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International environmental policy and governance issues

Progress in the implementation of resolution 5/14 on an international legally binding instrument on plastic pollution

Report of the Executive Director

I. Introduction

1. The present report provides an update on progress made in the implementation of resolution 5/14 of the United Nations Environment Assembly of the United Nations Environment Programme (UNEP) entitled “End plastic pollution: towards an international legally binding instrument”.
2. In paragraph 1 of resolution 5/14, the Environment Assembly requested the Executive Director of 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.
3. In paragraph 5 of the resolution, the Environment Assembly requested the Executive Director to convene an ad hoc open-ended working group to hold one meeting during the first half of 2022 to prepare for the work of the intergovernmental negotiating committee and to discuss in particular the timetable and organization of the work of the committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of the resolution.
4. In paragraph 7 of the resolution, the Environment Assembly requested the Executive Director, as a priority, to provide the necessary support to developing countries and countries with economies in transition to allow for their effective participation in the work of the ad hoc open-ended working group and the intergovernmental negotiating committee.
5. In paragraph 8 of the resolution, the Environment Assembly requested the Executive Director to ensure the necessary support by the secretariat of UNEP to the ad hoc open-ended working group and the intergovernmental negotiating committee.
6. In paragraph 11 of the resolution, the Environment Assembly requested 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.
7. In paragraph 12 of the resolution, the Environment Assembly requested the Executive Director to convene a diplomatic conference of plenipotentiaries upon completion of negotiations by the

* UNEP/EA.6/1.

intergovernmental negotiating committee, for the purpose of adopting the instrument and opening it for signature.

8. In paragraph 13 of the resolution, the Environment Assembly requested the Executive Director to report on progress on the work of the intergovernmental negotiating committee to the Environmental Assembly at its sixth session.

9. In paragraph 14 of the resolution, the Environment Assembly requested the Executive Director to continue to support and advance the work of the Global Partnership on Marine Litter, while strengthening scientific, technical and technological knowledge with regard to plastic pollution, including in the marine environment, on methodologies for monitoring, and sharing available scientific and other relevant data and information.

10. In paragraph 16 of the resolution, the Environment Assembly requested the Executive Director, subject to the availability of financial resources, to convene, in conjunction with the first session of the intergovernmental negotiating committee and building upon existing initiatives, where appropriate, a forum open to all stakeholders, for the exchange of information and activities related to plastic pollution.

II. Progress in the implementation of resolution 5/14

11. Pursuant to paragraphs 5, 7 and 8 of resolution 5/14, an ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, was convened and met from 30 May to 1 June 2022 in Dakar, in a hybrid format. Participants agreed on the number and frequency of the committee's sessions and a list of documents to be prepared by the secretariat for the first session. They also developed and agreed to forward to the first session of the committee a clean text of the draft rules of procedure of the committee, with the exception of one rule on the voting modalities for regional economic integration organizations, which remained in brackets. The draft rules of procedure forwarded to the committee, among other things, provided for an 11-member bureau, with two members from each United Nations region and one member from a small island developing State. Multi-stakeholder dialogues were held from 29 May to 1 June, also in a hybrid format. Featuring speakers and panellists from governments, intergovernmental organizations, research institutions, non-governmental organizations, private companies and the informal waste management sector, the dialogues covered technical, social and financial opportunities and challenges related to plastic pollution across the plastic life cycle.

12. Pursuant to paragraphs 1, 7 and 8 of resolution 5/14, an intergovernmental negotiating committee was convened and held its first session. The first session of the intergovernmental negotiating committee was held from 28 November to 2 December 2022 in Punta del Este, Uruguay,¹ in a hybrid format. Gustavo Meza-Cuadra Velásquez of Peru was elected as Chair. One delegate per eligible country was provided funding support to participate in the session. Thirteen meeting documents were prepared to support the session. Following its discussions, the committee requested the secretariat to prepare, for its consideration at its second session, a document with potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addressed the full life cycle of plastics, as called for by resolution 5/14, including identifying the objective; substantive provisions, including core obligations, control measures and voluntary approaches; implementation measures; and means of implementation.

13. Pursuant to paragraph 16 of the resolution, a multi-stakeholder forum was held on 26 November 2022, just before the first session of the intergovernmental negotiating committee. The forum brought together more than 900 participants (some 500 in person and 400 online). Five round tables were organized, focusing on eliminating and designing for circularity; circularity in practice; closing the loop; waste minimization and remediation; and how to initiate a multi-stakeholder action agenda. A stakeholder dialogue was also held, on 29 November 2022, in a hybrid format, to present the key messages of the multi-stakeholder forum and facilitate an additional two-way dialogue between Member States and other stakeholders, so as to allow the negotiations to benefit from a diversity of voices.

14. The second session of the committee took place from 29 May to 2 June 2023 in Paris,² in a fully in-person format. Up to two delegates per eligible country received funding to participate in the session. The committee elected its bureau as follows: Asha Challenger of Antigua and Barbuda,

¹ More information is available at <https://www.unep.org/inc-plastic-pollution/session-1>.

² More information is available at <https://www.unep.org/inc-plastic-pollution/session-2>.

Luis Vayas Valdivieso of Ecuador, Kaupo Heinma of Estonia, Irma Gurguliani of Georgia, Hiroshi Ono of Japan, Mohammed Al Khashashneh of Jordan, Juliet Kabera of Rwanda, Cheikh Ndiaye Sylla of Senegal, Johanna Lissinger-Peitz of Sweden and Larke Williams of the United States of America as Vice-Chairs, with Ms. Challenger designated as Rapporteur. Substantive discussions focused on the document prepared by the secretariat in consultation with the Chair pursuant to the committee's request at its first session, which set out potential options for elements of an international legally binding instrument.³ The committee mandated the Chair to prepare, with the support of the secretariat, a zero-draft text of the international legally binding instrument called for in resolution 5/14 for its consideration at its third session. The draft was to be guided by the views expressed at the committee's first and second sessions. The committee also decided to hold its third session in Nairobi in November 2023, its fourth session in Ottawa in April 2024, and its fifth session in the Republic of Korea in the second half of 2024. Twelve thematic side events took place in the margins of the second session.

15. The third session of the intergovernmental negotiating committee⁴ was held from 13 to 19 November in Nairobi, preceded by a preparatory day on 11 November and regional meetings on 12 November. The committee reached agreement on a starting point for negotiations to be held at its fourth session. Mr. Meza-Cuadra Velásquez stepped down as Chair at the end of the third session and Mr. Vayas Valdivieso of Ecuador was elected Chair by acclamation. The Government of Estonia informed the committee of the resignation of Mr. Heinma. The committee then elected Harry Liiv of Estonia and Mr. Meza-Cuadra Velásquez of Peru as Vice-Chairs of the Committee. The committee also agreed that its session in Ottawa would be held within the period 21–30 April 2024 and its fifth session in Busan, Republic of Korea, from 25 November to 1 December 2024. Twelve thematic side events took place in the margins of the third session.

16. Substantive and procedural discussions held at the sessions are reflected in the reports of the sessions, available online.⁵

17. The secretariat for the intergovernmental negotiating committee was established in July 2022 with the appointment of the Executive Secretary. The secretariat is currently supported by 16 staff members, including three Junior Professional Officers, and by generous funding from the European Commission and the Governments of Australia, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Monaco, the Kingdom of the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States.

18. The secretariat provided the support required to facilitate the participation of Member States and observers in the work of the ad hoc open-ended working group and the intergovernmental negotiating committee. To increase meaningful participation by regions and various stakeholders, the secretariat organized intersessional webinars, thematic side events and knowledge-sharing meetings in the lead-up to and during the committee's second and third sessions. Regional consultations were also organized prior to the third session. Observer meetings with the Executive Director of UNEP and the Executive Secretary were held prior to the second session and during the third session to further enhance stakeholder engagement.

19. In addition, in decisions BC-16/22, RC-11/9 and SC-11/21, the conferences of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants requested the Executive Secretary of the Basel, Rotterdam and Stockholm conventions to cooperate and coordinate closely with the Executive Director of UNEP in the context of the mandate of the intergovernmental negotiating committee and to participate in its work on issues relevant to the three conventions, including in relation to persistent organic pollutants in plastic products. The third meeting of the Basel Convention Partnership on Plastic Waste was organized back to back with the intergovernmental negotiating committee's third session, in November 2023, and contributed to robust stakeholder engagement.

20. Furthermore, the Ozone Secretariat and the secretariats of the Basel, Rotterdam and Stockholm conventions, the Convention on Biological Diversity and UNEP divisions have supported the intergovernmental negotiating committee secretariat by providing staff assistance for technical and logistical aspects of meeting organization.

³ UNEP/PP/INC.2/4.

⁴ More information is available at <https://www.unep.org/inc-plastic-pollution/session-3/documents>.

⁵ Available under the official documentation of each session at <https://www.unep.org/inc-plastic-pollution>.

21. With ongoing support from the Executive Director in accordance with paragraph 16 of resolution 5/14, the Global Partnership on Plastic Pollution and Marine Litter, with its more than 650 entities, continues to strengthen scientific, technical and technological knowledge by enabling multi-stakeholder coordination and cooperation. The partnership focuses efforts through five action tracks: science-policy linkages; action plans on marine litter and plastic pollution; harmonization of data, standards and methodologies; sustainable and innovative financing; and access for all. The Global Partnership's digital platform provides access to more than 2,300 resources and is in its fifth of six development phases, with the current phase focused on driving change through innovation, to be achieved through the development of personalized workspaces and tools.

III. Lessons learned

22. There is significant global interest in the work of the intergovernmental negotiating committee. Limitations on the size of the venue for the committee's second session presented challenges, with 2,902 participants registered for the session and 1,673 attending. The United Nations premises in Nairobi offered a well-equipped venue for the third session.

23. The intergovernmental negotiating committee process has benefited from close cooperation and collaboration between the secretariat of the intergovernmental negotiating committee and secretariats of existing multilateral environmental agreements, yielding substantive support for the sessions and also lessons and best practices.

IV. Recommendations and suggested actions

24. The Executive Director invites governments and other stakeholders in a position to do so to provide extra-budgetary resources to support the implementation of Environment Assembly resolution 5/14.

25. A revised draft text from the third session of the intergovernmental negotiating committee, compiled by the secretariat, will be the starting point and basis for textual negotiations at the fourth session, to be held in April 2024, without prejudice to the right of any Member State to propose additions, deletions or modifications in the course of negotiations at the fourth session.