ottawa wondering if they still had time to slay the giant and reach agreement on a new multilateral environmental agreement that will stem the tide of plastic pollution.

This brief analysis will take stock of the progress made in the negotiations at INC-4, and what remains on the table for delegates to grapple with when they reconvene at INC-5 in November 2024. Although “nothing is agreed until everything is agreed,” some convergence is emerging on what some call “low hanging fruit” issues, such as waste management, legacy plastic, and some elements of plastic product design. However, it is the scope of the instrument that remains the most intractable issue and the one that generated the most debate at INC-4.

[An [inter][national] [legally] [binding] [instrument] on [plastic[s]] [pollution]]

By the conclusion of INC-4 it is possible that negotiators could no longer see the Revised Draft Text of the plastics treaty for the brackets. The Revised Draft Text that formed the basis of negotiations was issued after INC-3, already full of brackets. The number of brackets—indicating text that has not been agreed—is an understandable outcome of the “streamlining” exercise that constituted a significant amount of the work carried out at INC-4. What this exercise demonstrated for the first time was the different visions that delegates have for the treaty. In fact, the visions were so different that the basic components of the ILBI could all be bracketed.

At INC-4, Contact Groups were mandated to conduct a technical streamlining exercise that consolidates options and prepares for textual negotiations. The aim of this exercise was to identify how many genuinely different options or positions exist among delegations and to remove duplications. It was not meant to substantively narrow down the different options. The Co-Chairs of Contact Groups and the Co-Facilitators of Subgroups repeated numerous times that all positions would still be reflected. In the

end, the work conducted at INC-4 began to develop the contours of the future treaty, while retaining the multiple visions of different Member States.

While some believed that negotiations should have been much further along at this stage, the fact remains that INC-4 was the first session where delegations outlined their positions and shared them with each other. In some cases, this meeting offered an opportunity to hear the rationale behind divergent positions, which might aid in efforts to seek convergence. In some Subgroups, delegates managed to advance to the stage of textual negotiations. However, there is an elephant in the room: the scope.

The scope of the agreement was at the core of INC-4. Indeed, the scope has been shrouded in uncertainty since the beginning of the INC process and it flows through all parts of the draft agreement. Everyone has different interpretations of the scope set forth by UNEA resolution 5/14. Their understanding varies on what the “full lifecycle of plastic(s)” entails, and on whether to address plastic production. The first three meetings of the INC provided a glimpse of divergence among countries, but INC-4 made it clear that any negotiations toward a plastics treaty will require compromise on its level of ambition if they were going to succeed.

Some have argued that, in view of the limited time available to conclude negotiations by the end of 2024, as per the mandate of UNEA resolution 5/14, it would be sensible to reach agreement on the question of the future treaty’s scope, and to advance the text on areas of convergence. At the same time, others were concerned that capitulating at the beginning of textual negotiations would thwart the possibility of achieving an agreement that goes beyond the lowest common denominator, for which many still have hope. Leaving all the options on the table gives some room for both compromise and negotiation.

Good vs. Bad Plastics

Now that textual negotiations have begun, it is evident that nothing about this treaty is going to be easy to negotiate. The provision on addressing primary plastic polymers (PPP) in Part II.1 of the Revised Draft Text has been another one of the elephants in the room, with seemingly intractable positions. PPPs are the raw material from which plastic products are manufactured and lie at the heart of the petrochemical industry’s interests. On the face of it, and as some delegations have emphasized, addressing the production of plastic at its source would be the most efficient and effective way to deal with an exponentially growing amount of plastic waste.

The science is clear: plastic pollution is decimating biodiversity, poisoning our water and ecosystems with chemicals, and accumulating in our bodies as micro- and nanoplastics. While the effects of plastic pollution seem to be clear, plastic also has its usefulness and cannot be completely eliminated. The conversation at INC-4 was about finding a just balance between these two interests. As one observer said, “In the real world, what type of plastic production is unnecessary and what types are essential for society?” At the same time, throughout the week, the voices of those downstream, landlocked, and small island states were loud and clear: they are particularly vulnerable to plastic pollution and require special consideration in a robust and ambitious agreement.

Delegates also placed emphasis on the importance of a just transition to be embedded in the ILBI. However, another puzzle that the Committee must solve is how this agreement will manage

to balance the need for justice for vulnerable populations, with continuing plastic production for essential uses, including medical supplies, livelihoods, and food and water security in a globalized world of tightly interlinked commodity chains.

At INC-4, the voices of observer groups were certainly helpful in providing nuance about the conditions and situations that define vulnerability in relation to plastic pollution. One session featured several moving testimonies of Indigenous Peoples who described their own and their communities' experiences fighting against the plastic pollution choking their lands and bodies, providing a much-needed human face to the problem.

Low Hanging Fruit?

A number of delegations at INC-4 made explicit reference to areas of convergence that have emerged over the last three sessions of the INC. Chief among these is plastic waste management, which sits right at the end of the plastic value chain. This emerging agreement is partly due to the fact that plastic pollution is an eyesore, and partly because addressing plastic waste (apart from transboundary waste) “may not require global measures” since plastic pollution is generally located within each state’s jurisdiction.

During the three plenaries convened during the week, the Like-Minded Group called for negotiations to build on this area of convergence, with India urging delegates to focus on this “low hanging fruit.” True as this may be, as no single delegation has so far objected to addressing plastic waste management, some observers were concerned that considering waste management as the benchmark for the treaty would indicate “under the table” ambition, as it leaves out the upstream parts of the plastic lifecycle.

At the outset of the talks in Ottawa, some were also convinced that tackling fishing gear, from manufacture to disposal, would be “an early win,” and fit into the basket of low hanging fruit. However, as discussions began, wider concerns related to just transition and trade emerged. Some developing country delegates, preferred to consider fishing gear only as a waste management issue. They highlighted that addressing the “full lifecycle” of fishing gear could have unintended consequences for artisanal fishers, who would not be able to transition to biodegradable fishing gear alternatives, and whose livelihoods would be affected by any rules governing the plastic content of their equipment. At the end of INC-4, it was unclear whether fishing gear would be included in the treaty at all, let alone where it would sit in the final agreement.

Blurring the Lines on Finance

For some, securing finance for implementation is at the top of the agenda. National circumstances and capabilities, and historic and differentiated responsibilities, lie at the heart of what is possible. Many negotiators at INC-4 came prepared for testy negotiations on finance. However, early on, delegates stomped on the possibility of a global plastic fee, which would have been in the spirit of the polluter-pays principle, and could have been a “tremendous income generator.”

Instead, they seemed to have opted for traditional approaches, either through a newly dedicated multilateral fund with developed country donors taking the lead, or a hybrid approach, involving flexible and innovative finance that leverages the private sector to catalyze public financing through project-specific grants supported by the Global Environment Facility (GEF). But as one developing

country delegate stressed, innovative financing strategies that operate on a concessional basis have not been successful in the past.

A bigger question is why Member States remain hesitant to impose fees on producers within their jurisdiction, which could generate much needed revenue to address plastic pollution. Increasing interest in international arbitration among foreign investors to settle disputes with governments that impose environmental regulations may offer some clues, especially as the number of industry lobbyists attending the INC process continues to grow. As one seasoned observer outlined, extended producer responsibility (EPR) to comply with an eventual plastics treaty may be contentious because investors are not going to want further restrictions on their activities.

For others, flexibility is necessary to protect their vital economic interests, which in some cases include their petrochemical industries. These delegations reiterated their preference for “option zero” (deleting the text) under several provisions, particularly those dealing with upstream measures. This means that they do not want to regulate these issues at all through the agreement, or if they are to be included, to dilute the relevant provisions.

A Pathway Towards an Agreement: “Plastics may last forever, but this INC should not!”

With all the options still on the table, and a streamlined revised draft text that is not particularly streamlined, the questions on the minds of many at the end of INC-4 were how might delegates proceed towards agreement, and are the contours of the future agreement beginning to take shape? Many agreed that there are not enough scheduled negotiating days left for the INC to complete its mandate, especially given the deep divisions on how plastic pollution should be controlled. This became abundantly clear during the late-night final plenary session’s debate on proposed intersessional work.

INC Chair Luis Vayas presented his proposal on intersessional work, specifically to propose criteria on products, chemicals of concern, and related product design issues for the Committee’s consideration at its fifth session. However, it was apparent that the “high ambition” issues of PPPs and problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics, were missing. Some countries, notably the African Group, as well as the High Ambition Coalition and the Pacific Small Island Developing States, continue to expect that the final agreement will address both sustainable production and consumption of plastic products.

The INC Chair’s proposal—which was the subject of consultations over several days, including through hour-long huddles during the closing plenary—was ultimately “watered down.” A group of delegations specifically requested the inclusion of “enhancing” the reusability and recyclability of plastic products in product design, and in consideration of their “uses and applications,” rather than any restrictions on plastic production. This essentially means that plastics recyclability and reusability, according to specific uses and applications, have become more prominent at INC-4, leaving out crucial elements on the plastic production side.

As one delegate noted, some elements proposed for consideration during the intersessional period “are too vague.” The inclusion of cryptic terms such as “criteria and non-criteria based approaches”

with respect to plastic products as the outcome for consideration in intersessional work stands as a testimony to this point. This compromise, however, enabled delegates to get everyone on board with the intersessional agenda. Those who wish to see a treaty elaborating mandatory and global criteria could opt for common criteria, while those seeking a nationally-driven, voluntary approach could choose their own strategy for product design. This discussion was a microcosm of the contradictions within many provisions of the ILBI: mandatory vs voluntary commitments, and global vs national measures.

Furthermore, with the inclusion in the intersessional expert groups' mandate that the outcomes "shall be without prejudice to the parties' national positions," it remains to be seen how relevant the intersessional work will be for INC-5. This essentially means that countries might not even incorporate the results of the intersessional expert groups in the upcoming negotiations in Busan.

After three INC sessions without any concrete indication of what the shape of the treaty would be, some saw INC-4 as a turning point, with the creation of the intersessional expert groups. The definition of the contents of these groups, in particular the fact that two key elements in the upstream lifecycle of plastics were left out of the mandate of one of the groups, may offer a glimpse of the content of the future ILBI. While those hoping to stem the production of plastic might have been despondent about the elements that did not find their way into the intersessional groups, there was also a pragmatism to the approach that was eventually agreed, as acknowledged by several delegations. With only one official session left to negotiate an instrument, and a lack of appetite for adding a proposed resumed session of INC-4, delegates will need to make more compromises as the finish line comes into sharper focus.

"We can't afford to spend all of the intersessional period disagreeing on whether to include primary plastic polymers and avoidable plastics, otherwise we risk not being able to advance our work on any provision," one exhausted delegate opined. Even on agreeable elements, divisions remain. How countries will engage with and adopt the provisions on the table is still an open question.

Onwards to Busan!

With a few high-ambition issues seemingly off the table, it remains to be seen whether delegates can agree on common ambition levels for any of the other elements, or whether this will be a plastics pollution treaty *à la carte*. Even if at this point an agreement with a global mandate on some key provisions is still possible, some crucial elements may only be included as voluntary options, if at all.

Even so, it is possible that the treaty could begin to lay the foundations for a strengthening of ambition levels in the future, especially through the work of the governing body that will be tasked with implementing and furthering international collaboration on plastic. One should not forget that the treaty's eventual ambition level does not inhibit countries from taking stronger measures in their national action plans. With a bit more clarity about what the treaty might look like after INC-5, participants and observers can remain hopeful about the power of multilateralism to end plastic pollution. Maybe David *and* Goliath could both still leave this battle standing after all.

Upcoming Meetings

OEWG-3 on a Science-Policy Panel to Contribute Further to the Sound Management of Chemicals and Waste and to Prevent Pollution: The third session of the Open-ended Working Group will continue the group's work to prepare proposals for the science-policy panel. **dates:** 17-21 June 2024 **location:** Geneva, Switzerland **www:** unep.org/events/conference/oewg-3-science-policy-panel-contribute-further-sound-management-chemicals-and

Fourteenth meeting of the Open-ended Working Group of the Basel Convention (OEWG-14): OEWG-14 will address, among others: the draft renewed strategic framework; work to improve the functioning of the prior informed consent procedure; plastic waste; the work of the Implementation and Compliance Committee; and the Basel Convention Partnership Programme. **dates:** 25-28 June 2024 **location:** Geneva, Switzerland **www:** basel.int

2024 UN Biodiversity Conference: The sixteenth meeting of the Conference of the Parties to the Convention on Biological Diversity, the Eleventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety and the Fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Nagoya Protocol on Access and Benefit sharing will convene for the first time since the adoption of the Kunming-Montreal Global Biodiversity Framework. **dates:** 21 October - 1 November 2024 **location:** Cali, Colombia **www:** cbd.int/conferences/2024

2024 UN Climate Change Conference: The 2024 UN Climate Change Conference will also convene as the 19th meeting of the COP serving as the Meeting of the Parties to the Kyoto Protocol (CMP 19), and the sixth meeting of the COP serving as the Meeting of the Parties to the Paris Agreement (CMA 6), which will convene to complete the first enhanced transparency framework and the new collective quantified goal on finance, among other matters. The 61st sessions of the Subsidiary Body for Scientific and Technological Advice (SBSTA 61) and the Subsidiary Body for Implementation (SBI 61) will also meet. **dates:** 11-22 November 2024 **location:** Baku, Azerbaijan **www:** unfccc.int/cop29

Plastics Treaty INC-5: Under its mandate from UNEA, the INC is scheduled to conclude negotiations on a treaty on plastics pollution. **dates:** 25 November - 1 December 2024 **location:** Busan, Republic of Korea **www:** unep.org/inc-plastic-pollution/session-5

For additional upcoming events, see: sdg.iisd.org

Glossary

AOSIS	Alliance of Small Island States
CBDR	Common but differentiated responsibilities
EPR	Extended producer responsibility
GRULAC	Latin American and Caribbean Group
ILBI	International legally binding instrument
INC	Intergovernmental Negotiating Committee
MEAs	Multilateral environmental agreements
PPPs	Primary plastic polymers
UNEA	UN Environment Assembly
UNEP	UN Environment Programme