



**United Nations
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**Ad hoc open-ended working group to
prepare for the intergovernmental
negotiating committee to develop an international
legally binding instrument on plastic pollution,
including in the marine environment**

Dakar, Senegal, 30 May – 1 June 2022

Item 4 (a) of the provisional agenda*

**Preparations for the work of the intergovernmental negotiating
committee to prepare an international legally binding instrument
on plastic pollution, including in the marine environment**

**Approaches to the work of the intergovernmental negotiating
committee to develop an international legally binding instrument
on plastic pollution, including in the marine environment**

Note by the secretariat

I. Introduction

1. The United Nations Environment Assembly (UNEA) during its resumed fifth session requested, in resolution 5/14, the Executive Director to convene an intergovernmental negotiating committee with the mandate to develop an international legally binding instrument on plastic pollution, including in the marine environment, commencing its work during the second half of 2022, with the ambition of completing its work by the end of 2024.
2. It further requested the Executive Director to convene an ad hoc open-ended working group to hold one meeting during the first half of 2022 to prepare for the work of the intergovernmental negotiating committee and to discuss in particular the timetable and organization of the work of the committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of the resolution.
3. In response to the above cited requests, the secretariat has set out a proposed timetable for the negotiations, together with a proposed organization of work of the intergovernmental negotiating committee building on the extensive experience UNEP has acquired over the years with respect to the development of multilateral environmental agreements.

* UNEP/PP/OEWG/1/1.

II. Number of sessions and proposed timetable

4. The secretariat is mindful of a very stringent timetable for the negotiations to develop an international legally binding instrument on plastic pollution, including in the marine environment.
5. Consideration therefore needs to be given to the need for allowing sufficient time for negotiations, on the one hand, and the need for intersessional work to be undertaken to provide the required information, on the other.
6. The number of sessions of the intergovernmental negotiating committee to be held was not specified in UNEA resolution 5/14. Based on experience gained in the negotiation of similar legally binding instruments, the secretariat suggests that at least four negotiating sessions will be required. Such negotiation sessions would then be followed by a meeting of a conference of plenipotentiaries. UNEA resolution 5/14 envisages the finalization of the text by the end of 2024. This would be followed by a diplomatic conference of plenipotentiaries to be held in 2025 for adopting and opening the instrument for signature.
7. Two scenarios are proposed and presented to the ad hoc open-ended working group for consideration and recommendation. Both scenarios envisage the agreement of the text by the end of 2024, with a Diplomatic Conference of Plenipotentiaries to adopt the text formally in 2025.
8. Option 1 is to organize five negotiating sessions, thus allowing more meeting time for negotiations among member states. Option 1 proposes a schedule as follows:
 - a. First session during the second half of November 2022, providing for a five-day meeting preceded by two days for regional consultations and the forum;
 - b. Second session in early March or late April 2023;
 - c. Third session in late November 2023;
 - d. Fourth session in late April or May 2024;
 - e. Fifth session in November 2024.
9. Option 2 is to organize four negotiating sessions, thus allowing for additional time for intersessional work between intergovernmental negotiating committee meetings. Option 2 proposes a schedule as follows:
 - a. First session during the second half of November 2022, providing for a five-day meeting preceded by two days for regional consultations and the forum;
 - b. Second session in June 2023;
 - c. Third session in February 2024;
 - d. Fourth session in late November 2024.
10. As mentioned, the secretariat's experience is that any schedule of meetings should provide a balance between negotiating time and inter-sessional time needed for exploring technical issues and meeting preparation. Five sessions would provide approximately 93 hours for negotiation (once down-time is deducted, along with the inevitable commitment to finalising the text at the final meeting), while four sessions would provide approximately 69 hours (with the same deductions). Further, of course, and added to this will be the period between the diplomatic conference of plenipotentiaries and the first meeting of the Conference of the Parties in which technical and implementation issues can be finalised.
11. The Executive Director has issued a call to Member States to signal interest in hosting sessions of the intergovernmental negotiating committee. It should be noted that the host country of any such session would be expected to cover costs incurred when the committee meets outside of a United Nations duty station bearing in mind that other countries may also support the meeting through voluntary contributions.
12. In accordance with paragraph 13 of UNEA resolution 5/14, the Executive Director will report on progress on the work of the intergovernmental negotiating committee to the sixth session of the UNEA in February 2024.
13. In accordance with paragraph 16 of UNEA resolution 5/14, a forum that is open for all stakeholders for the exchange of information and activities related to plastic pollution is to be convened in conjunction with the first meeting of the intergovernmental negotiating committee, subject to the availability of financial resources. The secretariat proposes that the forum will be convened one day in advance of the first meeting of the intergovernmental negotiating committee with the aim of building upon existing initiatives, where appropriate. The forum will be open to all stakeholders to exchange information and activities related to plastic pollution. The summary outcome of forum will be reported to the first meeting of the intergovernmental negotiating committee.

III. Key provisions and factors for consideration

14. UNEA resolution 5/14 provides direction on the issues to be considered during the negotiations for the development of an international legally binding instrument on plastic pollution, including the marine environment. This includes provisions on specific issues listed in paragraph 3 and other considerations specified in paragraph 4. For ease of reference, the following two paragraphs in this section reproduce paragraphs 3 and 4 of the resolution.
15. UNEA resolution 5/14 specifies that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, including in the marine environment, which could include both binding and voluntary approaches, based on a comprehensive approach that addresses the full lifecycle of plastic, taking into account among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, including provisions:
 - (a) To specify the objectives of the instrument;
 - (b) To promote sustainable production and consumption of plastics, including, among others, product design, and environmentally sound waste management, including through resource efficiency and circular economy approaches;
 - (c) To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution;
 - (d) To develop, implement and update national action plans reflecting country-driven approaches to contribute to the objectives of the instrument;
 - (e) To promote national action plans to work towards the prevention, reduction and elimination of plastic pollution, and to support regional and international cooperation;
 - (f) To specify national reporting, as appropriate;
 - (g) To periodically assess the progress of implementation of the instrument;
 - (h) To periodically assess the effectiveness of the instrument in achieving its objectives;
 - (i) To provide scientific and socio-economic assessments related to plastic pollution;
 - (j) To increase knowledge through awareness-raising, education and information exchange;
 - (k) To promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates, avoiding duplication, and promoting complementarity of action;
 - (l) To encourage action by all stakeholders, including the private sector, and to promote cooperation at the global, regional, national and local levels;
 - (m) To initiate a multi-stakeholder action agenda;
 - (n) To specify arrangements for capacity-building and technical assistance, technology transfer on mutually agreed terms, and financial assistance, recognizing that the effective implementation of some legal obligations under the instrument is dependent on the availability of capacity building and technical and adequate financial assistance;
 - (o) To promote research and development of sustainable, affordable, innovative and cost-efficient approaches;
 - (p) To address compliance.
16. The resolution also specifies that, in its deliberations on the instrument, the intergovernmental negotiating committee consider the following:
 - (a) Obligations, measures, and voluntary approaches in supporting the achievements of the objectives of the instrument;
 - (b) The need for a financial mechanism to support the implementation of the instrument, including the option of a dedicated multilateral fund;
 - (c) Flexibility that some provisions could allow countries discretion in implementation of their commitments taking into account the national circumstances;

- (d) The best available science, traditional knowledge, knowledge of indigenous peoples and local knowledge systems;
- (e) Lessons learned and best practices, including those from informal and cooperative settings;
- (f) The possibility of a mechanism to provide policy relevant scientific and socio-economic information and assessment related to plastic pollution;
- (g) Efficient organization and streamlined secretariat arrangements;
- (h) Consider any other aspects that the intergovernmental negotiating committee may consider relevant.

IV. Proposed organization of work of the intergovernmental negotiating committee

17. The content of the intergovernmental negotiating committee deliberations will revolve around the topics, outlined in paragraphs 3 and 4 in the resolution. The ad hoc open-ended working group may wish to consider organizing the work of the intergovernmental negotiating committee into defined work areas.
18. One issue that the ad hoc open-ended working group may wish to consider is the extent to which the work of the committee can be advanced in plenary sessions, and the need, or otherwise, for subsidiary groups to address specific aspects of control and other measures.
19. In preparing for the first meeting of the intergovernmental negotiating committee, the secretariat recognises that the issues to be addressed are extremely wide ranging and involve a very diverse set of stakeholders. Accordingly, Member States may wish to draw on the experiences gained from the negotiation of existing inter-governmental agreements and multilateral processes.
20. The ad hoc open-ended working group may wish to request the secretariat to prepare, for the consideration of the intergovernmental negotiating committee at its first meeting, and drawing on other multilateral agreements, a paper outlining options of the overall structure of the instrument and its elements. This would enable the intergovernmental negotiating committee at its first meeting to consider the elements and, potentially, request the Chair of the intergovernmental negotiating committee to prepare a draft text, based on the outcome of that consideration, for the intergovernmental negotiating committee's further consideration at its second meeting.
21. Furthermore, the ad hoc open-ended working group may wish to consider establishing a legal group to support the intergovernmental negotiating committee and the development of the instrument, at its second meeting.
22. Finally, the ad hoc open-ended working group may wish to put forth, as part of the UNEA requested initiation of the multi-stakeholder action agenda, the modus operandi of such an agenda. To support this, UNEP has organized a series of multistakeholder dialogues on the sidelines of the ad hoc open-ended working group meeting, with the objective of creating a space for constructive engagement and innovative thinking. To this end, these multi-stakeholder dialogues will pilot how such multistakeholder engagement could unfold during the intergovernmental negotiating committee process, enabling member states in the ad hoc open-ended working group to use these experiences to inform and accelerate the initiation of a multi-stakeholder action agenda.

V. Recommendations

23. The ad hoc open-ended working group may wish:
 - (a) To consider the proposed timetable of sessions of the intergovernmental negotiating committee;
 - (b) To consider how to cluster and organize the work of the intergovernmental negotiating committee;
 - (c) To request the secretariat, drawing on previous multilateral agreements, to prepare draft elements of and options for the structure of the international legally binding instrument on plastic pollution for consideration by the intergovernmental negotiating committee at its first session;

(d) To provide guidance to the secretariat and recommendations to the intergovernmental negotiating committee on the initiation of a multi-stakeholder action agenda to engage with stakeholders in informing the negotiation process.
