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

**Second session**

Paris, France, 29 May – 2 June 2023

Item 2 of the provisional agenda\*\*

Election of officers

**Procedures for election to fill vacancies in the Bureau of the  
intergovernmental negotiating committee to develop an international  
legally binding instrument on plastic pollution, including in the  
marine environment**

**Note by the secretariat**

The annex to the present note sets out the procedures for elections of officers to fill vacancies in the Bureau of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

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\* Reissued for technical reasons.

\*\* UNEP/PP/INC.2/1.

## Annex\*

### Background

1. In its resolution 5/14, the United Nations Environment Assembly (UNEA) 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.
2. 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 was made available to the intergovernmental negotiating committee for its information in document UNEP/PP/INC.1/INF/2.
3. The first session of the intergovernmental negotiating committee to prepare an international legally binding instrument on plastic pollution, including in the marine environment, was held from 28 November to 2 December 2022 at the Punta del Este Convention and Exhibition Centre in Punta del Este, Uruguay. The report of that meeting is made available in document UNEP/PP/INC.1/14.
4. At its first session, the intergovernmental negotiating committee agreed to defer the adoption of the draft rules of procedure as set out in document UNEP/PP/INC.1/3. until its second session to allow for further consultations of the matter, on the understanding that, pending their adoption, the draft rules would continue to apply to its work on a provisional basis with the exception of the bracketed text in rule 37.
5. Since this concerns the election of Vice-Chairs, regional economic integration organizations will not be participating in decision concerning this matter.
6. The intergovernmental negotiating committee elected by acclamation Mr. Gustavo Meza-Cuadra Velásquez (Peru) to serve as its Chair and agreed to defer the election of the Vice-Chairs and the designation of the rapporteur to the second session (INC-2).
7. Under item 2 of its agenda (UNEP/PP/INC.2/1) at the upcoming INC-2 to be held from 29 May 2023 to 3 June 2023 in person in Paris, France, the intergovernmental negotiating committee will be invited to finalize the election of its officers through the election of the ten Vice-Chairs, one of whom shall act as Rapporteur: two from the Group of African States, two from the Group of Asia-Pacific States, two from the Group of Eastern European States, one from the Group of Latin America and the Caribbean States, and two from the Group of Western European and other States; and one from the Small Island Developing States.
8. Credentials signed by Head of State, Head of Government or Minister for Foreign Affairs are **not** required to participate in the meetings of the intergovernmental negotiating committee. This is in accordance with the practice of UNEP where participation by States in meetings of the subsidiary bodies of UNEA does not require the submission of such credentials signed by Head of State, Head of Government and Minister for Foreign Affairs. As was the case for INC-1, representatives are required to register through the INDICO platform available online by uploading a formal letter or a Note Verbale from their Ministry (including *inter alia*, their Ministry for Foreign Affairs or Environment) or a formal letter or Note Verbale from their Embassy or Permanent Mission addressed to the Secretariat containing the composition of delegation. Formal registration of State representatives for the intergovernmental negotiating committee, is subject to review and approval by the Secretariat and will be sufficient to participate in INC-2, including participating in the election of officers.
9. Rule 9 of the draft rules of procedure being applied on a provisional basis (hereinafter, draft rules) requires the intergovernmental negotiating committee to elect ten Vice-Chairs to the Bureau, one of whom shall

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\* The annex has not been formally edited.

act as Rapporteur. Further, draft rule 9 requires that each of the five regions be represented by two members of the Bureau and one Bureau member shall represent the Small Island Developing States.

10. Accordingly, two candidates each shall be elected to the Bureau from the African States, Asia-Pacific States, Eastern European States and from the Western European and other States, bringing the election of candidates from those regions to eight. As the Chair comes from the region of Latin America and the Caribbean States only a single candidate shall be elected from that region for the position of Vice -Chair. Similarly, only one member shall be elected from the Small Island Developing States.

11. The note is accordingly divided into two parts (i) where elections are held for two candidates per region and (ii) where elections are held for a single candidate per region.

### **Rules applicable to the election of the eight Vice-Chairs from the African States, Asia-Pacific States, Eastern European States and Western European and other States.**

12. The following candidates have been nominated from these regions for Vice-Chair: Ms. Juliet Kabera (Rwanda from the African States), and Mr. Cheikh Ndiaye Sylla (Senegal from the African States); Mr. Hiroshi Ono (Japan from the Asia-Pacific States) and Mr. Mohammad Al-Khashashneh (Jordan from the Asia-Pacific States); and Ms. Johanna Lissinger-Peitz (Sweden from the Western European and other States), and Ms. Lark Williams (United States of America from the Western European and other States).

13. Four countries from the Group of Eastern European States have presented individual nominations: Ms. Irma Gurguliani (Georgia), Mr. Kaupo Heinma (Estonia), Mr. Vladimir Lenev (Russian Federation) and Mr. Roman Filonenko (Ukraine). Consequently, there are four nominations for the positions of two Vice-Chairs from the Group of Eastern European States.

14. As the INC-2 is an in-person meeting, there shall be no online balloting.

15. As to the quorum required to elect candidates to fill the vacancies in the Bureau, pursuant to draft rule 19, the presence of a majority of Members participating in the session shall be required for any decision to be taken. This quorum will, therefore, need to be established on the basis of the physical presence of the members of the intergovernmental negotiating committee participating in the INC-2. Any election once finalized, would constitute a decision of the intergovernmental negotiating committee.

15. Paragraph 9 of UNEA resolution 5/14 provides that participation in the intergovernmental negotiating committee should be open to all States Members of the United Nations and members of United Nations specialized agencies, to regional economic integration organizations and to relevant stakeholders, consistent with applicable United Nations rules. Accordingly, the membership of the intergovernmental negotiating committee consists of the 193 States Members of the United Nations, the four non-Member States and the European Union as a regional economic integration organization. This brings the total to 198 participants. Thus, for the purposes of quorum, one hundred members of the intergovernmental negotiating committee need to be physically present at its meetings to proceed with the conduct of the election.

16. As per established practice and in accordance with draft rule 45, the committee may wish to decide to elect, by acclamation, the candidates from the regions where there are agreed candidates and the number of candidates corresponds to the number of seats to be filled.

17. In the absence of election, by acclamation, the intergovernmental negotiating committee shall proceed to the election by secret ballot, in accordance with draft rules 45 and 47.

18. Rules 45 and 47 of the draft rules of procedure provide as follows:

Rule 45

*“All elections shall be held by secret ballot unless, in the absence of any objection, the Committee decides to proceed without taking a ballot when there is an agreed candidate.”*

Rule 47

*“1. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining the required majority on the first ballot shall be elected.*

*“2. If the number of candidates obtaining such a majority is more than the number of places to be filled, those candidates obtaining the largest number of votes shall be elected.*

*“3. If the number of candidates obtaining such a majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates having obtained the greatest number of votes in the previous ballot, who shall number not more than twice the places remaining to be filled. In the case of a tie between a greater number of unsuccessful candidates, however, a special ballot shall be held for the purpose of reducing the number of candidates to the required number.*

*“4. If three restricted ballots are inconclusive, unrestricted ballots shall follow, in which votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots (subject to exception in a case similar to that of the tie mentioned at the end of the previous paragraph of this rule) shall be restricted to the candidates obtaining the greatest number of votes in the third of the unrestricted ballots. The number of such candidates shall be not more than twice the number of places remaining to be filled.*

*“5. The following three ballots thereafter shall be unrestricted and so on, until all the places are filled.”*

**Balloting procedure for the election of the eight Vice-Chairs from the African States, Asia-Pacific States, Eastern European States and Western European and other States.**

19. Upon commencement of balloting, the conference officers will first distribute the ballot papers to the representatives sitting behind their nameplates. Each representative will receive the ballot paper(s) and will be invited to vote for the candidate or candidates nominated by the Group with regard to whom no consensus has been achieved such as where an objection has been made to the candidate(s) or where an election by secret ballot has been called.

20. For the purpose of these regional groups, the ballot papers will indicate the name(s) of the nominated person(s), with one or two additional spaces, respectively, on the ballot paper for inscribing the names of any other candidates from the that Group.

21. Accordingly, delegates can:

- (a) tick the boxes for the two candidate(s) nominated by the Group; OR
- (b) tick the box for one of the candidates and write in the name of another candidate that belongs to the Group;  
OR
- (c) write down the name of two representative(s) that belong to the Group that have not been printed on the ballot; OR
- (d) leave their ballot blank.

22. This procedure will ensure compliance with established United Nations practice and specifically General Assembly resolution 71/323 on the revitalization of the work of the General Assembly. This resolution in operative paragraph 47 states that “the names of candidates for election by the General Assembly or by the Main Committees shall be communicated to the Secretariat, where possible, at least 48 hours prior to an election unless otherwise required by specific rules governing the elections concerned, and that those names shall be printed on the ballot papers, while additional space shall be provided on the ballot paper for inscribing other names, where applicable.”
23. The ballot will be considered invalid if representatives tick and/or write down more than two names on the ballot paper, or if they write down the name of a representative who does not belong to the relevant Group, or if they write down only the name of a Member State – as the election is for an individual and not a State. If a ballot paper contains any notation other than a vote in favour of two candidates, those notations will be disregarded.
24. Ballot papers need to be filled out clearly. If a mistake is made in the process of filling out the ballot paper, the delegation in question should immediately request a new ballot paper from the Secretariat staff at the front of the room. After the ballot papers are collected, and the presiding officer has announced that the balloting has been closed, the meeting will be suspended to allow time for the counting of the ballots.
25. The presiding officer will propose three representatives from three Member States to serve as Tellers whose role will be to monitor the election and certify the results. The Secretariat will assist in identifying the Tellers from the representatives participating in the INC-2 and the Tellers will not be from the Group with respect to whose nominees the balloting is being carried out. The Tellers, assisted by the Secretariat, will count the ballots, and the presiding officer will announce the results.
26. In accordance with draft rule 38, paragraph 2, the majority required is a majority of the Members who are present and voting.
27. Pursuant to draft rule 41, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting. All delegates are also required to remain at their seats so that the voting process can proceed in an orderly manner. Ballots will only be distributed at the seats of delegates.
28. Once the results have been tallied and the Tellers have certified the results, they shall be communicated to the presiding officer. The meeting will be resumed for the results to be announced and to declare elected the candidate(s) that have received the largest number of votes and a simple majority of the members present and voting.
29. Pursuant to draft rule 47, paragraph 2, if the number of candidates obtaining a required majority of the members present and voting, is more than the number of places to be filled, those candidates who obtain the largest number of votes shall be elected.
30. Pursuant to draft rule 47, paragraph 3, if the number of candidates obtaining a required majority of the members present and voting is less than the number of places to be filled, there shall be additional ballots to fill the remaining places. The balloting shall be restricted to the candidates obtaining the greatest number of votes in the previous ballot and the number of candidates shall not be more than twice the places remaining to be filled.
31. Further, pursuant to draft rule 47, paragraph 3, in the case of a tie vote, and when it becomes necessary to determine the candidate that will proceed to the next round of restricted balloting, there shall be a special restricted ballot limited to those candidates that have obtained an equal number of votes.
32. Upon completion of the election of Vice-Chairs from a respective Group, the intergovernmental negotiating committee will proceed to elect representatives from the remaining Groups to serve on the Bureau as Vice-Chairs.

## **Rules applicable to the election of the two Vice-Chairs from the Latin America and the Caribbean States and Small Island Developing States**

33. The following candidates have been nominated from these regions for Vice-Chair: Mr. Luis Vayas Valdivieso (Ecuador from the Latin America and the Caribbean States) and Ms. Asha Challenger (Antigua and Barbuda from the Small Island Developing States).

34. In the absence of the election of these candidates, by acclamation, the intergovernmental negotiating committee shall proceed to an election by secret ballot, in accordance with Rules 45 and 46 of the draft rules of procedure.

35. Rules 45 and 46 provide as follows:

### **Rule 45**

*All elections shall be held by secret ballot unless, in the absence of any objection, the Committee decides to proceed without taking a ballot when there is an agreed candidate.*

### **Rule 46**

*“1. If, when only one person or Member is to be elected, no candidate obtains, in the first ballot, the majority required, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.”*

*“2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the case of a tie among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to the remaining candidates, shall continue in accordance with the preceding paragraph.”*

## **Balloting procedure for the election of the two Vice-Chairs from the Latin America and the Caribbean States and Small Island Developing States**

36. Upon commencement of balloting, the conference officers will first distribute the ballot papers to the representatives sitting behind their nameplates. Each representative will receive two ballot papers and will be invited to vote for the candidate from the Latin America and the Caribbean States and the Group of Small Island Developing States respectively.

37. Each ballot paper will indicate the name of the nominated person, with one additional space, respectively, on the ballot paper for inscribing the name of any other candidate from the Group.

38. Accordingly, delegates can on each ballot paper:

- (a) tick the box for one candidate nominated by the Group; OR
- (b) write down the name of a representative that belongs to the Group that has not been printed on the ballot;  
OR
- (c) leave their ballot blank.

39. This procedure will ensure compliance with established United Nations practice and specifically General Assembly resolution 71/323 on the revitalization of the work of the General Assembly. This resolution in operative paragraph 47 states that “the names of candidates for election by the General Assembly or by the Main Committees shall be communicated to the Secretariat, where possible, at least 48 hours prior to an election unless otherwise required by specific rules governing the elections concerned, and that those names shall be printed on the ballot papers, while additional space shall be provided on the ballot paper for inscribing other names, where applicable.”
40. The ballots will be considered invalid if representatives tick and write down more than one name on the ballot paper, or if they write down the name of a representative who does not belong to the Group, or if they write down only the name of a Member State – as the election is for an individual and not a State. If a ballot paper contains any notation other than a vote in favour of a candidate those notations will be disregarded.
41. Ballot papers need to be filled out clearly. If a mistake is made in the process of filling out the ballot paper, the delegation in question should immediately request a new ballot paper from the Secretariat staff at the front of the room. After the ballot papers are collected, and the presiding officer has announced that the balloting has been closed, the meeting will be suspended to allow time for the counting of the ballots.
42. The presiding officer will propose three representatives from three Member States to serve as Tellers whose role will be to monitor the election and certify the results. The Secretariat will assist in identifying the Tellers from the representatives participating in the INC-2 and the Tellers will not be from the Group with respect to whose nominee the balloting is being carried out. The Tellers, assisted by the Secretariat, will count the ballots, and the presiding officer will announce the results.
43. In accordance with draft rule 38, the majority required is a majority of the Members who are present and voting.
44. Pursuant to draft rule 41, no representative shall interrupt the voting except on a point of order on the actual conduct of the voting. All delegates are also required to remain at their seats so that the voting process can proceed in an orderly manner. Ballots will only be distributed at the seats of delegates.
45. Once the results have been tallied and the Tellers have certified the results, they shall be communicated to the presiding officer. The meeting will be resumed for the results to be announced and to declare elected the single candidate that has received the largest number of votes and a simple majority of the members present and voting.
46. Pursuant to draft rule 46, paragraph 1, “if, when only one person or Member is to be elected, no candidate obtains, in the first ballot, the majority required, a second ballot shall be taken, restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.”
47. Finally, pursuant to draft rule 46, paragraph 2, “in the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the case of a tie among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to the remaining candidates, shall continue in accordance with the preceding paragraph.”
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