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**Intergovernmental negotiating committee to develop
an international legally binding instrument on plastic
pollution, including in the marine environment
Fifth session**

Busan, Republic of Korea, 25 November–1 December 2024 and
Geneva, Switzerland, 5–14 August 2025

**Draft report of the intergovernmental negotiating committee to
develop an international legally binding instrument on plastic
pollution, including in the marine environment, on the work of
its resumed fifth session**

I. Introduction

1. In resolution 5/14 of 2 March 2022 entitled “End plastic pollution: towards an international legally binding instrument”, the United Nations Environment Assembly of the United Nations Environment Programme requested the Executive Director of the United Nations Environment Programme (UNEP) to convene an intergovernmental negotiating committee to begin its work during the second half of 2022, with the ambition of completing that work by the end of 2024. The Environment Assembly also decided that the intergovernmental negotiating committee was to develop an international legally binding instrument on plastic pollution, including in the marine environment, which could include both binding and voluntary approaches, based on a comprehensive approach that addressed the full life cycle of plastic, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, and including provisions described in the resolution.
2. Accordingly, the first session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, was held at the Punta del Este Convention and Exhibition Centre, Punta del Este, Uruguay, from 28 November to 2 December 2022. The second session of the intergovernmental negotiating committee was held at the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris from 29 May to 2 June 2023. The third session of the intergovernmental negotiating committee was held at the headquarters of UNEP in Nairobi from 13 to 19 November 2023. The fourth session of the intergovernmental negotiating committee was held at the Shaw Centre in Ottawa from 23 to 29 April 2024. The first part of the fifth session of the intergovernmental negotiating committee was held at the Busan Convention Centre, Busan, Republic of Korea, from 25 November to 1 December 2024. The second part of the fifth session of the intergovernmental negotiating committee was held at the Palais des Nations, Geneva, from 5 to 14 August 2025.

II. Opening of the session

3. The second part of the fifth session of the intergovernmental negotiating committee was declared open by Luis Vayas Valdivieso (Ecuador), Chair of the intergovernmental negotiating committee, at 10.10 a.m. on Tuesday, 5 August 2025 and the 5th plenary meeting of the fifth session was called to order.

4. Opening statements were delivered by Mr. Vayas Valdivieso, Chair of the intergovernmental negotiating committee; Inger Andersen, Executive Director of UNEP; Katrin Schneeberger, Director of the Federal Office for the Environment, Switzerland; and Jyoti Mathur-Filipp, Executive Secretary of the intergovernmental negotiating committee.

5. In his opening remarks, Mr. Vayas Valdivieso reminded participants of the shared mission that had brought them to Geneva to complete the work that countries had started together. He emphasized that 14 August 2025 was not only a deadline but an opportunity for achievement. He highlighted that, for the first time in history, the world was close to creating a legally binding international agreement to end plastic pollution. Urging participants to take on that important and challenging task, he noted that the Palais des Nations had been the site of significant milestones in multilateral diplomacy and was the right place for members to fulfil the mandate given to the committee by Environment Assembly resolution 5/14. He affirmed that the best available science had shown that an effective instrument addressing all stages of plastics could make a meaningful difference. Acknowledging the progress made toward resolving complex issues, he called on members to use their political will to overcome the remaining differences. He encouraged them to seize the unique opportunity to reach an agreement that was effective, inclusive, practical and capable of evolving.

6. Thanking everyone who had contributed to reaching the current critical point, he said that he had collaborated closely with the Bureau and the secretariat to develop a tailored work plan, which aimed to ensure rapid progress and produce tangible results from the beginning of the resumed fifth session. The global crisis of plastic pollution, which damaged ecosystems and human health, threatened biodiversity and hit the most vulnerable the hardest, was caused by human choices, habits, and systems, and must be addressed through human effort and international cooperation. Recognizing the important role of observer organizations in actively helping delegations to bridge differences, he encouraged pragmatic and collaborative engagement to find shared solutions. He said that the common good should not conflict with national interests, and that solutions could come from a careful and courageous balancing of both. Time being of the essence, he called on delegations to support the Co-Chairs of the contact groups in guiding discussions and to approach the session constructively in order to build collective ownership and achieve the results expected by the world.

7. In her remarks, Ms. Andersen said that the surge in diplomacy and engagement since the first part of the fifth session of the committee had been critical in ensuring progress towards the finalization of a treaty on plastic pollution. In that connection, upholding a spirit of solidarity, compromise and understanding throughout the intensive negotiations that lay ahead was key. The United Nations had long embodied the notion that countries could solve problems together, a tradition that should serve as inspiration in navigating the way forward. The recently established Intergovernmental Science-Policy Panel on Chemicals, Waste and Pollution served as proof that environmental multilateralism could deliver and, moreover, could contribute important science to inform an instrument on plastic pollution.

8. She urged participants, during the upcoming negotiations, to recall that the international community was watching in a state of outrage and preoccupation that was fully justified: plastic pollution was already widespread and predicted to grow, implying massive consequences for human, economic and planetary health. UNEP remained committed to supporting participants in order to transform the challenge of plastic pollution into an opportunity for solutions. The final negotiated agreement should draw on the many existing areas of convergence and include scope for further development, thus forging the path towards a world that was definitively free of plastic pollution.

9. Ms. Schneeberger welcomed participants to Geneva, which she described as the embodiment of dialogue, cooperation and commitment to multilateralism and a global hub for environmental governance, particularly in the field of chemicals and waste. While the reason for gathering in Geneva was to end plastic pollution and protect human health and the environment, it was also important to acknowledge that multilateralism was facing challenges, and that geopolitical tensions and financial crises could hinder the ability to act collectively. She called on participants to demonstrate to the world that multilateralism was effective and that countries were willing to find sustainable solutions. That would mean engaging constructively, taking collective action and delivering concrete results, and in the form of a robust legally binding international treaty that was inclusive and science-based, united all countries around shared objectives and responsibilities and supported implementation on the ground. Noting that all eyes were currently on Geneva, she said that, in addition to mitigating the environmental, social and economic threats posed by plastic pollution, a successful outcome would send a strong signal for multilateralism. In closing, she wished participants productive negotiations, a spirit of openness and a session that met the urgency of the challenges and hopes that had brought them together in Geneva.

10. Ms. Mathur-Filipp began by welcoming the participants to the resumed fifth session of the committee and thanking the Government of Switzerland for hosting the session. She thanked donors who had contributed to making the session possible, including the Governments of Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Monaco, the Kingdom of the Netherlands, New Zealand, Norway, Portugal, the Republic of Korea, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, and the European Commission. She also thanked the members of the committee for their steadfast commitment; the observer organizations for their engagement; and the Chair for his leadership, together with his team. The current session brought together an experienced team from a variety of UNEP divisions and multilateral environmental agreements, alongside the secretariat, all working to ensure that negotiations were conducted in a focused, productive and inclusive manner. Hosting the current session at the Palais des Nations in Geneva situated the intergovernmental negotiating committee within a long tradition of crucial multilateral negotiations, diplomatic breakthroughs and international legal frameworks. Accordingly, the session should conclude with an international instrument to end plastic pollution, crafted through collective determination, dialogue and shared commitment.

III. Election of officers

11. At the 5th plenary meeting of the fifth session, on Tuesday, 5 August, in considering item 3 (c), organization of work, the Chair recalled that, at the first part of its fifth session, the committee had elected a Vice-Chair from the Asia-Pacific States. There had been no further developments regarding officers and thus the consideration of the item was closed.

IV. Organizational matters

A. Adoption of the rules of procedure

12. At the 5th plenary meeting, in considering item 3 (c), organization of work, the Chair recalled that the sub-item had been considered at the first part of the fifth session and said that no further developments had arisen since that time. He also recalled that, in accordance with the decision of the committee at its first session, the draft rules of procedure, as set out in document UNEP/PP/INC.5/3, continued to apply to the work of the committee with the exception of the bracketed text in rule 37. Recalling the interpretive statement relating to rule 38, paragraph 1, of the draft rules of procedure, adopted by the committee at its second session, he expressed the hope that the committee would complete its work at the current resumed session in a spirit of good faith and cooperation.

B. Adoption of the agenda

13. At the 5th plenary meeting, in considering item 3 (c), organization of work, the Chair recalled that, at the first part of its fifth session, the committee had adopted the following agenda on the basis of the provisional agenda, which was set out in document UNEP/PP/INC.5/1/Rev.1:

1. Opening of the session.
2. Election of officers.
3. Organizational matters:
 - (a) Adoption of the rules of procedure;
 - (b) Adoption of the agenda;
 - (c) Organization of work.
4. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment.
5. Other matters.
6. Adoption of the report of the session.
7. Closure of the session.

C. Organization of work

14. At the 5th plenary meeting, in resuming the consideration of the sub-item, the Chair drew attention to the scenario note for the resumed fifth session (UNEP/PP/INC.5/INF/13) and presented

the proposed organization of work, including the nomination of two Co-Chairs to replace the two previously appointed Co-Chairs who were no longer available to continue in that capacity. The Chair recalled the mandates of the contact groups as agreed at the first part of the fifth session and proposed a slight adjustment thereto.

15. One representative, speaking on behalf of a group of countries, said that, in order to make effective use of the time available, any issue on which consensus was not easily reached during contact group meetings should be discussed in informal meetings. In order to ensure that all Member States, in particular those with small delegations, were able to participate effectively in the current resumed session, any informal meetings should be organized in a clear and transparent manner, the number of such meetings should be limited, and all the meetings of contact groups should conclude by 9 p.m. Another representative said that, in order to reach consensus at the current session on an efficient and balanced instrument, it was critical that all members approach discussions in a spirit of flexibility and realism, without prejudice, and bearing in mind such core principles as common but differentiated responsibilities and the sovereign right of each country to decide how to use its own natural resources.

16. Another representative, speaking on behalf of a group of countries, reiterated a request, which, she said, had been raised at a recent informal meeting of heads of delegation, that meetings of contact groups 1 and 3 should not be held in parallel at the resumed fifth session. Another representative who took the floor confirmed that the issue had been raised in a letter to the Chair and the secretariat, and subsequently in the Bureau, and stressed that the views of his region should be taken into account. In response, the Chair proposed instead that the meetings of contact groups 1 and 4, and of contact groups 2 and 3, be held in parallel. Several representatives, noting that they had planned the work of their delegations based on the organization of work that had been circulated prior to the session, said that they were nonetheless willing to show flexibility regarding the Chair's proposal. One representative said that late changes to the organization of work presented significant logistical challenges, in particular for small, two-person delegations such as hers, preventing them from engaging in and contributing to the negotiations in an effective manner. A number of representatives requested that no further changes be made, both regarding the order in which the proposed articles would be discussed in the contact groups and the pairing of the contact groups to be held in parallel. Furthermore, one representative expressed the view that such organizational matters were the responsibility of the Bureau and that the consideration of such matters should be avoided in plenary meetings to the extent possible.

17. One representative, noting that Environment Assembly resolution 5/14 referred to the convening of a diplomatic conference of plenipotentiaries upon completion of negotiations by the committee for the purpose of adopting the instrument and opening it for signature, expressed the view that the diplomatic conference should be entirely ceremonial in nature. It was not appropriate, he said, to identify issues to be discussed at that conference or in the period before the first meeting of the conference of the parties to the proposed instrument.

18. The intergovernmental negotiating committee agreed to organize its work as described in the scenario note for the session (UNEP/PP/INC.5/INF/13), subject to the changes proposed by the Chair. Accordingly, the four contact groups established during the first part of the fifth session would continue their work to finalize the text of the instrument and present proposals for consideration by the committee, using as a starting point for negotiations the Chair's text of 1 December 2024. Contact group 1 would be co-chaired by Maria Angelica Ikeda (Brazil) and Axel Borchmann (Germany), contact group 2 would be co-chaired by Tuulia Toikka (Finland) and Peter Justice Dery (Ghana), contact group 3 would be co-chaired by Kate Lynch (Australia) and Gwen Sisior (Palau), and contact group 4 would be co-chaired by Linroy Christian (Antigua and Barbuda) and Go Kobayashi (Japan).

D. Attendance

19. Representatives of the following States attended the session: [to be completed]

20. Representatives of [to be completed] also attended the session.

21. The following intergovernmental organizations and other entities were represented as observers: [to be completed]

22. The following United Nations bodies, secretariat units and convention secretariats were represented as observers: [to be completed]

23. A total of [--] non-governmental organizations were also represented as observers. The list of participants is set out in document UNEP/PP/INC.5/INF/[--].

V. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment

24. At the 5th plenary meeting, in resuming the consideration of the item, the Chair recalled that members, regional groups and groups of members had been asked to submit any statements in writing through the in-session document platform. He also noted, however, that, as mentioned in the scenario note for the meeting, the formal intergovernmental process offered limited opportunities for interventions by observers. On the proposal of the Chair, the committee agreed to allocate 30 minutes to hear from observers representing different broad constituencies.

25. Consequently, at its 5th plenary meeting, the intergovernmental negotiating committee heard statements delivered by 12 representatives of observers, including intergovernmental organizations, a United Nations system entity and non-governmental organizations. The full text of statements made by observers, when submitted, can be found on the website for the session.

26. At the 6th plenary meeting of the fifth session, at the invitation of the Chair, the committee began by observing a minute of silence in memory of the Minister of Environment, Science and Technology of Ghana, Ibrahim Murtala Muhammed, and the Minister of Defence of Ghana, Edward Omana Boamah, both of whom had tragically passed away on 6 August, together with other government officials.

27. The Chair recalled the profound role played by Indigenous Peoples as knowledge holders, environmental stewards and defenders of rights. He said that, as part of the commemoration of the International Day of the World's Indigenous Peoples, he would hold a moment of observance, together with the International Indigenous Peoples' Forum on Plastics, at 3 p.m. on the afternoon of Saturday, 9 August, and invited all participants to join the event.

28. Subsequently, the Chair said that the main purpose of the current plenary meeting was to take stock of the progress made and the outcomes of the contact groups, as well as to decide on the way forward. Recalling the agreement reached at the opening plenary that the progress of discussions in the contact groups would be assembled into a single document, he said that the relevant document was set out in a conference room paper. The assembled document represented a snapshot of the status of discussions in the contact groups as at the evening of Friday, 8 August, and had been put together for informational purposes.

29. Subsequently, the committee heard reports from the Co-Chairs of the four contact groups on the progress achieved in those groups.

30. The Co-Chair of contact group 1 said that the group had met five times to discuss the articles under its mandate. An informal consultation had been established on article 3, co-facilitated by Brazil, New Zealand, Saudi Arabia and Singapore, and had been requested to discuss the relevant elements of the Chair's text and proposals by members. Subsequently, the informal consultation had reported back and had requested and been given more time to work. On article 5, four comprehensive proposals had been presented, before discussion of the way forward. An informal group, led by Argentina and the Kingdom of the Netherlands, had been requested to analyse the Chair's text, as amended by contact group 1, to incorporate member views with a view to streamlining the text and supporting compromise. Informal consultations had then been held on articles 3 and 5, following which the contact group had heard reports from the informal consultations, and discussed its progress and the way forward. Subsequently, another informal discussion had been held on article 3, which was not reflected in the report of the group nor in the assembled document, however, its outcomes were available on the online portal. The assembled document before the committee at the current plenary meeting represented a snapshot of the present state of progress, as clarified in the document footnotes. No text had been forwarded to the committee for its consideration and onward submission to the legal drafting group.

31. On scope, further discussion was required. Many differing views had been expressed by members, including on whether or not to insert an article into the text. Some members had indicated that they considered the scope to have been described in resolution 5/14. The assembled text included a placeholder for an article on scope, which was positioned after the objective; it included a footnote stating that it constituted a placeholder for an article on scope without prejudging its integration or potential location in the final text.

32. Turning to article 2, he said that differing views had been voiced on the need for a dedicated article on definitions, as well as on which terms should be defined. Submissions had been received with proposed text on definitions and for the inclusion of new terms. Based on the discussions and text proposals, there appeared to be growing support for addressing the definitions of at least four key

terms in the instrument, namely: “plastic”, “plastic products”, “plastic waste” and “plastic pollution”, regardless of their placement. The discussion had also covered terms that were currently included in the Chair’s text, but might have widely agreed definitions, such as “party”. The Chair’s text for article 2 was included in the assembled text, with a footnote that reflected the original formulation in the Chair’s text; no agreement or textual negotiations had been carried out on its content. More time was needed for discussion on definitions, which should only take place once greater clarity had been reached on the provisions of the instrument.

33. During discussions on article 3, differing views had been expressed. An informal group had therefore been set up to facilitate progress. Submissions had been received and were available on the in-session documentation platform. No agreement had been reached on the text, which instead reflected the status of the wording of article 3 as at 8 August, providing a snapshot of progress. The informal group discussions on article 3 had included a first complete reading. However, there had been insufficient time for a report back to the contact group on the most recent progress. More time was needed for discussion of article 3. Meanwhile, article 4 had been discussed in the contact group together with article 3. The Chair’s text for article 4 was included in the assembled text, with a footnote stating that such language reflected the original formulation in the Chair’s text. So far, no agreement had been reached in that regard, and no textual negotiations had been undertaken on its content. More time was thus needed for discussion on article 4, particularly in connection to article 3.

34. On article 5, the contact group had completed a full reading and an informal group had been set up to advance the text. The text that had been posted by the informal groups reflected the status of the wording for article 5 on 8 August, and was included in the assembled text. As reported by the co-facilitators, following efforts to ensure the incorporation of all views on paragraph 1, the informal group had agreed that the text, as adapted, provided a sound basis to commence negotiations, and had begun to find common ground. More time was also needed for discussion on article 5.

35. Turning to article 6, he said that more time was needed for discussion. Many different views had been heard, including those of members who had favoured a standalone article, bridging proposals, as well as from members who did not wish to see the article reflected in the text. Submissions had been received on article 6 that were available on the in-session documentation platform. The Chair’s text for article 6 was included in the assembled text, with a footnote stating that it reflected the original formulation in the Chair’s text. No agreement had been reached on article 6, and no textual negotiations had been held on its content to date.

36. The Co-Chair proposed that the two informal groups continue to make progress on articles 3 and 5, given that the reports from the informal groups had highlighted the need for more time for consideration of those articles. Once the contact group had heard the reports from the informal discussions on those articles, the next steps to be taken would be determined.

37. The Co-Chair of contact group 2 said that the group had met five times and had completed a first round of textual negotiations on all four articles under its mandate. It had held one informal consultation on article 8, together with separate informal consultations on articles 7, 9 and 10. Chile and Switzerland had co-facilitated the informal consultation on article 8; Panama and the United Kingdom had led informal consultations on article 7; Antigua and Barbuda, on behalf of the Alliance of Small Island States, and the European Union had led informal consultations on article 9; and Cameroon had led informal consultations on article 10. The status of the textual negotiations on each of the four articles as at 8 August had been reflected in the assembled text posted on the website for the session. The group had also decided to include footnote references in article 7 with a view to clarifying the status of discussions. The expansion of the text was part of the process of multilateralism and it signalled progress, reflecting the views of members and serving as a strong basis for further negotiations. Moreover, areas of convergence had been found on some of the paragraphs. Three further informal consultations had also been established on articles 7, 8 and 9. Members had demonstrated a will to work arduously towards consensus with a view to achieving a clean text on the articles under consideration.

38. The Co-Chair of contact group 3 said that the group had met five times, including to discuss the financial mechanism under article 11. Early sessions had focused on hearing the views of members and reviewing proposals submitted at both the first and second parts of the fifth session of the committee. The contact group had mandated the Co-Chairs to prepare a comparison table to map how elements of the article were reflected in a selection of proposals, including the Chair’s text and multi-country submissions. Following additional exchanges, and with the aim of simplifying the text where possible to facilitate structured textual negotiations, the Co-Chairs had been mandated to prepare a revised iteration of the text for article 11, drawing from the Chair’s text dated 1 December 2024; the proposals and views expressed during the first and second parts of the fifth

session of the committee; and the informal consultations held on article 11 on 7 August 2025. The aim of the document was to reorder and simplify text where possible in order to facilitate structured textual negotiations; it had been welcomed by members as a useful but not exhaustive starting point for further textual negotiations. The text in question was set out in the assembled document.

39. On article 12, given that the structure of the article had generally been met with support, the contact group had agreed with the suggestion of the Co-Chair to begin line-by-line negotiations using the Chair's text as the starting point. Following the initial exchanges on paragraph 1, the group had requested that the Co-Chairs prepare a revised version of the text for paragraphs 2 to 7 that integrated the written submissions uploaded to the online portal for the meeting during the current session. The purpose of that version was to accelerate the pace of textual negotiations, as delegations would not need to take the floor to repeat proposals that were already reflected in the draft. Thereafter, the contact group had proceeded with paragraph-by-paragraph discussions on the version prepared by the Co-Chairs, and a first round of textual negotiations had been conducted for paragraphs 1 to 4. During the discussion, several suggestions had been made to restructure paragraphs and simplify text, although that work was yet to be completed by the contact group. Further discussion on paragraphs 5 to 7 remained pending. The different statuses of the paragraphs under article 12 were reflected in the assembled document.

40. With regard to informal and informal informal discussions, an informal group had met on 7 August, co-facilitated by Austria and Costa Rica, to discuss areas of convergence and divergence on article 11 with a view to facilitating future negotiations. The outcome had been the production of a non-negotiated summary table capturing elements of convergence and divergence across the different proposals, which had been used to inform the Co-Chair's revised text and had been accepted by the contact group as the basis of further work on article 11. An informal informal discussion was scheduled to be led by Brazil later in the day on 9 August to further discuss its proposal for article 12, paragraph 5, on a cooperation mechanism.

41. In terms of the need for further work and possible avenues and options to reach agreement, on article 11, members had expressed a readiness to begin textual negotiations using the text proposed by the Co-Chairs, which consolidated views expressed at the first and second parts of the fifth session of the committee. Members had acknowledged that some matters, including the design and structure of the financial mechanism, and related matters, such as its operation and governance, would benefit from discussion in an informal setting. On article 12, paragraphs 5 to 7 required a first reading in the contact group and further discussion in the context of continued negotiations on the full article. The next stage would involve refining the text for all the paragraphs in the article, addressing outstanding divergences, and encouraging flexibility from members in order to facilitate convergence.

42. The Co-Chair of contact group 4 said that the group had met six times to consider the preamble and the 23 articles under its mandate. Despite the extensive scope of its mandate, initial discussions had been held on all the articles assigned to the group thanks to the collaborative spirit of members. However, owing to time constraints, some members had been unable to intervene on articles 14 to 18 and the preamble, and would be given the opportunity to do so at the group's next meeting. Consequently, the outcomes as reflected in the assembled text constituted a snapshot of the progress on each article, not an agreed outcome of the group's work. While the document aimed to reflect all the deliberations from the previous four days, it might not comprehensively capture the full range of views expressed, nor those that had been uploaded on the in-session documentation platform after the secretariat had begun to compile the assembled text. In addition, specific proposals shared via the in-session portal but not discussed in the contact group were generally not reflected in the text, as was the case for article 20, as indicated in its footnote. However, the following omissions in the submitted status of work document should have been reflected in the assembled text: for article 1*bis* and article 19, the text should be in square brackets and include the no-article options; and for article 14, paragraph 1, textual proposals that had previously been omitted had been introduced. The group was therefore in the process of releasing an updated version of the status of work document. Meanwhile, it had successfully forwarded articles 31 and 32 to the committee for consideration and possible onward transmission to the legal drafting group for its consideration.

43. The Co-Chairs had invited members to discuss certain matters in an informal setting, with a view to bridging divergences of opinion and enable progress towards a clean final text. Those matters were as follows: four textual options on principles or principles and approaches, facilitated by Saudi Arabia; provisions relating to the conference of the parties and subsidiary bodies, co-facilitated by the European Union, Palau and Peru; and matters relating to health, facilitated by Brazil. The outcomes of the deliberations from those informal meetings had been duly reported back to contact group 4 and incorporated into the respective status of work documents for contact group 4, and subsequently into the assembled text for consideration by the committee.

44. During the first meeting of the group, members had found convergence on article 31 on depositary and article 32 on authentic texts, as reflected in the status of work document on the online portal for the meeting. Several other articles had seen some level of convergence, but required further refinement in the contact group, including those on national plans; reporting provisions; effectiveness evaluation; public awareness and education; and on the final provisions, such as those related to amendment procedures and entry into force.

45. Some elements of the text required further work, and proposals were being gathered on possible ways forward. During the deliberations of the contact group, new articles had been proposed to introduce concepts that were not included in the Chair's text. The group sought the Chair's guidance on how to proceed on that regard. It had also begun to identify cross-cutting elements that might warrant further consideration across articles. They included: the nature of decision-making, in particular whether to make decisions by consensus only or include the possibility of voting when all efforts at consensus had been exhausted; the number and characteristics of any subsidiary bodies that might be established; and the issue of trade under the international legally binding instrument. The group had also compiled proposed next steps, including the immediate opportunity for members who remained on the speaker list for articles 13 to 18 and the preamble to offer their interventions in the contact group setting. Thereafter, a variety of modalities could be used to expedite the work of the group, for example, textual engagements by members in an informal setting; the development by the Co-Chairs of streamlined text with a view to bridging divergences; and joint consideration with other contact groups, if necessary. Some of the above-mentioned cross-cutting items warranted further consideration.

46. Following the reports back from the Co-Chairs of the contact groups, the Chair acknowledged that insufficient progress had been made in contact groups. He proposed that the committee transmit articles 31 and 32 to the legal drafting group, on the understanding that nothing was agreed until everything was agreed in a plenary meeting. Further, noting that several articles had gained a significant level of understanding but still required further refinement within the contact groups, he proposed that the contact groups continue to review those articles with the aim of producing final texts for the legal drafting group. Finally, he said that he would continue to work with the contact group Co-Chairs to identify the articles on which little progress had been made toward a common understanding. As soon as broad alignment was reached on additional articles he would organize a plenary meeting to transmit such articles to the legal drafting group.

47. The Chair then opened the floor for comments on the reports by the contact group co-chairs.

48. Many representatives, including several speaking on behalf of groups of countries, thanked the contact group Co-Chairs for their efforts over the preceding days, as well as the facilitators of the informal consultations and the Chair, for their efforts in guiding the discussions. While several of those who spoke mentioned that negotiations were proceeding in a spirit of positivity and cooperation, almost all expressed concern at the slow pace of progress, with many, including one speaking on behalf of a group of countries, saying that a change in approach was needed.

49. Commenting on the assembled text, a number of representatives, including several speaking on behalf of groups of countries, said that it did not reflect the views of their delegations or that it contained gaps or inaccuracies. Several noted with alarm that the text had expanded considerably and contained a much higher number of brackets than previously, and one said that some articles contained as many brackets as words and suggested they be completely rewritten.

50. In terms of the overall approach going forward, several representatives indicated their support for the Chair's proposal and many, including several speaking on behalf of groups of countries, offered their views on what was needed to change course and produce results.

51. Many representatives, including several speaking on behalf of groups of countries, called on the Chair to establish a clear process for the ongoing work. One specifically asked for clarity on how to move forward from the contact groups and another, speaking on behalf of a group of countries, requested clarity on how text negotiated in smaller groups would come back to the Member States. One also asked the Chair, in line with rule 20 of the draft rules of procedure, to clearly instruct delegations to avoid making general statements and to provide time limits for statements. Another requested clarity on the process to be followed, once text was approved, to prepare for entry into force and the first meeting of the conference of the parties, saying that such clarity was crucial to delegations' ability to resolve issues at the current meeting.

52. Several representatives spoke about what should be done over the following two days. Some said that if significant progress was not made another stocktake plenary should be convened promptly to decide on what steps to take. One, stressing that the committee should not avoid discussing issues

that had strong support among delegations, said that points of divergence on such issues should be resolved by the end of Sunday, 10 August to enable progress as of the start of the next week. Another echoed that point, saying that cross-cutting issues should be resolved quickly to enable the committee to move forward on critical items.

53. Several representatives indicated that they agreed with the proposal by the Chair to classify articles into categories for discussion. One added that it would, however, be important for delegations to understand which specific articles the Chair saw in each category, especially the proposed categories 2 and 3, to enable small delegations to organize their work. Another encouraged the Chair, with the help of the contact group Co-Chairs, to identify the articles and elements in category 3. For her delegation, such articles and elements could consist of those on which views on inclusion in the instrument diverged. Such articles and elements could then be addressed in a new setting, such as a meeting of heads of delegation.

54. Many representatives, including several speaking on behalf of groups of countries, highlighted the importance of transparency and inclusivity for maintaining trust in the process. In that regard, several asked that information on meetings, including all informal meetings, be made available in a timely manner. One asked that meeting rooms be of adequate size, to ensure that no one was excluded from the discussion, and another asked that careful consideration be given to the representation of smaller delegations, including consideration of how the outputs of informal and breakout groups would be integrated into the formal work of the contact groups.

55. Several representatives, including one speaking on behalf of a group of countries, mentioned the need for all decisions to be taken by consensus, while several others said that consensus should not be used as justification for not achieving the committee's objective. Another representative said that all decisions should be taken by consensus pending the adoption of the rules of procedure..

56. A number of representatives, including one speaking on behalf of a group of countries, appealed to the Chair to take a larger role in seeking consensus. One representative, speaking on behalf of a group of countries, suggested that the Chair intervene in a timely and creative manner when a shift in working arrangements was needed to increase the pace of progress, and that he engage more actively in the negotiation process by undertaking activities such as informal consultations with delegations. That appeal was echoed by another representative, who said that it was very important in such a process for the Chair to carry out extensive and intensive consultations with countries and regions in an effort to understand their greatest concerns and determine whether there was a possibility of convergence. Another representative asked that the Chair, in his involvement in the consultations, prioritize issues where members were further apart, as those issues were an integral part of the treaty and could not be left to the final days of negotiation.

57. Several representatives, including one speaking on behalf of a group of countries, asked the Chair to strengthen the facilitation of the ongoing discussion in the contact groups. The representative speaking on behalf of a group of countries encouraged the Chair to make use of other formats, such as informal consultations, where appropriate, and another representative suggested that the contact group Co-Chairs be given more leeway to receive proposals and reach a consensus text. Several other representatives, including one speaking on behalf of a group of countries, asked that the Chair mandate the contact group Co-Chairs to clean up the text by streamlining what was already there, and another representative speaking on behalf of a group of countries suggested that the Chair consider convening more than two contact groups to run in parallel.

58. Representatives also had suggestions for the Co-Chairs of the contact groups. Several, including one speaking on behalf of a group of countries, encouraged the Co-Chairs to make more use of informal informal and breakout groups, although another asked that the use of informal discussions be minimized, saying that they led to questions about transparency. Several representatives, including one speaking on behalf of a group of countries, asked the Co-Chairs to provide clear, transparent, consistent terms of reference to the informal consultations and the informal informal groups. The representative speaking on behalf of a group of countries also asked the Co-Chairs not to limit the number of delegations that could participate in such sessions, and another representative asked that informal groups have the flexibility to run in parallel and to consider cross-cutting issues across groups. Another representative, speaking on behalf of a group of countries, stressed that all informal discussions should be announced by the Co-Chairs and agreed to by the contact group. He also asked that informal informal groups, even though they could be formed by the Member States themselves, nevertheless be better organized in order to foster transparency and inclusivity.

59. One representative urged the Co-Chairs to enable consideration of the interplay between certain key articles, including articles being considered by different contact groups, which, he said,

would also mean being open to looking at alternatives to the current structure and the format of certain articles.

60. One representative, speaking on behalf of a group of countries, recommended that the Co-Chairs start considering which portions of the text might be excluded from the final outcome owing to irreconcilable differences.

61. With regard to the work of the contact groups themselves, several representatives recommended a focus on the core elements needed for an effective treaty, with individual representatives singling out articles 3, 5, 6, 11, 12, 19 and 20 as requiring priority attention.

62. One representative speaking on behalf of a group of countries stressed that insufficient time had been devoted to discussing the scope of the future treaty, and several others said that establishing the scope of the future treaty as a priority would facilitate subsequent progress on other articles. Several of them also advised agreeing on the definitions of terms used in the text and one also advocated focusing on the objective of the treaty, again with a view to enable faster progress on other issues.

63. Many representatives, including one speaking on behalf of a group of countries, also called for more effort and flexibility from delegations. Several, including the representative speaking on behalf of a group of countries, urged delegations to trust the contact group Co-Chairs and respect their clear mandates, and to focus on streamlining and refining the text. Several, including one speaking on behalf of a group of countries, also appealed for an end to the use of working methods, procedural excuses and other delaying tactics to obstruct the process, and several asked delegations to avoid repeated restatement of entrenched positions. One requested that delegations avoid the proliferation of similar proposals.

64. One representative reported that his delegation had submitted text regarding the seat of the secretariat and asked that it be reflected in the assembled text. Another representative said that his delegation had also proposed text on the matter, in reaction to another delegation's submission, and requested that the next version of the assembled text reflect their proposal. He expressed the view, however, that the matter should be taken up by the conference of the parties at its first meeting rather than by the committee at the current session.

65. Many representatives, including several speaking on behalf of groups of countries, also took the opportunity to reiterate their general views and aspirations for the treaty as expressed in previous meetings.

66. Following the discussion, the Chair acknowledged members' desire to speed up the pace of work and reach concrete achievements, and comments regarding the need to increase the use of informal meetings to find common ground and move forward with cleaning up the text. Noting that no formal meetings were scheduled for the following day, Sunday, 10 August, he urged members nevertheless to continue to consult among themselves, including in informal informal meetings, in order to make the most of the time available.

67. [to be completed]

VI. Other matters

68. At the 6th plenary meeting of the fifth session, the Chair, recalling that resolution 5/14 mandated the Executive Director to convene the diplomatic conference, said that he had requested the secretariat to prepare draft elements of the possible resolutions of the diplomatic conference, to be provided to the committee by the evening of Monday, 11 August. He would inform delegations of the subsequent steps to be taken in due course.

69. [to be completed]

VII. Adoption of the report of the session

70. [to be completed]

VIII. Closure of the session

71. [to be completed]
