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## United Nations Environment Assembly of the United Nations Environment Programme

United Nations Environment Assembly of the  
United Nations Environment Programme  
Fifth session

Nairobi (hybrid), 22–26 February 2021  
and 28 February–2 March 2022\*

### Draft resolution on an international legally binding instrument on [marine] plastic pollution\*\*

#### Submission by the co-facilitators of cluster 1

*The United Nations Environment Assembly,*

*PP1 Noting* with concern that the high and rapidly increasing levels of [marine] plastic pollution, [including microplastics,] which is of a transboundary-nature [and needs to be tackled at its sources] [through a lifecycle approach], represent a serious environmental problem at a global scale, negatively impacting the environmental, social and economic dimensions of sustainable development,

*PP1 BIS Reaffirming* United Nations General Assembly resolution 70/1 of 25 September 2015, by which the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development, and recalling Sustainable Development Goal 14 and its target 14.1, and all interrelated goals,

*PP2 Stressing* the urgent need to strengthen the science-policy interface at all levels, improve understanding of the global impact of [marine] plastic pollution on the environment, and promote effective and progressive actions at the local, regional and global level to prevent, reduce and eventually eliminate the discharge of plastic litter and microplastics from both land-based and sea-based sources into the marine environment while recognizing the important role of plastics for society,

*PP3 Recalling* United Nations Environment Assembly resolutions 1/6, 2/11, 3/7, 4/6, 4/7 and 4/9 and reaffirming the urgent need to strengthen global coordination, cooperation and governance to take immediate actions towards the long-term elimination of [marine] plastic pollution [including microplastics,] [into marine, terrestrial and freshwater environments and of avoiding detriment from plastic pollution to ecosystems and the human activities dependent on them] through a [whole-]lifecycle approach.

*[PP3 ter Underlining* that a more circular economy, one of the current sustainable economic models, in which products and materials are designed so that they can be reused, remanufactured or recycled and therefore maintained in the economy for as long as possible along with the resources they are made of, and the generation of waste, especially hazardous waste, is avoided or minimised, and

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\* In accordance with the decisions taken by the Bureau of the United Nations Environment Assembly at its meeting held on 8 October 2020 and by the bureaux of the United Nations Environment Assembly and the Committee of Permanent Representatives at their joint meeting held on 1 December 2020, the fifth session of the Environment Assembly was adjourned on 23 February 2021 and is expected to resume as an in-person meeting in February 2022.

\*\* The present document has not been formally edited.

greenhouse gas emissions are prevented and reduced, can significantly contribute to sustainable consumption and production,]

*PP4 Welcoming* efforts made by governments and international organizations to minimize the negative impact of plastic waste on the marine environment and to reduce [marine] plastic pollution, in particular through national and regional action plans and other initiatives, such as G7 and G20 initiatives including the action plans of 2015 and 2017 addressing marine litter, Osaka Blue Ocean Vision, G20 Implementation Framework, Ocean Plastics Charter, the ASEAN Framework of Action on Marine Debris and the Bangkok Declaration on Combating Marine Debris, the APEC Roadmap on Marine Debris and to reduce plastic and microplastic pollution, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the outcome of the Ministerial Conference on Marine Litter and Plastic Pollution in 2021, recognizing that they are complementary to a coherent and coordinated global response,

*PP5 Noting* with appreciation the leading work of the Global Partnership on Marine Litter and actions to tackle marine litter and plastic pollution supported and implemented by the United Nations Environment Programme, [as well as the work conducted by the United Nations Environment Programme, scientific and legal advisory bodies, the Environment Management Group and other actors since the adoption of UNEA resolution 1/6,] and taking into account the chair's summary of the ad hoc open-ended expert group on marine litter and microplastics, which presents potential options for continued work for consideration by UNEA- 5,

[*PP5 bis Reaffirming* the importance of close cooperation and coherence as well as synergy among international conventions and instruments to prevent plastic pollution and avoid its adverse effects on human health and well-being and the environment, including the 1973 International Convention for the Prevention of Pollution from Ships and its 1978 Protocol, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemicals and Pesticides in International Trade, the United Nations Convention on the Law of the Sea, the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters and its 1996 Protocol, the Strategic Approach to International Chemicals Management, the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity, as well as among international organizations, regional instruments and programmes, non-governmental organizations and the private sector, ]

[*PP5 ter Underlining* that further international action is needed by developing an international legally binding instrument on plastic pollution, taking a comprehensive approach to prevent and reduce plastic pollution in the environment, including microplastics, by promoting a circular economy and addressing the full lifecycle of plastics,]

[*PP5 quarter Recognizing* that member states provide, within their capabilities, resources in respect of those national activities that are intended to implement a new international legally binding instrument in accordance with their national policies, plans and programmes,]

[*PP5 quinques Acknowledging* that some legal obligations arising out of a new international legally binding instrument will require financial and technical assistance and include technology transfer to developing countries and countries with economies in transition,]

[*PP6 Further recognizing* that each country is best positioned to understand its own national circumstances, including its stakeholder activities, related to addressing marine plastic pollution,]

[*PP7 Underlining* that in order to reduce additional [marine] plastic pollution to zero by 2050], further international action is needed by developing an international legally binding instrument on [marine] plastic pollution, taking a comprehensive lifecycle approach and the promotion of resource efficiency and circular economy,

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

2. *Decides* that the intergovernmental negotiating committee is to develop an internationally legally-binding instrument based on a comprehensive approach to address [marine] plastic pollution covering the whole-lifecycle of plastic from production, consumption and design to waste prevention and promoting resource efficiency and circular economy, including provisions:

- (a) [To set a common objective to reduce marine plastic pollution] [To specify the objectives of the instrument [and establish, as necessary, targets, definitions, methodologies, formats, and obligations;]
- [(a bis) To achieve sustainable production and consumption of plastics, including the uptake of secondary and alternative raw materials;]
- [(a ter) To address product design and use, including compounds, additives and harmful substances as well as intentionally added microplastics;]
- (b) To develop and report national action plans to contribute to the common objective, taking into account the respective local and national circumstances [and the characteristics of specific sectors, and to support regional and international cooperation and coordination];
- [(b bis) To monitor and report on national and international progress on implementation of the instrument;]
- [(b ter) To provide scientific and socio-economic assessments and to monitor and report on plastic pollution in the environment]
- (c) To periodically review global progress on reducing [marine] plastic pollution towards the common objective;]
- [(d) To increase knowledge through awareness-raising and scientific information exchange on best practices to prevent plastic pollution and promote behavioral change;]
- (e) To promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates and avoiding duplication;
- (f) To encourage action by all stakeholders including the private sector and to promote cooperation at the global, regional, national and local levels;
- (g) To specify arrangements for capacity building and technical and financial assistance [and technology transfer assistance to support implementation of the internationally legally binding instrument] to developing countries [most in need];
- (h) To promote research and development into innovative solutions;
- (i) To address implementation and compliance issues;
3. *[Also agrees* that the intergovernmental negotiating committee, in its deliberations on the instrument that it is mandated to develop, should consider:
- (a) the need for a financial mechanism to support the implementation of the priorities and objectives of the instrument, including the option of a dedicated multilateral fund;
- (b) the need for a mechanism to provide scientific and socio-economic advice and guidance, including the option of a dedicated body;
- (c) promote cooperation and coordination with relevant regional and international instruments and existing technical and scientific bodies to ensure synergies and avoid duplication;
- (d) Consider any other aspects that the intergovernmental negotiating committee may consider relevant;]
4. *Recognizes* that the mandate of the intergovernmental negotiating committee may be supplemented and updated by further decisions of the Environment Assembly;
5. *Decides* that participation in the intergovernmental negotiating committee should be open to all Member States of the United Nations and its specialized agencies, to regional economic integration organizations, as well as relevant stakeholders, consistent with applicable United Nations rules;
6. *Requests* the Executive Director, as a priority action, to provide the necessary support to developing countries and countries with economies in transition to allow for effective participation in the work of the intergovernmental negotiating committee;
7. *[Invites* governments and other stakeholders in a position to do so to provide extra budgetary resources to help to support the implementation of the present resolution;]

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

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

10. Requests the Executive Director to continue to support and advance the work of the Global Partnership on Marine Litter and its multi-stakeholder platform, while strengthening scientific and technological knowledge with regard to [marine] plastic pollution, *inter alia*, on methodologies for monitoring, and sharing available scientific and other relevant data and information;

11. [Calls upon all Member States to continue and enhance the following activities during the preparation of the international legally binding instrument, [with a view to reducing additional [marine] plastic pollution to zero by 2050], taking into account their respective national circumstances:

(a) Developing, implementing, and updating their national action plans;

(b) Sharing and updating information on relevant policies, plans and measures including measurable indicators where applicable through the multi-stakeholder platform and other relevant frameworks;

(c) Reducing the discharge of plastic litter and microplastics into the marine environment, through prioritizing a whole-lifecycle approach and fostering innovation, in close collaboration with the private sector.]

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