

Plastic Pollution INC-5 Highlights: Saturday, 30 November 2024

Delegates attending 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 for informal consultations throughout the day. They based their deliberations on the [Non-Paper containing draft text of the Chair of the INC](#).

Informal Consultations

Delegations convened, in parallel sessions and behind closed doors, to address “topics with high convergence,” where it is said that they presented their “red lines.” These topics were identified as: product design (draft article 5); releases and leakages (draft article 7); plastic waste management (draft article 8); [existing] [legacy] plastic pollution (draft article 9); just transition (draft article 10); capacity building, “technology” assistance and technology transfer, including international cooperation (draft article 12); implementation and compliance (draft article 13); national action plans (draft article 14); reporting (draft article 15); and health (draft article 19). After closed-door negotiations, some articles – such as just transition (draft article 10) - were sent to an informal drafting group, to prepare clean text.

In the Corridors

Will INC-5 deliver a treaty? With only a day left for delegates to negotiate, the answer to this question generated mixed responses. Amidst the “aura of confusion” at the venue, some country delegates felt that the light at the end of the tunnel was “getting brighter.” “There are some articles that we can already agree on,” referring to issues such as information exchange; public information, awareness, education and research; final provisions; and the establishment of the conference of the parties (COP), subsidiary bodies, and the secretariat. Others, however, were more cautious, sharing that the clean articles need to be attached to strong language on production, design, waste management, and finance. “We are not there yet.”

For some “stakeholders,” though, being excluded from the talks at this crucial stage sent a “dark signal.” At a press conference of the International Indigenous Peoples’ Forum on Plastics on Saturday, Indigenous representatives stressed, “We have been silenced and strategically undervalued” in these negotiations. “How can you talk about a just transition, when we are not

given a space at the table?” Another delegate shared, “we are rights holders in this process,” and “this treaty must guarantee not only our participation in the negotiations, but also in the implementation of measures to tackle the onslaught of plastic pollution, which disproportionately affects our communities, relatives, and Mother Earth.”

Will it be a plastics treaty, or a plastic waste treaty? “It is worrying that at this stage in negotiations, we are still unsure,” opined one participant. The text circulated on Friday has elements that, if agreed, “could give us a plastics treaty, with upstream measures related to production and design.” On the other hand, “if we cannot agree on these, we will go home with a plastic waste treaty,” she said, noting that this would be “a real waste.” Another delegate was overheard lamenting, “If after all this, we end up with a plastic waste treaty, which countries can implement domestically if they want, does it even make sense to call this an international treaty? Will it have been worth our efforts?”

One seasoned delegate wondered out loud whether there was still time to change the working modalities of the negotiations. “By now, we have come to the end of the line on contact-group-like negotiations, with every state commenting on every line,” drawing attention to the fact that the informal closed-door negotiations seem like “contact groups, just without the transparency.” He described several formats that could “push negotiations over the finish line,” including the round-table Vienna setting, which would bring the Chair and key coalitions together in face-to-face discussions. He wondered whether, “we may have run out of time” to switch gears in this way.

With the informals going on upstairs, delegation after delegation held bilaterals with the INC Chair downstairs, perhaps in a bid to break the deadlocks on core issues. However, at the end of the evening, it was still unclear whether “we’ll be shedding happy tears on Sunday, or weeping.” In hushed conversations throughout the day, some were heard discussing “plan B options,” in the event that INC-5 does not deliver a treaty. “Who will fund a resumed meeting of the INC, if it comes to that?” queried one delegate. “Should we keep hope alive?” asked one delegate. The jury is still out.

The *Earth Negotiations Bulletin* summary and analysis of INC-5 will be available on Thursday, 5 December 2024 at iisd.org/plastic-pollution-marine-environment-negotiating-committee-inc5