

Plastic Pollution INC-3 Highlights: Saturday, 11 November 2023

Delegates met in a preparatory meeting to the third session of the Intergovernmental Negotiating Committee (INC-3) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment. They considered a synthesis report, containing elements that had not been addressed at INC-2, and exchanged views on potential intersessional work.

Opening

INC Chair Gustavo Meza-Cuadra, Peru, opened the meeting, calling for an open dialogue on the synthesis report covering submissions received on elements not discussed at the second session, including principles and scope of the instrument. He underscored that the document captured a diversity of views on elements that were not included in the Zero Draft. He introduced the agenda ([UNEP/PP/INC.3/prep/1](#) and [Add.1/Rev.1](#)), which delegates adopted.

Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, noted that 170 submissions were received from countries and 134 from observers. She said the meeting offered a chance to collectively brainstorm without prejudice to decisions prospectively taken by INC-3.

Synthesis Report

Chair Meza-Cuadra introduced the session Co-Facilitators, Marine Collignon (France) and Danny Rahdiansyah (Indonesia). Co-Facilitator Rahdiansyah, underlined that the meeting was intended to provide an initial transparent exchange of views, without prejudice to any decisions. He explained the modalities of work and noted that a summary of the discussions would be presented as a non-paper to INC-3.

Co-Facilitator Collignon introduced the synthesis report ([UNEP/PP/INC.3/INF/1](#)), and called on delegations to identify ILBI elements, including how these elements could best be brought together. She proposed addressing the preamble and definitions first, and principles and scope thereafter. IRAN, with BAHRAIN and RUSSIAN FEDERATION, prioritized addressing scope and principles. SWITZERLAND, with the UK, proposed, and delegates agreed, to address all four elements: scope, definition, principles, and preamble.

Preamble, definitions, principles, scope: Colombia, for GRULAC, called for the preamble to reference the 2030 Agenda and the Sustainable Development Goals (SDGs). On principles, he prioritized reference to the Rio Principles, the UN General Assembly recognition of the right to a clean, healthy, and

sustainable environment, and just transition; noted human rights and gender equality should be cross-cutting; and underscored the importance of the science policy interface, best available science, traditional knowledge, knowledges of Indigenous Peoples, local knowledge systems, and socio-economic assessments.

With NEW ZEALAND, the EU did not support exempting raw materials, intermediate products, or dual-use items. On the preamble, he stated that plastic pollution should be expanded beyond waste management; and stressed that financial sources need to be raised from all sources. He called for defining problematic and avoidable plastics separately, and for distinguishing primary and secondary polymers. Samoa, for the ALLIANCE OF SMALL ISLAND STATES (AOSIS), underlined the need for specific text clarifying substances, materials, and actions.

For the **preamble**, CAMEROON, with ARGENTINA, proposed referencing the UN Convention on the Law of the Sea (UNCLOS), and requested including general principles governing marine pollution. ANGOLA called attention to the African Ministerial Conference on the Environment decision concerning marine plastic pollution. SWITZERLAND proposed referencing other relevant multilateral environmental agreements (MEAs), including the Basel, Rotterdam, and Stockholm (BRS) conventions.

TÜRKIYE indicated support for referencing existing resolutions, documents, and declarations in the preamble, including on the SDGs, and, with the UNITED ARAB EMIRATES, urged acknowledging countries' different capacities and levels of plastics production. MAURITANIA cautioned that the preamble and scope of text should not predetermine the substance of the ILBI, and called for a reference to the protection of marine and coastal ecosystems as reflected in the Abidjan Convention.

INTERNATIONAL LABOUR ORGANIZATION (ILO) supported mentioning the ILO Declaration on Fundamental Principles and Rights at Work, and other relevant ILO Conventions on occupational safety and health. IUCN proposed referencing the Kunming-Montreal Global Biodiversity Framework; the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ) instrument; and Global Framework for Chemicals. ICLEI emphasized that the role of city and local authorities should be included in the ILBI, in line with a whole-of-government approach.

UK, with COLOMBIA and CANADA, suggested using existing **definitions** under other intergovernmental processes, with BRAZIL noting that these may need to be adapted. GHANA stated that definitions should only be developed where terms are not defined under existing MEAs.

NEW ZEALAND recommended clearly defining plastics, including recognizing fossil and bio-based plastics, and also defining “safe and environmentally sound,” “reuse,” “emissions,” and “releases.” ARGENTINA emphasized the need for consensus in defining measures to control plastic production, and cautioned against restricting international commerce and investments. CUBA recommended working on a limited number of essential terms. ARMENIA called for clarification on avoidable plastics and polymers of concern.

BANGLADESH requested an annex including a definition and list of downstream countries affected by plastic pollution. URUGUAY called to avoid addressing natural polymers that have not been chemically altered. REPUBLIC OF KOREA recommended contact group discussions on bioplastics, biodegradability, and microplastics. MOROCCO proposed including terminology on the plastic lifecycle.

AUSTRALIA suggested that working definitions be taken up by experts during the intersessional period. RWANDA suggested that the governing body could define additional terms as needed. CHILE proposed that intersessional work examine best practices in other MEAs to avoid duplication; intersessional work on the definition of criteria and terminology; and establishing a group of experts to address chemicals of concern and avoidable plastics, among others. JAPAN, with the US and CHINA, called to postpone discussion on definitions.

OCEAN CONSERVANCY recommended providing clear definitions, and referencing finance and needs of SIDS in the preamble.

SAUDI ARABIA favored a **principles** article, including Common but Differentiated Responsibilities (CBDR). BRAZIL, with GABON, SENEGAL, MOROCCO, COSTA RICA, TUNISIA, and PANAMA, urged focusing on, *inter alia*, the promotion and protection of human rights the right to sustainable development; a precautionary approach; CBDR; the polluter pays principle and Extended Producer Responsibility (EPR). GHANA recommended including reference to just transition, equity, transparency, and non-toxic circularity.

PALAU favored reference to public participation in environmental decision making, with emphasis on the participation of Indigenous Peoples and local communities, Indigenous and local knowledges, and intra- and intergenerational equity. CHILE underscored the consideration of vulnerable communities, access to information, public participation, and best available science.

MEXICO advocated only mentioning essential principles. KENYA, with RWANDA, stressed the importance of operationalizing the principles throughout the ILBI and through the means of implementation (MoI). ECUADOR noted that the ILBI will require MoI proportionate to the needs of developing countries. BAHRAIN supported referencing non-discrimination, circularity, and just transition.

THAILAND, with ARGENTINA, supported the inclusion of CBDR and EPR. JORDAN supported including CBDR, underlining that the limitation of plastics does not affect

development. PAKISTAN spoke on the importance of referencing circular economy. VIET NAM underscored the importance of differentiation, taking into account countries’ different circumstances based on their development levels and capabilities.

IRAQ supported including principles of cooperation and the needs of developing countries in the preamble; urged not to discriminate against plastic made from fossil fuels; and, with CHINA and BAHRAIN, underlined the sovereign right of states to exploit their own resources. CANADA emphasized resource efficiency; circularity; human rights, Indigenous Peoples rights, and gender equality.

SOUTH AFRICA proposed including mention of just transition, evidence-based policy making, openness, and transparency, and recommended establishing a technical body to assess the environmental and socioeconomic feasibility of measures prescribed. FEDERATED STATES OF MICRONESIA (FSM), with PALAU and FIJI, urged differentiating between the special circumstances of small island developing states (SIDS) from considerations on other developing countries. GUINEA expressed preference for including internationally established principles.

With the EU, JAPAN, and others, SWITZERLAND preferred not including a separate article on principles. JAPAN noted: the precautionary principle is not appropriate for plastics regulations; the scope of EPR is a national consideration; and preferred a general mention of the Rio Principles.

OCEAN CONSERVANCY recommended grounding the ILBI in principles set out in existing international agreements and processes.

On the **scope**, several delegations, including AOSIS, the EU, SENEGAL, ETHIOPIA, INDONESIA, the UK, JORDAN, CANADA, THAILAND, NIGERIA, SENEGAL, ANGOLA, GABON, NORWAY, REPUBLIC OF KOREA, AUSTRALIA, and INDIA, noted that this had already been determined by UNEA resolution 5/14, which sets out a comprehensive approach addressing the full life cycle of plastic.

KENYA said the ILBI should address plastics from raw material extraction, through design, use and disposal. COSTA RICA underlined that plastics begin with polymers. MOROCCO said the ILBI, should address, *inter alia*: sources of plastic pollution and leakage including into the marine environment; sustainable production and consumption through product design and waste management; and address legacy plastic. TUNISIA preferred that the scope focus on the elimination and prevention of plastic pollution and associated risks to human health.

SENEGAL proposed including sustainable production and consumption. COLOMBIA called for not restricting the geographic scope to national jurisdiction and including all types of ecosystems. NEPAL requested to include a reference to plastic pollution on mountains and water resources. FSM recommended including a geographical scope in the ILBI aligned with UNCLOS and the BBNJ Instrument.

The US noted challenges in expanding the scope beyond plastic pollution; and noted a possible need for exemptions for national security and public health. BAHRAIN urged focusing on plastic products rather than types of polymers. MALAYSIA underlined that the full lifecycle of plastics should begin with the polymerization process, in order to ensure fairness and equality among producers. He underscored that the extraction of raw

materials must not be addressed in the ILBI, noted that greenhouse gas emissions are “meticulously governed” under the UN Framework Convention on Climate Change, and stressed the ILBI should facilitate trade.

Iran, for the LIKE-MINDED GROUP (including the Russian Federation, Saudi Arabia, Bahrain, China, Cuba and others), underscored that, as plastic polymers are not pollution, the ILBI should focus on plastic waste management. SAUDIA ARABIA stated that the ILBI scope should drive definitions. CUBA urged to not go beyond resolution 5/14, and to focus on the elimination of plastic pollution, without including production and commercialization of plastics.

RUSSIAN FEDERATION emphasized that the term “full life cycle” needs to be further negotiated and urged upholding the entire regulatory system of the World Trade Organization (WTO). INDIA urged avoiding duplication of other MEAs and international fora, including the WTO. TIMOR LESTE highlighted that global trade negotiations should also consider plastic prevention measures.

GLOBAL ALLIANCE FOR INCINERATOR ALTERNATIVES (GAIA) called for ensuring the future treaty covers the entirety of the plastics life cycle, remarking that the plastic crisis will not be solved through downstream measures alone.

Institutional arrangements and final provisions: JORDAN and PAKISTAN pointed to the Minamata and Stockholm Conventions as sources of inspiration, with CAMEROON noting that any inspiration from other instruments would need to be tailored to the specific nature of the ILBI.

The EU said a conference of the parties (COP) should be the **governing body** and the functions of a steering committee should be guided by INC decisions. AOSIS noted that a COP would review the implementation through assessments on issues such as funding and recommendations for risk assessments. The RUSSIAN FEDERATION said the governing body should adopt its own rules of procedure and that decision-making be based on consensus.

NORWAY proposed establishing a COP with capacities and functions similar to the Basel, Stockholm and Minamata conventions, making use of relevant texts from these instruments; and suggested the COP have the power to adopt protocols. The US supported establishing a governing body for the ILBI and the creation of subsidiary bodies to provide support to specific aspects of the instrument. AUSTRALIA underscored that the governing body should be empowered to respond to future challenges. TÜRKIYE stated the ILBI should clearly specify the role of the governing body in implementation.

JORDAN recommended establishing **subsidiary bodies** on scientific issues, and on evaluation and assessment of progress. AOSIS recommended establishing subsidiary bodies on scientific, technological, and technical issues. The EU supported establishing subsidiary bodies to provide recommendations on scientific issues, with JAPAN and CHINA noting that it should then make recommendations to the COP. BRAZIL supported the creation of subsidiary bodies on science and technology, noting science gaps. TÜRKIYE welcomed the establishment of subsidiary bodies, with flexibility to adapt to changing needs, that bring together scientific and local expertise.

INDONESIA, FIJI, and IRAN emphasized equal and meaningful participation of all countries in subsidiary bodies. ARGENTINA stressed that the ILBI should establish any subsidiary bodies and that members maintain control over their functions, composition, and structure. AUSTRALIA stated that subsidiary bodies should encompass independent scientific and Indigenous expertise.

IRAN called for establishing a committee on capacity building, and a body addressing technology transfer. The EU also supported a follow-up and review committee. INDONESIA called for specific and mandatory monitoring and reporting provisions. TOGO, CUBA, BRAZIL, SAMOA, RWANDA, and FIJI advocated for the establishment of multiple subsidiary bodies, tasked with, among others, monitoring and evaluation and research on plastic alternatives.

SWITZERLAND called for needs-based subsidiary bodies, and said the COP should be able to establish additional bodies. IRAQ, with JORDAN, advocated consideration of technical and scientific issues, including through the establishment of a subsidiary body for implementation and monitoring.

JORDAN, with GHANA and RWANDA, called for establishing an implementation and **compliance** committee. The EU and the US supported establishing a compliance mechanism/committee. BRAZIL proposed that a compliance mechanism could seek to facilitate compliance of all sectors of society. INDONESIA called to address the root causes of any non-compliance. WOMEN'S WORKING GROUP ENDING PLASTIC POLLUTION, for the BREAKTHROUGH INSTITUTE, called on delegations to develop national implementation plans to ensure accountability and compliance to tackle plastic pollution.

The RUSSIAN FEDERATION underlined that matters related to compliance should be left within national authorities. IRAN did not support a compliance body, preferring a review body or implementation committee.

CAMEROON, IRAN, TOGO, GHANA, ETHIOPIA, RWANDA, INDIA, BRAZIL, and IRAQ called for the creation of a robust and standalone **financial mechanism**. BRAZIL supported designating a body for monitoring financial, technical, and technological flows implementing the ILBI.

SWITZERLAND remarked that the ILBI should clarify **secretariat** functions and that the governing body should decide on the location of the secretariat at COP 1. JAPAN stated that the secretariat should maintain a neutral role with regard to implementation. TÜRKIYE, CHINA, and ARGENTINA preferred **disputes** to be solved through peaceful negotiations.

On **final provisions**, the US recommended any negotiated text related to final provisions should be revisited once substantial provisions are finalized. ARGENTINA and SWITZERLAND called for clearly identifying the process for amendments. CHINA proposed including final provisions to facilitate ratification and compliance.

Intersessional Work

Co-Facilitator Collignon invited the Secretariat to make a presentation on intersessional work, which included: priority topics to discuss and minimum requirements for an outcome at INC 5; what is expected from intersessional work; and which modalities could be used.

CUBA and CONGO stated they would require more time to reflect on the information presented by the Secretariat, with SAUDI ARABIA calling to defer discussions to the end of INC-3. COSTA RICA, BRAZIL and SAUDI ARABIA underlined that intersessional work would be required to elaborate on MoI.

The EU presented a comprehensive timeline for intersessional work, highlighting their priorities. UK and BRAZIL proposed a country-led exercise on chemicals of concern. RWANDA called for an examination of primary polymer production as part of intersessional work. URUGUAY indicated its preference to establish an expert group on polymers and chemicals of concern; problematic and avoidable plastic products; and MoI, among others. INDIA requested mapping available financial and technical support for addressing plastic during the intersessional period. ARGENTINA, with BRAZIL, voiced support for immediately initiating work on MoI and principles.

AOSIS said many of the options identified could be better streamlined into more strategic aspects of negotiations, such as considering the potential role of a scientific panel and mapping current financing to address plastic pollution.

COLOMBIA urged that intersessional work be informed by the best available science, including on countermeasures and MoI, and called on the Secretariat to prepare a first draft of the ILBI before INC-4.

INDONESIA proposed intersessional work addressing definitions and core obligations between INC-3 and INC-4, and MoI between INC-4 and INC-5.

NORWAY indicated his preference for taking up chemicals and polymers of concern, problematic and avoidable plastics, and design for sustainable and circular plastic products during intersessional work, prior to INC-4.

US proposed that INC-3 take a decision on determining further intersessional work with proposals decided at INC-4, adding that there could be some scope for intersessional work on non-contentious issues ahead of INC-4.

IRAN noted that intersessional work priorities should be determined at the end of INC-3, indicating a preference to address MoI, plastic waste management, and criteria for circular economy. He did not support intersessional work on contentious issues, such as polymers of concern.

MEXICO proposed two groups of intersessional work, one on problematic plastics, chemicals and polymers of concern, and alternatives, and one on MoI. JAPAN voiced preference for intersessional work on chemicals and polymers of concern, as well as avoidable and problematic plastics, driven by science, including stakeholders from industry, as appropriate. With regard to MoI, he suggested reviewing existing support for effectiveness.

THAILAND supported technical work by a dedicated scientific group to identify priorities, and echoed calls for intersessional work on MoI. The PHILIPPINES noted some convergence at INC-2 to establish a scientific and technical body to support negotiations, and indicated support for intersessional work on MoI through a thematic expert working group.

CHINA stressed that intersessional work should ensure the full involvement of all members, noting the practical difficulties faced

by developing countries; and proposed that the Secretariat prepare a synthesis report ahead of INC-4 to further the development of the ILBI.

CANADA proposed that priority intersessional work on obligations and core measures be identified in the contact groups, driven by the needs identified at INC-3.

GHANA called for a subsidiary body dedicated to establishing and operating a financial mechanism, and supported calls for new innovative approaches.

The SCIENTIST COALITION FOR AN EFFECTIVE PLASTICS TREATY urged the Secretariat to consider potential conflicts of interest among those involved in intersessional work. INTERNATIONAL SCIENCE COUNCIL called for the establishment of clear modalities for engaging the scientific community during the intersessional period.

ASSOCIATION INSTITUTE OF TOTAL ENVIRONMENT (INTEV) drew attention to potential employment impacts resulting from the promotion of plastic alternatives.

Summary, Next Steps, and Closure

Co-Facilitators Collignon and Rahdiansyah presented an oral summary of discussions. Co-Facilitator Rahdiansyah noted that a written summary would be submitted to the INC for its consideration on Monday. Co-Facilitator Collignon underlined that the discussions had provided good groundwork for the INC, and thanked delegates for their work. She closed the meeting at 8:12 pm.

In the Breezeways

Anyone walking into UNEP headquarters on Saturday morning expecting an easy day was in for a surprise. Delegates got right down to business, sharing their views on some of the heavier parts of the future treaty on plastic pollution. As in many treaty negotiations, including in the recently concluded talks on a High Seas Treaty, the scope of the future instrument as well as the principles and approaches that will govern the instrument were a weighty consideration. Some felt that the scope should be defined before discussing substantive issues, noting that “the ILBI’s function will define its form.” Others were convinced that UNEA resolution 5/14, which established the INC process, clearly defined the scope, including that the instrument will encompass the full lifecycle of plastic. But even among those who agreed, finer definitions concerning the start of the plastic lifecycle were still blurry. As this is the first time delegations are addressing these issues, which are not contained in the Zero Draft yet, the direction of this key discussion remains to be seen.

For the first time, a “global coalition for plastic sustainability” took the stage, leaving many scratching their heads about the precise meaning of plastic sustainability. While this group advocated for strong principles governing plastic pollution, some noted that their position is at odds with those who are seeking tougher upstream controls. Reflecting on these discussions at the end of the day, many acknowledged that “we will certainly have our work cut out for us,” when INC-3 formally commences on Monday.