



WHAT IS MISSION CRITICAL AT INC-5 FOR AN EFFECTIVE GLOBAL PLASTICS TREATY?

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This policy brief examines the critical actions needed at INC-5 to enable the agreement of an ambitious and effective Global Plastics Treaty. The actions were identified through research interviews conducted by the Global Plastics Policy Centre following INCs 1-4. Interviewees identified the following four mission critical actions needed at INC-5 to unlock progress towards an effective Treaty:

1... The Rules of Procedure should be agreed as a priority, including a voting mechanism as a backup if consensus cannot be reached, prior to substantive negotiations.

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2... A definition of “full life cycle” should be adopted that includes upstream, midstream, and downstream stages to ensure that production measures remain within the Treaty’s scope.

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3... The High Ambition Coalition should leverage its influence to push for a stronger Treaty while resolutely opposing proposals that dilute the Treaty’s ambition.

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4... A start and strength approach to Treaty design should be adopted, while retaining the option to extend negotiations if necessary.

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BACKGROUND

The Global Plastics Treaty negotiations have reached a critical stage. The Global Plastics Policy Centre has been tracking the Treaty process since the negotiations began, including conducting interviews after each INC meeting to gain insight into the perspectives of those involved in the negotiations. **Through the analysis of the interview evidence, we have identified priority actions that stakeholders and experts report are needed to ensure that an ambitious and effective Treaty can be delivered.** Interviewees included experts from governments (24%), non-governmental/civil society/non-profit organisations (24%), research institutions (19%), intergovernmental organisations (14%), private sector bodies (14%), and finance institutions (5%).

Interviewee perspectives on the potential for an effective Treaty:

Across the INC meetings, most interviewees expressed cautious optimism about the prospects for an effective Treaty. However, confidence in the Treaty's potential has diminished as the INC process has advanced, with the least positive responses after INC-4 regarding the Treaty's potential effectiveness. Interviewees broadly expressed uncertainty about whether INC-5 will conclude positively or negatively and whether the two years have provided enough time for member states to reach an agreement in Busan. The factors contributing to this uncertainty are discussed in this brief.



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There is an urgent need to agree the Rules of Procedure

Interviewees expressed a desire for consensus-based decision-making, which has been reaffirmed by the intention of the chair to continue provisionally applying the draft Rules of Procedure as set out in his Scenario Note (UNEP/PP/INC.5/2). However, interviewees also strongly recommended including an option to vote on decisions in the Rules of Procedure to prevent a single member of the negotiating committee blocking agreement. More broadly, the absence of agreed Rules of Procedure was described by interviewees as a barrier to progress.



"[Leaving] the hardest things for the end is not a way to get consensus and to get an ambitious treaty. This [the Rules of Procedure] should have been dealt with in the beginning. We should have never moved forward. We should have found a way to either finalise it [the Rules of Procedure] or not."

Participant 05, INC-4



"It's quite likely we're moving in a direction right where many, many countries want to have upstream controls in the Treaty to deal with plastic production, for example, that would be a likely candidate to go to a vote. And if we don't have the provision to vote and we're in a consensus model that really puts that [i.e. upstream controls] in jeopardy."

Participant 02, INC-1

PRIORITY ACTION:

The Rules of Procedure should be agreed as a priority, including a voting mechanism as a backup if consensus cannot be reached, prior to substantive negotiations.



"Consensus should not be the barrier for adoption. [...] However, you have to make every effort to get consensus, and only when it is exhausted and then they should have an option to vote."

Participant 08, INC-4



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The definition of the plastics life cycle must include the upstream stage

Interviewees asserted that the definition of the plastics life cycle should be holistic and include the upstream stage of plastic production, which to date has had very little governance; and that solely considering waste management measures will not effectively address plastic pollution [1,2,3]. However, interviewees acknowledged that introducing and enforcing upstream measures on extraction, production, and design is expected to be challenging as *"it's going to be very, very difficult to get anything reflected in this document that touches on production issues. [...] The further upstream in the plastics value chain you get, the more difficult things become"* (Participant 17, INC-4). Interviewees asserted strongly that the Treaty's scope must include production, otherwise the success of a Treaty to end plastics pollution is at stake



"You have the [plastic] producing countries who are essentially very intent on not having anything that regulates their domestic capacity to produce more plastics [...] but a lot of non-producing countries [are] saying "well, actually your production is directly harming our environment and health and we want something to be done about it and we want to bring production down to sustainable levels"

Participant 06, INC-4



"[There] is definitely a majority of countries that want production [included in the Treaty], but nobody really wants to vote [on production] at the same time. How do we navigate that conversation?"

Participant 06, INC-4

Interviewees noted that adopting a comprehensive life cycle definition that includes plastic production, would promote harmonized and consistent upstream governance, making high-impact upstream changes, such as shifts to renewable energy or material replacements, easier to implement [4]. In addition, interviewees thought that adopting a comprehensive life cycle definition could help create the conditions for fair competition and reduced risk of market distortions caused by differing regulations across jurisdictions.



"If you don't address plastic production in this [Treaty] somehow, there's no way that we will be able to end plastic pollution in the way that the original mandate stipulated."

Participant 17, INC-4

PRIORITY ACTION:

A definition of "full life cycle" should be adopted that includes upstream, midstream, and downstream stages to ensure that production measures remain within the Treaty's scope.

A stronger role is needed by the HAC to advance the negotiations and an ambitious Treaty

Given the urgency of reaching an agreement by the end of INC-5, interviewees asserted that this is a critical moment to increase the ambition and momentum of the negotiations and that the High Ambition Coalition (HAC) have a crucial role.



"If we have a high ambition coalition, how did this [the inclusion of measures on primary plastic production] crumble? [...] And if it really is a high ambition coalition and your goal is to walk away from INCs with a highly ambitious treaty, this INC-4 did not show that at all."

Participant 05, INC-4

Interviewees emphasised that greater coordination and a united front from the HAC could help counteract the influence of lower ambition members and ensure that critical issues such as the Rules of Procedure and the inclusion of upstream measures are not overlooked. This includes providing stronger support for ambitious proposals, a gap which was demonstrated again at INC-4 around the intersessional work proposal on production measures introduced by Rwanda and Peru, which some interviewees believe could have progressed if sufficient backing and a coordinated approach from the HAC had been forthcoming.



"Rwanda and Peru put forward this proposal conference room paper, there was quite a lot of support for it. But then when it came down to pushing for that to be in the intersessional mandate, there wasn't really big support from the floor."

Participant 06, INC-4

Since INC-1, interviewees noted that a critical challenge for the HAC has been the variation in levels of ambition among its members. This variation is thought to have weakened the Coalition's ability to present united positions on crucial provisions. Nevertheless, interviewees remain optimistic about the Coalition's potential to drive an ambitious Treaty, noting that strong text options in the current draft can be maintained if the HAC shows strong leadership and unity. Interviewees urged the HAC to show a more united front, clearly setting its agenda and actively opposing low ambition propositions in the negotiations.



"Now that HAC [is] expanding, there are some different temperatures among the countries. It started with very high ambition countries and then there's mixed member states as well. But still they have some common goals and that's a good opportunity to shape up their position regarding the first provisions like objectives, scope, or principles."

Participant 08, INC-4



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"[At] INC-4, we really wanted to see much more coordination and leadership from the HAC on the elements that need to go in the Treaty. I can only theorise that the reasoning is basically, one, not wanting to rock the boat, two, not really seeing itself as a negotiating block, and three, having quite diverse membership, which actually has made having a group or common position on some elements quite difficult."

Participant 04, INC-4

PRIORITY ACTION:

The High Ambition Coalition should leverage its influence to push for a stronger Treaty while resolutely opposing proposals that dilute the Treaty's ambition.



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MISSION CRITICAL #4

Establish a well-designed framework that can be strengthened, but remain open to further negotiations if a strong foundation cannot be agreed

Given the unwieldy nature of the Treaty text at the conclusion of INC-4, it has become clear that a streamlined approach is needed for the negotiation process to conclude on time. The majority of interviewees would welcome a well-designed framework, or a "skeleton" for the Treaty that the future Conferences of Parties (COPs) can build on. However, interviewees expressed that the most likely outcome of the negotiations they foresee is an agreement with similar weaknesses to the Paris Agreement on Climate Change, and they cautioned against repeating the same mistakes, such as voluntary implementation and unmonitored progress.



"[I think] we're going to end up with the Paris Agreement for plastics. And I don't think that's what anybody [would want]. I don't think the Paris Agreement is viewed as highly effective."

Participant 15, INC-2

There has been a consensus among interviewees since INC-1 that the two-year timeline for the Treaty negotiations was overly ambitious, and that it is important that negotiators are afforded sufficient time to conduct their work. For example, one interviewee stated they *"think it wouldn't be the worst thing if we just took our time."* (Participant 20, INC-4). At the same time, we need to recognise the need for urgent action. Interviewees identified that a roadmap outlining the process to negotiate issues unaddressed by the end of INC-5 is a critical outcome of this meeting.



"As much as I appreciate the urgency of the situation, it is important that we don't sacrifice the substance and the ambitiousness of the Treaty in order to finish within the set time. [...] I don't think we're halfway there yet."

Participant 20, INC-4

With a new streamlined approach proposed by the Chair at the recent Heads of Delegations meetings and set out in the Chair's Scenario Note (UNEP/PP/INC.5/2), it seems likely that the Treaty will reflect a start and strengthen approach with many elements deferred for discussion at COPs. While this approach is pragmatic, interviewees noted the risk that rushed drafting might result in ambitious treaty provisions being either locked out entirely, or extremely difficult to reintroduce later.



"I think it was always going to be a start and strengthen approach. As long as we can achieve that, as long as we don't lock ourselves into something that cannot be strengthened over time, I think we still stand a chance of achieving the objectives or achieving the ambition that we all wanted."

Participant 17, INC-4

Many interviewees warned about the risks of sacrificing ambition in a rush to reach an agreement. They asserted that negotiators should remain open to an extension of the process, including the option of adding further INCs, if it becomes clear in the final hours that the text which can be delivered at INC-5 will not constitute an ambitious Treaty.



"I think there should be extra time and I hope that people are starting to think of that now, because otherwise we're going to end up in another situation where it will be all voluntary, everyone will do what you think you're supposed to do and have nothing guiding it at a global level, and we'll be looking at reports like we look at from the [Paris Agreement], [...] like "here we are, guys, nobody's doing anything."

Participant 05, INC-2



"This is a multi-year process, this is not a two-year process, and I think anyone who thinks the whole job can be done in two years is going to be disappointed on that front. But we're really fighting to get the kind of legal architecture as robust as possible, so that it is easy to add things. We don't want something that's really restrictive that means we can't add things without opening and renegotiating again."

Participant 06, INC-2



"I think that this timeline was only going to work with everybody on board, and I think that in INC-2 it became very clear that there is a group of countries and significant contingent of major economies and very powerful geopolitical actors that simply just point-blank don't want to be here, don't want to be doing it [or] would rather we just didn't, and are not-. I think that that came into [a] very clear view at INC-2, and that is going to pose a very, very significant challenge to our ability to come up with something substantial by South Korea [INC-5] in 2024."

Participant 06, INC-2

PRIORITY ACTION:

A start and strength approach to Treaty design should be adopted, while retaining the option to extend negotiations if necessary.

CONTRIBUTOR INFORMATION

Based at the University of Portsmouth, UK, the **Global Plastics Policy Centre** is an independent knowledge broker that facilitates effective plastics policy-making in government and the private sector. The Centre provides evidence-based guidance at the interface of government, businesses, citizens, and researchers, including supporting the process to develop a legally binding instrument to end plastic pollution.



KEY REFERENCES

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ABOUT THIS POLICY BRIEF

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ADDITIONAL INFORMATION

This policy brief is part of a wider piece of research conducted by the Global Plastics Policy Centre which has been tracking and investigating the process to reach a Global Plastics Treaty through the negotiations, as well as the perspectives of stakeholders, and the effectiveness of some of the core policy priorities in the negotiation discussions. The full research findings will be made available in 2025.

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