



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

Busan, Republic of Korea, 25 November–1 December 2024

**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
the first part of its fifth 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. 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. The third session of the intergovernmental negotiating committee was held at the headquarters of UNEP in Nairobi from 13 to 19 November 2023. The fourth session of the intergovernmental negotiating committee was held at the Shaw Centre in Ottawa from 23 to 29 April 2024. The fifth session of the intergovernmental negotiating committee was held at the Busan Convention Centre, Busan, Republic of Korea, from 25 November to 1 December 2024.

II. Opening of the session

3. The fifth session of the intergovernmental negotiating committee was declared open by Luis Vayas Valdivieso (Ecuador), Chair of the intergovernmental negotiating committee, at 10.15 a.m. on Monday, 25 November 2024.
4. Opening statements were delivered by Mr. Vayas Valdivieso, Chair of the intergovernmental negotiating committee; Inger Andersen, Executive Director of UNEP; Yoon Suk Yeol, President of the Republic of Korea, via video message; Cho Tae-yul, Minister for Foreign Affairs, Republic of Korea,

via video message; Kim Wansup, Minister of Environment, Republic of Korea; and Jyoti Mathur-Filipp, Executive Secretary of the intergovernmental negotiating committee.

5. In his opening remarks, Mr. Vayas Valdivieso said that plastic pollution constituted an urgent and insidious threat to ecosystems, economies and human health. The magnitude of the crisis was evident; without significant intervention, the amount of plastic entering the environment annually by 2040 was expected to nearly double compared to 2022. The decisions made by the committee during the current session would shape history and its work must therefore be conducted with precision, diligence and urgency, while striving for unity. The expertise and advocacy of observers, international agencies, the scientific community, academia, the private sector, civil society and Indigenous Peoples would contribute significantly to the process, with the negotiations representing a collective effort that transcended borders, sectors and generations.

6. The success of the current session was contingent on concerted action, unwavering commitment and bold political will, together with a sustained focus on the mandate provided in United Nations Environment Assembly resolution 5/14. Despite divergent viewpoints on several of the issues to be considered, the importance of addressing plastic pollution through proactive collaboration was universally acknowledged. He urged participants to harness all the tools of multilateralism to overcome their differences and to craft an ambitious treaty, thereby leaving a legacy of hope for the planet and for future generations.

7. In her statement, Ms. Andersen, thanking the Republic of Korea and the city of Busan for hosting the fifth session, acknowledged that 25 November marked 1,000 days since the adoption of the historic resolution of the United Nations Environment Assembly – resolution 5/14, in which the Assembly had mandated the negotiations of the intergovernmental negotiating committee. Plastic pollution was harming the natural systems and species on which humankind depended, damaging ecosystem resilience and very likely also harming human health. The growth in plastic production had also increased greenhouse gas emissions. Accordingly, public and political pressure for action on plastic pollution had intensified since the adoption of resolution 5/14, including among civil society organizations, businesses, Indigenous Peoples and scientists, with increased action being taken in the finance sector and across diverse multilateral forums.

8. The agreement negotiated at the current session would be foundational in combating plastic pollution and should represent an ambitious starting point. While not everything in the agreement would be as detailed as some might wish, the broad contours and strokes of the treaty should be in place. Some of the treaty provisions would be informed by strong precedents in other environmental agreements; slight differences of opinion should not impede rapid progress in those areas and on provisions where there was already convergence of opinion, leaving sufficient time to address the critical issues. Some of the draft provisions would require significant work and attention during the current session, including issues related to plastic products and chemicals, supply, and finance. Ms. Andersen urged members to provide full support to the Chair, to negotiate in good faith and to focus on the most important and urgent issues, while not lowering the bar.

9. In closing, referring to the request in resolution 5/14 for the Executive Director to convene a diplomatic conference of plenipotentiaries for the purpose of adopting the instrument and opening it for signature, Ms. Andersen said that she had encouraged the four Governments that had offered to host the conference to reach consensus on this matter.

10. Welcoming participants to Busan, Mr. Yoon said that an excessive reliance on plastics had led to an exponential increase in plastic waste, jeopardizing the lives of future generations. As a common, global challenge, plastic pollution required immediate action through collective political will in order to reach an agreement. The Republic of Korea had spared no effort in responding proactively to plastic pollution and other environmental challenges, including through measures to reduce plastic waste, to increase recycling and to promote the transition to a circular economy and society. His Government was also committed to sharing its policy experience and resource circulation with the international community and to expanding its green official development assistance. Reaching an agreement at the current session would send a powerful message of hope to the world that any challenge could be overcome through the unification of efforts. To that end, all members should demonstrate solidarity and responsibility for future generations through the finalization of the treaty.

11. Mr. Cho said that, over the previous two years, significant efforts had been made to establish a shared understanding of the measures needed to tackle plastic pollution, including by phasing out problematic plastic products, enhancing product design for recyclability and establishing effective waste management systems. While divergent views remained, challenges could be overcome through political will, by taking the necessary steps for the health and well-being of future generations. His Government firmly supported a legally binding agreement on plastic pollution that addressed the full

life cycle of plastics from production and consumption to waste management, and was prepared to work with all delegations to establish an actionable treaty that was both grounded in scientific evidence and adaptable according to different national contexts. He urged participants to make the current session a milestone in the journey towards ending plastic pollution.

12. In his statement, Mr. Kim said that the current session represented a defining moment that would determine the trajectory of global plastics policy for decades to come. Participants were responsible for channelling their focus and determination in order to safeguard their shared environment and reach agreement on the instrument under negotiation, on which the health of the planet and future generations depended. Member States must build on the significant efforts made thus far, demonstrate flexibility and compromise, and find common ground. Environment Assembly resolution 5/14 represented a landmark accomplishment in environmental multilateralism, and demonstrated the potential of working together. The momentum should be harnessed and the opportunity seized to make the fifth session a lasting success and a milestone in combating plastic pollution.

13. Ms. Mathur-Filipp began by welcoming participants to the fifth session of the committee and thanking the Government of the Republic of Korea for hosting the session. She expressed deep gratitude to all those who had contributed to making the session possible, including the Governments of Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Monaco, the Kingdom of the Netherlands, New Zealand, Norway, Portugal, the Republic of Korea, 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, and members of the committee, observer organizations and the Chair, in addition to colleagues from UNEP and the secretariats of other multilateral environmental agreements, for their support. Successful negotiations at the current session would have a direct impact on the world, as the words of the treaty would be followed by action and implementation. She expressed the commitment of her team to providing full support to ensure that the negotiations were focused, productive and inclusive.

III. Election of officers

14. Introducing the item, the Chair informed the committee that Mohammed Khashashneh (Jordan) had resigned as Vice-Chair. The Chair, thanking Mr. Khashashneh for his service as Vice-Chair of the Committee, said that the Asia-Pacific States had nominated Mohammed Albarrak (Saudi Arabia) to serve as Vice-Chair to replace Mr. Khashashneh for the remainder of his term.

15. In accordance with rules 13 and 45 of the draft rules of procedure that applied to the work of the committee on a provisional basis, the committee elected the following Vice-Chair by acclamation:

Mohammed Albarrak (Saudi Arabia)

IV. Organizational matters

A. Adoption of the rules of procedure

16. Introducing the sub-item, the Chair 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.5/3, would apply to its work on a provisional basis until their adoption, with the exception of the bracketed text in rule 37.

17. He also recalled that, at its second session, the committee had decided to adopt an interpretive statement relating to rule 38, paragraph 1, of the draft rules of procedure, which had been included in the note by the secretariat that accompanied the draft rules.

18. Noting his belief that the committee would continue to work in a spirit of cooperation and consensus, he recalled that the draft rules of procedure would continue to apply to the work of the committee on a provisional basis, as decided at its first session, and that the committee would continue to bear in mind the interpretive statement adopted at its second session.

19. One representative requested the Chair's assurance that decision-making on substantive matters would be taken by consensus and that rule 38, paragraph 1, would not be invoked until the committee had adopted its rules of procedure. He underscored that consensus-based decision-making was indispensable for ensuring fairness, equity, inclusiveness, shared responsibility and collective commitments and actions in all multilateral processes, and that consensus-based decisions would foster a shared sense of ownership of the negotiated outcomes, leading to sustainable and effective solutions and ensuring an end to plastic pollution. His statement was subsequently echoed by a number

of other representatives, including one speaking on behalf of a group of countries, who requested that their statements be reflected in the current report. In addition to stressing the importance of consensus, several representatives said that if any representative were to invoke rule 38, paragraph 1, they would insist on resuming the discussion on the rules of procedure where it was left at the second session of the committee, in Paris.

20. Responding to the request for reassurance, the Chair reiterated his commitment to discussions being held in the spirit of cooperation and consensus, noting that he counted on all members to demonstrate that spirit by participating in the session without the need to resort to paragraph 1 of rule 38.

B. Adoption of the agenda

21. The committee adopted the following agenda on the basis of the provisional agenda (UNEP/PP/INC.5/1):

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.
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

22. Introducing the sub-item, the Chair drew attention to the scenario note for the session (UNEP/PP/INC.5/2), as well as a supplementary note providing further detail relevant to the organization of work (UNEP/PP/INC.5/7), and presented the proposed organization of work, including the proposed co-chairs and mandates of the proposed contact groups.

23. A lengthy discussion ensued, during which many representatives expressed support for the proposed way forward while many others voiced dissatisfaction with various aspects of the proposal, with most of the comments relating to the use of the Chair's non-paper as a starting point for the negotiations.

24. Many representatives, including several speaking on behalf of groups of countries, indicated their desire to use the non-paper as the basis for discussions in the contact groups, saying that it would enable Member States to make the best use of the limited negotiating time remaining to them, even though, as several mentioned, they did not necessarily agree with every word or, as one speaking on behalf of a group of countries said, some of the text was even disappointing. Many noted that the non-paper contained articles for which text still had to be formulated, with several indicating that they intended to submit text proposals. Many recalled that the compilation text agreed at the committee's fourth session also remained available to draw on, and many also stressed that they had come to the session prepared to work in a spirit of compromise and were anxious to begin the negotiations.

25. One representative indicated that his delegation would be willing to use the non-paper as a starting point for discussion only under certain conditions. He stipulated that the compilation text agreed on at the committee's fourth session should have the same status as the Chair's non-paper, that all the provisions of the non-paper, including the titles, should be bracketed, that once in the contact groups, all proposals should be reflected in the text and placed on the screen for members to consider, rather than simply uploaded to the in-session documentation platform, and that the work in the contact groups should cease immediately and plenary resume, should the business in the contact group be carried out in a non-objective manner or in violation of the agreed modalities.

26. Another representative, speaking on behalf of a group of countries, opposed using the non-paper in its present form as a basis for further discussion, saying that it did not reflect all

positions. He suggested that Member States be given time to consider the non-paper and submit their missing positions, and that the Chair then prepare a more balanced version and present it to members for their consideration and feedback. That view was echoed by several other representatives, while another representative said that the compilation text, being the negotiated text agreed on by the committee, should be used as the basis for the resumed discussions.

27. Several representatives made suggestions with regard to the content of the non-paper. One proposed that the scope and principles text from the compilation text be inserted into the non-paper and used as a basis for discussion on that section, while several objected to the inclusion of certain elements, with individual representatives citing supply, chemicals of concern and health, saying that they had no place in the treaty.

28. While many representatives, including several speaking on behalf of groups of countries, agreed with the mandates and schedules proposed for the contact groups and indicated their desire to begin work in the contact groups as quickly as possible, several others asked for changes. Some representatives asked for the contact group mandates to be projected on the screen for approval before proceeding. A number of representatives, including one speaking on behalf of a group of countries, said that objective, scope and principles would form the cornerstone of the treaty and should be given priority, and asked that they be moved up in the contact group discussion schedule.

29. Some representatives commented on the modalities regarding the legal drafting group and intersessional work that would precede the first meeting of the conference of the parties, cautioning that text should not be sent to the legal drafting group until it was agreed, with one saying that only procedural issues should be left for discussion after the diplomatic conference.

30. In response to comments from members, the Chair clarified that his non-paper should serve as a starting point to facilitate negotiations in the contact groups, with the compilation text remaining a valid and authoritative reference document, on the understanding that the entire text of the non-paper was bracketed and should not prejudice the positions of members. Regarding specific proposals made by members, he took note of the request for zero-text options for certain articles and also proposed that the order of work for the proposed contact group 4 be modified so that the discussion of objective, scope and principles would be exchanged with the discussion of articles 17, 18 and 19. He confirmed that all the issues to be considered by the contact groups would receive equal attention and that the principle that nothing was agreed until everything was agreed would be maintained throughout the negotiations.

31. A number of representatives, thanking the Chair for the flexibility shown in his proposals, said that they were also willing to show flexibility and agree to the Chair's proposed organization of work on the understanding that the Co-Chairs of the contact groups would ensure that the views of all members were considered in a balanced and fair manner and that the work of the contact groups was transparent. They expressed concern that the workload for the proposed contact group 4 would be heavier than that for the other three contact groups, and requested that sufficient time be allocated to the group for its discussions. One representative noted his appreciation for the clarification that the compilation of draft text would serve as a reference text for discussions.

32. The intergovernmental negotiating committee agreed to organize its work as described in the scenario note for the session (UNEP/PP/INC.5/2), the proposed programme available on the website for the session, as outlined in the Chair's note providing further detail relevant to the organization of work (UNEP/PP/INC.5/7) and subject to the additional clarifications provided during the discussion. Accordingly, the intergovernmental negotiating committee established four contact groups to finalize the text of the instrument using as a starting point to facilitate discussions the revised draft text set out in the third iteration of the non-paper of the Chair of the Committee, which was based on the compilation of draft text contained in document UNEP/PP/INC.5/4 and the views expressed by members. Contact group 1 would be co-chaired by Maria Angelica Ikeda (Brazil) and Axel Borchmann (Germany), contact group 2 would be co-chaired by Tuulia Toikka (Finland) and Oliver Boachie (Ghana), contact group 3 would be co-chaired by Kate Lynch (Australia) and Gwen Sisor (Palau), and contact group 4 would be co-chaired by Linroy Christian (Antigua and Barbuda) and Han Minyoung (Republic of Korea).

33. Responding to a question from one representative, the Chair clarified that members could make text proposals, including from the compilation of draft text, and that definitions would be discussed by contact group 1.

34. The Co-Chairs of contact group 1 proposed holding informal consultations before the first meeting of the group on any text proposals made by members on the two issues that the group has been mandated to consider for which the Chair's non-paper did not contain any proposed text, namely

plastic products and chemicals of concern as used in plastic products, and supply. Those consultations should not be considered a replacement for contact group negotiations on the issues, and members would have every opportunity during meetings of the contact group to fully consider any such text proposals.

35. At its fourth session, the committee had decided to establish an open-ended legal drafting group to conduct a legal review of any elements of the draft text forwarded to it by the committee with a view to ensuring that the text was drafted in a legally sound manner and make recommendations on the wording to the committee for its consideration. The open-ended legal drafting group, which would be composed of legal experts nominated by members of the committee, was due to commence work at the fifth session. Following the proposal of the Chair, the committee appointed Jean Kenfack (Cameroon), Anik Beaudoin (Canada) and Eyad Aljubran (Saudi Arabia) to serve as Co-Chairs of the open-ended legal drafting group.

D. Attendance

36. Representatives of the following States attended the session: Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czechia, 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, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liberia, Libya, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Niger, Nigeria, Niue, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Tajikistan, 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, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

37. Representatives of the European Union also attended the session.

38. The following intergovernmental organizations and other entities were represented as observers: Asian Development Bank, Cooperation Council for the Arab States of the Gulf, Economic Research Institute for the Association of Southeast Asian Nations (ASEAN) and East Asia, Gas Exporting Countries Forum, Global Environment Facility, International Chamber of Commerce, International Network for Bamboo and Rattan, International Union for Conservation of Nature, Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean, Organization of Eastern Caribbean States, Organisation for Economic Co-operation and Development, Organization of the Petroleum Exporting Countries, Secretariat of the Pacific Regional Environment Programme (SPREP), South Asia Cooperative Environment Programme.

39. The following United Nations bodies, secretariat units and convention secretariats were represented as observers: Food and Agriculture Organization of the United Nations, International Atomic Energy Agency, International Labour Organization, International Maritime Organization, Office of the United Nations High Commissioner for Human Rights, secretariat of the Basel, Rotterdam and Stockholm conventions, United Nations Conference on Trade and Development, United Nations Development Programme, United Nations Environment Programme, United Nations Global Compact secretariat, United Nations Industrial Development Organization, United Nations Institute for Training and Research, United Nations Office for Disaster Risk Reduction, United Nations Office for Project Services, World Bank, World Health Organization, World Trade Organization.

40. A total of 412 non-governmental organizations were also represented as observers. The list of participants is set out in document UNEP/PP/INC.5/INF/12.

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

41. Introducing the item, the Chair drew attention to the compilation of draft text of the international legally binding instrument on plastic pollution, including in the marine environment, which was set out in document UNEP/PP/INC.5/4. He also drew attention to the third iteration of his non-paper, which had been made available on the website for the session.
42. Mr. Boachie (Ghana), Co-Chair of the ad hoc intersessional open-ended expert group to develop an analysis of potential sources, and means that could be mobilized, for implementation of the objectives of the international legally binding instrument on plastic pollution, including in the marine environment, including options for the establishment of a financial mechanism, alignment of financial flows, and catalysing finance, speaking also on behalf of his Co-Chair, Ms. Lynch (Australia), reported on the group's work. The report of the Co-Chairs on the work of the open-ended expert group was set out in document UNEP/PP/INC.5/5.
43. Luay Almkhtar (Iraq), Co-Chair of the ad hoc intersessional open-ended expert group to identify and analyse criteria and non-criteria-based approaches with regard to plastic products and chemicals of concern in plastic products, and product design focusing on recyclability and reusability of plastic products, their uses and applications, speaking also on behalf of his Co-Chairs, Mr. Borchmann (Germany) and Ms. Sisor (Palau), reported on the group's work. The report of the Co-Chairs on the work of the open-ended expert group was set out in document UNEP/PP/INC.5/6.
44. Thanking the Co-Chairs for their presentations, the Chair said that the work of the open-ended expert groups had helped to increase trust in the negotiation process and had aided preparations for the fifth session.
45. The committee took note of the reports.

A. Statements

46. At the 3rd plenary meeting, on Wednesday, 27 November, the intergovernmental negotiating committee heard a statement by a representative of a regional group. The Chair requested that, in the interests of dedicating the remaining time at the session to the negotiation of the text of the proposed instrument, members and observers upload their statements to the online portal for the meeting.¹
47. The representative speaking on behalf of the Coordinating Body on the Seas of East Asia said that the Chair's non-paper should serve as a basis for negotiations at the current session, as it reflected the progress made at previous sessions and was aimed at establishing common ground among members. The member countries of the Body remained committed to promoting collaborative efforts to develop a robust, ambitious, pragmatic and inclusive instrument that addressed the transboundary challenges for preventing and reducing plastic pollution, as well as controlling legacy plastic and microplastic pollution, including in the marine environment. It was important that the future instrument allowed for a just transition, addressed the full life cycle of plastics and promoted circularity, and that it was based on the principles of the Rio Declaration on Environment and Development, also taking into account national circumstances and capabilities. He emphasized the importance of a strong partnership with the scientific community to allow for the establishment of clear environmental and human health criteria in relation to plastic pollution and identifying suitable sustainable alternatives and the need for a robust financial mechanism, with existing multilateral environmental agreements leveraged to improve capacity-building and facilitate technical assistance and technology transfer. The member countries of the Body looked forward to strengthening regional coordination and collaboration to support the implementation of the future instrument.

B. Work of the contact groups and in informal consultations

48. At the 3rd plenary meeting, the committee heard reports from the Co-Chairs of the four contact groups on the progress achieved in those groups.
49. The Co-Chair of contact group 1 said that the group had initially held informal discussions, during which proponents of proposals on plastic products and chemicals of concern as used in plastic products and on supply had introduced their proposals and responded to questions from other members. The contact group had then met three times, beginning their work with a focus on plastic product design. There was broad agreement that design should be a key element of the future

¹ The statements are available at <https://www.unep.org/inc-plastic-pollution/session-5/statements>.

instrument and there had been support for using the Chair's text from non-paper 3 as a basis and starting point for negotiation. A range of opinions had been expressed, with some representatives calling for more stringent measures and legally binding obligations for countries when taking such measures, and some other representatives calling for the deletion of the reference to primary plastic polymers and chemicals of concern. A number of representatives had also referred to the need for sectoral approaches. The group had entrusted the Co-Chairs with preparing a text proposal, with options where necessary, taking into consideration the views expressed during the discussion, as well as those submitted in writing. On plastic products and chemicals of concern as used in plastic products, proponents had been invited to introduce their proposals and highlight ongoing efforts with other members to identify commonalities and areas of convergence, as well as to bridge gaps. Opinions on the need for dedicated provisions on the matter, as well as the nature of any such provisions, had been divergent and the proponents had therefore been invited to engage in informal discussions on the way forward regarding their proposals. The discussion relating to supply had also begun with consideration of submissions from various proponents, with divergent views being expressed on the matter. Some representatives had expressed the view that the issue of supply was not part of the mandate provided in resolution 5/14 and that no provision on the issue should be included, whereas others had highlighted the importance of including such a provision to achieve the overall goal of addressing plastic pollution. Some representatives had identified elements of convergence in the proposals on the matter and expressed an interest in working further on the provision. The Co-Chair emphasized the limited time left to finalize the group's mandates and called for continued flexibility and a spirit of compromise from all members.

50. The Co-Chair of contact group 2 said that the group had met three times and had completed a first round of discussions on the four articles under its mandate, and a second round on plastic waste management. Following a rich exchange of views on proposals for amending the text on the matter set out in the Chair's non-paper 3, the group had entrusted to the Co-Chairs the task of preparing revised text for a proposed article on plastic waste management that reflected the views expressed by members during the discussion in a balanced way and also took into account textual proposals made during the meeting and those submitted through the online portal.

51. The Co-Chair of contact group 3 said that substantive discussions had taken place on the article on finance. Following the submission of proposed text by groups of members and individual countries, the Co-Chairs had been mandated to prepare a synthesis document reflecting the two key text proposals submitted by groups of countries, to serve as the basis for line-by-line negotiations in subsequent meetings. The contact group had also discussed the article on capacity-building, technology assistance and technology transfer, including international cooperation. Line-by-line negotiations had begun, but the additions made to the Chair's draft text had increased the complexity of the article and made it challenging to finalize it within the established timeframe. She urged members to demonstrate flexibility and a willingness to compromise, given the limited time remaining to finalize the text.

52. The Co-Chairs of contact group 4 reported that the group had met three times, with an exchange of views taking place on the preamble, scope, principles, implementation and compliance, and national plans. A first round of editing of the text on objectives, reporting, and effectiveness evaluation and monitoring had also taken place, as well as a round of submissions. In order to support the group's work going forward, in future meetings of the contact group the Co-Chairs would make text proposals for the preamble, objective, scope and principles as well as implementation and compliance; national plans; reporting; and effectiveness evaluation and monitoring, which would be accompanied by a compilation of submissions on the relevant items. The Co-Chairs planned to adopt the same modality for the rest of the elements within the group's mandate.

53. The Co-Chair of the legal drafting group said that, as no text had yet been submitted to the group for review, the group had not yet met but a meeting would be held for all legal experts to provide an overview of the organization of work and working modalities of the group.

C. Discussion

54. In the ensuing discussion, many representatives expressed concern and disappointment at the limited progress made in the discussions, with many representatives, including some speaking on behalf of groups of countries, urging representatives to accelerate work on the text of the proposed instrument. People around the world were watching the current proceedings, several representatives said, while one emphasized that neither the time nor the resources were available to arrange a further round of negotiations after the fifth session.

55. Representatives identified a number of reasons for the lack of progress to date. Several representatives said that the committee had spent too long debating issues that did not advance the negotiations, with some representatives referring to the excessive discussion of procedural matters. Several representatives said that, in some instances, discussions had returned to matters that had already been addressed at previous sessions, including areas on which convergence should have been simple to achieve, such as waste management. Some representatives said that, notwithstanding the need to advance the negotiations, accelerating work should not be achieved at the expense of inclusion and transparency.

56. Many representatives said that progress had been hindered by the approaches of other members to the negotiations, with several representatives saying that some members appeared to be prioritizing interests other than the negotiation of a successful instrument. Several representatives urged committee members to negotiate in good faith, which, said some representatives, had not been the case to date. Several representatives, including one speaking on behalf of a group of countries, emphasized the importance of members showing flexibility in their approaches, while some others, including one speaking on behalf of a group of countries, underlined the importance of constructive engagement as a way to find common ground. Several representatives urged members not to blame others for blocking the negotiations.

57. Many representatives, including some speaking on behalf of groups of countries, suggested ways of improving the working methods of the committee. With regard to the contact groups, several representatives, including one speaking on behalf of a group of countries, said that the role of the Co-Chairs should be strengthened, while some representatives said that a discriminatory approach had been applied to the inclusion of proposals in the discussions of the contact groups. One representative, speaking on behalf of a group of countries, suggested that a deadline should be set for the submission of new text; that, when all avenues had been explored, the Co-Chairs should be given a mandate to combine text from submissions based on discussions in the contact groups, and to produce draft text for negotiation; and that contact groups should be given larger rooms in which to conduct their discussions, in order to adequately accommodate the representatives of members and observers.

58. Negotiations should be based on consensus, said one representative, while others emphasized that they should be member-driven. One representative said that the committee's work should concentrate on agreeing provisions that were acceptable to all delegations. Some representatives urged members to exercise caution when introducing new or underdeveloped issues for consideration at such a late stage in negotiations.

59. Several representatives highlighted the vital importance of delivering on the mandate of Environment Assembly resolution 5/14, noting that the committee was currently failing in that regard. The requirement, in resolution 5/14, that the future instrument should address the full life cycle of plastics made it essential to address plastic production, said some representatives, including one speaking on behalf of a group of countries, while one stressed that supply-side considerations lay outside the mandate granted by the resolution and should therefore not be included in the future instrument. Several representatives underlined the importance of addressing the scope of the future instrument and the principles on which it should be based.

60. Several representatives discussed the process by which the provisions of the future instrument would reach the legal drafting group. A number of representatives supported the proposal of one representative that contact group 4 immediately focus on sending final provisions to the legal drafting group so that it could begin its work. Several representatives however said that they opposed such an approach, as provisions should be agreed upon by the committee in a plenary meeting before being forwarded to the legal drafting group. One representative said that the forwarding of articles to the legal drafting group should not be taken as a signal that those articles had been adopted by the committee in plenary.

61. Representatives of two observers also delivered statements. The full text of statements, when submitted, can be found on the website for the session.

D. Further work of the contact groups and in informal consultations

62. At the 4th plenary meeting, on Sunday 1 December, the Co-Chairs of the contact groups reported on the outcomes of the work of the groups.

63. Contact group 1 had met six times between 26 and 28 November to work on its mandate to address the issues of plastic products and chemicals of concern as used in plastic products; exemptions; plastic product design; supply; and definitions. Since its previous report to the committee in plenary, the group had proceeded to consider the article on definitions and had then briefly turned to

the article on exemptions, before returning to the issue of plastic product design. The group had then been invited to contribute to the Co-Chairs' compilation of inputs received. That same evening, the group had turned to a submission that followed informal consultations on the elements of the proposed articles on plastic products and chemicals of concern.

64. Contact group 2 had met six times, including two further sessions since its previous report to the committee in plenary. During those discussions, the group had conducted textual negotiations on the articles on releases, plastic waste management and existing plastic pollution, on the basis of text proposals put forward by the Co-Chairs. Owing to time constraints, the group had been unable to commence textual negotiations on the article on a just transition. After hearing the views of the committee members, the Co-Chairs of the contact group had provided the text of the draft article for consideration by the Chair, with a view to supporting the development of the new iteration of the non-paper.

65. Contact group 3 had been established with the mandate to consider finance, including the establishment of a financial mechanism, and capacity-building, technical assistance and technology transfer, including international cooperation, reflected in articles 11 and 12 of the non-paper, and to make proposals on the text for consideration by the committee. Since its previous report to the plenary, the group had met a further three times. On finance, discussions had included the presentation of proposals from members and groups of members, comprising views on the types of activities requiring funding; the form and sources of funding; national-level responsibilities for resource mobilization; the role of the governing body in guiding the financial mechanism; the importance of securing new and additional funds; and the establishment of review mechanisms. Following initial discussions, the Co-Chairs had been mandated to prepare a synthesis document reflecting the two multi-country text proposals for the article on finance. Textual line-by-line negotiations had commenced on the first three sections of the Co-Chairs' non-paper, which focused on the link between implementation and the availability of financial resources; the provision of resources in respect of the national activities intended to implement the instrument, in accordance with national policies, priorities, plans and programmes; and special considerations for groups of countries in the light of capacity constraints. Discussions on article 12 on capacity-building had focused on the text provided in the Chair's non-paper, which had been used as the basis for line-by-line negotiations at the request of members. Initial discussions had led to the expansion of the first paragraph. Subsequently, the group had considered its procedures for further work, but had been unable to continue due to time constraints.

66. Contact group 4 had held five meetings over four days to discuss elements related to its mandate, which had covered the preamble; scope; objective; principles; implementation and compliance; national plans; reporting; effectiveness evaluation and monitoring; information exchange; awareness; education and research; health; conference of the parties; secretariat; and final provisions. The outcomes of the discussions, including the views heard in the room and submissions on the online portal, had been reported to the Chair. The pursuit of converging views on the above-mentioned issues would be part of ongoing efforts.

67. Turning to the matter of informal consultations, including those held at the level of heads of delegations, the Chair recalled that, on Friday, 29 November, he had circulated a non-paper containing draft text that built on contributions from the contact group Co-Chairs. While acknowledging the comprehensive nature of the reports from the contact groups, the Chair had endeavoured to summarize certain suggested texts. The document reflected his authorship, and its sole purpose had been to facilitate the work of the committee. Where it had not been feasible to identify specific text proposals, the document included options or marked text in brackets, while also providing for the omission of certain provisions in the instrument, or the so-called "zero option". In preparing the text, he had considered the interest expressed by many delegations in maintaining an open working document, with a view to avoiding a take-it-or-leave-it format. Moreover, the goal had been to foster flexibility and inclusivity in discussions, while seeking to identify areas of convergence. At his request, also on Friday, informal consultations had been held on articles 3, 6 and 11, co-facilitated by Ms. Lynch (Australia) and Ms. Ikeda (Brazil).

68. Subsequently, during the informal consultation at the level of heads of delegation held on the evening of Friday, 29 November, the Chair had heard the reflections of delegations on the non-paper. He expressed his gratitude for their feedback, support and engagement. Additional informal consultations had been held on Saturday, 30 November on articles 3 to 19, co-facilitated by Mr. Christian (Antigua and Barbuda), Ms. Lynch (Australia), Ms. Ikeda (Brazil) and Ms. Toikka (Finland).

69. The co-facilitators reported back on the informal consultations, which had been held in parallel meetings over seven sessions from 29 to 30 November and had been open to all members of the

committee and closed to observers. Delegations had been invited to share their views, with a particular focus on red lines, which had been recorded and conveyed to the Chair for further consideration. Ms. Lynch had facilitated discussions on articles 10, 12, 13 and 14, and had initiated discussions on article 15. A system had been established whereby members had exchanged views on each article in turn, and requested the Secretariat to prepare marked-up views of the text that had subsequently been briefly introduced to the groups. In addition, Ms. Toikka had facilitated an informal drafting group to focus on article 10, which had been followed by bilateral consultations between members. Ms. Ikeda (Brazil) had facilitated discussions on articles 5, 7 and 8. Members had engaged in a robust exchange of views, helping delegations to better understand red line issues and potential areas of convergence. A brief discussion had been held on article 11; interest had been expressed in further discussion on the matter, to be held in an inclusive and comprehensive manner.

70. A joint informal session had subsequently been convened to consider articles 3, 6 and 11, during which members had been asked to exchange views and to identify red line issues. In parallel, Mr. Christian had facilitated consultations on articles 15, 16, 17, 18 and 19, during which members had identified their red lines. While agreement had not been reached on any of those articles, the discussions had emphasized which elements were important to members and why. Moreover, while some members had indicated their preference to exclude certain articles, they had nonetheless shown flexibility by engaging in discussion on the articles in question, and by indicating which changes would make such provisions more acceptable to them. With regard to the article on health, one member had volunteered to consult other interested members in order to develop a text that would capture their views on the matter; that text was ready to be put forward at the appropriate time.

71. Expressing his sincere gratitude to the co-facilitators of the informal consultations and to the Co-Chairs of the contact groups, the Chair informed the Committee that he had consulted extensively with delegations. While there were many areas of convergence, positions remained divergent in others, including on articles 3, 6 and 11, and on principles. Also at the 4th plenary meeting, the Chair presented his draft text and specified that the new text was not intended to be either final or conclusive but rather represented an effort to capture the progress achieved and highlight the critical issues that remained unresolved and required additional time to address. He stressed that all the elements of the text remained in brackets and thus open to future modifications, including suggestions for additions, deletions and amended wording suggested by representatives in subsequent negotiations, adhering to the principle that nothing was agreed until everything was agreed.

72. Noting that the committee had reached the final scheduled day of its fifth session, the Chair informed members that, in his consultations, including with the Bureau, he had determined that there was general agreement to resume the session at a later date to conclude the negotiations. Urging members to build on the progress made at the current session, he expressed the hope that the committee would agree to use the Chair's text of 1 December as the starting point and basis for negotiations at its resumed fifth session.

E. Further discussion

73. At the 4th plenary meeting, on Sunday, 1 December, following the reports by the Co-Chairs of the contact groups and the co-facilitators of the information consultations, a large number of representatives, many of whom spoke on behalf of groups of countries, took the floor to make statements on the Chair's text and resumed session, as well as more broadly on the progress made during the week, their concerns regarding the negotiations and hopes for the outcome, and various other aspects of the process.

74. Those who spoke were generally unanimous in expressing appreciation to the Government of Korea for hosting the session, and to the Chair and Vice-Chairs, the contact group Co-Chairs and facilitators of the informal discussions and the secretariat for their efforts in what had proved to be a challenging week. Almost all reiterated their commitment to the process of negotiating an agreement to end plastic pollution, as agreed by the Environment Assembly in its resolution 5/14. Several representatives, including a number speaking on behalf of groups of countries, expressed disappointment at the failure to make more substantial progress at the current session, although many, including several speaking on behalf of groups of countries, said that they were encouraged by what progress had been made, with a number, including one speaking on behalf of a group of countries, noting growing potential for convergence on substantive provisions and the production of a text that could serve as a basis for future negotiation.

75. A number of representatives, including several speaking on behalf of groups of countries, expressed concern regarding the negotiation process that had unfolded during the course of the fifth session. One, speaking on behalf of a group of countries, expressed disquiet about ongoing calls by

what she described as a small group of countries to remove binding provisions that her group considered indispensable for an effective treaty. Another, also speaking on behalf of a group of countries, said that the negotiations had sometimes appeared increasingly opaque and trending towards a rush to showcase progress, and that the pursuit of expediency had overshadowed the principles of collaboration, undermining trust and jeopardizing the foundation of the process. Several representatives said that the process had lacked inclusivity, with the restrictive rules of procedure hindering effective engagement, particularly for observers. A number lamented the slow progress, particularly on articles that had been subject to mandated intersessional work by experts. Some representatives registered complaints which included the selective way the views expressed by delegations had been captured in the proposed texts, the fact that the work in the contact groups had appeared to be limited to merely collecting the views of the members rather than moving positions towards consensus and the undue pressure placed on small delegations owing to significant delays caused by the procedural processes. Many, including one speaking on behalf of a group of countries, reiterated the importance of working by consensus.

76. There were many calls to fulfil the mandate of Environment Assembly resolution 5/14, which Member States had unanimously endorsed, although views on the exact nature of that mandate diverged. A number of representatives, including several speaking on behalf of groups of countries, underscored that the resolution called for a life-cycle approach in addressing plastic pollution. A number of others, including several speaking on behalf of groups of countries, insisted that the mandate was to end plastic pollution. The importance of remaining focused on plastic pollution and not being diverted to consider other issues that were not relevant to the mandate was noted by one representative. Another representative said that continual wrangling over the mandate of the resolution was hampering the process and putting its credibility at risk; while members laboured over semantics, plastic pollution was rising, with all its resulting harms.

77. Representatives advocating a life-cycle approach generally underscored the need for high ambition to achieve the aims of resolution 5/14. A number of representatives, including several speaking on behalf of groups of countries, specified that an ambitious treaty would be one that led to the elimination of harmful plastic polymers and chemicals of concern and the reduction of primary plastic polymer production to sustainable levels. A number of representatives also stressed the importance of strong provisions on plastic design, and others emphasized the importance of traceability of both plastic products and plastic polymers and chemicals of concern, with one noting that an effective certification process would be an effective tool in fighting related illegal imports and transboundary plastic pollution. One representative underlined the critical importance of specific provisions relating to fishing gear.

78. Many representatives, including several speaking on behalf of groups of countries, highlighted the need for a financial mechanism, with one specifying that it should be independent, and another that it should be innovative, in recognition of the need for a transformation of the international financial architecture to consider a wider landscape of financial flows. Several representatives underlined the fact that, without adequate additional, predictable financial support, developing countries would not be in a position to implement the measures required by any future instrument, rendering the instrument meaningless. One representative said that it was critical that the particular needs of countries with economies in transition were considered in relation to any financial mechanism. Some representatives underlined their countries' continuing resolve with regard to financial resources to support countries to implement the future instrument. One representative voiced concern that the provisions on the financial mechanism contained in the Chair's text of 1 December had not been proposed in good faith and another representative said that the provisions should contain much more detailed information on the future financial mechanism, including possible sources of funding and processes for applying for funds. One representative emphasized the need for an independent compensation mechanism for reparation of damages suffered by developing countries.

79. A number of representatives also stressed the importance of robust provision for capacity-building, technical assistance and technology transfer, with one representative noting that an ambitious instrument would only be possible with financial and technological support at its core.

80. Several representatives speaking on behalf of groups of countries called for the inclusion of special provisions for small island developing States, which, they said, were disproportionately affected by plastic waste in the marine environment, as well as for least developed countries, with some, including one speaking on behalf of a group of countries, also stressing the need for an obligation of remediation.

81. A number of representatives, including one speaking on behalf of a group of countries, emphasized the importance of the provisions on a just transition, in particular in relation to the

recognition of the rights of Indigenous Peoples, women and children, and waste pickers. Many of those calling for high ambition also noted that certain basic elements were required to make any global treaty effective. In that regard, a number of those intervening, including some speaking on behalf of groups of countries, cited the fundamental importance of clear, legally binding measures and effective and ambitious means of implementation. Several representatives, including a number speaking on behalf of groups of countries, mentioned the need to provide for the establishment of a subsidiary body to guide implementation and accelerate action and, while fostering consensus, also allowing for voting when consensus could not be reached. One representative speaking on behalf of a group of countries said that an effective treaty would provide for the adoption of new annexes or amendments to annexes, while another representative said that a cooperation mechanism was needed.

82. Several representatives advocating high ambition stressed the urgency of concluding the negotiations, citing plastic's many adverse effects on health and the environment, and the cost of inaction, particularly for younger and future generations. Others, despite supporting high ambition, said that the committee should take the time needed to arrive at an ambitious treaty through consensus, to ensure inclusivity. One representative said that countries did not have to wait for a global instrument in order to start establishing and implementing relevant policies at the local and national levels.

83. A number of representatives, including some speaking on behalf of groups of countries, cautioned against haste, highlighting the many economic sectors that relied on plastics and suggesting that phasing out plastic itself rather than plastic pollution risked undermining global progress and exacerbating economic inequalities. One representative said that setting production limits would adversely affect his country's economic stability and development and another said that any future instrument needed to respect national sovereignty. The differing conditions and capacities of countries should be borne in mind, said several representatives, including one speaking on behalf of a group of countries, and it was therefore important that an excessive burden was not placed on developing countries. Several representatives said that it would be unproductive to introduce targets that countries were unable to meet. In addition, several representatives, including one speaking on behalf of a group of countries, said that a balance needed to be struck between preventing plastic leaking into the environment and enabling sustainable development, while a number of representatives advocated establishing a transition period to help countries to adapt. One representative noted, however, that economic development that harmed people and the planet was not worth having and could not be considered sustainable development.

84. Several representatives expressed support for the adjournment of the fifth session and its continuation in 2025, with one representative saying that the lack of final agreement should be seen not as a failure, but as a wake-up call. With regard to the date of the resumed fifth session, one representative said that it should be held as early as possible, a number said that it should take place in the next few months and certainly in the first half of 2025, and several others, including one speaking on behalf of a group of countries, said that it should be held no sooner than midway through 2025, to allow time for more preparatory work. It was vital to use the time before the resumed fifth session to prepare adequately, said some representatives, including several speaking on behalf of groups of countries, as the committee had much work to do to resolve issues and build convergence. One representative requested the Chair to ensure that as many consultations and dialogues were advanced between as many groups as possible in the time available, and another insisted that regional consultations should continue. One representative recalled that it was important to bear in mind in negotiations that compromise was a sign of strength, not weakness.

85. Many representatives, including a number speaking on behalf of groups of countries, made suggestions relating to the method of work at the resumed fifth session. Future engagement should follow standard modus operandi for multilateral negotiations, said one representative, with clear modalities and the avoidance of sudden changes in approach. One representative said that the modalities of work of the contact groups should be reviewed in their entirety, while a number of others said that the prioritization at the fifth session of informal contact group meetings over formal discussions should not be repeated. A number of representatives said that the resumed fifth session should begin with discussion of the scope and definitions of the treaty, given the lack of shared understanding in those areas; another, speaking on behalf of a group of countries, said that renewed focus should be placed on the principles of multilateralism in order to foster inclusivity; while yet another said that it would be important to include all stakeholders in the negotiations, including waste pickers. One representative underlined the importance of ensuring that the provisions of the future instrument did not overlap with those of existing multilateral environmental agreements, such as the United Nations Convention on the Law of the Sea. Another stressed that it would be important for all members to show solidarity by avoiding restating their positions and focusing instead on showing flexibility in order to reconcile competing interests.

86. Most of the representatives who spoke agreed to use the Chair's text of 1 December in further negotiations. Many welcomed the Chair's text as a significant step forward, even if it needed further work, while several voiced reservations about the text, but agreed to its use in the interests of progress and constructive engagement. Many representatives expressed dissatisfaction with the Chair's text of 1 December, which, they variously said, was not balanced, had eliminated already negotiated text, failed to reflect all proposals, lacked comprehensiveness, and had been prepared in a way that was not transparent. Several representatives, including one speaking on behalf of a group of countries, said that the Chair's text of 1 December had crossed their red lines. A number of representatives, including some speaking on behalf of groups of countries, said that it should be understood that, at the resumed session, members would be able to propose additions, deletions or modifications to any part of the text. One representative, speaking on behalf of a group of countries, said that it was regrettable that a clean text without brackets had not been produced. Another representative speaking on behalf of a group of countries said that it was unclear why certain proposals had appeared immediately to be included while others had been set aside, and another representative underlined the importance of respecting the views of both developing and developed countries. Several representatives, including one speaking on behalf of a group of countries, expressed a preference for using the Chair's text of 29 November as the basis for negotiations. Several representatives said that their understanding that the entirety of the Chair's text could be renegotiated was crucial to their willingness to accept it as a basis for future work. One representative speaking on behalf of a group of countries said that the compiled text should continue to be used as a reference tool, while another said that reverting to the compiled text was completely unacceptable.

87. A number of representatives commented on specific provisions in the Chair's text of 1 December. A number of representatives expressed regret at the removal from the Chair's text of 1 December of the text on the scope of the treaty, with several stressing the importance of that issue. Many representatives, including a number speaking on behalf of groups of countries, commented on the article on plastic products, with one requesting that the list contained in the annex to the article be deleted, while another said that his country did not support the inclusion of pre-established lists of plastic products and chemicals. Some representatives welcomed the article on plastic products, which represented an exception, having been prepared following dialogue with interested members, including contributions from 60 countries from all regions. A number of representatives said that the article on health should be expanded to also include animal health, biodiversity and ecosystems, in accordance with the One Health approach, while another expressed support for a standalone article on health, given that the plastic pollution crisis was a health crisis. One representative suggested that an expert group should be established to work on definitions for the instrument and present that work at the resumed fifth session. Regarding the article on the financial mechanism, several representatives, including one speaking on behalf of a group of countries, questioned why the conference room paper they had submitted on the matter, which had received the support of over 120 delegations, had not been reflected in the language of the various iterations of the Chair's text, including that of 1 December.

88. The world could wait no longer to end plastic pollution, said one representative speaking on behalf of a group of countries, who, along with another representative speaking on behalf of a group of countries, requested the Executive Director of UNEP to work to ensure ministerial presence at the resumed fifth session in order to help push the agreement over the finish line.

89. One representative expressed support for the establishment of the secretariat of the future instrument at the headquarters of UNEP in Nairobi, in accordance with decision 18/2 of the African Ministerial Conference on the Environment and paragraph 88 of the outcome document of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, entitled "The future we want".

90. Representatives of nine observers also delivered statements. The full text of statements made by members and observers, when submitted, can be found on the website for the session.

91. The committee agreed that the draft text circulated by the Chair on 1 December would be used as the starting point for negotiations on the future instrument at the resumed fifth session, without prejudice to the right of any member to propose additions, deletions or modification to the text during that session, and that the negotiations would be conducted on the basis of the principle that nothing was agreed until everything was agreed. The Chair's text of 1 December is set out in the annex to the present report.

VI. Other matters

92. No other matters were raised.

VII. Adoption of the report of the session

93. Introducing the draft report of the session, covering its first three plenary meetings, the Rapporteur proposed that the committee adopt the report on the understanding that its finalization would be entrusted to the Rapporteur, in conjunction with the secretariat, in accordance with the usual practice for the adoption of in-session reports. One representative proposed instead that the committee adopt the existing text summarizing the proceedings of the first three plenary meetings, up to paragraph 62 of the draft report that had been circulated, and that the adoption of the remainder of the report be deferred to the resumed fifth session. The committee therefore adopted the existing text in the draft report, on the basis of the draft report that had been circulated, on the understanding that it would be invited to adopt the remainder of the report, once drafted and circulated to all members, at the resumed fifth session.

VIII. Closure of the session

94. Following the customary exchange of courtesies, the session was adjourned at 2.50 a.m. on Monday, 2 December 2024, to be resumed at a later date.

ADVANCE

Annex***CHAIR'S TEXT¹****[PREAMBLE**

The Parties to this Convention,

Noting with concern that the high and rapidly increasing levels of plastic pollution, including in the marine environment, represent a serious environmental and human health problem, negatively impacting the environmental, social and economic dimensions of sustainable development,

Acknowledging the important role played by plastics in human society, and stressing the importance of establishing effective mechanisms throughout the plastic lifecycle to promote plastic circularity and prevent leakage of plastics in the environment,

Recognizing the significant contribution made by all workers in the plastics sector, especially those that are in informal and cooperative settings and small and medium-sized enterprises, to the collection, sorting and recycling of plastics in many countries,

Underlining the importance of science-based decision-making and the contributions of scientific, economic, social, and technical information, including traditional knowledge and indigenous knowledge systems, for the implementation of measures to reduce plastic pollution and to improve the understanding of the full life cycle of plastics and of the global impact of plastic pollution and measures to address them,

Reaffirming the principles of the Rio Declaration on Environment and Development, adopted in Rio de Janeiro, Brazil, in 1992, including, *inter alia*, the principle of common but differentiated responsibility and respective capabilities, sustainable development and the sovereign right of states to exploit their own resources pursuant to their own environmental and developmental policies,

Recognizing that this Convention and other international agreements in the field of the environment are mutually supportive,

Emphasizing that nothing in this Convention is intended to affect the rights and obligations of any Party deriving from any existing international agreement,

Understanding that the above recital is not intended to create a hierarchy between this Convention and other international instruments,

Noting the importance of taking into account national circumstances and capabilities in the implementation of relevant provisions of this Convention.

Noting that nothing in this Convention prevents a Party from taking additional domestic measures consistent with the provisions of this Convention in an effort to address plastic pollution in accordance with that Party's other obligations under applicable international law,

Have agreed as follows:

* The annex is presented without formal editing.

¹ This draft text was developed building on the outcomes of the informal consultations on 30 November and contributions from the Co-Chairs of the Contact Groups and facilitators of the informal consultations.

ARTICLE 1 OBJECTIVE

1. The objective of this Convention is to protect human health and the environment from plastic pollution, including in the marine environment [based on a comprehensive approach that address the full life cycle of plastics].

ARTICLE 1bis PRINCIPLES AND APPROACHES

Option 0

No Article

Option 1

1. In their actions to achieve the objective of this Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

- (a) The Rio Declaration on Environment and Development, adopted in Rio de Janeiro, Brazil, in 1992, including, inter alia, the principle of common but differentiated responsibility and respective capabilities, sustainable development and the sovereign right of states to exploit their own resources pursuant to their own environmental and developmental policies,
- (b) Right of development is inherent to human right, all peoples have an equal right to matters relating to safe living means. Economic development is the prerequisite for adopting measures to address plastic pollution. Developing countries have a right to grow sustainable consumption to meet social and economic development needs.
- (c) Principle of sovereignty of States in international cooperation to address the issue of plastics pollution in a facilitative, non-intrusive and non-punitive manner, and avoiding any undue burden being placed on Parties.
- (d) In accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.
- (e) Protect the environmental system for the benefit of present and future generations of humankind, on the basis of historical responsibility, equity and in accordance with their common but differentiated responsibilities between developed and developing countries, taking into account developed countries' historical contribution to plastic pollution due to high production and consumption levels, industrial activities, and waste management practices.
- (f) Ensure that measures taken to combat plastic pollution, including unilateral ones, do not introduce trade distortions and constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.
- (g) Just and equitable transitions should respect nationally defined development priorities and ensure social and economic protections. This approach aims to mitigate impacts of such transitions, recognizing the diverse pathways needed to address plastic pollution and the differing financial, technical and technological burdens between developed and developing countries.
- (h) Precautionary approach must be in a cost-effective manner and aligned with national circumstances, capabilities and different socioeconomic context.
- (i) In the implementation of the commitments in this Convention, the Parties shall give full consideration of necessary actions under the Instrument, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of plastic pollution and the impact of the implementation of response measures.

Option 2

1. In order to achieve the objectives of this Convention, Parties shall be guided by the following principles:
 - (a) The polluter-pays principle;
 - (b) The precautionary principle, as appropriate;

- (c) The principles of international law embodied in the Charter of the United Nations, such as the principles of equal rights and self-determination of peoples, of sovereign equality and independence of all States, of non-interference in the domestic affairs of States, and of universal respect for, and observance of, human rights and fundamental freedoms for all;
- (d) The special circumstances of small island developing States (SIDS) and of least developed countries, and the disproportionate impacts of plastic pollution on small island developing States.
- (e) The use of the best available science and scientific information.
- (f) The use of relevant traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, where available.

Option 3

In their actions to achieve the objective of the Convention and to implement its articles, the Parties shall be guided, *inter alia*, by the principles of international law embodied in the Charter of the United Nations and the principles of the Rio Declaration on Environment and Development, including the sovereign right of States to exploit their own resources pursuant to their own environmental and developmental policies as set out in Principle 2, the right to development as set out in Principle 3, the principle of common but differentiated responsibilities as set out in Principle 7, the precautionary approach as set out in Principle 15, and the polluter pays principle as set out in Principle 16 thereof.

ARTICLE 2 DEFINITIONS²

For the purposes of this Convention:

- (a) “**Party**” means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force.
- (b) “**Plastic**” means material(s) made wholly or partly of synthetic or semi-synthetic polymers, including additives or other substances, that can be shaped during processing and serve as structural components of products.
- (c) “**Plastic pollution**” means:
 - i. [pollution caused by or released throughout the life cycle of plastics]
 - ii. [all emissions and releases resulting from plastic production, use, waste management and leakage from different sources and pathways]
- (d) “**Plastic product**” means a product which contains or is partly or entirely made of any form of plastic.
- (e) “**Plastic waste**” means materials of substance consisting of plastic which are disposed of, intended to be disposed, or required to be disposed of by the provisions of national law.
- (f) “**Regional economic integration organization**” means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention, and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention.

[ARTICLE 3 PLASTIC PRODUCTS³

[1. Each Party shall, [in accordance with its national circumstances, capacities, [capabilities] and socio-economic considerations,] take [appropriate [technical,] legislative, administrative, [or] [market-driven] [or other]] measures [in a non-discriminatory manner] to [prohibit [or reduce] the manufacture, export or import] [address], manage, [reduce, [or prohibit,]]] as appropriate [with the view to maintain sustainable production], of [single use or short lived] plastic products [that] [are proven by scientific evidence to] [meet] [any] [all] [one or more] [based on the criteria developed by the Review Committee including] of the following criteria [and that it identifies as consistent with paragraph 1*bis*):

² Definitions alternatively, can be addressed in the annex to the Convention, providing for a more flexible approach to any future adjustments.

³ Pending further consultations.

- a. are [hazardous] [highly] [likely] [to be littered or to enter the environment] [or pose a risk to human health or the environment];
- a alt. [Sufficient scientific evidence is available that the leakage to the environment occurring from such a product application poses a threat to the environment]
- b. [contain [hazardous] [a chemical or] chemicals [for which the Party has identified a risk] [that pose] [risk[s]] of concern to human health or the environment [associated with the use of that product];]
- c. are not capable of being reused, recycled, [or composted] [and design innovation for recyclability is not feasible] [in practice and at scale];
- d. [[may] disrupt [inhibit] the circular economy [on a large scale];] [or] [and]
- e. [contain intentionally-added microplastics [and other chemicals that are toxic to the environment or to human health].]

1bis. [In implementing paragraph 1, each Party shall identify products based on the factors in paragraph 5b, as appropriate, and the products listed in Annex [X].]

2. [Each Party shall, in accordance with the provisions of this Article [X on Reporting] [taking into account national circumstances and capabilities], provide the Secretariat with a report detailing the measures adopted in implementing [paragraph 1] [this article], [the rational and evidentiary basis for the measure,] the outcomes achieved, and any challenges encountered. The Secretariat shall make such reports publicly available.]

3. [The Conference of the Parties shall, at its first meeting, establish a[n ad hoc open ended] [subsidiary body] [Committee] to be called the [Scientific-Technical-Economic-[Social]-Cultural]] Review] Committee (the ["Review] Committee").]

4. The [Review] Committee shall [, inter alia], as appropriate, develop [guidance][guidelines] and provide relevant information, [advice, and recommendations] [including development of a robust and scientific framework of criteria and the evaluation] to assist Parties in the implementation of the measures taken to implement [paragraph 1] [this article] [, as well as compile and review the information provided by the Parties pursuant to paragraph 2]. Such guidance, [information,] [advice, or recommendations] shall be submitted to the COP for [consideration and] [adoption] [by consensus].

4bis. [Each Party shall not allow the manufacture, import or export of plastic products as listed in Annex [Y (Plastic products)] after the phase out date specified for that plastic product in Annex [Y], except where the Party has a registered exemption to this paragraph pursuant to Article [Article on Exemptions].]

4ter. [The Review Committee shall be expert based. Members are to be elected by the Conference of the Parties and on the basis of equitable geographical representation. The review Committee modalities and procedures shall be established by the Conference of the Parties at its first meeting.] [Such Committee shall develop the criteria and the obligations of Parties to apply such criteria]

5. [Any Party may submit a proposal to the Secretariat for the inclusion of a [single use or short-lived] plastic product [on [a] [the] [global] list] [with no phase out date] [in Annex [Y]] [in Annex X for consideration by the governing body in accordance with Article [Adoption and Amendment of Annexes] [which will also guide Parties to effectively implement paragraph 1.]. Such a proposal shall include:

- (a) a detailed justification demonstrating how the product meets [any][one or more] [of] the criteria [set out in paragraph 1] [to be developed and adopted by the Conference of the Parties], [and
- (b) scientific or technical information on:]

[The [Review] Committee shall evaluate the proposal in a transparent [and on the basis of the best available science and relevant traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems] [and scientifically sound] manner. [If the [Review] Committee determines that the criteria are met, it shall recommend to the COP whether the product should be added to the [global] list]. [The [Review] Committee may, taking into account the criteria in paragraph 1 and the following factors, recommend to the COP that the product be added to Annex [Y]:]]

5bis. [The Conference of the Parties shall establish and maintain a database of information referred to in paragraph 2 of this Article. The database shall be publicly available. At its first meeting, the Conference of the Parties shall adopt the format of report of information referred to in paragraph 2 of this Article.]

6. [The [Review] Committee [may] [will] [shall] [on the request of the Conference of the Parties] ~~be made~~ develop recommendations on possible actions to be taken with respect to a plastic product included in the [global] list [in annex

[Y]]. [Such recommendations shall take into account [the criteria listed in paragraph 1 and] [at least] [among other] the following factors:]]

- (a) The necessity of the plastic product and its intended use;
- (b) The performance, safety, environmental impact, technical feasibility, affordability, availability, and accessibility of alternative products or methods;
- (c) The risk posed by chemicals of concern contained in the plastic product;
- (d) The socio-economic impacts of any proposed control measures;
- (e) [Where relevant,] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples and local knowledge systems, [local practices], and scientific and technological advances]

7. [The recommendations of the Review Committee shall be submitted to the COP [for adoption] [by consensus].]

7bis. [The Conference of the Parties, taking due account of the recommendations of the Review Committee, shall decide whether to include the plastic product in Annex [Y].]

7 alt bis. [The Conference of the Parties, taking due account of the recommendations of the Review Committee, including any scientific uncertainties, shall decide whether to initiate global action pertaining to nominated plastic products and shall specify its related measures to be taken, including their listing in Annex [Y]].]

8. [Any measures taken by a Party in the implementation of this Article shall [be based on scientific evidence and] not be applied in a manner that constitute[s] [a means of] arbitrary or unjustifiable discrimination between Parties where similar conditions prevail, nor shall they serve as a disguised restriction on international trade.]

8 Alt. [Each Party shall not allow the manufacture, import or export of plastic products as listed in Annex [Y] after the phase out date specified for that plastic product in Annex [Y], except [where an exclusion is specified in that Annex or] the Party has a registered exemption to this paragraph pursuant to Article [X on Exemptions).]

8bis. [Each Party shall require producers, importers and exporters of plastic products to ensure adequate and reliable information on chemicals used in plastic products along the various value chains, and take appropriate measures to ensure the traceability of chemicals, including in plastic products and wastes, based on globally harmonized guidelines to be adopted by the Conference of parties at its [second] meeting.”]

8ter. [Each Party shall, in accordance with the provisions of Article [X on Reporting], [provide the Secretariat with a report detailing] report on the measures adopted in implementing paragraph 1, 7 and 8 [the outcomes achieved, and any challenges encountered. The Secretariat shall make such reports publicly available].]

8quater. [Any measures established by a Party for the implementation of this Article shall be without prejudice to the rights and obligations of the Parties under the Marrakesh Agreement Establishing the World Trade Organization, including all its Annexes.]

8quinquies. [Each Party shall endeavour to ensure the availability of information on plastic products and on prioritised chemicals in plastic products along the various value chains, and ensure the traceability of chemicals used in plastic products, based on guidelines to be adopted by the Conference of the Parties at its second meeting.]

8sextiens. [A subsidiary body under this instrument to assess and facilitate the provision of financial and technical assistance including technology transfer to developing country Parties on voluntary and mutually agreed terms in line with the principles Rio Declaration on Environment and Development to support the implementation of the article.]

Annex Y⁴

Plastic Products

[Part I] Products [or product group]	Phase out date
Single use plastic sticks to be attached to and to support balloons	[203X]
Single use plastic straws	[203X]
Single use plastic beverage stirrers	[203X]
Single use plastic cutlery/ utensils (forks, knives, spoons, chopsticks)	[203X]

⁴ To be included as Annexes at the end of the document subject to further consultations.

[Part I] Products [or product group]	Phase out date
Single use plastic-stemmed cotton bud sticks	[203X]
Single use plastic carrier bags	[203X]
Rinse-off cosmetics and personal care products containing intentionally added microbeads	[203X]
[Part II] Products [or product group] [containing chemicals]	
Toys and children's products and Food contact material containing: <ul style="list-style-type: none"> - DEHP (CAS number 117-81-7) - DBP (CAS number 84-74-2) - BBP (CAS number 85-68-7) - DIBP (CAS number 84-69-5) 	[203X]
Toys and children's products and Food contact material containing: <ul style="list-style-type: none"> - Lead and lead compounds - Cadmium and cadmium compounds 	[203X]
Toys and children's products; Food contact material intended for children under 3 years of age containing: <ul style="list-style-type: none"> - BPA (CAS number 80-05-7) 	[203X]

Annex [X]

- Rinse-off cosmetic and personal care products containing intentionally added microbeads
- Single-use plastic straws
- Single use plastic beverage stirrers
- Single-use plastic cutlery/utensils (forks, knives, spoons, chopsticks),
- Single-use plastic food and beverage packaging made from EPS (expanded polystyrene), and XPS (extruded polystyrene)
- Single-use plastic carrier bags
- Oxo-degradable plastic products
- Cigarette filters made with plastic]

ARTICLE 4 EXEMPTIONS⁵

1. Any State or regional economic integration organization may register for one or more exemptions from the phase-out dates listed in Annex [Y], hereafter referred to as an "exemption", by notifying the Secretariat in writing:

- (a) On becoming a Party to this Convention; or
- (b) In the case of any product that is added by an amendment to Annex [Y], no later than the date upon which the applicable amendment enters into force for the Party.

Any such registration shall be accompanied by a statement explaining the Party's need for the exemption.

2. The Secretariat shall establish and maintain a publicly available register of exemptions, which shall include:

- (a) A list of the Parties that have registered one or more exemptions in accordance with paragraph 1;
- (b) The exemption or exemptions registered for each Party; and
- (c) The expiration date of each exemption.

⁵ Pending consultations on article 3.

3. Unless a shorter period is indicated by a Party, all exemptions pursuant to paragraph 1 shall expire five years after the relevant phase-out date listed in Annex [Y].
4. The Conference of the Parties may, at the request of a Party, decide to extend an exemption for five years unless the Party requests a shorter period. In making its decision, the Conference of the Parties shall take due account of:
 - (a) A report from the Party justifying the need to extend the exemption and outlining activities undertaken and planned to eliminate the need for the exemption as soon as feasible; and
 - (b) Available information, including in respect of the availability of alternative products.

An exemption may only be extended once per product per phase-out date.

5. A Party may at any time withdraw an exemption upon written notification to the Secretariat. The withdrawal of an exemption shall take effect on the date specified in the notification.
6. Notwithstanding paragraph 1, no State or regional economic integration organization may register for an exemption after five years after the phase-out date for the relevant product listed in Annex [Y], unless one or more Parties remain registered for an exemption for that chemical or product, having received an extension pursuant to paragraph 5. In that case, a State or regional economic integration organization may, at the times set out in paragraphs 1 (a) and (b), register for an exemption for that product or process, which shall expire ten years after the relevant phase-out date.
7. No Party may have an exemption in effect at any time after ten years after the phase-out date for a product listed in Annex [Y].

ARTICLE 5 PLASTIC PRODUCT DESIGN

1. Each Party shall, taking into account its national circumstances and capabilities, take appropriate measures to:
 - (a) improve plastic product design, in pursuit of circular economy approaches, in order to:
 - i. contribute to sustainable production and consumption of plastics by increasing reuse and recycling of plastics, including, as appropriate, through reuse and recycled content targets;
 - ii. improve the durability, reusability, refillability, refurbishability, repairability and recyclability of plastic products, and promote the use of safe and sustainable additives;
 - iii. ensure disposal of plastic products in an environmentally sound manner in accordance with the waste hierarchy; and
 - iv. minimize releases of plastic, including microplastics, during the product life.
 - (b) foster research, innovation, development and use of sustainable and safer alternatives and non-plastic substitutes, including products, technologies and services, taking into account environmental, economic, social and human health aspects and their potential for waste reduction and reuse, as well as availability, accessibility and affordability, based on life cycle assessments and best available science, and, where relevant, traditional knowledge, knowledge of Indigenous Peoples and local communities.
2. The Conference of the Parties shall establish a process and schedule of work for the development of specific guidance for priority plastic products, through a sectoral approach, to assist Parties in their implementation of this Article. The Conference of the Parties shall adopt and review, and update, as appropriate, such guidance, within a reasonable timeframe.
3. In implementing paragraph 1 of this Article, Parties should take into account relevant international rules, standards, and guidelines. Parties are encouraged to cooperate with relevant international organizations towards the development of relevant international rules, standards, and guidelines at the multilateral level to support the implementation of this Article.
4. Each Party shall ensure that measures taken to implement this Article do not create unnecessary obstacles to international trade and are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade.

ARTICLE 6
[SUPPLY][SUSTAINABLE PRODUCTION]

Option 1

No Article

Option 2

[1. The Conference of the Parties shall, at its first meeting, adopt [as an annex to this Convention] a[n] [aspirational] global target to [reduce] [maintain] [manage] the [consumption and] production [and consumption] [and use] of [primary] plastic[s] [polymers] [to reduce plastic pollution through consumption] [to sustainable levels].]

[2. Each Party shall [, as appropriate] take measures across the full lifecycle of plastics to [achieve] [contribute to] the global target referred to in paragraph 1.]

[3. Each Party shall report [available] statistical data on [its] [efforts to manage the consumption and its] production, [imports and exports] [of primary plastic polymers] [and consumption of plastics] and the measures taken [to achieve the global target referred to in] [under] paragraph [1] [2].]

[[4. The Conference of the Parties shall, at its first meeting, adopt the reporting format, timing, methodologies and guidance for the implementation of this Article.]]

[5. The Conference of the Parties shall, every five years, [based on] [taking into account] a scientific, technical [social, cultural] and economic assessment by the subsidiary body referred to in Article 20bis, review progress [in the implementation of this Article] and, as appropriate, update the global target referred to in paragraph 1.]

ARTICLE 7
RELEASES AND LEAKAGES

1. Each Party shall take measures to prevent, reduce, and, where possible, eliminate:
 - (a) releases and leakages of plastics, including microplastics, into the environment and from all sources;
 - (b) releases and leakages of plastic pellets, flakes and powders to the environment and aquatic systems, taking into account other relevant international instruments;
 - (c) plastic pollution from fishing activities including, but not limited to abandoned, lost, or otherwise discarded fishing gear, in the marine environment, taking into account other relevant multilateral agreements on this subject as well as the needs of artisanal and small-scale fishers.
2. Parties should cooperate in researching leakages and releases of plastics into the environment, including available, affordable and accessible technologies and measures for preventing releases and leakages into the environment.
3. In implementing paragraphs 1 and 2, each Party shall promote the use of best available and affordable technologies and environmental practices on preventing releases and leakages of plastics into the environment.
4. The Conference of the Parties may adopt guidance to support implementation of this article.
5. In implementation of this article, Parties may take into account national circumstances and capabilities.

ARTICLE 8
PLASTIC WASTE MANAGEMENT

1. Each Party shall take measures to ensure that plastic waste is managed in an environmentally sound manner, taking into account relevant guidelines developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other relevant agreements and organizations and guidance referred to in paragraph 6.
2. In implementing paragraph 1, each Party shall, taking into account national circumstances and capabilities, take measures, including to:

- (a) Establish appropriate systems and disaster-resilient infrastructure at the national and subnational levels for the safe handling, sorting, collection, transportation, storage, recycling and disposal, including with energy recovery, of plastic waste;
- (b) Promote circular economy approaches;
- (c) Set objectives and targets at the national level to increase the collection and recycling rates of plastic waste;
- (d) Prevent littering, and prohibit open dumping, open burning and ocean dumping of plastic waste, taking into account internationally agreed rules;
- (e) Prevent and reduce abandoned, lost, or otherwise discarded plastic fishing gear;
- (f) Promote a just transition for plastic waste management workers, especially waste pickers and other informal workers, including women, youth and small and artisanal fishers; or
- (g) Promote behavioural changes to prevent and minimize plastic waste, including by raising public awareness.

3. Each Party shall take appropriate measures to ensure that transboundary movement of plastic waste is allowed only for the purpose of environmentally sound management. Parties that are also Parties to the Basel Convention shall take appropriate measures to ensure that transboundary movement of plastic waste is carried out in accordance with the obligations of the Basel Convention and developed country Parties shall take measures to prohibit the export of plastic to developing country Parties. In circumstances where the Basel Convention does not apply, a Party shall take appropriate measures to ensure that transboundary movement of plastic waste is allowed only after taking into account relevant national and international rules, standards, guidelines and guidance referred to in paragraph 6.

4. Each Party is encouraged to take measures to establish or promote the development of extended producer responsibility approaches and, as appropriate, other economic instruments within its jurisdiction, taking into account the shared responsibilities of relevant stakeholders to ensure the environmentally sound management of plastics, throughout their life cycle.

5. The Conference of the Parties, to support the implementation of this article, may establish programmes of work and develop guidance in cooperation, as appropriate, with the Conference of the Parties to the Basel Convention on the control of transboundary movement of hazardous waste and their disposal and other relevant agreements and organizations.

ARTICLE 9 EXISTING PLASTIC POLLUTION

1. Each Party should, taking into account national circumstances and capabilities:
 - (a) identify, evaluate, and monitor locations or accumulation zones most affected by existing plastic pollution within its national jurisdiction, and cooperate, as appropriate, with other Parties, relevant international or regional organizations or other stakeholders with respect to existing plastic pollution in areas beyond national jurisdiction; and
 - (b) take appropriate removal measures in an environmentally sound manner, including clean-up activities in such identified affected locations or accumulation zones within areas of national jurisdiction and cooperate, as appropriate, to do so in areas beyond national jurisdiction.
2. When implementing any activities under paragraph 1, each Party should:
 - (a) take into account any relevant guidance adopted by the Conference of the Parties, and, as appropriate, relevant provisions of other international agreements;
 - (b) take into account the best available science and relevant technologies, the knowledge of Indigenous Peoples, and local and traditional knowledge and practices, as appropriate; and
 - (c) promote the engagement of Indigenous Peoples, local communities, civil society, scientists, and the private sector, as appropriate and foster the exchange of relevant technologies, experiences and lessons learned.
3. The Conference of the Parties may adopt guidance and establish any relevant programme of work to facilitate the implementation of this Article.

ARTICLE 10 JUST TRANSITION

1. In implementing this Convention, each Party should promote and facilitate a just transition, taking into account national circumstances and capabilities, including development priorities, needs, challenges and different pathways, with a view to ensuring that no one is left behind.
2. In taking measures to implement paragraph 1 of this article, each Party should take into account the situation of and engage workers in the formal and informal sectors, including workers in the plastic industry, waste pickers, artisanal and small-scale fishers, small and medium enterprises, as well as communities and groups disproportionately affected by such transition across the full life cycle of plastics, including Indigenous Peoples, local communities, women and children.
3. Each Party is encouraged to report, monitor and evaluate measures taken to implement this Article in its national report pursuant to Article 15.

ARTICLE 11 FINANCIAL [RESOURCES AND] MECHANISM⁶

1. Each [developed country] Party [shall] [undertakes to] [shall contribute funds and resources for the dedicated financial mechanism] provide, [within its capabilities,] resources [to developing country Parties] for activities intended to achieve the objectives of this [Convention] [instrument], taking into account national policies, priorities, plans, and programmes. [Such resources may include domestic funding through relevant policies and fiscal measures [[such as primary plastic polymer fees, extended producer responsibility schemes, development strategies, and national budgets,] as well as bilateral and multilateral funding and private sector investment and voluntary contributions.]]
2. [The extent to which [developing country] Parties [most in need, particularly LDCs and SIDS][and countries with economies in transition] will effectively implement their [commitments][obligations] under this instrument will depend on the availability [and accessibility] of [adequate and timely] resources [shall be incumbent on receipt of resources] and the fulfilment of commitments [of developed country Parties] under this instrument related to the provision of financial resources, capacity-building, technology [and technical] assistance, technology transfer on voluntary and mutually agreed terms, and international cooperation [from developed country Parties to developing country Parties].]
3. [In allocating appropriate funds and technical and technological assistance, [developed country] Parties shall [and others in a position to do so] take into account the specific needs and [special] requirements of developing country Parties, in particular the least developed countries, small island developing States (SIDS), [countries with economies in transition] [[archipelagic states][landlocked developing countries] [as well as countries with [special] conditions or characteristics that are considered vulnerable to plastic pollution [, including lower riparian States].] [The Parties, in their actions with regard to funding, shall take full account of the specific needs and [special] circumstances of Parties that are small island developed States or least developed countries.]]]
4. [[Developed country] Parties [with capacity to do so] shall [provide] [and others who are in the capacity to do so] [take the lead in providing] financial resources to support [developing country Parties] [Parties most in need] [developing country Parties most in need, in particular LDCs and SIDS] in fulfilling their obligations under this [Convention] [instrument]. Contributions from other sources, including multilateral organizations, agencies and funds, are encouraged to support implementation of this [Convention] [instrument].]
5. [[Developed country] Parties shall aim to align financial [support] [flows] with the [Convention's] [instrument's] objectives and take measures to increase the mobilization [and provision] of finance from bilateral, regional, and multilateral entities, as well as the private sector.]
6. A mechanism for the provision of [adequate], accessible, new [predictable] [timely] and additional financial resources under this [Convention] [instrument] is hereby established. The mechanism shall [ensure] [provide] efficient access and support [through simplified approval procedures] for [developing country Parties] [Parties most in need] [developing country Parties most in need, in particular LDCs and SIDS] [in fulfilling their [compliance] obligations under this [Convention] [instrument].]

⁶ Pending further consultations.

7. The mechanism shall include [a new dedicated independent multilateral fund [and a remediation fund and GEF trust fund]] [an existing fund] [and any other funds or entities] [the Global Environment Facility Trust Fund] operating under [the authority of] the Conference of the Parties. [The Conference of the Parties shall provide guidance on policies, programme priorities [and eligibility criteria for access to] and utilization of financial resources.]

8. [[Donor] [Developed] country Parties shall replenish the multilateral fund [periodically on the basis of the scale of assessment] as agreed by the Conference of Parties, based on [recipient] [developing] country Parties' needs assessments [undertaken by a subsidiary body established under this Mechanism].]

[8 *Alt* Parties, in particular those with the financial capacity to do so and high levels of [mismanaged plastic waste,] plastic production, or polymer production, are expected to contribute to the Mechanism, on a voluntary basis from their public funding.]

9. [The [dedicated fund] [Mechanism] shall seek to catalyze additional resources from all sources for the activities it supports, [as per modalities agreed by the COP] including through blended and innovative financing.]

10. [For support of early action and implementation, the Mechanism shall also consist of an interim dedicated fund within an existing a financial arrangement.]

11. The Mechanism shall provide [funding and] financial resources on a grant or concessional basis [in support of implementation of this [Convention] [instrument] [for developing country Parties most in need, in particular, LDCs and SIDS] [including for:]

- (a) [Enabling activities [including technical and technological support] and agreed incremental costs; and]
- (b) Clearinghouse functions.
- (c) [Preparation of national reports]
- (d) [Preparation and implementation of national action plans]]

12. [Mechanism funds should be allocated to activities in furtherance of the [Convention's] [instrument's] objectives, taking into account their additionality and complementarity within the broader landscape of financial flows.]

13. [The Mechanism will also be utilized to support relevant programming for populations most vulnerable to the adverse effects of plastic pollution.]

14. [Recognizing that the Mechanism will exist within a broader landscape of financial flows including from domestic finance, bilateral, regional, and multilateral entities, and the private sector, in providing resources for an activity, the Mechanism should take into account the additionality and complementarity of support for that activity with respect to all financial flows in furtherance of the [Convention's] [instrument's] objectives.]

15. [The Global Environment Facility Trust Fund will additionally support the catalysing of investment in waste management infrastructure development, plastic waste removal activities, and waste prevention activities, including through blended and grant and non-grant instruments.]

ARTICLE 12

CAPACITY BUILDING, TECHNICAL ASSISTANCE AND TECHNOLOGY TRANSFER, INCLUDING INTERNATIONAL COOPERATION

1. Developed country Parties shall cooperate to provide timely and appropriate capacity-building, technical assistance and safe technology transfer including on concessional and preferential terms as mutually agreed, to developing countries to developing country Parties, in particular, LDCs and SIDS, to assist them in implementing their obligations under this instrument. Capacity-building should be country-driven, based on, and responsive to, nationally determined needs and priorities.

2. Capacity building, technical assistance and technology transfer pursuant to paragraph 1 may be delivered through regional, subregional and national arrangements, including existing regional and subregional and national centres, through other multilateral and bilateral means, and through partnerships, including north-south, south-south and triangular cooperation and those involving the private sector or other stakeholders, as well as Indigenous Peoples and local communities, and through collaboration with local and subnational governments, as appropriate.

3. Parties shall cooperate to promote and facilitate the development, transfer, diffusion of and access to technologies including on concessional and preferential terms as mutually agreed, to developing countries. In

implementing this provision, developed country Parties shall promote and facilitate research, innovation, technical and scientific cooperation and investment in pursuit of new and innovative environmentally sound technologies and solutions.

4. Parties shall promote cooperation with relevant intergovernmental organizations and other entities, including relevant scientific organisations and bodies and private sector entities, as appropriate, to support the effective implementation of the Convention and the achievement of its objective, while avoiding any duplication of efforts.

[5. In order to implement paragraphs 1, 2, 3 and 4 above, a Cooperation Mechanism is hereby established.]

6. The Conference of the Parties, at its first meeting, shall make recommendations on how capacity building, technical assistance and safe technology transfer could be further enhanced under this Article, [including the terms of reference and modalities of the Cooperation Mechanism].

7. In implementing this Article, developed country Parties shall give full recognition to the [special] requirements of developing country, in particular the least developed countries, small island developing States, [landlocked developing countries], [geographically disadvantaged States], [coastal African States], [archipelagic States], [developing middle-income countries] [and countries with economies in transition].

ARTICLE 13 IMPLEMENTATION AND COMPLIANCE

1. A mechanism, including a Committee, is hereby established to facilitate the implementation of, and promote compliance with, the provisions of this Convention. The Committee shall function in a manner that is transparent, facilitative, non-punitive, non-adversarial and expert-based.

2. The Committee may consider issues on the basis of:

- (a) Written submissions from any Party with respect to its own compliance;
- (b) Requests from the Conference of the Parties;
- (c) Information provided by the Secretariat with respect to national reports under Article 15.

3. The Committee shall operate under the modalities and procedures adopted by the Conference of the Parties at its [X] meeting. The Committee shall elaborate its rules of procedure, which shall be subject to approval by the Conference of the Parties.

4. The Committee shall report to the Conference of the Parties and make recommendations, as appropriate.

ARTICLE 14 NATIONAL PLANS

1. Each Party [shall] [may] develop, taking into account respective national circumstances,⁷ a national plan that contains actions and measures the Party intends to take to implement this Convention. Each Party [shall] [may] develop, taking into account respective national circumstances, a national plan that contains actions and measures the Party intends to take to implement this Convention. The plan shall be transmitted to the Conference of the Parties through the Secretariat within [X] years after the entry into force of the Convention for that Party.

2. Each Party shall update its national plan to enhance its actions based on the guidelines referred to in paragraph 6.

3. Each Party shall update its national plan to enhance its actions based on the guidelines referred to in paragraph 6.

4. The extent to which developing country Parties will effectively implement their national plans will depend on the effective implementation of the provisions related to means of implementation as referred to in Article 11 of this Convention.

5. Each Party shall, as appropriate, in undertaking work pursuant to paragraphs 1 and 2 above, consult national stakeholders to facilitate the development, implementation, and updating of their national plans.
6. The Secretariat shall make national plans submitted by Parties pursuant to this Article publicly available.
7. The Conference of the Parties shall, at its first meeting, adopt the modalities and guidelines for national plans and other guidance regarding implementation of this Article.

ARTICLE 15 REPORTING

1. Each Party shall regularly report to the Conference of the Parties on its actions and measures to implement this Convention, as outlined in the national plan referred to in Article 14.
2. Each Party shall submit the first report referred to in paragraph 1 of this Article within [X] year[s] of submission of the national plan referred to in Article 14.
3. The Conference of the Parties shall, at its [X] meeting, adopt the format and periodicity for national reporting referred to in paragraph 1 of this Article.
4. The Secretariat shall make national reports submitted by the Parties under this Article publicly available and regularly communicate to the Conference of the Parties on the status of submission of national reports.
5. The extent to which developing country Parties will effectively implement this Article will depend on the effective implementation of the provisions related to means of implementation as referred to in Article 11 of this Convention.

ARTICLE 16 EFFECTIVENESS EVALUATION

1. The Conference of the Parties shall regularly evaluate the effectiveness and implementation of the Convention. The first evaluation shall be undertaken no later than six years after the date of entry into force of the Convention and thereafter at intervals to be decided by the Conference of the Parties.
2. The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and socio-economic information, which may include:
 - (a) National reports referred to in Article 15;
 - (b) Information and recommendations provided by the Committee referred to in Article 13;
 - (c) Other information the Conference of the Parties deems relevant, including the information referred to in Article 17.
3. The Conference of the Parties shall, at its [X] meeting, adopt the modalities for the evaluation referred to in paragraph 1 of the Article.

ARTICLE 17 INFORMATION EXCHANGE

1. All Parties are encouraged to facilitate the exchange of information in support of the objective of the Convention, including on:
 - (a) Best practices and policies relating to sustainable consumption and production of plastics, and associated relevant research, technologies and innovation;
 - (b) Health and environmental risks of and impacts associated with plastic pollution;
 - (c) Scientific and technical knowledge, including traditional knowledge, and the knowledge of Indigenous Peoples and local communities related to (a) and (b) above.

2. All Parties are encouraged to designate a national focal point for the exchange and communication of information under this Convention.
3. In exchanging the information referred to in paragraph 1, all Parties are encouraged to utilize, as appropriate, an online clearinghouse to be maintained by the Secretariat.
4. All Parties are encouraged to learn from and build on existing processes, initiatives and networks to share knowledge and highlight successes, including examples of replicating and scaling up sustainable solutions.
5. Parties exchanging information in accordance with this Convention shall, as appropriate, protect any confidential information as mutually agreed.

ARTICLE 18

PUBLIC INFORMATION, AWARENESS, EDUCATION AND RESEARCH

1. Parties shall promote and facilitate access to information, public awareness, education, and research related to plastic pollution and its effects relevant to the implementation of this Convention and shall promote, as appropriate, such efforts at the national, regional and international levels and cooperate, as appropriate, with relevant intergovernmental and nongovernmental organizations.
2. Each Party shall promote and facilitate measures to raise awareness, improve understanding, and share information on the effects of plastic pollution such as by promoting public participation and public access to information; and providing training at the local, national, regional and international levels.
3. Parties are encouraged, based on their national circumstances and capabilities, to advance scientific and technological research, development, innovation and cooperation, to address plastic pollution including by:
 - (a) Promoting and improving methods for the monitoring of plastic pollution, including its distribution and abundance in the environment, including in the marine environment, and impacts on human health;
 - (b) Promoting the collaborative development and use of standardized methods and approaches for environmental data collection and analyses, to improve its reliability and comparability; and
 - (c) Incorporating traditional knowledge, knowledge of Indigenous Peoples, and local community knowledge and other cultural and socio-economic factors, as appropriate.

ARTICLE 19

HEALTH

Option 1

In lieu of a standalone Article on Health, strengthen where they exist and newly add, where possible, references to human health in the context of respective applicable Articles and Preamble.

Option 2

Placeholder pending an outcome of informal drafting work led by Brazil with Members that are supportive of having a standalone Article on Health. Possible types of provisions may consist of provisions that can be agreed upon at the time of adoption of the ILBI and those that can be considered at the future meeting(s) of the COP.

ARTICLE 20

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.
2. The first meeting of the Conference of the Parties shall be convened by the interim secretariat no later than one year after the date of entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held every two years unless the Conference of the Parties decides otherwise.
3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.

4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any of its subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.
5. The Conference of the Parties shall keep the implementation of the Convention under continuous review. It shall perform the functions assigned to it by this Convention and, to that end, shall:
 - (a) Establish such subsidiary bodies as it considers necessary for the implementation of the Convention;
 - (b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies;
 - (c) Review and adopt decisions related to the implementation of the Convention;
 - (d) Undertake other functions identified in this Convention or as may be required for its implementation.
6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not a Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or nongovernmental, that is qualified in matters covered by this Convention and has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present at the meeting object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

ARTICLE 20 *bis* SUBSIDIARY BODIES

1. The Conference of the Parties, at its first meeting, shall establish a subsidiary body or bodies to provide scientific and technical information and assessments to support informed decision-making by the Conference of the Parties of the Convention.
2. Each subsidiary body may establish committees, panels and sub-groups, as deemed necessary, to support its work.
3. The Conference of the Parties shall decide on the terms of reference, composition, organization and operation of each subsidiary body established pursuant to paragraph 1.

ARTICLE 21 SECRETARIAT

1. A Secretariat is hereby established.
2. The functions of the Secretariat shall be to:
 - (a) Prepare and arrange for meetings of the Conference of the Parties, and subsidiary bodies, and to provide them with services as required;
 - (b) Facilitate, upon request, the provision of assistance to Parties, particularly developing country Parties and Parties with economies in transition to support their implementation of this Convention;
 - (c) Prepare and make available to the Parties periodic reports based on Article 15 on reporting and Article 13 on implementation and compliance;
 - (d) Coordinate its activities, as appropriate, with the Secretariats of other relevant international bodies and instruments;
 - (e) Enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
 - (f) Perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.
3. The secretariat functions for this instrument shall be performed by the Executive Director of the United Nations Environment Programme unless the Conference of the Parties decides, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations.

**ARTICLE 22
SETTLEMENT OF DISPUTES**

1. Parties shall cooperate in order to prevent disputes and shall seek to settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.
2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, with regard to any dispute concerning the interpretation or application of this Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:
 - (a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties;
 - (b) Submission of the dispute to the International Court of Justice.
3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2(a).
4. A declaration made pursuant to paragraph 2 or 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.
5. The expiry of a declaration, a notice of revocation or a new declaration shall in no way affect proceedings pending before an arbitral tribunal or the International Court of Justice, unless the parties to the dispute otherwise agree.
6. If the parties to a dispute have not accepted the same means of dispute settlement pursuant to paragraph 2 or 3, and if they have not been able to settle their dispute through the means mentioned in paragraph 1 within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than at its second meeting.

**ARTICLE 23
AMENDMENTS TO THE CONVENTION**

1. Amendments to this Convention may be proposed by any Party.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to this Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted [by a three-fourths majority vote] of the Parties present and voting at the meeting.
4. An adopted amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.
5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having consented to be bound by it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties that were Parties at the time at which the amendment was adopted. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.

**[ARTICLE 24
ADOPTION AND AMENDMENT OF ANNEXES**

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

2. Any additional annexes adopted after the entry into force of this Convention shall be restricted to procedural, scientific, technical or administrative matters.
3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:
 - (a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1 to 3 of Article 23;
 - (b) Any Party that is unable to accept an additional annex, except for Parties that have made declarations with regard to any additional annex in accordance with paragraph 4 of Article 27 shall so notify the Depositary, in writing, within one year from the date of communication by the Depositary of the adoption of such annex. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time notify the Depositary, in writing, that it withdraws a previous notification of non-acceptance in respect of an additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and
 - (c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification of non-acceptance in accordance with the provisions of subparagraph (b).
4. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention except that an amendment to an annex shall not enter into force with regard to any Party that has made a declaration with regard to amendment of annexes in accordance with paragraph 4 of Article 27 in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date it has deposited with the Depositary its instrument of ratification, acceptance, approval or accession with respect to such amendment. If an additional annex or an amendment to an annex is related to an amendment to this Convention the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.]

ARTICLE 25 RIGHT TO VOTE

1. Each Party to this Convention shall have one vote [, except as provided for in paragraph 2].
2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States [accredited and present at the time of the vote] that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

ARTICLE 26 SIGNATURE

This Convention shall be opened for signature at [city], [country], by all States and regional economic integration organizations on [--], and thereafter at the United Nations Headquarters in New York [from [--] to [--].

ARTICLE 27 RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the Depositary, who shall in turn inform the Parties, of any relevant modification of the extent of its competence.

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with regard to it, any additional annex and amendment to an annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

ARTICLE 28 ENTRY INTO FORCE

1. This Convention shall enter into force on the [90th] [120th] day after the date of deposit of the [50th][60th][97th] instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the [50th][60th][97th] instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the [90th] [120th] day after the date of deposit by such State or regional economic integration organizations of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organizations shall not be counted as additional to those deposited by member States of that organization.

ARTICLE 29 RESERVATIONS

No reservations may be made to this Convention.

ARTICLE 30 WITHDRAWAL

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

ARTICLE 31 DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of this Convention.

ARTICLE 32 AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at [--] on this day of [--].]
