

## Summary of the *Ad hoc* Open-ended Working Group to Prepare for the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution, including in the Marine Environment: 30 May -1 June 2022

Signs of a growing plastic pollution crisis have become ever more visible to experts and laypersons alike in recent years. Driven by uncontrolled production and consumption, plastic debris and marine litter are clogging waterways and washing up on beaches around the world. Plastic pollution threatens the health of both humans and wildlife and is harming ecosystems. This growing crisis also has significant economic implications, particularly for those who rely on the marine environment and its resources for their livelihoods. In response to growing calls for collective action at the global level, delegates at the resumed fifth session of the United Nations Environment Assembly (UNEA) in March 2022 decided to begin the process of negotiating a new agreement on plastic pollution.

After this historic decision, work began in earnest as delegates gathered in Senegal for a meeting of the *ad hoc* open-ended working group (OEWG) to prepare for the intergovernmental negotiating committee (INC) to develop an international legally binding instrument (ILBI) on plastic pollution, including in the marine environment. The OEWG was mandated to establish a foundation for the work of the INC, which is scheduled to begin meeting during the second half of 2022. To do this, the Group needed to address two core issues: the rules of procedure governing the INC's work and decision-making, and the INC's meeting schedule.

The Group was able to agree on a tentative timetable for the meetings of the INC over the next two years, although the dates were not fixed. Delegates faced a somewhat unexpected hurdle in successfully concluding their consideration of the rules of procedure. The main sticking point was the voting rights for regional economic integration organizations. At the close of the OEWG, this rule remained unresolved and will require further discussion at the first session of the INC (INC-1).

Delegates also spent some time proposing a detailed set of documents to inform INC-1, which will be hosted by Uruguay, with many developing countries prioritizing a dedicated negotiating stream on the future instrument's financial mechanism and on the means of implementation.

As mandated by UNEA resolution 5/14, multi-stakeholder dialogues were held, bringing together diverse actors with interests in the success of the INC process. The aim of these dialogues, which are expected to continue throughout the INC's negotiating

process, is to engage stakeholders who will be affected by a future instrument on plastic pollution but who normally do not participate directly in negotiations. These stakeholders include representatives of communities directly affected by plastic pollution, as well as corporate interests with stakes in the plastics value-chain.

The OEWG convened both in-person in Dakar, Senegal, and online from 30 May - 1 June 2022, and met in multi-stakeholder dialogues beginning on 29 May 2022.

### A Brief History of the INC

As plastic pollution becomes ever more visible both on land and in waterways, calls to tackle the mounting plastic waste crisis have reverberated around the world. Of the approximately 8.3 billion tonnes of plastic produced since the 1950s, studies show that 6.3 billion tonnes are now waste, with between 8-12 million tonnes of plastic leaking into the marine environment each year. This number is expected to more than triple by 2050.

Studies have linked unsustainable production and consumption patterns to exponential growth in plastic pollution, which impacts human health as well as the health of terrestrial and marine

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ecosystems. In 2022, there have been reports of plastic particles being found in human lungs and in human blood; and a 2021 report found microplastics in human placenta.

### Origins of the INC

In response to these growing concerns, UNEA passed a number of resolutions to discuss the best ways to address plastic pollution. Specifically, UNEA resolution 3/7 established an *Ad Hoc* Expert Group (AHEG) on marine litter and microplastics to identify, *inter alia*: the range of national, regional, and international response options, including actions and innovative approaches and voluntary and legally binding governance strategies and approaches; and environmental, social, and economic costs and benefits of different response options. The AHEG met four times between 2018 and 2020.

In parallel, several other bodies are also conducting work related to marine litter and microplastics, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention), the Strategic Approach to International Chemicals Management (SAICM), the International Maritime Organization (IMO), the World Health Organization (WHO), the World Trade Organization (WTO), and various Regional Seas Programmes and Conventions.

There are also numerous voluntary initiatives on marine litter, several public-private partnerships to address land-based sources of marine pollution, and other dialogues considering plastic pollution. However, gaps remain in regulatory frameworks addressing marine litter and plastic pollution.

### Key Turning Points

**AHEG-1 and 2:** At the first AHEG meeting in Nairobi, Kenya, in May 2018, delegates exchanged views on barriers to combat marine litter and microplastics and considered the work of existing mechanisms addressing this issue. The option of establishing a new global governance structure was also raised. During the second AHEG meeting held in Geneva, Switzerland, in December 2018, the group convened two workshops to better understand elements related to information and monitoring and governance.

**UNEA-4:** At its fourth session in Nairobi, Kenya, in March 2019, UNEA extended the AHEG's mandate until UNEA-5.

**AHEG-3 and 4:** At its third meeting (December 2019, Bangkok, Thailand), the AHEG requested the Secretariat to produce reports on the financial and technical resources and mechanisms to address the issue, as well as on partnerships. Due to the COVID-19 pandemic, AHEG-4 met virtually in November 2020. The Group concluded its work, agreeing to forward a Chair's Summary to UNEA-5. The Summary contained, *inter alia*, a non-exhaustive list of recommendations for future action on marine litter and microplastics. It reflected a growing consensus to address plastic pollution more broadly. Some of the recommendations included strengthening existing instruments, including voluntary measures, and calling for UNEA to establish an INC towards a new global agreement.

**UNEA-5.1:** The first part of UNEA-5 (UNEA-5.1) was held virtually in February 2021, due to the COVID-19 pandemic. Delegations highlighted national efforts to combat marine litter and plastic pollution. However, they postponed formal discussions on the issue until the resumed session of UNEA-5.

**2021 Ministerial Conference:** From 1-2 September 2021, the governments of Ecuador, Germany, Ghana, and Viet Nam co-convened the Ministerial Conference on Marine Litter and Plastic

Pollution under the auspices of the UN Environment Programme (UNEP) online and in-person in Geneva, Switzerland. Delegates built on the momentum created by various international discussions and made concrete suggestions to address the issue at the resumed session of the fifth UN Environment Assembly (UNEA 5.2). They spent most of the meeting discussing a draft ministerial statement developed by the conference conveners, which set out the problem and called on UNEA to establish an INC towards a new global agreement. They were unable to reach consensus on the statement, but were successful in keeping the momentum towards the establishment of an INC. At this meeting, Peru and Rwanda called for support for their resolution, which would be tabled at UNEA-5.2, also calling to establish an INC.

**UNEA-5.2:** Held at UNEP Headquarters in Nairobi, Kenya, from 28 February - 2 March 2022, UNEA-5.2 closed the circle on the discussions on marine litter and plastic pollution. Convening under the theme "Strengthening Actions for Nature to Achieve the Sustainable Development Goals," UNEA-5.2 vaulted itself into the history books by adopting resolution 5/14 to "End plastic pollution: Towards an international legally binding instrument," which established the INC and called for an OEWG to lay the necessary groundwork.

### OEWG Report

On Monday, Leticia Carvalho, UNEP, opened the meeting. In her welcoming remarks, Inger Andersen, UNEP Executive Director, lauded the Government of Senegal for hosting the OEWG. She noted that this meeting will lay the groundwork for the INC, which was established by UNEA-5.2 in a historic resolution to end plastic pollution. She underlined the global consensus to tackle plastic pollution in an expeditious manner, expressing hope that the "Nairobi spirit" of consensus will continue to guide the entire INC process. She highlighted that the deal to end plastic pollution: needs to be a broad instrument that considers the entire lifecycle of plastic; relies on science; engages a broad spectrum of stakeholders; spurs solutions for a new plastics economy; and learns from other multilateral environmental agreements (MEAs) while also embracing bold new solutions.

Abdou Karim Sall, Minister for the Environment and Sustainable Development, Senegal, recalled UNEA resolution 5/14 to end plastic pollution, noting that time is of the essence to address the global plastic pollution crisis. He informed delegates this was in line with the African Ministerial Conference on the Environment mandate, and pointed to the importance of broad stakeholder participation. He called on delegations to commit to setting a clear path for the INC process during the OEWG, thanking UNEP for its work in the organization of the meeting and Switzerland for financial support for the hosting arrangements.

### Election of Officers for the OEWG

On Monday, Ghana, for the AFRICAN GROUP, nominated Senegal for OEWG Bureau Chair. The OEWG elected Cheikh Ndiaye Sylla as the Chair of the meeting, by acclamation. Chair Sylla thanked delegates for the trust placed in Senegal.

Delegates then nominated three vice presidents from Saudi Arabia for the Asia-Pacific, Antigua and Barbuda for the Latin American and Caribbean Group (GRULAC), and Armenia for Central and Eastern Europe. The Western European and Others Group (WEOG) nominated Switzerland as rapporteur.

**INC Bureau:** On Wednesday, Australia, for WEOG, announced that Sweden and the US would serve on the INC Bureau. Chile, for GRULAC, announced Peru and Ecuador would represent the region. OEWG Chair Sylla urged other groups to submit their nominations for the INC bureau to the Secretariat in a timely manner.

### ***Adoption of the Agenda, Organization of Work and Rules of Procedure***

The OEWG adopted the agenda (UNEP/PP/OEWG/1/1 and Add.1). The group also agreed to the organization of work, including the scenario prepared by UNEP Executive Secretary Andersen (UNEP/PP/OEWG/1/2).

Chair Sylla introduced the draft rules of procedure (UNEP/PP/OEWG/1/4). SAUDI ARABIA underlined the need for consensus and asked if the draft rules were proposed for the INC or the OEWG. Chair Sylla clarified that the rules were for the OEWG. The OEWG adopted the draft rules of procedure.

### ***General Statements***

On Monday, delegations engaged in a round of general statements. The EU stressed the need to address the entire lifecycle of plastic, noting the climate and biodiversity impacts from extraction and processing of plastic. He called for the OEWG to agree on an effective and realistic timetable, rules of procedure, and organization of work. He suggested beginning with overarching issues, such as the objective of the agreement, then moving to technical issues.

The AFRICAN GROUP highlighted the principles of equity and common but differentiated responsibilities and respective capabilities (CBDR-RC) in light of national circumstances. She supported holding at least five INC meetings and requested a regional consultation before the first INC and information on the cost implications for host countries. She flagged the potential need for subsidiary bodies to address technical issues.

GRULAC stressed the need for CBDR-RC and provision of adequate means of implementation. She called for guaranteeing the full, in-person participation of all developing countries. She underlined the need for a “last resort” of a vote in the rules of procedure and suggested that the financial mechanism should be addressed at every INC meeting.

Saudi Arabia, for the ASIA-PACIFIC, stressed that the INC process should: be inclusive, giving an equal say to all countries; address both upstream and downstream sources of plastic pollution; and utilize all available options, solutions, and approaches to address plastic pollution.

The US, speaking for a group of countries including Australia, Canada, Japan, Monaco, and the UK, condemned Russia’s invasion of Ukraine, calling for a withdrawal of troops and a return to good faith negotiations. Thanking delegations for the warm support during difficult times, UKRAINE highlighted the country’s plastic-carrier-bag ban as well as a ban on oxy-degradable plastic, lamenting implementation setbacks due to Russia’s invasion.

The RUSSIAN FEDERATION said that UNEP was not the correct forum to discuss peace and security issues, noting that the wars in Syria, Libya, and Iraq had not been subject to such discussions at UNEP-convened fora. He expressed his country’s commitment to developing the ILBI on plastic pollution.

Many countries supported holding five INC sessions. Prioritizing discussions related to means of implementation, BRAZIL called for adequate, timely, new, and additional financial resources to support

the implementation of the future ILBI and noted the importance of holding enough meetings of the INC, along with robust intersessional work.

Noting his country’s promotion of ecological socialism, VENEZUELA called for a consensus-based, inclusive, and transparent INC process that reflects the needs and circumstances of all states. COLOMBIA underscored the importance of access to funding, technology transfer, capacity building, incentives for alternatives and scalable solutions, and, with many others, welcomed stakeholder engagement throughout the process.

KENYA stressed that the INC process should include robust intersessional work, including OEWG meetings; and further highlighted the country’s wish to host the INC process to strengthen the status of UNEP headquarters in Nairobi. FRANCE indicated its wish to host one INC meeting in 2023 or 2024.

Offering to host one meeting of the INC as well as the Diplomatic Conference, RWANDA called for: stable and predictable financial resources for implementation modelled after the Multilateral Fund of the Montreal Protocol; the establishment of a scientific and technical body on plastic pollution; and a capacity-building and technology-transfer mechanism.

The REPUBLIC OF KOREA prioritized innovation, good technology, and global cooperation, and offered to host one INC session. CANADA offered to host an INC session and underlined the need for mutual trust in the ILBI negotiations, given there will likely be a wide range of diverging views.

INDONESIA outlined its efforts to curb plastic pollution, including building new plastic waste treatment facilities, and called for inclusive multilateral solutions.

JAPAN called for facilitating sustainable product design and developing new alternative materials. SWITZERLAND called for sufficient time for intersessional work and requested information on sources, consumption patterns, and risks of the most prevalent types of plastic.

PERU stressed the need for science, coupled with a human-rights approach, to encourage sustainable and responsible plastic production and consumption. CUBA suggested that other international fora could address international technical rules, such as the International Organization for Standardization (ISO).

NORWAY called for groups to nominate their INC bureau representatives at this meeting to help facilitate informal consultations.

CHINA emphasized its support for the INC process, stressing that the negotiations must adhere to principles of fairness, transparency, and consensus.

MALAYSIA stressed that successful negotiations would require transparency, inclusivity, and the establishment of a multilateral trust fund. Underlining the need for implementation, he stated that a “premature target and unclear scope would hamper the agreement.”

JORDAN drew parallels to the Minamata Convention on Mercury, suggesting that the rules of procedure and financial mechanism, among other elements, could be used as a model in the INC process.

The US called for an agreement in which parties contribute to common objectives through national action plans tailored to their national circumstances. He called for a multi-stakeholder action agenda that allows the private sector and NGOs to share best practices and contribute to the agreement’s objectives.

ECUADOR called for sufficient means of implementation to facilitate the effective implementation of the agreement and highlighted the need to align with existing agreements.

TURKEY related its national actions, highlighting the role of public awareness and support for implementation.

CHILE called for the INC process to include thorough discussions on means of implementation and said the ILBI should address issues pertaining to waste recyclers.

Underlining the importance of transitioning to a green economy, MOROCCO stressed the importance of inclusive participation throughout the INC process, calling for the financial support to facilitate this.

Antigua and Barbuda, for the ALLIANCE OF SMALL ISLAND STATES, called for two additional bureau positions to include the interests of small island developing states and of least developed countries, and called for support to enable developing countries to participate effectively at the INC.

ARGENTINA noted that although circular economy approaches are important, there are other approaches that should also be considered. He underlined that any measures adopted should be aligned with strategies under the WTO and should not constitute non-tariff barriers to trade.

INDIA urged delegations to leverage the experience gained from the implementation of various voluntary approaches to curb plastic pollution, and prioritized discussions on means of implementation and on adhering to the Rio Principles, including CBDR.

MEXICO called for the promotion of preventative actions such as repairing and recycling, and underscored the need for the ILBI to include monitoring, reporting, and assessment mechanisms, and to address chemical additives.

### ***Preparations for the Work of the INC***

On Monday, the Secretariat introduced approaches to the INC's work, including number of sessions and timetable, key factors for consideration, and proposed organization of work (UNEP/PP/OEWG/1/3).

**Timetable and organization of work for the INC:** On the number of sessions, many countries supported holding five sessions. CAMEROON called for an indicative number of sessions. GHANA, with UGANDA and SAUDI ARABIA, proposed a "minimum of five sessions," to provide flexibility for additional meetings, if required. EGYPT noted that the INC is an autonomous body that will take its own decisions but preferred setting out an indicative number of sessions. The EU, with AUSTRALIA and NORWAY, noted that the INC needs a specific number of sessions to facilitate efficient planning. AUSTRALIA, supported by NORWAY, highlighted that the length of INC meetings may be extended to facilitate additional consultations, with the EU noting that the meetings could be up to eight days long, if needed.

BRAZIL, supported by EGYPT and CHILE, called for regional meetings to precede each INC meeting. CHILE proposed that the INC meet in each UN region, with the EU noting this will facilitate ownership of the process.

The RUSSIAN FEDERATION called for discussion of the proposed timetable, noting that a six-month intersessional period may not be sufficient to prepare, in all UN languages, the reports of concluded sessions as well as new documents for the next session. He also noted that within this intersessional period, regional meetings will need to convene, suggesting a nine-month

intersessional period. NORWAY said that a six-month intersessional period would be sufficient. Chair Sylla proposed that the OEWG agree to a minimum of five sessions of the INC.

The EU, supported by BRAZIL, BARBADOS, and EGYPT, called for adding to the list of considerations the need to avoid scheduling conflicts with other international meetings and including time for meetings of regional groups. BRAZIL, supported by ARMENIA, emphasized that in-person regional meetings should be held prior to every meeting of the INC. ARMENIA underscored the importance of financial support for countries with economies in transition, in addition to least developed countries.

The US emphasized that it may be impossible to avoid overlap with other meetings and clarified that dates in the list should be provisional. The RUSSIAN FEDERATION noted that the committee should have the right to make changes to the timetable. The Secretariat confirmed that the dates listed were provisional.

On the **timetable**, MALAYSIA noted that the two-year deadline for conclusion of negotiations may need to be extended, given that the negotiations on the Minamata Convention on Mercury took longer than the five sessions originally scheduled.

EGYPT, the EU, and others stressed that INC meetings should not clash with the meetings of other MEAs. The EU called for INC-1 to be held in late November or early December 2022, to ensure it does not clash with other international environmental meetings, with EGYPT noting that an earlier date overlaps with the twenty-seventh meeting of the Conference of the Parties (COP27) to the UN Framework Convention on Climate Change (UNFCCC). The EU also called for INC-2 to be held "not earlier than late April 2023" to ensure sufficient time between sessions and registered their support for the Diplomatic Conference to be held in 2025, after the INC concludes its work in 2024. He also supported in-person negotiations, if the global health situation permits, and expressed flexibility on online intersessional work.

On Tuesday afternoon, the Secretariat presented a proposed approach to the work of the INC, including a summary of considerations for negotiations, provisional dates for INC meetings, and a proposed list of documents for INC-1. The timetable set out the meeting dates as: the week of 28 November 2022 for INC-1; the end of April 2023 for INC-2; the end of November 2023 for INC-3; early May 2024 for INC-4; and early December 2024 for INC-5.

On Wednesday, delegates agreed to forward the proposed timetable to INC-1, with the US reiterating that proposed dates for INC-1 clash with a meeting of the Montreal Protocol's Multilateral Fund and suggesting that INC-5 be held earlier than December 2024. The EU noted that the fifteenth meeting of the Conference of the Parties to the Convention on Biological Diversity may be held in December 2022, which may clash with INC-1.

On **preparations and documentation for the INC-1**, several parties suggested creating a glossary of key terms to facilitate common understanding.

Several parties requested information on the mandates and actions of relevant MEAs that builds on the work of the AHEG. The EU called for information on existing funding sources, including under MEAs, multilateral development banks, and the private sector. The US and EU suggested compiling information on stakeholder engagement practices.

There were calls for various types of scientific information. UGANDA, SWITZERLAND, NORWAY, the US, and PERU called for information on the sources and effects of plastics, particularly the most prevalent plastics. NORWAY requested an overview of

scientific information on chemical additives and their health effects. MALAWI noted the precautionary principle means that action should not wait for full scientific consensus. BRAZIL requested information on the needs, priorities, and challenges faced by developing countries.

On the proposal for a potential Secretariat document on options for the structure of a new instrument, the EU, the US, AUSTRALIA, and BRAZIL underlined that the document should not be substantive or serve as “a zero draft.” The EU and US supported a document that outlines standard provisions of other MEAs, with the US specifying the common concepts and procedures for furthering implementation and compliance. The UK called for options on the overall structure.

CAMEROON called for a document that identifies themes of the ILBI, including technical aspects and potential sub-topics. PERU noted that the document could provide potential “building blocks.” BRAZIL anticipated a stand-alone section related to a financial mechanism.

The RUSSIAN FEDERATION queried if it is in the OEWG’s mandate to request these documents and suggested that the Secretariat convene information-sharing events or undertake other actions before the INC. Chair Sylla proposed, and delegates agreed, to request the Secretariat to prepare a list of proposed documents for INC-1, taking into account the plenary discussions, for consideration by the OEWG.

On Tuesday, delegates considered a revised Secretariat’s draft on the proposed approach to work, including a proposed list of documents for INC-1. Specifically, the documents to be forwarded from the OEWG are the draft rules of procedure, the OEWG report, and the proposed timetable of meetings. The Secretariat noted that the standard meeting documents to be prepared for the INC include provisional and annotated agendas and scenario notes.

Delegates then delved into the Secretariat’s list of documents proposed by the OEWG for INC-1, as an addition to the approaches to the INC’s work, including number of sessions and timetable, key factors for consideration, and proposed organization of work (UNEP/PP/OEWG/1/3). EGYPT called for a balance between the documents proposed for discussion by the OEWG and the INC setting its own priorities. The CENTRE FOR INTERNATIONAL LAW (CIEL), with the INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN), requested delegations not to overwhelm the Secretariat, nor to preempt discussions at the INC.

On the proposed glossary of terms, many welcomed this proposed document, with THAILAND calling for the inclusion of the term “essential use.”

On the proposed options for structure, the EU requested that this document not include substantive elements, and CAMEROON preferred a general representation.

The EU registered its opposition to the proposed document containing “suggested” elements, 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. EGYPT said that this was beyond the scope of INC-1. The US noted that this may prejudice the INC’s discussions, suggesting, with CANADA and ARGENTINA, that this document could contain “potential” elements. ARGENTINA and URUGUAY called for this document to be a compilation of states’ submissions.

INDIA called to include existing funding mechanisms in a proposed overview of funding currently available for addressing plastic pollution through international funding arrangements, including from other processes, programmes, multilateral funds, development banks, and private sector initiatives. JAPAN requested that this document also provide information on existing voluntary instruments.

EGYPT requested clarification on what would be included in the proposed document on the description of standard articles on final provisions that are typically included in MEAs. The Secretariat outlined that these are common articles included in treaties and pertain to issues such as the conference of the parties, the secretariat, dispute settlement, amendment of annexes, among others.

Several delegations suggested that the development of a document on the interactions with, and mandates of, other relevant bodies, and opportunities for synergies be undertaken with inputs from other MEAs. BRAZIL and CHILE welcomed synergies with other MEAs, with the US preferring “complementarities,” in line with the mandate of UNEA resolution 5/14. MEXICO called for this document to identify gaps. CHINA, with SAUDI ARABIA, also called to include a document on current international conventions and other relevant provisions related to plastics to ensure that the INC does not duplicate the efforts of other bodies. EGYPT noted that this was included in the suggested document but said that the description could be further clarified. IPEN, with CIEL, recalled a report on this issue circulated during UNEA-3.

Several delegations expressed satisfaction with the proposed document containing an overview of stakeholder engagement frameworks under other instruments, and potential approaches for this instrument.

On proposed documents related to plastic science, the EU, with others, noted previous work on this and requested the Secretariat to compile it for recirculation in a single document. EGYPT, ARGENTINA, BRAZIL, CUBA, SAUDI ARABIA, and others called for science from all regions to be included, as well as information on relevant technologies. The US called for more information related to plastic pollution, in line with the INC’s mandate. SWITZERLAND, RWANDA, MEXICO, THAILAND and URUGUAY requested the addition of information on impacts to human health. CHILE, with others, pointed delegations to UNEP’s 2021 publication of “*From Pollution to Solution: A global assessment of marine litter and plastic pollution*,” which contains a review of much of the science. Expressing support for this report, IPEN, with CIEL, recalled that the mandate of UNEA resolution 5/14 requires consideration of the entire lifecycle of plastic.

Several delegations requested clarification on the proposed compendium of information for policy makers. CUBA called for the compendium to target decision makers.

On the Secretariat’s proposal to compile a document on the priorities, needs and barriers (challenges) of developing countries, the EU, SWITZERLAND, the US, JAPAN, and CANADA noted that this document should be a compilation of submissions from all countries. INDIA suggested renaming this proposed document “ways and means of implementation.” BRAZIL, with CUBA and others, stressed that developing countries do not have the capacity to collect such data. CHILE noted that analyzing these challenges will chart a way towards addressing means of implementation.

EQUATORIAL GUINEA and SRI LANKA expressed concern over the amount of work expected of the Secretariat before INC-1. NORWAY, with RWANDA, requested information on statistics on

the material flow of plastics. SWITZERLAND and JORDAN called for information on national and regional measures addressing plastic pollution, including extended producer responsibility schemes. URUGUAY called for reports by the special rapporteurs on toxics and human rights, and on human rights and the environment.

The EU reminded delegations that the INC will build on the work done by the AHEG on marine litter and microplastics. CIEL, with IPEN, noted that information on the cost of inaction would be required after INC-1.

On Wednesday, BRAZIL and NORWAY noted there was a need to cluster some of the proposed elements to be considered at INC-1 as proposed in the organization of work, noting that this had not been done at this meeting. OEWG Chair Sylla invited delegations to submit comments on the organization of work to the Secretariat in writing by 30 June 2022.

**Draft rules of procedure for the INC:** On Tuesday, the Secretariat introduced the draft rules of procedure for the INC (UNEP/PP/OEWG.1/4), noting that: the UNEA rules of procedure could apply to the INC; equal rights would be granted to online participants in the case of hybrid meetings; they include a provision for online meetings to be held on an exceptional basis; and the draft rules are based on those adopted for the Minamata Convention on Mercury.

**On the place and date of the sessions,** delegates debated meeting modalities (Rule 2), with most agreeing that substantive negotiations be held in-person. NEPAL supported the rules of procedure as drafted.

The AFRICAN GROUP called for highlighting the importance of in-person substantive negotiations in the rules of procedure. The EU, with the US, NORWAY, and SWITZERLAND, noted that this was implied in the formulation set out, preferring to keep the language, which notes “the Committee may consider holding sessions online on an exceptional basis and when required to advance its work, as proposed by the Chair after consultation with the Committee.” CHILE and COLOMBIA requested including a definition of “exceptional basis.” This suggestion was opposed by SWITZERLAND, who said this would be overly prescriptive.

BRAZIL, with CHILE, CUBA, and EGYPT, preferred that online meetings only address administrative matters. EGYPT, supported by the RUSSIAN FEDERATION and SAUDI ARABIA, suggested that online meetings could be for information exchange.

Noting that there is no precedent for hybrid meetings, the UK, with SWITZERLAND, called on the Secretariat to propose some language. The REPUBLIC OF KOREA noted that decision making, including voting procedures, can be complicated during online meetings. ARGENTINA stressed that live streaming should not be substituted for interactive participation through hybrid platforms. Chair Sylla, supported by AUSTRALIA, suggested clarifying that all negotiations will be held in-person and in a hybrid format on an exceptional basis and when required to advance work on administrative and budgetary matters.

AUSTRALIA, with BAHRAIN, proposed that the provisional agenda be circulated 10 weeks in advance of the meeting. Chair Sylla proposed circulating documentation “not less than six weeks” prior to the meeting.

NORWAY, with ARGENTINA, RWANDA, and the RUSSIAN FEDERATION, called for the rules of procedure to closely mirror those adopted to govern the Minamata Convention INC process. Chair Sylla proposed, and delegates agreed, to use the Minamata Convention INC rules of procedure as a basis for discussions.

Delegates then entered into a textual negotiation on screen, as suggested by the RUSSIAN FEDERATION, COLOMBIA, and CHILE.

Noting that the COVID-19 pandemic has affected in-person participation, THAILAND said the INC meetings should be held in a hybrid format. The US cautioned that inserting the concept of hybrid meetings into the rules of procedure would raise complicated questions about what it means to be present in a meeting, particularly with regard to voting. JORDAN said that voting should be available only to delegates participating in person.

Noting that connectivity challenges affect participation in online meetings, SRI LANKA suggested that hybrid meetings be limited so “everyone’s voices are heard.” NORWAY called for text reflecting that the pandemic or other issues could make it difficult to proceed in-person only. The US proposed adding text indicating that online sessions “on administrative or budgetary matters” could be held on an exceptional basis, limiting them to non-substantive work. NIGERIA underscored that budgetary discussions must be inclusive and cannot be conducted online. THE RUSSIAN FEDERATION emphasized that the INC is autonomous and will have the right to take any decision it wishes.

The EU, supported by SAUDI ARABIA and EGYPT, called for keeping the text as it was written for Minamata, noting that the rule had not prevented that body from holding online meetings. MOROCCO, GHANA, EGYPT, NORWAY, and the US supported using the text as written for the mercury negotiations. NIGERIA underscored said the text written for Minamata is not clear enough, and said negotiations of the new ILBI should be based on physical, not virtual, meetings. CUBA said online meetings should facilitate exchange of “new and productive” information but should not be used for substantive negotiations.

KENYA, supported by THAILAND and BRAZIL, suggested indicating that “meetings shall be held in person, and the committee may consider holding them in a hybrid format on an exceptional basis and when required to advance its work.” BRAZIL emphasized that hybrid meetings are “the new reality and a factor of inclusiveness”; said arrangements should be made for hybrid participation; and said voting rights should be reserved for delegates physically present at the venue.

CHILE, supported by AUSTRALIA and the RUSSIAN FEDERATION, called for the Secretariat to convey to Member States the date, place, and agenda for each meeting eight weeks in advance. SWITZERLAND called for setting a deadline of six weeks. CANADA asked the Secretariat about the legal ramifications of specifying information under this rule. The Secretariat explained that the purpose was to have a clearer context for online meetings, noting that the Bureau could decide to hold online meetings in exceptional circumstances. She further noted the internal deadlines for document preparation, saying extending the deadline for conveying documents to parties to 10 weeks would be an “incredible burden.”

On Tuesday, OEWG Chair Sylla proposed, and delegates agreed, to continue discussions on the rules of procedure in an informal group, with Chair Sylla calling for delegations to choose a representative to report progress to plenary.

On Wednesday morning, Robert Bunbury (Canada) reported that the informal group had met for five hours on Tuesday evening and had accepted many paragraphs without debate. He noted that additional negotiation would be required on topics including: a Chair versus Co-Chair model; the size of the Bureau; hybrid and online

participation; voting rights; and participation of observers. The Chair proposed that work on these topics continue in parallel to the plenary. CHILE objected, noting that many delegations were made up of only one representative. With this, Chair Sylla suspended plenary to allow the informal group to continue working.

When plenary resumed on Wednesday afternoon, Bunbury reported that differences remained on two paragraphs. The Chair invited concerned delegations to continue working in the margins of the meeting.

During the closing plenary, NORWAY, the UK, and BRAZIL highlighted their support for workers in informal and cooperative settings to participate as observers.

On the outstanding discussion on voting rights (Rule 37), the EU expressed a strong preference to retain the language on voting rights pertaining to a regional economic integration organization, stating that this is agreed language from other INCs, including the Minamata Convention. The US, with SAUDI ARABIA and others, preferred language that restricted participation in the committee to those members duly accredited and present at the session, noting that they could accept the language from the Minamata Convention rules of procedure if this definition were included in a footnote in the rules of procedure. Delegates were unable to reach consensus on this issue and ultimately agreed to retain four bracketed options in the text, as proposed by EGYPT and SAUDI ARABIA.

The OEWG agreed to forward the revised rules of procedure as agreed in the informal group and amended in plenary, including the bracketed text, to INC-1.

**Organization of the forum for the exchange of information and activities related to plastic pollution:** On Wednesday, the Secretariat introduced the relevant document (UNEP/PP/OEWG/1/INF/4). The EU highlighted the importance of giving voice to those impacted by plastic pollution and involving value chain actors who can provide perspectives on challenges and opportunities involved in developing an instrument to address plastic pollution. The UK, with the US, highlighted that the forum could inform a multi-stakeholder action agenda, with the UK also suggesting that the forum amplify scientific and technological information relevant to the INC process. URUGUAY called for further discussions on the forum at INC-1, with JAPAN offering to share information on plastic inventories and impacts.

NORWAY called for the Secretariat to allow submissions from stakeholders, including offers for financial support to run the forum. KENYA called for funding for informal waste pickers to participate in the forum.

Chair Sylla informed delegations that their suggestions would be noted in the meeting report.

### **Multi-Stakeholder Dialogues**

Delegates convened in four multi-stakeholder dialogues during the meeting, starting on Sunday, 29 May. Moderator Assana Alio, Global Green Growth Institute, opened the dialogues, welcoming participants and noting that over 900 people had registered to participate in-person or online.

UNEP Executive Director Inger Andersen underscored the need for all stakeholders addressing plastics pollution to “sing in the same direction”; highlighted the importance of a full life-cycle approach, including eliminating production of unnecessary plastic products; called for system-wide change and investing in circularity; and emphasized that the scale of change needed is enormous.

Abdou Karim Sall, Minister for the Environment and Sustainable Development, Senegal, outlined his country’s legislative work to tackle plastic pollution, including prohibiting the production, use, and import of plastic bags and plastic products with a high environmental impact and accelerating momentum toward a circular economy.

Explaining that waste picking allows her to live and look after her children, Adja Mame Seyni Diop, Bokk Diom, described the difficult working conditions and lack of social welfare support when workers are injured. Noting few people are asking waste pickers for input, she called for inclusion of waste pickers in national and international meetings.

Julia Koskella, Systemiq, highlighted key findings from a forthcoming UNEP Spotlight report on plastic pollution, noting that 150 million tonnes of plastic waste are already in the oceans. She underscored that global plastic waste is on track to triple by 2040 and said there is a credible pathway to reducing plastic pollution by 80% with today’s technologies. Steve Fletcher, University of Portsmouth, elaborated on the findings from the upcoming report. He outlined five enablers of system change, including: a global goal that is ambitious, clear, time-bound and principled; national action plans; new monitoring and reporting systems for the lifecycle of plastics; learning and innovation; and provision of transition finance and support for delivery.

During Sunday’s dialogue, three panels convened. Delegates first addressed “**Thinking upstream: Product and material innovation, product design.**” Kei Ohno Woodall, Basel, Rotterdam and Stockholm Conventions, moderated the panel, noting over 10,000 chemicals are used in plastics, some of which are inherently hazardous and others that pose issues at the end of products’ life cycles.

Winnie Lau, Pew Charitable Trusts, emphasized the need for system change for this system-wide problem. She said it is critical to start by focusing on upstream plastic pollution, as downstream solutions will flow from how many and what kinds of plastic are produced.

Highlighting general agreement that system change is needed, Jim Seward, LyondellBasell, underscored that technology will have to evolve at an exponential rate to meet the challenges of plastic pollution. He said that the key barrier is on the supply side, as infrastructure is an important bottleneck.

Zhanyun Wang, Swiss Federal Laboratories for Materials Science and Technology, said that chemical additives are a desirable part of many plastics, reiterating that over 10,000 chemicals are intentionally used in plastic production. He said chemicals of concern may be released during production, use, recycling, and disposal of plastics and can reduce the compatibility of many plastic streams, creating significant waste management challenges. He called for thinking about product design from a whole lifecycle perspective and scaling up existing good practices.

Archawat Chareonsilp, ETRAN, emphasized that as consumers, “our illness is our addiction to convenience.” He said the current regulatory pressure on the private sector will soon be amplified and directed to consumers, who will thus demand solutions to plastic waste, and highlighted the benefits of reuse models for businesses, consumers, and the environment.

Next, Moderator Alio introduced a panel of experts on **innovative business models**. Jodie Roussel, Nestle, highlighted her company’s objective to ensure that none of its packaging ends up as litter or in landfills. She outlined several initiatives involving reusable

packaging, emphasizing the need for strong alignment between legislation and business, as businesses implement refill and reuse architecture. She underscored that new business models compete against highly efficient systems that have been in place for some time and said system change can only be achieved if every part of the value chain works together.

Kristen Barnes, Greencape, emphasized that shifting to a circular economy for plastics will lead to net economic gain and job creation, which is key for developing countries. She noted that environmental and socio-economic goals may be universal, but the path to achieving those goals will require geographic specificity.

Linh Le, Bearpack, described her company's work to provide reusable cups and containers in restaurants, explaining that consumers can borrow containers at a food outlet and return them at any location. She emphasized that technology plays an important part in reuse, for example by enabling her company to track its products. She underscored the challenge of competing with single-use packaging, noting that reusable products have to be cheaper and easier to find.

Eric Kawabata, Terracycle, said achieving a circular economy will require a paradigm shift away from disposability, and called for accelerating government support and making reuse more accessible and lower cost.

Finally, panelists considered **environmentally sound waste management**. This panel was moderated by Ohno Woodall. Linda Godfrey, Council for Scientific and Industrial Research, emphasized that to solve the problem of plastic pollution, we need to solve the larger waste problem. She said there isn't a single solution to plastic leakage and said waste management has a significant role to play as part of a suite of interventions. Noting that in Africa more than 90% of waste is disposed of in dumps and landfills, often with open burning, she said waste management represents "only a tiny proportion of development finance."

Emphasizing that waste pickers are on the frontline of this war, John Chweya, Kenyan National Waste Pickers, said waste pickers show communities how plastic should be handled and reduce the amount of plastic that is deposited in the environment.

Rokhaya Ndiaye Diop, Basel and Stockholm Conventions Regional Centre in Senegal, underscored the importance of: allowing for appropriate cross-border movement of plastic waste; equal involvement of the public and private sectors, alongside governments; and improved technology transfer.

Steve Fletcher, University of Portsmouth, underscored the urgent need for action and concrete, legally enforceable measures to drive change.

Sheila Aggarwal-Khan, UNEP, summarized the messages from the day, including: systems change is needed to address plastic pollution; upstream and downstream parts of the economy are disconnected; the presence of chemicals in plastics limits recycling; transparency in how chemicals are used in plastics needs to be increased; and we should consider plastics not only from an environmental but also a social perspective. She noted that a key question is how we make a shift to an economy in which everything is planned for reuse.

On Monday, delegates convened to address a **just and inclusive transition to a plastic pollution-free economy**. This session was moderated by Llorenç Milà i Canals, Head of the Life Cycle Initiative, UNEP.

Sarah van Boekhout, The Incubation Network, noted the organization's focus on supporting innovative solutions-based business models that empower informal waste. She stressed the need to build systems and approaches to protect waste workers. Boekhout shared lessons learned, including that time and flexible funding is required for implementation and there are no cut-and-paste solutions for informal waste workers.

Maria Soledad Mella Vidal, President, Chilean National Association of Recyclers, underlined that informal waste managers will only make a living if they are included in decision-making processes related to waste. She shared that there is a historical debt to informal recyclers, as they have been performing remunerable work for governments without charge for years, providing a valuable yet unrecognized service. She noted that informal waste managers have, over the years, added value to garbage by sorting it and doing the initial cleaning of discarded pieces of useful materials. She stressed that the just transition needs to involve informal waste managers from the inception stage, calling for direct investment to support recyclers at the grassroots level.

Moustafa Kamal Gueye, Global Coordinator, Green Jobs Programme, International Labour Organization (ILO), defined decent work as employment that is productive and secure. He stated that in a plastic-free world, the switch to a circular economy needs to be carefully managed so as not to create severe job losses. He supported including informal waste workers in the conversation towards a just transition to a plastic-free world, highlighting ILO just transitions guidelines in this regard.

Griffins Ochieng, Center for Environmental Justice and Development in Kenya, underlined the importance of recognizing different stakeholder roles in just transition discussions, and called for the creation of a platform on which stakeholders can interact with decision makers. He noted that some non-compliance with the rule of law is a reflection of stakeholders not being consulted in decision making on issues that concern them. He called for decisions on plastic pollution to consider the health and safety of waste workers.

In the discussion, delegates considered how to ensure citizen-engagement in the development of the ILBI and engage waste-pickers during discussions on the new instrument.

On Tuesday, Elisa Tonda, Head of the Consumption and Production Unit, UNEP, moderated the dialogue on **inspiring consumers, civic, and youth action to transform the plastic value chain**.

Sabine Pahl, University of Vienna, underscored the need to consider humans as the sources of, and solutions to, the challenge. She highlighted the need to address behavior change as part of the solution to plastic pollution, noting that this could be a more efficient way to address the challenge. She underlined that individuals and communities want to combat plastic pollution and said that the health risks linked to plastic pollution will further drive calls for action. She stressed that the ILBI needs to take into account human behavior to avoid unfortunate substitutions, underscoring that behavior change alone cannot solve this challenge.

Ellie Moss, Moss and Mollusk Consulting, shared findings related to a successful campaign on influencing behavior. She noted that for behavior to be a part of the solution, people need to be able to make meaningful choices. She discussed the importance of making actions relevant by highlighting their impacts and noted the need to reinforce good social norms to drive positive change. She called



for telling people what to do, not “what not to do,” and outlined the need to tap positive emotions and use humor to critique unhelpful social behavior.

Noting that the transition to a plastic-free environment will not be easy, Zahir Ahmed Kowshik, Major Group for Children and Youth, underlined that young people must be educated and engaged in environmental decision making, calling for youth participation at INC-1. He stressed that governments need to include young people as part of official national delegations. Kowshik discussed the risks related to recycling, calling for a greater focus on other options to address plastic pollution, including investing in alternative solutions proposed by young people.

Lorena Terrazas, NGOs Major Group, said Indigenous Peoples are actively seeking and building local solutions to plastic pollution, including using traditional knowledge to live without plastic. She underscored the need to reconnect with nature and understand its intrinsic value. She highlighted the need to shift the focus from plastic consumption to plastic production, to address the development paradigm overall.

In the discussion, delegates considered: the importance of a bottom-up approach to address plastic pollution; how to scale behavior change; how to ensure that a plastics-free world works for everyone; the power of people to change the world; and the need to change corporate behavior.

On Wednesday, participants attended the final dialogue of the meeting, themed “**Upscaling and redirecting finance, incentives and trade.**” This session was moderated by Dechen Tsering, UNEP.

Marla Gavin Alvarez, BDO Unibank, outlined her company’s sustainability framework, based on the Sustainable Development Goals (SDGs), and underscored that banks can play a role in mitigating planetary challenges through financing solutions, managing risks and opportunities for stakeholders, and driving change toward sustainable consumption and production.

Daniel Ramos, WTO, emphasized that trade policy consists of the economic levers that can transform unsustainable trade patterns, and can effect systems change. He said that MEAs indicate what needs to be achieved and trade officials can offer paths to reaching those goals.

Noting that the airline industry is keen to replace single use plastics with sustainable alternatives, John Godson, International Air Transport Association, outlined some of the challenges, including different regulations around the world. He expressed hope that a new plastics treaty would help overcome some of these barriers.

Krassimira Peicheva, ProCredit Group, emphasized tackling plastic pollution will require collective efforts across society, and said raising awareness is a high priority. She said that taking actions such as improving waste management ultimately yields competitive advantages and said this is also “simply the right thing to do.”

In plenary on Wednesday, Aggarwal-Khan, UNEP, summarized the key messages of the multi-stakeholder dialogues. She underscored that they only touched “the tip of the iceberg,” and said it will be important to complement future dialogues with roundtable discussions and intersessional work involving stakeholders from across the value chain. Delegates took note of the report as orally presented.

### Other Matters

On Wednesday, delegates welcomed Uruguay’s offer to host INC-1 in the last quarter of 2022. OEWG Chair Sylla noted that this offer would be appended to the report of the meeting.

### Adoption of the Meeting Report and Closure of the Meeting

On Wednesday, OEWG Rapporteur Felix Wertli (Switzerland) introduced the report of the meeting (UNEP/PP/OEWG/1/L.1). Chair Sylla reminded delegates to submit additional statements to the Secretariat by 5 June 2022, noting that these would be included in the meeting report. With this understanding, delegates adopted the report, and forwarded it to INC-1.

Leticia Carvalho, UNEP, lauded delegates for their work at this meeting, calling on them to take the “spirit of Dakar” into INC-1. Applauding delegates and the Secretariat for the progress made and expressing hope for further success in Uruguay, Chair Sylla gavelled the meeting to a close at 4:08 pm (GMT).

### A Brief Analysis of the OEWG

“A journey of a thousand miles must begin with a single step.”  
Lao-Tsu

As waves of plastic pollution spread inexorably over land and water, the world celebrated the March 2022 adoption of a historic resolution to end plastic pollution. Recognizing that solving this complex challenge requires urgent, cooperative action on a global scale, delegates at the resumed fifth session of the UN Environment Assembly (UNEA-5.2) hashed out the details of a deal to establish an intergovernmental negotiating committee (INC) to begin discussions on a new international legally binding instrument (ILBI) on plastic pollution, including in the marine environment. In Dakar, stakeholders from around the world took the first step towards achieving this ambitious and essential goal.

In UNEA resolution 5/14, the Assembly mandated an *ad hoc* open-ended working group (OEWG) to lay the groundwork for negotiations. The OEWG’s work was crucial, as Member States used this meeting to establish the rules that affect decision-making, participation, timelines for negotiations, and other important elements that will shape the coming negotiations. The OEWG was responsible for establishing the framework for negotiations, and the details matter.

This brief analysis examines what these procedural decisions mean for the negotiations to come and considers whether the OEWG’s discussions set delegates up for a smooth journey towards ending plastic pollution.

### Establishing the Ground Rules

The OEWG’s most important job was to establish the rules of procedure, which will govern the INC’s work. Member States were able to draw on the relatively recent negotiations of the Minamata Convention on Mercury, which took place between 2010 and 2013. This negotiating process is still fresh in many delegates’ memories, and it was a natural starting point for mapping out the rules that will govern the new negotiating process. Indeed, delegates were able to draw directly on many of the rules previously agreed for that process, agreeing to employ many of them to guide this new process.

However, as many delegates noted, the world has experienced some significant changes since the Minamata Convention was negotiated, particularly as a result of the COVID-19 pandemic. This global crisis led to rapid implementation of technologies that facilitate virtual participation in intergovernmental meetings, a feature that some delegates characterized as enhancing inclusion by allowing people to participate without incurring the time and financial costs of travel. With the ongoing disruption of the

pandemic at the forefront of their minds, several participants called for referencing the possibility of online or hybrid meetings in the rules of procedure to ensure that these options remain available during the INC process. Such a move would further insulate the INC process from future shocks that could disrupt this time-sensitive process.

Others were markedly less enthusiastic about the prospect of enshrining options for virtual participation in the rules of procedure, with many insisting that this could set a dangerous precedent, and asserting that substantive negotiations should only be carried out in-person. In contrast to the perception that virtual meetings are more inclusive, several delegates emphasized that unstable internet connections frequently “stifle” voices from developing countries, effectively excluding them from debates and decision-making. Ultimately, delegates agreed to leave the decision on the mode of working entirely to the INC. This decision leaves open the door for virtual meetings, but steers clear of signaling that such meetings should be normalized in any way.

Inclusion was a key theme of discussions, both in plenary sessions and in the daily multi-stakeholder dialogues. The latter featured stakeholders from around the world representing a broad array of perspectives, from civil society to academia and the private sector. Several speakers emphasized that solving this complex problem will require enthusiastic engagement from stakeholders positioned “across the value chain” of plastics production, manufacture, use, recycling, and disposal. There are two key challenges in achieving this goal, however. First, it will be critical for organizers to figure out how to ensure that the voices of non-governmental stakeholders are given time and opportunity to contribute to the main negotiation streams and are not just meeting in the margins. As one civil society representative pointed out, “Time is always short” in international negotiations, and observers are not prioritized.

Going forward, it will be important to design the INC process to ensure that observers have regular and ample opportunities to contribute their expertise throughout the process. This issue may be taken up again, as many OEWG delegations called for further consideration at INC-1 on how to set up a robust information exchange platform to benefit both the treaty negotiations and global actions geared towards addressing plastic pollution.

### ***Planning the Journey***

Another key task for the OEWG was to agree on a timetable of meetings for the INC. UNEA resolution 5/14 sets 2024 as the ambitious deadline for completing treaty negotiations. Plastic pollution is an urgent problem that requires a speedy response, but it remains to be seen whether the INC can conclude its work within two years, given the complexity of the negotiations ahead. Meeting this timeline will require delegates to be flexible and remain focused on the big picture. Using the Minamata Convention and other agreements as general roadmaps for development of a new instrument on plastic pollution may certainly improve efficiency, but only if delegates engage with each other in the spirit of compromise.

A key question, as well, is what is at stake if delegates cannot finalize their work by the end of 2024. “We may need to get creative with how we work,” shared one delegate. As the INC process begins, delegates will need to consider the trade-offs involved in extending the process; will the gains outweigh the costs? Some of these costs will be to human health and the environment, as efforts to perfect details will delay action. Other costs may be political,

especially if key players are not in a position to support this global effort after 2024. The price of achieving a more perfect text could be a weaker implementation effort.

Working within the deadline could prove most effective. At the OEWG, it was clear that some delegates are already working towards this, for the future of both the treaty and the planet. “We have to remember that the treaty negotiation process does not require us to address every single issue in depth,” noted one seasoned delegate, “but rather we need to clearly define the boundaries within which we can address the issues for years to come.”

One question left pending as the curtains fell on the OEWG is what streams of negotiation are going to be prioritized by the INC. Delegates engaged in a hearty exchange about the list of documents to be considered by INC-1. From this, the need for the INC to address issues related to finance, science, and the relationship with other multilateral environmental agreements (MEAs) garnered the most support. As they tasked the Secretariat to prepare a long list of documents for consideration at INC-1, delegations were reminded that there is already a solid negotiation foundation set by the four meetings of the *Ad hoc* Expert Group on marine litter and microplastics. “It is easy to forget that there has already been considerable work done on this issue,” shared one delegate, “and we may need a quick refresher on what has already been discussed before we get to Uruguay so we can maximize our time.”

Perhaps forgetting the foundational work already in place, the OEWG fell short of requesting the Secretariat to prepare a zero-draft for the INC to immediately begin textual negotiations. With only five sessions planned, one observer pointed out “We have no time to waste. We have to hit the ground running.”

In this regard (although a zero-draft is not in the offing), during the closing plenary, delegates identified the need for additional consideration of the organization of work, and have until the end of June 2022 to share their views in order to influence the INC’s pace and direction. Some left Dakar hopeful that the “potential elements” paper requested by delegates may be a good starting point for INC-1, with its contents including key concepts, procedures, and mechanisms of legally binding MEAs relevant to furthering implementation and compliance under the future plastic pollution instrument.

### ***Potholes in the Path Ahead?***

Finally, some OEWG delegates gave indications about the conventions around which to model the new plastic pollution treaty. In general statements, some pointed to the Minamata Convention on Mercury, with its controls on various products, as the ideal template for the plastic pollution ILBI. For plastic pollution, many have identified the “obvious” problem as single use products. A global agreement that places controls on these products “will be ideal.” Others, however, have observed that single-use products are result of a greater challenge, which is rooted in “an over-supply of virgin plastic.” One participant shared that this was the reason for the “turn off the tap” slogan, which “requires a fundamental change in our interaction with plastic.” It remains to be seen whether the Minamata model will go far enough to address this “systemic change.”

Other delegates pointed to intrinsic links between plastic pollution and climate change, and thus preferred that the new ILBI reflect the Paris Agreement. This historic agreement saw the world agree to address climate change together, with each nation deciding its own parameters through their nationally determined contributions (NDCs). Although all bound by the Paris Agreement, NDCs

themselves are free of international rules. In the end, choosing this model “is a matter of trust and good faith,” explained one delegate, adding that it would be “up to the biggest polluters in each sector to take the biggest actions.” Although it’s still early, some called on delegations to use the months before INC-1 “to consider which conventions we should adopt” for the best outcome for the planet.

### Setting Out on the Treaty Road

The UNEA mandate is ambitious, aiming to produce a new global treaty to solve a wicked problem in just five meetings. Whether or not this negotiation timeline is realistic or not is still up for debate, as are what elements need to be included in the eventual treaty. As plastic pollution chokes our rivers and contaminates the land, however, it is clear that the plastic crisis cannot wait. On the bright side, this meeting demonstrated there is a groundswell of support for aggressive action to solve this pollution problem, involving stakeholders from around the world and across the economy.

Getting to this point has been relatively quick in environmentally negotiation terms, but the learning curve has been steep. Delegations started out on this journey by addressing a small piece of the puzzle (marine plastics) and are now faced with the challenge of swiftly but comprehensively addressing plastic pollution as a whole. At the OEWG meeting, delegates made the first tentative steps towards their goal, setting out the rules that will guide them through the treaty negotiation phase, in good and in bad times.

UNEA resolution 5/14 to end plastic pollution, including in the marine environment, was a triumph for the world, and highlighted the “dogged determination” that underpins successful multilateralism. At the beginning of the OEWG, UNEP Executive Director Inger Andersen invoked the “Nairobi Spirit,” which birthed the historic plastic pollution resolution, urging delegates forward in this process. At the end of the meeting, with much still to be done, many delegations may want an additional dose of this spirit as they prepare to enter into treaty negotiations in Uruguay at the end of 2022.

## Upcoming Meetings

### Second Segment of the Basel Convention COP15, Rotterdam Convention COP10, and Stockholm Convention COP10:

Following the online segment of their meetings in July 2021, the Conferences of the Parties to the Basel, Rotterdam, and Stockholm Conventions will convene in person for the second segment of these joint and back-to-back meetings. The theme of the meetings is “Global Agreements for a Healthy Planet: Sound management of chemicals and waste.” Delegates will take up agenda items that were not considered or concluded during the online segment of the meetings. **dates:** 6-17 June 2022 **location:** Geneva, Switzerland **www:** [brsmeas.org](https://brsmeas.org)

**Fourth Meeting of the Open-ended Working Group on the post-2020 global biodiversity framework:** The fourth meeting of the WG2020 is scheduled to finalize the draft text for the post-2020 global biodiversity framework in preparation for the UN Biodiversity Conference (CBD COP 15). **dates:** 21-26 June 2022 **location:** Nairobi, Kenya **www:** [cbd.int/meetings](https://cbd.int/meetings)

**High-Level UN Conference to Support the Implementation of SDG 14 (Second UN Ocean Conference):** The Ocean Conference will seek to propel science-based innovative solutions to start a new chapter of global ocean action. The theme of this meeting is “Scaling up ocean action based on science and innovation for

the implementation of Goal 14: stocktaking, partnerships, and solutions.” **dates:** 27 June-1 July 2022 **location:** Lisbon, Portugal **www:** [un.org/en/conferences/ocean2022](https://un.org/en/conferences/ocean2022)

**HLPF 2022:** The 2022 meeting of the High-level Political Forum on Sustainable Development, under the auspices of the UN Economic and Social Council (ECOSOC), will convene under the theme “Building back better from the coronavirus disease (COVID-18) while advancing the full implementation of the 2030 Agenda for Sustainable Development.” The 2022 meeting will hold in-depth reviews of five SDGs: 4 (quality education), 5 (gender equality), 14 (life below water), 15 (life on land), and 17 (partnerships for the Goals). **dates:** 5-7 and 11-15 July 2022 **location:** UN Headquarters, New York **www:** [sustainabledevelopment.un.org/hlpf](https://sustainabledevelopment.un.org/hlpf)

**Fourth meeting of the intersessional process considering the Strategic Approach and sound management of chemicals and waste beyond 2020:** This meeting will support stakeholders in their efforts to elaborate the future arrangements of the Strategic Approach and the sound management of chemicals and waste beyond 2020 for consideration and adoption at the next session of the International Conference on Chemicals Management (ICCM5). **dates:** 29 August – 2 September 2022 **location:** Bucharest, Romania **www:** [saicm.org](https://saicm.org)

**CBD COP 15:** This Conference comprises the 15th meeting of the Conference of the Parties (COP 15) to the Convention on Biological Diversity, the tenth Meeting of the Parties to the Cartagena Protocol on Biosafety (Cartagena Protocol COP/MOP 10), and the fourth Meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing (Nagoya Protocol COP/MOP 4). **dates:** third quarter 2022 (TBC) **location:** Kunming, China (TBC) **www:** [cbd.int/meetings](https://cbd.int/meetings)

**Plastic Pollution INC-1:** The first meeting of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, is tentatively scheduled to convene in November 2022. **dates:** November 2022 (tentative) **location:** Uruguay (TBC) **www:** [unep.org](https://unep.org)

For additional upcoming events, see: [sdg.iisd.org/](https://sdg.iisd.org/)

## Glossary

AHEG	<i>Ad Hoc</i> Expert Group
CIEL	Centre for International Environment Law
GRULAC	Latin American and Caribbean Group
ILBI	International legally binding instrument
INC	Intergovernmental Negotiating Committee
IPEN	International Pollutants Elimination Network
MEA	Multilateral environmental agreement
OEWG	Open-Ended Working Group
SDGs	Sustainable Development Goals
UNEA	UN Environment Assembly
UNEP	UN Environment Programme
WTO	World Trade Organization