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**Intergovernmental negotiating committee to develop
an international legally binding instrument on plastic
pollution, including in the marine environment
First session**

Punta del Este, Uruguay, 28 November–2 December 2022

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

I. Introduction

1. In resolution 5/14 of 2 March 2022 entitled “End plastic pollution: towards an international legally binding instrument”, the United Nations Environment Assembly of the United Nations Environment Programme requested the Executive Director of the United Nations Environment Programme (UNEP) to convene an intergovernmental negotiating committee to begin its work during the second half of 2022, with the ambition of completing that work by the end of 2024. The Environment Assembly also decided that the intergovernmental negotiating committee was 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 addressed the full life cycle 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, and including provisions described in the resolution.
2. Accordingly, the first session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, was held at the Punta del Este Convention and Exhibition Centre, Punta del Este, Uruguay, from 28 November to 2 December 2022.

II. Opening of the session

3. The first session of the intergovernmental negotiating committee was declared open by Jyoti Mathur-Filipp, Executive Secretary of the intergovernmental negotiating committee, at 10.20 a.m. on Monday, 28 November 2022.
4. Opening statements were delivered by Luis Lacalle Pou, President of Uruguay; Inger Andersen, Executive Director of UNEP; and Adrián Peña, Minister of Environment of Uruguay.

* Reissued for technical reasons. English only advance version.

* The present report has not been formally edited.

III. Election of officers

5. At the first meeting of the session, on 28 November, the intergovernmental negotiating committee considered the matter of the election of officers.
6. A statement was made by the representative of Colombia on behalf of the Latin American and Caribbean States.¹
7. Taking note of the statement, the intergovernmental negotiating committee elected Gustavo Meza-Cuadra Velásquez (Peru) to serve as its Chair.
8. The Chair delivered opening remarks.
9. The intergovernmental negotiating committee agreed to defer the election of the vice-chairs of the intergovernmental negotiating committee and the designation of a rapporteur to allow for informal consultations on the matter.
10. At the ninth meeting of the session, on 2 December, the intergovernmental negotiating committee agreed to defer the election of the vice-chairs and the designation of a rapporteur until its second session to allow for further consultations on the matter.

IV. Organizational matters

A. Adoption of the rules of procedure

11. At the first meeting of the session, on 28 November, a representative of the secretariat introduced the draft rules of procedure for the work of the intergovernmental negotiating committee (UNEP/PP/INC.1/3), which had been forwarded by the ad hoc open-ended working group at its meeting held in Dakar from 30 May to 1 June 2022, convened by the Executive Director of UNEP to prepare for the work of the intergovernmental negotiating committee, with the exception of part of rule 37 on voting rights, as reflected in paragraph 1 of rule 37 in document UNEP/PP/INC.1/3 by bracketed text and by three alternatives for paragraph 2. The intergovernmental negotiating committee also had before it a submission from the United States of America and the European Union setting out proposed alternative language for a portion of the bracketed text in rule 37.
12. Statements were made by the representatives of Bahrain; Colombia, on behalf of the Latin American and Caribbean States; China; Egypt; Indonesia; Qatar; the Russian Federation, Saudi Arabia, Senegal and the United States.²
13. A comment was made by the Senior Legal Officer of UNEP.
14. The intergovernmental negotiating committee agreed that the Chair would hold informal consultations on the bracketed text in rule 37 of the draft rules of procedure with a view to reaching agreement, and that pending such agreement the draft rules of procedure would apply to its work on a provisional basis.
15. At the ninth meeting of the session, on 2 December, the intergovernmental negotiating committee had before it an additional submission, from Bahrain, Egypt, Qatar and Saudi Arabia, setting out proposed alternative language for a portion of the bracketed text in rule 37.
16. Comments were made by the representatives of China, India (via video link),³ Nigeria, the Russian Federation, Saudi Arabia,⁴ Senegal and the United States.
17. In the light of those comments, the intergovernmental negotiating committee agreed to defer the adoption of the draft rules of procedure until its second session to allow for further consultations on the matter, on the understanding that, pending their adoption, the draft rules would continue to apply to its work on a provisional basis.

¹ See: https://apps1.unep.org/resolutions/uploads/grulac_inc1_statements_0.pdf.

² One delegation proposed to keep the possibility of the hybrid meeting format to facilitate the process forward.

³ The representative requested that his statement be reflected in the report of the meeting. The statement is available at: https://wedocs.unep.org/bitstream/handle/20.500.11822/42569/28052023_India.pdf

⁴ The representative requested that his statement be reflected in the report of the meeting. The statement is available at: <https://apps1.unep.org/resolutions/uploads/saudi Arabiaallstatements.pdf>.

B. Adoption of the agenda

18. At the first meeting of the session, on 28 November, the intergovernmental negotiating committee adopted the agenda of its first session on the basis of the provisional agenda (UNEP/PP/INC.1/1), as follows:

1. Opening of the session.
2. Election of officers.
3. Organizational matters:
 - (a) Adoption of the rules of procedure
 - (b) Adoption of the agenda
 - (c) Organization of work.
4. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment.
5. Other matters.
6. Adoption of the report.
7. Closure of the session.

C. Organization of work

19. At the first meeting of the session, on 28 November, the representative of the secretariat introduced the scenario note for the meeting (UNEP/PP/INC.1/2).

20. Comments were made by the representatives of Bangladesh, China, Indonesia and the United States.

21. The intergovernmental negotiating committee agreed that intergovernmental organizations and non-governmental organizations accredited to participate in the meetings of the governing bodies of the multilateral environmental agreements and regional environmental conventions for which UNEP provided secretariat services may participate as observers in its sessions.

22. The intergovernmental negotiating committee also agreed to organize its work as outlined in the scenario note. Plenary meetings would be held from Monday, 28 November to Friday, 2 December, from 10 a.m. to 1 p.m. and from 3 to 6 p.m., with the exception of the afternoon of Tuesday, 29 November, during which an informal stakeholder dialogue would be held.

23. The intergovernmental negotiating committee further agreed that the time limit for statements delivered during the general discussion would be three minutes for individual statements and statements by observers and five minutes for those delivered on behalf of a group of States.

D. Attendance

24. Representatives of the following States attended the session: Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Belize, Botswana, Brazil, Bosnia and Herzegovina, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Libya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Niue, North Macedonia, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Türkiye, Tuvalu, Uganda, Ukraine, United Arab

Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

25. The representative of the European Union also attended the session.

26. The following intergovernmental organizations were represented: Asian Development Bank, International Chamber of Commerce, International Network for Bamboo and Rattan, International Tribunal for the Law of the Sea, International Union for Conservation of Nature and Natural Resources, Organisation for Economic Co-operation and Development, Pacific Islands Forum, Secretariat for the Pacific Regional Environment Programme, Sistema de Integración Centroamericana.

27. The following United Nations bodies, secretariat units and convention secretariats were represented as observers: Development Coordination Office, Economic Commission for Europe, Economic Commission for Latin America and the Caribbean, Food and Agriculture Organization of the United Nations, Global Environment Facility, International Atomic Energy Agency, International Labour Organization, International Maritime Organization, Office of Legal Affairs, secretariat of the Basel, Rotterdam, Stockholm conventions, United Nations Development Programme, United Nations Environment Programme, United Nations Educational, Scientific and Cultural Organization, United Nations Global Compact, United Nations Human Settlements Programme, United Nations Industrial Development Organization, United Nations Institute for Training and Research, United Nations Office at Nairobi, United Nations Office at Vienna, World Bank, World Health Organization (WHO), World Trade Organization.

28. A total of 409 non-governmental organizations were also represented as observers. A number of other organizations were represented as observers. The list of participants is available in document UNEP/PP/INC.1/INF/12.

V. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment

29. In considering the agenda item, the intergovernmental negotiating committee had before it documents UNEP/PP/INC.1/4, UNEP/PP/INC.1/5, UNEP/PP/INC.1/6, UNEP/PP/INC.1/7, UNEP/PP/INC.1/8, UNEP/PP/INC.1/9, UNEP/PP/INC.1/10, UNEP/PP/INC.1/11, UNEP/PP/INC.1/12 and UNEP/PP/INC.1/13, in addition to a number of information documents prepared to facilitate its work. A summary of the discussions under agenda item 4 is set out in annex II.

A. General statements

30. At the first meeting of the session, on 28 November, the intergovernmental negotiating committee heard general statements by representatives of regions, groups of countries and individual countries.

31. Statements were delivered by the representatives of Jordan, on behalf of the Asia-Pacific States; Colombia, on behalf of the Latin American and Caribbean States; and Ghana, on behalf of the African States, and the European Union, also on behalf of its member States.

32. Statements were delivered by the representatives of Antigua and Barbuda, on behalf of the Alliance of Small Island States; Georgia, on behalf of the States members of the High Ambition Coalition to End Plastic Pollution; Samoa, on behalf of the Pacific small island developing States; the United States, also on behalf of Australia, Canada, Iceland, Japan, Mexico, New Zealand, Norway, the Republic of Korea, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

33. Statements were made by the representatives of Brazil, Indonesia and the Republic of Korea.

34. At the second meeting of the session, on 28 November, the intergovernmental negotiating committee heard national statements by the representatives of Argentina, Australia, Azerbaijan (via video link), Bahrain, Burkina Faso, Cameroon, Canada, Chile, China, the Cook Islands, Costa Rica, Cuba, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, Eritrea, Gabon, Iran (Islamic Republic of), Israel (via video link), Japan, Kenya, Malawi, Malaysia, Mali, Mexico (via video link), Mongolia, Montenegro, Morocco, New Zealand, Norway, Palau, Peru, Pakistan, Papua New Guinea, the Philippines, Qatar, the Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Switzerland, Thailand, Tuvalu, the United States, Uruguay and Venezuela (Bolivarian Republic of).

35. At the third meeting of the session, on 29 November, the intergovernmental negotiating committee heard general statements by representatives of countries, United Nations entities, intergovernmental organizations and non-governmental organizations.
36. Statements were delivered by the representatives of Armenia, Bangladesh, Colombia, the Congo, Equatorial Guinea, Fiji, Guinea, Iceland, Kiribati, Libya, Maldives, Monaco, Nepal, Nigeria, Panama, Saint Lucia, Singapore, the Sudan, the Syrian Arab Republic, Trinidad and Tobago, Türkiye, Ukraine, the United Kingdom and the United Republic of Tanzania.
37. Statements were also made by the representatives of the Food and Agriculture Organization of the United Nations; the secretariat of the Basel, Rotterdam and Stockholm conventions; the United Nations Global Compact and the World Health Organization.
38. Statements were made by the representatives of the International Chamber of Commerce and the International Union for Conservation of Nature.
39. Statements were also made by the representatives of the Center for Oceanic Awareness, Research, and Education, on behalf of the non-governmental organizations major group; the Global Alliance for Incinerator Alternatives; the International Trade Union Confederation, on behalf of the International Alliance of Waste Pickers; the International Pollutants Elimination Network; the International Science Council, on behalf of the science and technology major group; the Red Paz Integración y Desarrollo (PAZINDE), on behalf of the children and youth major group; the World Business Council for Sustainable Development, on behalf of the business and industry major group and Women Environmental Programme, on behalf of the women's major group.
40. Following those statements, two representatives delivered statements in exercise of their right of reply.
41. All the statements delivered during the session, and received in writing by the secretariat, are available on the website of the meeting.⁵

B. Scope, objectives and broad options for the structure

42. At the fourth meeting of the session, on 30 November, the intergovernmental negotiating committee considered the potential scope, objectives and broad options for the structure of a legally binding instrument on plastic pollution, including in the marine environment, hearing statements by representatives of regions, groups of countries, individual countries and non-governmental organizations.
43. Statements were delivered by the representatives of Colombia, on behalf of the Latin American and Caribbean States; and Ghana, on behalf of the African States.
44. Statements were delivered by the representatives of Antigua and Barbuda, on behalf of the Alliance of Small Island States; the Cook Islands, on behalf of the Pacific small island developing States; and the European Union, also on behalf of its member States.
45. Statements were made by the representatives of Algeria, Argentina, Armenia, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Egypt, Guinea, Indonesia, Iran (Islamic Republic of), Japan, Jordan, Kenya, Malaysia, Mexico (via video link), Montenegro, New Zealand, Nigeria, Norway, Pakistan, Peru, the Republic of Korea, the Russian Federation, Rwanda, Saudi Arabia, Senegal, South Africa, Switzerland, Thailand, Türkiye, the United Kingdom, the United States, Uruguay and Viet Nam.
46. Statements were also made by the representatives of the Integrative Strategies Forum (ISF); the Endocrine Society; India Youth for Society, on behalf of the children and youth major group; Partnerships for Change (via video link); and the Waterkeeper Alliance.
47. Also at the fourth meeting of the session, on 30 November, the intergovernmental negotiating committee agreed to establish an informal group, to be co-facilitated by the representatives of Canada and Ecuador, to consider: (a) requests that the committee could make to the secretariat to advance the discussions under agenda item 4 at the committee's second session; and (b) the modalities for multi-stakeholder engagement.
48. At the sixth meeting of the session, on 1 December, the intergovernmental negotiating committee heard statements by representatives of a region and of individual countries.

⁵ <https://www.unep.org/events/conference/inter-governmental-negotiating-committee-meeting-inc-1>.

49. A statement was delivered by the representative of Colombia, on behalf of the Latin American and Caribbean States.
50. Statements were made by the representatives of Japan and Saudi Arabia.

C. Options for potential elements

1. Core obligations, control measures and voluntary approaches, as well as national action plans

51. At the fourth meeting of the session, on 30 November, the intergovernmental negotiating committee began its consideration of possible core obligations, control measures and voluntary approaches to a legally binding instrument on plastic pollution, including in the marine environment, hearing national statements by the representatives of Japan, Peru and the United States.
52. At the fifth meeting of the session, on 30 November, the intergovernmental negotiating committee continued its consideration of the matter, hearing statements by representatives of regions, groups of countries, individual countries and non-governmental organizations.
53. A statement was made by the representative of Ghana on behalf of the African States.
54. Statements were made by the representatives of Antigua and Barbuda, on behalf of the Alliance of Small Island States; the European Union, also on behalf of its member States; and Micronesia (Federated States of), on behalf of the Pacific small island developing States.
55. Statements were delivered by the representatives of Australia, Brazil, Cameroon, Canada, Chile, China, Costa Rica, Egypt, Mexico (via video link), Monaco, New Zealand, Norway, Panama, the Philippines, the Republic of Korea, Saudi Arabia, Switzerland, Thailand, Türkiye, the United Kingdom and the United States.
56. A statement was also made by the representative of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs.
57. A statement was made by the representative of the International Union for Conservation of Nature.
58. Statements were also made by the representatives of the Bureau International de la Récupération et du Recyclage, Health Care Without Harm, the International Organization for Standardization and OceanCare.

2. Means of implementation, including capacity-building, technical assistance and finance

59. At the fifth meeting of the session, on 30 November, the intergovernmental negotiating committee considered the potential elements for means of implementation, hearing statements by representatives of regions, groups of countries, individual countries and non-governmental organizations.
60. A statement was made by the representative of Ghana on behalf of the African States.
61. Statements were delivered by the representatives of Antigua and Barbuda, on behalf of the Alliance of Small Island States; the European Union, also on behalf of its member States; and Niue, on behalf of the Pacific small island developing States.
62. Statements were made by the representatives of Australia, Brazil, Cameroon, Canada, Chile, China, the Congo, Costa Rica, Cuba, Egypt, Indonesia, Japan, Jordan, Kenya, Mexico, Monaco, New Zealand, Norway, Pakistan, the Philippines, the Republic of Korea, Saudi Arabia, South Africa, Sri Lanka, Switzerland, the Syrian Arab Republic, Thailand, Türkiye, the United Kingdom, the United States and Venezuela (Bolivarian Republic of).
63. Statements were also made by the representatives of the International Medical Crisis Response Alliance, the Marine Ecosystems and Protected Area Trust and the World Wide Fund for Nature.

3. Support for monitoring and evaluation of progress in, and effectiveness of, implementation and national reporting

64. At the sixth meeting of the session, on 1 December, the intergovernmental negotiating committee considered the matter of support for monitoring and evaluation of progress in, and effectiveness of, implementation and national reporting, hearing statements by representatives of a region, groups of countries, individual countries and non-governmental organizations.

65. A statement was delivered by the representative of Kenya, on behalf of the African States.
66. Statements on behalf of groups of countries were delivered by the representatives of Antigua and Barbuda, on behalf of the Alliance of Small Island States; and the European Union, also on behalf of its member States.
67. Statements were made by the representatives of Angola, Bahrain, Brazil, Cameroon, Chile, China, Cuba, Fiji, Gabon, Georgia, Iran (Islamic Republic of), Japan, Kenya, Malaysia, Mali, Mexico (via video link), Montenegro, Morocco, Nigeria, Norway, Pakistan, Papua New Guinea, Qatar, the Congo, Rwanda, Saudi Arabia, South Africa, Switzerland, the Syrian Arab Republic, Thailand, Togo, Türkiye, the United Kingdom and the United States.
68. Statements were also made by the representatives of Community Action Against Plastic Waste, on behalf of the children and youth major group; Economic Commission for Europe (via video link), Engineers Australia (via video link); the Integrative Strategies Forum; the International Pollutants Elimination Network; the Inuit Circumpolar Council (via video link); PlasticsEurope; (via video link); Trash Hero World; and Asociación Sustentar.

4. Other aspects, including scientific and technical cooperation and coordination, research and awareness-raising

69. At the sixth meeting of the session, on 1 December, the intergovernmental negotiating committee considered other aspects of a legally binding instrument on plastic pollution, including in the marine environment, hearing statements by representatives of a group of countries, individual countries and a non-governmental organization.
70. A statement was delivered by the representative of the European Union, also on behalf of its member States.
71. Statements were made by the representatives of Argentina, Armenia, Australia, Brazil, Chile, Cuba, Ecuador, Egypt, Indonesia, Japan, Malaysia, Mexico (via video link), Micronesia (Federated States of), Norway, Pakistan, the Philippines, Qatar, Saudi Arabia, Sri Lanka, Thailand, Türkiye, the United Kingdom and the United States.
72. A statement was also made by the representative of the Endocrine Society.
73. At the seventh meeting of the session, on 1 December, the intergovernmental negotiating committee continued its consideration of the matter.
74. Statements were made by the representatives of the Basel Action Network; the Global Alliance for Incinerator Alternatives; Health Care Without Harm; the Integrative Strategies Forum; the International Pollutants Elimination Network; the International Trade Union Confederation, also on behalf of Global Alliance for Incinerator Alternatives (GAIA); and Trash for Peace.

5. Stakeholder participation and action

75. At the seventh meeting of the session, on 1 December, the intergovernmental negotiating committee considered potential elements for stakeholder participation and action, hearing statements by representatives of groups of countries, individual countries and non-governmental organizations.
76. Statements were made by the representatives of Antigua and Barbuda, on behalf of the Alliance of Small Island States; and the European Union, also on behalf of its member States.
77. Statements were also made by the representatives of Argentina, Australia, Bangladesh, Canada, Chile, China, Cuba, Ecuador, Eswatini, Ghana, Indonesia, Japan, Kenya, Malaysia, Mexico (via video link), Mozambique, New Zealand, Norway, Pakistan, Peru, the Philippines, the Republic of Korea, the Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Switzerland, Thailand, Tonga, Türkiye, the United Kingdom, the United States and Uruguay.
78. Statements were made by the representatives of Action on Smoking and Health; Africa Climate and Environment Foundation, on behalf of the children and youth major group; Earthwatch Institute Australia (via video link); the Friends World Committee for Consultation; the Global Alliance for Incinerator Alternatives; and the youth caucus of the International Pollutants Elimination Network.

D. Standard articles on final provisions

79. At the seventh meeting of the session, on 1 December, the intergovernmental negotiating committee considered the standard articles on final provisions, hearing statements by representatives of groups of countries and individual countries.

80. Statements were made by the representatives of the European Union, also on behalf of its member States; and Solomon Islands, on behalf of the Pacific small island developing States.

81. Statements were also made by the representatives of Canada, China, Chile, Cuba, Japan, Mexico (via video link), Pakistan, Saudi Arabia, Türkiye, the United States and Uruguay.

E. Sequencing and recommended further work

82. At the seventh meeting of the session, on 1 December, the intergovernmental negotiating committee considered the matter of sequencing and further work, on the understanding that it was also being discussed in the informal group referred to in paragraph 46 of the present report, hearing statements by representatives of groups of countries and individual countries.

83. Statements were made by the representatives of the European Union, also on behalf of its member States; and Samoa, on behalf of the Pacific small island developing States.

84. Statements were also made by the representatives of Colombia, China, Egypt, Japan, Norway and Saudi Arabia.

85. At the eighth meeting of the session, on 2 December, the intergovernmental negotiating committee continued its consideration of sequencing and further work, hearing statements by representatives of regions, individual countries and non-governmental organizations.

86. Statements were made by the representatives of Colombia, on behalf of the Latin American and Caribbean States; and Senegal, on behalf of the African States.

87. Statements were also made by the representatives of Argentina, Australia, Bahrain, Brazil, Burkina Faso, Cameroon, Canada, Chile, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, Guinea Bissau, India (via video link), Jordan, Kenya, Malawi, Nigeria, Pakistan, Peru, the Philippines, Rwanda, the Republic of Korea, the Russian Federation, South Africa, Sri Lanka, Switzerland, Thailand, Tunisia, Türkiye, Uganda, the United Kingdom, the United States and Zambia.

88. Additional statements were made by the representatives of Action on Smoking and Health; the Earth Day Network; the Environmental and Social Development Organization; the Integrative Strategies Forum; the Global Alliance for Incinerator Alternatives (GAIA); the International Pollutants Elimination Network; and Red Paz Integración y Desarrollo (PAZINDE), on behalf of the children and youth major group.

F. Conclusion of item 4

89. At the eighth meeting of the session, on 2 December, the intergovernmental negotiating committee heard a report by the co-facilitators of the informal group referred to in paragraph 46 of the present report. The co-facilitators' report on the outcome of the group's work is set out in annex II to the present report, without formal editing.

90. In summarizing agenda item 4, the Chair noted some areas of convergence in the development of the future instrument, including the desire to have a legally binding instrument that addresses the full life cycle of plastics, protecting human health and the environment, with special attention paid to the unique circumstances of those countries most in need. He highlighted that many considered that the instrument would be shaped by the core obligations, control measures, and voluntary approaches agreed upon by the intergovernmental negotiating committee. He also noted that many expressed the desire to ensure clarity in the objective and scope of the future instrument for effective discussions on more specific obligations under the instrument. He indicated the recognition that National Action Plans will be also a critical component in ensuring the success of the future instrument. Further, he highlighted that some noted the need for strong monitoring and reporting mechanisms as part of the success of the future instrument, with all Parties having requisite financial and technical support to enable effective reporting. He took note that science and technology are seen as central to the intergovernmental negotiating committee process and to the implementation of the subsequent instrument, including the need to inform this process and subsequent implementation with the best available scientific and technical input, either through a specific body established under the instrument, or by processes initiated through the instrument. He also noted that education and public awareness are critical for success. On stakeholder participation and action, the Chair emphasized the need to include all stakeholders, in both the development of the instrument and in its implementation, in particular the informal sector. The Chair took note of the strong engagement of stakeholders and, in moving forward, he indicated that he will work with the secretariat to find modalities to ensure strong stakeholder engagement within the intergovernmental negotiating committee process. He noted overall convergence regarding standard articles on final provisions, in particular that the overall form of these

provisions will be necessarily informed by the form and function of the core obligations, control measures and voluntary approaches that we agree upon as the instrument takes shape. On sequencing, he highlighted repeated recognition of the limited time frame for negotiations and the need to properly sequence effects and structure to ensure that financial and time resources are maximized, paying particular attention to the intersessional work, possibly by forming two contact groups on procedural and substantive matters. He also noted the need to limit the number of contact groups held in parallel in order to ensure maximum participation by those who may have limited resources to attend. He also stressed the need for developing countries to actively participate throughout the entire process, having adequate and predictable financial support. He indicated that he would work with the secretariat to set up modalities for intersessional work after the documents for the second session are published.

91. The intergovernmental negotiating committee requested the secretariat to prepare for consideration by the committee at its second session a document with potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addressed the full life cycle of plastics as called for in United Nations Environment Assembly resolution 5/14, including identifying the objective; substantive provisions including core obligations, control measures and voluntary approaches; implementation measures and means of implementation. The committee specified that the document could include both legally binding and voluntary measures and that the document to be prepared by the secretariat was intended to facilitate the committee's work without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The secretariat, in preparing the document, would, in consultation with the chair, draw on the views expressed by Members during the first session of the committee as well as their written submissions. The committee invited stakeholders to communicate to the secretariat their written submissions by 13 January 2023 and further invited Member States to communicate to the secretariat their written submissions by 10 February 2023. The committee requested the secretariat to post any submissions received on the committee's website.

92. Statements were made by the representatives of China, Cuba, Chile, Mali and Pakistan.

VI. Other matters

A. Dates and venues of future sessions

93. At the ninth meeting of the session, on 2 December, a representative of the secretariat informed the intergovernmental negotiating committee that offers had been received from France, to host the committee's second session in Paris; Kenya, to host the third session at the headquarters of UNEP in the week of 13 November 2023; Canada, to host the fourth session in early April 2024; the Republic of Korea, to host the fifth session in October/November 2024; Ecuador, Peru, Rwanda and Senegal, to host the diplomatic conference of plenipotentiaries in mid-2025; that the second session would be held exclusively in an in-person format; and took note that host countries have an obligation, pursuant to a host country agreement, to issue visas for meeting participants from all States and that should a country not be in a position to meet its obligations under a host country agreement, including with respect to the issuance of visas, the Executive Director will convene the meetings of the intergovernmental negotiating committee in Nairobi, at the seat of the intergovernmental negotiating committee secretariat.

94. The intergovernmental negotiating committee heard statements by representatives of a region, a group of countries and individual countries.

95. A statement was delivered by the representative of Japan, on behalf of the Asia-Pacific States.

96. A statement was made by the representative of the European Union, also on behalf of its member States.

97. Statements were delivered by the representatives of Australia,⁶ Austria, Belgium, Canada, Chile, China, Colombia, the Comoros, the Congo, the Cook Islands, Costa Rica, Cuba, Czechia, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece (via video link), Indonesia, Ireland (via video link), the Islamic Republic of Iran, Italy, Japan, Kenya, Lithuania (via video link), Luxembourg, Malaysia, Monaco, Montenegro, the Netherlands, New Zealand, the Niger, Nigeria, Norway, Pakistan, Panama, Peru, the Philippines, Portugal, the Republic of Korea, Romania (via video link), the Russian Federation, Rwanda, Senegal, Slovenia (via video

⁶The representative requested that his statement be reflected in the report of the meeting. The statement is available at: https://apps1.unep.org/resolutions/uploads/australia_statement.pdf.

link), Spain, Sweden, Switzerland, Thailand, Tuvalu, the United Kingdom, the United States, Uruguay and Venezuela (Bolivarian Republic of).

98. Also at the ninth meeting of the session, on 2 December, the intergovernmental negotiating committee agreed to hold its second session in Paris in May 2023, on dates to be determined; took note that the second session would be held as an exclusively in-person meeting; also took note of the offers to host its future sessions; and acknowledged the offers to host the Diplomatic Conference of Plenipotentiaries.

B. Draft decision on the draft provisional agenda of the second session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

99. At the ninth meeting of the session, on 2 December, the Chair introduced a draft decision on the draft provisional agenda of the second session of the intergovernmental negotiating committee, as contained in a conference room paper that had been circulated, proposing the addition of a sub-item 3 (a) entitled “Adoption of the rules of procedure”, in view of the committee having agreed to defer the adoption of the rules of procedure until its second session. The existing sub-items of agenda item 3 would be renumbered accordingly.

100. Comments were made by the representatives of Egypt, Thailand and the United States.

101. The intergovernmental negotiating committee adopted the draft decision, as orally revised by the Chair. The decision is set out in annex I to the present report.

VII. Adoption of the report

102. At the ninth meeting of the session, on 2 December, the intergovernmental negotiating committee adopted the draft report on the work of the committee’s first session, on the basis of the draft that had been circulated, on the understanding that the report would be finalized by the secretariat under the guidance of the Chair after the session and circulated to all participants.

VIII. Closure of the session

103. At the ninth meeting of the session, on 2 December, the intergovernmental negotiating committee heard closing statements by representatives of regions, a group of countries, individual countries and non-governmental organizations.

104. Statements were delivered by the representatives of Austria, on behalf of the Western European and other States; Colombia, on behalf of the Latin American and Caribbean States; and Ghana, on behalf of the African States.

105. A statement was made by the representative of the European Union, also on behalf of its member States.

106. Statements were delivered by the representatives of Antigua and Barbuda, Brazil, Chile, China, Eritrea, Maldives, Mexico (via video link), Panama, the Russian Federation, Saudi Arabia, Thailand, Türkiye and Uruguay.

107. Statements were also made by the representatives of the Centre for Oceanic Awareness, Research, and Education, speaking also on behalf of other organizations; the World Wide Fund for Nature and the International Pollutants Elimination Network.

108. Closing remarks were made by the Executive Secretary of the intergovernmental negotiating committee; and the Chair.

109. The session was declared closed at 7.50 p.m. on Friday, 2 December 2022.

Annex I

Decision 1/1: Draft provisional agenda of the second session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

The intergovernmental negotiating committee,

Recalling rule 3 of its draft rules of procedure provisionally applied, according to which the committee shall review the draft provisional agenda and revise it, as it deems necessary, and agree to forward it to its next session for adoption,

Forwards the draft provisional agenda for adoption at its second session as follows:

1. Opening of the session.
2. Election of officers.
3. Organizational matters
 - (a) Adoption of the rules of procedure
 - (b) Adoption of the agenda;
 - (c) Organization of work
 - (d) Dates and venues of subsequent sessions of the intergovernmental negotiating committee;
 - (e) Provisional agenda of the third session.
4. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment.
5. Other matters.
6. Adoption of the report of the session.
7. Closure of the session.

Annex II*

Summary of discussions under agenda item 4 on the preparation of an international legally binding instrument on plastic pollution, including in the marine environment

I. General statements

1. Many members expressed widespread acknowledgement that form follows function in relation to the structure of the treaty, noting that focus should be on control measures and core obligations before determining which model of treaty should be used. Many Members expressed an initial preference for a specific convention model with detailed annexes that may be amended or adjusted over time as necessary, with some Members indicating that the possibility of adopting future protocols should be left open.
2. Some Members reiterated the need to ensure a common understanding of the objective of the instrument, as well as common agreement on terms to be defined, to effectively move towards the establishment of control measures and core obligations. Furthermore, a number of Members stressed the need to ensure that the focus of negotiations remain on addressing plastic pollution across the life cycle as the key objective and not eliminating plastics altogether. Many Members referred to addressing single use, problematic plastic as a priority, some indicated a priority for upstream plastics. A group of Members called for a goal to end plastic pollution by 2040. Others called for the elimination of the releases of plastic waste into the environment by 2040.
3. There was widespread support for recognition and inclusion of all stakeholders throughout the negotiation process, with particular emphasis on informal waste pickers and those in disadvantaged groups, including women, indigenous peoples, and children and youth.
4. Many emphasized the direct and disproportionate impact of plastic pollution on their environments, national identities, livelihoods and futures. Others emphasized the links between plastic pollution and the triple planetary crisis of biodiversity loss, climate change and pollution.
5. Further, many interventions referred to the urgency of tackling plastic pollution; to go beyond voluntary measures, including mandatory actions for all; to the right to a healthy environment, gender perspective and a human rights approach; to the protection of human health and environment with a focus on vulnerable groups; to specific principles of international environmental law (e.g., common but differentiated responsibilities and respective capabilities, equity, precautionary principle, polluter pays principle); to establishing extended producer responsibility (EPR) schemes and addressing hazardous plastics; to the importance of ambitious means of implementation, including the establishment of a dedicated multilateral fund; to the need of having a member-state driven process; and to the importance of National Action Plans (NAPs) as an implementation measure.
6. Many Members requested support to fund travel of two delegates per developing country to participate in the intergovernmental negotiating committee sessions in moving forward.

II. Scope, objectives and broad options for the structure

7. With respect to scope, most delegations expressed support for a comprehensive approach addressing the full life cycle of plastics, protecting human health. Delegations raised a wide range of considerations including: the marine environment, leakage and legacy plastic waste; the transboundary nature of the problem; addressing plastic waste and recycling; addressing plastic upstream from polymerization and feedstock phase; distinguishing between plastic materials and plastic products; reduction of harmful additives and chemicals; research and design. A group of countries noted the scope should aim to end plastic pollution, to protect human health and the environment and to achieve a circular plastics economy.
8. For objectives, several delegations identified the desire for a broad and ambitious objective. Some Members identified the protection of human health and the environment from the negative impacts of plastic pollution as the primary objective of the instrument. Another group of countries stressed an inspirational objective 'ending plastic pollution'. Others emphasized the need to address problematic plastics and ensure the environmentally sound management of plastic waste; to enable a

* The present annex has not been formally edited.

circular economy and economic transformations; to promote sustainable production and consumption. Furthermore, Members raised means of implementation; human and labor rights; intergenerational equity; and a just transition as forming part of the instrument's objective.

9. Regarding the structure, many members underscored that the instrument should take the form of a specific legally binding convention with core obligations and control measures. Some noted it should take the form of a framework convention with national action plans (NAPs). Some Members expressed the possibility of a mixed approach. Many Members stressed the need for a dynamic structure to account for new information. Further, many expressed that it was too early to decide on the structure, suggesting that 'form follows function'. There were several interventions noting other multilateral environmental agreements, including the need to promote synergies with other relevant instruments. Many Members emphasized the need for a bottom-up approach to addressing plastic pollution.

III. Options for potential elements

A. Core obligations, control measures and voluntary approaches, as well as national action plans

10. Many members noted value in a combination of legally binding core obligations, control measures and voluntary measures across the life cycle. Several Members referred to the need to reduce or eliminate the production and consumption of problematic and unnecessary plastics, such as single use plastic products and those difficult to recycle, as well as harmful or toxic additives and chemicals. Some Members expressed support for national action plans (NAPs) as a preliminary core obligation, with some representatives cautioning that NAPs should not result in duplication of previous efforts of countries who have already developed such plans.

11. Many Members stressed the need to recognize certain principles, particularly those accounting for the special circumstances of developing countries, including the polluter pays principle, precautionary approach, equity and non-regression.

12. One group of countries called for a global harmonized system of design standards to promote circularity and reduce production of problematic plastics. Several Members highlighted transparency across the value chain, with a focus on sharing information on the use of chemicals.

B. Means of implementation, including capacity-building, technical assistance and finance

13. Several Members reiterated the importance of means of implementation, including for small-island developing states, as well as the need for new, additional, adequate, and predictable funding. The lack of resources, technical capacity and infrastructure to manage plastic pollution in developing countries was highlighted by many. Several noted that discussions on a financial mechanism and corresponding obligations should be discussed from the outset, linking them to the core obligations. Others noted that it was early to discuss the means of implementation which is dependent on the content of the treaty.

14. Several Members called for a financial mechanism that would support developing countries to implement obligations under the instrument. Many supported implementing the polluter-pays principle, including through EPR schemes, and many supported the principle of common but differentiated responsibilities (CBDR). A number of Members supported the establishment of a contact group on means of implementation.

15. One region proposed a dedicated financial mechanism with new and additional resources, like the Montreal Protocol, and also to launch a dedicated process for a needs assessment regarding developing countries implementation of the future instrument across the plastic life cycle. The same region highlighted the need for transfer of environmentally sound technology avoiding polluting technologies; strategic capacity building for new technology; and technology transfer on concessional and preferred terms.

16. One group of countries stressed that resources should come from a variety of sources, including national, international, public and private funds. Another group of countries highlighted the importance of means of implementation for enabling and reporting activities from the inception of the negotiations.

17. Other topics noted by Members include strengthening existing funds; prioritizing countries that are most in need; national tools for legacy plastics; a flexible implementation mechanism;

financial assistance through grants or investments; partnerships with the private sector; support for small and medium sized enterprises; synergies with the BRS Conventions to lower administrative burdens; and equity and the just transition.

C. Support for monitoring and evaluation of progress in, and effectiveness of, implementation and national reporting

18. Several representatives stressed the need for robust and harmonized monitoring and evaluation mechanisms, supported by regularly updated national action plans with reporting systems as a key means of tracking progress of implementation of the new instrument and periodic science-based evaluation of its effectiveness.

19. Some highlighted the need to ensure that all Members will have financial and technical support to enable effective reporting. Representatives diverged on whether monitoring, evaluation and reporting mechanisms should take a top-down or bottom-up approach. However, there was convergence on the notion that any eventual mechanism would be critical in promoting transparency and monitoring compliance with the instrument. Many Members highlighted the need for common and harmonized monitoring and reporting frameworks.

20. One region highlighted accountability from all stakeholders across the plastics life cycle, including information on the upstream, mid-stream and downstream stages. Furthermore production, trade, value chains and leakage was stressed by another group of countries.

IV. Other aspects, including scientific and technical cooperation and coordination, research and awareness-raising

21. Several representatives emphasized that it will be crucial to have a common understanding of the meaning of best available science and sound technical knowledge before proceeding with implementation of the instrument.

22. Many Members supported incorporating indigenous and local knowledge into considerations for how existing knowledge bases can inform development and implementation of the instrument. One group of countries called for using the precautionary principle in decision-making.

23. A number of Members expressed support to explore the possibility of developing dedicated subsidiary bodies for the instrument to assist to implement and to evaluate the effectiveness of the instrument, specifically subsidiary bodies related to science, technical and technological developments, economy and policy. Some Members suggested drawing on the successes and learning from the challenges of previous multilateral environmental agreements in order to form the basis for these subsidiary bodies.

24. Some observers emphasized a just transition; highlighted the issue of chemicals in plastics and noted the issue of recycling technologies.

V. Stakeholder participation and action

25. Interventions consistently highlighted the value of stakeholder participation in the intergovernmental negotiating committee process, some highlighting inclusion of informal waste pickers and Indigenous Peoples. Several Members highlighted the importance of ensuring participation of stakeholders during the intersessional period, in particular through written submissions and participation in webinars, workshops and other activities of a similar nature. One Member supported a two-day multistakeholder forum at INC-2, another supported a high-level segment at INC-2. One Member called on stakeholders to provide information that could build bridges towards consensus.

26. Some Members highlighted that stakeholder engagement will require dedicated, adequate, and predictable funding, while many delegations emphasized that resources should be prioritized to support organization of the INC sessions and Member participation in the INC.

27. Some Members requested the Secretariat to make available a synthesis of the Stakeholder Dialogue held during INC-1. A synthesis document was uploaded onto the in-session documents page before the close of the meeting.¹

¹ Available at <https://wedocs.unep.org/bitstream/handle/20.500.11822/41355/StakeholderDialogueSynthesisReport.pdf>.

28. Observers also highlighted the need for balanced stakeholder participation, including noting concern for engagement of industry and the need to remove barriers to travel; the use of citizen science in monitoring measures; the difference between stakeholders and right-holders; and the principle of intergenerational equity. For multistakeholder engagement, one observer suggested that multistakeholder fora should be organized around specific issues along the value chain; others that funds for the multistakeholder fora could be channeled differently, including redirected to youth and developing country participation in the INC also that, alternatively, the Global Partnership for Marine Litter and the Basel Plastic Waste Partnership could organize meaningful stakeholder engagement.

VI. Standard articles on final provisions

29. Many Members were of the view that it is too early to discuss final provisions, emphasizing that form should follow function in the development of the instrument.

30. Many referred to approaches undertaken in existing multilateral environmental agreements. Some Members highlighted entry into force, dispute settlement and prohibition of reservations as relevant provisions to be discussed.

VII Sequencing and recommended further work

31. Many Members stressed the amount of work that lies ahead, furthermore Members suggested this work could take the form of two work streams or contact groups. A number of Members highlighted the need to avoid overburdening small delegations in particular by avoiding holding more than two parallel sessions.

32. Some Members stressed the importance of intersessional work, including stakeholder engagement.

Annex III*

Report by the co-facilitators of the informal group

The informal group met twice yesterday – first at lunch-time and then in the evening.

The Co-Chairs provided two draft texts for the informal group to consider. The drafts had been posted on the meeting web page.

The first text relates to a document that the Secretariat be mandated to provide for the INC at its second meeting. After some discussion, the group agreed to forward the amended proposal to the plenary for its consideration.

I will read that proposal at dictation speed:

The intergovernmental negotiating committee requested the secretariat to prepare for consideration by the committee at its second session a document with potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation. This document could include both legally binding and voluntary measures.

The document to be prepared by the secretariat is intended to facilitate the committee's work without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument.

The secretariat, in preparing the document, will, in consultations with the chair, draw on the views expressed by Members during the first session of the committee and as well as their written submissions.

The committee invited stakeholders to communicate to the secretariat their written submissions by [XX, 2023] and further invited Member States to communicate to the secretariat their written submissions by [XX, 2023]. The committee requested the secretariat to post any submissions received on the INC website.

On the second issue that was referred to the group, namely “identification of modalities for stakeholder engagement in the context of the intergovernmental negotiating committee process and other documents”, there was concern that although the draft outlined modalities in broad terms, it did not provide a basis for proceeding. Further, there was a view that the rich discussion in the plenary may have covered the issue adequately, and, as that discussion would be captured in the report, there seemed little purpose in the proposal.

Mr Chairman, we are in your hands. The group is prepared to continue its work, if you so wish.

* The present annex has not been formally edited.