

Outline of the Chair's reflection note for the preparatory meeting mandated by the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment at its second session, and for the INC-3

I. Preparatory meeting mandated by the INC

- **Mandate of the preparatory meeting:** one-day meeting back-to-back with the committee's third session, which would include discussions on the synthesis report prepared by the secretariat.

- **Modalities of the session**
 - The preparatory meeting will take place at 10 am on Saturday, 11 November 2023 at the United Nations Office of Nairobi.
 - There will be two plenary sessions. Plenary 1: 10.00 – 13.00. Plenary 2: 15.00 – 18.00.
 - Meeting with interpretation in all 6 UN official languages.
 - Meeting documentation: provisional agenda, annotated agenda, Chair's reflection note, synthesis report, submissions on intersessional work.
 - The synthesis report mandated by INC-2 will be made available two weeks in advance as an INF document for INC-3 with courtesy translations in all UN official languages. Due to the time constraints the translated versions are expected to be available shortly before the meeting.
 - Interventions by groups of States, individual delegations and observers will be invited on the substantive items. Interventions will be limited to five minutes for each intervention 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 interventions by observers, time permitting. Where possible, the latter remarks should be delivered on behalf of constituencies. In light of the limited time available, interventions should be succinct and focus on general reflections. A clock will be provided for the benefit of the delegates to help keep time.

- **Opening of the preparatory meeting on 11 November (agenda item 1)**
 - I will open the meeting in plenary, for general discussion at 10.00.
 - I intend to invite the Executive Secretary to deliver a brief opening statement.
 - I will introduce and hand over the meeting to two Co-Facilitators I will designate.
 - Propose not to take general statements and move to the substance.
 - Expect this item to last no longer than 30 mins.

- **Consideration of the synthesis report on the submissions received on elements not discussed at the second session, such as principles and scope of the instrument (agenda item 2)**
 - The synthesis report on the submissions received from Members on elements not discussed at INC-2, such as principles and scope, preamble, definitions, institutional arrangements and final provisions of the instrument will be considered.
 - I propose to split agenda item 2 on the synthesis report into two discussion rounds in plenary:
 - i. Preamble, definitions, principles, scope (approximate time duration 2.5 hours)
 - ii. Institutional arrangements; final provisions (approximate time duration 1 hour)
 - I expect interventions from Member of the committee on the synthesis report to support the further development of text options for these elements in the future instrument, but not

reiterating submissions. In particular, I invite delegations to identify the elements that should be included in the upcoming version of the instrument and the way to do so.

- Expect this item to last no longer than 3.5 hours.
- **Intersessional work (agenda item 3)**
 - Members have available the submissions from Members and observers on any potential areas for intersessional work.
 - The objective of this discussion is to understand possible areas of early convergence on required intersessional work with focus on procedural considerations around these proposed priorities.
 - The Co-facilitators will ask for regional reflections for priorities for intersessional work and the proposed modalities to undertake that work.
 - Time permitting Member reflections will be sought, followed by observer reflections.
 - This item will take a maximum of 1.5 hours.
- **Summary and next steps (agenda item 4)**
 - Co-facilitators are expected to summarize the discussions and outline next steps through a verbal summary.
 - To connect the discussions at the preparatory meeting with INC-3, I will invite the two presiding co-facilitators to prepare a co-facilitators' written summary of the discussions. This summary with the outcomes of the preparatory meeting would then be presented at INC-3 as a non-paper. This non-paper would feed into the discussions in Contact Group 3.
 - This item will take 15-30 minutes.
- **Closure of the meeting (agenda item 5)**
 - It is expected that the meeting will conclude its work by 6 p.m. on Saturday, 11 November 2023.

II. INC-3

- **Objectives of INC-3 are to advance the main elements of the future instrument by:**
 - Advancing on the development of the instrument using the document UNEP/PP/INC.3/4 (zero draft) as a basis;
 - Identifying 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 and the co-facilitator's summary from the preparatory day with a view to integrating them in the upcoming version of the instrument; and
 - Consider and decide on any intersessional work required for the fourth and, where appropriate, for the fifth sessions of the committee.
- **Modalities of the session:**
 - INC-3 will take place from 13 November to 19 November at the United Nations Office of Nairobi.
 - The session will start with a plenary meeting, and the Committee will swiftly be invited to continue the discussions in 3 Contact Groups detailed below.
 - Meeting with interpretation in all 6 UN official languages for the plenary sessions.

- **Initial Plenary meeting**

- Opening session, a representative of the host country, the UNEP ED and INC Executive Secretary will be invited to deliver opening remarks. At this stage, no general statements are expected by Groups of States or individual members.
- Following that initial session, I will propose for consideration of the Committee the adoption of the agenda.
- On the rules of procedure, the agreement by the Committee at its first session to apply the draft rules of procedure on a provisional basis until their adoption will be recalled, alongside the interpretive statement relating to rule 38, paragraph 1, adopted at its second session.
- Members will then be invited to consider agenda item IV, on the Preparation of an international legally binding instrument on plastic pollution, including in the marine environment. In the plenary, the zero draft will be introduced followed by the co-facilitators' summary of the preparatory meeting.
- Under this agenda item, interventions by groups of States, individual delegations and observers will be invited on the substantive items related to the zero draft and the preparatory meeting. Statements in the plenary will be encouraged 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. Where possible, Members will be encouraged to be made by groups of States. Interventions will be limited to five minutes for each intervention 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 interventions by observers, time permitting. Where possible, the latter remarks should be delivered on behalf of constituencies. A clock will be provided for the benefit of the delegates to help keep time.

- **Contact Groups**

- Following that initial plenary meeting, and without prejudice to the discussions in the plenary, I will propose the establishment of three Contact Groups to advance the development of the instrument. Each of the Contact Groups will be moderated by two co-facilitators and will cover:
 - Contact Group 1: Part I (objectives) and part II of the Zero Draft
 - Contact Group 2: Part III and IV of the Zero Draft
 - Contact Group 3: The elements not discussed at INC-2 currently set as placeholders in parts I, V and VI of the Zero Draft, as well as intersessional work.
- Each contact group will also be invited to address the annexes of the Zero Draft that follow under their mandate, and to identify the needs and timing for the international work. The latter point will then be discussed under Contact Group 3, including to make a recommendation for the intersessional work and its modalities.
- The three contact groups are expected to work between Monday 13 November and Saturday 18 November. In consideration of the limited size of delegations, no more than two contact groups will be held at the same time. The committee may wish to allow for contact groups to set up informal consultations on specific issues of their mandates. Such consultations should be scheduled considering the limited capacity of smaller delegations.
- Close coordination between the work of the contact groups will be ensured through daily meetings with the co-facilitators of the respective groups, as well as through a short stocktaking plenary, scheduled tentatively on Thursday 16 November, where co-facilitators of each contact group will be invited to report on the discussions within their respective groups.
- On the substantial work, it is expected that:

12 October 2023

- Contact Group 1 and Contact Group 2 would, time permitting, undertake two readings of the Zero Draft leading to identification of:
 - Potential improvements to the options presented in the Zero Draft;
 - Options that could be amended, added, removed or merged in the upcoming version of the draft instrument;
 - Needs and timelines for intersessional work.
 - Contact Group 3 would:
 - Make a proposal on the inclusion in the upcoming version of the instrument of the elements not discussed at INC-2, as well as on the way and place to do so;
 - Identify areas for further intersessional work on the substantial matters discussed by Contact Group 3;
 - Develop a recommendation for the intersessional work and its modalities for all of the elements pertaining to Contact Groups 1,2 and 3.
 - A co-facilitator's guidance note will be shared ahead of INC-3.
 - **The final plenary session on Sunday, 19 November 2023, will be invited 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.
 - Be informed by the Secretariat on the progress on the organisation of the upcoming sessions of the INC.
 - Adopt the provisional agenda for INC-4.
 - Address any other matters.
 - Consider the election of officers, whereby 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, I intend to step down from my position as the Chair of the committee at the end of the third session and 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 then 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.
-