

Plastic Pollution INC-5 Highlights:

Monday, 25 November 2024

Delegates convened for the first day of 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. After a brief opening session, they held extensive discussions on the mode of work for the week, considering the text on which they would base their negotiations. In the evening, two contact groups convened.

Opening

Underlining that agreement on an ILBI to address plastic pollution is possible, INC Chair Luis Vayas urged delegates to show “unwavering commitment, relentless effort, and bold political will.” Noting that this day marks 1,000 days after the historic adoption of UN Environment Assembly (UNEA) resolution 5/14 establishing the INC process, Inger Andersen, Executive Director of UN Environment Programme (UNEP), urged delegates to: work towards bringing the “gavel down” on an ambitious instrument providing the broad contours and strokes for further work; conclude negotiations quickly on provisions with respect to which there is considerable convergence; and use UNEA resolution 5/14 as a “guiding star” when addressing provisions on which significant work remains, concerning plastic products and chemicals, supply, and finance.

In a video message, President Yoon Suk Yeol, Republic of Korea, stressed that global plastic pollution is a common challenge facing humanity, and urged delegates to stand together in solidarity and muster the political will to reach agreement on an effective and implementable instrument covering the full plastic lifecycle. Also in a video message, Cho Tae Yul, Minister of Foreign Affairs, Republic of Korea, highlighted the need for political will to do what is both possible and necessary for the health and well-being of generations to come. He stated that his country is fully prepared to work toward a treaty that is actionable, grounded in scientific evidence, and adaptable to national context.

Kim Wan Sup, Minister of Environment, Republic of Korea, noted that INC-5 is a defining moment that will determine the trajectory of plastics policy for decades to come. He reminded delegates that “we must end plastic pollution before plastic pollution ends us.”

Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, lauded the courage and determination shown by the Committee members over the past two years, and the strong community built together over this period. INC Chair Vayas acknowledged Asha Challenger (Antigua and Barbuda), the rapporteur of the process.

Organizational Matters

Adoption of the agenda: Delegates adopted the provisional agenda ([UNEP/PP/INC.5/1](#) and [Add.1](#)). INC Chair Vayas noted that other matters will be taken up during the plenary meeting on Sunday, including the identification of any issues requiring

additional work in the period between the Diplomatic Conference and the first Conference of the Parties (COP-1).

Rules of procedure: INC Chair Vayas recalled that delegates had agreed to the provisional application of the rules of procedure ([UNEP/PP/INC.4/2](#)), with the exception of those in brackets, including rule 38.1 (voting when no consensus is achieved), and reminded delegates of the interpretative statement agreed at INC-2. INDIA, RUSSIAN FEDERATION, KAZAKHSTAN, BAHRAIN, EGYPT, Saudi Arabia, for the ARAB GROUP, and Kuwait for LIKE-MINDED COUNTRIES stressed that all decisions on substantive issues during INC-5 shall be made through consensus, and rule 38.1 should not be invoked. Delegates agreed to proceed on this basis.

Election of Officers: INC Chair Vayas recalled the retirement of Vice Chair Mohammad Al-Khashashneh (Jordan) and delegates elected Mohammed Albarak (Saudi Arabia) as his replacement on the bureau, representing ASIA-PACIFIC countries.

Organization of work: INC Chair Vayas introduced the scenario note ([UNEP/PP/INC.5/2](#)) and his note providing further detail relevant to the organization of work for INC-5 ([UNEP/PP/INC.5/7](#)). He pointed to a third iteration of his [Non-Paper](#), which draws on the views of the INC and the compilation of draft text of the ILBI on plastic pollution, including in the marine environment ([UNEP/PP/INC.5/4](#)). He introduced the four contact groups proposed to work throughout the week.

Contact Group 1 will be co-chaired by Maria Angélica Ikeda (Brazil) and Axel Borchmann (Germany) and will address plastic products, chemicals of concern as used in plastic products, product design, and production/supply and related aspects. Contact Group 2 will be co-chaired by Oliver Boachie (Ghana) and Tuulia Toikka (Finland) and will address plastic waste management, emissions and releases, existing plastic pollution, including in the marine environment, and just transition. Contact Group 3 will be co-chaired by Gwendalyn Kingtaro Sisor (Palau) and Katherine Lynch (Australia) and will address finance, including the establishment of a financial mechanism, capacity building, technical assistance and technology transfer, and international cooperation. Contact Group 4 will be co-chaired by Han Min Young (Republic of Korea) and Linroy Christian (Antigua and Barbuda) and will consider implementation and compliance, national plans, reporting, monitoring of progress and effectiveness evaluation, information exchange, and awareness, education and research.

Emphasizing that the Non-Paper “in its current form” cannot serve as a basis for negotiations, the ARAB GROUP called for time to allow for revisions on the basis of submissions, and requested guidance on how the submission and revision process towards a revised Non-Paper would be conducted.

KUWAIT called to use the compilation text to revise the Non-Paper. BAHRAIN noted that the Non-Paper can be the basis for negotiation only if there is a guarantee that it takes into account all points of view and all the important issues, including on

definitions. VIETNAM stressed that the Non-Paper is an important reference, but that the compilation text should be the basis for negotiations.

INDIA expressed willingness to engage with the Non-Paper and proposed a zero option under the provision on supply. RUSSIAN FEDERATION supported the Non-Paper as a basis, provided that: the compilation text is still on the table and is treated on an equal basis; all provisions and titles are bracketed, the structure of the instrument is open for discussion; there are zero options for articles on chemicals of concern and supply; and members can introduce textual proposals in the contact groups. He proposed substituting the compilation text with the Chair's text, where appropriate.

NORWAY and BRAZIL, supported by several others, including CHINA and SRI LANKA, noted that delegates can propose new language during negotiations on the Non-Paper, stating that these submissions would not have a lower legal standing than the language contained in the Non-Paper.

Uruguay, for GRULAC, Ghana, for the AFRICAN GROUP, CUBA, CÔTE D'IVOIRE, BRAZIL, RWANDA, UK, SWITZERLAND, ZIMBABWE, the US, NORWAY, HONDURAS, MADAGASCAR, SINGAPORE, the EU, SOUTH AFRICA, TÜRKIYE, GUATEMALA, UGANDA, CHILE, TOGO, CANADA, EGYPT, NEW ZEALAND, ZAMBIA, PERU, and the REPUBLIC OF KOREA supported the proposed organization of work, on the basis of the Non-Paper and scenario note. Samoa, for the ALLIANCE OF SMALL ISLAND STATES (AOSIS), SENEGAL, JAPAN, INDONESIA, GUINEA, BANGLADESH, COLOMBIA, GHANA, MOLDOVA, TANZANIA, ECUADOR, MALI, MONACO, COSTA RICA, VANUATU, ETHIOPIA, COOK ISLANDS, GUINEA BISSAU, and NEPAL also registered their support for the Non-Paper. Many delegations underlined that the compilation text could serve as a reference for discussions. RWANDA, supported by many, urged delegations to begin substantive discussions, based on the Non-Paper, in contact groups.

With INDIA, IRAN, IRAQ, YEMEN, UNITED ARAB EMIRATES, PAKISTAN, the LIKE-MINDED COUNTRIES, and the ARAB GROUP called for inclusion of articles on the objective, scope, and principles as part of the mandate of Contact Group 4. RUSSIAN FEDERATION and others proposed beginning with discussions on these elements before embarking on the rest of the text. IRAN stressed that the lack of agreement on principles, objective, and scope makes it difficult to achieve a meaningful ILBI and that some agreement has to be reached before initiating work on a legal draft. The US recalled that the issues related to principles, objective, and scope have already been assigned to a contact group. NEW ZEALAND called on delegates to put their trust in the INC Chair and Co-Chairs and get to work in contact groups rather than reiterating established positions.

JORDAN expressed hope for a successful negotiation. EGYPT sought more clarification on the way forward and the planned milestones until the Diplomatic Conference.

INC Chair Vayas shared his proposal for organizing the work of the contact groups. He emphasized that the Non-Paper is a starting point for deliberations, and not a final outcome, stressing that the text is bracketed in its entirety and does not prejudice member's positions. Furthermore, he said the compilation text will be an authoritative reference and all issues will receive equal attention.

SAUDI ARABIA, noting the crowded agenda in Contact Group 4, requested that underdeveloped elements be given due attention. RUSSIAN FEDERATION inquired whether definitions will be part of the work in the contact groups and if countries may introduce additional textual proposals to the Non-Paper, including copying and pasting from the compilation text. INC Chair Vayas confirmed that this would be the case. IRAN called for the contact group Co-Chairs to be unbiased.

INC Chair Vayas then explained that the open-ended legal drafting group had been tasked with ensuring the treaty text is drafted in a legally sound manner before it is presented for approval by the Committee, underlining that this group would not consider policy issues. He informed delegates that the group will be co-chaired by Anik Beaudoin (Canada), Jean Kenfack (Cameroon), and Eyad Aljubran (Saudi Arabia).

Contact Group 1 Co-Chairs Ikeda (Brazil) and Borchmann (Germany) called on interested delegates to meet informally to clarify any additional submissions on articles for which no text had been provided in the Non-Paper. KUWAIT requested that Contact Group 4 also engage in informal consultations on provisions addressing scope, principles, and objectives. INC Chair Vayas called on Co-Chairs Han (Republic of Korea) and Christian (Antigua and Barbuda) to convene informals as requested.

Delegates agreed to move forward on the basis of the organization of work outlined.

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

Reports on intersessional work: Oliver Boachie (Ghana) and Katherine Lynch (Australia) presented the report of the *ad hoc* intersessional open-ended expert group to develop an analysis of potential sources, and means that could be mobilized, for implementation of the objectives of the instrument, including options for the establishment of a financial mechanism, alignment of financial flows, and catalysing finance ([UNEP/PP/INC.5/5](#)). Luay Almkhitar (Iraq), Gwen Sisor (Palau), and Axel Borchmann (Germany) presented the report of the *ad hoc* intersessional open-ended expert group to identify and analyze criteria and non-criteria-based approaches with regard to plastic products, chemicals of concern in plastic products, and product design, focusing on recyclability and reusability of plastic products ([UNEP/PP/INC.5/6](#)). Delegates took note of the reports.

General statements: INC Chair Vayas proposed postponing the regional statements to the plenary session scheduled for Wednesday.

In the Corridors

Excitement and expectation pulsed through the packed room at the opening of what many hope will be the last INC meeting to adopt a new treaty on plastic pollution. In the icy plenary room in the morning, delegates heard rousing calls to adopt the treaty at this session to end the ever-growing menace of plastic pollution. However, a crack in the carefully crafted organization of work emerged, related to the all-important negotiating text. How should delegates treat the new Non-Paper proposed by INC Chair Vayas *vis à vis* the compilation text circulated after INC-4? One delegate stressed that the compilation text, which contains more than 3,000 brackets, is “unworkable at this point of the discussions.” “If we are to succeed and finalize treaty negotiations within the mandated period,” the delegate continued, “we need to start with a more streamlined text which we can actually (finally) negotiate.” Meanwhile, another, exasperated delegate was overheard saying, “we cannot keep going around in this performative circus.”

As the afternoon plenary session dragged on, some delegates “blew off steam” sharing their suggestions on how to best address this procedural issue, while others were “falling into a desperation” to get into the substantive work, noting that less than 60 hours are left before the clock runs out on the UNEA mandate which established the INC's timeframe. In this regard and looking ahead to potential end-game scenarios, one delegation shared that there might be need for an additional meeting before the Diplomatic Conference to allow more time to work on the “stickiest issues” to be included in the future treaty or agreement or framework. Others prayed for a miracle, with one seasoned participant expressing hope that “if we fill in the gaps left in the Non-Paper creatively, we may just make it over the finish line on time.”