

## Plastics INC-1 Highlights: Monday, 28 November 2022

The first meeting of the Intergovernmental Negotiating Committee (INC-1) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, convened online and in person in Punta del Este, Uruguay, on Monday, 28 November 2022. Delegates gathered in plenary throughout the day, hearing opening statements, addressing organizational issues, and initiating discussions on elements of the ILBI.

### Opening

Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, opened the meeting, noting that more than 160 countries are represented, with more than 2300 delegates registered. Luis Lacalle Pou, President of Uruguay, highlighted the importance of: knowledge; individual, corporate and state responsibility; and optimism on the road towards a treaty, and shared that the country had recently issued a unique environment bond valued at USD 1.5 billion, with fiscal goals linked to environmental interests.

Inger Andersen, UN Under-Secretary-General and Executive Director, UN Environment Programme (UNEP), reiterated that to build an ILBI addressing the lifecycle of plastic, there is a need for broad participation, science-driven action, stakeholder engagement, and innovative thinking.

Adrián Peña, Minister of Environment, Uruguay, emphasized the need for a treaty reflecting broad consensus and including all stakeholders, including the private sector. He highlighted the country's new deposit-return scheme for plastic packaging.

The EU, with Japan, US, Canada, Australia, New Zealand, Iceland, Monaco, Republic of Korea, Switzerland, Norway, and the UK, condemned Russia's invasion of Ukraine, expressing solidarity with Ukraine.

### Election of Officers

The Secretariat noted that they had received nominations for a Chair and 10 vice chairs, highlighting nominations from: Antigua and Barbuda (for small island developing States (SIDS)); Rwanda and Senegal (for Africa); Japan and Jordan (for Asia-Pacific); Peru and Ecuador (for GRULAC); and Sweden and the US (for Western Europe and Others group). The Secretariat highlighted their receipt of four self-nominations from Georgia, Estonia, Russian Federation, and Ukraine (for Central and Eastern Europe).

COLOMBIA, for GRULAC, requested appending to the meeting report a statement on the formal agreement between Ecuador and Peru, to alternate the INC Chair between Peru and Ecuador after INC-3. The Committee then elected, by acclamation, Gustavo Meza-Cuadra, Peru, as INC Chair.

INC Chair Meza-Cuadra shared that he would promote a transparent process based on a comprehensive approach that, among others: addresses the full life cycle of plastic; promotes international cooperation; considers existing plastics; encourages

the development of national actions plans; promotes cooperation between relevant conventions to avoid duplication; and enhances research and compliance.

Delegates agreed to postpone discussion on the election of the INC bureau to Friday, 2 November 2022 to allow for informal consultations towards a consensus.

### Rules of Procedure

The Secretariat introduced the draft rules of procedure (RoP) (UNEP/PP/INC.1/3), noting that the draft had been agreed by the *ad-hoc* open-ended working group (OEWG) and forwarded to the INC for consideration and adoption, with the exception of Rule 37 (1 and 2) on voting rights for regional economic integration organizations (REIOs). Chair Meza-Cuadra proposed holding informal consultations on these and applying the draft RoP provisionally to the work of the INC.

Referring to a new proposal from the US and the EU for consolidated language on Rule 37, SAUDI ARABIA, supported by several others, requested bracketing the text qualifying that each member shall have one vote "except as provided for in paragraph 2 of the present rule," as well as the proposed text of paragraph 2 regarding voting modalities for REIOs. Following a proposal by CHINA to introduce amendments to other RoP and a question by SENEGAL on the package forwarded to the INC by the OEWG, UNEP Legal Advisor Stadler Tengrove clarified that the informal consultations will only address Rule 37.

### Adoption of the Agenda and Organizational Matters

The INC adopted the provisional and annotated agenda (UNEP/PP/INC.1/1 and Add.1). On the organization of work, the Secretariat introduced the scenario note (UNEP/PP/INC.1/2).

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

**General statements:** Chair Meza-Cuadra reminded participants that the preparation of the ILBI is guided by two different but linked issues on what to include in the ILBI, and on how to structure the negotiating process in order to reach agreement by the end of 2024.

JORDAN, for the ASIA PACIFIC GROUP, highlighted the transboundary nature of plastic pollution, calling for effective international cooperation for, among others: establishing extended producer responsibility (EPR) schemes; assessing marine litter; and creating a platform for national action plan (NAP) preparation.

COLOMBIA, for GRULAC, said that the ILBI should incorporate an integrated global approach going beyond voluntary actions, and called for adequate means of implementation, also taking into account common but differentiated responsibilities and respective national capacities and capabilities.

ANTIGUA AND BARBUDA, for the Alliance of Small Island States (AOSIS), called for the recognition of SIDS' special circumstances, noting that countries are at different starting points

of tackling the problem of plastic. She stressed that old models of international agreements “are not up to the task,” and underlined that “process should not delay progress.”

GHANA, for the AFRICAN GROUP, called for, *inter alia*: horizon scanning to address all ILBI elements; a fully inclusive and participatory process; a dual commitment to ending plastic pollution and creating a circular economy for plastic; adequate means of implementation that ensures all states meet their ILBI commitments; and the elimination of open burning practices.

The EU emphasized that the instrument: address the entire lifecycle of plastic, prioritizing upstream plastics; address all plastic materials and products; and reduce, eliminate, substitute or ban problematic, unnecessary, and hazardous plastics.

SAMOA, for the PACIFIC-SIDS (P-SIDS), called for an ambitious ILBI that covers the full lifecycle of plastic, incorporates mandatory obligations for all, is inclusive, equitable, and provides for adequate means of implementation, particularly for SIDS.

GEORGIA, for the High Ambition Coalition (HAC) to end Plastic Pollution, stressed the need for common binding global obligations across the entire life cycle of plastics with a view to: ending plastic pollution by 2040; achieving sustainable consumption and production; and enabling a circular economy.

Several delegations emphasized that the ILBI should: take a comprehensive, transparent and inclusive approach; cover all stages of the plastics lifecycle and promote a circular economy for plastics; eliminate plastic pollution; address problematic plastics and plastics containing hazardous additives; aim to protect human health and the environment; promote cooperation and coordination with other multilateral negotiations; and involve stakeholders throughout.

URUGUAY, THAILAND, PALAU, and several others preferred a specific convention containing obligations and control measures that are complemented by annexes to ensure the ILBI’s flexibility in new circumstances, and taking into account scientific and technical findings. SOUTH AFRICA highlighted the flexibility presented by a framework convention.

The US called on delegations to follow “the north star” of eliminating the release of plastic waste into the environment by 2040, supported by SWITZERLAND and NORWAY, and underlined, that NAPs should be the ILBI’s key implementing tool. URUGUAY prioritized national implementation plans. AUSTRALIA supported national efforts complemented by clear global reporting requirements. The PHILIPPINES, KENYA and several others, underlined the need for global control measures which go beyond national and regional measures which have proven insufficient to date, with KENYA emphasizing a focus on downstream plastic pollution issues.

The REPUBLIC OF KOREA reaffirmed the importance of not watering down the mandate of Resolution 5/14, and stressed that the final text should enable reduction, reuse, recycling, and replacement.

EGYPT, with MALAYSIA, DEMOCRATIC REPUBLIC OF CONGO, ECUADOR, MALI, PAPUA NEW GUINEA and several others, called for a dedicated multilateral funding mechanism to guarantee means of implementation, as under the Montreal Protocol, and for technology transfer to be on a concessional basis. THAILAND suggested considering existing and innovative financing options. CUBA prioritized, among others, monitoring and compliance measures, and indicative mandatory and voluntary measures based on best available scientific findings. ISRAEL called for, among others, a clearing house mechanism. URUGUAY and VENEZUELA called for funding for participation.

CHINA, with ARGENTINA, called for the ILBI to take into account common but differentiated responsibilities and, with several others, urged developed countries to provide the requisite financial and technical assistance for implementation. PAKISTAN, with KENYA and COSTA RICA, called for implementing EPR

schemes and the polluter pays principle. SAUDI ARABIA, MALAYSIA and PALAU urged taking into account national conditions and capacities, especially for developing countries. COSTA RICA and others urged adapting implementation to national circumstances.

BAHRAIN, with several others, underlined the essential role of plastics in our society, while highlighting the role of circular economy approaches. Underlining the importance of not politicizing the talks, the RUSSIAN FEDERATION prioritized the shift to a closed-loop circular economy for plastic. GABON called for the ILBI to be guided by the precautionary, polluter-pays and chemical simplification principles. PERU called for the ILBI to, among others, address chemicals and additives in plastics, and, with CHILE and MEXICO, be grounded in human rights and gender-responsive approaches. NEW ZEALAND highlighted the link between fossil fuels and plastic pollution, underlining the need to address plastic production.

BURKINA FASO, AUSTRALIA, ERITREA, QATAR, CANADA, TUVALU, MONGOLIA and others shared national measures to address plastic pollution. BRAZIL announced a voluntary commitment to recover 50% of plastics waste in the environment by 2040. JAPAN pointed to the Osaka Blue Ocean Vision as inspiration for a clear common goal for the ILBI.

IRAN underlined not duplicating existing efforts and avoiding contentious terms that may hinder the achievement of the overall goal. TUVALU called for the definition of key terms, particularly related to the plastic waste hierarchy and, with INDONESIA, a lifecycle approach.

SRI LANKA and AZERBAIJAN highlighted several issues challenging developing countries, particularly the transboundary movement of waste plastics. Lamenting that today we are taking more from nature than we give back, COOK ISLANDS underlined that SIDS are the new colonies of others’ plastic waste. CHILE and others underlined, *inter alia*, the role of waste pickers in the implementation of the ILBI. DOMINICAN REPUBLIC encouraged common standards for design, production, and recycling.

CANADA announced their intent to host INC-4 in early 2024, with the REPUBLIC OF KOREA noting their plans to host INC-5. “MALAWI urged states to reflect on the progress already made and recalled the mutual resolve to create an agreement that can effectively tackle the challenges of plastics. CAMEROON stressed that their country does not produce plastic but are heavily affected by its use and waste. MOROCCO, with several others, advised promoting the involvement of all relevant stakeholders, calling for inclusive and transparent participation in all of the INC process. KENYA stated that the INC Secretariat should be hosted at UNEP headquarters in Nairobi.

### *In the Corridors*

In a standing-room-only opening session, the anticipation of a new treaty addressing plastic (pollution) was palpable. Under the stewardship of INC Chair Gustavo Meza-Cuadra of Peru, delegates swiftly came to a tentative agreement on some procedural issues, which some had feared would hold up the start of the real talks. “An amicable agreement on the rules of procedure could bode well for agreement on the weightier issues before us throughout the process,” opined one seasoned delegate.

With calls for “process not to hold up progress,” delegates got down to business, sharing general statements on what a new treaty might mean for each region and country. Unsurprisingly, clear calls for adequate financial assistance for implementation were quickly voiced, with several developing countries prioritizing this issue. Others, however, shared their hopes for the direction of a new treaty, with the now familiar nudges of “not reinventing the wheel” heard in some quarters. In private, some observers were adamant that if we are to effectively address the root causes of plastic pollution, “we may need to break the wheel entirely.”