

## Press Release

# Plastics Treaty Negotiations end without major outcomes but an effective instrument to stem the plastic tide remains within reach

Nairobi/Zurich, 19th November 2023: Today, the third meeting of the Intergovernmental Negotiating Committee (INC-3) for a [global agreement to end plastic pollution](#) concluded shortly before midnight at the UNEP headquarters in Nairobi. Despite a last-minute attempt, UN member states failed to reach consensus to mandate intersessional work. This delays advancements for the treaty process. With only two rounds of negotiations left, OceanCare calls upon governments to keep ambitions high and not lose sight of what is at stake. An effective, ambitious, legally binding global plastics treaty is necessary to finally turn off the tap and stop the ever-increasing plastic production trajectory.

After seven days of negotiations often running late into the evening, the third meeting of the Intergovernmental Negotiating Committee (INC-3) for a global agreement to end plastic pollution finished today at the UNEP headquarters in Nairobi. OceanCare concludes the following:

## Key Outcomes and Challenges

- Member states missed the opportunity to set the stage for ambitious intersessional work on priority topics, including the development of targets, baselines, and schedules for an overall reduction in plastic production, as well as strict reporting mechanisms to inform and monitor compliance with a global reduction target.
- Influence by the petrochemical industry and plastic-producing countries is undermining meaningful progress on measures to reduce plastic production.
- Many countries, particularly from Small Island Developing States and the African Group strongly supported provisions on limiting primary plastic production, tackling chemicals of concern, and protecting human and environmental alike. However, they were overpowered by low-ambition, plastic producing countries.
- As a positive, a mandate for a revised draft which will form the basis for the next round of negotiations was achieved.
- Furthermore, civil society and scientists called upon the secretariat to take decisive action against conflicts of interest hampering open and fact-based negotiations.
- Despite the absence of a mandate for intersessional work, there was widespread support across regions to advance work on provisions to tackle fishing gear in the future treaty.

## Background:

### Fishing Gear

The willingness to comprehensively cover fishing gear resonated through INC-3. Many delegations supported dedicated intersessional work on the matter. Furthermore, members stressed the need for the treaty to consider fishing gear not only in terms of waste, but to address it throughout its life cycle.

*“Fishing gear is the most dangerous form of plastic pollution for the oceans and marine life. While it is of paramount importance to regulate and reduce plastics at source, I am encouraged by the progress made on this front. However, I regret that no agreement has been reached on the intersessional work. We are now losing 6 months of valuable time. Yet, given the widespread support from many member states, we continue to call for major action and for governments to come up with meaningful provisions to tackle the full lifecycle of fishing gear in the future treaty,” says Fabienne McLellan, Managing Director and plastic programme lead at OceanCare.*

In advance of INC-3, OceanCare together with the Environmental Investigation Agency (EIA) organised a well-attended side event on the Plastic Treaty's critical role in tackling fishing gear, bringing together many country perspectives and insights.

### Conference Dynamics

The conference got off at a good start. During a 1-day preliminary meeting on Saturday, 11th November, Member States deliberated on elements not discussed during INC-2, such as scope and principles. 'The Spirit of Nairobi' of "collaboration, compromise and commitment" continued to guide negotiations over the first 2 days of the actual conference, which started on Monday, 20th November. However, the hope that the 'Ghost of Paris' - where two full days had been lost on procedural matters - was a thing of the past, steadily evaporated when contact groups got under way. Based on the 'Zero draft' text published by the chair in advance to the conference, three different contact groups met over the next days to discuss both the substantive elements and means of implementation of the future instrument, such as financing; as well as to continue the considerations on scope and principle and intersessional work in preparation of INC-4. Especially discussion on the last issue of possible intersessional work got bogged down in tedious arguments on what and what not to work on over the months to come. Some Member States - the 'Low Ambition Coalition' - relentlessly opposed meaningful work on upstream measures, especially on primary plastics. As a result, no agreement was reached on intersessional work.

### Conflict of Interest

An assessment by a number of members of the BreakFreeFromPlastic Coalition revealed the attendance of 143 fossil fuel and chemical industry lobbyists at INC-3. This increasingly strong presence of industry lobbyists risks biasing the negotiations in favour of corporations at the expense of people and the planet. Most troubling is that some of these representatives are on national delegations, with the power to even more directly influence the position of entire countries. This severely undermines democratic processes. Already in Paris, the civil society has petitioned UNEP and the INC Secretariat to safeguard the negotiating process from industry influence. In Nairobi this call was joined by a wide coalition of scientists urging UNEP to implement a strong Conflict of Interest policy. This call should be taken seriously.

*"This unguided lobby presence of the fossil fuel industry has to be decisively dealt with in advance of the next round of negotiations scheduled to take place in Ottawa in April next year. UNEP should listen to the justified call of both civil society and scientists, and not allow lobbyists working for the sole interest of the companies bearing high responsibility in the plastic crisis we are facing to have a seat at the table,"* says Ewoud Lauwerier, Plastic Policy Expert at OceanCare.

### Existing Plastic Pollution and False Solutions

A further important topic was the issue of "solutions" that perpetuate the status quo.

Some interventions called upon the conference to include measures to ensure clean-up and remediation of legacy plastic. Cleanup technology organisations did not falter in their vocal plea for this cause, which could benefit them financially. However, OceanCare together with EIA published a briefing in advance of INC-3 which shows that cleanup and remediation, especially in the marine environment, must be done with exceptional care. Cleanup technologies can be harmful to the ecosystems in which they operate, are notably inefficient and capital-intensive. Being end-of-pipe, they do not close the tap on plastic pollution. The treaty can only be effective if it starts upstream, assuring plastic production goes down, chemicals & polymers of concern are addressed, and problematic and avoidable plastics are taken off the market. Any remediation must be done with a focus on restoration, rather than a simple cleanup mindset.

Countries also called for the future treaty to consider ‘innovative finances’ to tackle plastic pollution. While financing is a key issue in the discussions, such innovative solutions often concern plastic credits and offsetting models. Similar to high-tech cleanups, such models cannot be considered real solutions to turn off the tap. As discussed in a report published during INC-3 by BreakFree FromPlastic (BFFP), such schemes have serious flaws. Plastic credits encourage the burning of plastic and mostly do not support additional projects.

*“The negotiations should assure the future treaty to tackle the upstream side of the plastic flow and focus on reducing plastic production, limit toxic chemicals in plastics, and stimulate reuse and non-toxic substitutes. Measures should aim to turn off the tap, not just mop the floor, nor rely on dubious financial schemes, essentially aimed at keeping business as usual”, says Lauwerier.*

*“When it comes to plastic pollution, matters are complex and there are few quick fixes. But the UN has the moral obligation - and the opportunity - to fix the root cause with an ambitious Plastics Treaty. Even if the obstruction by low-ambitious countries will only grow stronger, countries must not lose sight of the goal and not relinquish on their ambition”, concludes McLellan.*

## Outlook

The next round of negotiations (INC-4) will be held in Ottawa, Canada, from 21st - 30th April 2024, and INC-5 in Busan, Republic of Korea, from 25th November - 1st December 2024.

According to the mandate adopted at the fifth United Nations Environment Assembly (UNEA 5.2) in Nairobi in March 2022, countries have until the end of next year (2024) to define the terms of the legally binding agreement.

## Further Information and Links:

- Briefing by EIA and OceanCare “Cleanup or Clean-Washing” on Cleanup-Technologies: <https://www.oceancare.org/wp-content/uploads/2023/11/2023-Cleanwashing-Briefing-spreads-01.11.23.pdf>
- Briefing by EIA, OceanCare, SPREP and the University of Wollongong on Fishing Gear: [https://www.oceancare.org/wp-content/uploads/2023/05/briefing-untangled-plastics-treaty-fishing-gear\\_OC\\_2023\\_long.pdf](https://www.oceancare.org/wp-content/uploads/2023/05/briefing-untangled-plastics-treaty-fishing-gear_OC_2023_long.pdf)

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## About OceanCare

OceanCare is a Swiss non-profit organisation. It was founded in 1989 and has a strong commitment to realistic and cooperative initiatives. The organisation works at national and international level in the areas of marine pollution, environmental changes, fisheries, whaling, sealing, captivity of marine mammals and public education.

OceanCare holds Special Consultative Status with the Economic and Social Council of the United Nations (ECOSOC) and is partner of the General Fisheries Commission for the Mediterranean (GFCM), the Convention on Migratory Species (CMS), and the UNEP/CMS Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), as well as UNEP/MAP. Since 2021, OceanCare is accredited observer to the Convention on Biological Diversity (CBD) and the International Seabed Authority (ISA). The organisation has been an observer at the IWC since 1992. OceanCare has also been accredited as part of the Major Group ‘Science & Technology’ to the United Nations Environment Assembly (UNEA), which is the governing body of UNEP and is a part of the UNEP Global Partnership on Marine Litter. [www.oceancare.org](http://www.oceancare.org)