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**Intergovernmental negotiating committee to develop
an international legally binding instrument on plastic
pollution, including in the marine environment**
Second session
Paris, 29 May–2 June 2023

Draft 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 second 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.
3. The second session of the intergovernmental negotiating committee was held at the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris, from 29 May to 2 June 2023.

II. Opening of the session

4. The second session of the intergovernmental negotiating committee was declared open by Ambassador Gustavo Meza Cuadra, Chair of the intergovernmental negotiating committee, at 10.45 a.m. on Monday, 29 May 2023.
5. In his opening remarks, he said that it was only through swift, decisive and collective action that plastic pollution, which knew no boundaries, could be tackled. A successful international legally binding instrument on plastic pollution, including in the marine environment, would consider the whole life cycle of plastics, ensuring sustainable production and consumption and addressing the issue of legacy plastics, and above all, it would be implementable. He called on all participants to engage in the current session with the same spirit of cooperation that had led to the adoption of resolution 5/14 at the fifth session of the United Nations Environment Assembly, and to focus on the shared objective of putting an end to plastic pollution in order to protect human health and the environment. He was committed, in his role as Chair, to continue working towards an inclusive, consensus-based process that reflected the needs and views of all stakeholders and that would result in an ambitious, fair and effective instrument to tackle one of the most significant challenges currently facing the world.
6. Opening statements were delivered by Emmanuel Macron, President of the Republic of France (by pre-recorded video); Inger Andersen, Executive Director of UNEP; and Jyoti Mathur-Filipp, Executive Secretary of the intergovernmental negotiating committee.
7. Mr. Macron characterized plastic pollution as a global scourge affecting every corner of the planet, with its consequences for climate change, biodiversity and human health only beginning to be understood. Countries had a duty to put an end to plastic pollution as quickly as possible. It was, however, a huge undertaking, requiring immediate and resolute action and, in particular, a radical change in all modes of consumption and production.
8. Many countries were already taking national action, but to manage plastic over its entire life cycle an international framework was needed. Producing countries had to put an end to the unsustainable model that consisted of generating plastic and then exporting it as waste to developing countries that were less well-equipped with waste treatment systems. Innovation was also needed, to develop new value chains that would compensate for the disappearance of the plastic. Moreover, ending plastic pollution would surely create value, in that sorting, recycling and reuse would develop into economic activities that created jobs and wealth.
9. Thus, the legally binding international treaty should permit progress on key objectives: reducing new plastic production and banning the most polluting and hazardous products as soon as possible; setting precise targets for recycling; creating the means to innovate faster, including through stronger regulation and incentives for the private sector to move from a linear to a circular economy; and sharing solutions and technologies more effectively, to ensure solidarity with the poorest countries. Along with the recently agreed Kunming-Montreal Global Biodiversity Framework and international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, such a treaty would help lay the foundation of a new international environmental legal framework that would enable member States to build a fairer globalization that protected nature and encouraged the kind of innovation that helped rather than hurt the planet.
10. In her remarks, Ms. Andersen recalled that the linear plastics economy was contributing significantly to the crisis of pollution and waste and disproportionately affecting the poorest nations and communities. Rather than relying on recycling, it was time for the tap on plastics to be turned off, and that could only be achieved through a full transformation of the market that would reduce society's dependence on plastic, create new jobs along the supply chain, and bring justice to vulnerable communities. The legally binding instrument being negotiated therefore needed to be broad: it had to take account of scientific and stakeholder input and learn from other multilateral environmental agreements while also being innovative, and it had to ensure financial and technical assistance for developing countries. The focus of the negotiations should therefore be redesign, of products themselves and of product packaging, to come up with systems and products that prioritized

reuse and recyclability, and broader systems to ensure justice, in particular in the job market, and to guarantee the right to a clean, healthy and sustainable environment for those currently working in the informal waste economy. Such an approach, founded on creativity and backed by policy and regulatory change, could virtually eliminate plastic pollution by 2040, reduce the pressure on recycling and waste management systems, and provide huge savings for the private and the public sectors, including through reduced social, environmental and human health costs. Legacy pollution could also be controlled through a coordinated effort to stop pollution at source, as well as an investment in waste management and consumption patterns.

11. She therefore called on member States to lead by example and to champion key solutions, stressing that the full engagement of all stakeholders, including the informal sector, indigenous peoples, local communities, civil society, academia and youth, was vital for success. She also urged the private sector to start transforming the plastics industry immediately rather than waiting for negotiations to conclude, as such innovation could only bring positive results.

12. Ms. Mathur-Filipp began by welcoming the participants to the second session of the intergovernmental negotiating committee and thanking the Government of France for hosting the session. She thanked those who had contributed to making the session possible, including the governments of Canada, Denmark, Finland, France, Germany, Ireland, Japan, Monaco, the Kingdom of the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as the European Commission, for their financial support, the Chair and the regional nominees for their advice and guidance, and colleagues from UNEP and other secretariats for their support and input. She expressed the hope that substance rather than process would be the focus of the second session and that the discussions would lead to a clearer picture of the future instrument, and possibly even to a mandate for a zero draft. With the growing need to address plastic pollution and the world's eyes once again on the intergovernmental negotiations, she urged member States to "make Paris count" in order to deliver a global treaty on plastics without delay.

III. Election of officers

13. In introducing the item at the first plenary meeting of the session on 29 May, the Chair recalled that at its first session, the intergovernmental negotiating committee had agreed to defer the election of vice-chairs and the designation of a rapporteur until its second session to allow for further consultations on the matter. He then proposed that the committee proceed to the election of vice-chairs. The nominated candidates were:

- For the two seats for the African States: Juliet Kabera (Rwanda) and Cheikh Ndiaye Sylla (Senegal);
- For the two seats for the Asia-Pacific States: Hiroshi Ono (Japan) and Mohammad Al-Khashashneh (Jordan);
- For the two seats for the Eastern European States: Irma Gurguliani (Georgia), Kaupo Heinma (Estonia) and Vladimir Lenev (Russian Federation);
- For the one remaining seat for the Latin American and the Caribbean States, Luis Vayas Valdivieso (Ecuador);
- For the two seats for the Western European and other States, Johanna Lissinger-Peitz (Sweden) and Larke Williams (United States of America);
- For the one seat for the Small Island Developing States, Asha Challenger (Antigua and Barbuda).

14. The Chair informed the committee that with respect to the nominated candidates for the Eastern European States, the secretariat had received a note verbale from the Embassy of Ukraine in Nairobi, dated 25 May 2023, indicating that the Government of Ukraine had withdrawn its nomination of Roman Filonenko in favour of Irma Gurguliani of Georgia. Nevertheless, as there

remained more candidates than the number of seats to be filled, an election by secret ballot would be held to elect the vice-chairs from the Eastern European States.

15. The Chair also informed the committee that the Secretariat had received a communication from a member State objecting to the two candidates from the Western European and other States. Consequently, the committee would also hold a secret ballot for the election of the vice-chairs from the Western European and other States.

16. In the ensuing discussion, one representative recalled that, as no consensus had previously been reached on the candidates to be nominated by the group of Eastern European States, and in the absence of formal rules of procedure for the group, a fully transparent process involving a roll-call vote had been held during a meeting of the group in Nairobi. The result of the vote had been in favour of the candidates from Estonia and Georgia. The Government of Ukraine recalled that in a spirit of compromise, his country had withdrawn its candidate in favour of the candidate from Georgia, and encouraged member States to vote for the candidates from Estonia and Georgia.

17. One representative raised a point of order, noting that, as the current session was part of an independent process, any discussions held regarding that process within the group of Eastern European States under the separate process of the Committee of Permanent Representatives of UNEP were irrelevant. He therefore urged member States to disregard the results of any votes taken at such meetings in this respect. He underlined that member States should vote for candidates solely on the basis of their expertise, thereby avoiding any politicization of the process. He further noted that no meetings of the group of Eastern European States had been held during the current session of the committee and that, as regional groups did not have rules of procedure, decisions should be consensus-based.

18. In response, another representative noted that the group of Eastern European States had been requested by member States at the first session of the committee to hold consultations regarding the nominations for vice-chairs. Those consultations had duly been held during a meeting of the group in Nairobi, so the discussions were relevant to the current process.

19. Another representative noted with regret that one member State had departed from the long-established practice of accepting unanimous nominations put forward by a regional group, thereby undermining the spirit of multilateralism and detracting from the discussion of substantive issues.

20. Another representative, acknowledging that his country had opposed the election of the two candidates from the group of Western European and other States, said that it had done so on the basis of the principle of reciprocity, as members of that group had previously expressed their intention to oppose the election of any candidates from his country in the multilateral environmental processes. He noted that the group of Western European and other States had previously regularly opposed the election of candidates from one member State of the group of Asia-Pacific States but that those actions had never been challenged.

21. One representative said that his country did not fully support, but would not oppose, the nominations from the group of African States, but that he wished to raise a concern regarding the transparency of the process within the group; whereas another representative expressed the view that the nomination process within the group had been fully transparent.

22. The committee elected the following by acclamation as the Vice-Chairs:

Mohammad Al-Khashashneh (Jordan)
Asha Challenger (Antigua and Barbuda)
Juliet Kabera (Rwanda)
Hiroshi Ono (Japan)
Cheikh Ndiaye Sylla (Senegal)
Luis Vayas Valdivieso (Ecuador)

23. The Chair then drew the attention of the committee to the election process for the vice-chairs from the Eastern European States, which would be held by secret ballot, in accordance with rules 45

and 47 of the draft rules of procedure of the committee that apply to the committee's work on a provisional basis.

24. A representative of the secretariat clarified that the term "member" in relation to voting rights for the secret ballot referred to the 193 States members of the United Nations, as well as the members of the specialized agencies of the United Nations, namely the Cook Islands, the Holy See, Niue and the State of Palestine, and observed that a regional economic integration organization, namely the European Union, had notified its intention not to participate in the vote.

25. Several representatives, drawing attention to rule 38 of the draft rules of procedure that applied to the committee's work on a provisional basis, stated their understanding that voting would only be used on an exceptional basis for this election and that the proposed vote on a procedural matter would in no way set a precedent for the voting to be used on substantive issues.

26. The Chair stated his strong commitment to adopting decisions by consensus and his intention to make every effort to ensure that this was done. He underscored that the committee found itself in exceptional circumstances in terms of the election of the vice-chairs.

27. In response to a request for clarification, the Chair recalled that it had been agreed at the first session of the committee that the draft rules of procedure, with the exception of any text that remained in brackets, would be applied on a provisional basis to all of the committee's work.

28. The committee decided to proceed to the election of the vice-chairs from the group of Eastern European States by secret ballot, in accordance with rules 45 and 47 of the draft rules of procedure of the committee.

29. At the invitation of the Chair, Nelson Linhares (Brazil), Danny Rahdiansyah (Indonesia), Tiare Marumatakimanu (Samoa) and Marcelo Cousillas (Uruguay) acted as tellers.

30. Subsequently, the Chair reported the results as follows:

| | |
|-------------------------------------|-----|
| Number of ballot papers: | 159 |
| Invalid ballots: | 1 |
| Number of valid ballots: | 158 |
| Abstentions: | 17 |
| Number of members voting: | 141 |
| Required majority: | 71 |
| Number of votes obtained: | |
| Irma Gurguliani (Georgia) | 111 |
| Kaupo Heinma (Estonia) | 104 |
| Vladimir Lenev (Russian Federation) | 51 |

31. Having obtained the required majority, Kaupo Heinma (Estonia) and Irma Gurguliani (Georgia) were elected as Vice-Chairs of the committee.

32. The committee then decided to proceed to the election of the vice-chairs from the group of Western European and other States, by secret ballot, in accordance with rules 45 and 47 of the draft rules of procedure of the committee.

33. At the invitation of the Chair, Nelson Linhares (Brazil), Danny Rahdiansyah (Indonesia), Tiare Marumatakimanu (Samoa) and Marcelo Cousillas (Uruguay) acted as tellers.

34. Subsequently, the Chair reported the results as follows:

| | |
|--------------------------|-----|
| Number of ballot papers: | 149 |
| Invalid ballots: | 0 |
| Number of valid ballots: | 149 |

| | |
|---|-----|
| Abstentions: | 21 |
| Number of members voting: | 128 |
| Required majority: | 65 |
| Number of votes obtained: | |
| Johanna Lissinger-Peitz (Sweden) | 119 |
| Larke Willians (United States of America) | 116 |

35. Having obtained the required majority, Johanna Lissinger-Peitz (Sweden) and Larke Williams (United States of America) were elected as Vice-Chairs of the committee.

36. The committee designated Asha Challenger of Antigua and Barbuda as Rapporteur of the intergovernmental committee.

IV. Organizational matters

A. Adoption of the rules of procedure

37. At its second plenary meeting the Chair, introducing the sub-item, recalled that in accordance with the decision of the intergovernmental negotiating committee at its first session, the draft rules of procedure, as set out in document UNEP/PP/INC.2/3, would apply to its work provisionally until their adoption, and that the adoption of the draft rules would be deferred until the committee's second session to allow more time for consultations. The Chair informed the meeting that he had held consultations in the intersessional period to resolve the bracketed text in rule 37 with a view to adopting the draft rules of procedure as soon as possible. Based on those consultations, it was apparent that further consultations would be needed on the bracketed text in question. The draft rules of procedure would therefore continue to be applied on a provisional basis until their adoption, as agreed by the committee at its first session. The Chair proposed to pursue his consultations with delegations on the matter and to update the plenary on the progress of those consultations over the course of the week.

38. One representative (f) said that as the committee had not discussed any of the draft rules of procedure at its first session, all the rules still needed to be considered by the committee, and asked for confirmation that the consultations would therefore cover all the draft rules, not only rule 37. Another representative reiterated a request that his delegation had made at the first session of the intergovernmental negotiating committee for brackets to be put around draft rule 38, paragraph 1.

39. In response to those comments, the Chair repeated that the draft rules of procedure were being applied on a provisional basis except for rule 37, as indicated by the brackets around that rule, and reiterated his proposal to engage in consultations on the outstanding issue of rule 37 during the week.

40. A third representative questioned the logic of "provisional" application of the draft rules of procedure and called for rule 1 to be put in brackets, as it contradicted rule 37 and would create confusion.

41. At the invitation of the Chair, the legal officer of UNEP confirmed that the intergovernmental negotiating committee had agreed to function on the basis of the draft rules of procedure that applied on a provisional basis, except rule 37, until such time as the committee was in a position to adopt its rules, and that the rules therefore had legal effect. He also provided examples of other instances in the United Nations where rules or draft rules of procedure had been applied provisionally.

42. A lengthy discussion ensued.

43. Many representatives were of the view that the draft rules of procedure had not been agreed and should not be applied to negotiations for decision-making on substantive matters. A number of them underscored the importance of consensus in decision-making, and generally voiced support for putting brackets around rule 38, paragraph 1, or at least the second sentence of that paragraph. One,

objecting to the holding of consultations by the Chair, said that the committee should reach consensus on the draft rules of procedure and called for the establishment of a contact group for that purpose.

44. Several representatives supported the view that the committee should adopt the draft rules of procedure before starting its discussions on substantive matters.

45. Many other representatives, including one speaking on behalf of a group of countries, while also stressing the importance of striving for consensus, disagreed with putting rule 38 in brackets. One said that being able to vote as a last resort was often helpful in achieving consensus, and would help the committee to work constructively and achieve a meaningful outcome. Another representative recalled that the ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee had agreed on the draft rules of procedure, with brackets around rule 37, and said that adding brackets around other rules would be a step backward at a time when the committee should be moving forward on substantive issues.

46. Many representatives, including one speaking on behalf of a group of countries, pointed out that since the committee had agreed at its first session to apply the draft rules of procedure provisionally, those rules could be applied. They expressed support for the Chair's proposed way forward to resolve the outstanding issue of rule 37 and were willing to engage in informal consultations on the matter.

47. One representative noted that the decision to apply the draft rules of procedure on a provisional basis with the exception of rule 37 had been taken by consensus, and said that it was unclear why it was now being called into question. Another representative (f) responded that there had been dissenting views at the time on rule 38 as well as rule 37, and that rule 38 should therefore also be in brackets.

48. Subsequently, during the resumed discussion on the matter at the third plenary meeting, several representatives indicated that they would be willing to engage in discussions on the rules of procedure, including in the context of a special contact group, while others said that establishing such a contact group was essential in order to agree on draft rules of procedure before taking up substantive matters.

49. Following those interventions, the Chair proposed that open-ended consultations, co-facilitated by Hiroshi Ono (Japan) and Marcelo J. Cousillas (Uruguay), should be held on rule 37 as well as rule 38, paragraph 1, of the draft rules of procedure.

50. Several representatives then took the floor to ask once again for rule 38 to be bracketed, and another lengthy discussion ensued, during which a series of representatives, including one speaking on behalf of a group of countries, referred to the limited time available for discussion on substantive substantive discussions to begin.

51. The legal officer then intervened to address some of the queries regarding the addition of new brackets to the draft rules of procedure. He specified that during negotiations on draft texts, such as contact groups or informal discussions, comments were often invited on the text, at which stage certain elements might be put in brackets. In the case of the draft rules of procedure, however, the committee had already taken action on the draft and had agreed on a consensual basis to apply, on a provisional basis, the text of the draft rules that had been formally presented to it, which constituted a decision of the committee on that document (UNEP/PP/INC.2/3). The document could therefore not be changed except pursuant to a decision of the committee in a plenary meeting.

52. Many representatives, including several speaking on behalf of a group of countries, expressed support for the Chair's proposed way forward, including a considerable number who specified that they were agreeing to discussions on rule 38 in a spirit of compromise, in some cases on the understanding that there were no brackets on any part of that rule. One representative continued to insist that rule 38 should not be reopened.

53. The committee agreed to the Chair's proposal to hold open-ended consultations on rule 37 and rule 38, paragraph 1, of the draft rules of procedure.

54. At the fourth plenary meeting, reporting back on the open-ended consultations, the co-facilitators said that, given the limited time available, the discussion had focused on rule 38, paragraph 1, with the goal of identifying possible ways forward. The discussion had produced seven options that were set out in a non-paper posted on the web page for the session. The options essentially consisted of either leaving paragraph 1 of rule 38 as it was, putting all or part of it in brackets, or specifying issues to which it would not apply and on which consensus would be required. Given the progress made, the co-facilitators indicated their willingness to continue the consultations.

55. The Chair therefore proposed that the consultations resume at a convenient time the following day, and that in the meantime the committee take up agenda item 4 in order to begin its substantive discussions on potential options for elements of the legally binding instrument.

56. Several representatives again raised concerns regarding rule 38 and its application to the committee's work, and indicated their desire to see the rule bracketed before moving forward. One added that the divergence of views on rule 38 remained enormous, and the issue was a test of the spirit of cooperation within the committee and the seriousness of the negotiations. If decisions could be made by a simple majority, many member States would hesitate to participate actively owing to the risk of their views and concerns being ignored.

57. Another representative (f) requested a short break to allow informal discussions to take place, and the committee agreed to briefly suspend the meeting.

58. Following the informal discussions, one representative (f) requested that a group be convened following the plenary meeting to continue the open-ended informal consultations. She further requested that when the committee took up agenda item 4, ideally at the next plenary meeting, only regional and observer statements be made during plenary, with national statements submitted and posted on the web page for the session, in order to allow as much time as possible for discussion of substantive matters.

59. Another representative expressed strong support for the proposal.

60. The committee agreed to adjourn the plenary meeting and decided that informal consultations be held on rule 38, paragraph 1 of the draft rules of procedure.

61. At the fifth plenary meeting of the session, a representative reported that the informal consultations had culminated in agreement on an interpretive statement regarding paragraph 1 of rule 38 of the draft rules of procedure.

62. Accordingly, the intergovernmental negotiating committee decided to adopt the following interpretive statement:

The intergovernmental negotiating committee understands that, based on discussions on the draft rules of procedure for the intergovernmental negotiating committee, there are differing views among intergovernmental negotiating committee members on rule 38.1 and its reflection in the report of the intergovernmental negotiating committee on the work of its first session. Therefore, the provisional application of rule 38.1 of the draft rules of procedure has been a subject of debate. In the event that rule 38.1 is invoked before the rules are formally adopted, members will recall this lack of agreement.

63. Following the adoption of the interpretive text, one representative urged all member States to finalize rule 37 and rule 38, paragraph 1, and to adopt the draft rules of procedure before an occasion arose to invoke the provisional applications of the draft rules of procedure, especially rule 38, paragraph 1.

64. Before the conclusion of the consideration of the item by the committee, the Chair recalled that the draft rules of procedure would continue to apply provisionally to the work of the committee, as decided at its first session.

B. Adoption of the agenda

65. At its first plenary meeting, the intergovernmental negotiating committee adopted the following agenda for its second session on the basis of the provisional agenda (UNEP/PP/INC.2/1):

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.

C. Organization of work

66. At the fifth plenary meeting of the session, the intergovernmental negotiating committee agreed to organize its work as set out in the scenario note for the session (UNEP/PP/INC.2/2) and the proposed programme available on the website for the session, and as further outlined by the Chair.

D. Dates and venues of subsequent sessions of the intergovernmental negotiating committee

67. [to be completed]

E. Provisional agenda of the third session

68. [to be completed]

F. Attendance

69. Representatives of the following States attended the session: [to be completed]

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

71. The following intergovernmental organizations and other entities were represented as observers: [to be completed]

72. The following United Nations bodies, secretariat units and convention secretariats were represented as observers: [to be completed]

73. [Number to be completed] non-governmental organizations were also represented as observers.

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

74. At the fifth plenary meeting of the session, the representative of the secretariat drew attention to document UNEP/PP/INC.2/4, which in its annex set out a document, prepared by the secretariat, on potential options for elements towards an international legally binding instrument. She recalled that, at its first session, the intergovernmental negotiating committee had requested the secretariat to prepare such a document, in consultation with the Chair. As called for by Environment Assembly resolution 5/14, the potential options set out in the document were based on a comprehensive approach addressing the full life cycle of plastics, including identifying the objective; substantive provisions, including core obligations, control measures and voluntary approaches; implementation measures; and means of implementation. The options document also included both legally binding and voluntary measures. It drew on the views expressed by member States during the first session of the committee, as well as a total of 67 written submissions received following that session, representing the views of 119 countries. She briefly outlined the information set out in the document, while noting that it 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 future instrument.

A. General statements

75. At the fifth and sixth plenary meetings of the session, the intergovernmental negotiating committee heard general statements by representatives of regions, groups of countries, individual countries, intergovernmental organizations and non-governmental organizations.

76. [to be completed]

B. Establishment of contact groups

77. At the sixth plenary meeting of the session, the intergovernmental negotiating committee decided to establish two contact groups in order to identify areas of consensus and narrow down potential options, using the annex to document UNEP/PP/INC.2/4 as the basis for their work. The mandate of contact group 1, to be co-facilitated by Gwen Sisior (Palau) and Axel Borchmann (Germany), was to focus on the elements set out in part II, section A, on objective(s); and in part II, section B, on substantive obligations, of the annex to document UNEP/PP/INC.2/4. The mandate of contact group 2, to be co-facilitated by Kate Lynch (Australia) and Oliver Boachie (Ghana), was to focus on the elements set out in part II, section C, on means of implementation, in part II, section D, on implementation measures, and in part II, section E, on additional matters, of the annex to document UNEP/PP/INC.2/4. Following the discussions in the contact groups, the co-facilitators were to prepare a summary that would constitute the report to plenary on the outcome of the discussions.

78. In response to a request from one representative supported by several others, the committee also decided that the contact groups would have the flexibility to address other issues, time permitting, once they had completed their mandates.

79. Further, the committee agreed that there would be a placeholder for principles in the zero draft of the instrument, and that the committee would invite member States to make written submissions on principles during the intersessional period between its second and third sessions.

80. One representative recalled that the principles guiding the work of the committee were set out in Environment Assembly resolution 5/14.

C. Conclusion of item 4

81. [to be completed]

VI. Other matters

82. [to be completed]

VII. Adoption of the report

83. [to be completed]

VIII. Closure of the session

84. [to be completed]
