

Summary of the First Session of the Fifth Session of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution: 25 November – 2 December 2024

“We have not yet reached the summit of our efforts.” Despite long hours of difficult negotiations, delegates to the fifth session of the Intergovernmental Negotiating Committee were unable to reach agreement on a new treaty to end plastic pollution. The mountain of plastic pollution, which grows through the whole life cycle of plastic, is an ever-increasing problem. Plastic pollution, including micro- and nano-plastics, has been found from the highest heights and at the deepest depths of the Earth. It is an ever-growing health crisis, with forever chemicals in plastic products and waste leaching into the human body and the natural environment, creating havoc for endocrine, digestive, and nervous systems.

Driven by public concern about plastic pollution and an expanding body of scientific evidence of the resulting harm to human health and the environment, the resumed session of the fifth meeting of the UN Environment Assembly (UNEA-5.2) adopted resolution 5/14 in 2022 to end plastic pollution. This resolution established the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment. The INC scheduled five meetings between November 2022 and November 2024, with the hope that the Committee would complete its work by the end of 2024. Ultimately, however, the INC was unable to reach agreement by the end of its fifth session (INC-5). In the early hours of Monday morning, many hours after the scheduled end of INC-5, delegates agreed to suspend the session and reconvene in 2025.

They also agreed to base future discussions on a Chair’s Text, issued on Sunday, 1 December 2024. This text was a culmination of efforts to revise an initial non-paper, circulated by INC Chair Luis Vayas weeks before INC-5 convened, to reflect discussions at the meeting. Delegates discussed this non-paper in contact groups for three days, before a revised version was issued on Friday. This revised version was discussed in informal consultations, open only to states, raising questions about participation and inclusiveness.

Despite stakeholders’ raising concerns about a lack of transparency in the process, many felt that this session of the INC made considerable progress to streamline ideas, and understand “red line” issues in an effort to bridge the considerable gaps between states on important issues. In this regard, constructive conversations

were held on issues such as product design and waste management. However, delegates also engaged in highly divergent discussions on certain issues, including whether plastic products and chemicals of concern and plastic supply and production, were within the UNEA-5.2 resolution mandate. Limited progress was also made in their discussions on finance, although a number of ideas were brought to the table to further discussions, including the imposition of a primary plastic polymer fee, and a remediation fund utilizing both public and private sources of finance.

Overarching to all of this was whether the future treaty will include mandatory or voluntary measures, and whether the measures adopted will apply at the global or national levels. These core issues permeated discussion on every issue, and largely remained unresolved. Unfortunately, discussions at the first session of INC-5 did not result in sufficient progress to reach agreement on the text of a new agreement to end plastic pollution.

The first session of INC-5 was held in Busan, Republic of Korea, from 25 November – 2 December 2024. It brought together over 3300 participants, representing governments, academia, civil society organizations, private sector entities, UN entities, and international organizations, with many more tuning into the live webcast of the plenary meetings.

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A Brief History of the INC

As plastic pollution becomes ever more visible both on land and in waterways, calls to tackle the mounting plastic waste crisis have reverberated around the world. Of the approximately 10 billion tonnes of plastic produced since the 1950s, studies show that over 8 billion tonnes are now waste, with between 10-15 million tonnes of plastic leaking into the marine environment each year. This number is expected to more than triple by 2050.

Studies have linked unsustainable production and consumption patterns to exponential growth in plastic pollution, which impacts human health as well as the health of terrestrial and marine ecosystems. In 2022 there were reports of plastic particles found in human lungs and in human blood, and a 2021 report found microplastics in human placenta.

Origins of the INC

In response to these growing concerns, the United Nations Environment Assembly (UNEA) passed several resolutions to discuss the best ways to address plastic pollution. UNEA resolution 3/7 established an *Ad Hoc* Expert Group (AHEG) on marine litter and microplastics to identify, *inter alia*: a range of national, regional, and international response options, including actions, innovative approaches, and voluntary and legally binding governance strategies and approaches; and environmental, social, and economic costs and benefits of different response options. The AHEG met four times between 2018 and 2020.

In parallel, several other bodies have conducted work related to marine litter and microplastics, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), the Strategic Approach to International Chemicals Management (SAICM), the International Maritime Organization (IMO), the World Health Organization (WHO), the World Trade Organization (WTO), and various Regional Seas Programmes and Conventions.

There are also numerous voluntary initiatives on marine litter, several public-private partnerships to address land-based sources of marine pollution, and other dialogues considering plastic pollution. However, gaps remain in regulatory frameworks addressing plastic and plastic pollution.

Key Turning Points

AHEG-1-4: The AHEG met four times from May 2018 to November 2020. Among other work, the Expert Group convened two workshops to better understand elements related to information, monitoring, and governance, and requested the Secretariat to produce reports on the financial and technical resources and mechanisms to address the issue, as well as on partnerships. At its fourth meeting, the Group concluded its work and forwarded a Chair's Summary to UNEA-5. The Summary contained, *inter alia*, a non-exhaustive list of recommendations for future action on marine litter and microplastics. It reflected a growing consensus on the need to address plastic pollution more broadly. Some of the recommendations included strengthening existing instruments, including voluntary measures, and calling for UNEA to establish an INC towards a new global agreement.

UNEA-5.1: The first part of UNEA-5 (UNEA-5.1) was held virtually, due to the COVID-19 pandemic, in February 2021. Delegations highlighted national efforts to combat marine litter and plastic pollution. However, they postponed formal discussions on the issue until the resumed session of UNEA-5.

2021 Ministerial Conference: From 1-2 September 2021, the governments of Ecuador, Germany, Ghana, and Viet Nam co-convened the Ministerial Conference on Marine Litter and Plastic Pollution under the auspices of the United Nations Environment Programme (UNEP) online and in-person in Geneva, Switzerland. At this meeting, Peru and Rwanda sought support for their resolution, which would be tabled at UNEA-5.2, to establish an INC.

UNEA-5.2: Held at UNEP Headquarters in Nairobi, Kenya, from 28 February – 2 March 2022, UNEA-5.2 closed the circle on the discussions on marine litter and plastic pollution. Convening under the theme “Strengthening Actions for Nature to Achieve the Sustainable Development Goals,” UNEA-5.2 vaulted itself into the history books by adopting [resolution 5/14](#) to “End plastic pollution: Towards an international legally binding instrument,” which established the INC and called for an Open-ended Working Group (OEWG) to lay the necessary groundwork.

OEWG: Hosted by the Government of Senegal in Dakar from 29 May – 1 June 2022, the OEWG to prepare for the INC on plastic pollution addressed two core issues: the rules of procedure governing the INC's work and decision-making, and the INC's meeting schedule. They quickly agreed on the latter but were unable to conclude the draft rule on voting rights, due to lack of agreement on voting rights for regional economic integration organizations. The group agreed to forward this issue to INC-1.

INC-1: During this session, which was held 29 November – 2 December 2022 in Punta del Este, Uruguay, delegates elected Gustavo Meza-Cuadra, Peru, as Chair for INC-1, -2 and -3, and decided that the role of Chair would shift to Ecuador after INC-3. Delegates were unable to elect all members of the Bureau and postponed this decision to INC-2. They also postponed discussions on the rules of procedure. The Committee decided to request the INC Secretariat to prepare a document ahead of INC-2 that would outline options for the instrument's possible elements, based on a comprehensive approach that addresses the full lifecycle of plastics, including possible objectives, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation, and including both legally binding and voluntary measures.

INC-2: From 29 May – 2 June 2023, delegates met in Paris, France, and despite some procedural hiccups, engaged in discussions based on an options paper, considering multiple elements that could eventually be included in the future treaty. INC-2 mandated the preparation of a “zero draft” for a new treaty for consideration at INC-3, and allocating time for a one-day pre-meeting event to discuss a synthesis report of elements that were not considered during INC-2. They were also able to elect the remaining members of the INC Bureau, through two votes, and to come to an understanding on the provisional application of the draft rules of procedure.

INC-3: Convening in Nairobi, Kenya from 11-19 November 2023, INC-3 delegates spent most of the meeting proposing textual submissions to be included in a revised draft text. They agreed on a mandate for the preparation of a revised draft text, based on the compilations of submissions by delegations throughout the meeting. After long discussions, however, they were unable to agree on a mandate for intersessional work to be done in preparation of INC-4.

INC-4: Convening in Ottawa, Canada from 23-29 April 2024, delegates based their discussions on a Revised Draft Text compiled after their deliberations at INC-3. Delegations' preferences diverged on scope, financing, extended producer responsibility, whether to

include any provisions on primary plastic polymers, how to address chemicals and polymers, and linkages to existing processes.

Intersessional Work: Governments engaged in intersessional work related to financing options, as well as criteria and non-criteria-based approaches to plastic products, chemicals of concern in plastic products, and product design, focusing on recyclability and reusability of plastic products. INC Chair Luis Vayas (Ecuador) also convened two rounds of meetings with Heads of Delegation, circulating two iterations of a non-paper containing treaty text.

INC-5 Report

On [Monday, 25 November](#), INC Chair Luis Vayas Valdivieso (Ecuador) opened the session, underlining that agreement on an international legally binding instrument (ILBI) to address plastic pollution is possible. He urged delegates to show “unwavering commitment, relentless effort, and bold political will.”

Inger Andersen, Executive Director of the UN Environment Programme (UNEP), called on delegates to 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, urged delegates to stand together and muster the political will to reach agreement on an effective and implementable instrument covering the full lifecycle of plastics. 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.

Kim Wan Sup, Minister of Environment, Republic of Korea, 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 Committee members over the past two years, and expressed appreciation for the strong community built over this period.

Organizational Matters

Adoption of the agenda: On [Monday](#), delegates adopted the provisional agenda ([UNEP/PP/INC.5/1](#) and [Add.1](#)).

Rules of procedure: On [Monday](#), 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 and including rule 38.1 (adoption of decisions), and reminded delegates of the interpretative statement, noting the disagreement among the INC on the understanding of rule 38.1, agreed at INC-2.

INDIA, RUSSIAN FEDERATION, KAZAKHSTAN, EGYPT, BAHRAIN, Saudi Arabia for the ARAB GROUP, and Kuwait for LIKE-MINDED COUNTRIES stressed that all decisions on substantive issues shall be made by consensus, and rule 38.1 should not be invoked. Delegates agreed to proceed on this basis.

Election of Officers: On [Monday](#), delegates elected Mohammed Albarrak (Saudi Arabia) to replace Mohammad Al-Khashashneh (Jordan) as the Bureau representative for ASIA-PACIFIC countries.

Organization of work: On [Monday](#), 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 ([Non-Paper 3](#)), which drew 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, co-chaired by Maria Angélica Ikeda (Brazil) and Axel Borchmann (Germany), addressed plastic products, chemicals of concern as used in plastic products, product design, and production/supply and related aspects;
- Contact Group 2, co-chaired by Oliver Boachie (Ghana) and Tuulia Toikka (Finland), addressed plastic waste management, emissions and releases, existing plastic pollution, including in the marine environment, and just transition;
- Contact Group 3, co-chaired by Gwendalyn Kingtaro Sisor (Palau) and Katherine Lynch (Australia), addressed finance, including the establishment of a financial mechanism, capacity building, technical assistance and technology transfer, and international cooperation; and
- Contact Group 4, co-chaired by Han Min Young (Republic of Korea) and Linroy Christian (Antigua and Barbuda), addressed implementation and compliance, national plans, reporting, monitoring of progress and effectiveness evaluation, information exchange, and awareness, education and research. This group also discussed the objective, scope, preamble, and principles of the instrument, as well as the Conference of the Parties (COP), including its ability to establish subsidiary groups, secretariat, and final provisions.

INC Chair Vayas shared his proposal for organizing the work of the contact groups. He emphasized that Non-Paper 3 was a starting point for deliberations and not a final outcome, stressing that the text was bracketed in its entirety and did not prejudge members’ positions. Furthermore, he said the compilation text would be an authoritative reference and all issues would receive equal attention.

In the ensuing discussions, many delegations, including Uruguay for the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), Ghana for the AFRICAN GROUP, the EU, NORWAY, Samoa for the ALLIANCE OF SMALL ISLAND STATES (AOSIS), JAPAN, INDONESIA, BANGLADESH, REPUBLIC OF KOREA, RWANDA, UK, SWITZERLAND, the US, and SINGAPORE, supported the Chair’s proposed organization of work.

Emphasizing that the non-paper “in its current form” could not serve as a basis for negotiations, Saudi Arabia, for the ARAB GROUP, called for time to allow for revisions on the basis of submissions.

The RUSSIAN FEDERATION supported the non-paper as a basis for negotiations, provided that, *inter alia*: the compilation text was still on the table and would be treated on an equal basis; there would be no-text options (no article would be included in the ILBI) for articles on chemicals of concern and supply; and states could introduce textual proposals in the contact groups. NORWAY and BRAZIL, supported by several others, including CHINA and SRI LANKA, noted that delegates could propose new language during negotiations on Non-Paper 3.

After protracted discussions, delegates agreed to move forward on the basis of the organization of work outlined by the Chair.

During the week, delegates considered Non-Paper 3. Following revisions based on discussions in contact groups, INC Chair Vayas circulated the [non-paper containing the draft text of the Chair of the Committee](#) on Friday afternoon. This iteration was considered in the INC Chair’s consultations with Heads of Delegation and in closed-door informal consultations on Saturday. Based on these additional discussions, INC Chair Vayas issued a [Chair’s Text](#) on Sunday afternoon.

This summary is organized according to the Chair's Text. The text contained a footnote explaining that it was developed building on the outcomes of the informal consultations held on Saturday, 30 November 2024, as well as contributions from the Co-Chairs of the Contact Groups and Facilitators of the informal consultations.

Most of the articles included in the text were discussed in the four contact groups on [Tuesday](#), [Wednesday](#), and [Thursday](#), with contentious issues being addressed behind closed doors, in states-only informal consultations (informals) on [Friday](#) and [Saturday](#). This summary only reflects discussions held in contact groups.

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

Preamble: For the preamble, delegates considered including specific issues, such as: distinguishing the special circumstances of small island developing states (SIDS) from those of developing countries; equal importance in the recognition of science-based decision making and traditional and Indigenous Knowledge systems; recognition of economic impacts of regulating plastics; avoiding disguised restrictions in international trade; highlighting that plastics are not pollutants, as well as acknowledging their economic importance; and recognizing the importance of small and medium-sized enterprises in waste management.

Objective (Draft Article 1): Delegates agreed that the ILBI's objective should be focused, clear, and concise, recalling the mandate of UNEA resolution 5/14.

Scope: This provision was excluded from the Chair's Text circulated on the Sunday. However, in their discussions, one delegation submitted a proposal containing text on scope, stating the ILBI would apply "from the design of plastic products to the environmentally sound management of plastic waste," and would "exclude feedstock such as hydrocarbons, monomers and polymers in primary forms made thereof." In support, some suggested that the scope should extend to plastic production. Many other countries stressed there is no need for a standalone provision on scope, since it is covered by UNEA resolution 5/14 and would be incorporated within relevant individual provisions. Some delegations suggested deferring discussions on scope until other parts of the text were defined.

Principles and approaches (Draft Article 1bis): On this article, which was not included in Non-Paper 3 but was included in the Chair's Text on Sunday, delegates debated whether a standalone provision would be needed. Those in support called to include references to, *inter alia*, the precautionary principle, common but differentiated responsibilities (CBDR), the polluter pays principle, best available science, and recognition of the special circumstances of SIDS.

Definitions (Draft Article 2): In their discussions, delegates considered a proposal from the Russian Federation defining: plastic as a "synthetic material, which contains as an essential ingredient a high polymer, insoluble and non-swellable in water, and which, at some stage in its processing into finished products, can be shaped by flow" and noting that "elastomeric materials, which are also shaped by flow, are not considered to be plastics;" plastic products as "any finished article made of plastics;" microplastics as "any solid plastic fragment insoluble in water with dimension between 1 µm and 500 µm totally in three dimensions, which was formed as a result of fragmentation of waste from plastic products that have already entered the environment;" and plastic pollution as "pollution caused by plastic waste." Some noted that the proposed definition for plastic pollution excludes mention of microplastics and

other leakages and highlighted that the definition of microplastics excludes "intentionally added microplastics." Divergence also emerged on the agreed dimensions of microplastics, with many delegations considering the size of microplastics to be below 5 mm. The Chair's Text contains definitions for plastic, plastic products, plastic pollution, and plastic waste.

Plastic products (Draft Article 3): With some delegations stating that this issue was beyond the mandate of the UNEA resolution 5/14, plastic products represented one of three most contentious issues on the table at this meeting. The draft article initially included reference to "chemicals of concern included in plastic products," but this reference was dropped in the Chair's Text released on Sunday.

In their discussions in Contact Group 1, delegates considered several "highly divergent" submissions on how to address this article, for which there was no suggested text in Non-Paper 3. These ranged from country-led initiatives for determining measures to restrict production, import or export of plastic products and chemicals of concern, to global measures determined by lists or annexes contained in the ILBI. A few of the proposals also contained suggestions for lists of plastic products and chemicals of concern.

Delegations considered whether measures to address plastic products and chemicals of concern should be voluntary or mandatory and be applied globally or only at the national level. One delegation argued that the proposals were not based on scientific evidence and should not be considered by the contact group.

Some delegations strongly preferred to exclude an article on plastic products and chemicals of concern, noting chemicals of concern are already addressed under other conventions. Delegates discussed the issues in informal consultations as well as small group discussions throughout the week. Sunday's Chair's Text on this article contains heavily bracketed text and includes a reference to the establishment of a scientific-technical-economic-social-cultural review committee to undertake relevant work under this issue.

Exemptions (Draft Article 4): In their discussions, delegations noted this provision is closely linked to the provision on plastic products and chemicals of concern. Some delegates said that it would be premature to discuss this element without having agreed on those provisions first, while others called to delete this article entirely, opining that plastic products and chemicals of concern should not be included in the ILBI. Another delegation suggested including provisions on exemptions within Draft Article 3. One regional group called for global unified measures that apply to all parties, while others underscored the need to highlight the national circumstances of countries.

Plastic product design (Draft Article 5): Delegations engaged in textual negotiations based on Non-Paper 3, with main divergences including: the legally binding nature of this provision; whether the measures would be based on criteria-based global requirements; and whether these measures would recognize national circumstances, CBDR, and the precautionary principle. Delegations also discussed this draft article in parallel sessions and behind closed doors, when addressing "topics with high convergence," where it is said that they presented their "red lines."

[Supply] [Sustainable Production] (Draft Article 6): This issue was identified as one of the most contentious, with debate throughout the week on whether or not to include references to plastic production in the new ILBI. With no suggested text in Non-Paper 3, Rwanda, on behalf of 45 African countries, proposed adopting a global target to reduce the production and consumption of primary plastic polymers to sustainable levels and promote a circular economy, taking measures across the lifecycle of plastics,

with an assessment every five years. Some delegations expressed strong opposition to including text on production, arguing, among others, that it: is outside the mandate of the INC; disregards the developmental aspirations of developing countries; and undermines the value of plastics to critical sectors such as healthcare and transportation.

Releases and leakages (Draft Article 7): This issue was included in Non-Paper 3 under the name “emissions and releases” and discussed in Contact Group 2 and in informal consultations. Coming into INC-5, the provision mandated parties to take measures to prevent, reduce, and, where possible, eliminate releases and emissions to the atmosphere from plastics and chemicals of concern used in plastics. Some delegations said this mandate would overlap with other intergovernmental regimes. The Chair’s Text on this issue excluded reference to emissions, referring instead to leakages, which excludes greenhouse gas and other emissions related to the production of plastic products.

Plastic waste management (Draft Article 8): Delegations engaged in textual negotiations based on Non-Paper 3, with divergent views on whether the management of plastic waste in an environmentally sound manner should be legally binding or voluntary, and whether parties’ obligations under the article are to be “based on CBD,” and/or should consider “national circumstances and capabilities.” Divergent views also emerged on whether the article would: take into account relevant guidelines and definitions under the Basel Convention, reference the waste hierarchy, take a sectoral approach, and reference necessary means of implementation.

Discussions also focused on a non-exhaustive list of implementing measures, including whether the listed measures are voluntary or mandatory, and the measures to be listed, including whether to include a circular economy approach, fishing gear, and just transition, among others. The Chair’s Text suggested mandatory national measures to address this issue, among others.

Existing Plastic Pollution (Draft Article 9): Discussions on this issue were based on text suggested in Non-Paper 3. Delegates broadly supported measures to identify, evaluate, and prioritize zones severely impacted by plastic pollution, coupled with mitigation and remediation efforts. Diverging views emerged over the provision’s legal and operational scope. Several delegations advocated for a legally binding framework encompassing national measures and international cooperation. Others preferred limiting the provision to voluntary national actions, emphasizing flexibility in implementation. Some delegations highlighted the importance of voluntary cooperation under the principle of CBD. Meanwhile, a regional group, backed by a few countries, proposed a standalone provision addressing remediation in areas beyond national jurisdiction (ABNJ), supported by a dedicated remediation fund. This proposal met resistance from delegations that opposed the inclusion of ABNJ in the provision.

Just transition (Draft Article 10): Using Non-Paper 3 as a basis for negotiations, delegates discussed issues including: whether the text should call for cooperation towards a just transition, with or without specifying a transition towards sustainable consumption and production of plastic and/or taking a circular economy approach, or whether the responsibility of just transition falls only within national jurisdictions. Delegates also held divergent views on a list of groups to be addressed in the provision, with proposals including: relevant workers; workers in the informal sector, including waste pickers, Indigenous Peoples and populations affected by the adverse effects of plastic pollution; women, children, and youth; and all

workers within the plastic supply chain. Delegates also debated the mandatory or voluntary nature of reporting requirements on national just-transition measures, as well as linkages with CBD, particularly on financial flows from developed to developing countries.

Financial [resources and] mechanism (Draft Article 11): Non-Paper 3 did not provide specific text for this provision. After an initial round of comments in Contact Group 3, delegates focused on two textual proposals that could form the basis of discussions for this article. The proposal submitted by the US, Australia, Canada, the EU, Iceland, Japan, New Zealand, Norway, Switzerland, Republic of Korea, and the UK provided for the establishment of a mechanism for the provision of financial and technical assistance, composed of the Global Environment Facility (GEF), with all parties contributing on a voluntary basis, “in particular those with both the financial capacity to do so and with high levels of plastic leakage, plastic product production, or polymer production.” The mechanism would, *inter alia*, leverage finances from all sources and provide financial resources on a grant or concessional basis in support of the ILBI’s implementation, recognizing parties most in need, particularly SIDS and least developed countries (LDCs). The proposal further noted that, *inter alia*, the ILBI would catalyze private finance mobilization, and parties would take measures to increase the mobilization of private finance and to catalyze private investment.

The proposal submitted by the African Group, GRULAC, Cook Islands, Fiji, and the Federated States of Micronesia provided for, among other things: the establishment of a new, dedicated, independent multilateral fund operating under the authority of the COP, with developed country parties contributing to the fund, which would also include contributions from other parties (on a voluntary basis), and other public and private sources. The fund would provide financial resources on a grant or concessional basis. The proposal further specified that implementation of the ILBI by developing country parties will depend on provision of means of implementation by developed country parties and cited the need to consider the specific needs and requirements of developing countries, in particular LDCs and SIDS.

In the discussions of the merged text as the basis for this article, delegates called for, *inter alia*: a remediation fund utilizing both public and private sources of finance; a voluntary fund to facilitate the participation of developing country parties; a primary plastic polymer fee; and extended producer responsibility schemes. Discussions on the merged text and these additional considerations continued in the informal consultations on Friday and Saturday.

Capacity building, technical assistance and technology transfer, including international cooperation (Draft Article 12): In Contact Group 3, delegates based their discussions on Non-Paper 3, with debate on: whether to merge this article with the one addressing finance and the establishment of a financial mechanism, under the banner “means of implementation”; the list of country groupings to whom special consideration should be accorded under this article; and whether developed country parties or “other parties in a position to do so” would provide this assistance to countries in need. In trying to simplify the text before the informals, some in the contact group preferred focusing on “all parties” or “developed country parties” providing timely capacity building and technical assistance to developing countries to assist them in implementing their obligations under the ILBI.

Implementation and compliance (Draft Article 13): Delegates based their discussions on Non-Paper 3, addressing issues including the establishment of a committee to facilitate implementation and

promote compliance with the ILBI. They discussed the functions of the committee, noting that it should be transparent, facilitative, non-punitive, non-adversarial, and expert based, and that the COP is to adopt modalities and procedures for the operation of the committee.

National plans (Draft Article 14): Delegates based their discussions on Non-Paper 3, addressing: whether the development of national plans is to be mandatory or voluntary, the timeline for submission of national plans to the COP through the secretariat, a requirement that national plans are updated based on guidelines to be developed by the COP, that COP 1 adopt the modalities and guidelines for national plans, and that the extent to which developing country parties will effectively implement their national plans will depend on the effective implementation of provisions related to means of implementation under draft Article 11.

Reporting (Draft Article 15): In Contact Group 4, delegates engaged in textual negotiations, with discussions focusing on: whether to recognize the different capacities of countries or whether all parties should be obligated to provide reports on an equal basis, whether financial and technical support are conditions for reporting requirements, whether to specify reporting for specific provisions of the ILBI, and timeframes for reporting.

Effectiveness evaluation [and monitoring] (Draft Article 16): Entitled “monitoring of progress and effectiveness evaluation” in Non-Paper 3, discussions on this article focused on: the meaning of effectiveness in the context of this article; the timing for the first evaluation, and a non-exhaustive list of information sources for the evaluation, encompassing socio-economic information; Indigenous knowledges, sciences, and practices, with free, prior, and informed consent; and global, regional, and local monitoring information.

Information exchange (Draft Article 17): In Contact Group 4, delegates debated, among other issues, whether information exchange should be a mandatory or a voluntary provision, how to include the Indigenous knowledges, whether to include a reference to “green chemistry,” and matters related to the protection of confidential information.

Public information, awareness, education and research (Draft Article 18): Entitled “awareness, education and research” in Non-Paper 3, discussions on this article focused on: whether measures are to be mandatory or voluntary, and whether advancing scientific and technical research should also apply to improving methods for monitoring or “modelling” or “accessing” plastic pollution, including in “the marine environment.”

Health (Draft Article 19): In discussions under this provision, divergence ensued on whether health should be addressed in a standalone provision, throughout the ILBI and/or in overarching provisions, or not at all. Delegates discussed non-duplication as well as collaboration with other international organizations, including the World Health Organization (WHO) and the Food and Agriculture Organization of the UN (FAO), the extent of scientific evidence demonstrating health implications of microplastics and plastic pollution, and inclusion of the One Health approach.

Conference of the Parties (Draft Article 20): Delegations discussed amending the title of the article from “Conference of the Parties, including Ability to Establish Subsidiary Groups” as stated in Non-Paper 3 to simply “Conference of the Parties”. Others suggested that COP 1 should be convened by an “interim secretariat,” and not UNEP. Some delegates called to include a voting option to adopt its rules of procedure and financial rules, when consensus cannot be achieved. On a list of issues that the COP will keep under review, states discussed: deleting reference to

annexes under the ILBI and decisions related to convening meetings; and including issues of compliance and work programmes.

Subsidiary bodies (Draft Article 20bis): This provision was separated from Article 20 which, based on the Non-Paper 3, was included as an ability of the COP. Delegates considered submissions to establish subsidiary bodies on, respectively: scientific, technological, socio-economic, and cultural advice; and scientific, socio-economic, and technical issues. They also considered establishing a subsidiary body on implementation.

Secretariat (Draft Article 21): Delegates discussions focused on the secretariat’s functions, including whether it will facilitate: assistance in implementation of the ILBI on request; and coordination on implementing means of implementation. Proposals were also made for the secretariat to compile and publish national reports, and national implementation plans, and assist in the exchange of information. Views were also expressed on which entity is to perform the secretariat functions, with some indicating a strong preference for UNEP, and others preferring that COP 1 decide to entrust these functions to (an)other international organization(s), or an independent entity.

Settlement of disputes (Draft Article 22): Delegates based their discussions on Non-Paper 3, stressing, among others, that parties are to cooperate in order to prevent disputes, and are to seek to settle any dispute between them concerning the interpretation or application of the ILBI through negotiation or other peaceful means of their own choice.

Amendments to the Convention (Draft Article 23): Delegates based their discussions on Non-Paper 3, focusing among others on whether it should be possible to amend the treaty through a vote where all efforts at consensus have been exhausted, and whether to indicate the need for a three-fourths majority vote in order for an amendment to be adopted.

Adoption and amendment of annexes (Draft Article 24): Delegations debated whether the ILBI would contain annexes at all, with others calling for “consensus” on the amendment of annexes. Some requested deferring discussions on this issue, noting that there was no clarity yet on the nature of annexes under the future ILBI.

Right to vote (Draft Article 25): Delegations considered whether voting should apply to both procedural and substantive matters, and views diverged on the voting rights of regional economic integration organizations.

Signature (Draft Article 26): Delegates agreed with the suggested language for this article in Non-Paper 3, containing a placeholder for the place and date at which the ILBI is to be opened for signature, as well as a placeholder for the timeframe for the period during which the ILBI is to be subsequently open for signature at the UN Headquarters in New York.

Ratification, acceptance, approval or accession (Draft Article 27): Delegates agreed with the suggested language for this article in Non-Paper 3, while deleting a provision encouraging states or regional economic integration organizations from submitting, at the time of their ratification, acceptance, approval or accession of the ILBI, information on its measures to implement the Convention.

Entry into force (Draft Article 28): Delegates discussed whether entry into force should occur after 90 or 120 days, and the number of states necessary for entry into force (50, 60, or 97).

Reservations and Withdrawal (Draft Articles 29 and 30): In discussing these articles, delegates considered whether to retain the original language, delete them altogether, modify them using language from the High Seas Treaty, or defer discussions.

Depositary (Draft Article 31): Delegates agreed with the suggested language for this article in Non-Paper 3, that the UN Secretary-General shall be the Depositary of this Convention.

Authentic texts (Draft Article 32): Delegates agreed with the suggested language for this article in Non-Paper 3, The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary.

Reports from the Contact and Informal Groups

At 8:58 pm on Sunday in plenary, INC Chair Vayas acknowledged that the INC's work was far from complete, and stated "we have not yet reached the summit, but the peak is in sight." He shared that "the journey will conclude when we successfully achieve our objectives."

After inviting the Contact Group Co-Chairs to provide brief summaries of their groups' discussions (as outlined under the articles above), INC Chair Vayas invited the Facilitators of informal consultations to provide a short report. Katherine Lynch (Australia) and Maria Angélica Ikeda (Brazil) reported on the informal sessions, which were open to all INC member states and closed to observers. They noted that at these sessions, the delegates shared their views with a particular focus on their red lines.

Co-Facilitator Lynch held the informal sessions on just transition (draft article 10), capacity building, technical assistance and technology transfer, including international cooperation (draft article 12), implementation and compliance (draft article 13), national plans (draft article 14), and reporting (draft article 15). Tuulia Toikka (Finland) formed an informal drafting group for article 10 on just transition, which was followed by bilateral consultations.

Co-Facilitator Ikeda held informal sessions on plastic products (draft articles 3), plastic product design (draft article 5), supply/sustainable production (draft article 6), releases and leakages (draft article 7), plastic waste management (draft article 8), and financial resources and mechanism (draft article 11). She noted that on draft article 11, discussions were brief, but delegates clearly expressed interest in the discussion on financing the future ILBI.

Linroy Christian (Antigua and Barbuda) facilitated information sessions on reporting (draft article 15), effectiveness evaluation (draft article 16), information exchange (draft article 17), public information, awareness, education and research (draft article 18), and health (draft article 19). While agreement could not be reached on these articles, Christian reported that delegates had emphasized what elements were important and why, with those who did not prefer to include certain articles showing flexibility by engaging in the articles in ways that may be more acceptable to them.

Discussions on the Way Forward

The INC discussed the way forward late on Sunday night and into Monday, 2 December 2024. Citing consultations with delegations, INC Chair Vayas noted that, while he saw points of convergence, there was divergence on issues related to plastic products and chemicals of concern, supply, finance, and principles. He said the Chair's Text circulated on Sunday reflected his perspective on the current state of negotiations, and it was neither final nor conclusive. He explained that while portions of text had been agreed upon, a few critical issues were preventing the Committee from reaching consensus, and therefore additional time would be required for negotiations. Furthermore, he said, while the text outlined the current state of play and could serve as a basis for future negotiations, all elements remained in brackets and would be open to future modifications, additions, and deletions, noting that

"nothing is agreed until everything is agreed." Finally, he proposed that the Chair's Text be used as the basis for negotiations at a resumed fifth session, noting general agreement to resume INC-5 at a later date. Most states expressed support for using the Chair's Text as the basis for negotiations.

Saudi Arabia, for the ARAB GROUP, asked for a clarification on the Chair's statement that some articles had been agreed upon. He opined that the non-paper containing the draft text of the Chair of the Committee, circulated on Friday, should be used as the basis for further negotiations, since it was the last text "members actually worked on."

Ghana, for the AFRICAN GROUP, emphasized the social and environmental impacts of plastic pollution in the African region, despite the region's negligible role in plastic production. She stated that the regional group was willing to use the Chair's text as the basis for negotiations, with a vision to deliver on the "mandate from humanity in its entirety." She expressed hope that the Committee would be known as "the INC that delivered an instrument that ended plastic pollution."

Expressing concern that the Chair's Text had not correctly reflected contact and informal group discussions, UGANDA proposed brackets on specific text contained in articles related to: plastic products; exemptions; plastic product design; plastic waste management; financial resources and mechanism; the COP; and reservations. He said consensus is a foundation for collective action and success and opposed any attempts to insert references to decision making through voting in the ILBI.

REPUBLIC OF KOREA underlined that significant progress has been made at INC-5, considered the Chair's text as a sound basis for further negotiations, and urged delegates to build on these efforts to reconcile competing interests for the collective good.

RWANDA, speaking on behalf of 85 countries, registered strong concerns that a "small group of countries" are seeking to remove legally binding text from "indispensable provisions," and stressed that the ILBI must include a requirement that COP 1 adopt a global target to reduce the production of primary plastic polymers to sustainable levels, phase out the most harmful plastic products and chemicals of concern, provide effective means of implementation, and enable future developments through annexes or amendments.

Uruguay, for GRULAC, said the Chair's text can be the basis for further negotiations, while noting with concern that the text does not adequately reflect contact group discussions and includes some clean text on highly divergent issues. They further stressed that articles related to plastic products and financial resources and mechanism must be prioritized as crucial elements of the ILBI.

IRAN underlined that various contentious elements need further time for negotiation, said that articles on plastic products, exemptions, and supply/sustainable production are "beyond our given mandate" and should be dealt with by other multilateral environmental agreements (MEAs) and international bodies, and stressed that the ILBI should take a non-punitive approach and reintroduce provisions on scope. He said that the resumed session of INC-5 should be convened in July or August 2025.

INDIA underlined the need to strike a balance between preventing the leakage of plastic into the environment and not affecting the sustainable development of developing economies. He called for drafting to be based on mutual trust, cooperation, and the spirit of consensus. He expressed willingness to continue negotiations on the basis of the Chair's Text, provided reassurances are given that members can re-insert views missing from this iteration, including provisions on scope.

MOLDOVA, also on behalf of GEORGIA and UKRAINE, called for stringent measures for primary plastics, and the need to address systemic issues around plastic including chemicals of concern, unsustainable plastic production, and the entire lifecycle of plastic.

MEXICO, on behalf of 95 countries, stressed that the ILBI should have a clear and legally binding obligation to phase out the most harmful plastic products and chemicals of concern, warning that without such an obligation, the treaty will fail.

MALI called for strong inclusion of health in the treaty, expressing concern regarding nano- and microplastics, which are omnipresent in the environment and pose health risks.

NIGERA stated that INC 5.2 should: derive its scope following UNEA resolution 5/14; consider the proposal by the African Group on financial resources and mechanism; and ensure the inclusivity, equity, and transparency of negotiations.

The EU stressed that a meaningful treaty needs legally binding global measures, including to reduce production, problematic plastic products, and chemicals of concern.

Highlighting that his statement represents 50% of the world's population, and underscoring the importance of consensus, Kuwait, for the LIKED-MINDED COUNTRIES, recalled this process was born out of a shared understanding of the problem of plastic pollution, but said the pursuit of expediency was now undermining trust and inclusivity. He said that some countries are "stretching the mandate of UNEA Resolution 5/14" to impose trade restrictions and economic agendas under the guise of environmental protection, thereby undermining the process and exacerbating global inequalities. He underscored the object of the agreement is to end plastic pollution, not the plastic itself. He expressed concern about the absence of negotiations to define the scope and options for alternatives to plastics.

Saying a growing majority of states has agreed to stop plastic pollution, FRANCE emphasized that time spent in Busan was not wasted and called for building on these hours of work using the Chair's text as the basis for future negotiations.

CHINA urged delegates to reach consensus quickly, noting concern about significant divergence on some core matters that reflect the complexity of the problem of plastic pollution. She urged countries to take more pragmatic solutions using balanced policies aligning with the whole lifecycle of plastics, and considering the national capacities of developing countries and ensuring a just transition.

NORWAY cautioned against losing the work done at INC-5, while noting several of their red lines had not been reflected, lamenting the exclusion of "ending plastic pollution" from the objective, and missing, weak, or bracketed text addressing options for updating the treaty in future.

INDONESIA stressed the need for a clear way forward and called for reflection from all sides on how to address plastic pollution in an inclusive and comprehensive manner.

In an extended statement, Saudi Arabia, for the ARAB GROUP, indicated a willingness to continue negotiations on the basis of the Chair's Text, provided the entire draft is bracketed and is supplemented by the compilation text as an authoritative text. He noted several reservations about the text, including that it exceeds a number of red lines, highlighting in particular: the removal of provisions on scope; insufficient differentiation between developed and developing countries; and inclusion of articles on which there has been considerable divergence, including on plastic products and supply. They further indicated that the next session should not be reconvened before the middle of 2025.

Citing a coalition of over 100 states seeking an ambitious treaty as "glimmers of hope amidst disappointment," PANAMA said that the Chair's Text should be the basis for further negotiations and reiterated a commitment to a treaty that addresses the full lifecycle of plastics, including plastic production, stating, "we did not accept a weak treaty here, and we never will."

The RUSSIAN FEDERATION stated the scope of the treaty should be reasonable and "not too ambitious," and warned that restrictions on the production of primary polymers, without consideration of the rules of international trade, would lead to further trade barriers. He said discussions in contact groups were limited to collecting views without converging on consensus and the development of the Chair's Text was not transparent.

IRAQ underlined the importance of not overlooking the impacts of plastic pollution to children, women, the vulnerable, and the poor in all forms of suffering, including economic suffering.

Canada, on behalf of the HOST COUNTRIES ALLIANCE, requested the UNEP Executive Director to hold a ministerial segment at the end of INC-5.2, to continue the political momentum to achieve the treaty.

CUBA stated that while the latest text is a good starting point, this document should still be reviewed line by line when meetings resume and highlighted the need for renewed political will of developed countries for draft articles 11 and 12.

GRENADA called for considering the special circumstances and realities of small islands in establishing an innovative financial mechanism to implement the ILBI.

Samoa, on behalf AOSIS, supported the Chair's Text as a basis for negotiations and urged delegates to build on the momentum in Busan. He said an ambitious and effective treaty is more important than an ambitious treaty, and, underscoring the need to clean up plastic already in our environment, said an agreement without a strong mechanism to cooperate on remediation is unacceptable.

JAPAN said while there was divergence on some issues, the INC had identified the landing spot on many others. He voiced support for negotiations based on the Chair's Text as the basis for discussions at INC-5.2.

Vanuatu, on behalf of PACIFIC SIDS, reflected on how little the Pacific region contributes to plastic waste but how heavily they are impacted by plastic pollution, stressing this is not just a regional issue, but a global crisis. He called for an ambitious and inclusive treaty, with remedial issues, guided by best available science in accordance with international law.

FIJI said a weak treaty should not be our legacy and plastic should not be our future. He called for a robust remediation mechanism to address the plastic crisis. He expressed disappointment with procedural processes in this session, which placed pressure on small delegations.

KENYA underlined that the Chair's Text was "a living document," which could be amended at INC-5.2. He called for a global quantified target under the ILBI to enable sustainable production, and said that the ILBI should contain an article on "health, biodiversity and ecosystems." He stressed that the functions of the secretariat should be performed by UNEP.

JAMAICA supported using the Chair's non-paper as a basis of negotiations, while noting some proposals would need to be re-introduced, including their call for a subsidiary body on implementation.

ARMENIA indicated support for continuing negotiations on the basis of the Chair's revised text.

TONGA called for utilizing the Chair's revised non-paper and reiterated the importance of recognizing the special circumstances of SIDS. The UK said, "We have made progress, but it is not the treaty we seek," noting that the Chair's Text can be utilized on the understanding that members can propose amendments at INC-5.2, and urged delegates to make the most of the intersessional period.

PERU said the time for voluntary measures has passed and called for moving forward on the basis of the Chair's Text, while noting it needs to be strengthened. KAZAKHSTAN stressed the importance of CBDR and addressing plastic pollution hand in hand with ensuring socio-economic development.

SOUTH AFRICA expressed disappointment that the Chair's Text on financial resources and mechanism does not reflect the African Group's textual proposal discussed during the meeting, which garnered support from over 110 countries, querying the "good faith" in the process that produced the Chair's Text. OMAN, noting the Chair's assurance that countries can still propose amendments to the Text, called for deletion of Articles 3 and 6 and amendment of Articles 19, 23 and 24 to focus on consensus building.

UNITED ARAB EMIRATES said that the principles of comprehensiveness and consensus, which are the foundation of multilateral work, were missing in the Chair's Text, and highlighted the need to respond to all concerns during negotiations.

SWITZERLAND noted that 60 countries submitted a joint text on plastic products and chemicals of concern, demonstrating that it is possible to agree on key elements despite differences.

ALGERIA stated that the Chair's Text had excluded key provisions, such as scope. BAHRAIN stressed that a text devoid of specific and determined frameworks cannot be accepted and called for decisions to be taken by consensus. TÜRKIYE said the next session should be convened as early as possible, and with discussions reflected in an equal and balanced manner.

KENYA lamented that some of their key conditions were not reflected in the Chair's Text, called for a global quantified target on production, and said the ILBI should also address chemicals of concern and contain an article on "health, biodiversity and ecosystems." Emphasizing that a text that relies on voluntary measures "is no treaty at all," THE PHILIPPINES called for the ILBI to address production, products, and chemicals in plastic products, and supported a standalone article on health.

Noting significant progress despite some scheduling issues, including the convening of three contact groups simultaneously, MALAYSIA said not all red lines were reflected in the Chair's Text but accepted it as one of the documents that could be used at INC-5.2, along with the compilation text and non-paper issued on Friday.

EGYPT noted progress at this meeting, but said the Chair's Text is not balanced and does not take into account the views of African states. He called for brackets around several articles and elements of articles.

Raising a point of order, BRAZIL requested clarification on the need for all delegations to comment on the Chair's Text. She noted that this is a new text and emphasized that at the beginning of INC-5.2, the whole text would be bracketed and open for discussion. In response, INC Chair Vayas underlined that the whole text is bracketed for discussions at the resumed session.

HONDURAS said these negotiations should not be considered doomed, as they have been a valuable opportunity to have comprehensive discussions that could provide long-term solutions. She called for making sure all stakeholders are duly represented, highlighting the work of waste pickers.

CONGO called for legally-binding measures for reducing primary plastic polymers, eliminating problematic and avoidable plastic products, and establishing a fair and equitable financial mechanism. He reminded the Committee that every single human on planet earth can be impacted by plastic pollution.

NEW ZEALAND called for a treaty that is applicable by all and that recognizes the special circumstances of SIDS. She supported the suspension of this session and using the Chair's Text as the basis for negotiations. PANAMA, in a point of order, called for a quorum count. Consulting the Secretariat, INC Chair Vayas informed delegations that there was quorum.

ETHIOPIA underscored that the solutions to the plastic pollution crisis must not exacerbate existing inequalities and environmental injustice, stressing the importance of a just transition for frontline communities. AZERBAIJAN called for balancing ambition with inclusivity, and adequate means of implementation.

ECUADOR called for global binding commitments alongside a strong mechanism to mobilize resources on the basis of CBDR, and cited the need to improve provisions on health, environment, and biodiversity. QATAR noted the lack of consensus on some provisions included in the Chair's Text, called for determining the scope of the treaty based on consensus, and stressed that members must be able to propose amendments to the text.

SINGAPORE supported the way forward. KYRGYZSTAN stressed the need for consensus for adoption of the ILBI. VIETNAM said that the revised Chair's Text does not respond to the concerns of many members and emphasized that the ILBI must have a clear objective, scope, and principles, aiming to reach sustainable consumption and production of plastic products, based upon respect for national sovereignty, national circumstances, and CBDR, and provide finance on a highly concessional basis.

COLOMBIA said the Chair's Text is a good basis for further work, identifying as a bare minimum the need to address the most problematic plastic products and chemicals of concern in plastic products, the sustainable consumption and production of primary plastic polymers, and provision of resources to developing countries.

TRINIDAD AND TOBAGO stressed that action against plastic pollution involves more than just waste management and requires taking into account the full life cycle of plastic. TOGO said the solution to plastic pollution is not just eradicating pollution, but addressing it at the source and respecting the fundamental principles of environmental protection.

NEPAL highlighted the need for a comprehensive global treaty that does not hinder the development and priorities of countries, to achieve national and international goals including the Sustainable Development Goals. Lauding the cooperation demonstrated at this meeting, BHUTAN called for "best motives and sincere prayers" to conclude a new treaty at the next meeting. THE GAMBIA called for the ILBI to address plastic products and chemicals of concern and called on all delegates to embrace compromise at INC-5.2. He requested that the Chair engage expert groups to work on definitions for inclusion in the ILBI during the intersessional period.

INC Chair Vayas noted all the hard work done at this session and said that while "ambition takes time to land, Busan has put us on the path to success."

Final Outcome: Early in the morning on Monday, 2 December 2024, INC Chair Vayas proposed, and delegates agreed, that the Committee will use the Chair's Text as the basis for negotiations at a resumed session, without prejudice to proposed deletions, additions, or modifications.

Delegates agreed to annex the Chair's Text to the meeting report.

Adoption of the Report and Closure of the Meeting

Early in the morning on Monday, 2 December 2024, INC Rapporteur Asha Challenger (Antigua and Barbuda) introduced the meeting report ([UNEP/PP/INC.5/L.1](#)). The RUSSIAN FEDERATION proposed adopting the report of the meeting until the section that records the reports on the work of the contact groups, proposing that the rest be adopted at INC-5.2, once all statements made in the plenary on Sunday and Monday had been included.

Delegates adopted the first part of the meeting report as presented. INC Chair Vayas noted the calls to extend the invitation to ministers to attend the resumed session and said he would explore this request in due time.

SAUDI ARABIA underlined that the resumed session should not be convened in the first half of 2025. SWITZERLAND called for the next meeting could be convened in five or six months, to allow delegations to process discussions at this meeting. INC Chair Vayas noted that he would work with the Bureau and the Secretariat on the date of the resumed session.

Observers then made closing statements. INTERNATIONAL CHAMBER OF COMMERCE said steps were made in the right direction for a workable instrument, highlighting the role of the business community in addressing the challenges of plastic pollution. INTERNATIONAL ALLIANCE OF WASTE PICKERS called for a fair and binding treaty to end plastic pollution and expressed deep disappointment about the voluntary nature of the provision on a just transition.

INTERNATIONAL INDIGENOUS PEOPLES FORUM ON PLASTICS condemned the draft text and negotiation process for excluding Indigenous Peoples, calling systematic exclusion a deliberate practice to make decisions about their land, future and knowledges without them. WOMEN'S WORKING GROUP ON ENDING PLASTIC POLLUTION expressed deep concern about the lack of gender perspectives in the negotiation process so far, highlighting plastics' endocrine disrupting effects on health.

GLOBAL YOUTH COALITION ON PLASTIC POLLUTION stressed that the ILBI is an intergenerational pact that must confront the root causes of the plastic pollution crisis, set global targets to reduce plastic production, and address problematic plastic products and chemicals of concern in a comprehensive manner. BREAK FREE FROM PLASTIC called upon delegates not to shift the full responsibility of the plastic pollution crisis to communities and future generations, and instead called for achieving a treaty that cuts plastic production, eliminates problematic and toxic plastics, and addresses waste colonialism.

INUIT CIRCUMPOLAR COUNCIL expressed deep concern about the failure to ensure the full and effective participation of Indigenous Peoples in the negotiations, calling for recognizing of the UN Declaration on the Rights of Indigenous Peoples and a human rights approach in the ILBI. INTERNATIONAL POLLUTANTS ELIMINATION NETWORK said the lack of transparency and exclusion of observers from intersessional work and closed informal discussions undermine the ILBI, and called for the agreement to drastically reduce plastic production and eliminate harmful and toxic plastics. ENDOCRINE SOCIETY stressed that a robust body of evidence demonstrates that plastic pollution is a human health issue, and that scientific bodies of the future ILBI must be free from conflicts of interest.

In her closing remarks, Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat extended her gratitude to all delegates, including the observers who shared their expertise and demanded accountability from the INC process. Inger Anderson, Executive Director, UNEP,

said that despite the numerous brackets in the Chair's Text, it was an important step in the right direction, as there is now a degree of structure indicating what the treaty could potentially be.

INC Chair Vayas reminded delegates that critical matters still needed to be agreed upon, and encouraged them to make paths, build bridges, and engage in dialogue to achieve this novel and urgent purpose to reverse and remedy the severe effects of plastic pollution on human health and the ecosystem.

Chair Vayas adjourned the meeting at 2:50 am on Monday, 2 December.

A Brief Analysis of INC-5

"Each moment is a leap forwards from the brink of an invisible cliff, where time's keen edges are constantly renewed. We lift our foot from the solid ground of all our life lived thus far, and take that perilous step out into the empty air. Not because we can claim any particular courage, but because there is no other way." – Han Kang

When delegates agreed on the historic resolution to end plastic pollution at the resumed session of the fifth meeting of the UN Environment Assembly (UNEA-5.2) in March 2022, several things were set in motion, outside the establishment of the Intergovernmental Negotiating Committee (INC). The adoption of the founding resolution instantly attracted global media attention, which in turn fueled the public's desire for strong plastic (pollution) policy. The scientific community was also activated, ramping up research on the impacts of plastic pollution on human health and the environment, which could inform negotiations.

With this groundswell of support, the INC agreed to adopt a new treaty by meeting five times in two years. However, the INC was unable to fulfil its mandate within this time period, and, with increasing knowledge, the technicalities of ending plastic pollution have become more complex.

This brief analysis will reflect on progress made towards bridging the gaps in understanding and agreement. It will also look at discussions on financing the future treaty, and examine the dynamics of this meeting, and whether they had any impact on progress.

Moving Mountains

Over the course of the two years since UNEA adopted Resolution 5/14, much progress has been made in the global understanding of plastic pollution, and the actions that may be needed to address it. The "global understanding of the problem has expanded tremendously," shared one observer. As mentioned, the momentum has spurred developments in science, research, policy, and technology. This has sharpened the focus on the meaning of the "life cycle of plastic," as well as plastic's footprint, from production to disposal, on human health and the environment.

As this body of knowledge expands, one question persists: is it possible to tackle plastic pollution without addressing its production? At this meeting, the EU and several others underlined that we cannot "mop the floor while the tap is still on," aptly illustrating the challenge. Even if countries focus on the so-called "low-hanging fruit" of downstream measures, would such an agreement effectively address plastic pollution?

Not for the first time in this process, delegates are torn between pushing upstream measures of production, manufacture and design, or sticking to the "agreeable" downstream options, which remain the lowest common denominator among negotiators. Meanwhile, several countries firmly opposed addressing plastic production, arguing that it falls outside the scope agreed at UNEA-5.2. As the

understanding of plastic evolves, some have been heard asking: has the UNEA Resolution 5/14 mandate evolved alongside it? Or did it encompass these issues right from the start? The answer hinges on interpretations of the “life cycle of plastic” and what would constitute action to tackle plastic pollution.

A knowledgeable participant remarked, “If they want to be effective, negotiations should focus on the achievable things first, and then maybe they can progress to the more complex issues.” Perhaps, before attempting to climb a mountain, one must prove capable of climbing a hill. This pragmatic approach suggests building consensus on the downstream elements before tackling the systemic reforms needed for upstream action. But multilateral negotiations “are never that simple,” shared another delegate, noting that even the “simple things are tied to bigger considerations.” Furthermore, if the treaty is limited to plastic waste management, it may be difficult to amend it as science and policy advances over time. As many delegates and observers stressed, the treaty should be fit-for-purpose for decades to come. “This is not just any international treaty: it is an intergenerational pact,” stressed youth observers.

Was progress made in Busan on substantive issues? Under the prevailing principle of “nothing is agreed until everything is agreed,” the answer is no. However, examining the Chair’s Text, the proposals addressing plastic production and chemicals of concern currently appear more advanced than those focusing on supply. While establishing a global target to reduce the production of primary plastics remains highly ambitious, in the corridors it seemed that consensus was growing among delegations on the need to address harmful chemicals in plastic production.

Mountains of Money

Discussions on finance seemed to follow the path of other multilateral agreements, dividing delegates along familiar developing-developed country lines. The need to recognize countries’ common but differentiated responsibilities was a familiar sticking point in the negotiations, underpinning some delegations’ hesitations about agreeing to legally binding measures without clarity on the financial and other resources that would underpin implementation. During contact group discussions, a proposal that garnered support from several regional groups and many developing countries on the establishment of a dedicated financial mechanism, highlighted that the extent to which developing countries would implement their obligations under the future treaty would hinge on the fulfilment of financing obligations by developed country parties. This language was watered down in the Chair’s Text, and is one of the issues developing countries have said they will raise at INC-5.2.

While developing countries emphasized the need for stable and predictable public finance alongside other sources of finance, developed countries placed greater emphasis upon innovative sources of finance. In the corridors, some shared that a fee on primary plastic polymers could really contribute to the “mountain of money” the world will need to address plastic pollution. But imposing it would take “enormous political will.”

At this meeting, several new questions were raised. How can the new instrument compel the private sector to provide finances for implementation? Is the differentiation of developed and developing countries used under other agreements applicable in the same way in the context of plastic(s)? If not, should there be a disaggregation of developing country parties, in order to limit implementation funding for countries with plastic and/or polymer production facilities?

Taking a bird’s eye view, one delegate reminded participants that these negotiations do not operate in a vacuum, and the struggle to agree on financial resources “is a common thread that delays agreements,” as seen during the Convention on Biodiversity’s 16th meeting of the Conference of the Parties, and the financial settlement finally reached under the UN Framework Convention on Climate Change last month.

Muddy Mountain Trails

While INC-5, or what is now INC-5.1, was not able to deliver the promised treaty to end plastic pollution as many had hoped at the outset of the week, delegation after delegation took the floor during a late-night closing plenary to commend the considerable progress made towards agreement on a new treaty. At the start of the week, delegates agreed to proceed on the basis of Non-Paper 3, which contained suggested text for most of the articles that states agreed to negotiate at the close of INC-4, but only provided guidance on what could be included on the most contentious issues. Over the course of the week, they discussed this text in contact groups, informal consultations, and small group discussions, with states and groups of states also making their submissions.

This eventually resulted in two revisions of Non-Paper 3, with the final being the Chair’s Text issued on the last day, containing text on all articles. Significantly, the article on scope was excluded between the fourth and final iteration. Compared to previous meetings of the INC, where the initial text presented had ballooned considerably, delegates walked away from INC-5.1 with a manageable text, albeit missing some elements dear to individual states. Even so, most states were content with the knowledge that the new Chair’s Text, circulated on Sunday, remains open to submissions at INC-5.2.

However, observers were largely excluded from participating in the negotiations at this meeting, with one participant from civil society noting that “only states spoke during the negotiations.” Questions about the way the meeting was conducted remained as delegations left Busan. Did the closed-door discussions help or hinder the progress? Will this mode of work set a precedent for future sessions? What is the role of observers in the negotiating process? Are there cost implications for funding observers to a meeting in which they do not participate? And what might be the impact of excluding non-state actors from the development of the text, as far as legitimacy and the effective implementation of the future treaty are concerned?

One Indigenous representative said, “We have many solutions to address the plastic pollution crisis, and yet we continue to be silenced and strategically undervalued” in the negotiations. “Do not come and talk to me about a just transition when you barely let us speak in the rooms where we are defining what this means.” Meanwhile, another said, “The treaty cannot refer to our knowledges without recognizing our rights.”

Building Bridges?

INC-5 was expected to generate agreement and bridge differences on key contentious issues under negotiation. Indeed, countries with similar interests on issues, like plastic products, including chemicals of concern, supply/sustainable production, and financial resources and mechanism, banded together, speaking as one, for the first time in the INC process. In discussions on finance and the financial mechanism, 110 developing countries initially united behind the “African Group” proposal, for instance, while many developed countries leaned more towards the US proposal. Rwanda spoke for 85 countries on including limits to plastic production in the ILBI. Ninety-five countries backed a statement read by Mexico to include

lists of chemicals of concern in the new agreement. On the other hand, the Like-Minded Countries, who reminded delegations that their countries account for 50% of the world's population, voiced strong support for an agreement focused on plastic pollution, highlighting concerns about a treaty potentially exacerbating global inequalities through trade restrictions and economic policies targeting a material they considered vital to development. "It's literally a numbers game," shared one experienced delegate. "They are hoping that the higher the numbers represented, the greater the legitimacy of their positions." Some also suggested this is being done in response to accusations that "small" delegations are obstructing progress. But others were wary, noting that this "kind of posturing will not bridge the gap" towards agreement.

Many hoped that the Chair's Text would help identify an acceptable path forward. However, while delegates agreed to use it as a basis for further negotiations at INC-5.2, it is not clear whether and/or to what extent this Text has put delegates in a better position to surmount their differences. The 22-page document is "certainly cleaner than the heavily bracketed, 68-page compilation text" produced at the end of INC-4. On the other hand, several delegations stressed in the closing plenary that the Chair's very process of revising and cleaning the Text has been "confusing and lacked transparency," and questioned whether countries' positions had been fairly addressed. Questions were raised about the exclusion of provisions on scope, which several delegations insisted were crucial to the text, with some even wondering whether its exclusion could have been a technical glitch. Many said that the Chair's Text does not reflect discussions at the meeting, "ignores their red lines," and that it will need to be repopulated at the next session. A few delegates left Busan questioning whether some of the seeming differences bridged in Busan "will be sturdy enough to last into the resumed session."

Steps Towards the Summit

As delegates agreed to resume the meeting at a later date, many things were left unclear, from the dates and venue of the resumed meeting to its working modalities. Armed with the Chair's Text, the period between the first and second sessions of INC-5 were yet to be agreed. No matter the date, delegations agreed they would need time to consider the new provisions. If anything has been learned at INC-5, it is that informal discussions can indeed lead to measured progress. But others cautioned that "this should not be at the expense of transparency and accountability."

As the process has evolved, some delegates at this meeting reflected that plastic(s) pollution represents the convergence of many environmental issues, including climate change, biodiversity loss, and chemicals and waste management. With all eyes on the Committee, defining a treaty on this challenge will be difficult, but, as some delegates said, "well worth it in the end."

INC-5.1 represented progress towards a new agreement on plastic pollution. Progress in terms of the text. Progress in terms of understanding positions. Progress in terms of understanding the challenge of plastic pollution. But it did not result in a new treaty to end plastic pollution. In the dying moments of the meeting, INC Chair Vayas reminded delegations that when we attempt to climb a mountain, we cannot expect to reach the summit in one go—but we should never be discouraged. He said, quoting Antonio Machado, "there is not path, the path is made by walking," and our small but purposeful steps towards this goal should be steadfast if we want to reach our "novel and urgent objectives." Time will tell whether the additional meeting will see delegates summit the mountain towards

ending plastic pollution. "Perhaps 5.2 will be our lucky number," hoped one delegate, reminded that UNEA-5.2 was the meeting at which the INC was established.

Upcoming Meetings

68th Meeting of the GEF Council: The Global Environment Facility (GEF) Council customarily meets twice annually but is meeting three times in 2024, the third time virtually in December. It will consider issues pertinent to pollution. **dates:** 16-20 December 2024 **location:** virtual **www:** thegef.org/events/68th-gef-council-meeting

Meetings of the Basel, Rotterdam, and Stockholm (BRS) Conventions COPs: The 17th COP to the Basel Convention, 12th COP to the Rotterdam Convention, and the 12th COP to the Stockholm Convention will be held successively with the theme "Make visible the invisible: sound management of chemicals and wastes." **dates:** 28 April - 9 May 2025 **location:** Geneva, Switzerland **www:** brsmeas.org

69th Meeting of the GEF Council: The Council develops, adopts, and evaluates the operational policies and programs for GEF-financed activities. The GEF has been considered to form all or part of the new agreement's financial mechanism. **dates:** 2-5 June 2025 **location:** Washington, DC, US **www:** thegef.org

OEWG of the Global Framework on Chemicals: The Open-ended Working Group (OEWG) for the Global Framework on Chemicals – For a Planet Free of Harm from Chemicals and Waste will help prepare the first Conference in 2026. **dates:** 21-17 June 2025 **location:** Nairobi, Kenya **www:** unep.org/global-framework-chemicals

UNFCCC COP 30: The 30th session of the Conference of the Parties to the UN Framework Convention on Climate Change (COP 30), the 20th meeting of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 20), and the sixth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA 7) will continue to advance discussions on climate-related issues. **dates:** 10-21 November 2025 **location:** Belém, Brazil **www:** unfccc.int

Plastics Treaty INC-5.2: Delegates at INC-5 agreed to convene a resumed meeting of the fifth session to conclude negotiations on a treaty on plastics pollution. **dates:** TBC **location:** TBC **www:** unep.org/inc-plastic-pollution

For additional upcoming events, see: sdg.iisd.org

Glossary

AOSIS	Alliance of Small Island States
CBDR	Common but differentiated responsibilities
COP	Conference of the Parties
GEF	Global Environment Facility
GRULAC	Latin American and Caribbean Group
ILBI	International legally binding instrument
INC	Intergovernmental Negotiating Committee
LDCs	Least developed countries
SIDS	Small island developing states
UNEA	UN Environment Assembly
UNEP	UN Environment Programme