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OIA 29631

Tēnā koe J McKenzie

Thank you for your email of 25 August 2024 to the Ministry of Foreign Affairs and Trade (MFAT) in which you request the following under the Official Information Act 1982 (OIA):

"I am making a request for information about New Zealand's work on the UNEP 'Internationally Binding Instrument to End Plastic Pollution':

1. *Intersessional consultation,*
 - a. *Where allowed by the OIA (i.e. partial redactions are okay), all records of consultations with New Zealand stakeholders regarding the UN Global Plastics Treaty, including businesses, environmental groups, and other relevant actors, from January, 2022 to the present. Specifically, I am requesting:*
 - i. *Meeting minutes or summaries*
 - ii. *Consultation reports or feedback summaries*
 - iii. *Stakeholder lists*
 - b. *Note: I understand that some information may be withheld due to confidentiality or security reasons. If this is the case, I would appreciate receiving documents with necessary redactions or general summaries.*
2. *NZ negotiating positions/processes.*
 - a. *Where allowed by the OIA (i.e. partial redactions are okay), information that can be provided regarding relevant consultation approaches, models, or relevant past examples, that may inform the New Zealand Negotiating Team (that is the team as referenced in the International Binding Instrument to End Plastic Pollution Negotiating Mandate, ENV-22-MIN-0038), in their consultation leading up to the fifth Intergovernmental Negotiating Conference (INC-5).*
3. *Intersessional work with 'Pacific Small Island Developing States' (PSIDS),*
 - a. *Where allowed by the OIA (i.e. partial redactions are okay), records of New Zealand's ongoing collaborations and partnerships with PSIDS related to multilateral environmental issues. Specifically, I am requesting agreements and reports: Documents related to these collaborations, including agreements or reports on joint projects or research initiatives aimed at addressing climate change and environmental challenges, with either specific PSIDS or multiple.*

- b. *Note: I understand that some information may be withheld due to confidentiality or security reasons. If this is the case, I would appreciate receiving documents with necessary redactions or general summaries.*
- 4. *Funding mechanisms in the Pacific.*
 - a. *Where allowed by the OIA (i.e. partial redactions are okay), information that can be provided regarding developed or developing funding mechanisms for waste management in the Pacific region, particularly where it concerns ocean waste/plastics.*
 - b. *This can be provided in summarised points in the interest of avoiding substantial collation or research."*

On 1 September 2024, you agreed to refine your request to be for:

1. *"Stakeholder Lists as well as meeting minutes and external emails with stakeholders relating to MfE's targeted stakeholder engagement on the UN Global Plastics Treaty on Plastics Pollution between INC-4 in April 2024 and the date of the request, in the lead up to INC-5."*
2. *"Formal briefings created by MFAT primarily relating to consultations with PSIDS on the UN Global Plastics Treaty on Plastics Pollution between the lead up to INC-3 and the date of the request, in the lead up to INC-5."*
3. *"Current funding mechanisms for waste management in the Pacific region developed in the last 5 years or under development by MFAT or MfE in relation but not exclusively to the UNEP Plastics Pollution Treaty Negotiations."*

It would have been necessary under section 14 of the OIA to transfer your request in part to the Ministry for the Environment (MfE) because some the information you requested is held by that agency. However, we are aware that you have already made your request to MfE and therefore we have not transferred it and each agency will respond for the parts of the request relevant to that organisation.

MfE will provide a response to the following parts of your request:

1. *"Stakeholder Lists as well as meeting minutes and external emails with stakeholders relating to MfE's targeted stakeholder engagement on the UN Global Plastics Treaty on Plastics Pollution between INC-4 in April 2024 and the date of the request, in the lead up to INC-5."*
3. *"Current funding mechanisms for waste management in the Pacific region developed in the last 5 years or under development by MfE in relation but not exclusively to the UNEP Plastics Pollution Treaty Negotiations."*

MFAT are responding to the following parts of your request:

2. *"Formal briefings created by MFAT primarily relating to consultations with PSIDS on the UN Global Plastics Treaty on Plastics Pollution between the lead up to INC-3 and the date of the request, in the lead up to INC-5."*
3. *"Current funding mechanisms for waste management in the Pacific region developed in the last 5 years or under development by MFAT in relation but not exclusively to the UNEP Plastics Pollution Treaty Negotiations."*

Response to your request

Part 2

In scope of part 2 of your request are the following briefings:

- New Zealand-Vanuatu High Level Consultations: International treaty to end plastic pollution, dated February 2024
- SPREP INC4 Preparatory Meeting 13-14 February 2024, dated February 2024.

Some information is withheld under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government; and
- 9(2)(j): to avoid prejudice to negotiations.

Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would override the reasons for withholding it.

Part 3

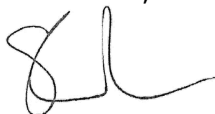
There is no information on funding mechanisms for waste management in the Pacific region developed in the last five years or under development by MFAT or MfE. Accordingly, this part of your request is refused under section 18(e) of the OIA, as the information does not exist. There are ongoing discussions on a funding mechanism, which are taking place within the Intergovernmental Negotiating Committee, as part of the UNEP Plastics Pollution treaty negotiations. However, these discussions relate to the funding mechanism as part of the means of implementation for the treaty and are not specifically related to the Pacific region but relate to all Parties of the future treaty.

In the Pacific region the Secretariat for the Pacific Regional Environment Programme (SPREP) is the key regional agency with responsibility for waste management and pollution control efforts. More information on their work in this area can be found on SPREP's website: <https://www.sprep.org/>. New Zealand provides core and programmatic funding to SPREP to support all of its operations.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett
for Secretary of Foreign Affairs and Trade

New Zealand-Vanuatu High Level Consultations: International treaty to end plastic pollution

Talking points

- New Zealand has appreciated working closely with the Pacific region on negotiations towards an international treaty to end plastic pollution. Our Pacific voice is strongest when we speak together. New Zealand values our close relationship with our Pacific neighbours and the opportunity to work together to pursue our shared ambition to end plastic pollution.
- We are grateful to Vanuatu, as Chair of the Pacific Small Island Developing States group, for attending the recent Pacific regional preparatory meeting in Auckland in February. New Zealand looks forward to continuing our close cooperation together at the next round of negotiations in Ottawa in April 2024.

Background

International treaty to end plastic pollution

1. Under the auspices of the United Nations Environment Programme, countries are currently negotiating an international treaty to end plastic pollution (Plastics Treaty) through an Intergovernmental Negotiating Committee. Five negotiation rounds have been mandated, with the aim of concluding negotiations by the end of 2024. The next and fourth round is taking place in Ottawa, Canada in April 2024.
2. Transboundary plastic pollution presents a significant challenge for the Pacific region. All 14 Pacific Small Island Developing States (PSIDS) ^{s6(a)} engage in negotiations as the PSIDS group. ^{s6(a)}
3. New Zealand recently co-hosted a Pacific regional preparatory meeting with the Secretariat of the Pacific Regional Environment Programme (SPREP), 13-15 February in Auckland. This meeting facilitated a face-to-face discussion of respective priorities in the negotiation, and helped delegates prepare for the upcoming negotiation round in Ottawa, April 2024 (INC4). The meeting was well-attended with all 14 PSIDS in attendance, along with Australia and New Zealand.

*Climate, Antarctica and Environment Division
February 2024*

***SPREP INC4 Preparatory Meeting
13-14 February 2024
Auckland***



Released

What is your highest ambition?

- As some of you may know, New Zealand has had a change of Government and we still **need to test our existing negotiating mandate with the current Government**. We are looking to do this in early March, ahead of INC4.
- However, in terms of **ambition and priorities to date**, New Zealand has:
 - Supported an instrument that is focused on circular economy and waste hierarchy principles; i.e.; keeping materials in circulation for as long as possible, avoiding generating plastic waste in the first place, and treating destruction and disposal to landfill as the least desirable options for tackling plastic pollution.
 - s9(2)(j)
 - Prioritised a low emission approach to options to reduce plastic waste.
 - Advocated for recognition of the role that Indigenous Peoples and traditional knowledge play in the sustainable management and protection of the environment.
 - Supported Pacific interests where they align with those of New Zealand.

What are your priorities in the Revised Zero Draft?

- New Zealand is **still analysing the Revised Zero Draft**. We are yet to undertake consultation with other Government departments as well as stakeholders and partners.
- We have started identifying the **provisions that we think are key** to achieving an ambitious treaty. s9(2)(j)

Views on what is essential to advance negotiations in INC4 and how to get an agreed treaty text by end of INC5

- The **Revised Zero Draft is a complex document**, where essentially all options are still on the table.
- To make progress at INC4, we consider it **essential that the Chair provides some structure and early certainty** around how discussions will be approached at INC4. In addition to engagement through our Bureau members, the proposed Head of Delegation meetings are an opportunity to ensure that this happens.
- It will be **fundamental to ensure that there are clear mandates, processes, and timeframes for Contact Groups** for delegations to stick to, and that these

are communicated as soon as possible to avoid some of the confusion that we saw at INC3.

- We think there's value in INC4 **starting discussions where there might be more consensus** and see this as an opportunity to build some much needed trust between INC members.
- It is critical that we agree a mandate for **intersessional work between INC4 and INC5** to ensure that we can conclude negotiations by the end of the year.
- s9(2)(j)

Also, most of us have small delegations so there **may be value in us discussing this week what an ideal programme of intersessional work would look like** for the Pacific region so that we are ready to feed into, and shape, discussions early.

Part I.2 Objective

- The objective of the instrument should **clearly and plainly communicate an ambition to eliminate plastic pollution**. It should reflect the broad scope of the instrument, and recognise the effect of plastic pollution on human and environmental health.
- For this reason, **New Zealand would prefer Option 1 in the Revised Zero Draft**, but we could also work with some of the elements of Option 2; although there are a number of proposals in Option 2 that we feel would weaken the ambition of the treaty. For example, the proposal to include "through the prevention, progressive reduction and remediation of [additional] plastic pollution".
- [**If needed on "by 2040"**]: As a member of the High Ambition Coalition to End Plastic Pollution, New Zealand supports and recognises the need to eliminate plastic pollution by 2040. However, we consider it unusual to have a time-bound objective in the instrument, and it may throw into question the ongoing relevance of the instrument.

Part I.3 Definitions

- New Zealand supports defining terms that are critical to understanding and implementing the proposed measures in the zero draft. For example, avoidable and problematic plastics, primary plastics, plastic products, microplastics, lifecycle and more.
- We consider that a definition on plastic is critical to the scope and implementation of the instrument.
- **For these reasons, New Zealand would prefer to work with Option 1** in the Revised Zero Draft. We support further discussion on definitions at INC4 and through intersessional work.

Part I.5 Scope

- New Zealand supports UNEA resolution 5/14 providing the basis for the scope of the future instrument. We support a broadly scoped instrument that captures the full lifecycle of plastics, including from the extraction of raw materials through to disposal and pollution impacts on ecosystems and human health.
- We consider that raw materials and primary polymers are very clearly in scope of the full lifecycle of plastics.

Part II.1 Primary plastic polymers

- s9(2)(j) while this will require measures such as recycling, we have a preference for actions at the top of the waste hierarchy (e.g. reuse, reduce, repair). s9(2)(j)
- Government incentives, including in the form of subsidies, have a key role in the plastics pollution crisis by reducing the cost of inputs to plastic production. Subsidies directly impact the cost of producing primary plastic polymers and plastic products, making them cheaper than recycled or alternative products. s9(2)(j)
- [if needed on targets] s9(2)(j)

Focus could be on particular sectors to ensure efforts are targeted and that plastics can continue to be accessed where they are necessary.

Part II.2 Chemicals and polymers of concern

- New Zealand supports a legally binding and timebound provision for chemicals and polymers of concern. We also support avoiding duplication with other existing MEAs in addressing harmful chemicals. We are interested in others' views on Option 2, paragraph 2 in the Revised Zero Draft which references the Stockholm convention.
- We note reference to the Science, Technology and Economics Panels (STEPS) in making recommendations on a list of hazardous, problematic, and avoidable chemicals, polymers or plastic products within Option 4 of the Revised Zero Draft, and support reference to Indigenous Peoples and local communities here. We welcome further discussion on this.

Part II.3 Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics

- New Zealand strongly supports the development of legally-binding globally agreed criteria for problematic and avoidable plastic products and supports measures to limit the production and use of these products. s9(2)(j)
- New Zealand supports strong measures to eliminate intentionally added microplastics.

Part II.5 Product design

- On 5a Product design and performance, and 5b Reduce, reuse, refill and repair of plastics and plastic products, New Zealand supports legally binding obligations requiring Parties to adopt design and performance criteria, s9(2)(j)

We emphasise the importance of plastic reduction and that reuse, refill and repair must be supported by a range of materials, not just plastic to avoid regrettable substitutes.

- On 5c, Recycled content, New Zealand supports minimum percentages to avoid risk of countering reduction efforts, creating supply issues to meet targets and safety of recycled plastics.
- On 5d Alternative plastics and plastic alternatives, New Zealand supports provisions that focus first on actions at the top of the waste hierarchy, and provide strong guidance for the use of alternatives.

Part II.7 Extended producer responsibility

- New Zealand supports the inclusion of mechanisms to increase the obligations of responsible Parties/actors throughout the value chain of plastics and plastic products, ^{s9(2)(j)}

We would welcome a discussion from SPREP members as to how they envisage a regional EPR system might work under the instrument.

Part II.8 Emissions and releases of plastic throughout its life cycle

- New Zealand supports the inclusion of the full lifespan of plastic including from extraction and production to disposal in this provision, and that it adopts a low emissions approach. New Zealand also supports the inclusion of products developed as 'alternatives' to plastics in option 1, to keep ahead and pre-empt any release and emissions issues.

Part II.9 Waste management

- New Zealand places a high priority on measures that ensure the safe, proper and environmentally sound collection, management and disposal of plastic waste. Like others, New Zealand seeks to strengthen the role of the waste hierarchy across this provision by clearly signalling that minimisation, reuse and recycling are the desired outcomes, with disposal as the least desirable.

Part II.13 Transparency, tracking and labelling

- New Zealand supports increased transparency of the types and volumes of the production of plastics, including imports and exports of chemicals and polymers used in the production of plastic polymers. It is also important to ensure any marking or labelling requirements are supported by systems and technology that make them practical and implementable.

Part III.1 Financing [mechanism [and resources]]

[If needed:]

- An efficient and effective financial mechanism, that can address the high and rapidly increasing levels of plastics pollution, is **critical to the successful implementation** of the instrument.
- New Zealand **supports a wide range of means of implementation** and we support a robust financial mechanism that is efficient and effective.
- Establishing **a new fund comes at considerable cost, reduces efficiencies, and takes time**. On the other hand, efficiency and effectiveness can be gained from expanding an existing financial arrangement.

- Access to funds and MEA reporting is already burdensome for some LDCs and SIDS. **Working with and through an existing fund that has existing architecture can help to simplify access** to funds and to streamline and coordinate MEA reporting. For instance, part of the agreement to establish the new Global Biodiversity Framework Fund under the Global Environment Facility (GEF), included a requirement for the GEF to simplify its application processes for accessing funding.
- New Zealand would be **supportive of considering a mandate for the Secretariat to map financial resources** for addressing plastic pollution at the international, regional and national levels. This analysis will be crucial in determining and shaping the financial mechanism for the instrument.
- New Zealand is **supportive of the recognition of the specific needs and special circumstances of SIDS** and LDCs.

Part IV.1 National implementation/action plans

- New Zealand supports an obligation for Parties to adopt and implement a national action plan that is carefully aligned with the scope, objectives and targets of the instrument, ^{s9(2)(j)}. New Zealand is pleased to see a provision for National implementation/action plans within the Revised Zero Draft.
- We would like to see a requirement for Parties to report in their national plans any government subsidies that contribute to plastic pollution.

Possible annexes to the instrument Annex X – Effective measures at each stage of plastic lifecycle (and corresponding Part II.13bis – Overarching provision related to Part II

- New Zealand notes the proposed new section in Part II of the revised zero draft for an overarching provision that relates to the provisions contained in Part II. We interpret this section as a synthesising of the provisions in Part II, listed in Annex X by order of how the provisions relate to the stages of the plastic lifecycle (ie, from production to disposal). [While there is benefit in collating all the measures in one tidy annex, we caution that the Annex should be an accurate reflection of the measures and ambition included in the provisions in Part II, and not used to introduce or change the meaning or emphasis of the agreed provisions.]