

Plastics INC-1 Highlights Thursday, 1 December 2022

The first meeting of the Intergovernmental Negotiating Committee (INC-1) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, continued to meet online and in person in Punta del Este, Uruguay, on Thursday, 1 December 2022. Delegates gathered in plenary throughout the day, taking time to address core elements related to the development of a new treaty addressing plastic pollution. An informal group on possible options for the ILBI, and stakeholder engagement met over lunchtime, and in the evening.

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

Monitoring and evaluation of progress in, and effectiveness of implementation and national reporting: INC Chair Gustavo Meza-Cuadra (Peru) highlighted the document on plastic science (UNEP/PP/INC.1/7). CHILE called for the development of a database of scientific information, and underscored the need for synergies with the Basel, Rotterdam and Stockholm (BRS) and Minamata conventions and the Montreal Protocol, as well as other conventions and agreements.

ANTIGUA AND BARBUDA, for AOSIS, called for the periodic updating of the ILBI based on new scientific information, and stated that a scientific and technical mechanism should also include local and traditional knowledge systems.

JAPAN underlined that national action plans (NAPs) will be key in evaluating implementation and progress, noted that NAPs will need to be updated regularly, and called for a common template for NAPs. The EU called for a strong monitoring and reporting framework, including on production, trade, value chains, and leakages; and underlined the importance of common monitoring and reporting frameworks, highlighting those under the Minamata Convention.

THAILAND called for, *inter alia*, technical guidelines for implementation of monitoring systems, and an effective evaluation framework, pointing to the Global Partnership on Marine Litter (GPML) as a model. FIJI, for P-SIDS, underlined that the ILBI should deliver strong outcomes for downstream countries and urged binding control measures, a global monitoring programme, and suggested a subsidiary body addressing the scientific, technical, and technological needs of developing countries, especially SIDS. CONGO supported a global framework for monitoring, reporting, and evaluation.

BRAZIL noted that for monitoring, reporting, and evaluation frameworks, form will follow function, as these will be based on the treaty obligations agreed by states; noted that the initial inventories will be bigger than those under Minamata; and called for dedicated finance to enhance transparency. SWITZERLAND underlined that national reporting plays a role in generating trust and, with others, highlighted the need to not create burdensome reporting requirements for states.

SAUDI ARABIA, with PAKISTAN, said that the discussion on monitoring and evaluation was premature, calling instead to build implementation capacities. BAHRAIN noted discussions on national reporting should occur after those on means of implementation.

CUBA urged for a flexible instrument, tailored to the needs of developing states. MEXICO suggested a compliance mechanism mirrored after the Minamata Convention. The US called for binding obligations related to transparency. TÜRKIYE suggested a reporting format with basic parameters and a science policy interface to feed into the process. SOUTH AFRICA stated existing NAPs should be the foundation of the ILBI, noting the need for global cooperation to address the transboundary nature of the plastic pollution challenge.

KENYA, for the AFRICAN GROUP, reiterated that Africa is a net importer of plastic and called for a strong monitoring and evaluation structure that secures accountability from all stakeholders at the upstream, midstream, and downstream stages of the plastic lifecycle. He stated that Africa will need new information on the types, volume, and chemistry of plastic, as well as appropriate response measures, considering significant gaps on data sourcing, aggregation, and measurement. MALI called for new and predictable finance to support developing states and countries with economies in transition.

CHILE suggested developing NAPs should be led by the principle of non-regression. GABON stated the treaty should help measure the impact of plastics on health. NORWAY stated that parties should commit to implementing and reporting NAPs as a core obligation of the treaty. The UK suggested using remote sensing and satellite imagery to provide data support.

RWANDA prioritized global monitoring, calling for environmental, social, and economic indicators to track compliance against international targets. SYRIA called for a specific, clear, and flexible monitoring and assessment mechanisms, noting technical and financial assistance for developing countries to aid with reporting.

CHINA said the evaluation mechanism should be based on national circumstances, reflect flexibility, and avoid incurring an extra burden for developing countries. He said that a compliance mechanism should take full consideration of capabilities and resource constraints of developing countries, preferring a non-confrontational and non-punitive mechanism.

NIGERIA emphasized key performance indicators, transparency, accountability, and support for national reporting. GEORGIA called for harmonized and strong monitoring and reporting mechanisms, as well as different approaches to support developing countries, noting their struggles with data collection.

MALAYSIA called for harmonized monitoring, including clear definitions on what needs to be reported, content of reports, data parameters, and methodologies; encouraged addressing gaps and challenges on the ground; and highlighted that national efforts require regional as well as international cooperation.

CAMEROON called for regular assessments of national efforts and progress towards commitments, based on national reports

that are fed by reliable national data and science, and suggested establishing a data centre for exchange of information.

MONTENEGRO called for utilizing existing monitoring and reporting tools, pointing to the Barcelona Convention and the Mediterranean Strategy for Sustainable Development; and said indicators should be developed in synergy with existing programmes and processes.

KENYA proposed that monitoring and evaluation are guided by the need to comply with international norms and prioritized harmonized rules and cooperation between states.

MOROCCO called for strong and clear monitoring and reporting as part of the treaty; a reliable science-based monitoring and follow up mechanism; suggested national reporting as part of NAPs; and, with others, stated that it is too early to define the nature of reporting.

IRAN said monitoring and evaluation of progress, as well as reporting, is closely related to financial assistance to developing countries and countries with economies in transition, noting it is early to address these elements before substantive issues.

PAPUA NEW GUINEA highlighted the importance of a needs and gaps identification in developing countries; called for mandatory reporting on control measures on reduction of plastic production, manufacture, trade, and microplastics; and underscored the need for financial assistance for reporting, similar to under the Convention on Biological Diversity (CBD), as well as non-punitive compliance provisions.

ANGOLA highlighted initiatives to address the plastic pollution along the country's coastline, and called for technical, financial, and technological assistance to ensure effective monitoring. TOGO suggested including plastic pollution reference levels for states, and underscored the need for substantial and sustainable support for developing countries.

ENGINEERS AUSTRALIA underlined that plastic pollution is a disaster, calling for the ILBI to take into consideration the Sendai Framework for Disaster Risk Reduction in order to strengthen governance on, and investment for, the disaster risk presented by plastic pollution. TRASH HERO WORLD suggested that the ILBI consider monitoring the health and human rights impacts for workers in petrochemical facilities, and called to disincentivize false solutions such as incineration of plastic.

ASOCIACIÓN SUSTENTAR outlined that recycling is not enough, calling for production and use reduction, and stressed that transparency and accountability are key to addressing the upstream and midstream stages of plastic production. INUIT CIRCUMPOLAR COUNCIL highlighted the continued contamination of the Arctic ecosystem, emphasizing that the ILBI must address the sources of plastic pollution and include Indigenous knowledge in monitoring activities, among others.

PLASTICS EUROPE said that industry will work with states to develop a robust monitoring and evaluation framework, and supported a harmonized template and common framework.

AARHUS CONVENTION addressed linkages and synergies with existing registers and inventories, pointing to the ninth meeting of the Working Group of the Parties to the Protocol on Pollutant Release and Transfer Registers, among others.

INTEGRATIVE STRATEGY FORUM called for an enforcement mechanism to track toxic emissions throughout the plastics lifecycle, from extraction; and asked the Secretariat to examine how climate change affects plastic pollution.

MAJOR GROUP FOR CHILDREN AND YOUTH said that a mechanism for non-compliance should be included, as under the Montreal Protocol; and cautioned against an overreliance on NAPs, highlighting the inefficiency of this model in addressing climate change.

IPEN called for reporting and monitoring on, among others, implementation of measures on: prohibitions on toxic plastics; design of hazard-free plastics; transparency and traceability requirements; and end-of-life management.

Other aspects, including scientific and technical cooperation and coordination, research, and awareness raising: INC Chair Meza-Cuadra highlighted the overview of information to promote cooperation and coordination with relevant regional and international conventions, instruments, and organizations

(UNEP/PP/INC.1/10), and existing information that might assist policymakers (UNEP/PP/INC.1/13).

ECUADOR suggested that a dialogue with the World Trade Organization (WTO) could feed into INC discussions. JAPAN expressed concern that not all delegations have a shared understanding of plastics science, calling for the establishment of a dedicated subsidiary scientific body. ARMENIA underscored the importance of a financial and technical mechanism to support global information and education services.

The PHILIPPINES stated that establishing NAPs alone is not enough to address the transboundary nature of plastic pollution and supported the creation of a dedicated subsidiary scientific body. The EU stated that we have data to make informed decisions to end plastic pollution, and called for using the precautionary principle. THAILAND urged collecting existing information and generating new findings to support the negotiating process.

BRAZIL suggested a dedicated subsidiary scientific body with less institutional burden than the Intergovernmental Panel on Climate Change (IPCC). SAUDI ARABIA called for a dedicated subsidiary scientific body that takes into account the different capabilities of countries, and does not create harm, a burden, or environmental impact in countries. The UK and NORWAY suggested a dedicated scientific subsidiary body that takes into account countries' differences, with NORWAY calling to build on existing knowledge sources.

CUBA noted that the lack of scientific evidence in many fields in the country impacts human health, and recommended coordination with international organizations. SRI LANKA noted insufficient data flow in many countries and called for collaboration with the World Health Organization. TÜRKIYE shared their hope that INC decisions will lead to societal behavior change. PAKISTAN supported scientific and technical cooperation and coordination with other scientific bodies, pointing to the Basel and Stockholm Conventions, and called for research into alternatives to plastic and the impacts of plastic pollution.

EGYPT supported a dedicated body on scientific and technological advice; called for benefiting from the large volume of existing scientific literature; and noted the need to ensure that relevant bodies are engaged in matters within their areas of expertise.

AUSTRALIA called for a dedicated scientific and socioeconomic mechanism that can deliver unbiased and balanced advice on questions put to it by parties to the ILBI, drawing also on Indigenous and traditional knowledge.

The US supported including provisions in the ILBI on research and scientific and technological cooperation and coordination, including with other organizations, and on awareness raising, education, and information exchange.

FEDERATED STATES OF MICRONESIA supported establishing a scientific, economic, and technical body under the ILBI, suggesting it could provide key advice and synthesize data, as well as provide a platform for rights-based transmission of traditional, Indigenous, and local knowledge systems, noting precedents set by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the IPCC.

MALAYSIA underscored scientific and technical cooperation and coordination is key to narrowing gaps between developed and developing countries, called for a scientific advisory panel and a socioeconomic advisory panel, and urged collaborative efforts to address behavior change.

QATAR emphasized coordinating with scientists for greater awareness and cooperation to assist developing states in complying with future commitments.

INDONESIA supported: maximizing existing scientific literature; ensuring that the scientific community from developing countries is given opportunities to contribute to global discourse on plastics pollution; and engaging local governments, youth, and university students for awareness raising.

ARGENTINA endorsed a scientific and technical mechanism, noting flexibility on the form as well as that the mechanism should promote synergies with chemicals and waste instruments; and supported including awareness raising, dissemination, and training in the ILBI.

MEXICO called for: flexibility to adapt to new scientific knowledge and challenges; allowing states to have transitional periods for implementation; and a global information campaign to address unsustainable patterns of production and consumption.

ENDOCRINE SOCIETY reiterated that the plastics treaty is a global public health treaty, and noted the scientific consensus that endocrine disrupting chemicals in plastics cause non-communicable diseases, with greatest impacts for the most vulnerable; and urged that scientists should participate in all contact groups and treaty processes.

TRASH FOR PEACE called for the ILBI to include reporting on just transitions for waste pickers as part of monitoring and evaluation, calling for South-South technology transfer mechanisms.

INTEGRATIVE STRATEGIES FORUM addressed incineration and chemical recycling, underlining the need to regulate chemical recycling facilities and plastic waste-to-energy industries due to the human health risks posed by their practices.

INTERNATIONAL TRADE UNION CONFEDERATION emphasized the just transition efforts taken up by other conventions and agreements, calling on the ILBI to also include this concept to address the welfare of waste pickers.

GLOBAL ALLIANCE FOR INCINERATOR ALTERNATIVES (GAIA) called for clear criteria for financial and technical assistance to address incineration, underlining the risks of plastics incineration, and calling for a focus on improving mechanical recycling.

BASEL ACTION NETWORK called for a mechanism to provide full scientific transparency for chemicals in plastic, pointing to the Dubai Declaration on International Chemicals Management in this regard; and noted that all shipments of plastic waste are out of compliance with the Basel Convention as they do not provide information on chemicals and additives.

IPEM highlighted the risks posed by chemicals in plastics, and called for the ILBI to implement the precautionary principle to address these hazardous chemicals and polymers.

HEALTHCARE WITHOUT HARM underlined the need for incentives for the reduction of unnecessary plastic use in healthcare and a detoxification of the entire plastics lifecycle, and called for extended producer responsibility (EPR) schemes for medical goods manufacturers, among others.

Stakeholder participation and action: Chair Meza-Cuadra proposed a dialogue focused on next steps for multistakeholder engagement, including whether the INC will convene further multistakeholder fora. He presented the overview of stakeholder engagement frameworks under other instruments and of potential approaches for the ILBI (UNEP/PP/INC.1/12), as well as the information document on the approach for the multistakeholder action agenda to end plastic pollution (UNEP/PP/INC.1/INF/11).

Delegations agreed on the value of stakeholder participation. SAUDI ARABIA called for clarity on the status of the report of the Multistakeholder Forum; supported stakeholder submissions made during the intersessional periods of the INC to give committee members time to review them, supported by ECUADOR, TONGA, ARGENTINA, PERU and several others; called for more clarity on the modality of stakeholder participation to differentiate between committee members and other stakeholders; the creation of a portal for written submissions; and preferred that input from stakeholders will be made outside of formal negotiations. NORWAY considered the intersessional period as the best moment for stakeholder involvement and strongly opposed their involvement in formal negotiations. GHANA recognized the role of industry, scientists, youth groups, and waste pickers as an essential part of the INC process. SWITZERLAND supported early and meaningful stakeholder engagement through written inputs. The EU suggested a mix of in-person and virtual stakeholder participation as well as written submissions with targeted questions and regional consultations. PERU recommended establishing an online platform with universal access and seeking financial contributions from private sources for stakeholder participation.

INDONESIA asked the Secretariat for a synthesis report from the multistakeholder forum. CHILE suggested establishing an

online portal for stakeholder submissions and using the Major Groups clusters established under Agenda 21. CUBA called for commitments in transparency from the private sector in the search for alternatives for plastics, product design, and contributions towards circularity.

ESWATINI supported a balanced stakeholder process that accounts for all interests, while remaining member state driven. URUGUAY called for holding multistakeholder fora during intersessional periods, online, and reporting on outcomes during INC sessions; underscored the need for written stakeholder contributions; and underlined separating budgets from the INCs and stakeholder fora.

REPUBLIC OF KOREA called for a feedback loop between multistakeholder dialogues and the negotiation process, saying written documents and synthesis reports to INC would be helpful; as well as intersessional work and fora to be held in parallel to the INC.

AUSTRALIA called for stakeholder involvement in developing the ILBI and implementation, using a variety of forms, such as multistakeholder fora, dialogues, workshops, and webinars; and called for provisions in the ILBI to establish a multistakeholder action agenda, with meaningful engagement of First Nations and Pacific island communities.

The PHILIPPINES called for meaningful and equitable stakeholder participation to render the ILBI viable and effective, underscoring information and education to stakeholders.

THAILAND called for strategic stakeholder engagement that fosters inclusiveness, transparency, accountability, respect for rights, and provides opportunities and capacity to participate.

AOSIS noted that the multistakeholder forum should be improved so that stakeholders can give inputs to the INC process; that stakeholder engagement should not jeopardize funds to ensure the participation of SIDS member states; and called for a clear mandate and appropriate mechanism for the action agenda.

BANGLADESH hoped that the ILBI will facilitate producer responsibility at the global level as a means to expedite domestic EPR schemes in developing countries and execute global social corporate responsibility.

MEXICO encouraged intersessional work in a hybrid and thematic format, which feeds into the INC process; and underscored that access to information, public participation, and access to justice could provide a benchmark for participation, pointing to Principle 10 of the Rio Declaration and the Escazú Agreement.

CHINA supported stakeholders being engaged in intersessional periods and submitting written statements, noting insufficient time to digest stakeholder inputs during INC sessions.

MOZAMBIQUE believed the multistakeholder forum should guide the INC process on the type of instrument to be adopted, on implementation arrangements, and on ensuring harmony with other MEAs.

TÜRKIYE underscored wide stakeholder participation in the process. UK said intersessional engagement and written submissions should inform country positions; underscored taking due account of the needs of the informal waste sector and marginalised groups; and called for further work to launch an action agenda that supports implementation.

The US supported a multistakeholder forum at INC-2, including a high-level segment to provide a platform for information exchange among industry and other leaders; and welcomed the development of a multistakeholder action agenda, with the objectives among others to mobilize stakeholder financial and technical resources.

CANADA supported meaningful engagement with stakeholders, including through written submissions shared during the intersessional period. JAPAN noted the role of stakeholders as states strive to promote a circular economy for plastics, supporting a two-day multistakeholder forum for INC-2 as well as virtual engagement during the intersessional period.

SRI LANKA called for online fora and written submissions to feed into the INC process. KENYA urged that stakeholder voices on just transition be taken into account during the INC process, calling for donors to support stakeholder participation

throughout the process. RUSSIAN FEDERATION called for equal geographical representation of stakeholders, but underlined that the INC is a state-driven process.

SOUTH AFRICA urged the INC to recognize the role of informal waste pickers, and called on the Secretariat to support the participation of waste pickers in the INC process.

MALAYSIA proposed that stakeholder engagement be a two-way process, and supported virtual and/or in-person stakeholder sessions during the intersessional period, proposing regional based stakeholder sessions to encourage deeper understanding of the challenges in these contexts.

NEW ZEALAND supported intersessional stakeholder engagement to input into the INC process, and called for the effective participation of Indigenous Peoples throughout the INC process.

ARGENTINA underlined the need for stakeholder participation in the intersessional period and during meetings of the INC, calling on stakeholders to provide information that could build bridges towards consensus.

TONGA underlined that stakeholder engagement should be grounded in ensuring funding is not diverted from states' participation, and said that stakeholder fora should not take time away from negotiations.

ACTION ON SMOKING AND HEALTH called attention to the UN Framework Convention on Climate Change's involvement of industry stakeholders, and the Framework Convention on Tobacco Control which banned the engagement of the tobacco industry.

FRIENDS WORLD COMMITTEE FOR CONSULTATION outlined standards for multistakeholder engagement including that participation funding should be channeled to a common pot which does not draw away from states' participation, and recommended that the future multistakeholder fora be organized around specific issue areas along the plastics value chain.

CHILDREN AND YOUTH MAJOR GROUP underlined the need for the ILBI to include the principle of intergenerational equity, and, among others, highlighted the difference between stakeholders and rights-holders in the INC's decision-making processes.

IPEN decried the disproportionate participation of industry actors, and called for funding currently channeled to the multistakeholder forum to be channeled to participation of youth and delegations from developing countries.

GAIA stressed that effective access to stakeholder participation includes removing barriers to travel including visas, noted that multistakeholder fora draw funds away from meaningful participation, and called for partnerships with the GPML and Basel Plastic Waste Partnership to organize meaningful multistakeholder fora.

EARTHWATCH INSTITUTE AUSTRALIA encouraged multistakeholder engagement in the INC process, highlighting the use of citizen science in monitoring measures.

Standard articles on final provisions: Chair Meza-Cuadra shared the working document prepared by the Secretariat which describes standard articles on final provisions that are typically included in multilateral environmental agreements (MEAs) (UNEP/PP/INC.1/8).

SOLOMON ISLANDS, for P-SIDS, called for flexibility for states to make changes at the national level before those annexes enter into force. CANADA recalled the provision of entry into force of annexes under the Minamata Convention which provides legal certainty for countries who treat amendments to annexes as treaty amendments. JAPAN and CUBA stated that discussions on final provisions will be dependent on the substantive issues agreed for the ILBI. PAKISTAN and the US suggested using standard articles under existing MEAs.

CHILE and URUGUAY called for a no reservations clause. MEXICO suggested using a party and non-party system, modelled after the Montreal Protocol and Minamata Convention sequencing and recommended further work to be undertaken. COLOMBIA, for GRULAC, called to organize regional preparatory meetings. SAMOA, for P-SIDS, called for the establishment of negotiation tracks that avoid overburdening small delegations, with particular emphasis on a negotiation track for MoI for NAPs.

The EU saw the need to establish contact groups at INC 2, with no more than two running in parallel. SAUDI ARABIA stressed this process is committee driven, and decisions will be adopted by members without stakeholder input. CHINA suggested clustering working groups around the whole lifecycle of plastics, and with EGYPT, called to take into consideration the burden towards smaller delegations. NORWAY suggested creating two workstreams at INC 2, with several contact groups in each one, based on the elements contained in UNEP Resolution 5/14. JAPAN said it is premature to have a decision on how to cluster the substance of the ILBI before addressing outcomes from any intersessional work.

Informal Group on Possible Options for the ILBI, and Modalities for Stakeholder Engagement

In the morning, Informal Group Co-Facilitator Daniela García, Ecuador, reported the progress of the group to plenary. She noted the discussion on requests to the Secretariat for documentation for INC-2, including views that the documents should not prejudice the outcomes of the treaty but rather provide concrete options for delegates. Informal Group Co-Facilitator Erin Silsbe, Canada, reported that on the group's discussions related to stakeholder engagement, delegates had welcomed written submissions from stakeholders which could be distributed intersessionally. She noted some concerns that engagement with stakeholders should not divert resources from states' participation in the INC process.

When the group met, the Co-Facilitators presented a text proposal to inform INC-2, based on the group's discussions. The text was intended to facilitate the Committee's work and contains a request to the Secretariat to prepare a document with options for elements of the instrument, without prejudging what the committee might decide regarding the structure and provisions of the instrument. Delegates stressed that this document is a guide for the negotiators and not a zero draft. Many asked to make alterations to the text, including some developed countries requesting the exclusion of references related to means of implementation. The group also discussed text addressing the modalities for multi-stakeholder engagement, inviting stakeholders to make written submissions to the work of the INC, and requesting the Secretariat to convene a virtual multi-stakeholder dialogue during the intersessional period and to convene a multi-stakeholder forum in conjunction with the INC

In the Corridors

On the penultimate day of INC-1, delegates worked to finalize a first round of discussions on the core elements to be included in the new treaty. Of note on the day's agenda was a discussion on science. Some were keen to link this discussion to forthcoming negotiations on a new science policy panel on chemicals, waste, and pollution. Others went even further, tentatively positing that the new instrument could benefit from a dedicated science-policy interface of its own. However, there was some skepticism, with a few opining that "the science on plastic risk to human health is not robust enough," to the alarm of some stakeholders. "Over the last few years, numerous analyses of the chemical additives in plastics have proven without a shadow of a doubt that there is a need for urgent global action," one delegate affirmed. "Other global bodies have already acknowledged this," expressed another, noting work under the World Health Organization, and discussions under the Stockholm Convention.

With curtains soon to close on the first meeting of the INC, the majority were buoyed by the progress made at this session. Commenting on the breadth of information shared and the wide range of positions and suggestions made, one participant, acknowledging the marathon negotiations ahead, quipped, "we are well on our way to a treaty!" Another delegate, making her way to the evening's meeting of the informal group, shared that, "it is time to push through the same old treaty making challenges, and put an end to plastic pollution."

The *Earth Negotiations Bulletin* summary and analysis of INC-1 will be available on Monday, 5 December 2022 at enb.iisd.org/plastic-pollution-marine-environment-negotiating-committee-inc1