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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

Dakar, Senegal, 30 May – 1 June 2022

Information note from the Executive Director

Note by the Secretariat: The present document has been issued without formal editing.

Information note from the Executive Director

1. **UNEA 5.2 resolution – elimination of plastic pollution.** At its resumed 5th session, the United Nations Environment Assembly adopted resolution UNEP/EA5/Res.14, entitled "*End plastic pollution: towards an international legally binding instrument"*. By that resolution, Member States affirmed the urgent need to strengthen global coordination, cooperation and governance to take immediate actions towards the long-term elimination of plastic pollution, in marine and other environments, and of avoiding detriment from plastic pollution to ecosystems and the human activities dependent upon them.

2. **UNEA 5.2 resolution – sustainable design for reuse, remanufacture and recycling.** Member States also underlined the importance of promoting the sustainable design of products and materials so that they can be reused, remanufactured or recycled and therefore retained in the economy for as long as possible, along with the resources they are made of, as well as minimizing the generation of waste, which can significantly contribute to sustainable production and consumption of plastics.

3. **UNEA 5.2 resolution – an ambitious timetable.** The resolution requested the Executive Director to convene an intergovernmental negotiating
Committee (INC), commencing its work during the second half of 2022, with the ambition of completing its work by the end of 2024, to develop an international legally binding instrument on plastic pollution, including in the marine environment, that addresses the full life cycle of plastic.

4. **A unique opportunity for a "new plastics economy".** The ambitious mandate for the INC presents an unprecedented opportunity to develop a well-designed, ambitious, and inclusive instrument. It can be an instrument that connects environmental, social, and economic targets and paves the way for a new circular plastics economy that addresses the full life cycle of plastics, including the removal of hazardous additives and chemicals of concern, as well as the elimination of products that are unnecessary, avoidable or problematic.

5. **Innovation, new models, new largest and new opportunities.** To have a successful new circular plastics economy there will be a need to encourage innovation and solutions. New business models will need to be fostered which respond to new market opportunities. New and alternative designs, materials and products on plastics will have to be developed. There will be a need to create new market opportunities for recycled plastic and products with recycled content, and investment opportunities will have to be generated that enable waste to be collected, sorted, recycled, and reused. In addition, there is also a need for social and policy innovation that enables and nudges changes in actions of the different stakeholders along the plastics life cycle. Consumers have to be engaged and green job opportunities have to be promoted.

6. **Drawing on the past – building for the future.** Through the INC process, Member States have a unique opportunity to consider innovative governance options and best practices for the design and structure of the instrument, aimed at facilitating effective multi-stakeholder engagement, transparency, implementation, compliance, and enforcement. There are many examples of multilateral environmental agreements and other international instruments and processes to build upon and learn from. At the same time, the upcoming INC has the opportunity to innovate and create new approaches towards building a strong, fair, impactful and inclusive framework to end plastic pollution. There will also be a need to examine, and if necessary, complement and avoid duplication with the provisions of other multilateral environment agreements and other instruments that are relevant to pollution.

7. **Build and integrate science.** In addition to addressing the environmental, social, and economic dimensions of plastic pollution, there is a need to build on available science and translate scientific findings into the provisions of the instrument, thus facilitating the integration of scientific solutions in the implementation of the instrument.

8. **An agreement with a broad scope.** As envisaged in the resolution, the scope of the agreement should be broad, covering the whole life cycle of plastic, from production, consumption and design to waste prevention, and to all sources of plastic pollution. It should also consider the different types of plastics and additives within them, especially to allow plastics to be recycled safely and to foster a circular plastics economy.

9. **Reflections on the objectives of the instrument.** The overall objectives of the instrument should be to reduce and ultimately eliminate plastic pollution covering the whole-lifecycle of plastics, and to promote resource efficiency and circular economy, including by: (i) preventing plastic pollution and its related risks to human health and well-being and the environment; (ii) promoting effective and progressive actions at the local, regional and global level to prevent, reduce and eventually eliminate the discharge of plastic into all compartments of the environment, while recognizing the important role of plastics for society; and (iii) achieving sustainable production and consumption of plastics across the life cycle, including the uptake of secondary and alternative raw materials, instilling innovative business models, including reuse models, and by ensuring high-recycling value of plastic and eliminating residual waste across the value chain.

10. **Engaging a wide set of stakeholders.** To that end, an effective instrument that can lead to a new, circular plastics economy should engage a wide range of state and non-state actors in addressing plastic pollution, that will include Governments, the private sector and industry (both formal and informal), the scientific and technology community, academics and research organizations, indigenous peoples and local communities, children and youth, as well as the representatives of civil society at the national and international level, including consumer-based organizations, with due regard to equitable gender representation. The needs and interests of all stakeholders will need to be considered and appropriately integrated into the governance mechanisms of the instrument as it is their actions at the national and international level that will be crucial for the successful implementation of the instrument.

11. **Effective implementation of the instrument will be key to success.** Without prejudice to the INC deliberations, there should thus be robust provisions in the instrument on (i) monitoring and reporting on implementation of the instrument, with a focus on transparency and the promotion of compliance, with the ultimate goal of assisting not only Parties but all stakeholders in their efforts for enhanced implementation of the instrument as a whole. The possibility of bringing in stakeholder's monitoring initiatives that can support and complement national reporting should thus be explored; (ii) prevention, including measures to reduce plastic pollution and promote a safe circular economy for plastics; (iii) coordination with existing and future conventions and processes on relevant topics; and (iv) technical and financial support to developing countries and countries with economies in transition to implement the instrument and to tackle different aspects of plastic pollution. In line with other multilateral environment agreements and the resolution, a financial mechanism could be created. Relevant principles of international environmental law, could also be explicitly referenced in the instrument, further facilitating its effective implementation.

12. **Exploring an incentive-based approach.** It is critical that the measures defined by the instrument create sufficient incentives for all stakeholders involved to benefit from a new global plastic's circular economy. This could include incentives for industry to, *inter alia*, address new designs or alternative designs for plastic. An incentive-based approach will create an enabling environment where it is in everyone's interests to implement the instrument.

13. **A turning point to end plastic pollution.** As we now move towards the negotiation process, we must recognize that the work that Member States are leading on plastic pollution has the potential to be a turning point to end the environmental crisis of plastic pollution – the potential for an instrument that is capable of changing the current linear plastics model. With this instrument we can move towards an agreed vision of a new circular economy for plastics, with the appropriate changes in rules, structures, flows of information and resources, and adequate considerations within the instrument to allow its evolution over time to adapt to the changes we will observe in the plastics economy. At the same time, it should allow for cooperation, coordination and complementarity among relevant conventions, instruments and organizations. This will give Member States an outcome that works for the economy and meets environmental, economic and social objectives in tandem.