



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

Punta del Este, Uruguay, 28 November–2 December 2022
Item 3 (c) of the provisional agenda*

Organizational matters: organization of work

**Scenario note for the first session of the intergovernmental
negotiating committee to develop an international legally
binding instrument on plastic pollution, including in the marine
environment**

Note by the Executive Secretary

I. Introduction

1. The present scenario note has been prepared by the Executive Secretary of the secretariat of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, to assist participants in their preparations for the first session of the committee.
2. In resolution 5/14 of 2 March 2022 entitled “End plastic pollution: towards an international legally binding instrument”, the United Nations Environment Assembly 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.
3. In accordance with that resolution, the Executive Director convened an ad hoc open-ended working group meeting in Dakar from 30 May to 1 June 2022 to prepare for the work of the intergovernmental negotiating committee and to discuss, in particular, the timetable and organization of the work of the committee. The report of that meeting is made available to the intergovernmental negotiating committee for its information in document UNEP/PP/INC.1/INF/2.

II. Meeting objectives

4. The objectives of the first session of the intergovernmental negotiating committee are: (a) to launch negotiations on the international legally binding instrument on plastic pollution, including in the marine environment; and (b) to explore in a preliminary way the issues set out in paragraphs 3 and 4 of Environment Assembly resolution 5/14.

* UNEP/PP/INC.1/1.

5. It is expected that Member States and stakeholders will fully engage in the negotiations and build on the progress made at the meeting of the ad hoc open-ended working group in Dakar.

III. Modalities for the session

6. The first session of the intergovernmental negotiating committee will be conducted in the six official languages of the United Nations. To facilitate broad participation, the session will be held in a hybrid format, allowing for online participation as needed. To support logistics and planning, participants should register for the session as soon as possible, following the procedure for registration outlined in the official invitation letter and on the dedicated web page for the session.¹

7. The ad hoc open-ended working group requested the secretariat to develop a number of documents for consideration at the committee's first session. A list of documents is provided in annex I to the present note. This scenario note should be read in conjunction with the meeting documentation prepared by the secretariat.

8. The draft rules of procedure for the work of the intergovernmental negotiating committee as agreed by the ad hoc open-ended working group are set out in document UNEP/PP/INC.1/3. It is expected that Member States will come to the first session of the intergovernmental negotiating committee prepared to finalize and adopt, at the outset of the session, under item 3 (a) of the provisional agenda, the rules of procedure forwarded by the ad hoc open-ended working group.

9. A preliminary schedule to guide participants through the planning for the session is set out in annex II to the present note. The work of the intergovernmental negotiating committee will be conducted in plenary meetings, with contact groups convened as necessary. Given the limited time and size of delegations, no more than two contact group meetings will be held at the same time. The contact groups will need to have very clear and concise mandates so that participants have an opportunity to deliver specific and timely contributions to the work of the committee.

10. A multi-stakeholder forum will be organized in conjunction with the first session of the intergovernmental negotiating committee, as requested by the Environment Assembly in resolution 5/14. The forum will take place on Saturday, 26 November 2022 at the venue used for the first session of the committee. Wide participation in the forum could help inform the intergovernmental negotiating committee process and highlight the high level of ambition required to achieve its objective(s). The forum may also stimulate thinking to support the upcoming negotiation and development of the instrument.

11. A full day of regional consultations is scheduled to be held on Sunday, 27 November 2022. In addition, there will be an opportunity for regional meetings to be held from 9 to 10 a.m. from Monday, 28 November to Friday, 2 December, prior to the opening of the daily plenary meetings.

12. Participants are therefore encouraged to be in Punta del Este on 26 November 2022 to participate in the multi-stakeholder forum and on 27 November to participate in the regional meetings.

IV. Bureau of the intergovernmental negotiating committee

13. The draft rules of procedure forwarded by the ad hoc open-ended working group to the intergovernmental negotiating committee for consideration and adoption allow for two representatives from each regional group and one representative from the small island developing States to serve on the bureau of the committee, which would result in a bureau consisting of 11 members. The nominated bureau members are listed on the dedicated website for the committee.²

14. It is expected that regional groups will make every effort to decide on their respective nominations to the bureau before the opening of the first session of the intergovernmental negotiating committee. The committee should be in a position to decide upon the members of its bureau, including the chair and the rapporteur, at the outset of its first session.

15. A meeting of those nominated to the bureau by their regional groups will be held at the meeting venue in Punta del Este on 27 November 2022 to prepare for the first session of the committee. Bureau meetings will be held daily at 8 a.m. at the session venue from Tuesday, 29 November to Friday, 2 December.

¹ <https://www.unep.org/events/conference/inter-governmental-negotiating-committee-meeting-inc-1>.

² <https://www.unep.org/about-un-environment/inc-plastic-pollution/governance>.

V. Structuring the discussions for a legally binding instrument on plastic pollution, including in the marine environment

16. Under agenda item 4, on the preparation of an international legally binding instrument on plastic pollution, including in the marine environment, representatives will be invited to provide opening statements. The time limits for statements will be five minutes for each statement made on behalf of a group of States, three minutes for statements by representatives of individual delegations, and three minutes for statements from the nine UNEP major groups and stakeholders,³ followed by three minutes for statements by observers, time permitting. The Chair will ensure that the time limit for statements is strictly enforced. To facilitate the preparation of statements, representatives may wish to review paragraphs 3 and 4 of Environment Assembly resolution 5/14 and the documents requested by the ad hoc open-ended working group that have been prepared as working documents for the first session.

17. During its deliberations under agenda item 4, the committee may wish to consider the sequencing and clustering of the work for the development of the instrument, in particular in relation to the second session of the committee. The sequencing and clustering of the work are expected to allow flexibility and can be updated throughout the negotiating process.

18. Under agenda item 4, discussions will cover two different but related considerations:

- (a) What should be included in the legally binding instrument?
- (b) How could the process be structured in order to reach agreement by the end of 2024?

The working documents have been prepared in such a manner as to take into account both of these considerations. Section VI of the present note sets out a number of questions that could facilitate discussions at the first session.

19. The committee may wish to begin its deliberations by considering the broad options for the structure of the instrument (UNEP/PP/INC.1/4, annex). As is indicated in resolution 5/14, the structure of the instrument would need to facilitate a comprehensive approach that addresses the full life cycle of plastic, including in the marine environment, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities.

20. The committee may then wish to consider the scope, objectives and options for potential elements that might be included in the instrument, using as the basis for discussion the note by the secretariat on potential elements (UNEP/PP/INC.1/5). The potential elements set out in the note are drawn from the common structure of most multilateral environmental agreements and are supplemented and elaborated upon by the specific elements identified in paragraphs 3 and 4 of resolution 5/14. The committee may wish to initially discuss each of the potential elements to be included in the instrument.

21. After its initial discussion of potential elements, the committee may wish to discuss what may be termed standard articles on final provisions, that is, provisions that are typically included at the end of a treaty. As requested by the ad hoc open-ended working group, the secretariat has prepared for the committee's consideration a description of standard articles on final provisions based on similar provisions of a number of existing multilateral environmental agreements in the field of the environment (UNEP/PP/INC.1/8). In discussing such provisions, the committee may wish to bear in mind that it is expected that the instrument will be approved in its entirety once the negotiations on all aspects have been concluded. Early agreement on standard provisions would therefore not preclude their later adjustment, should that prove necessary, to bring them into line with other agreed provisions.

22. Following its discussion of standard articles on final provisions, the committee may wish to continue its discussion of options for potential elements if it is of the view that further progress on specific aspects of such elements is possible based on the information presented by the secretariat and the extent of initial convergence of opinion within the committee. In particular, the committee may wish to discuss capacity-building, technical assistance and finance, including all financial flows and financing sources to address the full life cycle of plastics with a view to elaborating provisions on means of implementation to be included in the instrument. Of particular relevance to this discussion are notes by the secretariat on: (a) an overview of existing funding currently available for addressing

³ The list of nine UNEP major groups and stakeholders is available at <https://www.unep.org/civil-society-engagement/why-civil-society-matters/major-groups-stakeholders>.

plastic pollution through international funding arrangements, including from other processes, programmes, multilateral funds, development banks and private-sector initiatives (UNEP/PP/INC.1/9); and (b) priorities, needs, challenges and barriers relating to ending plastic pollution at the national level (UNEP/PP/INC.1/11).

23. The committee may then wish to consider stakeholder participation and action as well as cooperation and coordination. To contribute to this discussion, the secretariat has prepared notes on: (a) an overview of information to promote cooperation and coordination with relevant regional and international conventions, instruments and organizations (UNEP/PP/INC.1/10); and (b) an overview of stakeholder engagement frameworks under other instruments and of potential approaches for the international legally binding instrument on plastic pollution, including in the marine environment (UNEP/PP/INC.1/12).

24. To ensure that stakeholders' needs and interests are effectively considered at the first session of the intergovernmental negotiating committee, consideration will be given to holding a stakeholder dialogue during one of the time slots reserved for plenary meetings in order to facilitate two-way communication between Member States and stakeholders. The committee may wish to consider how to move forward with the multi-stakeholder action agenda and the multi-stakeholder forum.

25. The committee may also wish to recommend further work to be undertaken by the secretariat or by the Chair of the committee in the period between its first and second sessions. In considering such further work, the committee may wish to bear in mind the limited time available for substantial work between sessions, particularly where significant new information-gathering and analysis may be requested.

VI. Potential questions that could facilitate discussions at the first session

26. Considerations for the legally binding instrument:

(a) Which problem or problems will the instrument aim to address? How will the aim be reflected in the instrument?

(b) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing the problem or problems?

(c) How can the instrument create an incentive-based approach and enabling environment such that it is in everyone's interest to implement their obligations?

27. Considerations in structuring the process to reach agreement:

(a) On what issues can early agreement be envisaged?

(b) What areas require further work to be undertaken by the secretariat or by the Chair of the committee? By when?

(c) How can the intergovernmental negotiating committee ensure that the interests of all stakeholders are considered and contribute to the process of elaborating the instrument?

VII. Preparing for future sessions of the intergovernmental negotiating committee

28. Environment Assembly resolution 5/14 contemplates that the intergovernmental negotiating committee should begin its work during the second half of 2022, with the ambition of completing that work by the end of 2024. Under agenda item 5, other matters, the committee may wish to request the secretariat to provide an update on the planning and organization of future sessions of the committee, including information on dates, venues and offers to host or provide financial support for such sessions. Relevant information will be made available in a document on the proposed timetable for the intergovernmental negotiating committee process (UNEP/PP/INC.1/INF/3).

29. The committee may also wish to decide on any proposed next steps for the multi-stakeholder forum, which is not included under the mandate of the intergovernmental negotiating committee.

VIII. Possible outcomes of the first session of the intergovernmental negotiating committee

30. In approaching the first session, participants may wish to consider what they might hope to achieve by the end of the session. Reasonable expectations might include that the committee will have:

- (a) Had a preliminary discussion on possible options for the scope, objectives and structure of the instrument to be agreed upon;
- (b) Explored in a preliminary way the issues set out in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14;
- (c) Identified provisions that will require significant further consideration and provisions on which agreement is likely to be reached more readily;
- (d) Discussed the standard articles on final provisions, and, for each provision, either agreed in principle or agreed on the need for further discussion;
- (e) Agreed to a timetable for further discussion of provisions that is consistent with the need to conclude the negotiations by 2024;
- (f) Discussed the sequencing and clustering of the committee's work, including initial identification of contact groups or subsidiary organs that can be established at the first session and those that can be established at future sessions of the committee;
- (g) Requested the secretariat to provide any additional information or further analysis required for the work of the committee, including providing a possible mandate for the secretariat and the Chair of the intergovernmental negotiating committee to prepare a zero-draft text of the instrument for consideration at the second session of the committee;
- (h) Agreed on the dates, venue and provisional agenda of the second session;
- (i) Agreed on any intersessional work to be carried out in 2023 prior to the third session of the intergovernmental negotiating committee;
- (j) Discussed the possibility of convening future multi-stakeholder forums.

Annex I

List of documents

<i>Working documents</i>	
UNEP/PP/INC.1/1	Provisional agenda
UNEP/PP/INC.1/1/Add.1	Annotated provisional agenda
UNEP/PP/INC.1/2	Scenario note for the first session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.1/3	Draft rules of procedure for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.1/4	Broad options for the structure of the international legally binding instrument on plastic pollution, including in the marine environment, taking into account paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14
UNEP/PP/INC.1/5	Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.1/6	Glossary of key terms
UNEP/PP/INC.1/7	Plastics science
UNEP/PP/INC.1/8	Description of standard articles on final provisions that are typically included in multilateral environmental agreements
UNEP/PP/INC.1/9	Overview of existing funding currently available for addressing plastic pollution through international funding arrangements, including from other processes, programmes, multilateral funds, development banks and private sector initiatives
UNEP/PP/INC.1/10	Overview of information to promote cooperation and coordination with relevant regional and international conventions, instruments and organizations
UNEP/PP/INC.1/11	Priorities, needs, challenges and barriers relating to ending plastic pollution at the national level
UNEP/PP/INC.1/12	Overview of stakeholder engagement frameworks under other instruments and of potential approaches for the international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.1/13	Existing information that might assist policymakers
<i>Information documents</i>	
UNEP/PP/INC.1/INF/1	Environment Assembly resolution 5/14, "End plastic pollution: towards an international legally binding instrument"
UNEP/PP/INC.1/INF/2	Report of the ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.1/INF/3	Proposed timetable for the intergovernmental negotiating committee process
UNEP/PP/INC.1/INF/4	Addendum to the existing information that might assist policymakers (UNEP/PP/INC.1/13)
UNEP/PP/INC.1/INF/5	Information from the Basel, Rotterdam and Stockholm conventions, as requested by the Conferences of the Parties, and other information that could be of relevance to the consideration by the intergovernmental negotiating committee
UNEP/PP/INC.1/INF/6	Information from the secretariat of the Basel, Rotterdam and Stockholm conventions on the project on global governance
UNEP/PP/INC.1/INF/7	Technical report on chemicals in plastics by UNEP and the secretariat of the Basel, Rotterdam and Stockholm conventions
UNEP/PP/INC.1/INF/8	Addendum to the note by the secretariat on priorities, needs, challenges and barriers to ending plastic pollution at the national level (UNEP/PP/INC.1/11)
UNEP/PP/INC.1/INF/9	Budget for organizing the intergovernmental negotiating committee process
UNEP/PP/INC.1/INF/10	Addendum to the overview of existing funding currently available for addressing plastic pollution through international funding arrangements, including from other processes, programmes, multilateral funds, development banks and private-sector initiatives (UNEP/PP/INC.1/9)

Annex II

Provisional timetable for the first session of the intergovernmental negotiating committee (version of 13 October 2022)

Date/Time	Saturday, 26 November	Sunday, 27 November	Monday, 28 November	Tuesday, 29 November	Wednesday, 30 November	Thursday, 1 December	Friday, 2 December
8–9 a.m.	Registration ^a	8–11 a.m. Informal meeting of candidates nominated by their regional groups to the Bureau	--	Bureau meeting	Bureau meeting	Bureau meeting	Bureau meeting
9–10 a.m.	9.30 a.m.–6.15 p.m. Multi-stakeholder forum		Regional meetings	Regional meetings	Regional meetings	Regional meetings	Regional meetings
10 a.m. – 1 p.m.		INC plenary ^b	INC plenary	INC plenary ^c	INC plenary ^d	INC plenary	
1–3 p.m.		Lunch	Lunch	Lunch	Lunch	Lunch	
3–6 p.m.		INC plenary	INC plenary ^f or stakeholder dialogue	INC plenary ^g	INC plenary ^h	INC plenary (closure of the session)	
6–6.30 p.m.		--	--	--	--	--	
6.30–7 p.m.	--	--	Bureau check-in	Bureau check-in	Bureau check-in	Bureau check-in	--
7 p.m. onwards ⁱ			Host country reception (TBC)	Informal dialogue among delegates	Informal dialogue among delegates ^j	Informal dialogue among delegates ^k	

Abbreviations: INC – intergovernmental negotiating committee; TBC – to be confirmed.

^a Onsite registration: 25 November, 9 a.m.–6 p.m.; 26 November–1 December, 8 a.m.–5 p.m.

^b Interpretation in the six official languages of the United Nations available for plenary meetings throughout the week.

^c Or potential contact groups, max. 2 in parallel.

^d Or potential contact groups, max. 2 in parallel.

^e Regional meetings include meetings of the African States, the Asia-Pacific States, the Eastern European States, the Latin American and Caribbean States and the Western European and other States and may take place throughout the week.

^f Or potential contact groups (max. 2 in parallel) or stakeholder dialogue.

^g Or potential contact groups (max. 2 in parallel).

^h Or potential contact groups (max. 2 in parallel).

ⁱ Interpretation will stop at midnight.

^j Could be allocated for night sessions.

^k Could be allocated for night sessions.