

Draft resolution on an internationally legally binding instrument on plastic pollution

This draft resolution aims to establish an intergovernmental negotiating committee (INC) with a mandate to negotiate a legally binding global agreement to address plastic pollution with the objective of reducing discharge of plastics into the environment by covering all stages of the plastic life cycle and by adopting a circular economy approach to plastics. The draft resolution suggests elements to define the mandate on the agreement of the INC, to be negotiated at UNEA5.2.

Why a resolution on a global agreement on plastics has been prepared

- Plastic pollution is a transboundary challenge that requires global action. It is estimated that more than 8.3 billion tons of plastic has been produced since the early 1950s. About 60% of that plastic has ended up in either a landfill or the natural environment.
- Multiple efforts address plastic waste management, while these will not tackle the problem by its source and cannot reduce the problem by themselves. There is an urgent need for action throughout the entire plastics life cycle, and in particular addressing those steps of the plastics life cycle that remain fragmented or in lack of global commitments and actions today. Gaps in existing instruments need to be filled.
- The urgency of the problem, combined with a recognition of the existing fragmented responses and the fact that current efforts, commitments and initiatives only will contribute to a reduction in annual rates of plastic pollution flowing into the ocean of 7 per cent from within 2040, calls for **a new global legally binding agreement on plastics.**
- The agreement would tackle plastic pollution across the full lifecycle of plastics, from preventive measures in the upstream part of the lifecycle, to downstream ones addressing waste management, in order to prevent plastic pollution in the marine and other environments and to support the goals outlined in the 2030 Agenda for Sustainable Development.
- It would also follow up a series of UNEA resolutions since 2014 and recommendations from the ad-hoc open-ended expert group on marine litter (AHEG) that identified a number of options, including a global agreement on plastics, which was supported by majority of participants.

What the resolution is calling UNEA5.2 to act on

- This draft resolution constitutes a starting point for negotiations, contains necessary elements to be discussed under the negotiations at UNEA5.2 **to establish the mandate on a global plastics agreement** for the intergovernmental negotiating committee. As such, it does not prejudge the content nor the scope of any of the elements listed therein. The current proposal goes beyond addressing marine plastic litter only. 80 percent of plastics ending up in the seas come from land-based sources,

meaning that plastic pollution is not an isolated problem only relevant for our oceans. Addressing a life cycle approach should therefore take into account plastics ending up in all compartments of the environment and the resolution addresses land-based sources as well as sea-based sources; focusing on **both** upstream and downstream activities and measures.

Outline of the resolution

- The resolution is following a logical sequencing, beginning to set out the **context and justification in the preambular part, including on the overarching commitments** set in SDGs and recalling specific commitments agreed by UNEA.
- These work streams on marine litter are brought in the wider context of plastic pollution and related responses; from waste management to prevention by adopting a circular approach to plastics.
- The preambular part also recognizes the importance of ongoing action at regional/international level and is clear that the agreement would not render them futile, but on the contrary, that the agreement should be complementary and mutually reinforcing.
- It concludes with a call for strengthened international action in the form of a legally binding agreement that should bring these elements together.
- **On the operative paragraphs, the most important elements are setting out the mandate to establish the intergovernmental negotiating committee.**
- The approach follows the logic of plastics and plastic products through its life cycle, while also including provisions to address knowledge and awareness raising, monitoring and reporting, introducing national action plans to allow for flexibility adapted to national circumstances, financial and technical mechanisms, as well as scientific and social and economic assessments.
- **The way in which the elements are included does not in any way prejudice to what extent or how these elements should be elaborated in the future agreement. This will be for the intergovernmental negotiating committee to discuss once it is established.**

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Draft resolution text

- **Proposing member States : PERU, RWANDA**
 - **Co-sponsoring member States : CHILE, COSTA RICA, ECUADOR, EUROPEAN UNION AND ITS MEMBER STATES, COLOMBIA, GUINEA, KENYA, MADAGASCAR, NORWAY, PHILIPPINES, SENEGAL, SWITZERLAND, UGANDA.**
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SUGGESTED ACTION BY THE UNITED NATIONS ENVIRONMENT ASSEMBLY ON AN INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON PLASTIC POLLUTION

The United Nations Environment Assembly may wish to consider the adoption of the draft resolution on an internationally legally binding instrument on plastic pollution:

The United Nations Environment Assembly,

Notes with concern that the high and rapidly increasing levels of plastic pollution, including microplastics, represent a serious environmental problem at a global scale, negatively impacting all three dimensions of sustainable development,

Reaffirming United Nations General Assembly resolution 70/1 of 25 September 2015, by which the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development, and recalling Sustainable Development Goal 14 and its target 14.1, and all interrelated goals,

Recalling United Nations Environment Assembly resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/9, and reaffirms the importance of the long-term elimination of discharge of plastics, including microplastics, into marine, terrestrial and freshwater environments and of avoiding detriment from plastic pollution to ecosystems and the human activities dependent on them,

Recognizing the inherent transboundary nature of the issue of plastic pollution and the need to tackle it at its sources,

Underlining that a more circular economy, one of the current sustainable economic models, in which products and materials are designed so that they can be reused, remanufactured or recycled and therefore maintained in the economy for as long as possible along with the resources they are made of, and the generation of waste,

especially hazardous waste, is avoided or minimised, and greenhouse gas emissions are prevented and reduced, can significantly contribute to sustainable consumption and production,

Notes with appreciation the significant body of work conducted by United Nations Environment Programme, scientific and legal advisory bodies, the Environment Management Group and other actors since the adoption of resolution 1/6 in 2014, and the intergovernmental work and the Chair summary of the Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics, which reflects all views expressed in its meetings, presents options and sets out, as a basis for actions, the elements and design of potential response options to address plastic pollution,

Welcomes efforts made by governments and international organizations to minimize the negative impact of plastic waste on the environment, in particular through national and regional action plans and other initiatives, such as G7 and G20 initiatives like the action plans of 2015 and 2017 addressing marine litter, Osaka Blue Ocean Vision, Ocean Plastics Charter, the ASEAN Framework of Action on Marine Debris and the Bangkok Declaration on Combating Marine Debris, APEC Roadmap on Marine Debris and to reduce plastic and microplastic pollution, recognizing that they are complementary to a coherent and coordinated global response,

Reaffirms the importance of close cooperation and coordination as well as synergy among international conventions and instruments to prevent plastic pollution and avoid its adverse effects on human health and wellbeing and the environment, including the International Convention for the Prevention of Pollution from Ships, Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Stockholm Convention on Persistent Organic Pollutants, Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade, United Nations Convention on the Law of the Sea, London Convention and Protocol, Strategic Approach to International Chemicals Management, United Nations Framework Convention on Climate Change, Convention on Biological Diversity as well as among international organizations, regional instruments and programs, non-governmental organizations and the private sector,

Underlining that further international action is needed by developing an international legally binding instrument on plastic pollution, taking a comprehensive approach to prevent and reduce plastic pollution in the environment, including microplastics, by promoting a circular economy and addressing the full lifecycle of plastics,

Recognizes that member states provide, within their capabilities, resources in respect of those national activities that are intended to implement a new international legally binding instrument in accordance with their national policies, plans and programmes,

Acknowledges that some legal obligations arising out of a new international legally binding instrument will require financial and technical assistance and include technology transfer to developing countries and countries with economies in transition,

1. *Requests* the Executive Director to convene an intergovernmental negotiating committee under the auspices of the United Nations Environment Assembly with the mandate to prepare an international legally binding instrument to address plastic pollution, commencing its work in 2022 with the goal of completing by the sixth session of the Environment Assembly;

2. *Agrees* that the intergovernmental negotiating committee is to develop an international legally binding agreement based on a comprehensive approach to prevent and reduce plastic pollution in the environment, including microplastics, by promoting a circular economy and addressing the full lifecycle of plastics from production, consumption and design to waste prevention, management and treatment, including provisions:

- (a) To specify the objectives of the instrument and establish as necessary targets, definitions, methodologies, formats, and obligations;
- (b) To achieve sustainable production and consumption of plastics, including the uptake of secondary and alternative raw materials;
- (c) To address product design and use, including compounds, additives and harmful substances as well as intentionally added microplastics;
- (d) To promote national action plans to prevent, reduce and remediate plastic pollution, tailored to local and national circumstances and the characteristics of specific sectors, and to support regional and international cooperation and coordination;
- (e) To increase knowledge through awareness-raising and information exchange on best practices to prevent plastic pollution and promote behavioral change;
- (f) To monitor and report on national and international progress on implementation of the agreement;
- (g) To provide scientific and socio-economic assessments and to monitor and report on plastic pollution in the environment;
- (h) To cooperate and coordinate with relevant regional and international conventions, instruments and organizations;
- (i) To specify financial and technical arrangements, as well as technology transfer assistance, to support implementation of the convention
- (j) To address implementation and compliance issues;
- (k) To promote research and development into innovative solutions;

3. *Also agrees* that the intergovernmental negotiating committee, in its deliberations on the instrument that it develops, should:

- (a) consider the need for a financial mechanism to support the implementation of the priorities and objectives of the agreement, including the option of a dedicated multilateral fund;
- (b) consider the need for a mechanism to provide scientific and socio-economic advice and guidance, including the option of a dedicated body;
- (c) promote cooperation and coordination with relevant regional and international instruments and existing technical and scientific bodies to ensure synergies and avoid duplication;
- (d) consider any other aspects that the intergovernmental negotiating committee may consider relevant;

4. *Recognizes* that the mandate of the intergovernmental negotiating committee may be supplemented by further decisions of the Environment Assembly;

5. *Decides* that participation in the intergovernmental negotiating committee should be open to all Member States of the United Nations and its specialized agencies, to regional economic integration organizations, as well as relevant stakeholders, consistent with applicable United Nations rules;

6. *Requests* the Executive Director, as a priority action, to provide the necessary support to the intergovernmental negotiating committee as well as to developing countries and countries with economies in transition to allow for effective participation in the work of the intergovernmental negotiating committee;

7. *Requests* the Executive Director to convene as soon as possible the first meeting of the intergovernmental negotiating committee, in particular to discuss the timetable and organization of its work;

8. *Urges* all relevant actors to continue and enhance national and regional actions to reduce plastic pollution during the preparation of the international legally binding instrument;

9. *Invites* governments and other stakeholders in a position to do so to provide extra budgetary resources to help to support the implementation of the present resolution;

10. *Requests* the Executive Director to facilitate the participation of and close cooperation and coordination with relevant regional and international instruments and initiatives and all relevant stakeholders in the context of the mandate of the intergovernmental negotiating committee.