

Plastic Pollution INC-5 Highlights:

Friday, 29 November 2024

State delegations at the fifth session of the Intergovernmental Negotiating Committee (INC-5) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, met in informal consultations in the morning. An evening plenary was cancelled to give way for Heads of Delegation to meet with INC Chair Luis Vayas (Ecuador).

Informal Consultations

In the morning, delegations convened in closed-door consultations to address three of the more contentious issues discussed during the week. These were: products and chemicals of concern as used in plastic products (draft article 3); supply (draft article 6); and finance, including the establishment of a financial mechanism (draft article 11).

Non-Paper containing the INC Chair's Draft Text

In the afternoon, INC Chair Vayas circulated a "[Non-Paper containing draft text of the Chair of the INC](#)," including on articles for which no draft text had been provided in the previous Non-Paper.

The new Non-Paper provides language for the preamble and the objective. It also includes options for principles, scope, definitions, and health. Further, it includes **definitions** of life cycle, primary plastic polymer, recycling, as well as three options for microplastics, two options nanoplastics, eight options for plastic(s), five options for plastic pollution, four options for plastic product, and five for plastic waste.

The revised draft article 3, titled **Plastic Products [and Chemicals of Concern as Used in Plastic Products]** — accompanied by a footnote indicating that informal consultations are ongoing — calls on parties to take measures to address certain plastic products, including the potential prohibition of their manufacture, export, or import if they meet specified criteria. It also requires parties to report on the measures adopted, the outcomes achieved, and any challenges encountered in their implementation, and creates a request for the conference of the parties (COP) to establish a Scientific-Technical-Economic-Social Review Committee, with a mandate to, *inter alia*, review submissions by parties to include plastic products on a global list.

The revised draft article 6, titled **[Supply][Sustainable Production]**, also subject to ongoing informal discussions, contains a zero option, in addition to draft treaty text. The text mandates the COP to: adopt, as an annex, a global target to reduce the production of primary plastic polymers to sustainable levels; adopt, at COP 1, the reporting format, timing, methodologies and guidance for the implementation of the article; and every five years, based on a scientific, technical and economic assessment by the subsidiary body, to review progress in the implementation of the article and, as appropriate, update the global target. The text requires each party to: take measures across the full life cycle of plastics to achieve the global target; and report statistical data on production, imports and exports of primary plastic polymers, and the measures taken to achieve the global target.

The revised draft article 11, entitled **Financial [Resources and] Mechanism**, also subject to ongoing consultations, states that each party "shall" or "undertakes to" provide, within its capabilities, resources to achieve the objectives of the ILBI, and establishes a financial mechanism, operating under the authority of the COP.

The draft text leaves open whether the mechanism be a "new dedicated independent multilateral fund," or an "existing fund," and whether it should also encompass "other funds or entities." The text states that the extent to which parties will effectively implement their commitments under the instrument will depend on the availability of resources and the fulfilment of commitments related to the provision of financial resources and other means of implementation. The draft text also contains bracketed options for whether "developing country parties" or "parties most in need" are to be the beneficiaries of the financial mechanism, and whether the article would refer to "primary plastic polymer fees" and "extended producer responsibility schemes" in a list of possible domestic sources of funding, among others.

In the Corridors

At the end of a week which had only yielded limited progress, states met to try and thrash out their differences in an informal consultation in the morning. "The progress is slow, to say, the least," one delegate shared as he took a break from the closed-door meeting. Discussions focused on the most polarized elements on the table. From the beginning, some states had voiced opposition to "even mentioning anything related" to plastic products and chemicals of concern. Their positions remained intractable throughout the contact group discussions, and no textual negotiations occurred on these issues. At a press conference on Friday, Fiji stressed that the treaty must contain measures to address chemicals of concern. Familiar arguments on the sources of funding for treaty implementation were fractured throughout the week, although "not as polarized because there is some common ground."

The issue of supply/production of plastic products and virgin plastic, respectively, "is the heart of the treaty," shared one observer. Concurring, the EU, a proponent of including it in the new agreement underscored, "You can talk about waste management all you want but this is not the silver bullet. Mopping the floor when the tap is open is useless." On the other hand, there are some who would like to see this provision deleted entirely.

Outside of the closed-door meetings, civil society members made their disappointment heard, lamenting that there had been "no meaningful negotiations in the five days of INC-5" and "no clear document" being considered by the delegates. With time running out, some considered the prospect of reaching agreement at INC-5 "rather fanciful." Others, however, left the morning's consultations hopeful and determined, stressing that ambitions are still high, two full negotiating days remain, and that pathways towards convergence among the many different proposals were beginning to show.

In the afternoon, the venue was full of delegates reviewing the new Non-Paper. "It contains all the diverging elements," shared one, "but, at first glance, it could serve as a good basis for negotiations." Others shared that "the negotiating process continues to be a bit unclear." Many wondered whether, having presented it to the Heads of Delegations on Friday evening, INC Chair Vayas will issue a revised document based on those discussions. Others questioned whether deliberations would continue in the informal setting witnessed on Friday, whether contact groups or other group formations would convene to consider different elements of the text, and when plenary would resume to consider the text. In any case, there was no doubt that Saturday "will also be a long day."