

Informal Technical Briefing #2

Overview of working documents: glossary, structure, potential elements, and final provisions

Webinar to support discussions at the first session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

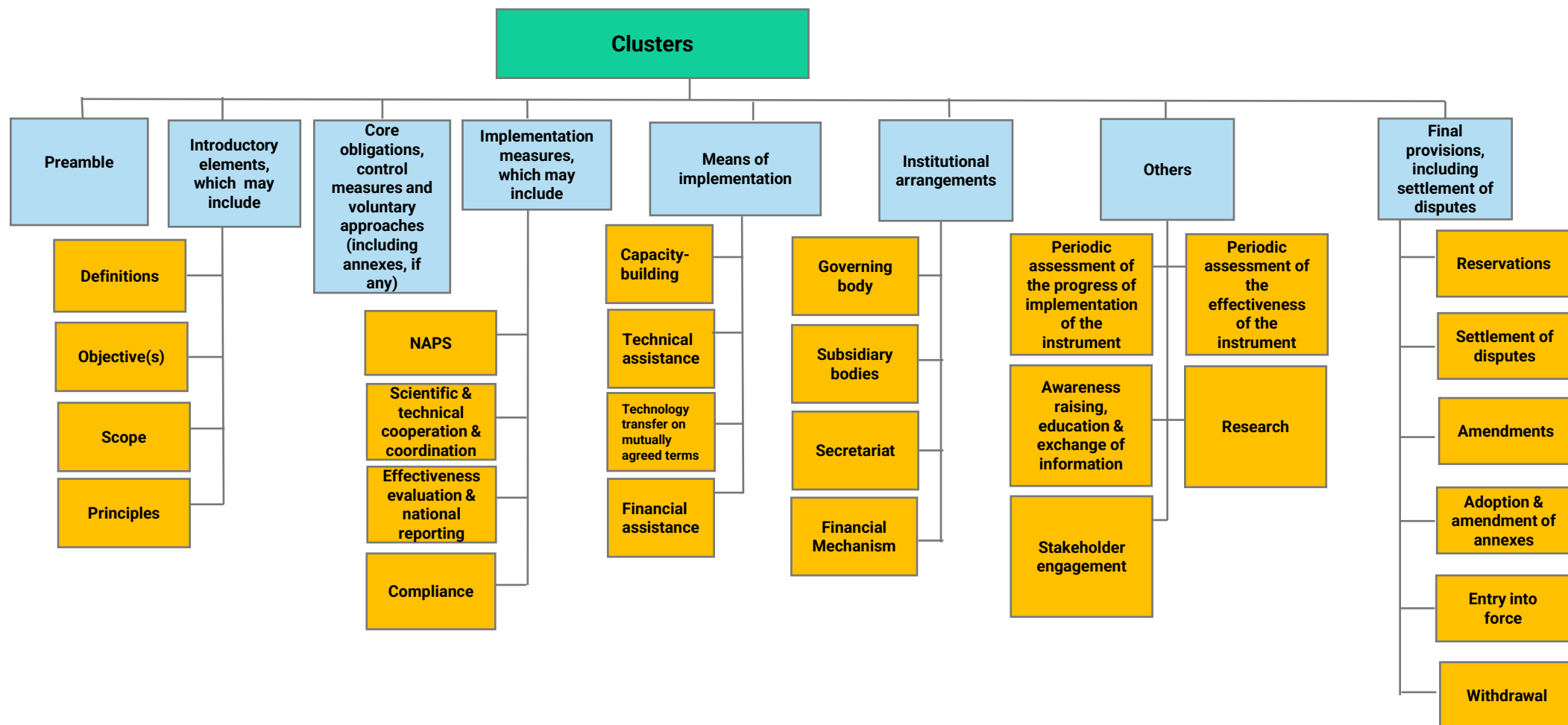
Catalina Pizarro and Benjamin Ojoleck,
Associate Legal Officers,
Law Division
3 November 2022, online meeting

Structure of the discussion	Proposed timing
Introduction and welcome from the INC secretariat	5 mins
<p><u>Part 1)</u></p> <ul style="list-style-type: none"> a) Overview of potential elements paper (10-12 mins) b) Overview of structure document (5-7 mins) c) Q & A session facilitated by the secretariat 	45 mins
<p><u>Part 2)</u></p> <ul style="list-style-type: none"> a) Glossary of key terms (5-7 minutes) b) Final provisions (5-7 minutes) c) Q & A session facilitated by the secretariat 	25 mins
Secretariat update on logistics	10 mins
Secretariat wrap-up & announcement of next sessions	5 mins

UNEP/PP/INC.1/5: Potential elements, based on provisions in paragraphs 3 and 4 of UNEA resolution 5/14; including key concepts, procedures, and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment



Clustering of elements identified in paragraphs 3 and 4 of UNEA resolution 5/14 and guiding questions



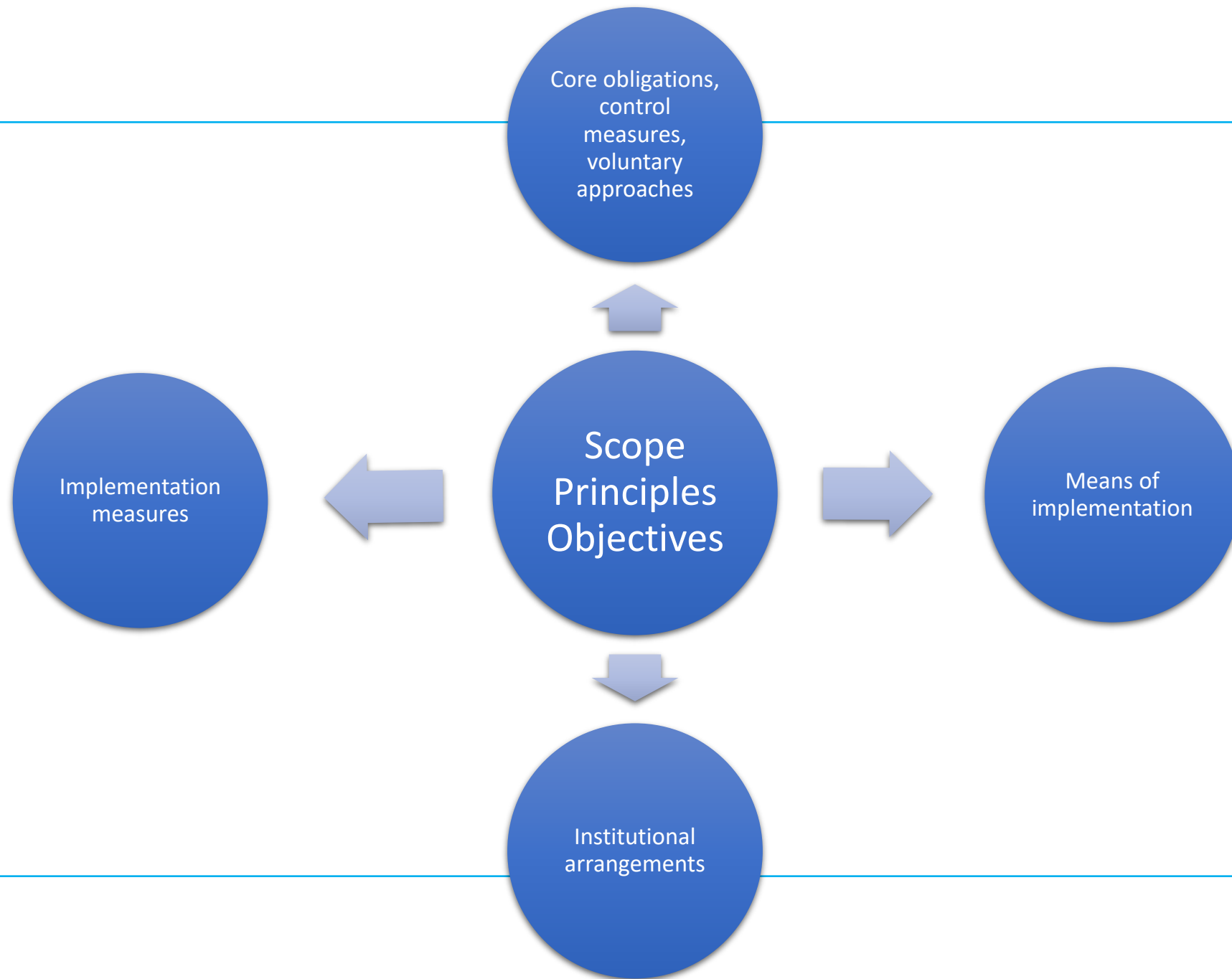
Potential element: Principles

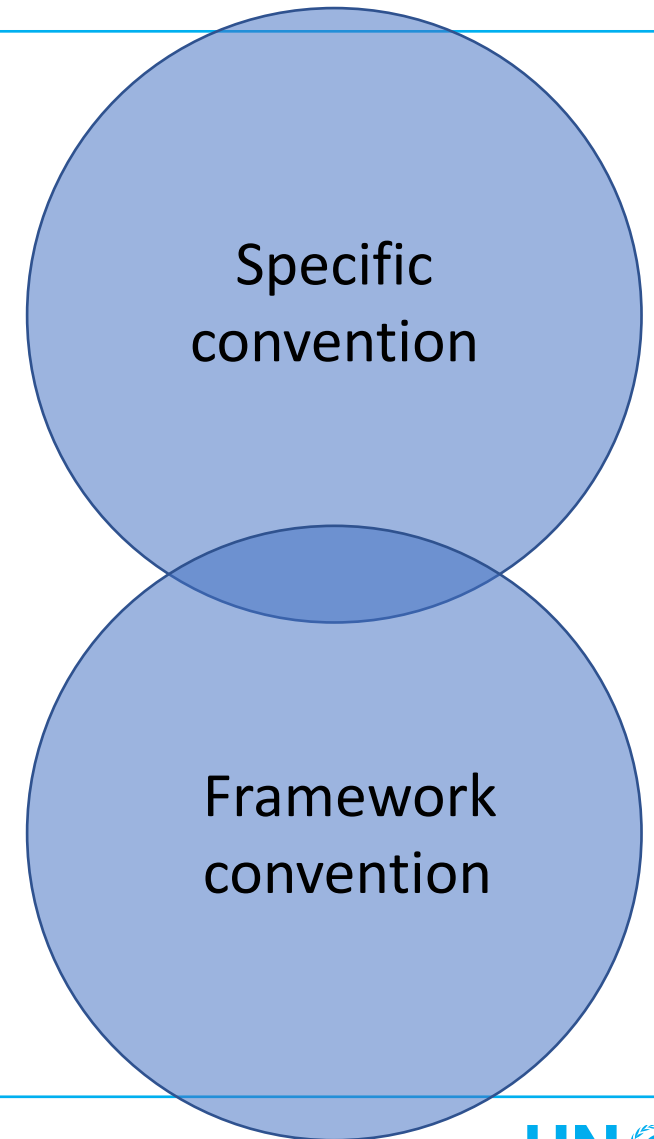
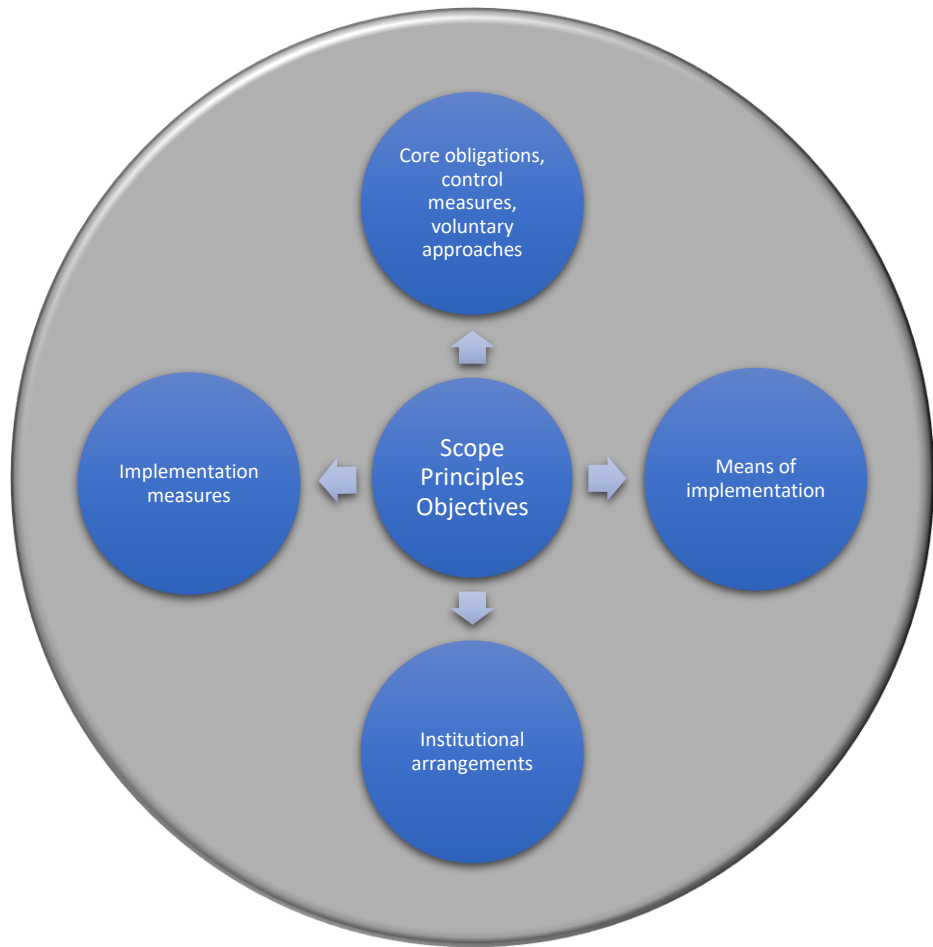
Preliminary question: What principles will guide the scope of the instrument?

Context: Going beyond the scope and specific objectives of the instrument, certain guiding principles may apply to its interpretation or implementation and may relate to principles of international law, principles of interpretation or other concepts relevant to the subject matter of the instrument, such as the “polluter pays” principle.

Together with the preambular paragraphs and text on the scope and objective or objectives, the principles of an instrument may provide context for interpreting the operative provisions in order to ensure effective implementation.







UNEP/PP/INC.1/4: Broad options for the structure of the international legally binding instrument on plastic pollution, including in the marine environment, taking into account paragraphs 3 and 4 of UNEA resolution 5/14



Broad options for the structure of the international legally binding instrument, taking into account res 5/14, para 3-4

‘Structure’ refers to the organization of the constituent parts of a legally binding instrument that enables those parts to function as a whole.

Presentation of options for the structure of the instrument
Based on a desk review of the structure of MEAs and other instruments.

Legally binding MEAs of global scope consistently share a similar structural approach.

While the specific text of provisions of MEAs can vary considerably, the categories themselves remain generally consistent.

Core obligations and control measures

Control measures: provisions of a treaty intended specifically to prevent, minimize or redress the problem that prompted the treaty’s adoption.



Broad options for the structure of core obligations and control measures



The diagram consists of two overlapping blue circles. The left circle is titled 'Specific Convention' and the right circle is titled 'Framework Convention'. The overlapping area in the center is a darker shade of blue. The text inside each circle describes the legal structure of that type of convention.

Specific Convention

The Convention, including its annexes (where applicable) is a single legal instrument.

Framework Convention

The Convention and its protocols are usually adopted at separate conferences; each is a legally distinct instrument.

Framework convention model

Allows key details to be placed in legally distinct protocols.
Example: UNFCCC and Kyoto Protocol.

Addressing problems in an incremental manner, helping to:

- (a) Reduce uncertainty and produce agreement about relevant facts
- (b) Generate normative consensus by providing an ongoing forum

Protocols are generally only open for adoption by parties to the main convention.

Parties to specific conventions may also adopt protocols.



Questions

Please send questions to all panellists

Please type:

Country + name if you are representing a member state
Organization + name if you are representing other groups

UNEP/PP/INC.1/6: Glossary of key terms



Glossary of key terms

Sets out terms used in UNEA resolution 5/14

Terms that may be relevant to the development of the international legally binding instrument on plastic pollution including in the marine environment, as well as terms that may be related to those used in the resolution.

Three categories of terms

1. Terms **used** in resolution 5/14 that **have** definitions already adopted/endorsed by an intergovernmental process;
2. Terms **used** in resolution 5/14 that **do not have** definitions already adopted/endorsed by an intergovernmental process;
3. Terms **not used** in resolution 5/14 that may be related to those used in the resolution and that **have** definitions already adopted/endorsed by an intergovernmental process.



Terms **used** in resolution 5/14 that **have** definitions adopted or endorsed by an intergovernmental process

Environmentally
sound waste
management

Impact

Microplastics

Resource efficiency

Sustainable
Production and
Consumption

Technology transfer

Traditional
knowledge

Traditional
knowledge systems

Wastes

Waste minimization

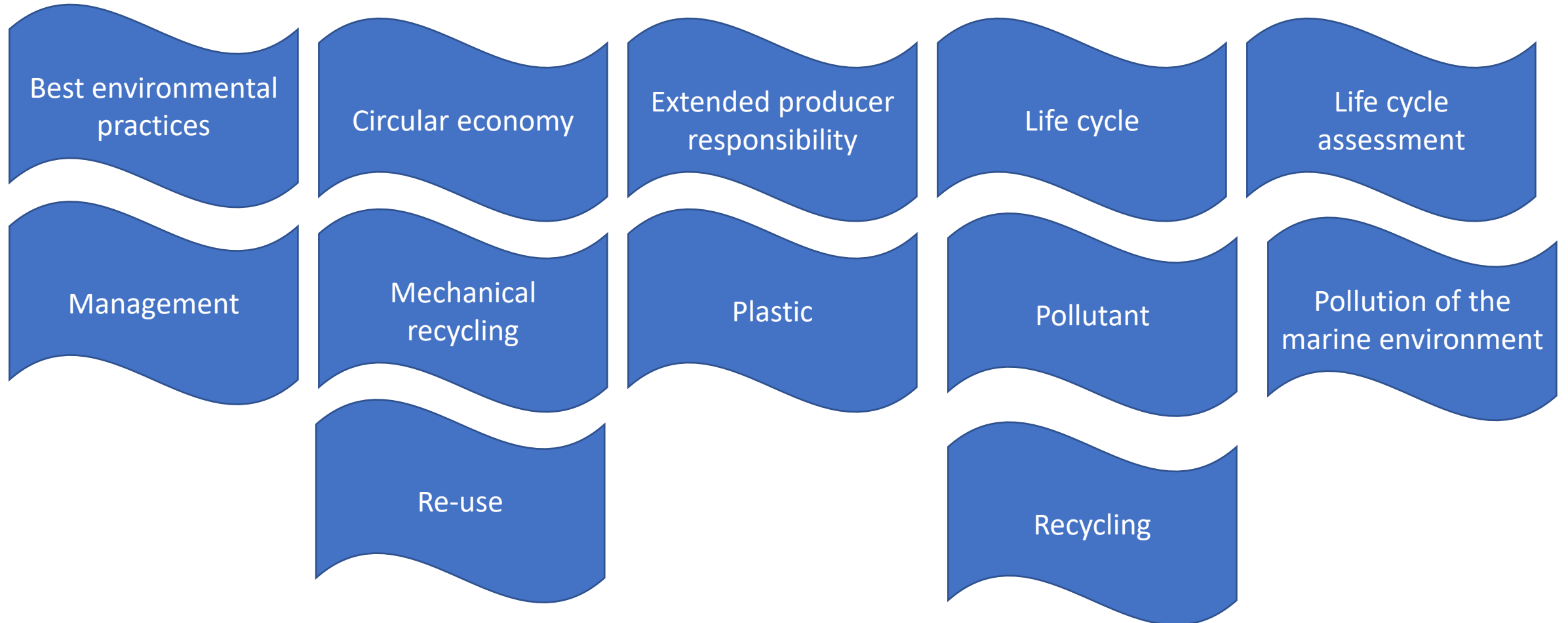
Terms **used** in resolution 5/14 that **do not** have definitions adopted or endorsed by an intergovernmental process

Full life-cycle
approach

Plastic pollution



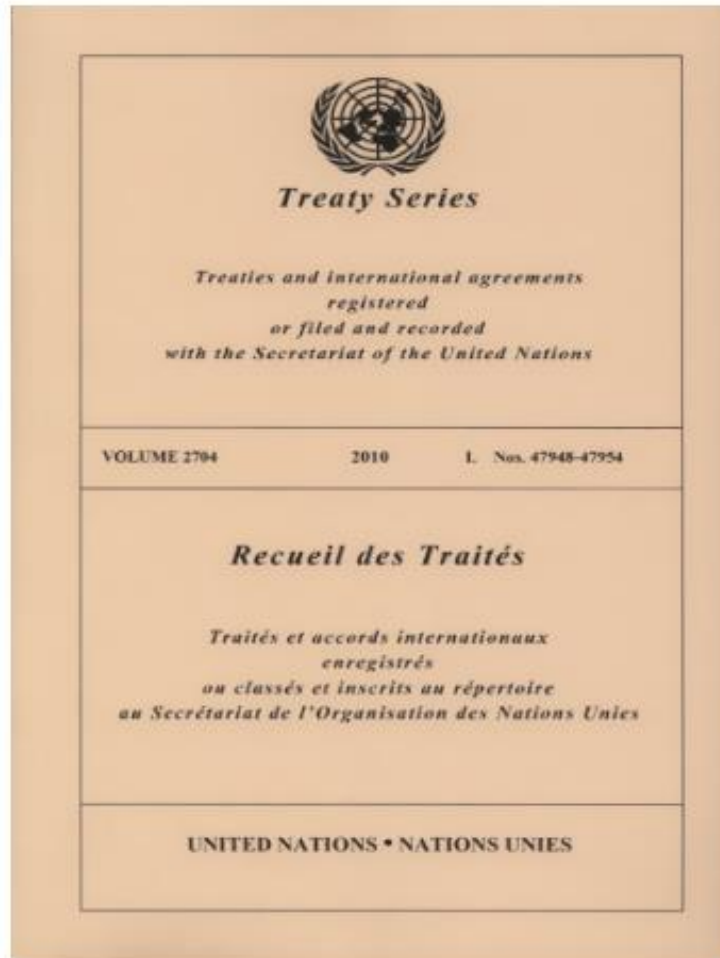
Terms **not used** in resolution 5/14 that may be related to those used in the resolution and that **have** definitions adopted or endorsed by an intergovernmental process



UNEP/PP/INC.1/8: Description of standard articles on final provisions that are typically included in multilateral environmental agreements.



Description of standard articles on final provisions that are typically included in multilateral environmental agreements.



- **Final provisions/clauses:** procedural aspects, such as signature, ratification, acceptance, approval, accession, withdrawal/denunciation, termination, amendment and review, the status of annexes, reservations, entry into force, settlement of disputes, depositary matters and authentic texts.
- **Final provisions** tend to be very similar among the MEAs.
- The focus of the document is on the **global MEAs**.

Draft standard articles set out in the appendix



MINAMATA
CONVENTION
ON MERCURY



STOCKHOLM
CONVENTION



Rotterdam
Convention



United Nations
Convention to Combat
Desertification



UNFCCC



CBD



BASEL CONVENTION



Vienna Convention
MONTREAL PROTOCOL

Draft standard articles set out in the appendix

Settlement of
disputes

Amendments to the
Convention

Adoption and
amendments of
annexes

Right to vote

Signature

Ratification,
acceptance, approval
or accession

Entry into force

Reservations

Withdrawal

Depositary

Authentic texts

Questions

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Logistical information

- **Logistics note** is available in the meeting page: <https://www.unep.org/events/conference/inter-governmental-negotiating-committee-meeting-inc-1>
- **INC-1 will be plastic-free.** Delegates are encouraged to bring their own water bottles. Water dispensers for refilling will be provided.
- **Registration will open** 25 November, 9 a.m. - 6 p.m.; 26 November - 1 December, 8 a.m. - 5 p.m.
- **Transfer services** will be available between:
 - i. The capital Montevideo and Punta del Este for flight arrivals and departures
 - ii. Punta del Este city center and the venue every day
- **Visa letters:** The Government of Uruguay will issue special **individual letters** to participants authorizing entry into the country without a visa to those who would need it. Participants are responsible for obtaining any **transit visas** required for points of transit.
- **Accommodation list is available on-line:** Due to peak season in Uruguay, participants are encouraged to book hotels as early as possible.

Informal technical briefings

Tuesday 1 November	Topic 1: Organization of the INC-1 and its scenario note
Thursday 3 November	Topic 2: Potential elements; structure; glossary of key terms; and final provisions
Wednesday 9 November	Topic 3: Plastics science; and overview of existing funding
Friday 11 November	Topic 4: Priorities, needs, challenges and barriers to end plastic pollution at national level; and existing information that might assist policymakers
Tuesday 15 November	Topic 5: Organization of the Multistakeholder Forum; stakeholder engagement; and cooperation and coordination with relevant regional and international conventions, instruments and organizations

Thank you

For questions and queries, please write to:

unep-incplastic.secretariat@un.org