



# Legal Aspects of the Plastics Treaty Process

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# Plastics Treaty Background

- In May 2022, the governing body for the United Nations Environment Programme, the United Nations Environment Assembly (UNEA), met and decided to authorize efforts to make an international agreement on plastic pollution.
  - This was adopted as the UNEA Resolution 5/14
  - It is intended to cover all types of plastic pollution, including in the marine environment





# Plastics Treaty Background

- Negotiations will take place at set intervals and will be hosted by different countries in each round.
- INC-1 took place at the end of November 2022 in Uruguay
- INC-2 took place in May 2023 in Paris
- INC-3 took place in Nairobi in Nov 2023
- INC-4 will take place in Ottawa in April 2024
- INC-5 will take place in Busan in November 2024



# Progress from Zero Draft to Revised Zero Draft

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- Initial Zero Draft was released in September 2024 in advance of INC-3 and set the agenda for much of the discussion and work of the Contact Groups. Gaps included opening provisions and potential compliance mechanisms as well as some aspects of reporting.
- During INC-3, there were concerns raised by some States regarding whether the Zero Draft comprehensively included every proposal made during INC-2.

# Progress from Zero Draft to Revised Zero Draft

- At the end of INC-3, there was no consensus on potential element text or the establishment of intersessional working groups. Additionally, no option for formal submissions by States or stakeholders on the Revised Zero Draft was established.
- In late December 2024, the Revised Zero Draft was released and will form the basis for INC-4 negotiations. In response to the previous criticisms, every suggestion made at INC-3 has been reflected. The full document is 70 pages.

# Progress from Zero Draft to Revised Zero Draft

- The majority of potential elements of the RZD features several options and alternatives, with some elements having up to 17 options.
- There is a concern to be raised in that the majority of the proposed elements, especially control measures, include an option for “no text.”
- At the same time, the number of proposed options and bracketed text for issues that were debated at both INC-2 and INC-3 is concerning in that it manifests a continued lack of agreement on aspects of the underlying foundations for the ILBI.



# Progress from Zero Draft to Revised Zero Draft

- In terms of compliance, there are proposals for National Plans/National Action Plans and National Reporting requirements that would be connected to the potential Compliance Committee or other mechanism.
- There is a significant divergence as to what would be required elements in these reporting requirements as well what the Compliance Committee structure might be and the extent of its jurisdiction and powers.
- Concerns have also been raised regarding how to craft regime convergence in the reporting and compliance spheres, especially for LDCs and SIDS.