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Fifth session of UN plastics negotiations: What can we expect in Busan?

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As negotiators for an international plastics treaty reconvene on 25 November in Busan (Republic of Korea), they do so in the knowledge that they are running out of time to achieve a meaningful, lasting agreement to eliminate plastic that is poisoning our ocean and our health and contributing to GHG emissions. This is the fifth—and theoretically final—session of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument on Plastic Pollution ([INC5](#)), and, as pointed out by IDDRI in this blog post, the stakes are high.

Plastic pollution: the state of play

[Policy Scenarios for Eliminating Plastic Pollution by 2040](#), a report published in October 2024 by the OECD, shows that in the absence of ambitious production reduction policies, annual plastic production is projected to increase from 435 million tons (Mt) in 2020 to 736 Mt in 2040. And 617 Mt of waste would be produced in 2040 compared to 360 Mt in 2020, when instead drastic reductions are needed. A scant 6% of plastics are recycled, and that rate would remain unchanged in 2040. By then, business as usual policies—even with anticipated improvements in plastic waste management—will result in 300 Mt of additional plastic discharged into rivers, lakes and the ocean, and this does not even take into account the CO2 emissions originating from plastics production which according to the OECD report would amount to 2.8 GT or 5% of global emissions in 2040.

Divisions remain

Following the Fourth session (INC4) held in Ottawa (Canada) in April 2024, we saw “[a ray of hope](#)” for successfully completing the negotiations, but seven months later there is a very real risk of stormy weather. As we wrote at the time, “the level of ambition is uncertain given the differences between a ‘[High Ambition Coalition](#)’ seeking a broad agreement addressing plastic proliferation from production to disposal, and a ‘like-minded’ group seeking to restrict the scope of the agreement to the management of waste.” This continues to be true. The like-minded group is led by Saudi Arabia, Iran and the Russian Federation.

There was an additional ray of hope in July 2024 when the White House—which so far had maintained an equidistant position between the two groups—[announced support](#) for plastic production reduction, including “reinforce[d] US leadership in ongoing international efforts to develop a strong agreement to tackle the plastic pollution crisis across the globe”. However, with the outcome of the recent US election, [it is unclear](#) whether the US delegation will maintain that position in Busan. At a State Department-hosted stakeholders meeting held shortly after the election, the US showed signs of walking back from supporting a plastics production cap. In any case, the prospect of the new US administration signing, let alone ratifying the treaty, [is bleak](#).

The US aside, divisions remain despite intense intersessional conversations held in Bangkok in August 2024 and pro-active efforts by Chairman Ambassador Luis Ignacio Vayas Valdivieso of Ecuador to bridge them.

Building on the INC Chair’s non-paper?

Completing the treaty by the end of this year was [mandated by the UN Environmental Assembly](#) (UNEA) in 2022—a goal that seemed increasingly out of reach considering the latest [negotiating text](#) was 73-page long with very little agreed. Ambassador Vayas Valdivieso therefore convened Heads of Delegations in informal talks in September and October 2024, including an in-person meeting in Nairobi (Kenya) on 30 September and 1 October 2024, to discuss a Chair’s “non-paper” intended to streamline discussions around a limited set of options. As a result, on 30 October 2024, the INC Secretariat published the INC Chair’s [3rd Non-Paper](#) which Ambassador Vayas Valdivieso intends to table as basis for negotiations in Busan.

In his introduction, Ambassador Vayas Valdivieso writes that he aimed “to advance [...] an acceptable basis for further work, bearing in mind the broadly shared view that there is a need to (1) focus the text on essential elements, (2) make the best use of the seven days remaining at INC5 to conclude negotiations, and (3) ensure that the treaty is effective, implementable and fit for the purpose of ending plastic pollution.” That third part is the most contentious, because inevitably the notions of effectiveness, implement-ability and fitness for purpose are subject to value judgements.

This raises the critical question of how negotiators will balance the urgency of meeting their UNEA-mandated deadline while simultaneously respecting the mandate that the treaty takes a comprehensive approach that addresses the full lifecycle of plastics with clear obligations, even quantified later in annexes, COP decisions and national plans. Given that consensus is required for the treaty to be adopted, will perfection be the enemy of the good?

Some are questioning the Chair's pragmatic approach, including whether Ambassador Vayas Valdivieso's non-paper is overstepping his mandate. Within both the "high ambition" and the "like-minded" groups, the Chair's text is seen either as half full or half empty—and not just in terms of optics. Some question whether INC5 should work from the Ottawa compilation text, unwieldy as it may be. Some NGOs have expressed disappointment for what they perceive as ambiguous or insufficient language.

In his preamble, the Chair proposes to "underlin[e] the importance of managing the production and consumption of plastics at sustainable levels, including by promoting resource-efficient design of plastic products and materials so that they can be repaired, reused, remanufactured or recycled and therefore retained, along with the resources they are made of, in the economy for as long as possible, thus minimizing the generation of waste". And later, he proposes (Article 1) that the objective of the treaty be "to protect human health and the environment from the adverse impacts of plastics, with the ambition of ending plastic pollution, including in the marine environment". This represents a compromise between those who had advocated for an objective consisting in "protect[ing] human health and the environment from plastic pollution" and others wanting to see "protect[ion of] human health and the environment from the adverse effects of plastic pollution"; there was also a third option whereby it was proposed that "the objective of this Convention is to end plastic pollution."

A potential roadmap for the treaty

In the introduction, Ambassador Vayas Valdivieso writes that he has "outlined elements for further discussion for unresolved issues. Considering the Members' expressions of willingness to reach an understanding on those issues, I trust that additional dialogue will foster convergence in time to get a comprehensive agreement in Busan". "In some cases", he adds, "I have identified potential work that could be undertaken in the interim period between the Diplomatic Conference and the first meeting of the Conference of the Parties". The non-paper proposes (Article 28) that the Treaty enters into force after the 50th instrument of ratification or acceptance, approval or accession has been submitted. It proposes (Articles 23 and 24) that the Convention or its annexes may be amended (or any additional annex, adopted) by a three-fourths majority vote of the Parties present and voting at the meeting. Even though some might prefer a two-thirds majority, a qualified majority is certainly necessary to avoid consensus-based paralysis.

If a treaty text is approved in Busan, and after it is cleaned up by a group of jurists and linguists, it will be presented for formal adoption and signature at a diplomatic conference, presumably in the first half of 2025. Two African countries, Senegal and Rwanda, have offered to host the diplomatic conference, as has Ecuador. Peru, which chaired the first three sessions of the INC, withdrew its bid in support of Rwanda. Peru and Rwanda are proposing that the treaty, which would be called Kigalima (a contraction of Kigali and Lima), signed in the capital of Rwanda would be swiftly followed by an early action conference held in the capital of Peru without waiting for entry into force.

If the Chair's non-paper becomes the basis for negotiation in Busan, special attention will need to be paid to a number of critical issues. For example, and in particular Article 5 on Plastic Product Design which should not just "encourage" (as currently in the Chair's non-paper) but "agree" or "establish" measures to "promote enhanced design and performance of plastic products, the ability to reuse, repair, recycle them and to dispose of them in a safe and

environmentally sound manner upon their becoming waste.” Criteria and standards for reuse systems should be considered a cornerstone of the treaty. [PR3, the Global Alliance to Advance Reuse](#) advocates for different treatment in the treaty between reuse and recycling: by definition, reuse prevents single-use plastics whereas recycling encourages their proliferation. Annexes to the treaty which should include products and substances to be avoided, banned or regulated, standards and criteria for reuse, as well as circular economy, extended producer responsibility and sound waste management principles will also need careful attention in Busan or thereafter, before and after the diplomatic conference in 2025.

Contentious issues on the negotiators’ agenda

In his non-paper, the Chair refrains from proposing text for Article 6 on “Supply” and Article 11 on “Finance”, hinting at significant differences of opinions expressed during his informal consultations on whether and how reduction production commitments can be reflected. The outcome of discussions on these two articles and the modalities to establish reduction targets for primary plastic polymers will largely signal the level of ambition of the treaty. Regarding Article 6, language committing countries collectively to capping and reducing plastic production and use could be envisaged in accordance with targets which would be quantified and agreed by the Conference of Parties and implemented as part of national plans. Regarding Article 11, the cost of additional investments required to end plastic leakage is estimated by OECD to 50 bn dollars by 2040; discussions on this topic are likely to mirror on-going debates on climate and biodiversity finance to determine whether a new funding mechanism aiming at supporting investments and policies in developing countries should be created or whether it should be attached to an existing one, before commitments on amounts can be agreed.

Even if negotiators work around the clock for the duration of the meeting, seven days is simply not enough time to resolve all remaining issues, regardless of which text is used as the basis for negotiations. But adopting a powerful and ambitious treaty with meaningful ambition and clear commitments is possible, allowing further detail to be negotiated over time later. If the negotiators proceed in that way, we could envisage that INC5 in Busan does not sacrifice for the sake of finishing on time a meaningful agreement which would pave the way toward ending plastics pollution.

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