

Summary of the First Meeting of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution: 28 November – 2 December 2022

As one of the most palpable examples of our “throwaway” culture, the immense growth in plastic pollution is wreaking havoc on human health and the environment. In a historic decision at the fifth session of the United Nations Environment Assembly (UNEA) in March 2022, Member States agreed to negotiate an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment, setting an ambitious timeline to conclude negotiations in 2024.

Meeting for the first time, the intergovernmental negotiating committee (INC) was prepared to address organizational as well as substantive matters. However, from the very start, delegates delved into the form and substance of the future treaty. While these substantive discussions occupied most of the week’s agenda, a few significant and contentious procedural and organizational matters, including the election of the bureau and voting procedures, were also in the foreground.

Following general statements on the future treaty, delegates addressed: the scope, objectives, and structure of the instrument; potential elements of the instrument; standard articles on final provisions; and sequencing and recommended further work to be undertaken.

The Committee heard a number of proposals over the course of the week, with some early points of convergence emerging as well as notable differences on a number of matters. At its conclusion, the Committee requested the INC Secretariat to prepare a document, ahead of INC-2, which would outline options for elements of the instrument, based on a comprehensive approach that addresses the full lifecycle of plastics, including the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation, and including both legally binding and voluntary measures.

Prior to the meeting, more than 1,000 participants attended a [Multi-Stakeholder Forum](#), both in-person and online. During the INC meeting itself, an additional stakeholder dialogue was held, with two panels addressing, respectively, the upstream and downstream approaches to plastic pollution and the mid-stream stage of the plastic lifecycle. Delegates supported wide stakeholder participation throughout the INC process, with many underscoring stakeholder input through written statements during intersessional periods as well as participation in the INC process.

INC-1 convened online and in-person in Punta del Este, Uruguay, from 28 November - 2 December 2022. More than 2,300 delegates from 160 countries and stakeholder groups participated.

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 8.3 billion tonnes of plastic produced since the 1950s, studies show that 6.3 billion tonnes are now waste, with between 8-12 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 have been 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, UNEA passed a number of resolutions to discuss the best ways to address plastic pollution. Specifically, UNEA resolution 3/7 established an *Ad Hoc* Expert Group (AHEG) on marine litter and microplastics to identify, *inter alia*: the range of national, regional, and international response options, including actions, innovative approaches, and voluntary

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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 are also conducting 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 marine litter and plastic pollution.

Key Turning Points

AHEG-1 and 2: At the first AHEG meeting in Nairobi, Kenya, in May 2018, delegates exchanged views on barriers to combat marine litter and microplastics and considered the work of existing mechanisms addressing this issue. The option of establishing a new global governance structure was also raised. During the second AHEG meeting held in Geneva, Switzerland, in December 2018, the group convened two workshops to better understand elements related to information, monitoring, and governance.

UNEA-4: At its fourth session in Nairobi, Kenya, in March 2019, UNEA extended the AHEG's mandate until UNEA-5.

AHEG-3 and 4: At its third meeting (December 2019, Bangkok, Thailand), the AHEG requested the Secretariat to produce reports on the financial and technical resources and mechanisms to address the issue, as well as on partnerships. Due to the COVID-19 pandemic, AHEG-4 met virtually in November 2020. 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 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 in February 2021, due to the COVID-19 pandemic. Delegations highlighted national efforts to combat marine litter and plastic pollution. However, they postponed formal discussions on the issue until they could meet in person.

2021 Ministerial Conference: From 1-2 September 2021, the governments of Ecuador, Germany, Ghana, and Viet Nam co-convened 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. Delegates built on the momentum created by various international discussions and made concrete suggestions to address the issue at the resumed fifth session of UNEA (UNEA 5.2). They spent most of the conference discussing a draft ministerial statement developed by the conference conveners, which set out the problem and called on UNEA to establish an INC towards a new global agreement. They were unable to reach consensus on the statement, but were successful in keeping the momentum towards the establishment of an INC. Peru and Rwanda called for support for their own resolution, which would be tabled at UNEA-5.2, also calling for the establishment of 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 by adopting [resolution 5/14](#) to "End plastic pollution: Towards an international legally binding instrument," which established the INC and called for an *ad hoc* 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 *ad hoc* OEWG to prepare for the INC on plastic pollution met to address 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 discussions on the draft rule on voting rights, specifically the voting rights for regional economic integration organizations. The group agreed to forward this discussion to INC-1.

INC-1 Report

On Monday morning, 28 November, Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, opened the meeting, noting that more than 160 countries were represented, with more than 2,300 delegates registered. Luis Lacalle Pou, President of Uruguay, highlighted the importance of: knowledge; individual, corporate and state responsibility; and optimism on the road towards a treaty, and shared that Uruguay had recently issued a unique environment bond valued at USD 1.5 billion, with fiscal goals linked to environmental interests.

Inger Andersen, UN Under-Secretary-General and UNEP Executive Director, reiterated that to build an ILBI addressing the entire lifecycle of plastic, there is a need for broad participation, science-driven action, stakeholder engagement, and innovative thinking.

Adrián Peña, Minister of Environment, Uruguay, emphasized the need for a treaty reflecting broad consensus and including all stakeholders including the private sector. He highlighted the country's new deposit-return scheme for plastic packaging.

The European Union (EU), with Japan, US, Norway, Canada, Australia, New Zealand, Iceland, Monaco, Republic of Korea, Switzerland, and the UK, condemned Russia's invasion of Ukraine, expressing solidarity with Ukraine. The RUSSIAN FEDERATION stressed that the INC process should not be politicized.

Election of Officers

On [Monday](#), the Secretariat noted that they had received nominations for a Chair and Vice Chairs from: Antigua and Barbuda (for small island developing states); Rwanda and Senegal (for Africa); Japan and Jordan (for Asia-Pacific); Peru and Ecuador (for the Latin American and Caribbean Group (GRULAC)); and Sweden and the US (for the Western European and Others Group (WEOG)). The Secretariat highlighted their receipt of four self-nominations from Georgia, Estonia, Russian Federation, and Ukraine for Central and Eastern Europe.

The Committee then elected Gustavo Meza-Cuadra (Peru), as INC Chair by acclamation, and decided that the chairmanship would alternate to Ecuador after INC-3

Delegates agreed to postpone discussion on the election of the INC Bureau until Friday to allow for informal consultations towards a consensus. On Friday in plenary, INC Chair Meza-Cuadra informed delegates that no consensus had been reached. He proposed, and delegates agreed, to postpone the election of the Bureau until INC-2, including the appointment of the rapporteur. He noted that he would continue to work with those members whose nominations had been confirmed by their regional groups.

Organizational Matters

Rules of Procedure: On [Monday](#), the Secretariat introduced the draft rules of procedure ([UNEP/PP/INC.1/3](#)), noting that the draft had been agreed by the OEWG and forwarded to the INC for consideration and adoption, with the exception of Rule 37 (1 and 2) on voting rights for regional economic integration organizations. Chair Meza-Cuadra proposed holding informal consultations on these and applying the draft rules provisionally to the work of the INC.

On Friday in plenary, Chair Meza-Cuadra reported on informal consultations held on Tuesday related to proposals from the EU and the US, and from Saudi Arabia, Bahrain, Egypt, and Qatar, and stated that concerned delegations had been unable to reach a compromise. He noted his intention to conduct further consultations to resolve this issue at INC-2 and said that the rules would continue to be applied provisionally, with the exception of Rule 37.

SAUDI ARABIA stressed that the text on the draft rules of procedure forwarded to the INC by the OEWG had not been agreed. INDIA, with the RUSSIAN FEDERATION, requested to also bracket Rule 38 (adoption of decisions), noting its links to Rule 37, calling for all decisions be taken by consensus.

SENEGAL and the US called on delegates not to reopen points that were agreed to at the OEWG, stressing that only Rule 37 was still open for negotiation.

Adoption of the Agenda and Organization of Work: On [Monday](#), the INC adopted the provisional and annotated agenda ([UNEP/PP/INC.1/1](#) and [Add.1](#)). On the organization of work, the Secretariat introduced the scenario note ([UNEP/PP/INC.1/2](#)).

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

General statements: Delegates shared general statements pertaining to the preparation of an ILBI, including their priorities for the INC process, on [Monday](#) and [Tuesday](#).

Scope, objective, and options for the structure of the ILBI: This item was addressed on [Wednesday](#). The Secretariat introduced the documents including on broad options for the structure of the ILBI, ([UNEP/PP/INC.1/4](#)), the potential elements, including key concepts, procedures, and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the ILBI ([UNEP/PP/INC.1/5](#)), as well as the glossary of key terms ([UNEP/PP/INC.1/6](#)).

On **scope**, most delegations expressed preference for a comprehensive approach addressing the full life cycle of plastics. Specifically, delegations outlined that the ILBI address, *inter alia*: legacy plastic; the drivers and sources of plastic pollution; materials, products, substances, uses, and processes from the polymerization phase; feedstocks; and plastic in the marine environment.

On **objectives**, delegations supported that the ILBI “protect the environment and human health from plastic pollution, and ultimately end plastic pollution.” Delegations also prioritized that the ILBI’s objectives encompass, among others: the environmentally sound management of plastic waste; means of implementation; circular economy approaches; human and labor rights; intergenerational equity; and a just transition.

On **structure**, views diverged between those favoring a specific legally binding convention, including core obligations and control measures, and those whose preference is for a framework convention, driven by national action plans (NAPs). Others noted that these options were not mutually exclusive, pointing to the possibility of a hybrid treaty. Many others underlined that it was premature to decide on the ILBI’s structure, noting that “form

follows function,” and calling for an initial discussion on the obligations in order to make a more informed decision. Some delegations called for a structure flexible enough to accommodate new knowledge and information.

Delegates also proposed guiding principles and approaches, calling for the ILBI to enshrine, *inter alia*: the polluter pays principle; extended producer responsibility; inclusiveness; common but differentiated responsibilities and respective capabilities; and transparency.

Potential elements to be included in the ILBI: Delegates addressed this cluster of issues on [Wednesday](#) and [Thursday](#) in plenary and in an informal group, co-facilitated by Daniela García (Ecuador) and Erin Silsbe (Canada).

Core obligations, control measures, and voluntary approaches, as well as NAPs: In their discussions on **core obligations** on [Wednesday](#), several delegations said the ILBI should combine legally binding core obligations, control measures, and voluntary elements, and address the entire plastics lifecycle. They suggested specific obligations, including those addressing, *inter alia*: harmful chemical additives and substances; recycling and waste management; design standards; reducing production of problematic, single-use, and unnecessary plastics; and disclosure of hazardous chemicals in polymers.

On **control measures**, they highlighted preference for the ILBI implementing measures along the entire lifecycle of plastic, specifically addressing production, design, trade, consumption, and waste management. They called for, among others: upstream measures including on curbing production; midstream measures including design standards (also addressing hazardous chemicals and harmful additives), packaging, and labeling standards; and downstream measures related to, among others, reducing consumption, recycling, and waste management.

On **voluntary measures**, some delegations supported voluntary national measures, with some calling for an approach based on national circumstances, underpinned by a bottom-up approach and nationally determined action plans, without global standardization and harmonization.

On **NAPs**, views diverged on the role of these plans in the implementation of the ILBI. Some supported NAPs as the cornerstone of ILBI implementation. Others shared that NAPs are a complement to global measures and should be used to monitor implementation and address issues related to compliance.

Means of implementation, including capacity building, technical assistance, and finance: On [Wednesday](#), INC Chair Meza-Cuadra highlighted the documents on existing funding currently available for addressing plastic pollution through international funding arrangements ([UNEP/PP/INC.1/9](#)) and, on priorities, needs, challenges, and barriers relating to ending plastic pollution at the national level ([UNEP/PP/INC.1/11](#)).

Several delegations noted that means of implementation are critical and must address the entire lifecycle of plastics, and emphasized that finance, capacity building, and technology transfer will be crucial to implementation, particularly for developing countries, noting a current lack of resources, infrastructure, and technological capacity to manage plastic pollution.

Several delegations also underscored the need for a financial mechanism to assist developing countries in implementing the obligations of the ILBI. Others opined that it is premature to discuss specific arrangements for the financial mechanism, and underscored capacity building, technical assistance, and technology transfer under mutually agreed terms.

Monitoring and evaluation of progress in, and effectiveness of, implementation and national reporting: In their discussions on monitoring and evaluation on [Thursday](#), delegations prioritized, among others: common monitoring and reporting frameworks as under the Minamata Convention on Mercury; technical guidelines for implementation of monitoring systems; an effective evaluation framework as modeled by the Global Partnership on Marine Litter; and a single global framework for monitoring, reporting, and evaluation. Others asserted the need for a strong monitoring and evaluation structure that secures accountability from all stakeholders at the upstream, midstream, and downstream stages of the plastic lifecycle. In their discussions, some noted the need for financial and technical assistance for monitoring and reporting, while others highlighted links to compliance.

Some 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.

A number of delegations, however, noted that it was premature to address this issue, underscoring that form follows function in decisions related to monitoring, reporting, evaluation, and effectiveness evaluation, highlighting the importance of an understanding of the objectives of and obligations related to the ILBI.

Other aspects, including scientific and technical cooperation and coordination, research and awareness raising: On [Thursday](#), INC Chair Meza-Cuadra pointed to the documents on plastic science ([UNEP/PP/INC.1/7](#)), 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](#)).

In their discussions, many 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.

Some expressed concern that not all delegations have a shared understanding of plastics science, with many calling for the establishment of a dedicated subsidiary scientific body. Some urged collecting existing information and generating new findings to support the negotiating process, with some delegations recommending coordination with international organizations, highlighting the Basel and Stockholm Conventions in this regard.

Others favored 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 Intergovernmental Panel on Climate Change (IPCC).

Stakeholder participation and action: Delegates engaged in a Multi-Stakeholder Forum preceding the meeting on [Saturday](#), and held an informal stakeholder dialogue on [Tuesday](#). On [Thursday](#), Chair Meza-Cuadra 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 an information document on the approach for the multi-stakeholder action agenda to end plastic pollution ([UNEP/PP/INC.1/INF/11](#)).

Delegations generally agreed on the value of stakeholder participation both in developing the ILBI and in implementing it. Many called for meaningful and equitable stakeholder participation to render the ILBI credible, viable, and effective. Regarding

stakeholder participation during the INC process, several delegations supported written stakeholder submissions made during the intersessional periods of the INC to give Committee members time to review them. Some suggested a mix of in-person and virtual stakeholder participation as well as written submissions with targeted questions and regional consultations. Many delegations underscored the crucial role that stakeholders play in implementing multilateral environmental agreements (MEAs).

A few recommended establishing an online platform for stakeholder engagement, with others suggesting an online portal for stakeholder submissions. One called for a feedback loop between multi-stakeholder dialogues and the negotiation process, saying the provision of written documents and synthesis reports to the INC would be helpful; and supported stakeholder engagement during the intersessional period.

Some called attention to the UN Framework Convention on Climate Change's involvement of industry stakeholders, and to the Framework Convention on Tobacco Control, which banned the engagement of the tobacco industry. Others outlined standards for multi-stakeholder engagement, including that participation funding should be channeled to a common pot that does not draw away from states' participation, and recommended that future multi-stakeholder fora be organized around specific issue areas along the plastics value chain.

Final provisions: Delegates addressed this issue on [Thursday](#), with Chair Meza-Cuadra sharing the working document prepared by the Secretariat, which describes standard articles on final provisions that are typically included in MEAs ([UNEP/PP/INC.1/8](#)).

Delegates discussed, among others, noting final provisions in MEAs tend to specify as a rule that annexes form an integral part of those MEAs, but several have also established special amendment procedures that apply different requirements for some annexes. Some delegations called for flexibility for states to make changes at the national level before those annexes enter into force. Others 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. Some stated that discussions on final provisions will be dependent upon the agreed substantive provisions of the ILBI. A number suggested using standard articles under existing MEAs, with some calling for the inclusion of a no reservations clause.

Sequencing and Recommended Further Work: This issue was addressed on [Thursday](#) and Friday, with delegates considering how best to address the multiple issues to be tackled. Many broadly categorized these issues as falling into three main clusters: substantive issues; issues related to means of implementation; and institutional arrangements.

On Friday, SWITZERLAND, underscoring the enormous task before the INC and highlighting the need to address obligations and control measures, prioritized, with THAILAND, the establishment of two contact groups from INC-2 going forward, one on obligations and control measures, among other substantive issues, and one on means of implementation and institutional arrangements.

PERU called for two working groups on substantive matters and on means of implementation, calling on the Secretariat to circulate related documents in advance of INC-2 in all languages.

TÜRKIYE stressed the importance of sequencing the work of the INC process and called for this matter to be resolved and for the resolution to be shared with all delegations.

CUBA underlined that small delegations would find it difficult to engage in working or contact groups running in parallel, calling for INC-2 to establish two groups addressing objectives, scope,

approaches, and measures, and means of implementation and institutional arrangements.

THAILAND underlined the importance of intersessional work including focused discussion groups on substantive issues, calling for INC-2 to address the ILBI structure and key provisions.

CANADA called for delegations to be “negotiation ready” for INC-2, supporting two clusters for organizing discussions at INC-2, on objectives, scope, and measures to be addressed in the ILBI, as well as means of implementation and institutional arrangements.

The US underlined that the Committee should not “lock ourselves” into detailed organizational arrangements before INC-2, noting that it is premature to take decisions on the structure of discussions and the establishment of contact groups, and called for a high-level segment at INC-2 following a Multi-Stakeholder Forum.

Senegal, for the AFRICAN GROUP, prioritized discussions on the scope, objectives, and structure of the ILBI, and on each stage of the lifecycle of plastic, calling for national reports to be discussed at each stage. He underlined the need for in-depth discussions on production, as well as additives and types of plastics; and underlined that means of implementation should be discussed at each INC, towards agreement on a multilateral fund and arrangements related to capacity building, technology transfer, and technical assistance.

CAMEROON asked the Secretariat to prepare a streamlined non-paper on the broad contents of the future text; called for appointing facilitators for thematic areas, who would report to plenary; and preferred not holding parallel informal sessions, noting flexibility conditional upon support for participation of two delegates from each developing country.

SOUTH AFRICA asked the Secretariat to prepare a detailed policy options paper for control measures and a synthesis paper; and called for intersessional work on control measures, establishing two contact groups, on control measures and means of implementation respectively, and financial support for attendance of two representatives from each developing country.

GUINEA hoped that during the negotiation process the specificities and needs of each country will be considered, and noted needs regarding information and awareness raising.

The PHILIPPINES requested further work to focus on how to explore possible standards for product design, circularity, and recycling; and supported two contact groups, one on substantive elements and another on institutional arrangements and means of implementation, and that contact groups take note of cross-cutting measures across workstreams.

SRI LANKA called for participation of at least two persons from developing countries; recommended a high-level segment to support implementation; noted developing countries may emphasize downstream activities at this stage; and called for technical assistance for evaluation and monitoring regarding imports and exports, as well as flows within countries.

The RUSSIAN FEDERATION welcomed preparing a zero draft, and supported splitting the negotiation process into two parallel tracks. BURKINA FASO called for a thorough analysis of recycling before 2024, noting a great deal of evidence about the harms that recycling pose for human health, called for awareness-raising actions for waste pickers and recyclers, and welcomed assistance in developing and implementing NAPs.

The REPUBLIC OF KOREA said we need to move into substantive negotiations at INC-2, noting the heavy workload until 2024, and supported having two parallel groups, noting flexibility on informal or working groups. RWANDA understood that the INC will not organize another Multi-Stakeholder Forum, and instead assist stakeholder involvement during the intersessional periods and

through written inputs; and supported establishing two workstreams, with one addressing substantive matters, including implementation measures, and the other addressing the means of implementation.

EGYPT supported not holding more than two contact groups simultaneously, and the provision for the participation of at least two delegates from developing countries; said action and support are two sides of the same coin that must be progressed at the same speed; and called for a strategic discussion at INC-2 on scope, objectives, and structure, before discussions on potential measures, reporting, and means of implementation.

PAKISTAN called for two workstreams, one on objectives, scope, core obligations, and control measures, and another on means of implementation, finance, institutional arrangements, monitoring and evaluation, and stakeholder engagement; and supported contact groups subject to financing two participants from each developing country.

BAHRAIN supported discussing potential options of the ILBI at INC-2, and establishing two contact groups, one on substantive matters, including the environmentally sound management of plastic waste, and another on means of implementation and a financial mechanism, noting that no more than two contact groups should be held in parallel.

BRAZIL called for means of implementation to be designed concurrently with, and proportionally to, the obligations and implementation measures that are proposed, so that they are equally ambitious.

The UK supported prioritizing INC funding to enable attendance of two delegates from developing countries; stakeholder participation through written submissions and a virtual dialogue; setting up two contact groups, one on substantive matters and another on means of implementation and institutional arrangements; and holding high-level segments at a later stage in the process.

UGANDA called for: organizing work along two tracks, one on substantive matters including scope, and another on means of implementation and general provisions; not holding more than two parallel sessions; support for the participation of at least two delegates from each developing country; intersessional work, including regional consultations; and stakeholder engagement not to encroach upon the negotiation work.

NIGERIA said it is very pertinent to prioritize means of implementation at INC-2, and strongly suggested that the INC Secretariat consider extending funding for at least two delegates from developing country states.

INDIA called for two contact groups, one on substantive matters and another on implementation, underscoring that proportional means of implementation are crucial to effectiveness. INDIA also called for the Secretariat to look into the availability, access, and affordability of technologies related to all core obligations, control measures, and voluntary approaches, and making clear what would be required of developed countries in this respect, including with respect to technology transfer; and called for incorporating the experiences of countries with plastics policies and legislation into deliberations at INC-2.

TRASH FOR PEACE asked for assurance that waste pickers will continue to participate in and contribute to the process, calling for financial and logistical support for observers, including interpretation; demanded appropriate technology transfer and decent and safe work, underscoring a just transition; and requested a study on the impacts of plastics on the health of waste pickers.

JORDAN supported work in two contact groups on the substantive issues and on institutional arrangements, noting the urgency of the task before the INC, and called for a compilation

document of states' submissions from INC-1 to guide group discussions during the intersessional period. KENYA welcomed the new information shared at INC-1, and urged the Secretariat to ensure in-person and online dialogues during the intersessional period, and informed delegations of the launch of the Just Transition Initiative, convened jointly with South Africa.

Colombia, for GRULAC, with ARGENTINA and CHILE, proposed that INC-2 be a mixture of plenary and two workstreams, including on introductory elements and institutional arrangements, and on substantive matters including means of implementation; and called on the Secretariat to include this in a scenario note. CHILE supported regional meetings during the intersessional period, but noted that it was premature to have a high-level segment at INC-2.

ZAMBIA called for intersessional work to address each stage of the lifecycle of plastic, and underscored the role of waste pickers' inputs into national reports. AUSTRALIA supported intersessional activities including stakeholder preparation and preparation of documentation by the Secretariat; and called for two contact groups on substantive elements, and means of implementation and institutional arrangements.

MALAWI underscored the need to consider small delegations in discussions on the sequencing of work, and underlined the need to address scope, objectives, control measures, and means of implementation. ECUADOR called for written contributions from stakeholders and virtual regional and stakeholder dialogues during the intersessional period.

ARGENTINA underlined that discussions on means of implementation should be held at the same pace as legal issues, and, with CHILE, called to finance two delegates per developing country delegation. The DOMINICAN REPUBLIC underlined the need to engage and integrate stakeholders in the INC discussions.

The MAJOR GROUP FOR CHILDREN AND YOUTH requested the Secretariat to organize more information sessions for youth and other interested groups, and for documentation to be circulated in advance of intersessional multi-stakeholder work.

INTEGRATIVE STRATEGIES FORUM pointed to the UN Secretary-General's recent statement on plastic as another form of fossil fuels; underlined that plastic pollution is an extension of colonialism, systemic racism, and exclusion; and called on those communities most affected by the plastics crisis to continue to hold industry to account throughout the INC process and beyond.

INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN), with ENVIRONMENT AND SOCIAL DEVELOPMENT ORGANIZATION BANGLADESH and others, noted that the organization of the Multi-Stakeholder Forum during the INC process is a waste of resources, and called for an open and transparent INC process with full stakeholder participation.

Underlining the importance of stakeholder engagement, EARTHDAY.ORG called for an immediate end to single use plastics by 2030, stressed the need to implement the polluter pays principle, recalled that access to a safe and healthy environment is now a human right, and emphasized the need to ban hazardous plastic chemicals and additives.

Report from informal group discussions: On Friday in plenary, Informal Group Co-Facilitators Erin Silsbe and Daniela García shared the outcome of the group's discussions. Silsbe presented a proposal to be included in the INC-1 report requesting that the Secretariat prepare documentation to inform INC-2, including a document with options for elements of the ILBI, based on a comprehensive approach that addresses the full lifecycle of plastics. This document would contain options for the objective of the treaty, as well as substantive provisions including core obligations, control

measures and voluntary approaches, implementation measures, and means of implementation, noting the document could include both legally binding and voluntary measures.

The proposal notes: the document intends to facilitate the Committee's work without in any way prejudging what the INC may decide regarding the structure and provisions of the ILBI; it will draw on the views expressed by members during INC-1 as well as their written submissions; and proposes, with brackets around the dates, to set deadlines for the written submissions from stakeholders and states, as well as to post submissions on the INC website.

Welcoming the proposal, Chair Meza-Cuadra proposed to include it in the report of the meeting. PAKISTAN, supported by MALI, called for adding "scope" to the list of elements for which options will be provided. MALI added that the text should include, in addition to plastic pollution in the marine environment, land, river, and lake pollution. CHILE asked about the brackets around the deadlines for stakeholders and states to submit written submissions prior to INC-2. INC Executive Secretary Mathur-Filipp clarified that the dates will be decided based on the dates agreed for INC-2.

Regarding modalities for multi-stakeholder engagement, Informal Group Co-Chair García expressed the group's concern that although the overview of stakeholder engagement frameworks, including potential approaches for the ILBI ([UNEP/PP/INC.1/12](#)), outlined modalities in broad terms, it did not provide a basis for proceeding further; and noted that rich discussions in plenary may have covered the issue adequately, calling for this to be reflected in the INC-1 meeting report.

Chair Meza-Cuadra took note of the proposal and rich discussions in plenary. CHINA stressed that the outcome of the negotiations should be the result of consensus reached by all parties after full communication, expressing hope that all views expressed in the meeting are reflected in the report of the meeting. CHILE requested that the final report be submitted once the session is over, to ensure that contributions made by Member States are correctly reflected at the end of the session. Delegates took note of the proposal.

Other Matters

INC-2 date and venue: On Friday, the Secretariat introduced a document on the proposed timetable for the INC process ([UNEP/PP/INC.1/INF/3/REV.2](#)) and noted that INC-2 will be an exclusively in-person meeting. Several delegates welcomed the offer by France to host INC-2 in Paris from 22-26 May 2023; supported offers by Kenya to host INC-3, Canada to host INC-4, and the Republic of Korea to host INC-5, and expressed appreciation to the government of Uruguay for hosting INC-1. Delegates also took note of four proposals to host the diplomatic conference of plenipotentiaries in mid-2025, by Ecuador, Peru, Rwanda, and Senegal.

Chair Meza-Cuadra informed delegations that host countries have an obligation, under the model UN host country agreement, to issue visas for meeting participants from all Member States at least two weeks in advance of the meeting. He proposed that, should a country not be in a position to meet these obligations, including with respect to the issuance of visas, the UNEP Executive Director would convene the meeting of the INC in Nairobi, Kenya, at the INC Secretariat.

IRAN noted that members of their delegation have been prohibited from participating in UN meetings due to visa refusals. The RUSSIAN FEDERATION expressed concerns about meetings of the Committee being held in France and Canada, noting members of the Russian delegation have not obtained visas to participate in a meeting of UNESCO as well as the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity

in Canada. He explained that they would not block INC-2 being held in Paris, France, “as a gesture of good will” and with the expectation that visas will be issued to all INC members, noting that if this is not the case, the matter would be raised with the Secretariat and the meeting would be moved to UNEP Headquarters in Nairobi, Kenya.

FRANCE expressed the commitment to ensure the negotiations run smoothly, and to comply with the principles and rules that govern work in the UN. CANADA reaffirmed its offer to host INC-4, expressing a commitment to do the utmost to ensure an accessible, inclusive, efficient, and meaningful meeting as a host country, underscoring the full participation of all members and observers as well as that the visa process is made as efficient as possible. CHILE informed a willingness to host an INC if necessary, and noted having communicated this offer to the Secretariat.

INC-2 agenda: Chair Meza-Cuadra then introduced a draft decision on the draft provisional agenda of INC-2 (UNEP/PP/INC.1/L.2). He noted that consultations are still ongoing on the bracketed text of the rules of procedure, and proposed adding this to the INC-2 agenda to allow for consultations at the next session.

The US requested that a high-level segment be added to the provisional agenda for INC-2, asking the Secretariat to consider innovative ways to ensure that this would not detract from the time allocated to substantive negotiations. EGYPT underlined that it premature to convene a high-level segment, noting that this would be too onerous for small delegations, and emphasized the need to focus on technical discussions at this stage. Chair Meza-Cuadra noted that no agreement had been reached on the proposal for a high-level segment.

THAILAND called for written submissions to be made ahead of INC-2. EGYPT urged maintaining the reference to the item on the “Preparation of an international legally binding instrument on plastic pollution, including in the marine environment.” The Committee adopted the decision on the draft provisional agenda for INC-2.

Adoption of the Report and Closure of the Session

Delegates considered the report of the meeting (UNEP/PP/INC.1/L.1), with Chair Meza-Cuadra noting that he would finalize the report, in lieu of a rapporteur. Delegates adopted the report.

During the closing session, Austria, for WEOG, expressed disappointment on the failure of the meeting to elect a bureau, noting this breaks with decades of tradition under MEAs, and calling for consensus to be reached prior to INC-2. The RUSSIAN FEDERATION noted that one of the states that is a member of WEOG has repeatedly frustrated the election of the Russian Federation to any MEA bureau, stating that MEA processes should not be politicized.

Colombia, for GRULAC, among others, underlined that the report of the meeting should reflect all of the views expressed during the session, reiterated the region’s commitment to concluding a strong ILBI, emphasized the need to address means of implementation early, and expressed their hope that the options paper requested for INC-2 will help to guide the discussions. THAILAND thanked all delegations for their constructive work over the week.

The Alliance of Small Island States (AOSIS) stressed that process should not delay progress, requested that the documentation from the Secretariat be circulated well in advance of INC-2, and reiterated their commitment to the process.

The EU underlined that the ILBI must be efficient and effective, and must be global in nature to address the entire plastic lifecycle, and underscored the need to also address waste management, a just transition, and means of implementation.

BRAZIL called on delegations to continue with the same diligence at future meetings, supporting the establishment of two workstreams at INC-2 as proposed by GRULAC, underlining the need to specify the scope, objectives, and means of implementation of a future ILBI, and calling for a balance between socio-economic and environmental concerns to effectively agree on a new treaty.

Chair Meza-Cuadra informed participants that, because of the late hour, the session had to continue without interpretation services. PAKISTAN, CHINA, and RUSSIAN FEDERATION asked for the meeting to be closed if no interpretation could be provided. Chair Meza-Cuadra clarified that he had informed about this well in advance, and many participants still asked for the floor. He asked for indulgence and ending the meeting in a constructive way.

URUGUAY expressed gratitude to the Chair, Secretariat, staff, logistics, interpretation services, and participants. Ghana, for the AFRICAN GROUP, expressed their hope that INC-2 can produce a zero draft and called for capacity building for developing countries. ERITREA reiterated their call for measures to control plastic pollution, including: reducing virgin plastic; controlling the volume of plastics produced; and establishing product design measures.

TÜRKIYE expressed her hope that we all leave a mark in history and achieve success in this process. CHILE repeated their views expressed during the week, including to have: clear binding and universal rules, based on scientific knowledge; a focus on human rights and a gender perspective; and prioritizing financing for the participation of technical and political participants at future INCs. PANAMA reiterated their call for ambitious goals and means of implementation. MEXICO announced their adherence to the high ambition coalition to end plastic pollution.

The CENTER FOR OCEANIC AWARENESS RESEARCH AND EDUCATION touched on the conflict of interest arising from industry presence at the INC negotiations, and called for keeping in mind the UN Guiding Principles on Business and Human Rights. WWF, noting that “solutions will demand more than hopeful promises,” suggested work on criteria for banning and phasing out plastic, as well as considering support mechanisms. IPEN reflected on collective and moral responsibility to protect the health of the most vulnerable.

INC Executive Secretary Mathur-Filipp thanked the Government of Uruguay and delegates for the powerful display of engagement to the process through an unprecedented number of interventions.

Chair Meza-Cuadra thanked the government of Uruguay, highlighting the large participation from small island developing states. He thanked participants for their constructive engagement and said the work ahead is “not an easy task, but the right thing to do is hardly an easy thing to do.” With a quote from Peruvian poet César Vallejo, “hay, hermanos, muchísimo que hacer” (there is, brethren, a lot to do), he closed the meeting at 7:52 pm.

A Brief Analysis of INC-1

“Life in plastic, it’s fantastic.”

Danish-Norwegian Europop and Dance-pop band Aqua

“We have one giant, global plastic pollution problem, and a thousand suggestions on how to solve it.” This comment, shared by a participant midway through the meeting, seemed to sum up the nature of the first session of the Intergovernmental Negotiating Committee (INC), which is tasked with developing an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment. Even though there is a common understanding about the adverse effects of plastic pollution on human health and the environment, governments and stakeholders

have voiced a diverse set of options for an international regulatory response. During the first week, delegates' visions for a plastic treaty were largely reflective of the level of their country's development, and their country's associations with plastic production and/or plastic waste.

With the words of revered Uruguayan poet Mario Benedetti, this brief analysis will outline some of these different visions and, drawing from past treaty negotiation processes, see what lessons can be learned as the Committee finds its footing.

Me Sirve No Me Sirve

While most delegations seem to agree that there are negative effects surrounding plastic pollution, it was clear they have yet to find common ground on the details and contents of key substantive themes that will determine the scope and guide the implementation of the ILBI. While an understanding emerged on the need for the treaty to encompass the full lifecycle of plastics, the definition of "lifecycle" has not yet been agreed. Different views persisted on when this lifecycle begins and ends, with some considering the need to address the early stages of plastic production, and others prioritizing starting only at the product-design phase.

Discussions on downstream control measures also presented divergent opinions. The issue of recycling of plastics came into sharp focus, with some scientists sharing that there is, as yet, no safe way to recycle plastic given the high volume of toxic additives in most plastic products. A circular economy for plastics "hinges on" the reduce-reuse-recycle model, which is supposed to play a part in closing the loop on plastic pollution. "If we really cannot recycle, we may need to rethink the model," shared one participant. While many still hold onto the hope that the world can transition to a toxic-free, and circular plastics economy, there were also more urgent calls for drastically reducing plastic production, with one stakeholder putting it as follows: "Yes, we need to close the loop, but we also need to make the circle smaller."

Another point of divergence concerned the now familiar lines between mandatory and voluntary elements in the future treaty. By the end of the session, there seemed to be more questions than answers on this issue. Will national action plans be the implementation cornerstone? Will there be an ambition baseline for national action plans? Who will decide on what this is and how will it be measured and monitored? How will national action plans address the transboundary nature of plastic pollution, including in areas beyond national jurisdiction? Will global measures apply across the board simultaneously, or in a staggered fashion? Will global standards apply to trade in all plastic, or only in plastic waste? Will industry be compelled to disclose the ingredients of plastic products, and will trade in these products now be subject to prior informed consent procedures? A clear and uniform understanding of each of these issues will be the foundation that will enable the construction of the other elements of the ILBI.

Página en Blanco

"Form follows function" was a mantra heard several times during the week, noting that an understanding on the substantive issues has to be reached before determining the format of the instrument. According to what Member States decided in March 2022 at the resumed fifth session of the UN Environment Assembly (UNEA-5.2), the INC's mandate is to create an international legally binding instrument on plastic pollution, including in the marine environment. This means that it will be a treaty, but what kind of treaty is still open for debate. Some states, among them the US and Saudi Arabia, showed preference for a bottom-up approach to the instrument with nationally determined actions, modeled after the Paris Agreement

on climate change. Many others, including small island developing states, preferred an instrument with clear control measures. Most delegations shared the view that it should be a flexible instrument rooted in national action plans with amendable annexes, and both mandatory and voluntary elements.

The advantage of a universally binding agreement using a bottom-up approach is that everyone will be at the table, including "the biggest polluters." The disadvantage is that the resulting provisions and/or ambition may be weaker, in order for all countries to agree to come on board. The option on the other end of the spectrum—a strong top-down approach—which is favored by many, including a number of stakeholders, could, at least on paper, be more effective at tackling plastic pollution. But as past experience has shown—with a specific reference to the Kyoto Protocol to the UN Framework Convention on Climate Change—command-and-control mechanisms may not be the most effective way to ensure universal buy-in for international environmental treaties. "This is the most important treaty negotiation of our age," announced Chair Gustavo Meza-Cuadra, at the start of INC-1, and at this stage of negotiations, there is still time for delegates to develop a novel hybrid model.

El Sur También Existe

A treaty is only as effective as its implementation and several Committee members clearly stated that they want to have an agreement on the means of implementation (MoI), before negotiating the substantive issues. MoI typically include finance, capacity building, technical assistance, and technology transfer.

The issue of having adequate means to follow through on an agreement is deeply rooted in international environmental law and linked to the principle of common but differentiated responsibilities and respective capabilities. At INC-1, developing countries requested two things: those that have the responsibility for causing the problem must pay their fair share and, because plastic pollution is a global problem that requires the participation of all states, even small countries will have to come on board, but "only if this doesn't mean they have to carry unfair burdens by doing so." Illustrating this, participants from communities ravaged by the scourge and impacts of plastic pollution made impassioned pleas for justice throughout the week.

Many developing countries called for a dedicated fund for the ILBI, in addition to other means of support. Developed countries, particularly the EU, have other views, citing the existence of a variety of innovative funding sources, including taxes and levies imposed on polluters, to address the calls for funding. The INC also heard some pushback that discussions on MoI are premature given the lack of a clear understanding of states' eventual obligations. "But this issue is even more complex," one participant shared, "because for downstream plastic pollution, no state is blameless." At the end of the week, many funding options were left on the table for participants to digest before INC-2, including a variety of non-traditional sources of finance, including private funding schemes. "Some polluters have very deep pockets," worried one delegate, sharing that depending on the price imposed for pollution, "they can probably afford to pay forever."

Teoría de Conjuntos

Rules on voting have been at issue since before INC-1, with some countries—particularly Saudi Arabia—calling into question the rule governing the voting rights of regional economic integration organizations, in this case the EU. With no agreement, the question of voting on substantive matters was placed entirely in square brackets. This effectively means that the INC has no voting procedure. Without agreement on voting, explained one delegate,

“consensus would apply to decision making procedures, with the risk of countries being able to delay or even block decision making,” and watering down the entire process. Amidst tense geopolitical tensions, the INC decided it best to try to address this issue at INC-2, although practice in most multilateral environmental processes over the last 30 years have had the rules of procedure applied without the rules on voting, meaning that, effectively the most important environmental agreements are taken by consensus, or, as one delegate bluntly stated, “with the least common denominator.”

Oda a la Mordaza

INC-1 was preceded by a Multi-Stakeholder Forum and stakeholder input was welcomed. At least in discourse. In practice, few changes were made to the ways stakeholders can participate in the negotiating process, with almost all delegations agreeing that their involvement should be clearly differentiated from Member States, and submitted in writing. Stakeholders had strong views on the rules of participation, with many calling for changing the application of the existing “Major Group” structure, to allow more flexibility.

Strong differences were also shared about the involvement of the petrochemical industry in the INC process, noting that “conflicts of interest from industry participation could derail the process entirely.” Others were concerned, however, that without their participation, the ILBI will be unbalanced and difficult to implement. Delegates “will need to dig deep to find a middle ground on this,” opined one observer.

Lento pero Viene

INC-1 marked the beginning of a long process that is outlined according to past experience, particularly the negotiation of the Minamata Convention on Mercury. Delegates seem to have a clear understanding where they are heading and what they want. The points of disagreement have been laid out from the beginning, which, some have noted, is helpful.

INC-1 got the negotiations off to a good start towards fulfilling the promise to end plastic pollution. INC-2 will need to find the right balance going forward: in participation and in content, but also between the world’s high expectations and what negotiators can actually pull off, given the multiple interests they need to consider. Big questions remain, including what a middle ground on the core issues will look like, and what unforeseen pitfalls lie ahead. However, delegates left Punta del Este optimistic that they laid the foundation for successful negotiations going forward. This, of course, remains to be seen.

Upcoming Meetings

UN Biodiversity Conference (CBD COP 15): This meeting includes the 15th meeting of the Conference of the Parties (COP) to the CBD, the 10th meeting of the COP serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety, and the 4th meeting of the COP serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing. The meetings are scheduled to review the achievement and delivery of the CBD’s Strategic Plan for Biodiversity 2011-2020, and to take a final decision on the post-2020 global biodiversity framework. **dates:** 7-19 December 2022 **location:** Montreal, Canada **www:** cbd.int/conferences/2021-2022

OEWG-1 on a Science-Policy Panel to contribute further to the sound management of chemicals and waste and to prevent pollution: The second segment of the first session of the open-ended working group to establish a science-policy panel to contribute further to the sound management of chemicals and waste and to

prevent pollution will address procedural matters as well as the rules of procedure for the conduct of its work and begin substantive discussions. **dates:** 30 January-3 February 2023 **location:** Bangkok, Thailand **www:** unep.org/events/conference/oewg1-science-policy-panel-contribute-further-sound-management-chemicals-and

BBNJ IGC-5.2: The resumed fifth session of the Intergovernmental Conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction will continue to negotiate, and possibly agree on, an ILBI. **dates:** 20 February – 3 March 2023 (TBC) **location:** UN Headquarters, New York **www:** un.org/bbnj

13th Meeting of the Open-ended Working Group to the Basel Convention: The thirteenth meeting of the Open-ended Working Group to the Basel Convention will meet to discuss technical guidelines, including for plastic wastes and lead acid-batteries, and legal issues, such as the Annex IV proposals related to e-wastes, among other issues. **dates:** 21-23 February 2023 **location:** Geneva, Switzerland **www:** basel.int

Resumed fourth meeting of the intersessional process considering the Strategic Approach and sound management of chemicals and waste beyond 2020: The fourth meeting of the intersessional process will resume to support stakeholders in their efforts to elaborate the future arrangements of the Strategic Approach and the sound management of chemicals and waste beyond 2020 for consideration and adoption at the next session of the International Conference on Chemicals Management (ICCM5) in September 2023. **dates:** 27 February – 3 March 2023 **location:** Nairobi, Kenya **www:** saicm.org

Basel Convention COP-16, Rotterdam Convention COP-11 and Stockholm Convention COP-11: The next joint meeting of the Conferences of the Parties will address the listing of chemicals under the Rotterdam and Stockholm Conventions as well as technical guidelines for the sound management of wastes, including plastics. Technical and financial support, among other issues, will also be addressed. **dates:** 1-12 May 2023 **location:** Geneva, Switzerland **www:** brsmeas.org

Plastics INC-2: The second meeting of the Intergovernmental Negotiating Committee to develop an ILBI on plastic pollution, including in the marine environment, is scheduled to continue negotiations on the form as well as substantive and procedural elements of the future instrument. **dates:** 22-26 May 2023 **location:** Paris, France **www:** unep.org/about-un-environment/inc-plastic-pollution

For additional upcoming events, see sdg.iisd.org

Glossary

AHEG	<i>Ad Hoc</i> Expert Group
GRULAC	Latin American and Caribbean Group
ILBI	International legally binding instrument
INC	Intergovernmental Negotiating Committee
IPEN	International Pollutants Elimination Network
MEA	Multilateral environmental agreement
MoI	Means of implementation
NAPs	National Action Plans
OEWG	Open-Ended Working Group
UNEA	UN Environment Assembly
UNEP	UN Environment Programme
WEOG	Western European and Others Group