

Preparatory meeting mandated by the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

Nairobi, 11 November 2023

Third session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

Nairobi, 13-19 November 2023

Chair's reflection note

1 November 2023

I. Introduction

1. The intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (the committee), at its second session held in Paris, France, from 29 May to 2 June 2023, decided that its third session will take place in Nairobi, Kenya in November 2023.¹
2. The committee also decided to convene a one-day preparatory meeting back-to-back with its third session, which would include discussions on the synthesis report prepared by the secretariat.
3. The present note, prepared in consultation with the Bureau, sets out the proposed approach and general expectations for the preparatory meeting as well as for the third session of the committee, complementing the scenario note² and intends to assist participants in preparing for both meetings.

II. Preparatory meeting

A. Modalities of the meeting

4. The preparatory meeting will be held as a mandated event ahead of the third session and will not form part of the formal third session of the committee.
5. There will be two sessions conducted in the six official languages of the United Nations held in a plenary setting. As per the common practice of United Nations meetings with official interpretation, the first plenary will be held from 10.00 a.m. to 13.00 p.m., and the second plenary from 15.00 p.m. to 18.00 p.m.
6. The meeting documentation includes the following: provisional agenda (UNEP/PP/INC.3/prep/1), annotated provisional agenda (UNEP/PP/INC.3/prep/1.Add.1/Rev.1), the synthesis report (UNEP/PP/INC.3/INF.1), and submissions invited by the committee at its second session on intersessional work.³
7. At the second session of the committee, the committee invited submissions on, *inter alia*, elements not discussed at the second session, such as principles and scope of the instrument, and requested the secretariat to prepare a synthesis report on such submissions.⁴ The synthesis report has been made available online by the secretariat as an information document for the

¹ See UNEP/PP/INC.2/5, paragraph 67.

² See UNEP/PP/INC.3/5.

³ Available at <https://www.unep.org/inc-plastic-pollution/session-3/submissions>

⁴ See UNEP/PP/INC.2/5, paragraph 97 (c) (i) and (iii).

third session of the committee.⁵ Due to the time constraints, the translations of the synthesis report into all UN official languages will be done by external sources and not the UN translation services. The translations are expected to be available shortly before the start of the meeting.

8. Under agenda items 2 and 3, interventions will be invited first by groups of Members, in order of flag raised. These will be followed by interventions by individual Members and then, time permitting, by observers. Interventions will be limited to five minutes for each intervention made on behalf of a group of States, three minutes for each national statement by representatives of individual delegations, followed by two minutes each for interventions by observers, time permitting. Where possible, the latter remarks should be delivered on behalf of constituencies. In light of the limited time available, succinct interventions will be welcomed. A clock will be provided for the benefit of the delegates to help keep time.
9. The written text of the interventions can be sent to the secretariat to the email address unep-incplastic.statements@un.org, and they will be posted on the meeting website.

B. Opening of the meeting (agenda item 1)

10. The meeting will open at 10 a.m., followed directly by a short statement of the Executive Secretary.
11. I will then introduce and hand over the meeting to two Co-Facilitators designated to preside over the meeting.
12. Due to time constraints, no interventions will be invited under this agenda item so the meeting can move swiftly to substantive discussions.

C. Consideration of the synthesis report on the submissions received on elements not discussed at the second session, such as principles and scope of the instrument (agenda item 2)

13. The first substantive discussion of the meeting will focus on the elements not discussed at the second session of the committee. Members will be invited to consider the synthesis report on the submissions received from Members of the committee as a basis for their discussions.
14. I propose to split this agenda item into two discussion rounds in plenary, as follows:
 - i. Preamble, definitions, principles, scope; and
 - ii. Institutional arrangements, final provisions.
15. I would like to ask that interventions on this agenda item focus as much as possible on how the options for various provisions synthesized in the document could be further developed, streamlined and integrated into the process, rather than reiterating the submissions.

D. Intersessional work (agenda item 3)

16. The objective of the discussion of this agenda item is to have an initial exchange of views on possible areas of convergence on intersessional work that the committee may wish to prioritize and mandate at its third session, with particular focus on modalities of work and prioritization. I encourage delegates to consider the different components of the possible intersessional work that the committee will need to decide upon. These components could be the mandate of the intersessional work, how the work would be undertaken (e.g., limited participation or open-ended, opened or closed to observers, in-person or online), and related timeframes.

⁵ See UNEP/PP/INC.3/INF/1

17. Submissions received on any potential areas for intersessional work are available online.⁶ Participants may also wish to refer to the proposals for intersessional work from the contact groups at INC-2.⁷

E. Summary and next steps (agenda item 4)

18. I expect the Co-Facilitators to summarize the discussions through a verbal summary, which will reflect the views expressed by members of the committee in the meeting with a view to fill the current gaps in the zero draft.
19. To connect the discussions at the preparatory meeting with the third session of the committee, I will invite the two Co-Facilitators to prepare, after the preparatory meeting, a Co-Facilitator's written summary of the discussions. This summary will be made available on Monday, 13 November online, will be presented to the third session of the committee as a non-paper and could inform the discussions in Contact Group 3⁸.

F. Closure of the meeting (agenda item 5)

20. The meeting will conclude its work by 18 p.m. on Saturday, 11 November 2023.

⁶ Available at <https://www.unep.org/inc-plastic-pollution/session-3/submissions>.

⁷ [UNEP/PP/INC.2/5, Annex I and Annex II.](#)

⁸ See UNEP/PP/INC.3/2/.

II. Third session of the committee

21. I encourage you to read the present note as a complement to the scenario note in preparation for the session. I would like to note the following considerations in addition to the approach set out in the scenario note.

A. Modalities of the session

22. The session will start with a plenary meeting, and when considering agenda item 4 entitled ‘preparation of an international legally binding instrument on plastic pollution, including in the marine environment’ the committee will be invited to continue the discussions in three contact groups detailed below.
23. Participants are encouraged to share their statements and any text proposals with the secretariat to the email address unep-incplastic.statements@un.org, and they will be posted on the meeting website.

B. Plenary on Monday, 13 November 2023

24. At the opening of the session, I will invite a representative of the host country, the Executive Director of the United Nations Environment Programme, and the Executive Secretary of the committee to deliver opening remarks. I propose we do not take general statements under this agenda item.
25. I will then invite the committee to adopt the agenda as contained in document UNEP/PP/INC.3/1.
26. Under the agenda item on the rules of procedure, the agreement by the committee at its first session to apply the draft rules of procedure on a provisional basis until their adoption will be recalled alongside the interpretative statement relating to rule 38, paragraph 1, adopted at its second session.
27. Members will be then invited to consider agenda item 4, on the ‘Preparation of an international legally binding instrument on plastic pollution, including in the marine environment’. In the plenary, the zero draft will be introduced, followed by the Co-Facilitators’ summary of the preparatory meeting.
28. Under agenda item 4, interventions will be invited by groups of States, individual delegations and observers on the substantive items related to the zero draft and the preparatory meeting. Statements in the plenary will be encouraged to be succinct and focus on general reflections. Specific and technical statements can be most useful and informative when made in the contact groups to be established. Where possible, such remarks should be delivered by groups of States rather than by individual delegations. Interventions will be limited to five minutes for each intervention made on behalf of a group of States, three minutes each for national statements by representatives of individual delegations, followed by two minutes each for interventions by observers, time permitting. Where possible, the latter remarks should be delivered on behalf of constituencies. A clock will be provided for the benefit of the delegates to help keep time.

C. Contact groups

29. Following the initial introduction of agenda item 4 in plenary, and without prejudice to the discussions in the plenary, I will propose the establishment of three contact groups to advance the development of the instrument. Each of the contact groups will be moderated by two Co-Facilitators and will cover:
- (i) Contact group 1: Part I (objectives) and part II of the zero draft;
 - (ii) Contact group 2: Part III and IV of the zero draft;

- (iii) Contact group 3: the elements not discussed at the second session of the committee currently set as placeholders in parts I, V and VI of the zero draft, as well as intersessional work.
30. In the deliberations, each contact group will also be invited to address the annexes of the zero draft that follow under their mandate, and to identify the needs, priorities, and timing for intersessional work, if any. The latter point will then be discussed under contact group 3, including to make a common recommendation for the elements covered in the three contact groups to the committee for any intersessional work for its fourth session, and where relevant, its fifth session, as well as on related modalities.
 31. The three contact groups are expected to work between Tuesday 14 November and Saturday 18 November. In consideration of the limited size of some delegations, no more than two contact group meetings will be held at the same time. The committee may wish to allow for contact groups to set up informal consultations on specific issues of their mandates. Should that be the case, no more than two meetings will be held at the same time across the INC. Such consultations should be scheduled considering the limited capacity of smaller delegations.⁹
 32. I will ensure close coordination between the work of the contact groups through daily meetings with the Co-Facilitators of the respective groups, as well as through a short stocktaking plenary, scheduled tentatively on Thursday 16 November, where Co-Facilitators of each contact group will be invited to report on the discussions within their respective groups.
 33. On the substantial work, it is expected that:
 - (i) Contact groups 1 and contact group 2 would, time permitting, undertake two readings of the zero draft leading to identification of potential improvements to the options presented in the zero draft; options that could be amended, added, removed or merged in a first draft of the instrument; and needs and timelines for intersessional work, if any;
 - (ii) Contact group 3 would make a proposal on the inclusion in a first draft of the instrument of the elements not discussed at the second session of the committee, as well as on the way and place to do so; identify needs and timelines for intersessional work, if any, on the substantial matters discussed by contact group 3; and to develop a recommendation for intersessional work and its modalities for all of the elements pertaining to contact groups 1, 2 and 3.
 34. A Co-Facilitator's guidance note and an initial proposed timetable for the contact groups will be shared online ahead of the third session of the committee.

D. Plenary on Sunday, 19 November 2023

35. The plenary will be:
 - (i) Invited to consider the reports and any outputs from the work of the contact groups, and agree on the outcomes of the third session and on further intersessional work;
 - (ii) Informed by the secretariat on the progress on the organization of the upcoming sessions of the committee and agree on the dates for the fourth and fifth sessions;

⁹ The contact groups can decide to delegate particular elements of their work to informal consultations. Informal consultations can be initiated by either the presiding officers of the contact group or by one or more delegations, with the approval of the contact group. They provide space for open and informal exchange of views on a defined set of issues and can help find a commonly acceptable solution or produce draft text. Informal consultations can be held in an open-ended group or be open to only invited members; they can also take form of bilateral consultations. Informal consultations can be facilitated by the presiding officers of the contact group, by one or more delegates appointed by the contact group or participants in the informal consultations can decide on their own facilitators. Informal consultations are not supported by interpretation. Any output of the informal consultations should be presented for consideration by the contact group and can be reflected in the contact group outputs if the group so agrees.

- (iii) Invited to agree to forward for adoption the provisional agenda for the fourth session of the committee;
 - (iv) Consider the election of officers, whereby consistent with the statement made by the representative of Colombia on behalf of the Group of Latin America and Caribbean States at the first session of the committee, I intend to step down from my position as the Chair of the committee at the end of the third session and Ambassador Luis Vayas Valdivieso of Ecuador will stand for election for the remaining period of the Chair's term, including the diplomatic conference of plenipotentiaries. I will then stand for election to take the place of Ambassador Luis Vayas Valdivieso as Vice-Chair representing the Latin American and Caribbean States for the remaining period of his term should he be elected as Chair.
 - (v) Invited to address any other matters.
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