The world continues to face rapidly rising waves of plastic pollution that put the wellbeing of humans, ecosystems and economic activities at ever greater risks, with low- and middle-income countries often shouldering an unjust burden. The looming crisis starkly underscores the inefficacy of existing voluntary measures and fragmented regulations, against the global and transboundary nature of the problem.

Action is urgently needed. WWF calls on States to use the upcoming negotiation session in Nairobi to develop a treaty that includes the specific binding global rules needed to end plastic pollution.

The success of the treaty—and its potential to end plastic pollution—will depend on whether the treaty establish:

- Global bans, phaseouts and phasedowns of problematic and avoidable plastic products and uses, and of plastic polymers and chemicals of concern.
- Global requirements for product design and systems, securing a safe and non-toxic circular economy, prioritising reuse, and improving recycling, and securing the environmentally sound management of plastic waste.
- Strong implementation support measures, including sufficient financial support and alignment of public and private financial flows.

At INC-3, WWF urges all States to:

- Focus discussion on binding obligations ('Option 1' provisions) as key element of control measures;
- Further specify the binding global rules to tackle plastic polymers and chemicals of concern, and problematic and avoidable products:
  - Develop criteria and lists of plastic polymers, chemicals, and products to be placed under global bans, phaseouts and phasedowns in annexes A and B;
  - Develop global requirements towards safe circularity, facilitating reduction, reuse, and recycling in general and specifically for high-risk products, in annex C; and requirements for environmentally sound waste management practices, in Annex F;
- Consider implementation support arrangements that includes innovative solutions to combine options of newly established and existing mechanisms, make use of both available and new sources, and align public and private financial flows;
- Establish dedicated technical expert working groups and formal organisation of intersessional work to continue advancing the negotiation progress after INC-3, with annexes A, B, C and F, and innovative mechanisms for means of implementation, as immediate priorities.
THE UNMISSABLE OPPORTUNITY IN NAIROBI

The development of the plastic pollution treaty is now moving from general discussions to specific treaty text negotiation. The treaty’s Zero Draft, prepared by the Chair of the Intergovernmental Negotiating Committee (INC) and published ahead of the third session (INC-3) in Nairobi, has created the foundation for the INC to advance its work.

Following two sessions marked by delaying tactics and limited progress, INC-3 emerges as an unmissable opportunity to make substantial strides in drafting specific global rules in the treaty. The Zero Draft provides the necessary basis for the INC to start detailing binding obligations and necessary means of implementation. Neither delay nor distraction should be allowed to impede this opportunity.

The Zero Draft partly reflects the global majority’s expectation for a treaty with binding obligations across the plastic life cycle. ‘Option 1’ provisions of most control measures in the draft provide a sufficient starting point for developing necessary global rules to end plastic pollution.

However, substantially weaker options, containing only voluntary actions, are also presented in the Zero Draft. While voluntary actions could play a supplementary role to binding global rules, relying solely on them would deliver more of the same ineffectiveness, and fall short of the treaty’s objective. Recent evidence shows that a business-as-usual scenario—i.e., without global binding rules—would see mismanaged plastic volumes almost doubled, from 110 Mt in 2019, to 205 Mt by 2040. Given the serious impacts already observable at current levels of plastic pollution, such an increase could prove catastrophic to our environments, economies, and health. Now is the time to raise ambition.

INC-3 PRIORITIES: BINDING PROVISIONS, TECHNICAL ANNEXES, AND IMPLEMENTATION SUPPORT

States must ensure that all control measures in the treaty are anchored by binding obligations. At INC-3, states must flesh out the details of these obligations and make concrete plans to develop the necessary annexes. Across all control measures, WWF strongly cautions against the options that rely on a purely voluntary approach. These could end up burdening states with overly prescriptive requirements for demonstrating how they intend to reduce pollution in national plans. In contrast, a set of global rules that already clearly define what states must do to end plastic pollution would simplify reporting and compliance, and give each party more flexibility to decide how to implement the treaty’s obligations.

WWF recommends states to build on the binding (‘Option 1’) provisions outlined in Part II of the Zero Draft. Provisions to eliminate problematic and avoidable plastic products, and polymers and chemicals of concern, through bans and phase-outs, will be essential to the treaty’s success. Similarly, binding provisions on product design, composition, and performance is essential to create a harmonised approach to reduce barriers for joint action, and these must be further specified and elaborated. Provisions on reduction of plastic consumption and production, reuse. Extended Producer Responsibility, waste management and existing plastic pollution must be strengthened to include more specific obligatory actions.

Already at INC-3, states must start work on the technical annexes that will enable the treaty to target the plastic polymers, chemicals, and products with highest pollution risks with the most suitable measures. At the coming session, negotiators should hold preliminary discussions of the annexes, and subsequently decide to formally organise intersessional work, with discussions held by dedicated technical working groups. The establishment of technical working groups would be important to ensure the discussions and continued work are based on robust and best available science. Intersessional technical work is most urgent for:

- Criteria frameworks and initial lists of plastic polymers, chemicals of concern, and avoidable and problematic plastic products—developed based on the criteria—in Annex A and Annex B of zero draft;
- Specific requirements for product designs and performance, as well as mandatory measures to ensure a non-toxic circular economy, prioritising reduction, and reuse, in Annex C; and requirements for environmentally sound waste management practices, in Annex F (see Figure 1 on last page for further recommendations on annexes).
For Annex B, WWF recommends a criteria framework with a risk-based, product-group approach, taking into consideration the different applications, sectoral and functional requirements, to prioritise plastic products that the treaty must tackle with urgency. The feasibility of control measures to address these product groups forms the second part of the criteria framework. WWF’s submission prior to INC-3, and the reports ‘Breaking down high-risk plastic products’ and ‘Regulating high-risk plastic products’ explain and present this framework in detail.

Several options are currently included in the zero draft for mechanisms to enable effective implementation, including technical and financial assistance, technology transfers and capacity strengthening, with emphasis on the special attention to the needs of LDCs and SIDSs explicitly mentioned in the provisions. WWF supports a strong financing mechanism as part of the treaty and recommends negotiators to explore innovative solutions that go beyond the choice of either a newly established or an existing mechanism, considering combining these options and making use of both available and new sources. States should consider the particular difficulties and needs of each binding obligation and determine, in parallel, the necessary technical, technological, and financial resources that the treaty must provide to address such difficulties.

The treaty’s institutional setups such as the governing body and subsidiary bodies of the treaty, and procedures related to the treaty’s entry into force, compliance, and potential amendments of the treaty in the future—which have yet been discussed much in detail—should also be on the agenda of intersessional work after INC-3.

Detailed analysis and recommendations on the Zero Draft’s provisions are to be published by the fourth week of October, on WWF’s plastic.pollution.treaty webpage.
The objective of the treaty is to end plastic pollution, including in the marine environment, and to protect human health and the environment [from its adverse effects, based on a comprehensive approach that addresses the full life cycle of plastic].

**Figure 1.** Substantive elements of the treaty, including core obligations and control measures, accompanied annexes, and supported by implementation measures.