

Stakeholder dialogue at the first session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

Synthesis Report

Punta del Este, Uruguay, 29 November 2022, 3-6pm

I. Introduction

Pursuant to paragraph 3 (l) of United Nations Environment Assembly resolution 5/14 and to facilitate an additional opportunity for the intergovernmental negotiating committee to prepare an international legally binding instrument on plastic pollution, including in the marine environment (the Committee) to exchange views with stakeholders participating at its first session (INC-1), the secretariat organized a stakeholder dialogue on the afternoon of Tuesday, 29 November 2022, from 3 p.m. until 6 p.m., local time, GMT-3. The session, held in a hybrid format, with simultaneous interpretation provided in the six UN languages, facilitated a two-way dialogue between Members of the Committee and stakeholders including NGOs, children and youth major groups, the private sector and academia. Building on, and complementing the Multi-stakeholder Forum held on Saturday, 26 November 2022, the Dialogue provided an additional opportunity for exchange and allowed the Committee to hear from a diversity of voices to further inform its work.

II. Objective of the stakeholder dialogue

- Support the Committee to effectively consider stakeholders' actions, as well as hear stakeholders' needs and interests in the intergovernmental negotiations.
- Further facilitate a two-way dialogue between Member States and stakeholders to allow for a diversity of voices during the negotiations.
- Provide a space to share ideas with the Committee on the future of the multi-stakeholder forum and dialogue as well as on how to initiate a multi-stakeholder action agenda.

III. The Stakeholder Dialogue¹

a. Opening

Ms. Jyoti Mathur-Filipp, Executive Secretary of the INC, opened the Dialogue, underscoring its importance of bringing together all voices on the same platform. She emphasized that the event was a two-way dialogue, offering a space for ideas and aspirations to be heard and taken forward as a multi-stakeholder action agenda. Mr. Manuel Pulgar-Vidal, Champion of the Climate and CBD Action Agendas, moderated the first part of the Dialogue, reinforcing the uniqueness of such a discussion in a negotiation process. His view was that such Dialogue would bring legitimacy and credibility to the negotiations and would serve as a basis for a multi-stakeholder action agenda.

b. Report back from the Multi-stakeholder Forum to inform INC delegates

Ms. Sheila Aggarwal-Khan, Director, UNEP Economy Division, summarized the messages from the Multi-stakeholder Forum held on 26 November 2022, with the participation of about 900 participants from a broad regional and stakeholder mix.² Five hundred participants joined the Forum on-site in Punta del Este and close to 400 participants contributed online. Participating stakeholders recognized the need to reduce the size of the problem of plastic pollution and transition to a circular economy for plastics, considering a life-cycle approach. Several voices reiterated the need to conduct risk assessment of alternatives and develop regulatory frameworks that consider a human rights-based approach and are founded on science.

The key messages from the roundtable discussions on ELIMINATING AND DESIGNING FOR CIRCULARITY that took place during the Forum emphasized the **importance of definitions** for key terms such as “toxic”, “circularity” and others.

¹ Agenda of the Stakeholders Dialogue available at the following link:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/41235/StakeholderDialogue.pdf>

² Further information on the Multi-stakeholder Forum, including the summary video and the links to access the collaborative boards are available on the Forum's event-page: <https://www.unep.org/events/conference/multi-stakeholder-forum-inc1>

Equally important were elimination of unnecessary plastics and toxic additives as well as **standardization in product design**, and financing, including through **Extended Producer Responsibility (EPR)** schemes. **Capacity building** needs of governments and stakeholders should also be addressed. Participants asked for more traceability and transparency.

In the discussions on CIRCULARITY IN PRACTICE, participants underlined the need to strengthen the policy framework to support circularity and expressed **different views on the types of plastic polymers and substances to be regulated**. The group asked for the global instrument to include trade regulations, building on the work of the Basel Convention, to avoid international trade of plastic waste particularly towards countries where there is no recycling capability; as well as for fit for purpose infrastructures. In terms of scope, participants considered how to accommodate actors in different socio-economic contexts in the process.

On WASTE MINIMIZATION AND REMEDIATION, participants converged around issues such as harmonized design standards, exchange of best practices, harmonization of legislation and strengthening the enforcement ability of governments. The need to **eliminate non-essential products** was seen as vital for waste minimization. Stakeholders asked Members to consider the banning of illegal dumping of hazardous waste in the context of developing the treaty. Additional issues raised during the discussions include: the role and responsibility of the private sector on plastic legacy issues; and the need of infrastructure for sound plastic waste management.

Ms. Aggarwal-Khan concluded by recalling that any process would only be successful if all stakeholders participated, including the plastic industry.

c. Discussions between stakeholders and Members of the Committee

To achieve the objectives outlined in section II, two panel discussions were organized.

Stakeholders on the panels were asked to reflect on:

- the role of the respective stakeholder groups in progressing towards a 2040 goal of ending plastic pollution; and
- what the treaty should include to enable implementation of the actions identified by the respective stakeholder groups.

Based on the inputs by stakeholders, Members of the Committee on the panel were then asked to reflect on:

- whether the type of information and level of ambition presented by the different stakeholder groups would be sufficient to inform the work of the Committee and for the Committee to deliver on the ambition to end plastic pollution by 2040; and
- how to continue stakeholder engagement throughout the INC process, including the initiation of a multi-stakeholder action agenda.

c.1. Discussion on the upstream and downstream stages of the plastics life cycle

Speaking to the role of the respective stakeholder groups and actions that could be taken to end plastic pollution, reflections from the first panel focused on the value that each group could bring to the negotiations, regarding the upstream and downstream stages of the plastics life cycle. The panel included representatives from youth, environmental NGOs, academia, petrochemical industry, the informal sector and two Members of the Committee.

Zuhair Ahmed Kowshik, facilitator CHILDREN AND YOUTH MAJOR GROUP, underscored the need for young people to hold governments and corporations accountable; underlined the need for a tax on polluters; and highlighted the role young people could play in raising awareness on the impacts of plastic pollution. Bethanie Carney Almroth, University of Gothenburg, speaking the perspective of ACADEMIA, underscored the importance of involving a network of scientists with expertise in plastics, to provide targeted and robust scientific advice to the INC process to identify where problematic substitutions for plastics could occur. The representative from academia, underlined the need to reduce plastic production and use, and stressed that because plastics are a product of fossil fuels containing harmful additives, currently there are no safe recycling technologies. She emphasized the importance of life cycle thinking in this regard, noting the need to consider the end of life of plastic products at the design phase.

Stewart Harris, American Chemistry Council, speaking from the perspective of PETROCHEMICAL PRODUCERS, emphasized that companies in the petrochemical industry are investing in technology to make their processes more circular and to put an end to plastic waste entering the environment; and said this industry recognizes the opportunity

to use plastic waste as an alternative feedstock. He reflected on the important role governments and the treaty have in accelerating the global transformation to circularity.

Soledad Mella Vidal, GLOBAL ALLIANCE OF WASTE PICKERS, noted that there are more than 20 million informal waste pickers in the world, that collect approximately 60% of all the plastic that is intended for recycling. The Alliance called for the inclusion of a definition of ‘just transition’ and of ‘waste-pickers’ in the draft text for the negotiations. She emphasized the need for financial support for waste-pickers to participate in future sessions of the INC and other plastics treaty-related meetings; and asked the Committee to create a cluster specifically focused on discussing the means for a ‘just transition’ for waste-pickers and other workers in the plastics value chain.

Yuyun Ismawati, Nexus3 Foundation, speaking from the perspective of ENVIRONMENTAL NGOS, underscored that plastic was a marriage of carbon and chemicals and noted that only 9% of plastic has ever been recycled, contrary to popular belief. She remarked that much of the plastic waste exported to developing countries for recycling is actually being incinerated, often in open dumpsites, severely impacting the health of surrounding communities. The role of environmental NGOs would thus be to monitor such impacts, to bring the results of such monitoring to the attention of the Committee and inform society on the issues, progress and solutions relating to plastic pollution.

Turning to the MEMBERS OF THE COMMITTEE on the panel, Bernie Besebes, Palau, stressed that SIDS are at the receiving end of plastic waste. Palau, representing the Pacific SIDS, called on industry to exercise its power in ensuring that what leaves their factories can be managed in an environmentally sound manner “when it washes up on the islands’ shores.” Additionally, she highlighted that is vital for all stakeholders to work together to end plastic pollution, starting from reducing production. Danny Rahdiansyah, Indonesia, emphasized the importance of moving away from silo thinking as plastic pollution represents a cross cutting issue with interventions needed at every stage of the life cycle.

In the subsequent discussion, NGOs from the plenary called for a ban on cigarette filters, highlighting this as an unnecessary use of plastic. Other NGOs touched on the issue of the impacts of alternatives to fossil-fuel based products on food security and land use. Pointing to plastic pollution as a threat to human rights, stakeholders called for a **strong accountability framework** that puts “people before profits” and discloses conflicts of interest.

c.2. Discussion on the midstream stage of the plastics life cycle

Reflections from the second panel focused on the value that each group could bring to the negotiations, regarding actions that could be taken at the mid-stream stage of the plastic lifecycle and on critical elements that should be included in a plastics treaty. The panel included representatives from civil society, environmental NGOs, academia, industry organizations, food and beverage industry, and Members of the Committee. Kicking off the discussion, the moderator, Ms. Anjali Acharya, lead of the global plastic portfolio at the World Bank, noted the need for collective behavior change to address plastic pollution.

Erica Nuñez, Ocean Foundation, highlighted the role of CIVIL SOCIETY in creating the momentum for the treaty and elevating the voices of those in marginalized communities; called for mandatory National Action Plans, highlighting that voluntary mechanisms have not delivered results; and urged for a compliance mechanism to oversee enforcement of the treaty’s provisions. She called for the new treaty to be positioned as a global health agreement, and for it to include provisions to enforce the polluter pays principle, as well as obligations for plastics and product manufacturers to disclose the chemicals used in their manufacturing processes, to avoid having hazardous constituents when recycling plastics.

Supporting the above messages Elaine Lucero, Ecowaste, noted that ENVIRONMENTAL NGOS can contribute to the process by providing essential scientific data and demonstrating that genuine and effective solutions exist.

Trisia Farrelly, Massey University, from ACADEMIA, underscored the need to listen and learn from those directly affected by plastic pollution, including indigenous and traditional knowledge experts, community experts, and informal workers; and suggested establishing an interim scientific body specifically for plastic pollution.

Jodie Roussel, Nestlé, speaking from the FOOD & BEVERAGE INDUSTRY perspective, noted her company’s ongoing efforts to redesign packaging for recycling. To this she called for the treaty to harmonize legislation to cap and reduce virgin plastic production, and introduce mandatory sustainable packaging systems, coupled with enabling conditions

for reuse and refill. Adding his voice to the industry perspective, Dominic Waughray, World Business Council on Sustainable Development, from an INDUSTRY ORGANIZATION perspective, stressed that accountability and action should be pillars for the work ahead, and suggested developing a plastic equivalent to the GHG protocol, a standard for corporate accounting and emissions reporting, which enables the measurement of corporate contributions to nationally determined contributions.

Turning to the MEMBER OF THE COMMITTEE on the panel, Oliver Boachie, Ghana, addressed the significance of having an open dialogue with stakeholders, emphasizing the importance of engaging industry, science, and the informal sectors, whilst clearly defining the roles of stakeholders vis-à-vis governments in the negotiation of the treaty. He underscored that measures such as EPR schemes and the identification of appropriate financing schemes are core to addressing plastics pollution.

In the subsequent discussion, participants highlighted the need to balance the ambition called for by the public and the pragmatic actions proposed by industry; to ensure accountability in the new treaty; to address management of plastic waste generated from medical uses especially in low-income countries; to urgently launch a cogent public awareness strategy; and to safeguard the interests of informal waste pickers. Stakeholders also called for: including indigenous peoples in the process; developing common global rules and standards to ensure the reduction of plastic production; organizing further interactive stakeholder dialogues throughout the INC process; and using solid science to inform the INC.

d. Closing reflections

In closing the Dialogue, the moderators summarized some of the key messages emerging from the panels. These include calls for a human rights-based approach, a just transition, equity, inclusivity, transparency, human and environmental health, taking into account the special needs and circumstances of least developed countries, small island developing states and vulnerable communities. The central role of science in informing decision makers about what needs to be done and the consequences of inaction was repeatedly recognized. Business wants to be part of the solution. Clear objectives and targets need to be developed to provide an accountability framework within the context of the instrument. The provisions of the new instrument require consideration of the many sectors impacted by the plastics problem. There was a clear willingness of all actors to continue the dialogue and advance the multi-stakeholder action agenda. In closing, the moderators underscored the importance of a precautionary approach, noting that immediate action is required while the negotiation of a global legally binding instrument on plastic pollution is ongoing.