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

Fourth session

Ottawa, 23–29 April 2024

Item 3 (c) of the provisional agenda*

Organizational matters: organization of work

Scenario note for the fourth session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment¹

Note by the Chair of the intergovernmental negotiating committee

INC-4: Our shared goal, expectations and approach

I. Our goal and expectations

1. The fourth session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, will be held in Ottawa, Canada, from 23 to 29 April 2024. The provisional agenda for the fourth session has been made available in document UNEP/PP/INC.4/1. An annotated provisional agenda is also available in document UNEP/PP/INC.4/1/Add.1.

2. At this stage of the negotiations, our shared purpose is to ensure that we can complete the development of an international legally binding instrument by the end of this year, in accordance with our mandate, and in a transparent and inclusive manner.

3. With this in mind, the present note is intended to assist Members in their preparations for the fourth session and to propose a way forward with the aim of optimizing the limited time available for the completion of the negotiations. This note should be read in conjunction with the meeting documentation.²

* UNEP/PP/INC.4/1.

¹ This document has not been formally edited.

² A list of the meeting documentation is provided in the annex to the present note.

II. Meeting purpose

4. Our purpose at the fourth session is to advance our negotiations so that the committee can finalize, at its fifth session, the text of an instrument that supports Members in achieving their collective goal of ending plastic pollution and that can be effectively implemented.

5. The committee has before it a revised draft text, contained in document UNEP/PP/INC.4/3.³ As mandated by the committee, this revised draft text was compiled by the secretariat based on the outcome documents of the three contact groups established at its third session.

6. The committee agreed at its third session that this revised draft text will be the starting point and basis for textual negotiations at the fourth session, without prejudice to the right of any Member to propose additions, deletions, or modifications in the course of the negotiations at the fourth session. The committee also decided at its third session that its fifth session would be held in Busan, Republic of Korea, from 25 November to 1 December 2024.

7. With this timeframe in mind, all of our efforts at the fourth session will need to focus on the further development of the text of the instrument and mandating any intersessional work that is necessary between the fourth and fifth sessions, so that the committee has before it all the elements needed to conclude its work by the end of its fifth session.

8. My consultations have emphasized that delivering a targeted, inclusive, efficient, and transparent intersessional work mandate between the fourth and fifth sessions is essential to inform key aspects of the negotiations and to enable us to conclude negotiations.

9. Based on these elements, the objectives of the fourth session of the committee are to:

- a. Advance and streamline the revised text of the instrument as contained in document UNEP/PP/INC.4/3;
- b. Decide on any intersessional work required between the fourth and fifth sessions of the committee, to support the further development of the text of the instrument at the fifth session;
- c. Consider the location of the diplomatic conference; and
- d. Agree on a draft provisional agenda of the fifth session to be forwarded to it for adoption.

III. Modalities for the session

10. The host country and the secretariat have made the necessary arrangements for the session to take place in Ottawa, Canada, from 23 to 29 April 2024.

11. Regional groups will have undertaken consultations prior to the session, with the support of the secretariat, enabling Members to consult and advance on regional positions and to support their preparations for the fourth session. In addition, regional consultations will also be possible at the meeting venue on 21 April 2024. There will also be an opportunity for regional meetings throughout the week of the session.

12. The plenary meetings of the fourth session will be conducted in the six official languages of the United Nations. Taking into consideration United Nations practice, any contact group meetings and meetings other than plenary will be held in English only. The session will be held in-person, with plenary meetings livestreamed.

³ UNEP/PP/INC.4/3, available at <https://www.unep.org/inc-plastic-pollution/session-4/documents>.

IV. Opening of the session

13. The opening of the fourth session of the committee will take place at 10:00 am on Tuesday, 23 April 2024. I propose that we progress swiftly through this agenda item and that statements are not made under this agenda item but instead under item 4 of the agenda. Further, in the interest of time and considering how much work we have before us, I seek your indulgence to refrain from delivering individual national statements in the plenary, and instead submit any national statements in writing through the INC in-session document platform.

V. Election of officers

14. No election of officers is anticipated at the fourth session. However, should an election of officers be required, it would be conducted in accordance with rules 11 and 13 of the draft rules of procedure that apply to the work of the committee on a provisional basis (see section VI.A below).

VI. Organizational matters

A. Rules of procedure

15. 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.

16. 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.

17. Therefore, 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

18. At its third session, the committee agreed to forward the provisional agenda contained in document UNEP/PP/INC.4/1 for adoption at its fourth session. Annotations to that provisional agenda are contained in document UNEP/PP/INC.4/1/Add.1. I will invite the committee to adopt the agenda, as contained in document UNEP/PP/INC.4/1.

C. Organization of work

19. The work of the committee will start with a plenary meeting on Tuesday 23 April and will conclude with a plenary meeting on Monday 29 April 2024. I have been informed by the secretariat that simultaneous interpretation has been arranged for plenaries during this period.

20. As described in greater detail below, I expect that most of the work during the week will be undertaken in contact groups, supported by consultations with the Chair or contact group co-chairs as needed. I will convene plenary meetings as needed during the course of the week, including to provide regular updates and stocktaking on progress in the contact groups.

21. The proposed organization of work, including in plenary and in contact groups, is set out in more detail below.

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

A. Revised draft text

22. The revised draft text contained in document UNEP/PP/INC.4/3 includes options across the range of provisions under consideration, including a wide range of alternative draft proposals that require further discussion and consolidation. Our task at this session is to identify and further develop areas of convergence and bridge remaining gaps in positions, including through further textual negotiation on the substance and structure of the instrument.

23. Through my informal consultations, I am aware that some Members, and groups of Members, have been working among themselves to find common ground and develop compromise text. I welcome their work, particularly where Members or groups of Members identify bridging proposals with the aim of further consolidating and streamlining the draft text. I encourage Members to bring any proposals to the attention of the relevant contact groups early in the session, including through the INC in-session document platform.

24. It is essential that we provide for the committee at its fifth session a draft text that is streamlined and capable of finalization in legal language. We should recognize, however, that some issues may not be able to be resolved in the time remaining for the negotiation, and that we will need to identify the processes for taking them forward after agreement on the text at the fifth session.

25. Therefore, and reflecting on what I have heard from Members through my informal consultations, I am proposing the organization of work below.

B. Plenary

26. I propose that the secretariat briefly introduce the revised draft text contained in document UNEP/PP/INC.4/3 under agenda item 4 (“Preparation of an international legally binding instrument on plastic pollution, including in the marine environment”).

27. I will then invite regional groups or groups of States to present any general remarks on the revised draft text. As stated above, in the interest of time, considering how much work we have before us, and to allow us to move as swiftly as possible to the work in contact groups, I seek your indulgence to refrain from delivering individual statements in the plenary, and instead submit any national statements in writing through the INC in-session document platform. Statements will be limited to five minutes for each statement on behalf of a regional group or group of States. Time permitting, I would like to allow space for observer interventions, with a time limit of two minutes per intervention and I would prioritize those speaking for alliances, coalitions and groups.

28. Considering the limited time available, I strongly encourage statements in plenary to be succinct and to focus on general reflections on the revised draft text so that we can move promptly to textual negotiations, as agreed at the third session, including through the establishment of contact groups. Specific and technical statements can be made most effectively in contact groups.

C. Establishment of contact groups and modalities for their work

29. I am mindful of the need to ensure an adequate distribution and allocation of workload across contact groups, as well as within each contact group, and to provide an opportunity for informal consultations among delegations as needed, while ensuring inclusiveness and transparency in the process. We are all well aware that we have limited time available to complete our work, and that we need to use our time in the most efficient and effective manner possible.

30. Taking into account these considerations and building on the structure of the work in our previous sessions, and without prejudice to the outcome of discussions in plenary, I propose that the committee establish two contact groups, as described below, with a view to further advancing the development of the text of the instrument using the revised draft text as the starting point and basis for textual negotiations, as agreed at the third session. Recalling that the third session of the committee

conducted its work through three contact groups, I propose that at the fourth session, the work of contact group 3 be distributed across these two contact groups.

31. Each contact group would be mandated to conduct textual negotiations and further advance the development of the text, with a view to streamlining it for subsequent consideration of the committee. I envisage that this streamlining could involve convergence of similar texts and proposals as well as, where desirable, possible re-alignment of elements to facilitate such convergence. Each contact group would be mandated to consider specific elements of the revised draft text, such that all aspects of the text would be addressed. Each contact group would have two co-chairs and report to the plenary.

32. Based on these considerations, I propose that the committee establish the following contact groups, whose work can proceed in parallel:

- a. the first contact group (Contact Group 1) would be mandated to consider the elements addressed in parts I and II of the revised draft text contained in document UNEP/PP/INC.4/3, including any relevant proposed annexes, and make recommendations on streamlining the text;
- b. the second contact group (Contact Group 2) would be mandated to consider the elements addressed in parts III to VI of the revised draft text contained in document UNEP/PP/INC.4/3, including any relevant proposed annex, and make recommendations on streamlining the text.

33. Each contact group would be invited to divide its work into subgroups, each with its own co-facilitators. In the case of Contact Group 1, three subgroups would be required to allow for expertise, time, and workload to be adequately distributed, and for Contact Group 2, two subgroups would be required. I propose the subdivision of the work of contact groups, as follows:

CONTACT GROUP 1	
<u>Subgroup 1.1</u>	Part I: 1, 2, 3, 4, 5 Part II: 12 and 13bis
<u>Subgroup 1.2</u>	Part II: 1, 2, 3, 3bis, 4, 4bis, 5, 6, 9(b), 10(a), 13
<u>Subgroup 1.3</u>	Part II: 7, 8, 9(a), 10(b), 11
CONTACT GROUP 2	
<u>Subgroup 2.1</u>	Part III: 1 and 2
<u>Subgroup 2.2</u>	Part IV: 1, 2, 3, 4, 5, 6, 7, 8, 8bis Part V: 1, 2, 3 Part VI

34. The contact groups would start their work with a walk through of the elements of the revised draft text within their mandate and identifying any main options, potential overlaps and areas requiring clean up or streamlining and any bridging proposals. The contact groups could then request the co-chairs or the co-facilitators of the relevant subgroup to produce a revised streamlined text building on this discussion, for consideration in the relevant subgroup.

35. The work will then continue in the subgroups as appropriate. Any outcomes of the work of such subgroups would need to be reported to the respective contact group for further consideration. Informal consultations may also take place among delegations, as needed. The contact groups may also

propose holding joint meetings on related matters within their respective mandates, as needed. Set periods of time would be assigned for each group to meet and progress, with no more than three groups meeting in parallel.

36. I plan to undertake further consultations in advance of the session to identify co-chairs for each of the proposed contact groups and co-facilitators of each of the subgroups, as well as a chair for the proposed legal drafting group referred to below, and to make proposals in this regard for consideration by the plenary. I will work closely with the co-chairs and co-facilitators during the session, including through daily meetings, to ensure close coordination in the work of contact groups, both in terms of substantive aspects and with respect to procedural arrangements.

37. Each contact group may also wish to identify, as part of its discussion, issues where there is convergence and streamlined text that could be forwarded by the plenary to a legal drafting group that I also propose that the committee establish (see section VII.D below).

38. Both contact groups will need to conclude their work by the end of day on Sunday, 28 April 2024, with a view to making any outcomes of their work available in time for consideration by the committee in plenary on Monday, 29 April 2024.

39. I recognize that I am proposing a different organization of work than we have used previously, but this is a reflection of the complexity of the issues, and the need for inclusive progress. This mode of operation allows for flexibility to organize and conduct our work in the most effective manner possible, while preserving full transparency and inclusiveness.

D. Legal drafting group

40. I propose that the committee establish a legal drafting group. The group would consider any elements of the draft text on which substantive agreement has been reached that may be forwarded to it by the plenary, including as the work in the contact group progresses, with a view to ensuring that the text of these elements is reflected in a legally sound manner, and make recommendations on the language to the plenary. The group would not be mandated to consider policy issues, and any policy issues it may identify in the course of its work would be referred back to the plenary.

41. The group would be established by the plenary of the committee in the course of its fourth session, towards the middle of the week, with a view to continuing its work until the end of the fifth session. Meetings of the group would be convened by the chair of the legal drafting group if and when required.

42. I propose that the legal drafting group be composed of legal experts nominated by each of the five UN regional groups and by the Small Island Developing States. I also propose that, given the nature of the group, participation in its meetings would be limited to Members only.

E. Consideration of the work of contact groups by the plenary

43. To enhance synergies in the work of the contact groups, I propose to hold brief stocktaking plenary meetings over the course of the week. At such meetings, the co-chairs of the contact groups would report on the progress in their group. This would allow the work of each contact group to be informed by the progress made in the other group, and to benefit from any further guidance by the committee based on the progress achieved.

44. I also propose to convene the committee in plenary on Monday, 29 April 2024, to consider the outputs of the contact groups, the Legal Drafting Group, and to mandate intersessional work. The committee could be invited to agree, in light of these outputs, on the outcomes of the fourth session and on further work on the preparation of the instrument.

F. Intersessional work

45. I may also undertake further informal consultations with respect to specific issues as the need arises from the contact groups, including on the development of proposed modalities and content for intersessional work to be carried out between the fourth and fifth sessions of the committee.

VIII. Dates and venues of subsequent session

46. The committee decided at its third session that its fifth session would be held in Busan, Republic of Korea, from 25 November to 1 December 2024. I propose that under agenda item 3(d) (“Dates and venues of subsequent sessions”), the host country the Republic of Korea inform the committee on preparations for the fifth session.

47. The committee may also wish to recall that at its first session, the Governments of Ecuador, Peru, Rwanda, and Senegal each offered to host the diplomatic conference of plenipotentiaries mandated by resolution 5/14 to take place upon completion of the negotiations, for the adoption of the instrument. At the committee’s third session, the Governments of Peru and Rwanda announced their offer to co-host the diplomatic conference.

48. The committee may wish to consider deciding on the location of the diplomatic conference at its fourth session. To support this consideration, those Members who are offering to host the diplomatic conference are invited to communicate the details with respect to their offers through the secretariat in advance of the session.

IX. Provisional agenda of the fifth session

49. The committee may wish to consider, under item 3(e) of the agenda (“Provisional agenda of the fifth session”), the draft provisional agenda for its fifth session and agree to forward it for adoption by the session in accordance with rule 3 of the draft rules of procedure. A draft provisional agenda will be circulated by the secretariat during the fourth session for consideration by the committee.

X. Other matters

50. I propose to take up agenda item 5 (“Other matters”) in plenary on Monday, 29 April 2024. Should any Members wish to raise any other matters under this item, I invite you to alert me during the consideration of the provisional agenda item 3(b) (“Adoption of the agenda”) in plenary on Tuesday 23 April 2024.

XI. Adoption of the report and closure of the session

51. Should any decisions need to be agreed on by the committee, these will be tabled for adoption in plenary on Monday, 29 April 2024.

52. A report of the session will be prepared by the Rapporteur, with the support of the secretariat and under my overall guidance, and circulated as an official document. As has been done at previous sessions, the draft report will be tabled for adoption at the end of the session, capturing the early parts of the proceedings and discussions during the session. I will invite the committee to entrust the Rapporteur to finalize the report as soon as possible after the session, with the assistance of the secretariat and under my overall guidance.

XII. Possible outcomes of the fourth session of the committee

53. In approaching the fourth session, I invite participants to consider what we collectively need to achieve by the end of the session.

54. After the end of this session, the committee will have one session left to complete its work towards an international legally binding instrument by the end of 2024 in accordance with the ambition expressed in UNEA resolution 5/14. It is essential therefore that we make as much progress as possible at the fourth session in the preparation of the text of the instrument.

55. Considering this timeframe, the committee may consider the following possible outcomes for the fourth session:

- a. A draft text of the instrument that is sufficiently advanced to enable it to be finalized at the fifth session of the committee;
- b. A decision on the contents, modalities and timelines of any intersessional work required in preparation for the fifth session;
- c. Consideration of the location of the Diplomatic Conference; and
- d. Agreement to forward for adoption the provisional agenda of the fifth session.

56. Finally, let us all keep in mind that we are developing an international legally binding instrument that is effective, implementable, and will protect future generations and the environment from plastic pollution, including in the marine environment. I look forward to seeing you in Ottawa and working constructively with you all towards successfully achieving this goal and delivering on our mandate by the end of this year.

Ambassador Luis Vayas Valdivieso
Chair of the Intergovernmental Negotiating Committee

Annex

List of documents for the fourth session

Working documents

UNEP/PP/INC.4/1	Provisional agenda
UNEP/PP/INC.4/1/Add.1	Annotated provisional agenda
UNEP/PP/INC.4/2	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.4/3	Revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment
UNEP/PP/INC.4/4	Scenario note for the fourth session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment