

Plastic Pollution INC-3 Highlights: Friday, 17 November 2023

Delegates attending the third session of the Intergovernmental Negotiating Committee (INC-3) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, met in contact groups throughout the day. Engaging in a second round of discussions, delegates began their consideration of revised sections of the [Zero Draft text of the ILBI](#) and the [Synthesis Report](#) not previously discussed by the Committee.

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

Contact Group 1: Co-Facilitated by Gwendalyn Kingtaro Sisor (Palau) and Axel Borchmann (Germany), the group met for a second round of discussions on elements of the ILBI, exchanging views on a compilation text of submissions. The Secretariat informed delegates of ongoing work to ensure all submissions were available, and requested delegates to contact them in the case of any missing submissions.

The Co-Facilitators opened the session, proposing to focus on two areas, recalling the mandate given by INC Chair Meza-Cuadra at the stocktaking plenary on Thursday. These two areas concerned whether the compilation text correctly reflected all submissions, and how the text might be further streamlined by identifying commonalities, respectively.

On **objectives**, the Co-Facilitators noted that alternative text had been received for the two options indicated in the Zero Draft. Nine proposals for alternative text were indicated for the objective “to end plastic pollution, including in the marine environment, and to protect human health and the environment.” Additionally, they highlighted that 14 proposals for alternative text had been received on the proposed objective “to protect human health and the environment from plastic pollution, including in the marine environment,” which was complemented by several sub-options. These sub-options included: ending plastic pollution; basing the objective on a comprehensive approach that addresses the full lifecycle of plastics; through the prevention, progressive reduction, and elimination of plastic pollution throughout the lifecycle of plastic by 2040; and through, *inter alia*, managing both the utilization of plastics and plastic waste, while contributing to the achievement of sustainable development.

The Co-Facilitators then shared a merged text of the 23 proposals submitted across the two options for the objective in the Zero Draft, proposing that this text provide a starting point for discussions of the different elements that had been proposed on the objective, with a view to streamlining/improving the text in the Zero Draft.

Delegations exchanged views on the proposed method of work, the compilation text, and the proposal to merge the various submissions received. Many delegations expressed appreciation for the inclusivity of the process and the compilation of different proposals, and for proceeding to identify commonalities among the different proposals. Some delegations proposed the preparation of two revised options under objectives, merging the various proposals under each, indicating their preference for this over the Co-Facilitators’ merged text. Other delegations were in favor of discussions proceeding on the basis of the overall merged text.

Several countries identified convergence on the following elements: ending plastic pollution; protecting human health and the environment; and that the ILBI should be “based on a comprehensive approach that addresses the full life cycle of plastic.” One delegate underlined that the compilation text embodied their expectations for INC-3 and, with several others, called for more time to deliberate on proposed elements, particularly for smaller delegations. One regional group proposed suspending the session in order to allow delegations to consider the compilation texts.

On omissions in the compilation text and merged text, one country requested additional text reflecting original options, noting that some proposals may be informed by discussions during the intersessional period, as well as at INC4, and cited their consideration on a future proposal for public emergency situations. Other countries indicated that certain elements from submitted proposals had yet to be reflected in the text, highlighting the omission of national priorities/targets and downstream approaches. One delegation called attention to the need to reference poverty eradication.

The Co-Facilitators requested delegations to review the proposed text and provide additional inputs, if any, during the group’s evening session.

Contact Group 2: This group, co-facilitated by Katherine Lynch (Australia) and Oliver Boachie (Ghana), based their discussions on the revised Zero Draft part on **implementation and compliance**, which contains eight proposed paragraphs, with 31 alternatives from delegations’ submissions. After a discussion on whether to break into informal-informal consultations, the group decided to work together to identify gaps and ensure all views are reflected.

Delegations also considered the revised Zero Draft part on **finance**, which contained 11 proposed paragraphs and approximately 50 proposed alternatives submitted by delegations, as well as a section with proposals received, which the Co-

Facilitators had assumed should be presented as a package. Delegates finalized a first reading identifying gaps and ensuring all views were adequately reflected. One country requested clarification on how different parts of the draft would be addressed, specifically on how those proposals that are included as a package would be handled in the discussions. A number of countries noted that their request to address the particular circumstances of developing countries had not been included in the revised Draft.

The group then reviewed the revised Zero Draft part on the **periodic assessment and monitoring of the progress of implementation of the instrument and effectiveness evaluation**, which contained three proposed paragraphs, with 18 alternatives submitted by delegations, as well as a section with proposals received, which the Co-Facilitators intimated should be presented as a package.

The Co-Facilitators informed delegations that they were working on preparing the drafts of the remaining parts of the revised Zero Draft (capacity building; technical assistance and technology transfer; national plans; reporting on progress; international cooperation; information exchange; awareness raising, education, and research; and stakeholder engagement) which would be circulated on Friday evening. They also noted that the three parts reviewed would be streamlined by the Secretariat to include all the submissions, and made available for review on Saturday.

Contact Group 3: Co-Facilitators Danny Rahdiansyah (Indonesia) and Marine Collignon (France) opened discussions on written and other submissions as contained in a 63-page compilation document on elements contained in the Synthesis Report, as well as Co-Facilitators' proposals, containing a proposed "skeleton" text for Part I (preamble, definitions, principles, and scope), Part V (institutional arrangements), and Part VI (final provisions) of the Zero Draft text. The Co-Facilitators outlined that the aim of the session would be to solicit initial views from members on the proposed text in advance of discussions on Saturday.

The Co-Facilitators shared that the **preamble** had been adapted from the preambular text of UNEA resolution 5/14, with the understanding that there was convergence among members that negotiations proceed on the basis of this resolution, as identified during the preparatory meeting to INC-3. Several delegations lamented that their proposals under the preamble had not been reflected in the "skeleton" text, particularly on human rights, including the UN General Assembly Declaration on the right to a clean, healthy and sustainable environment and rights of Indigenous Peoples, as well as references to small island developing states (SIDS).

On **definitions**, countries called for further work on these later in the negotiations, with some expressing support for a standalone provision, others expressing flexibility, and some supporting a hybrid approach of addressing certain definitions in a standalone provision and others in operative provisions of the ILBI.

On **principles**, many countries supported option 1 on referencing relevant principles in the preambular language of the instrument, whereas others called for option 2, or a dedicated provision, with clear and consistent language including reference to Rio Principles. One delegation noted that the proposed text on

this item included globally accepted legal principles which should be distinguished from those specifically related to environmental management. Some urged clear reference to SIDS under this provision.

On **scope**, most delegations expressed preference for option 2, a short provision essentially reflecting the language contained in UNEA resolution 5/14, with a few calling for further precision regarding the Co-Facilitators' text. Some countries requested an amendment referencing exemptions or exclusions for issues of national security regarding public health issues, which was opposed by others.

Concerning **institutional arrangements**, a majority of countries agreed with the Co-Facilitators' suggested way forward, supporting a similar structure to that of the Minamata Convention, including related to the governing body, subsidiary bodies, and secretariat, respectively. One country emphasized that any envisaged scientific and technical committee should seek complementarity with a future science-policy panel on chemicals, waste, and pollution prevention. Several countries voiced support for establishing a legal drafting group to further develop the instrument.

Several countries and a regional group called for the Co-Facilitators to revise their proposals, taking into account the submissions received during INC-3 and the compilation text, as well as to prepare an expanded text containing these proposals by Saturday morning. Many countries and a regional group requested time to consider the Co-Facilitators' proposals and the compilation document, before reconvening on Saturday morning.

Concluding the session, the Co-Facilitators highlighted that they would revise their proposals outlining the "skeleton" text, prioritizing an update to the preamble to better reflect the varying proposals, incorporating an additional option under scope, and expanding the principles. The revised text would be made available ahead of the session on Saturday morning.

The group met in the evening to address **intersessional work**.

In the Breezeways

The topsy-turvy weather in Nairobi matched the mood at INC-3 on Friday. Just as some delegates thought the concise Zero Draft text circulated prior to the meeting was progressive, many felt that "at this stage in the process, more is better." Delegates had spent the first half of the meeting sharing their priorities for expanding the text, and with over 500 submissions forwarded to contact groups, Co-Facilitators worked in conjunction with the Secretariat to "balance" the Zero Draft. On Thursday, bits and pieces of the revised text were circulated and opened for discussion. In some cases, the text had ballooned from three paragraphs to 10 pages. Commenting on the additions, one participant was happy with the balance, sharing that "in this text, we see our views reflected. We can work with this." Others were concerned that "there is so much repetition," and "the options are identical, in my view," wondering whether, in the end, "we will just revert to the text proposed in the first place." With several delegations requesting more time to consider the text, substantive discussions were, for the most part, deferred.

Early in the day, one delegate shared that the text "is so big, we don't even know where to start." This was echoed in the contact groups where discussions about just how to address the text took center stage. At this point, it is clear that a herculean effort will be needed during the intersessional period to ensure the text is in good shape for INC-4.