



for a toxics-free future

October 2023

IPEN QUICK VIEWS

TO SUPPORT REGIONAL CONSULTATIONS IN PREPARATION FOR THE PLASTICS TREATY INC-3

The third session of the [Intergovernmental Negotiating Committee \(INC-3\)](#) to develop an international legally binding instrument on plastic pollution, including in the marine environment, is scheduled to take place from 13 to 19 November 2023 at the UN Environment Programme (UNEP) Headquarters in Nairobi, Kenya. The session will be preceded by regional consultations on 12 November 2023.

Working documents are available [here](#).

Principles and scope

As decided [at INC-2](#), a preparatory one-day meeting will take place on 11 November 2023, at the same venue. The preparatory one-day meeting will discuss the synthesis report of elements of a Plastics Treaty that were not considered during INC-2, namely principles and scope of the Treaty.

The synthesis report will draw from the written submissions from Members (**deadline 15 September 2023**) and Observers (**deadline 15 August 2023**) on scope and principles and other topics not discussed at INC-2. Two written submissions were requested:

- On the scope and principles for the Treaty, and other elements not discussed at INC-2 (e.g. preamble, governing body, subsidiary bodies).
- On suggested intersessional work.

IPEN's submissions are available [here \(principles and scope\)](#) and [here \(intersessional work\)](#). All submissions are also available [here](#).

For principles and scope, it is important to note that:

- The scope of the treaty is already defined in the UNEA Resolution 4/15 as encompassing the full lifecycle of plastics and as such does not require further discussions. The scope will be further de-

defined through the control measures in the Treaty that should include control on chemicals at all relevant stages of the life cycle.

- UNEA resolution 4/15 noted that the Rio principles for environment and development should be taken into account. Among these it is crucial to include the precautionary principle, the polluter-pays principle, the prevention principle, and the principle of participation in environmental decision making. These principles should be implemented in the Treaty through the control measures. The Treaty should also be an instrument to implement the right to a healthy environment and protect other relevant human rights.

IPEN's view on intersessional work is that:

- It will be crucial to focus the efforts in the intersessional work on the identification of criteria for identifying chemicals and polymers of concern, so that plastics can be designed to prevent impact on human health and the environment.
- An intersessional group to cover several areas related to resources mobilization will be necessary, in particular on:
 - ♦ how a potential financing mechanism could work;
 - ♦ options to mobilize and align private and innovative finance and to establish a Global Plastic Pollution Fee; and
 - ♦ determining the need for financial support for each Member.



Organizational Matters

The scenario note for INC-3 foresees that the Rules of Procedure will continue to be applied provisionally. Although an information document “UNEP/PP/INC.3/INF/2 Legal analysis on rules of procedure” is foreseen in the scenario note, no dedicated time for a final agreement on the Rules of Procedure has been allocated. However, it is unusual to carry out an entire negotiation without agreed rules of procedure and at INC-3 some members expressed the importance to have agreed rules for the negotiations. Therefore, it is possible that the issue of rules of procedure could be raised at the beginning of the negotiations and it will be important for all members to be prepared to ensure that this topic does not take away time from the text negotiations.

Zero Draft

The Zero Draft is a balanced starting point for negotiations at INC-3. As the draft reflects a variety of views expressed at INC-2, the draft contains both positive and negative aspects which will need to be discussed and refined during the negotiations. Members should acknowledge the zero draft as a starting point for negotiations and to engage with the text to improve it during INC-3.

For the upcoming negotiations on the text, we note that:

- It is suitable that chemicals are reflected throughout the control measures, since plastics are a combination of chemical monomers, polymers, and additives, many of which are toxic with adverse effects for human health and the environment.
- The focus on recycling neglects the major adverse effects associated with recycling, including exposing workers, communities, and consumers to toxic chemicals, the release of microplastics during recycling processes, and the reintroduction of toxic chemicals into new products.

Summary

In conclusion Regional and national positions should:

- Acknowledge the Zero Draft as a balanced starting point for negotiations and seek to carry out a thorough first reading of the draft text at INC-3.
- Welcome the provisions on chemical controls in the Treaty as a basis for consideration.
- Seek to improve the text of the Zero Draft in the negotiations by implementing a human rights

approach and embedding relevant Rio Principles such as the precautionary principle, the polluter-pays principle, and the principle of public participation in environmental matters which requires transparency and access to information, including on hazardous materials.

- Identify necessary intersessional work on developing a list of chemicals to be included for controls under the Treaty as well as criteria for excluding chemicals to be used in plastics, including polymers.



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www.ipen.org

ipen@ipen.org

[@ToxicsFree](https://www.instagram.com/ToxicsFree)