

# A GLOBAL TREATY ON PLASTIC POLLUTION

## What to Know About INC-3

POLICY BRIEF

### What has happened so far: from Nairobi in 2022 to Nairobi in 2023

At UNEA-5.2 in Nairobi 2022, 190 states adopted resolution 5/14 and thereby decided to commit themselves to develop a binding agreement on plastics pollution with the goal of concluding negotiations by the end of 2024. An Intergovernmental Negotiating Committee (INC) has since been tasked with negotiating this within five distinct rounds of negotiation. After meeting in Punta del Este, Uruguay and Paris, France the third INC is going to meet once again in Nairobi, Kenya from 13-19 November 2023.

While negotiations at INCs 1 and 2 have witnessed delaying tactics by some countries, both meetings have also shown a willingness to proceed with a progressive, forward-looking and effective global treaty, as well as engaging the majority of countries.

The rules of procedure to govern the INC set aside, governments and observers have exchanged their views on how best to build and design a treaty that would lead the world to a more circular plastics economy and thereby reduce plastic pollution, but that might go as far as managing to curb plastic production.

### What makes INC-3 special: the Zero Draft

Marking half-time of the negotiations, INC-3 is the first that will start on-text negotiations. After having had more general exchanges on potential contents of the treaty, INC-2 mandated Chair Gustavo Meza-Cuadra to prepare a so-called [Zero Draft](#), i.e. a first treaty proposal.

Part	Content
I	<ul style="list-style-type: none"> <li>• Description of treaty <b>objective</b></li> <li>• Placeholders for preamble, definitions, principles and scope</li> </ul>
II	<ul style="list-style-type: none"> <li>• Description of possible measures and potential areas of action to reduce plastic pollution in 13 different sections</li> </ul>
III	<ul style="list-style-type: none"> <li>• Means of implementation: financing, capacity-building, technical assistance and technology transfer</li> </ul>
IV	<ul style="list-style-type: none"> <li>• Implementation measures: national plans, implementation and compliance, reporting on progress, and periodic assessment and monitoring of the progress of implementation and effectiveness evaluation</li> <li>• Additional matters: international cooperation, information exchange, awareness-raising, education and research, and stakeholder engagement</li> </ul>
V	<ul style="list-style-type: none"> <li>• Placeholder for institutional arrangements</li> </ul>
VI	<ul style="list-style-type: none"> <li>• Placeholder for final provisions</li> </ul>
Appendix	<ul style="list-style-type: none"> <li>• Seven possible annexes A – G</li> </ul>

The Zero Draft has six parts and one appendix. Essentially, it draws on the document [Potential options for elements towards an international legally binding instrument](#). In this so-called *Options Paper*, the INC secretariat summarized proposals on treaty contents that governments made in their written submissions prior to INC-2 in Paris. In addition, the Zero Draft reflects the discussions during INC-2 and synthesises additional propositions and requests from the first two rounds of negotiations. In Parts II, III and IV of the Zero Draft the possible core means of the treaty are specified.

Part II covers a wide array of specific policies, measures and instruments in an equally broad cluster of action areas. Like in the Options Paper, the various proposed measures in Part II address all sectors and stages in the plastics value chain. They range from national or global targets and institutions over market-based instruments (e.g. taxes, fees, levies, investments, subsidies or their removal) and regulations (e.g. bans, standards, minimum criteria) to informatory instruments (e.g. labels, registries certificates, guidelines), including related timelines and interim periods.

Part II features significant overlaps with but also some deviations from the core obligations in the Options Paper. Six sections overlap with individual core obligations from the Options Paper, like the section on primary plastic polymers. Two sections merge different core obligations from the Options Paper, namely the section on problematic and avoidable plastic products and on product design, composition and performance. Four sections do not overlap with a core obligation in the Options Paper. One of these sections was newly added, i.e. the section on exemptions available to a party upon request. The issues in the other sections without overlaps were all already included in the Options Paper but not as stand-alone issue. One core obligation was not taken up as a stand-alone issue into the Zero Draft, namely the protection of human health from the effects of plastic pollution. It is however a recurring subject throughout the document.

In most sections of Part II, two basic options are proposed. On the one hand, an option in which the various measures and instruments are defined at the global level, often in related annexes, and equally apply to all parties. On the other hand, an option in which each party individually defines and designs the various measures and instruments within a certain but relatively broad framework and includes them in its national plan.

Part III and IV cover the means of implementation and implementation measures. The sections include all aspects that were already mentioned in the Options Paper. Moreover, Part IV includes what were additional matters in the Options Paper, for example a section on stakeholder engagement.

The proposed annexes of the Zero Draft include all annexes from the Options Paper, except the annex on criteria for determining the availability of safe alternatives and substitutes. It adds two new annexes, one on waste management and one on modalities for the establishment and operation of extended producer responsibility schemes.

Issue	Content	Comparison with Options Paper
<b>1. Primary plastic polymers</b>	<ul style="list-style-type: none"> <li>Various measures that reduce and manage production of primary plastic polymers</li> </ul>	Core obligation 1
<b>2. Chemicals and polymers of concern</b>	<ul style="list-style-type: none"> <li>Ban, eliminate or reduce certain chemicals with adverse impacts on human health and the environment</li> <li>Various measures for the safe management of chemicals in plastics</li> </ul>	Core obligation 2
<b>3. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics</b>	<ul style="list-style-type: none"> <li>Ban, eliminate or reduce certain problematic and avoidable plastic products</li> <li>Ban, eliminate or reduce plastics or products containing intentionally added microplastics</li> </ul>	Core obligation 3 with microplastics added from core obligation 4
<b>4. Exemptions available to a Party upon request</b>	<ul style="list-style-type: none"> <li>Request of exemptions for phase-outs of problematic and avoidable plastic products and plastics or products containing intentionally added microplastics</li> </ul>	Newly added
<b>5. Product design, composition and performance</b>	<ul style="list-style-type: none"> <li>Various measures to change design of plastics and plastic products that reduces demand for and use of primary plastic polymers</li> <li>Various measures that increase safety, durability, reusability, refillability, repairability, refurbishability and recyclability of plastics and plastic products</li> <li>Various measures that improve environmentally sound management of plastic products</li> <li>Various measures that increase recycled content in plastics and plastic products</li> <li>Various measures that promote alternative plastics and plastic products</li> </ul>	Brings together core obligations 6 and 7 and parts of core obligation 8 (alternative plastics and plastic products)
<b>6. Non-plastic substitutes</b>	<ul style="list-style-type: none"> <li>Various measures to foster innovation and incentivize sustainable and safe non-plastic substitutes</li> </ul>	Part of core obligation 8 (non-plastic alternatives and substitutes)

<b>7. Extended producer responsibility</b>	<ul style="list-style-type: none"> <li>Establishment and operation of Extended Producer Responsibility schemes to enhance and promote recyclability and recycling, increase accountability of producers and importers, and create a safe management of plastic throughout its life cycle</li> </ul>	Newly added as separate section but included as instrument throughout Options Paper
<b>8. Emissions and releases of plastic throughout its life cycle</b>	<ul style="list-style-type: none"> <li>Various measures to prevent and eliminate emissions of plastic polymers, plastics, microplastics and plastic products into air, water and soil</li> </ul>	Core obligation 9
<b>9. Waste management</b>	<ul style="list-style-type: none"> <li>Various measures that ensure safe management of plastic waste, including fishing gear, during handling, collection, transportation, storage, recycling and final disposal</li> </ul>	Core obligation 5
<b>10. Trade in listed chemicals, polymers and products, and in plastic waste</b>	<ul style="list-style-type: none"> <li>Various measures to regulate and control exports and imports of chemicals, polymers and products as well as transboundary movements of plastic waste</li> </ul>	Newly added as separate section but issue throughout Options Paper
<b>11. Existing plastic pollution, including in the marine environment</b>	<ul style="list-style-type: none"> <li>Various measures to remedy and mitigate existing pollution</li> </ul>	Core obligation 10
<b>12. Just transition</b>	<ul style="list-style-type: none"> <li>Various measures to promote and facilitate a just transition which is fair, equitable and inclusive for all affected stakeholders, with particular attention to vulnerable groups</li> </ul>	Core obligation 11
<b>13. Transparency, tracking, monitoring and labelling</b>	<ul style="list-style-type: none"> <li>Various requirements for producers to disclose of information</li> <li>Various measures for traceability, labelling and monitoring</li> </ul>	Newly added as separate section but issue throughout Options Paper

## What else is happening in Nairobi: deliberations on additional issues

In parallel, the process foresees that further written submissions be made by governments and observers to those issues that have not yet been discussed and are included as placeholders in the Zero Draft, namely preamble, definitions, principles, scope, institutional arrangements and final provisions. In order to allow room for discussion of these issues, a preparatory meeting will take place in Nairobi on November 11 preceding the beginning of the official negotiations on November 13. The basis for deliberations at this meeting will be a synthesis report of the received submissions that will be prepared by the Secretariat.

## What makes this relevant for Asia and the Pacific: a snapshot of diversity in issue importance

The Asia-Pacific region is highly diverse when it comes to possible effects of and potential concerns about the global plastics treaty.

Some countries would be significantly more affected by measures that target the upstream in the plastics life cycle (production of plastics and the manufacture of plastic products) than other countries. For example, in China, India, Indonesia, Iran, Iraq, Malaysia and Thailand the economic relevance of activities in the upstream is relatively high when compared with other SWITCH Asia countries or the global average. By contrast, the economies of a great share of Asian-Pacific countries would hardly be affected by treaty requirements that target the upstream.

	Oil and natural gas rents (% of GDP)	Polymer turnover (% of global)	Trade of plastics and plastic products (export import ratio)	Chemicals, value added (% of GDP)	Chemicals trade (export import ratio)
<b>Highest values</b>	IRQ (43,4%) TLS (34,68%) IRN (27,1%) KAZ (16,9%) TKM (13,5%)	CHN (45,6%) IND (2,1%) IDN (1,6%) MYS (1,1%) THA (0,5%)	IRN (432,4%) CHN (158,3%) THA (144,2%) MYS (107,4%)	IRN (5,7%) IND (3%) CHN (3%) PHL (2,4%) IDN (2,3%)	IRQ (951,7%) PNG (931%) CHN (137,2%) MYS (126,3%) THA (99,5%)
<b>In between</b>	UZB (11,9%) ... MMR (4,5%) ... KGZ (0,1)	IRN (0,3%) VNM (0,1%) PHL (0,1%)	IND (44,4%) ... PAK (12,9%) ... AFG (0,2%)	MYS (2,1%) ... VNM (1,1%) ... LAO (0,2%)	IND (77,8%) ... FJI (5,3%) ... NPL (0,1%)
<b>Lowest values</b>	16 countries with 0%	31 countries with less than 0,02%	PLW (0,1%) MDV (0,1%) WSM (0,1%) IRQ (0,1%) YEM (0,1%)	YEM (0,1%) IRQ (0,1%) KGZ (0,1%) MDV (0%) THA (0%)	PLW (0,1%) YEM (0,1%) SLB (0%) WSM (0%) MDV (0%)
<b>Global average</b>	4%	NA	46%	0,6%	95%
<b>Average of SWITCH-Asia countries</b>	4,6%	1,3%	38,5%	1,3%	87,1%

A similar picture of diversity in issue importance emerges when it comes to possible treaty elements that address the downstream at the end of life of plastics. Countries like Mongolia, Kazakhstan and the Solomon Island struggle not only with relatively high amounts of plastic waste but also with high amounts of mismanaged plastic waste. By contrast, in Lao People's Democratic Republic, Uzbekistan and Turkmenistan the plastic waste generation and the mismanaged plastic waste is relatively low, also when compared with the global average. If the treaty would restrict in one way or another the export of plastic waste, countries like China, Fiji, Mongolia, Cambodia and Iran would be significantly affected.

	Plastic waste generation (kg per capita per year)	Mismanaged plastic waste (kg per capita per year)	Plastic waste trade (export import ratio)
<b>Highest values</b>	PLW (140,3)	MNG (137,6)	CHN (75.056,4%)
	MNG (138,9)	KAZ (71,4)	FJI (8.892,2%)
	NRU (78,3)	SLB (69,3)	MNG (5.760,2%)
	SLB (71,4)	TUV (51)	KHM (2.526,6%)
	KAZ (69,4)	THA (43,3)	IRN (2.517,4%)
<b>In between</b>	THA (68,8)	IDN (21,1)	PHL (1.859,3%)
	...	...	...
	IDN (34,9)	PHL (11)	PLW (47,3%)
	...	...	...
	TLS (8,3)	BGD (4,7)	WSM (2,6%)
<b>Lowest values</b>	KHM (6,1)	CHN (4)	LKA (2,2%)
	BGD (4,4)	UZB (3,6)	NPL (1,4%)
	UZB 3,4()	LAO (2)	UZB (1%)
	LAO (3,2)	TKM (0,6)	YEM (0,6%)
	TKM (2)	BTN (0,5)	AFG (0,2%)
<b>Global average</b>	37,53	17,1	3670,8%
<b>Average of SWITCH Asia countries</b>	34,07	20,9	3424,2%

## How Asian and Pacific countries are represented in the region and what they have said: a brief overview on diversity

As diverse as Asia-Pacific countries are in their economic development, in their geographical preconditions and in their concrete relationship with the plastics industry, as diverse is their level of participation, their delegation size and their level of ambition or progressiveness in the negotiation process.


Some countries regularly make up their mind during the negotiations and also submit written statements before the INCs. Most countries come with relatively small delegations but there are also relatively large delegations from Asian-Pacific countries. Many countries, in particular those where the economic relevance of activities in the upstream of the plastics life cycle is relatively high, emphasize the importance of measures in the treaty that address waste management. Other countries are also open for measures that target the production of polymers and plastics or the manufacture of plastic products.

In the overall picture of stated positions, waste management also emerges as the issue to which countries from the Asian-Pacific region refer most frequently in their written submissions to the negotiation process. In particular India and Thailand refer relatively often to waste management. Other topics that Asian-Pacific countries mention quite frequently are problematic and avoidable plastic products, existing plastic pollution, chemicals of concern, primary plastic polymers and microplastics. In comparison, issues related to product design, transboundary movement of plastic waste, fishing gear or trade in chemicals, polymers and products play a less prominent role in the submissions.




# Key facts about the region



## Outspoken countries

IND, BGD, IDN, IRN, THL, MDV, TLS, PAK, PHL, NPL, LKA, VNM, (CHN), MYS, FJI, PLW, (COK), TUV, KIR, NRU 

## Quiet countries

KHM, PRK, KGZ, LAO, FSM, MNG, NIU, PNG, SLB, TJK, VUT, KOR, WSM 

## Focus on waste

CHN, IND, IRN, MYS, THL, APG group, COBSEA  BGD 


## Open for upstream

PLW, LKA, PAK, AOSIS, PSIDS

## Small delegations (<5)

BGD (2), KHM (5), PRK (2), FJI (4), KIR (3), KGZ (1), LAO (2); MDV (3), FSM (1), MNG (2), NRU (2), NPL (1), NIU (4), PAK (3), PNG (1), SLB (3), LKA (3), TJK (1), THL (5), TLS (1), TUV (5), VUT (5) 

## Large delegations (>5)

CHN (25), IND (8), IDN (21), IRN (6), JPN (19), MYS (12), PLW (11), PHL (11), KOR (15), WSM (6) 

	AOSIS group statement	APG group statement	Bangladesh	China	COBSEA A group statement	Cook Islands	HAC group statement	India	Indonesia	Iran	Kiribati	Malaysia	Nauru	Nepal	Pakistan	Palau	Philippines	PSIDS group statement	Sri Lanka	Thailand	Tuvalu	Sum	
<b>Part II of Zero Draft: Measures and areas of action</b>																							
1. Primary plastic polymers	2	0	2	1	1	0	1	3	0	0	0	2	0	0	1	2	0	0	0	1	0	16	
2. Chemicals and polymers of concern	6	0	0	0	0	0	1	4	0	5	0	0	0	0	2	0	0	1	0	0	0	19	
3. a) Problematic and avoidable plastic products, including short-lived and single-use plastic products	8	0	0	2	0	0	2	4	1	0	0	2	0	0	3	1	0	1	0	3	0	27	
3. b) intentionally added microplastics	4	0	0	0	0	0	2	4	1	0	0	0	0	1	0	1	0	1	0	2	0	16	
4. Exemptions available to a Party upon request (new issue in zero draft)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
5. a) Product design and performance	2	1	0	0	0	0	1	4	1	0	0	1	0	0	0	0	0	0	0	0	0	10	
5. b) Reduce, reuse, refill and repair of plastics and plastic products	3	0	0	0	0	0	1	5	3	0	1	0	0	0	1	0	0	0	0	0	0	14	
5. c) Use of recycled plastic contents	1	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
5. d) Alternative plastics and plastic products	2	0	0	1	0	0	5	1	0	0	0	2	0	0	0	1	0	0	0	0	0	12	
6. Non-plastic substitutes	0	0	0	1	0	0	5	1	0	0	0	2	0	0	0	1	0	0	0	0	0	10	
7. Extended producer responsibility	3	0	0	1	0	0	6	0	0	0	0	0	0	1	0	1	0	1	0	1	0	13	
8. Emissions and releases of plastic throughout its lifecycle	0	0	0	1	0	0	3	3	0	0	1	0	0	1	0	0	0	0	0	0	0	9	
9. a) waste management	6	0	0	2	2	0	3	11	1	2	0	0	0	1	2	0	1	1	0	5	1	38	
9. b) fishing gear	2	0	0	1	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	6	
10. a) Trade in listed chemicals, polymers and products	1	0	0	0	0	0	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	4	
10. b) Transboundary movement of plastic waste	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	1	0	0	0	0	5	
11. Existing plastic pollution, including in the marine environment	5	0	1	0	1	0	3	5	2	0	0	0	0	1	0	0	0	1	0	2	0	21	
12. Just transition	0	0	4	0	1	0	0	6	0	0	0	2	0	0	0	0	0	0	0	1	0	14	
13. Transparency, tracking, monitoring and labelling	0	0	0	0	0	0	3	2	0	1	0	0	0	0	1	0	1	0	0	0	0	8	
<b>Part III of Zero Draft: Means of implementation</b>																							
1. Financing	0	1	2	3	1	0	1	3	1	1	0	3	0	1	1	1	1	1	0	0	3	0	23
2. Capacity-building, technical assistance and technology transfer	0	1	1	0	2	0	1	4	3	1	0	0	0	1	0	1	1	0	0	1	0	17	
<b>Part IV of Zero Draft: Implementation measures</b>																							
1. National plans	9	1	0	5	0	0	1	5	2	0	0	0	0	0	0	0	0	0	0	0	0	23	
2. Implementation and compliance	2	2	1	1	2	0	0	5	1	1	0	0	0	0	0	0	0	1	0	2	0	18	
3. Reporting on progress	3	0	0	4	2	0	0	1	3	3	0	0	0	0	0	0	0	0	0	0	0	16	
4. Periodic assessment and monitoring of the progress of implementation of the instrument and effectiveness evaluation	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
<b>Part IV of Zero Draft: Additional matters</b>																							
5. International cooperation	5	0	0	0	1	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	8	
6. Information exchange	2	0	0	0	1	1	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	7	
7. Awareness-raising, education and research	2	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	5	
8. Stakeholder engagement	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	

## What Asian and Pacific countries can do: active engagement at the INC

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To achieve the best possible results at INC-3 as well as future negotiations, it is crucial for country delegations to be informed. This entails knowing what issues are being discussed and how to actively influence the negotiations while considering the unique challenges of each country in the region. Besides this, finding like-minded countries in the region and strengthening cooperation with them can be helpful to bring certain points across and ensuring that voices are being heard.

If desired, our experts can provide assistance. They can aid in researching and providing targeted knowledge for your delegation if needed, to best support and represent your country. They can organise forums and facilitate exchange. At INC-3, our experts offer a preparatory workshop at INC-3 where they inform about the current negotiation process and highlight issues in the negotiations.

Furthermore, there will be more policy briefs that offer quick and reliable information around the global plastics treaty. The next one will be on financing and showcase and explain in more detail those options to mobilize funds for the implementation of the treaty that are currently being discussed.

You find more information on the support that SWITCH-Asia offers and on our experts in the brief [Engage With Us - Prepare for the Negotiations. Going forward on a Global Plastics Treaty.](#)