

Co-facilitators' summary of discussions

Contact Group 2

19 November 2023

Contact Group 2 on Parts III and IV of the zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment (document UNEP/PP/INC.3/4) was co-facilitated by Ms. Kate Lynch (Australia) and Mr. Oliver Boachie (Ghana). During the plenary session on the morning of Tuesday, 14 November, the group was mandated to review part III and part IV of the zero draft. It was invited to consider the draft and inputs from members to be incorporated in a revised version, and inputs on possible relevant intersessional work, if any (this was to be reported to the plenary on Thursday, 16 November and communicated to Contact Group 3 for further elaboration).

The group met for six sessions from Tuesday, 14 to Saturday, 18 November 2023. The first three sessions were devoted to discussion of the zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment (document UNEP/PP/INC.3/4). Delegates were invited to submit text proposals on the zero draft to the Secretariat by 10am on Thursday, 16 November. On Friday, 17 and Saturday 18 November, the contact group had the opportunity to review, during a second reading, the textual comments submitted by Members throughout the week in compilations of revised zero draft text for each provision of Parts III and IV. The contact group was then invited to consider an example streamlined text prepared by the co-facilitators on one such provision and express their preferences as to the presentation of streamlined text for the remaining provisions.

Throughout the sessions, the co-facilitators took note of any intersessional work requested by the group, a compilation of which was presented to the stocktaking plenary on the afternoon of Thursday, 16 November and shared with contact group 3 which was mandated to, among others, prepare a draft proposal and timelines for intersessional work for consideration by the committee.

The contact group met for its first session on the afternoon of Tuesday, 14 November. The co-facilitators shared guidance on the mandate of contact group 2, the timeline for the week, information on submission of textual proposals by delegates for inclusion in a revised version of the zero draft and the proposed scheduling of the work. During the first three sessions of the contact group, the co-facilitators proposed to move through the provisions in Parts III and IV in the order they were presented in the zero draft. During this first exchange, members would be given the opportunity to provide their views and consider the views of others. In providing their views, members were invited to express their views on their preferred options from those set out in the zero draft (if any); suggested amendments to improve current options in the zero draft; alternative options, proposed for consideration by members; a preference for non-text (that is, no specific provision on a matter); and any specific work that should be undertaken during the intersessional period to support consideration of the relevant issue. In terms of intersessional work, delegates were invited to reflect on which priority topics and minimum requirements for outcomes of intersessional work would be required to reach an agreement on an instrument at INC-5, what might be the expected outputs of intersessional work and its expected contribution to the INC process.

Following the introductory guidance provided by the co-facilitators, members were invited to consider Part III.1 of the zero draft on financing. Members were invited to provide general reflections on the draft text and to signal their preference for a potential option 1 of a financial

mechanism that would constitute a newly established dedicated Fund(s), option 2 for which a mechanism would consist of a dedicated Fund within an existing financial arrangement, a hybrid of the two options, or any other arrangement. Members reflected on sources of funding for such a mechanism, which could consist of, among others, domestic and international, public and private, access to the mechanism and potential priority to be given to certain groups of countries, types of activities the mechanism could support, governance arrangements and other potential sources of financial flows. Several suggestions were made for intersessional work that might assist members to further progress discussions on these issues.

The second session of the contact group on the morning of Wednesday, 15 November, focused on Part III.2 of the draft on capacity-building, technical assistance and technology transfer and Part IV.1 national plans. In considering capacity-building, technical assistance and technology transfer, members reflected on who should provide such support to assist developing countries in implementing their obligations under a future instrument, the role of any governing body in keeping under review such arrangements and cooperation and coordination with other entities and initiatives to increase the effectiveness of such support. The transfer of up-to-date environmentally sound technologies to address plastic pollution, the terms by which such technologies could be shared, and the role of innovation and investment in pursuit of such new technologies and solutions was also discussed.

Under Part IV.1 on national plans, members considered the role such plans would have in the implementation of the instrument, potential formats for preparation of the plans, the timing of communication of initial plans to the governing body and any potential review and update to national plans and their transmission to the governing body, as appropriate. While there was strong convergence on the need for national plans, there remain different views among members as to whether national plans should be the primary obligation of parties under the future instrument, a tool for implementation of the instrument, or both. The option to collaborate on the preparation of sub-regional or regional plans was discussed, in addition to any reporting on progress in the implementation of national plans that might be required.

The third session of the contact group, later that afternoon, covered discussions on Parts IV.2-8, on implementation and compliance, reporting on progress, periodic assessment and monitoring of the progress of implementation of the instrument and effectiveness evaluation, international cooperation, information exchange, awareness raising, education and research, and stakeholder engagement, respectively.

On Part IV.2 on implementation and compliance, members considered the type of mechanism that could be instituted to facilitate implementation of, and promote compliance with, the provisions of a future instrument. Potential elements for a facilitative mechanism were discussed, which could take the form of a committee, and the modalities and procedures for its operation were considered. Its relationship to the governing body and the potential composition and terms of its membership were commented upon, with the importance of a balanced representation of any such mechanism being underscored. The process by which any implementation and/or compliance issues might be brought before such a mechanism was extensively discussed, with different procedures involving the Parties, the governing body or the secretariat being considered.

For Part IV.3 on reporting on progress on the measures taken to implement the provisions of this instrument and on the effectiveness of such measures, discussions were initiated on the two options presented in the zero draft: the first for a comprehensive approach as outlined in option 1, which might include information closely aligned with the obligations of the instrument as

outlined in Part II of the zero draft, including statistical data on types and volumes of its production, imports and exports of plastic polymers and products. Those supportive of option 2 were in favour of a more streamlined approach to reporting, taking into account different national capabilities and circumstances.

On Part IV.4 of the zero draft, effectiveness evaluation was acknowledged as an important element of the instrument. Different views were expressed on the purpose of the effectiveness evaluation, with proposals being made to expand the purpose to include the effectiveness of commitments. The value of the evaluation process to identify challenges and opportunities was highlighted. Different views were expressed on what type of information should be the basis of the evaluation, with some members emphasizing that only national reports and plans can be the basis of such evaluation, and some indicating that it is too early to discuss what the basis of such evaluation could be. There were different views expressed on the timing of discussions on possible review of chemicals and polymers of concern, microplastics and problematic and avoidable products, with some members noting the link between obligations being discussed by contact group 1 and this review and the need to wait for further developments on those discussions. Different views were also expressed on the scope of the review, with some members indicating that polymers of concern should not be part of what is to be reviewed.

Members concluded their first reading with an exchange of views on the remaining elements in Part IV.5-8 on international cooperation, information exchange, awareness-raising, education and research and stakeholder engagement, respectively. Any gaps in the relevant sections of the zero draft were highlighted with members agreeing to submit textual suggestions for inclusion in a revised draft in advance of the second reading.

At the conclusion of the third session of the contact group and the first reading of the zero draft, the co-facilitators outlined the approach that would be taken to develop compilation text for all elements within Parts III and IV of the zero draft. Accordingly, during the fourth session of the contact group, which convened on the morning of Friday, 17 November, members were invited to consider the compilation text that had been made available online¹ by the Secretariat on Part IV.2 on implementation and compliance, Part IV.4 on periodic assessment and monitoring of the progress of implementation of the instrument and effectiveness evaluation and Part III.1 on financing. In preparing the compilations, efforts had been made by the co-facilitators and secretariat to capture all textual suggestions submitted and relayed in the contact group. The members were asked to verify completeness of the text compilations and subsequent versions were developed to capture any missing textual elements that had been raised by members and to correct any misrepresentations of the submissions made. Members were also asked to suggest areas of the text that could be streamlined in an attempt to remove duplication and simplify or consolidate the text.

This process was continued during the fifth and sixth sessions of the group, which were convened during the afternoon of Friday, 17 November and the morning of Saturday, 18 November, respectively. The members considered the compilations for the remaining elements in Parts III and IV of the zero draft, verifying the drafts for completeness and providing any suggestions for streamlining. Following consideration of the compilations, a proposal from the floor, that the co-facilitators be asked to undertake work to streamline the text for each element in Parts III and IV and present these for consideration by the members was agreed.

During the final session, the co-facilitators presented one such example of streamlined text to the group and invited reflections by members on the approach. The members expressed support

¹ <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>

for the approach taken by the co-facilitators and requested that they provide for each element the proposed streamlined text and an accompanying draft showing the process through which the text was consolidated. Due to time constraints, there was no time during the contact group sessions to consider and endorse the streamlined text developed by the co-facilitators. Instead, the members agreed that the co-facilitators would continue their efforts to streamline the text compilations in the lead up to the final plenary of INC-3, taking into account any suggestions made during the discussions, and to make these available online² and append them the present report, for consideration of the committee.

In conclusion, the outcomes of contact group 2 on Parts III and IV of the zero draft are presented as follows:³

1. Co-facilitators' compilations of revised draft text proposed (all elements in Parts III and IV) as validated by the contact group;
2. Co-facilitators' proposals to streamline compilations of revised zero draft text (all elements in Parts III and IV);⁴
3. Preliminary list of proposed areas for intersessional work identified during discussions of contact groups 1 and 2 (published on the INC webpage, under the section for contact group 3).

² <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>

³ All documents are available at: <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>

⁴ These have been prepared by the co-facilitators and have not been reviewed or endorsed by contact group 2.