

Plastic Pollution INC-4 Highlights: Tuesday, 23 April 2024

Delegates commenced the fourth session of the Intergovernmental Negotiating Committee (INC-4) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment. They made general comments on the Revised Draft Text of the ILBI, established contact groups, and began substantive discussions.

Opening

INC Chair Luis Vayas Valdivieso, Ecuador, opened the session reiterating the strong shared commitment to deliver an international legally binding instrument, and noting the critical role of advancing negotiations to deliver effective and impactful solutions to address plastic pollution. While recognizing the challenges of implementation, including the need for a just transition, as well as the differentiated social, economic and environmental costs that countries face when dealing with plastic, he highlighted the economic opportunities that arise from tackling plastic pollution.

Inger Andersen, Executive Director, UN Environment Programme (UNEP), called to end plastic pollution by using less harmful materials, designing for circularity, reusing resources more effectively, ensuring a just transition, and creating a space for private sector to thrive. She called on negotiators to show energy, commitment, and collaboration to make progress, including in agreeing on a mandate for intersessional work.

Drawing attention to his country's pledge of CAD 10 million towards the Global Plastic Action Partnership and CAD 5 million towards the World Bank's PROBLUE Fund, Steven Guilbeault, Minister of Environment and Climate Change, Canada, highlighted the Host Country Alliance to lead key political discussions, build momentum, and agreement on common goals.

Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, recalled that within the very ambitious timeline set by UNEA Resolution 5/14, INC-4 will consider a Revised Draft Text that reflects the views of all members, stating this is "multilateralism at its best." She called for flexibility to reach consensus and not leave difficult decisions until the end.

Organizational Matters

Adoption of the agenda and organization of work:

Delegates adopted the agenda ([UNEP/PP/INC.4/1](#) and [Add.1](#)) and organization of work as set out in the scenario note ([UNEP/PP/INC.4/4](#)). On the latter, INC Chair Vayas highlighted that two contact groups would be established, with additional subgroups to facilitate their work. He noted that a legal drafting group would be established later in the week. Delegates agreed to the organization of work.

Rules of procedure (RoP): INC Chair Vayas recalled delegates had agreed to the provisional application of the RoP ([UNEP/PP/INC.4/2](#)), with the exception of those in brackets, and including rule 38.1 (adoption of decisions), reminding delegates of the interpretative statement agreed at INC-2. Delegates agreed to proceed on this basis. INDIA recalled their commitment to consensus-based decision making on all substantive matters.

Preparation of an ILBI on plastic pollution, including in the marine environment

General statements: The Secretariat introduced the Revised Draft Text ([UNEP/PP/INC.4/3](#)), and noted that the Revised Draft Text has been compiled by the INC Secretariat based on the outcomes of the three contact groups established at INC-3, with minimal adjustments for ease of reading and without modifying the substance of the text, stating that options are not presented in any order of priority.

Palestine, on behalf of the ASIA PACIFIC GROUP, welcomed the Revised Draft Text, stressing the importance of accounting for national circumstances and capacities and circularity, both for improved product design and performance and for environmentally sound waste management.

Uruguay, on behalf of GRULAC, noted their commitment to a more streamlined text and underscored the importance of, among others: an ILBI guided by the Rio Principles; a just transition for waste pickers; a future instrument that promotes decent work throughout the plastics lifecycle to protect workers from occupational health hazards; and the use of best available science and local knowledge systems.

Offering to chair the legal drafting group upon its establishment, Ghana, for the AFRICAN GROUP, highlighted, *inter alia*: their commitment to achieve sustainable consumption and production of primary plastic polymers and elimination of certain polymers, chemicals, and products of concern; the importance of including common but differentiated responsibilities (CBDR); and encouraging public-private partnerships and circularity. Sharing that Africa has been the "global hiding place for plastic waste," she underlined that the ILBI must tackle the illegal dumping of toxic plastic waste.

Samoa, on behalf of the ALLIANCE OF SMALL ISLAND STATES (AOSIS), stressed that the future ILBI must be supported by means of implementation (MoI), including robust financial mechanisms to ensure a just transition, and include fast-track access to financial resources, technical assistance, and capacity building. She also called for comprehensive regulation of hazardous, avoidable and problematic polymers, single-use plastics (SUPs), and microplastics.

Also, on behalf of Moldova, Georgia, and Ukraine, the EU urged a "paradigm shift," particularly in the upstream phase of the plastics value chain as essential for a robust and sustainable ILBI.

Vanuatu, for P-SIDS, stressed that downstream measures alone cannot solve the plastic pollution crisis, and called for an ambitious instrument that ensures an overall reduction of plastic, including primary plastic polymers; and called for the formalization of an intersessional work programme.

Indonesia, on behalf of the COORDINATING BODY ON THE SEAS OF EAST ASIA (COBSEA), emphasized that the instrument should: be country-driven, with national action plans (NAPs) serving as the backbone; eliminate plastic pollution, while allowing reasonable transition timelines; address transboundary pollution of plastic waste; advance circularity; and respect national circumstances, sovereignty, regional priorities, CBDR, and sustainable development.

Malawi, for the HIGH AMBITION COALITION (HAC), underscored that the ILBI should address the full lifecycle of plastics; called for common legally binding global rules and control measures to reduce production and consumption to sustainable levels; and urged resource mobilization from all sources.

Kuwait, for the LIKE-MINDED COUNTRIES, suggested refining the draft text in line with UNEA resolution 5/14; stressed that deliberations must be anchored in CBDR, sustainable development, and national circumstances and capacities; underscored that developed countries must take the lead to address plastic pollution, including MoI; and urged a focus on sustainable practices and equitable waste management solutions.

Qatar, on behalf of the GULF COOPERATION COUNCIL (GCC), emphasized the need to recognize the economic realities of all countries, and not to burden developing countries; stressed a focus on recycling and waste management; and stated that the negotiations should not deviate from what was set out in UNEA resolution 5/14.

IRAN underscored the importance of improved waste management practices in the future instrument; and emphasized that the instrument should take a voluntary, bottom-up approach, with developed countries taking the lead in a legally binding manner and developing countries committing on a voluntary basis.

BRAZIL stressed the need to focus on plastic products as well as waste and called for MoI that include a dedicated financial mechanism. RWANDA said the outcome of negotiations would only be effective if the ILBI is global, legally binding and has time-bound targets.

UKRAINE highlighted its successful implementation of environmental reforms despite the negative effects of war and armed conflicts.

Underscoring the need for high ambition related to MoI, the PHILIPPINES called to address the entire lifecycle of plastic, including through international cooperation, and also to consider a just transition and human rights.

GUATEMALA called for respect of national circumstances, a just transition and the identification of points of conversion. CUBA called to understand the specificities of each country to ensure every country can be on board and to have a common understanding to better regulate plastics. TÜRKIYE stressed making every effort for a transparent, balanced ILBI where national circumstances are being taken into account. IRAQ underscored the importance of national sovereignty of states in using their national resources.

CHINA noted consensus on core issues to deal with plastic pollution within the strict mandate of UNEA resolution 5/14, while pointing to the varying capacities and capabilities of different countries.

BANGLADESH lamented that plastic pollution in downstream countries is a transboundary problem that must be addressed.

RUSSIAN FEDERATION said we are in a crucial step toward an international agreement and called to constructively move towards consensus.

ARGENTINA highlighted that control measures for plastic products should be made in accordance with World Trade Organization (WTO) norms so as not to create unnecessary obstacles for trade.

INDIA underscored the ILBI should focus on ending plastic pollution while considering the utility of plastics in modern society. KAZAKHSTAN underlined the need for the ILBI to be based on the Rio Principles, as well as, *inter alia*, taking into account the work of existing organizations, like the Basel, Rotterdam, and Stockholm (BRS) conventions.

MALAYSIA underlined that the new treaty should be country-driven, adhering to each country's pace of development; and shared that a broad restriction of plastic production may have unintended effects on economies. KENYA urged the swift establishment of contact groups, sub-groups, and the legal drafting group.

The BRS SECRETARIAT emphasized the need for close cooperation, coordination, and complementarity of the new instrument with the BRS conventions, noting that the lifecycle approach underpins these conventions.

The INTERNATIONAL LABOUR ORGANIZATION (ILO) underscored, *inter alia*, that the future instrument: must operationalize actions to advance safe and healthy working environments, be recognized as a fundamental right within the ILO; ensure a just transition, decent work for all, and social justice.

The INTERNATIONAL MARITIME ORGANIZATION (IMO) drew attention to the regulations in MARPOL Annex V, the 1972 London Convention and 1996 London Protocol, prohibiting the discharge and dumping of plastic pollution from ships, respectively; recommendations for the carriage of plastic pellets at sea; as well as the work of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) to address marine litter.

OFFICE OF UN HIGH COMMISSIONER FOR HUMAN RIGHTS highlighted the need for effective measures to address the historically disproportionate impacts of plastic pollution, and access to remedies for groups experiencing the greatest impacts of plastic pollution.

Underlining that health should not be used as a blanket exemption for plastic product design, WORLD HEALTH ORGANIZATION (WHO) drew attention to the WHO resolution 76/17 of 2023 on the impact of chemicals, waste, and pollution on human health, and called for a strong rights-based treaty based on health equity.

The INTERNATIONAL CHAMBER OF COMMERCE underscored that the future ILBI be based on a circular economy approach, focus on the most problematic and avoidable plastics, and be backed by MoI that supports micro-, small-, and medium enterprises.

IUCN drew attention to their proposal to include a specific biodiversity article in the ILBI to foster convergence with the Kunming-Montreal Global Biodiversity Framework.

SISTEMA DE LA INTEGRACIÓN CENTROAMERICANA (SICA) called for the future instrument to address the full lifecycle of plastic, circularity, and promoting eco-design.

The GLOBAL YOUTH COALITION highlighted that plastic pollution affects population groups differently; emphasized that the unfair burden of transboundary plastic waste constitutes neo waste colonialism; and called for curtailing upstream activities. INDIGENOUS PEOPLES CAUCUS called for an effective and

ambitious plastic treaty, prioritizing human rights, the right to self-determination and free, prior, and informed consent.

WOMEN'S WORKING GROUP ON ENDING PLASTIC POLLUTION recalled that the toxic plastic lifecycle disproportionately impacts human health, causing cancer and infertility, particularly in vulnerable communities. **LOCAL AND SUBNATIONAL GOVERNMENTS COALITION** urged delegates to ensure the recognition of local and subnational governments in the ILBI.

SCIENTISTS' COALITION FOR AN EFFECTIVE PLASTICS TREATY called for a mandate for intersessional work including discussions on sustainability assessment criteria for the full lifecycle of plastics. **HEALTH JUSTICE** said plastic pollution is a critical issue related to basic human rights, noting avoidable and problematic plastics are released into the atmosphere every year.

INTERNATIONAL TRADE UNION CONFEDERATION called for concrete measures to protect workers from hazardous plastics referenced in the ILBI. **CENTER FOR OCEANIC AWARENESS, RESEARCH AND EDUCATION** noted conflicts of interest are obstructing the process, and supported voting procedures on substantive matters for an ambitious ILBI.

Establishment of contact groups: INC Chair Vayas defined the two contact groups to further advance the development of the Revised Draft Text. He noted that Contact Group 1, co-chaired by Gwendalyn Kingtaro Sisor (Palau) and Axel Borchmann (Germany), was mandated to consider the technical elements addressed in Parts I and II of the text, including any relevant proposed annexes. He described Contact Group 2, co-chaired by Katherine Lynch (Australia) and Oliver Boachie (Ghana), as being mandated to consider the implementation measures addressed in Parts III-VI of the text, including any relevant proposed annexes.

He further suggested that Contact Group 1 be divided into three subgroups, co-facilitated by: Sara Elkhoully (Egypt) and Julius Piercy (UK) (subgroup 1); Maria Angélica Ikeda (Brazil) and Erlend Draget (Norway) (subgroup 2); and Andrés Duque Solís (Colombia) and Abdulrahman bin Ali Alshehri (Saudi Arabia) (subgroup 3).

INC Chair Vayas suggested that Contact Group 2 be divided into two subgroups, co-facilitated by: Naomi Namara Karekaho (Uganda) and Antonio Luís (Portugal) (subgroup 1); and Marine Collignon (France) and Danny Rahdiansyah (Indonesia) (subgroup 2). INC Chair Vayas emphasized that both Contact Groups would need to complete their work by Sunday April 28, 2024.

In response to requests for clarification, INC Chair Vayas underlined that no more than two parallel sessions of either contact groups or subgroups would take place at any given time and stressed that discussion would begin in contact groups first before commencing talks in subgroups. The Committee then established the groups.

On intersessional work, Chair Vayas stated that further consultations would be held on the proposed modalities and content of this work in advance of INC-5, based on specific issues and needs arising from the contact groups.

Contact Group 1: Co-Chairs Sisor and Borchmann initiated the discussion, noting the need for a technical streamlining exercise, including bridging proposals through textual mergers and structural realignment to consolidate options without deleting text, to facilitate focused subgroup discussions. Some delegates suggested that equal time be afforded to all subgroups, with several noting the uneven workload of different subgroups.

Delegates then discussed different streamlining modalities. These included, *inter alia*, time allocation between the three

subgroups; whether the proposed work plan for each subgroup could be revised to avoid overlaps; and a two-step process for technical and substantive issues. The Co-Chairs agreed to undertake a technical streamlining/merger of provisions as a first step, nothing that these streamlined and/or merged texts would be verified by the relevant subgroup Co-Facilitators. Delegates agreed that substantive streamlining would subsequently be carried out by the subgroups.

Contact Group 2: Co-Chairs Lynch and Boachie introduced the session, noting that the group would initiate a general discussion on Parts III-VI of the Revised Draft Text, paving the way for focused subgroup discussions. Lynch noted that the Revised Draft Text would benefit from technical streamlining, including by consolidating different options where possible and identifying areas of convergence, among others. Delegates then opened discussion on **financing, and capacity building, technical assistance and technology transfer** (Part III). One delegation proposed merging the two parts, with several others preferring the current formulation, advising against merging financing with sections on capacity building, technology transfer and finance. One regional group called for a new, stand-alone financial mechanism, while another proposed a hybrid financing mechanism with a new dedicated financial mechanism operating alongside relevant existing mechanisms. One delegation, supported by others, pointed to an overview of existing funding currently available for addressing plastic pollution through international funding arrangements ([UNEP/PP/INC.4/INF/2](#)), to inform financing discussions.

Some delegations also called for intersessional work on, among others, financing, the financial mechanism, and resource mobilization. Many supported streamlining the text, with several delegations suggesting that this be tasked to the Co-Chairs, working with the subgroup Co-Facilitators. Lynch explained that, with the technical streamlining, no content would be deleted, nor would new ideas be included from newer submissions.

Deliberations in both groups will continue throughout the week.

In the Corridors

Substantive negotiations towards a new treaty on plastic pollution began in earnest at the fourth of five sessions planned for the INC. Delegates were well prepped on the first day of INC-4, having participated in regional consultations as well as a Partnerships Day in the days just preceding the opening of negotiations. Many were quick to acknowledge that the road towards a new treaty is steep, and, at least at this point, a heavy mist still obscures the route.

Will everybody get on board with restricting the production of certain plastics? Which ones? Who will set the “sustainable levels” of plastic production? Will extended producer responsibility schemes apply globally or only nationally? At what point does plastic become waste? How will the world address trade in plastic waste? Will the treaty provide protections for waste pickers? Who will fund it all? With all these questions pending, Committee members were also aware of the time crunch.

“We have to get right down to work if we are to reach consensus before the year’s end,” shared one stressed, but optimistic delegate. Others seemed to suggest that instead of rushing, the INC should take its time to get a “high quality agreement” at some distant point in the future. Pushing back, a seasoned participant noted that “this issue is too serious for us to stretch out these discussions. We know what we need to do by now, don’t we?”

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