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Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
First meeting
Punta del Este, Uruguay, 28 November–2 December 2022

Report of the 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

Introduction

1. In its resolution UNEP/EA.5/Res.14, the United Nations Environment Assembly of the United Nations Environment Programme (UNEP) requested the Executive Director of UNEP to convene an ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee that is to develop an international legally binding instrument on plastic pollution, including in the marine environment, and requested that group to discuss, in particular, the timetable and organization of the work of the intergovernmental negotiating committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of the resolution.

2. The ad hoc open-ended working group met in Dakar from 30 May to 1 June 2022.

3. The annex to the present note sets out:

(a) The report of the meeting of the ad hoc open-ended expert group;

(b) A proposed approach to the work of the intergovernmental negotiating committee;

(c) Draft rules of procedure for the work of the intergovernmental negotiating committee (as agreed on by the open-ended working group on 1 June 2022 for forwarding to the intergovernmental negotiating committee for its consideration);

(d) A summary of the multi-stakeholder dialogues on solutions and innovations to end plastic pollution held in conjunction with the meeting of the ad hoc open-ended working group.

The annex has not been formally edited.

Annex

Report of the 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*

I. Opening of the meeting

1. The meeting was opened at 10.00 a.m. on 30 May 2022. Opening remarks were made by Ms. Inger Andersen, Executive Director of UNEP; Mr. Abdou Karim Sall, Minister for the Environment and Sustainable Development of Senegal; and Ms. Leticia Carvalho, secretary (interim) of the intergovernmental negotiating committee, UNEP.

2. Ms. Andersen thanked the Government of Senegal for hosting the ad hoc open-ended working group and for the excellent arrangements that had been made. She welcomed the delegates present in Dakar and those participating in the meeting virtually. She emphasized that this meeting would lay the groundwork for the intergovernmental negotiating committee to develop the international legally binding instrument. The resumed fifth session of UNEA had delivered a historic result by deciding on the need for a global agreement to end plastic pollution, providing under three years for the negotiation process. She stressed that the deal must be ambitious, well-designed and inclusive, addressing the concerns of all countries, with clear, defined, and monitorable targets, against which to measure progress.

3. She added that the deal should recognise that plastics are a product on which our societies and economies depend, but one that should generally not be for single use, address the chemical contents of the plastics we use, take into account the realities and complexities of the market, and hear and understand the voices of the plastics-dependent industries, while also hearing the voices of grassroots communities who work within the plastics economy.

4. Ms. Andersen noted there was much to be learned from experience with existing multilateral environmental instruments. New pathways can be found for modern, inclusive, and networked multilateralism to give a broader set of stakeholders a voice, and to give industry stakeholders a chance to commit and measure themselves against the targets to be agreed. Ms. Andersen emphasized that a deal, done right, will boost the chances of a safe and circular plastics economy. Hydrocarbons that we take out of the earth and turn into plastics will stay in circulation. People and nature will be healthier and the oceans will be cleaner. In closing, she pointed out that few people get the chance to be involved in something so large, so critical, or so concrete. This is a rare opportunity to build an instrument that can change our world, at scale, for the better.

5. Mr. Sall began his remarks by stating that Senegal was honoured to host the ad hoc open-ended working group. He warmly welcomed all participants to Dakar and thanked UNEP for accepting his country's offer to host this meeting.

6. Mr. Sall recalled that resolution 5/14, adopted by the resumed fifth session of UNEA, expressed a common determination to work together to end plastic pollution by developing a binding international agreement by 2024. In that resolution UNEP was requested to convene an intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution based on a comprehensive approach that addresses the entire life cycle of plastics, including its design, production and disposal. He congratulated the Executive Director of UNEP and her collaborators on having this meeting taking place only three months later.

7. Mr. Sall called for a coordinated global approach, based on a shared vision, to mobilize all stakeholders. Faced with the extent of plastic pollution and its adverse effects, which are experienced throughout the world, it is more urgent than ever to include it among the most pressing environmental challenges and agree on how to reverse this trend. Information recently published by UNEP sounds an alert which should be taken very seriously. Every minute the equivalent of a truckload of plastic waste enters the ocean. Between 1950 and 2017, some 7 billion tonnes out of the 9.2 billion tonnes of plastic produced in the world became waste, eventually being dumped or abandoned in the natural environment. No country can solve this global problem alone.

* The annex has not been formally edited.

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8. In closing, Mr. Sall pointed out that the objectives of this meeting of the ad hoc open-ended working group are consistent with the priorities of the African Ministerial Conference on the Environment, which has called for the adoption of a legally binding instrument on plastic pollution. He also expressed his gratitude to Switzerland, as well as UNEP, for their support in organizing the meeting. He called on delegations to commit to setting a clear path for the intergovernmental negotiating committee process, to facilitate the successful negotiation of a new treaty on plastic pollution.

9. Ms. Carvalho thanked the previous speakers for their kind words and said that the secretariat looked forward to setting the stage to facilitate a successful intergovernmental negotiating process and to the development of an international legally binding instrument on plastic pollution, including in the marine environment. She concluded by declaring open the ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee.

II. Election of officers

10. The open-ended working group elected the following officers to serve on its Bureau:

Chair: Mr. Ndiaye Cheikh Sylla (Senegal)

Vice-Chairs: Ms. Asha Challenger (Antigua and Barbuda)

Ms. Meri Harutyunyan (Armenia)

Mr. Faisal Alahdal (Saudi Arabia)

Mr. Felix Wertli (Switzerland) was elected to serve as Rapporteur.

11. Upon his election, the Chair presided over the meeting.

III. Adoption of the agenda and other organizational matters

A. Adoption of the agenda

12. The participants adopted the following agenda on the basis of the provisional agenda set out in document UNEP/PP/OEWG/1/1:

1. Opening of the meeting.
2. Election of officers.
3. Adoption of the agenda and other organizational matters:
   (a) Adoption of the agenda;
   (b) Organization of work;
   (c) Adoption of the rules of procedure of the meeting.
4. Preparation of the work of the intergovernmental negotiating committee:
   (a) Timetable and organization of work;
   (b) Draft rules of procedure;
   (c) Organization of the forum for the exchange of information and activities related to plastic pollution.
5. Other matters.
6. Adoption of the report of the meeting.
7. Closure of the meeting.

B. Organization of work

13. In carrying out their work, the meeting participants had before them working and information documents pertaining to the various items on the agenda for the meeting (UNEP/PP/OEWG/1/1) as outlined in the annotated agenda (UNEP/PP/OEWG/1/1/Add.1) and the scenario note for the meeting prepared by the Executive Director of UNEP (UNEP/PP/OEWG/1/2).

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14. The meeting participants agreed that work would be conducted in plenary sessions from 10.00 a.m. to 1.00 p.m. and from 3.00 p.m. to 6.00 p.m. on Monday 30 May and Tuesday 31 May, and from 10.00 a.m. to 1.00 p.m. on Wednesday 1 June.

15. The meeting was informed of the multi-stakeholders dialogues held each lunchtime themed as follows: Just and inclusive transition to a plastic pollution-free economy; Inspiring consumers, civic and youth action to transform the plastic value chain; and Upscaling and redirecting finance, incentives and trade. The meeting was also informed of the multi-stakeholder dialogue that had taken place the day prior to the meeting on the theme of Solutions along the plastics life cycle.

16. The meeting of the ad hoc open-ended working group was conducted in the six official United Nations languages. To facilitate broad participation, the meeting was convened as a hybrid meeting allowing for online participation.

17. The chair invited opening remarks from regional groups, followed by national statements and statements from observers.

18. Regional statements were made by the representative of the European Union and its member States; a representative of the African region; a representative of the Asia and the Pacific region; and a representative of the Group of Latin America and Caribbean Countries.

19. All participants who took the floor expressed their appreciation to the Government of Senegal for its welcome and hospitality. Further, participants thanked UNEP and the secretariat for its preparation of the ad hoc open-ended working group and the relevant documentation in the short time lead time since the adoption of UNEA resolution 5/14. Many representatives expressed their condolences to Senegal in relation to the fire that led to the death of eleven new-born babies in a hospital in Tivaouane.

20. The representative of the European Union and its member States said that UNEP has played an important role in the growing global recognition of the environmental emergency represented by plastic pollution, especially through the work of the ad hoc open-ended expert group on marine litter and microplastics and the preparation of a number of policy and scientific reports. It was no longer possible to ignore the fact that plastics were the largest, most harmful and most persistent fraction of marine litter accounting for at least eighty-five per cent of total marine waste, with volumes expected to triple by 2040. Plastics, including microplastics, were now found in all environmental compartments.

21. Urgent action to address the challenge throughout the plastics life cycle was key. He emphasized that the global consensus at the resumed fifth session of UNEA that led to the start of the process towards a legally binding instrument was a first step. With the clear mandate to elaborate a new, legally binding instrument to end plastic pollution by the end of 2024, there was a need to agree on a timetable, rules and organization of work that were effective and realistic to ensure that the negotiating process started on the right footing.

22. By building on experience from similar processes, including the process to prepare a global legally binding instrument on mercury, the intergovernmental negotiating committee on plastic pollution would benefit from strong and effective governance. The bureau elected to steer the whole process should respect the principles of geographical and gender distribution, and be solidly backed up by an adequately staffed secretariat. Leverage and flexibility should be given to the bureau so that the process could be steered on the basis of progress made and any other aspects the committee may consider relevant could be addressed.

23. A realistic timetable must be agreed with sufficient negotiation time and effective use of the intersessional period from now until the end of 2024, allowing adequate time before each committee meeting for regional coordination and consideration of the working documents. The organization of work and the clustering of discussions were highly complex and multifaceted and discussions must be structured in a pragmatic way. Moreover, consideration should be given first to a focus on overarching, strategic and institutional issues, such as identification of objectives, scope and vision, and later on in the process to breaking down into more technical and substantive discussions.

24. The success of the negotiations would depend on adequate funding of both the negotiation process and the secretariat. He encouraged all countries in a position to do so to provide voluntary funding, including making resources available for participation by developing countries. He stressed that active engagement by stakeholders, such as the private sector and civil society should take place as foreseen in UNEA resolution 5/14. He concluded by underlining how critical this meeting was as it would pave the way for constructive and effective negotiations to put an end to plastic pollution.

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25. The representative of the African group said it was a source of pride that African countries had taken a leading role in this process, including Rwanda as the initial co-sponsor of one of the UNEA draft resolutions on plastic pollution, Ghana as one of the co-facilitators for negotiation of the resolution, and Senegal as host of this inaugural meeting of the ad hoc open-ended working group.

26. She highlighted a few priority areas of the African Group as they looked forward to the negotiation process. The first was that any efforts to address plastic pollution must be in accordance with the principles of equity and of common but differentiated responsibilities and respective capabilities. Cognizance should also be taken of the right of African countries to development. The gaps between developing and developed countries in terms of historical responsibility, scientific knowledge, capacity, technological advances, and technical and financial support with respect to the fight against plastic pollution, including in the marine environment, should be recognized.

27. In addition, it was key to recognize the special needs and circumstances of Africa including the need for new, additional and predictable finance, technology transfer, development and deployment, and capacity building. It was important to remain aware of the need for a just transition as this global challenge was addressed in a comprehensive manner across the three pillars of sustainable development – economic, social and environmental. Particular attention, she noted, should be paid to the interests of small and medium-sized enterprises in Africa.

28. She stated that the process of nominating representatives to the bureau of the intergovernmental negotiating committee should be given adequate time. Countries should not feel compelled to settle on the nominees at this time, but consultations should be encouraged to continue in this regard. Her region also wished to request detailed information from the secretariat regarding the parameters for offering to host a meeting of the committee, in particular regarding cost implications for the host country.

29. She stated that, given Africa's special circumstances, the region requested the secretariat to facilitate a regional consultation in the lead up to the first committee meeting as was standard practice in the work of previous intergovernmental negotiating committees. The region strongly felt that a matter as complex and multifaceted as plastic pollution required thorough consideration and therefore more sessional time to fully flesh out and negotiate. In addition, the need for subsidiary groups under the committee should be examined to ensure full consideration of technical issues by experts as well as the manageability of the process throughout for smaller delegations.

30. In concluding, she emphasized that one of the priorities of the group was that the global agreement to be formulated would take a full life cycle approach to plastic pollution and be ambitious in its objectives, while backed by equally ambitious means of implementation.

31. The representative of the Group of Latin America and Caribbean Countries began by stating that UNEA resolution 5/14 was one of the most important outcomes of the resumed fifth session of UNEA. Many countries in the region had co-sponsored the draft resolution proposed by Peru and Rwanda, with several representatives from the region playing an active supporting role in the negotiation process of the final resolution. For her region it was essential to advance an ambitious agenda to reduce plastic pollution worldwide, with specific consideration always given to national circumstances and the capabilities of countries.

32. The text that would emerge from the international negotiating committee must take into consideration the full validity and applicability of the Rio principles of common but differentiated responsibilities and respective capabilities. It was a *sine qua non* requirement that the new treaty would establish the obligation for developed countries to provide means of implementation for developing countries such as financing, capacity building and technology transfer. Without this support, many developing countries would not be able to implement the provisions that the new agreement would generate.

33. It was also important to establish clear mechanisms to efficiently include all relevant stakeholders and engage their full participation during the whole process. One of the realities of the Latin America and Caribbean region should duly be reflected in the agreement: the existence of many waste pickers and informal workers who have already been contributing to the fight against plastic pollution. It was essential that their role be specifically and adequately reflected in the application of the future international treaty.

34. Concerning the organization of the work of the committee, she emphasized the region's preliminary common positions. First, there was a need to guarantee full and inclusive participation of all developing countries in the process, particularly through support for in-person attendance. Second, reflecting on previous multilateral negotiations under the auspices of UNEP, her region was of the view that consensus should remain the basis of decision-making in the committee, with agreement on

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the possibility of a vote as a last resort. Thirdly, while prioritizing the elements underlined in paragraphs 3 and 4 of UNEA resolution 5/14, the discussions on means of implementation for developing countries, especially the financial mechanism, should be advanced in every meeting of the committee. As stressed at the resumed fifth session of UNEA, the process should be an opportunity to strengthen the role of UN headquarters in Nairobi as the lieu *par excellence* of multilateral environmental debates.

35. Moreover, the need to appropriately balance the environmental, economic and social dimensions of the challenge that lay ahead should not be lost sight of, thus reflecting and anchoring the concept of sustainable development. Throughout the whole process of negotiations, a human rights-based approach should be integrated, which needed to be present in the outcome. Her region wished to emphasize the prevention dimension of plastic pollution and the need to reduce negative impacts on human health, as well as the broad exposure of workers and consumers to hazardous chemicals throughout the life cycle.

36. The representative of the Asia-Pacific Group emphasized that the decision at the resumed fifth session of UNEA to forge an international legally binding instrument to end plastic pollution was a step in the right direction. Global environmental issues required strengthening of international coordination, cooperation, and governance for long-term inclusive solutions. The role of the intergovernmental negotiating committee in developing the instrument would be essential. To ensure the success of this instrument, the committee should take into account different national circumstances, needs and priorities.

37. Based on the framework within which it operates, his region was of the view that decisions concerning the treaty to end plastic pollution should be adopted by consensus, meaning a decision could not be made if there was a standing objection by any party. The region reaffirmed its support for the principle of "leaving no one behind". The rules of procedure should reflect that principle, which would mean that all parties have an equal say during the decision-making process, ensuring inclusive outcomes accepted by the global community and providing a road map to end plastic pollution through inclusive solutions. Recognition of the wide range of approaches, sustainable alternatives and technologies to address the full life cycle of plastic, as stated in UNEA resolution 5/14, should guide discussions.

38. He said the aim should be to have a holistic treaty focusing not only on upstream, but also on the downstream aspects and should ensure practicality, taking into account different national circumstances, needs and priorities. For a successful treaty on plastic pollution, his region believed the Paris Agreement should be taken as an example. It was agreed through consensus, drawing the map of tackling climate change challenges using a bottom-up approach and acknowledging the critical importance of ensuring sustainable development, poverty eradication and economic diversification.

39. Plastics play an important role in the development of countries, especially those that are developing. The task ahead was to end the pollution caused by plastics, not necessarily plastics themselves. Therefore, his region considered that all available options, solutions, technologies and approaches should be utilized; for example, taking circularity as an overarching approach, and closing the loop in the case of all kinds of waste emissions and material.

40. Statements were then made by several national representatives. They expressed their countries' support for UNEA resolution 5/14, while recognizing the challenge that negotiating a legally binding international instrument will entail. Some representatives referred to the known adverse environmental and health impacts associated with plastic pollution; some described the plastic pollution problem in their own countries and the steps being taken to reduce it. Several representatives emphasized the need for a life cycle approach to end plastic pollution

41. It was stressed by a number of representatives that negotiations should be inclusive, consensual and transparent. They ought to take into account the concerns of all countries and aim to provide equal benefits for all: no one should be left behind; due consideration should be given to common but differentiated responsibilities, and to national circumstances and capabilities; and all stakeholders should play a role in decision-making. One representative expressed his country's support for ensuring that the outcomes of the multi-stakeholder forum are directly relevant and communicated to the intergovernmental negotiating committee, and that there is a two-way dialogue to ensure that those who will eventually implement and be impacted by a new international instrument to end plastic pollution have the opportunity to contribute to its development.

42. Many representatives pointed out that financing, capacity building and technology transfer will be necessary if the instrument is to be implemented by all countries. The need for funding to allow all countries to participate in all committee meetings was emphasized. Representatives of two countries

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suggested that consideration be given to a multilateral fund, which is designated as an option in paragraph 4(b) of UNEA resolution 5/14.

43. Several representatives emphasized that there was a need to review existing multilateral environmental agreements, together with other regional and international mechanisms and organizations, to ensure coordination and avoid duplication or conflict. Two representatives also urged that potential conflicts with trade agreements be avoided.

44. Offers to host a session of the intergovernmental negotiating committee were made as follows: Canada to host one session of the committee; France to host one session in either 2023 or 2024; Kenya was keen to host a session of the committee; South Korea to host a session in 2023 or 2024 and support hosting of a one day forum; Rwanda to host one session of the committee and the diplomatic conference to sign the act of the treaty; and Uruguay to host the first session of the committee. The representative of Japan suggested that the intergovernmental negotiating committee should have two co-chairs to contribute to a well-balanced governance of the committee.

45. Several representatives noted their preference for the number of sessions of the committee and the proposed time-table, which they reiterated under the relevant agenda items.

46. One representative, speaking on behalf of the following countries, Australia, Canada, Japan, Monaco, New Zealand, Norway, Switzerland, the United Kingdom and the United States, condemned the widespread devastation affecting the Ukrainian people and their environment and called for a cessation of hostilities and good faith negotiations. Other representatives also voiced their concern regarding the current situation and their support for Ukraine. The representative of Ukraine thanked the many representatives who had expressed their support for and solidarity with Ukraine and its people. She added that the devastation to the country had left behind much debris adding to its burden of plastic pollution. The representative of the Russian Federation said that meetings of UNEP were not the appropriate forum at which to address issues related to armed conflicts, noting that issues of peace and security were within the purview of the UN Security Council.

47. Representatives of three non-governmental organizations took the floor, applauded the historic decision taken at the resumed fifth session of UNEA and looked forward to full and inclusive participation from all sectors in the negotiation process. The representative of a non-governmental organization stressed the need to address the entire life cycle of plastics and their effects, noting the importance of looking at the toxicity of plastics in the entire life cycle, especially the effects on women due to their increased exposure in the informal recycling sector.

48. The representative of another non-governmental organization stated that the new instrument would be a global health treaty owing to the negative impacts of the exposure to and human health effects of the chemicals from which plastics were made. He said it was important to have an open, equitable, inclusive and transparent process allowing for full participation of civil society and therefore promoted using the rules of participation that were used to negotiate the Minamata Convention on Mercury, which would promote transparency and effective participation of all.

49. The representative of another non-governmental organization noted that the business community acknowledged the importance of tackling the issue and were committed to a successful negotiation by 2024. He said that more must be done to leverage the abilities of the business community and added that a key driver should be to develop an ambitious, workable and effective instrument, also with incentives that would help guide business to become plastic-free and be positive actors in the process to address plastic pollution. He added that the business community was committed to supporting an instrument that takes into account design, use and reuse of plastics as well as the links between climate, biodiversity and trade, and moving from a linear to a circular economy.

50. The meeting agreed that written national statements be submitted to the secretariat by 5 June 2022 noting they could inform the intergovernmental negotiating process. Any such submissions will be posted on the dedicated web-page.[1]

C. Adoption of the rules of procedure of the meeting

51. The ad hoc open-ended working group agreed to apply the rules of procedure of the United Nations Environment Assembly to its meeting.

[1] https://www.unep.org/events/unep-event/Intergovernmental-Negotiating-Committee-end-plastic-pollution.

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D. Attendance[2]

52. The meeting was attended by representatives of States, as well as by observers from United Nations bodies, specialized agencies, intergovernmental organizations and non-governmental organizations.

IV. Preparations for the work of the intergovernmental negotiating committee

53. The chair introduced the agenda item recalling that by UNEA resolution 5/14, the ad hoc open-ended working group had been requested to prepare for the work of the intergovernmental negotiating committee in particular to discuss the timetable and organisation of work of the intergovernmental negotiating committee, taking into account the provisions and elements identified in paragraphs 3 and 4 of that resolution.

A. Timetable and organization of work

54. The chair proposed to take up the item of the timetable and organization of work in three parts: part 1 relating to the number of sessions of the intergovernmental negotiating committee; part 2 on the timetable of the committee, and part 3 addressing documentation to be prepared by the secretariat for the first session of the committee.

55. The secretariat introduced document UNEP/PP/OEWG/1/3 on approaches to the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

56. The secretariat noted that two scenarios were outlined in the document, one of five sessions and one of four sessions. Either option would be followed by a diplomatic conference of plenipotentiaries to be held in 2025 for adopting the instrument and opening it for signature. The document provided details on each option, as well as a note on hosting such sessions and the requirement to report to UNEA at its sixth session in February 2024.

57. In the ensuing discussion all representatives spoke in favour of holding five sessions of the intergovernmental committee, some advocating a minimum of five sessions. A few representatives suggested that the committee could itself decide whether there was a need for additional sessions. Representatives stressed the need for sufficient time between sessions of the committee to prepare for each session, in particular for regional consultations and for the secretariat to develop the necessary documentation and disseminate them in a timely manner. A few representatives voiced the option of having longer sessions, up to seven or eight days.

58. One representative said that the date and the venue of each session should be made known, and the documentation circulated, at least two months in advance, while another said even six months between sessions might be insufficient noting that the bureau would also have to meet in the intersessional period. Another representative proposed that a session of the committee be convened in each of the five United Nations regions.

59. The working group then turned to the timetable to prepare for the committee, in particular the timing of its first meeting. The chair suggested the working group acknowledges that the actual timing would depend on the committee's approach to, and progress with, dealing with issues. Further, the committee might need to adjust any timetable that the working group recommends to it, in light of its experience and progress.

60. In the ensuing discussion representatives urged the secretariat to avoid overlap with meetings of multilateral environmental agreements when planning the dates of the committee meetings. Noting that the document provided for only four months between the first and second sessions of the committee, one representative, speaking on behalf of a regional economic integration organization, said that this would constitute insufficient time for the secretariat of the intergovernmental negotiating committee and the bureau to reflect on the strategic orientation from the first session, to prepare documentation and for stakeholders to prepare for the meeting. She said a balance between negotiating time and preparation time was essential and documentation should be sent to participants at least six weeks before the meeting. She voiced a preference for in-person meetings but did not object to hybrid sessions if conditions so required. She added that her organization would be open to support any host country convening the diplomatic conference in 2025.

[2] The list of participants is contained in UNEP/PP/OEWG/1/INF/7 and is posted on the dedicated website.

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61. The working group took up the issue of documentation to be prepared for the intergovernmental negotiating committee meeting at its first session. The chair said that, notwithstanding the wealth of information already available, there may be a need for additional documentation that the secretariat could be requested to provide to facilitate the work of the committee.

62. In the ensuing discussion, some representatives called for a document containing elements of a legally binding instrument, however many representatives said that it would be premature to have a chair's text or zero draft of elements of a legally binding instrument already available at the first session. Several suggestions were made on documentation to be developed by the secretariat to inform the first session of the committee. These included: a glossary of key terms; a compilation of relevant activities under multilateral environmental agreements, including opportunities for complementarities and synergy, identification of gaps and avoidance of duplication; stakeholder engagement frameworks; funding arrangements and sources including those of other multilateral environmental agreements; human health impacts; essential uses; relevant technology and scientific information taking into account existing information, in particular work of the ad hoc open-ended expert group on marine litter and microplastics and other relevant publications.

63. Several representatives said that a compilation on the priorities, needs and barriers or challenges faced by countries should be a compilation of the needs of all countries and not just developing countries. Others noted that lack of capacity would make it a difficult task for developing countries to gather such information. Some representatives said clarity was needed on the compendium of information for policy makers, with one suggesting it should target decision makers. A few representatives cautioned that the number of documents requested would place a heavy burden on the workload of the secretariat in the short time leading up to the first session of the committee.

64. The secretariat was requested to prepare a note outlining the different options for consideration by the working group on both the number of sessions and the timetable. The secretariat also was requested to include in the note a provisional list of documents that it would make available to the committee at its first session.

65. The working group reviewed the note prepared by the secretariat and agreed on a provisional timetable for meetings of the intergovernmental negotiating committee, noting that the dates of such meetings were not yet fixed. The working group urged the secretariat to make every effort to ensure that proposed dates for a committee meeting did not overlap with dates for other meetings of multilateral environmental agreements.

66. Following a review and some adjustments, the working group agreed on an initial set of documents to be prepared by the secretariat for consideration by the intergovernmental negotiating committee at its first session.

67. The agreed timetable and list of documents is attached to the current report as Appendix I.

B. Draft rules of procedure

68. The Chair opened this agenda item and the secretariat introduced document UNEP/PP/OEWG/1/4 on draft rules of procedure for the work of the intergovernmental negotiating committee. The representative of the secretariat said to carry out its mandate, the committee may either decide to apply the rules of procedure of the United Nations Environment Assembly, with changes as required, to its proceedings; or to adopt its own rules of procedure, as in the case of other intergovernmental negotiating committees for international legally binding instruments in the field of the environment.

69. The secretariat had prepared draft rules of procedure, based on the rules of procedure of United Nations bodies and established practice, and on the work of other intergovernmental negotiating committees, including the work of the intergovernmental negotiating committee to prepare a global legally binding instrument on mercury, which is the most recent example of rules of procedure developed for the negotiation of a multilateral environmental agreement. The draft also addressed the possibility of online participation in the meetings.

70. In the ensuing discussions on the draft rules of procedure, most representatives addressed the issue of in-person, hybrid and online participation at sessions of the committee. All representatives who took the floor voiced a preference for in-person sessions for negotiation and substantive issues, some suggesting that, in exceptional cases, online sessions could be envisaged for the purpose of information exchange or to address administrative issues. Some representatives raised the difficulties associated with online sessions citing, for example, differences in time zones and issues of connectivity. Many representatives stressed that any convening of an online session should not be used

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for negotiation of the instrument or for voting. Some representatives said that hybrid meetings were currently not uncommon and were unavoidable due to the Covid-19 pandemic that had hindered in-person participation but allowed for broader participation.

71. Several representatives addressed the rule relating to date, place and provisional agenda of each session and proposed various timelines for consideration. The secretariat clarified that internal deadlines would also affect when documentation could be circulated prior to a session of the committee.

72. Several representatives suggested using the rules of procedure prepared for the intergovernmental negotiating committee to develop a legally binding instrument on mercury with minimal adjustments.

73. The chair proposed that an informal discussion be held in the margins of the plenary session to reach an agreement on the outstanding concerns related to the draft rules of procedure. Mr. Robert Bunbury (Canada) facilitated the informal discussion. Reporting back on the outcome of the informal discussion Mr. Bunbury said that while agreement had been reached on many of the rules it had been difficult at this time to reach a compromise on all. It had been the aim of the informal discussions to have clean text, however he saw no impediment to forwarding the draft rules with some bracketed text for the intergovernmental negotiating committee to agree upon at its first session.

74. The working group agreed to forward the draft rules of procedure to the intergovernmental negotiating committee with some issues to be agreed upon by the committee.

75. The text of the draft rules of procedure for the intergovernmental negotiating committee, as agreed by the working group, are attached to the current report as Appendix II.

76. Turning to the organization of work of the intergovernmental negotiating committee, the ad hoc open-ended working group regretted that there had been insufficient time to address the matter. One representative noted the benefit of clustering elements listed in paragraphs 3 and 4 of UNEA resolution 5/14, noting that at its first session, the committee would benefit from already addressing funding mechanisms and other elements related to means of implementation. Another representative, supporting this view, said that more clarity was needed on the organization of work of the committee. One representative added that clustering of the elements was an important point and suggested that the secretariat could receive submissions related to the issue. He added that regional coordination meetings could discuss organization of work given it had not been taken up by the working group.

77. The working group agreed to send to the secretariat by end of June 2022 any comments and suggestions related to organization of work and clustering of elements to be addressed by the intergovernmental negotiating committee.

C. Organization of the forum for the exchange of information and activities related to plastic pollution

78. The secretariat introduced document UNEP/PP/OWEG/1/INF/4, planning for the multi--stakeholder forum as called for in paragraph 16 of UNEA resolution 5/14.

79. Ms. Aggarwal-Kahn, Director Economy Division, presented a summary report on the series of multi-stakeholder dialogues that had taken place in the margins of the meeting and introduced a three minute video that highlighted the main points. Following the presentation of the video, she said there had been very good discussions although it had sometimes been difficult to have in-depth discussions given only the tip of the iceberg of plastic pollution was being touched. It was suggested that regional multi-stakeholder meetings could be held to complement the one-day forum that would precede the first session of the committee. Some of the issues raised during the dialogues were: what it means to bring about a circular plastics economy; what it means to have upstream and downstream connections; reducing, reusing and recycling; unlocking national regulations; moving to a reuse and refill system; extended producer responsibility; legislative drivers; the social as well as the economic angle of waste pickers; and consumer behaviour that required change.

80. In the ensuing discussion, several representatives appreciated the convening of the multi-stakeholder dialogues that had been informative and insightful. Many highlighted the importance of bringing together those impacted by plastic pollution along the entire value chain who could inform the negotiation process. The proposed forum, some said, would demonstrate the importance of the widest possible participation of stakeholders and would offer support to the negotiations by adding to the knowledge and general understanding of the issues related to plastic pollution. The forum could take stock of the current situation on plastic pollution and ensure that

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multi-stakeholder engagement in the process would inform a multi-stakeholder agenda as requested by UNEA resolution 5/14.

81. A few representatives said it would be important to know the discussion points of the forum in a timely manner in order to prepare at the national level. Other representatives highlighted that non--governmental participation would be crucial. Most others encouraged identifying means for financial support for the informal and cooperative sectors to attend as observers, one urging funding for informal waste pickers to participate in the forum.

82. The summary report of the multi-stakeholder dialogues is attached to the present report as Appendix III.

V. Other matters

83. All representatives welcomed, appreciated and voiced supported to the offer of Uruguay to host the first session of the intergovernmental negotiating committee in Punta del Este in November 2022.

84. A representative speaking on behalf of the Western European and Others Group said their nominations to the bureau of the intergovernmental negotiating committee would be Ms. Johanna Lissinger Peitz from Sweden and Mr. Larke Williams from the United States.

85. A representative speaking on behalf of the Group of Latin America and Caribbean Countries said the group will be represented in the bureau by Ecuador and Peru.

86. Representatives from the African Group, the Asia Pacific Group and the Eastern European Group requested additional time to submit their nominations to the bureau of the intergovernmental negotiating committee.

87. One representative reiterated his country's proposal to have two co-chairs for the intergovernmental negotiating committee. He said the matter would be readdressed at the first meeting of the committee.

VI. Adoption of the report of the meeting

88. Mr. Wertli, rapporteur of the ad hoc open-ended working group, presented the draft report of the meeting of the working group to the meeting for adoption. He outlined what was included in the draft report, adding that the working group had agreed on its outputs that would be annexed to the report for forwarding to the first session of the intergovernmental negotiating committee for its consideration. Given the lack of time to go through the draft report, participants were invited to submit any factual corrections to the report to the secretariat. As is common practice, the finalization of the report would be undertaken by the rapporteur and chair of the meeting working with the secretariat.

89. The meeting agreed to adopt the draft report of the ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee that is to develop an international legally binding instrument on plastic pollution, including in the marine environment.

VII. Closure of the meeting

90. Following the customary exchange of courtesies, the meeting was declared closed at 4.08 p.m. on 1 June 2022.

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Appendix I

Proposed approach to the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

Summary of considerations:

- UNEA 5/14 paragraph 1: "…with the ambition to complete its work by the end of 2024…".
- General preference for five day INC meetings but can adjust the length of meetings as the INC process develops.
- Provide sufficient time to allow for regional consultations prior to each meeting – subject to availability of resources.
- Draft rules of procedure: rule 17 – "…including the preparation and distribution of documents at least six weeks in advance of the sessions…".
- Minimum required time for editing and translation of documents is six weeks.

Proposed timetable for INC meetings[1]

Meeting	*Nominal Timeline*
INC1	Week of 28 November 2022
INC2	End of April 2023
INC3	End of November 2023
UNEA 6	Week of 26 February 2024 (The UNEP Executive Director to report on progress)
INC4	Early May 2024
INC5	Early December 2024

Proposed List of Documents for INC1:

A. Documents to be forward from the OEWG:

(i) Draft **rules of procedure** for the INC

(ii) Report of the OEWG

(iii) Proposed timetable for INC meetings

B. Standard meeting documents:

(iv) Provisional Agenda

(v) Annotated provisional agenda

(vi) Scenario note

C. Documents proposed by the OEWG for INC1[2]

(vii) Glossary of key terms

(viii) Broad options for structure of the instrument, taking into account paragraphs 3 and 4 of UNEA resolution 5/14

[1] Strive to avoid clashes with other related international meetings.

[2] The production of a number of these documents will require timely responses to requests for information from Member States and stakeholders.

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(ix) Potential elements, based on provisions in paragraphs 3 and 4 of UNEA resolution 5/14; including key concepts, procedures, and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future instrument on plastic pollution

(x) An overview of existing funding currently available for addressing plastic pollution through international funding arrangements, including from other processes, programmes, multilateral funds, development banks and private sector initiatives

(xi) Description of standard articles on final provisions that are typically included in multilateral environmental agreements

(xii) An overview of information 'to promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates, avoid duplication and promoting complementarity of action' (UNEA resolution 5/14 paragraph 3(k))

(xiii) An overview of stakeholder engagement frameworks under other instruments, and potential approaches for this instrument

(xiv) Plastics science – monitoring, sources of plastic pollution, chemicals used in manufacturing, flows across the life cycle, pathways in the environment, health and other impacts, solutions, technologies and costs

(xv) Listing of existing information for policy makers, building on UNEP/PP/OEWG/1/INF/3

(xvi) Priorities, needs, challenges and barriers, especially in developing countries, along with an overview of national measures, based on submissions from Member States.

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Appendix II

Draft rules of procedure for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

(As agreed on by the open-ended working group on 1 June 2022 to be forwarded to the intergovernmental negotiating committee for consideration)

I. Purposes

These rules of procedure shall govern the negotiation of an international legally binding instrument on plastic pollution, including in the marine environment.

II. Definitions

Rule 1

1. "Member" means any State Member of the United Nations or Member of its specialized agencies or a regional economic integration organization participating in the work of the intergovernmental negotiating committee for an international legally binding instrument on plastic pollution, including in the marine environment (hereinafter referred to as the Committee).

2. "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 covered by the3work. Participation of such a regional economic integration organization shall in no case entail an increase in the representation to which the member States of that organization would otherwise be entitled.

3. "Chair" means the Chair elected in accordance with rule 9 of these rules of procedure.

4. "Secretariat" means the secretariat provided by the Executive Director which is required to support the Committee.

5. "Executive Director" means the Executive Director of the United Nations Environment Programme or his or her representative.

6. "Session" means any series of meetings convened in accordance with the present rules of procedure.

7. "Representatives present and voting" means representatives of Members, present and casting an affirmative or negative vote. Representatives who abstain from voting are considered as not voting.

III. Place and dates of sessions

Rule 2

1. The venue and dates of the sessions shall be decided by the committee in consultation with the secretariat.

2. The secretariat shall convey to Members the date, venue and provisional agenda of each session no less than six weeks in advance of that session.

IV. Agenda

Drawing up of the provisional agenda for a session

Rule 3

The Executive Director shall, after approval by the Bureau referred to in rule 9, paragraph 1, submit to the Committee at each session the draft provisional agenda for the following session. The Committee shall review the draft and revise it, as it deems necessary, and agree to forward it to its next session for adoption.

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Adoption of the agenda

Rule 4

At the beginning of each session, the Committee shall adopt its agenda for the session based on the provisional agenda referred to in rule 3.

Revision of the agenda

Rule 5

During a session, the Committee may revise the agenda for the session by adding, deleting or amending items. Only items that the Committee considers to be urgent and important may be added to its agenda during the session.

V. Representation

Composition of delegations

Rule 6

The delegation of each Member participating in any session shall consist of a head of delegation and such alternate representatives and advisers as may be required.

Alternates and advisers

Rule 7

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Rule 8

The names of representatives, alternate representatives and advisers shall be submitted to the secretariat no less than three days before the session they are to attend.

VI. Officers

Elections

Rule 9

1. The committee shall elect from among the representatives of the Members a Bureau comprising one Chair and ten Vice-Chairs, one of whom shall act as Rapporteur.

2. In electing the officers referred to in the previous paragraph, the Committee shall have due regard to the principle of equitable geographical representation, and gender balance. Each of the five regional United Nations groups shall be represented by two members of the Bureau and one Bureau member shall represent the Small Island Developing States (SIDS).

Acting Chair

Rule 10

If the Chair finds it necessary to be absent from a session or any part thereof, he or she shall call upon a Vice-Chair to take his or her place.

Replacement of the Chair

Rule 11

If the Chair is unable to continue to perform his or her functions, a new Chair shall be elected for the unexpired term, with due regard to rule 9, paragraph 2.

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Substitute members

Rule 12

If a Vice-Chair finds it necessary to be absent from a session or any part thereof, a new Vice-Chair shall be designated by the same regional group. Such substitution shall not exceed the period of one session.

Replacement of a Vice-Chair

Rule 13

If a Vice-Chair resigns or is otherwise unable to complete his or her term of office, a new Vice-Chair shall be elected for the unexpired term, with due regard to rule 9, paragraph 2.

VII. Secretariat

Rule 14

The Executive Director may designate his or her representative during the sessions.

Rule 15

The Executive Director shall provide and direct the staff of the secretariat required to support the Committee, including any subsidiary organs that the Committee may establish.

Rule 16

The Executive Director, or his or her designated representative, may, subject to rule 20, make oral and written statements to the Committee and its subsidiary organs concerning any matter under consideration.

Rule 17

The Executive Director shall be responsible for convening sessions in accordance with rules 2 and 3 and for making all the necessary arrangements for sessions, including the preparation and distribution of documents at least six weeks in advance of the sessions.

Rule 18

The secretariat shall, in accordance with rules 2, 3, 51 and 58, interpret speeches made at sessions; receive, translate and circulate the documents of the sessions; publish and circulate reports and relevant documentation to the Members; have the custody of the documents in the Committee's archives; and generally perform all other work that the Committee may require.

VIII. Conduct of business

Quorum

Rule 19

1. The Chair may declare a session open and permit the debate to proceed when at least one-third of the Members participating in the session are present. The presence of a majority of Members so participating shall be required for any decision to be taken.

2. For the purposes of determining a quorum for a decision to be taken on a matter within the competence of a regional economic integration organization, that organization shall be counted to the extent of the number of votes it is entitled to cast.

Powers of the Chair

Rule 20

In addition to exercising the powers conferred upon him or her elsewhere by the present rules, the Chair shall declare the opening and closing of each session; direct the discussion; ensure observance of the present rules; accord the right to speak; put questions to the vote; and announce decisions. The Chair shall rule on points of order and, subject to the present rules, shall have control over the proceedings of the sessions and over the maintenance of order at sessions. The Chair may propose to the session the limitation of the time to be allowed to speakers, the limitation of the number of times each Member may speak on any subject, the closure of the list of speakers, or the closure of

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the debate. The Chair may also propose the suspension or the adjournment of the session or of the debate on the question under discussion.

Rule 21

The Chair, in the exercise of his or her functions, remains under the Committee's authority.

Powers of the acting Chair

Rule 22

A Vice-Chair acting as Chair shall have the same powers and duties as the Chair.

Voting rights of the Chair

Rule 23

The Chair shall not vote, but may designate another member of his or her delegation to vote in his or her place.

Speeches

Rule 24

No one may address a session without having previously obtained the Chair's permission. Subject to these rules, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair shall call a speaker to order if his or her remarks are irrelevant to the subject under discussion.

Precedence

Rule 25

The Chair, the Vice-Chair, or a designated representative of any subsidiary group that may be established pursuant to rule 49 may be accorded precedence in speaking for the purpose of explaining the conclusion arrived at by the subsidiary organ concerned and for the purpose of replying to questions.

Points of order

Rule 26

1. During the discussion of any matter, a representative of a Member may at any time raise a point of order and the point of order shall be immediately decided upon by the Chair in accordance with these rules. A representative of a Member may appeal against the Chair's ruling. The appeal shall be put to the vote immediately and the Chair's ruling shall stand unless overruled by a majority vote of the representatives of Members who are present and voting.

2. A representative of a Member raising a point of order may not speak on the substance of the matter under discussion.

Time limit on speeches

Rule 27

The Committee may limit the time allowed to each speaker and the number of times that each person may speak on any question, except on procedural questions, in respect of which the Chair shall limit each intervention to a maximum of five minutes. When debate is limited and a speaker has spoken for his or her allotted time, the Chair shall call him or her to order without delay.

Closing of list of speakers

Rule 28

During the course of a debate, the Chair may announce the list of speakers and, with the Committee's consent, declare the list closed. The Chair may, however, accord the right of reply to any Member if, in his or her opinion, a speech delivered after he or she has declared the list closed renders this justified. When debate on an item is concluded because there are no other speakers, the Chair shall, with the Committee's consent, declare the debate closed.

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Adjournment of debate

Rule 29

During the discussion of any matter, a representative of a Member may move the adjournment of the debate on the subject under discussion. In addition to the proponent of the motion, one representative of a Member may speak in favour of the motion and one against it, after which the motion shall be immediately put to the vote.

Closure of debate

Rule 30

A representative of a Member may at any time move the closure of the debate on the subject under discussion, whether or not any other representative of a Member has signified his or her wish to speak. Permission to speak on the closure of the debate shall be accorded only to two representatives of Members opposing the closure, after which the motion shall be immediately put to the vote. If the Committee is in favour of the closure, the Chair shall declare the closure of the debate.

Suspension or adjournment of a session

Rule 31

During the discussion of any matter, a representative of a Member may move the suspension or the adjournment of any session. Such motion shall not be debated, but shall immediately be put to the vote.

Order of procedural motions

Rule 32

Subject to rule 26, and regardless of the order in which they are submitted, the following motions shall have precedence, in the following order, over all other proposals or motions before the session:

(a) To suspend the session;

(b) To adjourn the session;

(c) To adjourn the debate on the subject under discussion;

(d) To close the debate on the subject under discussion.

Proposals and amendments

Rule 33

Proposals and amendments shall normally be introduced in writing and submitted to the secretariat, which shall circulate copies to all representatives of Members. As a general rule, no proposal shall be discussed or put to the vote at any session of the Committee unless copies of that proposal have been circulated in the official languages of the session to all representatives of Members not later than the day preceding the session. Subject to the Committee's consent, the Chair may, however, permit the discussion and consideration of proposals or amendments that have not been circulated or have only been circulated the same day.

Decisions on competence

Rule 34

Subject to rule 32, any motion calling for a decision on the Committee's competence to adopt any proposal or any amendment submitted to it shall be put to the vote before a vote is taken on the proposal or amendment in question.

Withdrawal of proposals or motions

Rule 35

A proposal or a motion may be withdrawn by its proponent at any time before voting on it has commenced, provided that the proposal or the motion has not been amended. A proposal or motion that has thus been withdrawn may be reintroduced by another representative of a Member.

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Reconsideration of proposals

Rule 36

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee, by a two-thirds majority of the representatives of Members who are present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded to only two representatives of Members opposing the motion, after which the motion shall immediately be put to the vote.

Voting rights

Rule 37

1. Each Member shall have one vote **[,** except as provided for in paragraph 2.**]**

Original from Minamata

2. A regional economic integration organization shall, on matters within its competence, exercise its right to vote with a number of votes equal to the number of its member States participating in the committee. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Alt. 1

A regional economic integration organization shall, on matters within its competence, exercise its right to vote with a number of votes equal to the number of its member States **duly accredited and present at the time of the vote [**participating in the committee**].** Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa**.**

Alt. 2

A regional economic integration organization shall, on matters within its competence, exercise its right to vote with a number of votes equal to the number of its member States **duly accredited and present at the session [**participating in the committee**].** Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa**.**

Alt. 3 (Package from Minamata + Footnote)

A regional economic integration organization shall, on matters within its competence, exercise its right to vote with a number of votes equal to the number of its member States participating in the committee*****. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

[duly accredited and present at the session*]**

Adoption of decisions

Rule 38

1. The Committee shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as a last resort, be taken by a two-thirds majority of the representatives of Members who are present and voting.

2. Decisions of the Committee on procedural matters shall be taken by a majority of the representatives of Members who are present and voting.

3. Where there is disagreement as to whether a matter to be voted on is a substantive or procedural matter, that issue shall be decided by a two-thirds majority of the representatives of Members who are present and voting.

Method of voting

Rule 39

Subject to rule 45, the Committee shall normally vote by show of hands, but any representative of a Member may request a roll call, which shall then be taken in the English alphabetical order of the names of the Members, beginning with the Member whose name is drawn by lot by the Chair. If, however, at any time a Member requests a secret ballot, that shall be the method of voting on the issue in question.

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Recording of roll call

Rule 40

The vote of each Member participating in a roll call shall be recorded in the relevant documents of the session.

Conduct during voting

Rule 41

After the Chair has announced the beginning of voting, no representative of a Member shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The Chair may permit representatives of Members to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The Chair may limit the time to be allowed for such explanation. The Chair shall not permit the proponent of a proposal or of an amendment to explain his or her vote on his or her own proposal or amendment.

Division of proposals or amendments

Rule 42

A representative of a Member may move that parts of a proposal or of an amendment shall be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given to only two representatives of Members in favour and two against. If the motion for division is carried, those parts of the proposal or of the amendment that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

Voting on amendments

Rule 43

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. If no amendments are adopted, the proposal shall be put to the vote in its original form.

2. A motion is considered an amendment to a proposal if it adds to, deletes from, or revises part of that proposal.

Voting on proposals

Rule 44

1. If two or more proposals are related to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Any proposals or motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Elections

Rule 45

All elections shall be held by secret ballot unless, in the absence of any objection, the Committee decides to proceed without taking a ballot when there is an agreed candidate.

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Rule 46

1. If, when only one person or Member is to be elected, no candidate obtains, in the first ballot, the majority required, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the case of a tie among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to the remaining candidates, shall continue in accordance with the preceding paragraph.

Rule 47

1. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining the required majority on the first ballot shall be elected.

2. If the number of candidates obtaining such a majority is more than the number of places to be filled, those candidates obtaining the largest number of votes shall be elected.

3. If the number of candidates obtaining such a majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates having obtained the greatest number of votes in the previous ballot, who shall number not more than twice the places remaining to be filled. In the case of a tie between a greater number of unsuccessful candidates, however, a special ballot shall be held for the purpose of reducing the number of candidates to the required number.

4. If three restricted ballots are inconclusive, unrestricted ballots shall follow in which votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots (subject to exception in a case similar to that of the tie mentioned at the end of the previous paragraph of this rule) shall be restricted to the candidates obtaining the greatest number of votes in the third of the unrestricted ballots. The number of such candidates shall be not more than twice the number of places remaining to be filled.

5. The following three ballots thereafter shall be unrestricted and so on, until all the places are filled.

Equally divided votes

Rule 48

If a vote is divided equally on matters other than elections, the proposal shall be regarded as rejected.

IX. Subsidiary organs

Subsidiary organs of the sessions, such as working groups and expert groups

Rule 49

1. The Committee may establish such subsidiary organs as may be necessary for the effective discharge of its functions.

2. Each subsidiary organ shall elect its own officers, having due regard for the principle of equitable geographical representation and for gender balance. The number of such officers shall be no more than five.

3. The rules of procedure of the subsidiary organs shall be those of the Committee, as appropriate, subject to such modifications as the Committee may decide upon in the light of proposals made by the subsidiary organ concerned.

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X. Languages and records

Languages of the sessions

Rule 50

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the sessions.

Interpretation

Rule 51

1. Speeches made in a language of the sessions shall be interpreted into the other languages.

2. A representative may speak in a language other than a language of the sessions. In this case he or she shall himself or herself provide for interpretation into one of the languages of the session, and interpretation into the other languages by the interpreters of the secretariat may be based on the interpretation given in the first language.

Languages of official documents

Rule 52

Official documents shall be made available in the languages of the session.

XI. Public and private meetings

Plenary meetings

Rule 53

The plenary meetings during any session shall be held in public unless the Committee decides otherwise. All decisions taken at any non-public meeting shall be announced at an early stage at a public meeting.

Other meetings

Rule 54

Meetings of subsidiary organs such as working groups or expert groups, other than any drafting group that may be set up, shall be held in public unless the organ concerned decides otherwise.

XII. Observers

Participation of specialized agencies, United Nations related organizations, multilateral environmental agreements, United Nations bodies and other intergovernmental organizations

Rule 55

Participation of observers

Observers may participate in the work of the session in accordance with the established practice of the United Nations General Assembly.

Observers from non-governmental organizations

Rule 56

Relevant non-governmental organizations participating in the session as observers may make their contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process and taking into account decisions 1/1 and 2/1, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first and second sessions, concerning the participation of non--governmental organizations.

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XIII. Suspension and amendment of the rules of procedure

Rule 57

A rule of procedure may be amended or suspended by a decision of the Committee taken by consensus, provided that 24 hours' notice of the proposal has been given.

XIV. Use of electronic means of communication

Rule 58

The Committee may use electronic means of communication for the transmission and sharing of documentation, without prejudice to other means of communication, as appropriate. The secretariat shall ensure that a secure and dedicated web interface is established and maintained to facilitate the work of the Committee.

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Appendix III

Summary of the multi-stakeholder dialogues on solutions and innovations to end plastic pollution held in conjunction with the ad hoc open-ended working group

Introduction

The multi-stakeholder dialogues in the context of the OEWG were intended to provide a space to discuss solutions and innovations across the plastics life cycle and ensuring that all stakeholders can lean in and be heard. The dialogues started at 10.00 a.m. on Sunday 29th May, with four panels structured around a life cycle approach to end plastic pollution. The hybrid event was opened by UNEP's Executive Director and Senegal's Minister for Environment and Sustainable Development, followed by over 200 participants on-site and close to 200 online. During the actual dates of the OEWG (30 May-1 June), shorter dialogues were held in each of the lunch breaks (14h-14h45). These afternoon dialogues continued to attract significant interest from participants both on-site and online. Each panel was guided by a moderator and brief remarks were heard from four main speakers. Those were followed by a discussion with the audience and a conclusion from the moderator. The following is a summary.

Key messages discussed in the multi-stakeholder dialogues include the scale of the change needed in the production and consumption system to end plastic pollution (e.g. material and product design and innovation; reassessing our needs, etc); the need to connect the upstream with the downstream stages of the plastic life cycle; the need to scale the innovations and models that are being pilot tested; particularly by enabling coherent policy frameworks (e.g. fiscal, trade, labour and skill related policies; public investments in infrastructure, etc.); the need to consider also social and health aspects of the plastic pollution crisis; etc. Multi-stakeholder dialogues and engagement are key to offer a space for exchange and innovation and to give a voice to stakeholders that would not normally participate in the negotiations of the instrument; but that must contribute to its shaping, and surely its implementation.

Sunday 29 May - Solutions along the plastics life cycle

The first day of dialogues laid out key elements of the approach to address the root causes of plastic pollution such as the need for a systems change, which connects actions upstream and downstream in the plastics life cycle, with specific and ambitious targets on actions to reduce, reuse and recycle. A recurrent message was the importance of the design phase, not only of products and materials, but also of the ways in which business models deliver services. Speakers highlighted the role of policies and regulations in ensuring more sustainable consumption and production systems e.g., by making available necessary information about chemicals content in products, promoting the phase-out of chemicals of concern and of materials that are hard or impossible to recycle, through actions, responsibility and accountability from all actors. Coordination with existing mechanisms such as the Basel and Stockholm Conventions will need to be maximized to avoid duplication. Finally, speakers stressed the need of a sustainable transition towards a new plastics economy, with specific consideration for informal waste pickers that currently ensure the closure of the loop in many economies.

Context setting session

The first dialogue provided the context, brought the voice of informal waste-pickers into the room and articulated the scientific perspective on the solutions available, and the magnitude of the change required. The interventions highlighted that the problem of plastic pollution is diverse, real, and affects communities, societies, the economy as well as the environment. There is no silver bullet or single-solution to plastic pollution: solutions must encompass the full life cycle of plastics to achieve the necessary system change. Therefore, we must understand the interests and the needs of and we must involve all stakeholders across the life cycle of plastics, including waste pickers. The scale of change required in the near term is significant, but with concerted action and the necessary legislative drivers to create an enabling environment, it can be achieved. Research demonstrates that there are social and economic benefits, in addition to environmental ones, in shifting to a new circular plastics economy.

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Panel 1 - Thinking Upstream: Product and material innovation and design

This panel provided important messages from the scientific community on the sourcing and production of plastics, as well as insight on what industry is already doing to integrate different sources of feedstock for plastic manufacturing. The panellists also discussed challenges and opportunities of investing in upstream innovations to deliver at scale. In a new plastics economy, the way in which plastic products are designed, which additives are used, and the way in which feedstock to produce plastics in the first place is sourced, will need to change significantly. Sustained investment and incentives upstream in the plastics system will enable us to improve the design of materials and products to support circular economy objectives of higher reuse and recycling. Additional drivers to support this would include fiscal policy (removing perverse incentives to virgin plastics) and investment incentives.

We need to innovate upstream to reduce chemicals of concern, pollution, and waste. Four main strategies could help us reduce plastic pollution by 80% by 2040: 1) Evaluate the need to use materials to deliver the service we're after, and eliminate avoidable plastic; 2) Redesign for reuse and replace single-use items; 3) Explore opportunities for alternative materials when these result in reduced impacts over the life cycle; 4) Connect the different parts of the value chain together to ensure that products and materials will be cycled back at the end of their life.

Panel 2 - Innovative business models

In addition to the perspective from a multi-stakeholder platform, the South Africa Plastics Pact, industry was well represented in the panel addressing the innovative business models needed to transition to a new plastics economy. Both big business and start-ups, together with a very engaged audience, highlighted that new business models are being tested in and adapted to different countries. Specifications and standards will help to operate at scale; for instance, through negative lists of materials or substances to be phased out. Speakers also reflected on the importance of undertaking life cycle assessments to fully understand the impact and opportunities of innovative business models.

Transitioning to a circular economy for plastics creates huge opportunities for businesses as it can improve economic, environmental, and societal outcomes overall, and particularly can create job opportunities. Instrumental in securing a long-term change at scale are: the participation of the entire supply chain, access to technologies, the design of integrated policies, including enabling economic instruments and Extended Producer Responsibility, that support reduction, reuse and recycling of plastics. Right pricing, convenience for consumers and accessibility of collection systems will also need to be considered. Scale can be secured by engaging not only the Business to Consumers market, but also strengthening Business to Business relations and relying on government support.

Speakers recalled that leveraging existing infrastructure for new business models is strategically important to manage the carbon footprint of innovative business models.

Panel 3 - Keeping the value of resources at their End of Life: Environmentally sound management of plastic waste.

The first day of dialogues closed with a focus on the downstream of the plastics life cycle and what it means to ensure an environmentally and socially sound management of plastic waste. The importance of the design phase came up strongly, with speakers referring to the need for products to be designed to be cycled back at the end of their use, not to become waste, tackling planned obsolescence and extending the product lifetime, as well as legislation ensuring adequate labelling of products materials for adequate sorting at their end of life. In other words: when a product cannot be recycled this denotes a flaw in the design, not of the recycling infrastructure.

Effective collection, sorting, and environmentally sound plastic waste management practices, tailored to different locations and conditions, will require significant innovation and investment to help build necessary capacity and capability and ensure access to technologies and solutions. Municipalities will need to be empowered to scale up opportunities associated with integrated waste management and the informal waste sector will need to be adequately included in plans to improve efficiency and reduce health and social impacts. At the same time, local governments can facilitate permits for activities that contribute to circularity.

Monday 30 May: Afternoon Session 1: Just and inclusive transition to a plastic pollution-free economy

The first lunchtime dialogue touched upon ways to ensure a just, fair and inclusive transition to a new plastics economy, as a fundamental need to successfully address the plastic pollution crisis. The perspectives from grassroots organisations, waste pickers, entrepreneurship support networks and the

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International Labour Organisation provided for a rich discussion of the nuances of this topic. It was highlighted that a just transition means both content (such as policies on environment and on labour, skills development, enabled workers, …) and a process in which those that are affected are involved.

Policies that strengthen the entrepreneurial ecosystem and integrate the informal waste management sector need to be developed and should create new opportunities for more and better jobs, in a circular economy that embraces environmental sustainability, social inclusion, and poverty eradication. Crucially, the informal waste management sector and civil society stakeholders must be able to participate in a meaningful way to help shape a just transition to a plastic pollution-free economy.

Tuesday 31 May: Afternoon Session 2: Inspiring consumers, civic and youth action to transform the plastic value chain

This highly dynamic session brought together experts in behavioural psychology, grassroot educators and activists, and the perspective of women, youth and indigenous communities, to shed light on the ways to close the gap between awareness and action is critical. Key elements to support transforming awareness and concern into behaviour change include: making it relevant to human interests; making good behaviour as the social norm (e.g. through what is shown in media or by influencers); telling what people should be doing rather than what they should not be doing; catalyzing commitments to action; and using positive communication and emotions… and the use of humour!

At the same time, behaviour change on its own is not enough: it needs to exist within the necessary structures and policy context, we need options and solutions that are available and affordable, making it easy to do the right choice. And this comes back to the legislative drivers required to provide incentives and enablers for the good behaviours.

Youth are motivated to contribute to the change, in their roles as activists, educators, entrepreneurs, if the enabling conditions and solutions that work for them are there. These would include ensuring that Member States delegations to the INC include children and youth. It is also important to ensure an inclusive approach to policymaking, involving stakeholders from across all communities involved in driving systems change. Education and consideration of indigenous and ancestral values, and reconnecting with nature will also be also crucial in informing and driving a shift in behaviours.

Wednesday 1 June: Afternoon Session 3: Upscaling and redirecting finance, incentives, and trade

The final lunchtime panel brought together the topics of finance and trade and their potential role in fighting plastic pollution. Speakers from two investment banks highlighted how a clear labelling or exclusion lists which reflect the sustainability of different kinds of investments in the plastics sector, based on robust science, would support the transition to a circular plastics economy. With such guidance, banks and the financial sector can drive responsible investment towards a plastic circular economy.

The World Trade Organisation provided some of the most recent figures on the size of trade flows in plastic products and waste, demonstrating that plastic is traded in very big numbers even before it is manufactured into products. Thus, developing a robust understanding, informed by life cycle thinking, on how trade and trade policies can be used to encourage the system change needed to transition to a circular economy is critical. A speaker from the aviation sector described the challenges encountered in moving away from single-use plastic products (SUPP) due to asymmetric regulations in different countries. This experience illustrated the importance to tackle barriers to responsible trade on plastics. Policy fragmentation hinders the effectiveness of action against plastic pollution. The speakers highlighted the need for standards to support decisions on preferable products / systems / technologies based on Life Cycle Assessment (LCA).

Further information including video extracts from the dialogues can be found in https://www.unep.org/events/unep-event/multi-stakeholder-dialogues-part-open-ended-working-group-oewg

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