



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

Nairobi, 13–19 November 2023

Item 3 (c) of the provisional agenda*

Organizational matters: organization of work

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

Note by the Chair of the intergovernmental negotiating committee

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 (UNEA) requested the Executive Director of the United Nations Environment Programme (UNEP) to convene an intergovernmental negotiating committee (hereinafter, the committee) to begin its work to develop an international legally binding instrument on plastic pollution, including in the marine environment (hereinafter, the instrument) during the second half of 2022, with the ambition of completing that work by the end of 2024.
2. The first session of the committee was held in Punta del Este, Uruguay, from 28 November to 2 December 2022. The report of that session is available in document UNEP/PP/INC.1/14.¹
3. The second session of the committee was held in Paris, France, from 29 May to 2 June 2023. The report of that session is available in document UNEP/PP/INC.2/5.²
4. Pursuant to the mandate decided by the committee at its second session:
 - (a) I developed, with the support of the secretariat, a zero draft text of the instrument called for in resolution 5/14, as contained in document UNEP/PP/INC.3/4, for the consideration of the committee at its third session;
 - (b) the secretariat will prepare a synthesis report of the submissions received on elements not discussed at the second session, such as principles and scope of the instrument, as contained in document UNEP/PP/INC.3/INF/1; and

* UNEP/PP/INC.3/1.

** The present note has not been formally edited.

¹ <https://wedocs.unep.org/bitstream/handle/20.500.11822/41841/UNEPINC.1-14Reportupdated.pdf?sequence=1&isAllowed=y>

² <https://wedocs.unep.org/bitstream/handle/20.500.11822/42953/FinalINC2Report.pdf>

(c) the secretariat will convene a preparatory one-day meeting back-to-back with the third session of the committee, which would include discussions on the synthesis report.³

5. The present scenario note seeks to assist Members in their preparations for the third session of the committee and to propose a way forward intended to maximize the limited time available for negotiations. The scenario note should be read in conjunction with the meeting documentation prepared to inform our discussions throughout the week. The list of these documents is provided in annex I to the present note.

II. Meeting objectives

6. The third session of the committee provides an opportunity to advance the main elements of the future instrument.

7. The objectives of the third session of the committee are to:

(a) advance the development of the instrument using the document UNEP/PP/INC.3/4 (zero draft) as a basis;

(b) identify the possible content of provisions on elements not discussed at the second session (elements currently identified as placeholders in parts I, V and VI of UNEP/PP/INC.3/4 (zero draft)) by, inter alia, considering the synthesis report on the submissions on elements not discussed at the second session as contained in document UNEP/PP/INC.3/INF/1 (synthesis report) and the summary from the co-facilitators leading the discussions during the preparatory meeting referred to in paragraph 4(c) above, with a view to developing a complete first draft text for consideration at our fourth session;

(c) consider and decide on any intersessional work required for the fourth and fifth sessions of the committee.

III. Modalities for the session

8. At the request of the Bureau of the committee, the length of the third session has been extended to seven days to allow more time for negotiations. The secretariat has made the necessary arrangements for this session to take place from 13 to 19 November 2023. Following the third session, the committee will have two more sessions to conclude negotiation of the instrument.

9. Regional Groups have been supported by the secretariat in the organization of regional consultations to facilitate the development of regional positions and to support countries in their preparations for the session. In addition, a full day is available for regional consultations on 12 November 2023 at the meeting venue. There will also be an opportunity for regional meetings to be held every morning throughout the week.

10. As decided at the committee's second session, a one-day preparatory meeting will take place on 11 November 2023, back-to-back with the third session. The preparatory meeting will include discussions on the elements not discussed at the second session, such as principles and scope of the instrument and potential areas for intersessional work. The synthesis report prepared by the secretariat will serve as a basis of discussion for the first item.⁴ The outcome of the preparatory meeting will be shared with Members of the committee by the co-facilitators appointed as presiding officers for the substantial discussions of the preparatory meeting.

11. To support logistics and planning, participants should register for the session as soon as possible, and at the latest by 6 October 2023, following the procedure for registration outlined in the official invitation letter and on the dedicated web page for the session.⁵

12. For safety reasons, if the number of registrations was to exceed the limit of the venue, the secretariat may need to establish a system for access to the plenary hall and other meeting rooms. Delegations will be informed accordingly once the registration deadline closes.

13. The plenary meetings of the third session of the committee will be conducted in the six official languages of the United Nations. Taking into consideration United Nations practice, contact group meetings will be held in English only. The session will be held in person only, with the plenary meetings livestreamed.

³ <https://www.unep.org/inc-plastic-pollution/session-3/preparatory-meeting>

⁴ <https://www.unep.org/inc-plastic-pollution/session-3/preparatory-meeting>

⁵ <https://www.unep.org/events/conference/inc-3>

IV. Opening of the session

14. Opening of the third session of the committee will take place at 10 a.m. on Monday, 13 November 2023. I intend to invite a representative of Kenya as the host country of the session, as well as the Executive Director of UNEP and the Executive Secretary of the committee to deliver brief opening statements. Noting our very limited time available during the week, I propose that, as we did at our previous session, we do not take general statements at this time. My intention is to move swiftly through the opening segment to launch our work as quickly as possible to maximize time and focus on the substance of the negotiations.

V. Election of officers

15. At the first session, the committee elected me to serve as its Chair. I would like to recall that, consistent with the statement made by the representative of Colombia on behalf of the Group of Latin American and Caribbean States at the first session of the committee, noted in that session's report,⁶ I intend to step down from my position as the Chair of the committee at the end of the third session.

16. As proposed by the Latin American and Caribbean States in the statement referred to above, and following the United Nations practice to elect Chairs from the same regional group for the remaining period of an unexpired term, 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 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. The election of these officers would be conducted in accordance with Rules 11 and 13 of the draft rules of procedure that apply on a provisional basis to the work of the committee.

17. I would like to propose we take up this agenda item during a plenary session on Sunday, 19 November.

VI. Organizational matters

A. Rules of procedure

18. At its first session, the committee agreed that the draft rules of procedure, as contained in document UNEP/PP/INC.3/3, would apply to its work on a provisional basis until their adoption. It also agreed that it would consider the adoption of the rules of procedure during its second session.

19. At its second session, the committee decided to adopt the following interpretive statement relating to rule 38, paragraph 1:

The intergovernmental negotiating committee understands that, based on discussions on the draft rules of procedure for the intergovernmental negotiating committee, there are differing views among intergovernmental negotiating committee members on rule 38, paragraph 1, and its reflection in the report of the intergovernmental negotiating committee on the work of its first session. Therefore, the provisional application of rule 38, paragraph 1, of the draft rules of procedure has been a subject of debate. In the event that rule 38, paragraph 1, is invoked before the rules are formally adopted, members will recall this lack of agreement.

20. As I recalled at the second session of the committee, the draft rules of procedure would continue to apply on a provisional basis to the work of the committee, as decided at its first session.

B. Adoption of the agenda

21. At its second session, the committee agreed to forward for adoption at its third session the provisional agenda contained in document UNEP/PP/INC.3/1. The committee may wish to note that annotations to the draft provisional agenda are contained in document UNEP/PP/INC.3/Add.1. I will invite the committee to adopt the agenda as contained in document UNEP/PP/INC.3/1.

C. Organization of work

22. The work of the committee will start with plenary meetings, with the expectation that contact groups will be mandated and convened from day one of the session, as appropriate.

⁶ UNEP/PP/INC.1/14, paras. 5-10.

23. The proposals for how the work in the plenary and the contact groups could be arranged are set out in section VII below.

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

A. Initial considerations in plenary

24. As noted above, in response to the mandate from the committee at its second session, I prepared, with the support of the secretariat and guided by the views expressed by Members at the first and second sessions of the committee, the zero draft text of the instrument contained in document UNEP/PP/INC.3/4. I invite you to use this document as the basis for our discussions. This will enable us to proceed systematically through each subject area to be covered in the instrument.

25. I propose for the zero draft (document UNEP/PP/INC.3/4) to be introduced under agenda item 4, entitled, "Preparation of an international legally binding instrument on plastic pollution, including in the marine environment".

26. Following this, I will invite the co-facilitators of the preparatory meeting mandated by the committee at its second session to provide a summary of the discussions at that meeting. The co-facilitators' summary will also be uploaded to the meeting website.

27. I will then invite groups of States, individual delegations and observers to provide general remarks on the document UNEP/PP/INC.3/4 and, where relevant, on any additional issues related to the summary report by the co-facilitators of the preparatory day. Where possible, such remarks should be delivered by groups of States rather than by individual delegations. Statements will be limited to five minutes for each statement 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 statements by observers, time permitting. Where possible, the latter remarks should be delivered on behalf of constituencies. I will ensure that the time limit for statements is strictly enforced. In light of the limited time available, I strongly encourage the statements in plenary 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. A clock will be provided for the benefit of the delegates to help keep time.

B. Establishment of contact groups and modalities of their work

28. Without prejudice to the outcomes of the discussion in the plenary, I would like to propose that the committee establish three contact groups with a view to advance the development of the instrument. The committee may wish to consider establishing the following contact groups:

(a) One contact group mandated to review part I (text on the objective) and part II of the annex to document UNEP/PP/INC.3/4, make recommendations on the text of the instrument;

(b) A second contact group mandated to review parts III and IV of the annex to document UNEP/PP/INC.3/4, make recommendations on the text of the instrument;

(c) A third contact group could be mandated to review document UNEP/PP/INC.3/INF/1 and the summary of the preparatory meeting, with a view to identifying possible elements not discussed at the second session that could be included in parts I, V and VI in an upcoming version of the draft of the instrument and identifying any related intersessional work required for the fourth and fifth sessions.

29. I propose that contact groups one and two also discuss the annexes to document UNEP/PP/INC.3/4 relevant to their mandate.

30. In structuring the discussions, I suggest that contact groups, to the extent possible, will take up the issues in the order in which they are presented in the annex to document UNEP/PP/INC.3/4, document UNEP/PP/INC.3/INF/1 and the summary of the preparatory meeting.

31. I propose that, given the limited size of delegations, no more than two contact group meetings be held at the same time. I plan to undertake consultations in advance of the session with regard to possible co-facilitators for the contact groups and to make proposals in this regard for consideration by the plenary.

32. The committee may wish to allow contact groups to set up informal consultations on specific topics within their mandates. In scheduling informal consultations, the limited capacity of smaller delegations should be considered. As in the previous session, I will work closely with the co-facilitators of the contact groups during the session, including through daily meetings, to ensure close coordination

between the work of the contact groups, both in terms of substance and with respect to logistical arrangements.

33. The discussion within the proposed contact groups may lead to considering the need to establish, as appropriate, additional contact groups.

34. Any contact groups established by the plenary will need to conclude their work by the end of day on Saturday, 18 November 2023, with a view to making any outcomes of their work available in time for consideration by the plenary of the committee on Sunday, 19 November 2023.

C. Consideration of the work of any contact groups and further work

35. To enhance synergies in the work of the contact groups and to benefit from any guidance of the committee as a whole, I intend to hold a short stocktaking plenary meeting, provisionally in the afternoon of Thursday, 16 November 2023. At this meeting, I would like to invite the co-facilitators of contact groups to report back on the progress of their work.

36. I propose to convene a plenary of the committee on Sunday, 19 November 2023, to consider the report and any outputs from the work of the contact groups, agree on the outcomes of the third session and on further work.

VIII. Dates and venues of subsequent sessions

37. The committee at its second session decided to hold its fourth session in Ottawa, Canada, in April 2024, and its fifth session in the Republic of Korea, in the second half of 2024, with the precise date and venue to be communicated by the host country at a later date.

38. I propose that, under this agenda item, the secretariat informs the committee on the preparations for the upcoming sessions.

39. The committee may wish to recall that at its first session offers came forward from the Governments of Ecuador, Peru, Rwanda and Senegal, to host the diplomatic conference of plenipotentiaries mandated by resolution 5/14 in mid-2025.⁷ The committee may wish to take note of these offers and to consider the dates and venue of the diplomatic conference of plenipotentiaries with a view to deciding on this matter at its fourth session.

IX. Provisional agenda of the fourth session

40. The committee may wish to consider the draft provisional agenda for its fourth session and agree to forward it for adoption by the session in accordance with rule 3 of the draft rules of procedure. The draft of the provisional agenda will be circulated by the secretariat in due time for consideration by the committee.

X. Other matters

41. I would like to take up agenda item 5 on other matters during the plenary session on Sunday, 19 November 2023. Should any Members wish to raise any other matters under this item, I invite you to alert me during the plenary discussions on agenda item 3(b) Adoption of the agenda which will be taken up during the plenary on 13 November 2023.

XI. Adoption of the report and closure of the session

42. Should any decisions need to be agreed on by the committee, these will be tabled for adoption during the plenary meeting on Sunday, 19 November 2023.

43. The draft report of the session will be a comprehensive and substantive report, prepared by the Rapporteur with the support of the secretariat and under my overall guidance. As is often the case in intergovernmental meetings, the draft report which needs to be produced and circulated as an official document can only capture proceedings and discussions up to a certain point of the session. It will be tabled for adoption in that format. I will ask the committee to entrust the Rapporteur with the assistance of the secretariat and under my overall guidance to finalize the report as soon as possible after the session.

⁷ UNEP/PP.INC.1/14, para 98.

XII. Possible outcomes of the third session of the committee

44. In approaching the third session, I invite participants to consider what they might wish to achieve by the end of the session, including:

(a) Agreed mandate to prepare a first draft text of the instrument for consideration at the fourth session of the committee that is based on the zero draft text of the instrument, the synthesis report and reflecting the progress that the committee has made at its third session;

(b) Defined modalities and timelines for intersessional work required for the fourth and fifth sessions;

(c) Agreement to forward for adoption the provisional agenda to the fourth session.

45. I look forward to seeing you in Nairobi and working constructively together towards successfully delivering on our mandate in 2024.

Ambassador Gustavo Meza-Cuadra
Chair of the intergovernmental negotiating committee

Annex***List of documents for the third session¹****Working documents**

UNEP/PP/INC.3/1	Provisional agenda
UNEP/PP/INC.3/1/Add.1	Annotated provisional agenda
UNEP/PP/INC.3/2	Scenario note for the third session of the committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.3/3	Draft rules of procedure for the work of the committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.3/4	Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment

* The annex has not been formally edited.

¹ NOTE: The secretariat is finalizing the list of documents.