

Plastic Pollution INC-4 Highlights: Sunday, 28 April 2024

Delegates reconvened for the penultimate day of 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 streamlined parts of the Revised Draft Text of the ILBI ([UNEP/PP/INC.4/3](#)), they worked throughout the day and into the evening to validate the streamlined text, and provide further submissions in a line-by-line review. They met in a stocktaking plenary to hear a proposal from the INC Chair on possible intersessional work, to be adopted by the Committee at the plenary session scheduled for Monday, 29 April 2024.

Plenary

Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, welcomed progress to advance textual negotiations in the Subgroups/Contact Groups. She reminded delegates to adhere to the code of conduct to prevent harassment at UN events, and that no video recording or media is allowed in Subgroups/Contact Groups.

INC Chair Luis Vayas Valdivieso, Ecuador, presented a proposal on possible intersessional work to be adopted on Monday, 29 April 2024. He proposed the establishment of an ad hoc intersessional open-ended expert group to develop an analysis of potential resources and means that could be mobilized for implementation of the instrument. He also proposed the establishment of a second ad hoc intersessional open-ended expert group to propose criteria on products, chemicals of concern, and related product design issues.

Many delegations supported the proposal, including CANADA, GRULAC, AUSTRALIA, NEW ZEALAND, TÜRKIYE, and the EU. RWANDA, supported by PERU and NORWAY, as members of the HIGH AMBITION COALITION, with the FEDERATED STATES OF MICRONESIA, VANUATU, on behalf of P-SIDS, FIJI, COOK ISLANDS, and URUGUAY, called for intersessional work on sustainable levels of production and consumption of primary plastic polymers. Calling for a compilation of key definitions for the ILBI, GHANA, for the AFRICAN GROUP, supported by BANGLADESH and THAILAND, emphasized that intersessional work should, among others, identify: criteria for identifying and listing of polymers of concerns, and problematic and avoidable plastics; criteria for exemptions of chemicals and polymers of concern, including sector-specific applications; modalities for the financial mechanism, including for a newly dedicated Fund for the ILBI; and transparency, tracking and monitoring, including minimum requirements for information disclosure. The US, supported by JAPAN and NORWAY, called to include other sources of finance. CHINA called to focus on non-contentious issues.

IRAQ drew attention to their conference room paper on chemicals. KENYA, the PHILIPPINES, and CAMBODIA, urged for the inclusion of biodiversity in the intersessional period pointing to the One Health Approach that includes animal and plant health in addition to human health. KUWAIT called to focus on product design. IRAN said legacy plastics and waste management, together with plastic design and applications, are among the most important subjects that need intersessional work.

The RUSSIAN FEDERATION, supported by PAKISTAN and MALAYSIA, stressed that intersessional work should consider the interests of all parties in an unbiased way, with Co-Chairs carrying out their work as “honest brokers” to foster trust in the process. NIGERIA, supported by KENYA, SENEGAL, ETHIOPIA, TUNISIA, GUINEA-BISSAU, FIJI, and NEW ZEALAND, emphasized the importance of observers per region to be involved in intersessional work. SAMOA, on behalf of AOSIS, supported by PALAU, SINGAPORE, CHINA, and GRENADA, underlined that the intersessional meetings should not be textual negotiations. PAKISTAN called for a transparent process based on consensus. INDIA noted that there had been instances where members had not been given timely and equal opportunities to express their views in the Subgroups/Contact Groups, creating doubts about the transparency and equity of the process, and reaffirmed the importance of consensus. SOUTH AFRICA and SAUDI ARABIA said the intersessional work should focus on the financial mechanism and the needs of developing countries.

INC Chair Vayas noted the suggestions and informed delegations that he would prepare a revised proposal for discussions on Monday, 29 April 2024.

Contact Group 1

Subgroup 1.2, co-facilitated by Maria Angélica Ikeda (Brazil) and Erlend Draget (Norway), convened work on primary plastic polymers (Part II.1) and chemicals and polymers of concern (Part II.2).

On **primary plastic polymers**, some delegations reiterated their preference for no provision on primary plastic polymers. Some delegations supported mandatory, while others supported voluntary provision, calling for measures to achieve sustainable production and consumption of plastic throughout its lifecycle, with one delegation adding “subject to availability of credible and affordable substitutes.” One delegation, supported by others, proposed requiring parties to submit statistical data to the secretariat on annual production, imports and exports of primary plastic polymers, with reference to provisions on reporting on progress (Part IV.3).

Some delegations called for a global target being outlined in an annex, and achieved through mandatory, with others preferring voluntary, nationally determined measures set out in national plans. This target, and national measures, would be based on the best available science, with one delegation adding “traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems.” Some delegations made proposals for intersessional work.

On **chemicals and polymers of concern**, some delegations proposed globally binding provisions to control or regulate the use of chemicals, groups of chemicals, and polymers, through lists outlined in annexes, and implemented through domestic measures as reflected in national plans. Different delegations presented their proposals for the identification of chemicals of concern, and for their listing in annexes. One group of countries proposed two lists to be outlined in an annex, which differentiates between chemicals in plastics that are to be banned/eliminated and those that are to be avoided and minimized. Some delegations submitted proposed criteria for identifying chemicals of concern, as well as initial proposals for chemicals to be included in those lists. Some delegations indicated their preference for no provision.

Some called for a science- and risk-based approach to the identification and control of chemicals of concern. One regional group preferred to control chemicals and groups of chemicals in plastics and plastic products. One delegate, supported by others, suggested an open-ended group of experts tasked with intersessional work to progress on specific criteria distinguishing substances to be eliminated from substances that need to be avoided or reduced.

Subgroup 1.3, co-facilitated by Andrés Duque Solís (Colombia) and Abdulrahman bin Ali Alshehri (Saudi Arabia), continued textual negotiations on the provisions relevant to **fishing gear**. The Co-Facilitators announced that a decision on placement and/or whether this provision should be included in the ILBI at all, is still pending. Delegates made textual proposals on the particular measures of this section that promote circularity and the sound waste management of fishing gear. They proposed to include provisions to: encourage parties to promote environmentally sound management of fishing gear waste; promote and facilitate efforts for fisher and fishing communities, including artisanal and small fishers, to comply with the provisions of the ILBI; require fishing vessels to have equipment on board to retrieve lost fishing gear; promote adequate gear labelling to ensure material traceability and recyclability; and improve cooperation and use of economic and innovative options to address this issue.

Delegates proposed including text encouraging parties to work with relevant organizations towards the development and implementation of global standards and definitions of fishing gear.

On **extended producer responsibility (EPR)**, the Co-Facilitators introduced a further streamlined text, structured with an introduction/scope, objectives, and implementation provisions. Delegates made textual proposals addressing EPR schemes and/or an EPR system. Some delegates supported a globally binding requirement to establish EPR schemes, with some specifying that these EPR schemes would be developed at the national level. Other delegates supported voluntary EPR schemes, to be developed at the national level. Several delegations emphasized that provisions on EPR should recognize different national circumstances and capabilities, with some noting that not all countries currently have such EPR schemes in place and require time to develop them. Views diverged on the scope of coverage of EPR schemes, and the level of specificity to be articulated in ILBI provisions. Examples included whether EPR schemes should apply to: producers, sectors, stakeholders, and/or across the entire plastic value- or supply chain; plastic, plastic products, and/or plastic waste; and national jurisdictions or also internationally, encompassing transboundary movements. On objectives, views diverged on whether EPR schemes should address: plastic reduction, recyclability, sustainable and circular design, environmentally sound management of waste, or waste prevention and reduction. Some delegates called to retain a zero option for the EPR provisions, and one delegate proposed that the provision only address “producer responsibility,” as opposed to EPR.

Contact Group 2

Subgroup 2.1, co-facilitated by Naomi Namara Karekaho (Uganda) and Antonio Miguel Luís (Portugal), met to validate and further streamline the Co-Facilitators’ text on financing (Part III.1) contained in a non-paper. The Co-Facilitators also explained that no substantive changes have been made to the content of the text.

Several delegations expressed concerns about the deletion of language referencing the special circumstances of some country groupings, as well as deleted language in other parts of the streamlined text, including in the text related to the financial mechanism. The groups spent time addressing the validation process. Several delegations expressed concern about the status of the text, with one calling for the inclusion of a disclaimer that the text is at various stages of validation. After several calls for flexibility, delegates underlined the need for clarity on the status of each part of the Co-Facilitators’ streamlined text in order to use it as the basis of further negotiations. They then agreed to proceed with the validation of the Co-Facilitators’ streamlined text, and, where there is no agreement, to revert to the text of the Revised Zero Draft. The group then quickly finalized the validation exercise on financing (Part III.1), capacity building, technical assistance, and technology transfer (Part III.2), and technology transfer (Part III.3).

Subgroup 2.2, co-facilitated by Marine Collignon (France) and Danny Rahdiansyah (Indonesia), met time to validate the Co-Facilitators’ streamlined text of the Revised Draft Text

to complete Part IV. On **implementation and compliance**, delegates converged on deleting brackets for a no-text option, with one delegate suggesting further streamlining the text relating to the facilitative nature of an eventual expert-based compliance committee. On **periodic assessment and monitoring of progress**, one delegate did not support language establishing a subsidiary body as an effectiveness review committee. On **international cooperation**, the Co-Facilitators noted that no changes were made to substantive text but that elements of previous options relating to information exchange to facilitate cooperation among other relevant international instruments had been incorporated. On **awareness-raising, education, and research**, the Co-Facilitators noted changes to reflect convergence on advancing scientific and technological research, development, and innovation as a stand-alone provision.

The group then began line by line discussions on **national (action) plans**. In response to a question, Co-Facilitator Rahdiansyah confirmed that any additional text, or suggestions for deletion or reorganizing would not be attributed and that any new text would be included in bold. Delegates proposed additions, including calling for “specified, measurable, achievable, relevant and timebound” targets for national plans and including “relevant partners and stakeholders” in domestic consultation. They also proposed bracketing text, including on, among others: the development of a mid- and long-term strategy in national plans; and on “binding actions” for national plans. One delegate, supported by another, called for bracketing text on establishing targets in national plans. Another delegate requested bracketing all text calling on parties to establish domestic consultations, noting that this is “too prescriptive.” Another requested that plans respect national sovereignty, and another requested a change that parties “may” rather than “shall” develop targets and actions through national plans.

On the timeline of parties reviewing, updating, and communicating their plans to the governing body, delegates requested consideration of national circumstances and capabilities.

On a mechanism for compliance under **implementation and compliance** (Part IV.2), one delegate requested adding a new paragraph stating: “no party or any political, economic, or financial jurisdiction shall use the elements or components of this treaty as leverage in any bilateral relationships.” Discussions continued.

In the Corridors

Delegates arriving for the penultimate day of official negotiating time for INC-4 hunkered down, with some Subgroups spending considerable time validating streamlined texts, while others proceeded with line-by-line negotiations. Discussions had become heated in one group late Saturday evening, with some delegations noting that their considerations did not appear in the streamlined text. “Any discussions on polymers goes beyond the mandate of the INC,” charged one delegation, noting that they had made strong calls to delete that part of the text, and were concerned that it was still reflected in the Co-Facilitators’ streamlined text. In response, another delegate stated that “we must be able to discuss polymers in order to consider the full lifecycle of plastic.”

As delegates worked through the text, it was sometimes difficult to see the shape the future instrument will eventually take. “There are so many no-text options, the final document may just be one page,” joked one delegate. Others were encouraged by the proposals for intersessional work, although how to fit all the potential issues to consider into the six months before INC-5 will be challenging.

The heavy sighs among participants were palpable in the hallways and contact group rooms as many realized the sheer amount of work they will need to get through before the end of 2024. What will the output of INC-4 be? How useful will it be for their deliberations at INC-5? Will a foundation of convergence on key concerns among delegations be possible to advance an agenda leading to a robust ILBI on plastic pollution? While the somber mood spoke volumes, the path towards candid textual negotiations offered a glimmer of hope.

The *Earth Negotiations Bulletin* summary and analysis of INC-4 will be available on Thursday, 2 May 2024 at enb.iisd.org/plastic-pollution-marine-environment-negotiating-committee-inc4