

## Plastic Pollution INC-4 Highlights: Friday, 26 April 2024

Delegates reconvened at 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. Basing their discussions on the Revised Draft Text of the ILBI ([UNEP/PP/INC.4/3](#)) as well as new versions of streamlined texts, they worked throughout the day and into the night. During a stocktaking plenary, delegates addressed the way forward for the remainder of the meeting, and considered the establishment of a legal drafting group.

### Contact Group 1

**Subgroup 1.1**, co-facilitated by Sara Elkhoully (Egypt) and Julius Piercy (UK), addressed a proposed **overarching provision related to Part II** (Part II.13bis). The proponent of this provision explained the need for cross-cutting measures to enhance circularity, tied to a whole-of-society approach for the lifecycle of plastic by adopting integrated and holistic national policies. She noted that the measures identified at each stage of the plastic lifecycle would be included in annexes and also be reflected in national action plans. Some delegations called for further explanation of the term “whole-of-society,” with others noting that it may duplicate existing parts of the text. Delegations also requested further clarification on the provision’s disaggregation of mandatory vs voluntary measures, while others noted that the provision could create a hierarchy of measures. The proponent explained that “whole-of-society” would cover all society, and also address top-down and bottom-up measures. Noting divergence, the Co-Facilitators stated that they would not streamline this text at this point.

In a **joint session/meeting of Subgroup 1.2 and Subgroup 1.3**, co-facilitated by Erlend Draget (Norway) and Andrés Duque Solís (Colombia), delegates addressed provisions on **fishing gear** contained in various parts of the text, including among others, emissions and releases (Part II.8), and product design (Part II.5), with some noting that general provisions of the ILBI would apply to fishing gear containing plastic. Many delegates, including some regional groups, preferred addressing fishing gear through a lifecycle approach, as part of the provision on emissions and releases, stating that it is not solely a waste management issue. Within a lifecycle approach, many delegates preferred mandatory measures on fishing gear, with some calling for measures to

be undertaken voluntarily in a country-driven manner. Some delegates preferred downstream measures on fishing gear, noting that these can be enumerated in national plans.

Several delegates called for a separate provision to provide the necessary means of implementation (MoI) for fishing gear, including technology transfer and finance, with one delegate noting significant technological gaps between advanced fishing industries and artisanal fishers in developing countries, and some not wishing to engage a lifecycle approach due to these disparities. Many called for cooperation and interlinkages with the work of the Food and Agriculture Organization (FAO) and International Maritime Organization (IMO) on fishing gear.

In **Subgroup 1.2**, co-facilitated by Maria Angélica Ikeda (Brazil) and Draget, delegates addressed problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics (Part II.3), and micro- and nanoplastics (Part II.3bis).

On **problematic and avoidable plastic products**, a group of countries supported a global mandate that could include a list of products subject to a ban, or phase down and phase out measures. Another group of countries called for nationally determined measures, stressing that because there is no uniform understanding on the definition of “problematic” and “avoidable” plastic products, there could not be support for a global mandate to regulate them. Furthermore, some countries highlighted the risk of adverse socioeconomic impacts resulting from regulating certain products. One country said that the nomenclature should not be the measure for deciding regulation, suggesting renaming these to “products regulated by the agreement.”

A group of countries stressed the need for intersessional work before INC-5 to generate criteria for establishing definitions on problematic and avoidable plastic products. Another group of countries stressed that these criteria should be established at the national level, considering national circumstances. Some countries called to eliminate references to trade in this section so as not to contravene WTO principles. One country noted that some short-lived plastics are not problematic or avoidable, and, pointing to their high recycling rate, stated that these cannot be defined as plastic pollution.

On **micro- and nanoplastics**, some countries called for a dedicated provision to highlight the issue in the ILBI. One country noted that certain alternatives would pose more risks to health and the environment. Another country asked to address this issue under plastic waste management.

**Subgroup 1.3**, co-facilitated by Andrés Duque Solís (Colombia) and Abdulrahman bin Ali Alshehri (Saudi Arabia), opened discussions on the provisions addressing waste management (Part II.9a), transboundary movement of plastic waste (Part II.10b) and existing plastic pollution, including in the marine environment (Part II.11).

On **waste management**, some indicated a preference for mandating global measures and targets addressed in an annex, while others supported global targets achieved through nationally determined measures indicated in national plans, and others indicated a preference for voluntary nationally determined measures through national plans. Many called to address measures across the plastic lifecycle and value chains, calling to utilize the waste hierarchy. Several highlighted the importance of adequate infrastructure, and the need for MoI for developing countries, including finance and technology transfer on the basis of common but differentiated responsibilities (CBDR). Some indicated support for controlling certain practices, such as dumping, open burning, and energy recovery, while others noted the limited options available in some localities of developing countries. A few called to control the transboundary transport of plastic waste, noting challenges as a result of receiving the post-consumer waste of other countries. Many called to avoid duplication with the work under the Basel Convention

On **transboundary movement of [non-hazardous] plastic waste**, most delegations urged to avoid duplications with the Basel Convention, with one delegation stressing that the current text does not contain duplications with that convention and suggested consultations with the BRS Conventions Secretariat. Many countries highlighted the problem of dumping of hazardous waste into developing countries, with some urging to include strict transparency measures to avoid this problem. Many countries also highlighted the lack of capacity and technology to address the sound management of plastic waste.

On **existing plastic pollution**, including in the marine environment, many countries, recognizing the disproportional effects of the discharge of plastic pollution on developing countries, urged for binding language based on the CBDR principle to address this problem. Two countries called to eliminate reference to differentiation and to establish voluntary cooperation on remediation measures.

The Co-Facilitators explained they would continue streamlining the text on the provisions that were discussed at this session, including the suggestions, conference room papers and comments made by the delegates and present them as soon as possible.

**Contact group:** The subgroup Co-Facilitators provided progress reports. Some delegates raised concerns about the second technical streamlining that had been conducted by the Co-Facilitators in Subgroup 1.1, which they considered had gone beyond a “technical streamlining,” noting that elements were missing from options in the Revised Draft Text and from inputs discussed in the Subgroup, and that there had not been an opportunity to validate the streamlined texts. Some delegates also expressed concerns about the concurrent sessions of the different subgroups being held in the contact group, noting that there had been agreement that this would not take place, with small delegations from developing countries noting this was

not feasible. The Co-Chairs informed that there would be an opportunity for missing elements to be addressed and incorporated in the streamlined texts and that efforts were being made to avoid concurrent sessions.

### Contact Group 2

**Subgroup 2.1**, co-facilitated by Naomi Namara Karekaho (Uganda) and Antonio Miguel Luís (Portugal), opened discussions on **financing**, including a newly established dedicated fund, discussing both distinct options and hybrid options with common provisions. Some delegations strongly supported the option of a dedicated, stand-alone, multilateral, and independent fund, modeled after the Montreal Protocol’s Multilateral Fund, lamenting that the Global Environment Facility (GEF) is “overburdened,” and leaves out vulnerable developing countries. One regional group, supported by others, stressed that the fund should: operate on a grant basis; enable activities for just transition; and provide a baseline assessment followed by periodic updates and review. They called for intersessional work to better define the fund’s modalities. Another delegate underlined that the GEF works on reducing plastics on a project, rather than a programmatic, basis, preferring a dedicated fund for plastics.

Many delegations supported a hybrid approach, explaining that, *inter alia*, existing funds would work in the interim with a review mechanism working towards a dedicated and stand-alone fund. Several delegates pointed to the Biodiversity of Areas Beyond National Jurisdiction (BBNJ) Treaty, the UN Framework Convention on Climate Change (UNFCCC) Loss and Damage Fund, and the Global Biodiversity Framework (GBF) as examples of this hybrid approach. One delegate, supported by others, underlined that vulnerable regional groups should be given representation on any decision-making bodies tied to financing.

Several delegations favored the GEF, noting its track record of using limited public funding to leverage the private sector to avoid potential fragmentation of the existing financial architecture. They noted that certain countries can self-fund and act as both donors and recipients of funding, underscoring that utilizing existing funds would improve the instrument’s efficiency and effectiveness. One delegate underlined that a newly dedicated fund does not necessarily mean new money and emphasized the need to expand the donor base to move beyond an “outdated and bifurcated reference” to developed and developing countries, sharing that “we can improve existing tools rather than throw them out and purchase new ones.”

One delegate, supported by many, called for intersessional work on this issue.

**Subgroup 2.2**, co-facilitated by Marine Collignon (France) and Danny Rahdiansyah (Indonesia), met to finalize discussions on Parts IV and V of the Revised Draft Text. On **international cooperation** (Part IV.5), delegates discussed, among others, the importance of input from relevant scientific and technical bodies, including the future science policy panel on chemicals, waste and pollution prevention; ensuring the inclusion of subnational groups; and including text on “Indigenous knowledges, sciences, and practices” for international cooperation.

On **information exchange** (Part IV.6), delegates suggested, among others: supporting text on designating a national focal

point for the exchange of information; deleting text on exchanging experiences on a circular economy; deleting an emphasis on the knowledge of Indigenous People and local knowledge systems to ensure knowledge is exchanged from all interests more broadly; and combining information exchange with public awareness and education together.

On **awareness raising, education and research** (Part IV.7), one delegate, supported by others, proposed introducing a separate article on advancing scientific research, development and innovation. One delegate opined that a joint provision on awareness raising, education, and information exchange would weaken these provisions. Another stated that it is not possible to conflate Indigenous knowledge with “other cultural and socio-economic factors,” under scientific research, development, and innovation.

On **stakeholder engagement** (Part IV.8), many delegates supported a multi-stakeholder action agenda to promote inclusive, representative and transparent actions and leverage efforts through existing bodies, partnerships and other initiatives. One delegate stressed that the agenda must be fit for purpose and learn from other forms of engagement, such as the Marrakesh Action Partnership for Global Climate Action. Another delegate stressed that the title should be changed to reflect the multi-stakeholder action agenda more directly.

On **health aspects** (Part IV.8bis), one delegation noted that this issue is already being addressed by the World Health Organization (WHO), with many supporting the provision’s call for cooperation and collaboration with the WHO. Another noted the need to define plastic pollution in terms of health, stressing that there is “no direct linkage between plastic pollution and health,” and that any linkage should be based on best available science. Some delegations noted that the evidence base of the health aspects of plastic pollution “is not well developed.” Some called for health aspects to be addressed under relevant parts of the ILBI. One delegate called for incorporating the One Health Approach under this provision. Other delegations underlined the need to mainstream the protection of human health throughout the ILBI text. Noting that this text mirrors text in the Minamata Convention on Mercury, some delegations stressed that the health effects of mercury pollution are distinct, whereas those of plastic pollution are not. One delegation noted that this provision would go beyond the scope of the treaty. Those in support of a stand-alone provision stated that it must be aligned with relevant provisions under Part II, and welcomed references to the science-based approach, and the protection of vulnerable populations. One regional group called to ensure appropriate health care for affected communities. Some also called to consider the health risks to waste pickers. The Co-Facilitators noted that they would streamline the section.

On the ILBI **governing body** (Part V.1), delegates discussed whether explicit decision-making rules for the body should be included in the text, and what such rules should look like. One delegate, supported by many others, suggested adding an additional paragraph on rules of procedure, stating that the conference of the parties (COP) would make every effort to adopt decisions on consensus, except when all efforts to reach consensus have been exhausted, in which case, two-thirds voting would proceed, with procedural issues based on majority voting. Several

others stated that it may be premature to discuss these voting procedures and suggested further discussion on the proposal to add an additional paragraph on voting.

Another delegate, supported by many, agreed that the governing body should take the form of a COP and be convened by the Executive Director of the UN Environment Programme (UNEP) and as secretariat. Another delegate requested clarification on the meaning of consensus, preferring “absolute consensus.” Delegates diverged on whether extraordinary meetings of the COP should be held as necessary.

On **subsidiary bodies** (Part V.2), one regional group noted the need for a limited number of subsidiary bodies, with their functions being defined by the governing body, favoring a compliance and implementation committee, as well as a scientific and technical body. One other called for a scientific, technical and socio-economic body. Many supported mandating the governing body to establish other subsidiary bodies as needed. On the **secretariat** (Part V.3), some supported UNEP as secretariat, while one other suggested either UNEP, another existing international organization, or a stand-alone secretariat. One suggested that the COP could decide on secretariat functions at a later date. Another delegation favored Nairobi, Kenya as secretariat headquarters. Another suggested discussion on the location of the secretariat to be premature.

**Contact group:** The Subgroup 2 Co-Facilitators reported on the work throughout the week.

### ***Stocktaking Plenary***

INC Chair Luis Vayas Valdivieso (Ecuador) opened the session. Jyoti Mathur-Filipp, Executive Secretary, INC Secretariat, reminded delegates to adhere to the code of conduct to prevent harassment at UN events, calling on them to conduct proceedings in a respectful and collaborative manner.

Contact Group 1 Co-Chairs Gwendalyn Kingtaro Sisor (Palau) and Axel Borchmann (Germany) reported back on progress of the work of the Subgroups. They said the groups had made overall good progress in conducting the technical streamlining, but divergence remains on key issues. They shared that some delegations had expressed concerns on the mandate of the Co-Facilitators, particularly regarding the streamlining of the text; the timing given to delegates for reviewing the text, given the texts are circulated in English only; and parallel meetings of Subgroups occurring within the same Contact Group.

Contact Group 2 Co-Chairs Katherine Lynch (Australia) and Oliver Boachie (Ghana), provided a brief report back on discussions from the two Subgroups, including on bridging discussions across Subgroups where there is crossover of issues and on intersessional work. Both Co-Chairs stressed that initial reactions to the Revised Draft Text had been positive, identifying key areas for intersessional work, including on governance, resource mobilization, and effective targeting of financial support.

The RUSSIAN FEDERATION called for the contact group reports to be made available, also drawing attention to a streamlining issue from Subgroup 1.1, and calling for clarification over the “verification” of the Revised Draft Text.

The US, with NORWAY, SWITZERLAND, EU, the UK, AUSTRALIA, CANADA, NEW ZEALAND, COOK ISLANDS, JAPAN, CHILE, and DOMINICAN REPUBLIC requested that three Subgroups work in parallel for the remainder of the meeting to ensure negotiations conclude by the end of 2024, pointing to the scenario note setting out the organization of work for this meeting. CUBA, CHINA, PAKISTAN, SAUDI ARABIA, RUSSIAN FEDERATION, KAZAKHSTAN, NIGERIA, GABON, BRAZIL, KUWAIT, IRAQ, ARGENTINA, GUATEMALA, KENYA, UGANDA, and SENEGAL drew attention to, *inter alia*, the plight of small delegations and the rules agreed for conduct of INC meetings, underlining the importance of maintaining only two meetings running in parallel. Noting that “tired minds do not negotiate effectively,” the AFRICAN GROUP, supported by BRAZIL, underlined that all meetings should end by 10 pm, with the EU stating that in order to conclude the work, “we will have to be here for late nights and all nights.” INDIA called to focus on low-hanging fruit for the rest of the meeting and requested the Secretariat to work on a mechanism to address intersessional work on MoI, among others.

In order to maximize and optimize the time left, and mindful that only 10 days of negotiation time remains, he urged delegates to “be flexible to have two meetings in parallel and an extra meeting, exceptionally,” until textual negotiations commence.

IRAN emphasized the need to consider trust between the INC Chair and the delegations, underlining that if this trust is broken, we will all lose. He noted that INC-4 had lost “two days” to logistical challenges, including time lost waiting for the streamlined versions of the text. RWANDA and PERU supported two Subgroups in parallel with the flexibility of having a third during reasonable hours. INC Chair Vayas reiterated that during textual negotiations, there will only be two meetings running in parallel. BRAZIL asked for clarity on when the “exceptional” three parallel meetings would be held, noting that some groups would be ready for textual negotiations “quite soon.” INC Chair Vayas clarified that if any group moved into textual negotiations, only two meetings would be held in parallel. SWITZERLAND noted the need for further clarity on the way forward, calling on the INC Chair to revert to the INC Bureau on this issue.

**Legal Drafting Group:** INC Chair Vayas proposed establishing an open-ended legal drafting group at the plenary session scheduled for Monday, 29 April 2024, which would begin its work at INC-5. The group will be composed of legal experts designated by members and two Co-Chairs appointed by the INC.

**Intersessional work:** INC Chair Vayas noted that informal consultations on this matter are ongoing, and informed delegations that he would report back at a later date.

**General Statements:** BREAK FREE FROM PLASTICS COALITION noted that it has been proven that recycling does not work and called to reduce plastic production drastically. INTERNATIONAL ALLIANCE OF WASTE PICKERS called for provisions related to extended producer responsibility (EPR) and waste management to take into account just transition for waste pickers.

Noting that less than 1% of chemicals are regulated by global treaties, IPEN underlined that plastics are chemicals posing threats to human health and the environment. GLOBAL ALLIANCE FOR INCINERATOR ALTERNATIVES (GAIA) stressed that “plastic is pollution” and that a robust ILBI must, among others, reduce plastic polymer production to protect human and environmental health, uphold human rights, and enable a just transition across the full lifecycle of plastics. SOCIETY OF NATIVE NATIONS spoke about the effects of inadequate regulation on facilities that produce chemicals for plastics affecting health and the environment, particularly for Indigenous People.

LATIN AMERICAN CARIBBEAN NETWORK FOR BINDING REGULATION ON PLASTIC emphasized that the term “circular economy” has been used to promote false solutions, including plastic credits and plastics neutrality in addition to chemical recycling. INUIT CIRCUMPOLAR COUNCIL called on the ILBI to recognize, among others, the Arctic ecosystems as vulnerable and sensitive and the rights of Indigenous Peoples as distinct from local communities. The INTERNATIONAL SCIENCE COUNCIL underscored, among others, that no categorical exemptions should be made that might lead to missed opportunities in reducing plastic use in key sectors. ENDOCRINE SOCIETY highlighted scientific evidence linking chemicals in plastics to diseases, such as diabetes, obesity, and cancer.

### *In the Corridors*

On a Friday that felt like a Wednesday, delegates continued streamlining the Revised Draft Text. Many were excited to discuss the issue related to fishing gear in a joint Subgroup, with some being reminded that the issue of marine litter was what kickstarted the global discussions on marine plastic which grew into these negotiations towards a plastic pollution treaty. A seasoned delegate expressed optimism that “consensus was likely achievable,” hoping that an “easy win” could infuse the rest of the process with much needed energy. But what initially appeared to be a low-hanging fruit proved to be rather more complex, with developing countries wondering who would pay for the artisanal fishing industries to obtain alternative, biodegradable fishing gear.

In the morning, some were surprised to see the daily program showing three contact groups meeting in parallel. The schedule remained fluid, with some delegates arriving in the right rooms at the wrong time, and others missing out on short sessions altogether. “My delegation cannot be in three different places at the same time, didn’t we agree we wouldn’t do that?” complained one delegate.

Meanwhile, rumors were circulating about the possibility of a resumed INC-4 (INC-4.2) that could be convened prior to INC-5. In hushed conversations, some delegations shared that convening a “jamboree” would not be as effective as holding structured intersessional talks, targeted at the most contentious issues that remain on the agenda. Unfortunately, the late-night plenary did not shed more light on the status of intersessional work.

What is abundantly clear is that delegates will have their hands full for the rest of the meeting, with three meetings running in parallel to get through another reading of the text.