

## Plastic Pollution INC-4 Highlights: Wednesday, 24 April 2024

Delegates reconvened at 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. Basing their discussions on the Revised Draft Text of the ILBI ([UNEP/PP/INC.4/3](#)), they worked throughout the day and into the evening in contact- and subgroup settings.

### Contact Group 1

Co-chaired by Gwendalyn Kingtaro Sisor (Palau) and Axel Borchmann (Germany), delegates continued discussions on streamlining the text, technically and substantively, within Parts I and II of the Revised Draft Text. Many supported proposals for the Co-Chairs to streamline parts of the text, including those related to scope; as well as to consolidate references to fishing gear, or address these as part of waste management and/or under emissions and releases.

A few cautioned against including stand-alone articles on principles, objectives, and scope, highlighting that there was no convergence on these matters. Others preferred to maintain these as stand-alone articles, with one delegation noting that an article on principles could guide implementation. 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. Others preferred not to include certain elements as principles, for instance, extended producer responsibility (EPR), with one cautioning against including “fake elements” within ILBI principles. Some delegations supported the inclusion of common but differentiated responsibilities (CBDR) as a core principle, while others supported a principle on “minimizing plastic waste.”

Some delegations called to focus on areas of convergence, with several pointing to sections on emissions and releases, and waste management as well as a just transition, in this regard. A number of others also noted broad convergence on the ILBI addressing problematic and avoidable plastic products, product design, and existing plastic pollution.

Delegates also highlighted issues where there was little or no convergence at this stage, including on primary plastic polymers, chemicals and polymers of concern, and trade. Some noted that chemicals of concern are already addressed by the Basel, Rotterdam and Stockholm (BRS) Conventions. Many others supported more in-depth discussions on these issues, with some delegations calling for harmonizing trade-related elements with those under the World Trade Organization.

Delegates also discussed cross-cutting issues and were unable to reach convergence on whether references to financial resources and technical assistance should also be included in the technical parts of the ILBI, or only under text dealing with means of implementation (MoI) contained in Part III.

In response to questions, Co-Chair Borchmann clarified that subgroup discussions would consider text that had undergone technical streamlining.

**Subgroup 1.1**, co-facilitated by Sara Elkhoully (Egypt) and Julius Piercy (UK), met in the evening to discuss elements contained in a newly circulated technically streamlined text, specifically related to the objectives (Part I.2), and scope (Part I.5) of the future agreement, as well as a provision on just transition (Part II.12). The Co-Facilitators clarified the negotiating process, noting that for Part I, only two of five sections have been streamlined, and called on delegations to focus on whether the streamlining provides a good basis to proceed with a first reading of Part I of the Revised Draft Text. Delegates then carried out a full reading of Part I, also including the preamble, definitions, and principles.

On the *preamble*, some states supported the inclusion of language reaffirming the need to uphold human rights. Another, calling for the ILBI to recognize the good side of plastic, proposed additional text to address the unintended consequences of a sudden transition away from plastics. Others called to include reference to the Rio Principles, MoI, and just transition. Discussions continued into the evening.

### Contact Group 2

Members of this contact group convened in two subgroups during the day to engage in discussions related to implementation measures.

**Subgroup 2.1**, co-facilitated by Naomi Namara Karekaho (Uganda) and Antonio Miguel Luís (Portugal), opened discussions on the technical streamlining of provisions addressing financing (Part III.1), and capacity building, technical assistance and technology transfer (Part III.2).

On *financing*, one delegation, supported by many, including two regional groups, proposed to restructure the provision/article by first defining the scope of the financial mechanism before discussing broader provisions. Some delegations indicated a preference for proceeding on the basis of the existing structure, drawing attention to language which captures multiple streams of finance that the instrument could encompass. As a compromise, the subgroup agreed to begin discussions on the financial mechanism, without prejudging whether or how the provision on financing would be restructured, with Co-Facilitator Luís noting

that the matter of restructuring would be carried out by the contact group. One delegation drew attention to provisions in Part II (technical elements), which address MoI, and proposed that these are addressed in this subgroup. One delegation identified different “baskets” for mobilizing funding for the provision, including by merging options related to financial flows and identifying ways to catalyze public financing through private finance.

Beginning with an intent to bridge and merge proposals for the general functioning of the *financial mechanism* for the ILBI, delegates raised, *inter alia*, the need to clarify the purpose, sources, and recipients of the funds. Delegates emphasized the need for a clear introduction of the financial mechanism’s objectives, with options provided on overall funding sources and sub-options for specific sources. Many delegations favored a provision addressing multiple finance streams, with several suggesting streamlined text that permits hybrid or blended funding sources. Some delegations underscored that the financial mechanism must assure adequate financing, pointing to the difficulties in accessing resources from the private sector. Others opined that it was not realistic to expect the financial mechanism to ensure “adequate” finance, referencing the need for multiple sources, including private and innovative sources.

Delegates supported specifying developing countries as recipients of the financial mechanism, with different views on whether to mention specific country groups and which groups to include, with proposals including those of small island developing states (SIDS), least developing countries (LDCs), “downstream” developing countries, archipelagic states, and landlocked countries, as well as countries with economies in transition. One delegate questioned the appropriateness of a general reference to developing countries, considering that some are producers of primary plastic. One delegate emphasized that the framing of the financial mechanism must ensure that finance would be made available for the ocean, as required by UNEA resolution 5/14, which includes the “marine environment.”

One delegation clarified their desire for a “dedicated, new financial mechanism” directed to developing countries vulnerable to plastic pollution, emphasizing this funding that should be distinct from other financial transfers received from donor countries. One delegation, supported by others, requested to remove a reference to the “governance gaps” of SIDS and LDCs, arguing that vulnerability to plastic pollution is not a “governance gap.” Another delegation, supported by many, suggested removing text on a “global plastic pollution fee to be paid by international plastic polymer producers.” Some delegates supported further elaborating the configuration of the financial mechanism during the intersessional period.

**Subgroup 2.2**, co-facilitated by Marine Collignon (France) and Danny Rahdiansyah (Indonesia), opened discussions for streamlining text on the provisions addressing national action/implementation plans, implementation and compliance, periodic assessment and monitoring of progress, international cooperation, information exchange, awareness raising, stakeholder engagement and health aspects (Part IV), the governing body, subsidiary bodies and the secretariat for the ILBI (Part V), and final provisions of the ILBI (Part VI) as well as any relevant annexes.

On *national action/implementation plans*, some suggested maintaining the language contained in UNEA resolution 5/14 and using the term national action plans. Others preferred using

national implementation plans, in order to distinguish them from other processes. One delegation suggested using national plans.

Many delegations underscored that 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. Some delegations suggested not addressing the content of the plans until the scope and obligations of the ILBI are decided. Some delegations proposed to include the contents of the plan in an annex, while others recommended forwarding the decision to develop formats and guidelines to the Conference of the Parties (COP). Other delegations also made proposals for merging options.

The Co-Facilitators proposed, and delegates agreed, to streamline the text based on the suggestions received, without deleting any of the options and present the new text to the Co-Chairs of Contact Group 2.

On *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. Some delegations called for the eventual implementation and compliance mechanism to elaborate its own rules of procedure. One delegate, supported by another, proposed that the body be called the “Implementation and Cooperation Committee” to reflect its non-adversarial nature. Regarding voting rules within the committee, several delegates called for majority voting if all efforts towards consensus have been exhausted and no agreement on implementation and compliance is reached. Discussions will continue later in the week.

### *In the Corridors*

On a snowy Ottawa morning, delegates spent precious time dealing with logistical hiccups: last-minute schedule changes, microphones not working, a lagging internet connection, and hundreds of delegates having to change rooms. This led some to wonder “what will truly shake up this process” that is so important to shaping the future of the planet. At this fourth session, the second to last to hammer out a treaty to firmly put an end to the scourge of plastic pollution, there was some confusion about how to carve out the details of a new agreement before agreeing on the scope of the future treaty, the elephant in the room. While some countries feel this was clearly set out by UNEA resolution 5/14, for many others, crucial questions remain such as a definition of the “full lifecycle of plastic(s),” as well as the kinds of financial resources that the instrument will make available to ensure effective implementation.

While one delegate hopefully expressed that the “Nairobi spirit remains with us,” another felt that the difficulties in deciding the way forward were indicative of “a lack of trust” in the process. On the bright side, many were jubilant about the progress being made at INC-4. “We are finally hearing what other states really want and how to bridge those gaps,” shared one delegate, “and that’s something!”