

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

Bureau meeting

Monday, 24 June 2024

15:00- 18:00 (GMT+3)

Online

MEETING REPORT

Agenda Item 1: Opening of the meeting and adoption of the agenda.

1. The Chair of the INC, H.E. Mr. Luis Vayas Valdivieso, welcomed members of the INC Bureau and opened the meeting.
2. The meeting was attended by the following members:
INC Chair: Ambassador Luis Vayas Valdivieso (Ecuador);
African States: Mr. Ndiaye Cheikh Sylla (Senegal); Ms. Juliet Kabera (Rwanda);
Asia-Pacific States: Mr. Hiroshi Ono (Japan); Mr. Mohammad Al-Khashashneh (Jordan);
Eastern European States: Ms. Irma Gurguliani (Georgia);
Latin American and Caribbean States: Mr. Gustavo Meza-Cuadra Velasquez (Peru);
Small-Island Developing States: Ms. Asha Challenger (Antigua and Barbuda);
Western European and Other States: Ms. Johanna Lissinger-Peitz (Sweden); Ms. Larke Williams (United States of America).
3. The Secretariat was represented by the Executive Secretary of the INC, Ms. Jyoti Mathur-Filipp, Ms. Brenda Koekkoek, Senior Programme Management Officer and Ms. Marianna Bolshakova, INC Legal Officer.
4. In attendance for agenda Item 2(b) were representatives of INC-5 Host Country, Republic of Korea, Ms. Chung Kyung-Hwa, and Mr. Park Minsoo.
5. In his opening remarks, the INC Chair, Amb. Vayas Valdivieso, welcomed the Bureau members and informed that the Chair and Secretariat had been working closely since

the last Bureau meeting to advance preparations for intersessional work and INC-5, including during an effective two-day retreat in Geneva.

6. The Executive Secretary, Ms. Jyoti Mathur-Filipp, provided opening remarks, also noting the usefulness of the retreat with the Chair and his team. She indicated that the Secretariat team stands ready to support the Chair and the regions, represented by the Bureau, in continuing preparations towards INC-5.
7. The meeting agenda was adopted, adding the scheduling of the Bureau retreat as an item under other matters.

Agenda Item 2: Update on the preparations for the fifth session of the INC.

a. Chair's invitation of perspectives from the regions.

8. The INC Chair, Ambassador Luis Vayas Valdivieso recalled a set of questions circulated to the Bureau on 31 May 2024. Comments from the Bureau and regional perspectives were sought in the context of planning for INC-5.

Summary of discussions

Question 1: *What is the extent of progress made at INC-4 and what are the lessons learned in terms of modalities of work, venue, meeting support, etc.?*

Summary:

9. Overall, members welcomed progress made at INC-4. Notable developments included the adoption of the decision on intersessional work, establishment of the legal drafting group and the in-depth discussions and negotiations on the text. Considering that a legally binding instrument was to be agreed by the end of 2024, members highlighted the need for a common vision on essential elements of the text. Some noted that more progress was made on mid-stream and downstream measures and less on upstream measures.
10. Some members raised the need for a consistent approach, as well as a manageable and balanced distribution of topics across contact groups and sub-groups. They reflected on how the structure added too many layers, although it also allowed for more regional representation in group leadership.
11. The growing number of observers was noted. Some members expressed concerns about disruptions caused by observers during the negotiations at INC-4.

12. Logistics were assessed as good for a meeting of this size, although some problems were noted with room set-ups, audio visuals and Wi-Fi.

Question 2: *Considering that that the Committee has not yet agreed on essential elements of the treaty, which key elements should be discussed with priority at INC-5, considering that some key decisions may also be taken up at COP-1? (the Committee has not yet agreed on: Objective/s and scope; form and structure of the instrument; final provisions; control measures and implementing measures, etc.)*

Summary:

13. It was highlighted that agreement was needed on key elements, which could be considered a potential topic for future Heads of Delegations (HODs) meetings. High-level political engagement was deemed essential. Those intervening highlighted the importance of determining essential elements for inclusion in the text to be finalized at INC-5.
14. Bureau members addressed the organization of work at INC-5, including a more balanced distribution of work across groups and better use of informal meetings to make progress on substantive matters. Some allocated more importance to building alignment on essential elements rather than attempting to streamline the existing text.

Question 3: *Considering the time needed for the legal drafting group to convey their recommendations to the plenary, how can the Committee sequence these considerations if we are to achieve an agreement on a text?*

Summary:

15. The role of the legal drafting group established by the INC was discussed, including the need to define how it will work in relation to other parts of the meeting. One region indicated its availability to co-chair the group. It was noted that the group could be requested to start its work early in the session on the section on final provisions and further work could be allocated to it by the plenary as negotiations progressed.
16. A question of financial support for experts nominated to the group was raised. It was recalled that during the previous Bureau meeting clarification was provided that designated legal experts were not subject to additional financial support. The Secretariat further clarified that legal drafting groups did not have a negotiating mandate and were technical in nature, as their work is presented to the plenaries, whereas negotiations take place among all Members. In past Multilateral Environmental Agreements negotiations, in-session legal drafting groups met in parallel to negotiating contact groups or informal consultations and were often composed of legal experts from only some of the delegations. Countries organize work distribution of their delegations as they deem appropriate. In the case of past legal groups, they often opted to ensure that one or several legal experts for various country groupings were represented in the legal drafting group rather than each single country being present in what essentially is a technical group with no negotiating mandate. Groups of States often made sure that several experts from their respective groups were designated to the legal group.

Question 4: *Considering that HODs meetings, including one in-person meeting may be scheduled before INC-5, what outcome would be desirable from those meetings? Should these be primarily aimed at enabling the HoDs to gain an understanding of the proposed management of INC-5, or should they seek common ground on elements of the text? (i.e. focus on process, and or on substance?)*

Summary:

17. Members of the Bureau expressed broad support for the convening of HODs meetings, both virtually and in-person, noting that clear prompts shared prior to the meetings were helpful. At the request of some members, a clarification was provided that such meetings were held at the level of delegates designated by States to lead their national delegations, usually the most senior members of delegations in terms of rank. It was up to each Member to determine who headed their delegation, in accordance with rule 6 of the draft rules of procedure being applied to the work of the Committee.
18. The Bureau noted the importance of aligning intersessional work with the outcomes of the HODs meetings. Views were expressed that HODs meetings should not enter into detailed substantive discussions but could consider which elements are essential to be included in the final text. Others considered that the focus should be on process.

b. Update by the host country

c. Logistical update from the Secretariat

19. Agenda sub-items (b) and (c) were taken up together, in order to allow for holistic discussions on the logistical preparation for INC-5. The Republic of Korea, INC-5 Host Country, and the Executive Secretary, Ms. Mathur-Filipp, provided updates, whereafter the Bureau responded with questions and comments.

Summary of discussions

20. The Republic of Korea informed the Bureau that preparations for the fifth session were ongoing and sought clarification on the plans and format of any possible high-level segment in the context of INC-5. The representative informed the Bureau that, following extensive domestic consultations, the Host Country decided to proceed with a legally binding Host Country Agreement and negotiations with UNEP on the text of the agreement were now beginning. The representative noted that the lessons learned from the previous sessions were being taken into consideration for the preparation of the floor plan, and that the venue would be available until the morning of 2 December. The representative mentioned that the scale and the number of participants of the meeting have been significantly increased over the course of two years, while the internally approved budget for the support of the session was based on the INC Secretariat's estimate two years before. The representative underlined that the Host Country would make its best efforts to accommodate requests and needs within the budget and indicated that the logistical arrangements for the meeting need to be prioritized in order of importance to allocate the limited resources effectively.

21. The Executive Secretary further provided logistical updates. The Secretariat was liaising closely with the Host Country regarding the logistical needs, including room allocations and floor plans based on the existing availability to ensure the success of INC-5. Once this is done, the AV requirements and details will need to be outlined. Considering that the session is five months away, the Executive Secretary highlighted the need to finalize the necessary agreements and arrangements as a matter of urgency. The invitation letters for INC-5 are ready for transmission, and the Secretariat will send a notification soon.
22. Members of the Bureau expressed concerns regarding the adequacy of the meeting facilities and the necessary equipment. Given that this was the last negotiating session, it was noted that availability of adequate space and equipment was essential. Concerns were raised that due to the related uncertainties, the Information Note on the session has not of yet been made public. Bureau members encouraged the Host Country to consider ways of addressing any remaining budgetary gaps, including the possibility of co-hosting the session or other approaches.
23. Members highlighted the importance of concluding an adequate binding Host Country agreement. The Secretariat provided an update on the status of HCA negotiations, the start of which had been delayed significantly due to internal consultations within the host country. The Secretariat was pleased to inform that the first set of comments on the text of the HCA was received from the government of Korea earlier that day and the Secretariat expected to commence textual negotiations in the course of the week. The Secretariat highlighted the urgency of concluding such negotiations as soon as possible.
24. The Bureau thanked the representative of the Republic of Korea for the update provided and encouraged them to finalize the necessary arrangements as a matter of urgency.
25. The Bureau discussed the need for a roadmap to INC-5 with milestones as well as other relevant events and meetings, including intersessional work.

Discussion outcomes and follow-up

- 1) The Bureau requested the Chair, with the support of the Secretariat, to develop a roadmap for INC-5 to be shared with the Bureau.
- 2) Regarding arrangements for INC-5, the Bureau requested the Secretariat to provide to it, at its next meeting on 15 July 2024, a detailed report on the status of discussions with the Host Country and the adequacy of legal and logistical arrangements to provide for an effective negotiating session with full participation. The Bureau agreed to consider at that meeting the issue of the adequacy of the arrangements and the possible ways forward.

d. Update on the ad hoc intersessional open-ended expert groups.

Summary of discussions

26. The Secretariat provided the Bureau with updates on the preparations for the expert group meetings. A concept note prepared under the guidance of the expert groups' Co-chairs, in consultation with the Chair, to guide the organization and conduct of intersessional work, was published on 5 June. It provides an overview of the mandate of the two groups, modalities and proposed approaches, approach to selection of technical resource persons, and expected outcomes. The concept note is available on a dedicated webpage created for the intersessional work.
27. Participation will include experts nominated by Members and the identified technical resource persons. An invitation to nominate experts to participate in the meetings of the expert groups was sent to the Member focal points and permanent missions on 30 May 2024. On 21 June 2024, the Secretariat circulated a notification extending the deadline for nominations as well as for registrations and requests for travel support for the in-person meetings in Bangkok. The new and final deadlines are 4 July 2024. As of 21 June 2024, over 143 nominations of experts from over 61 Members were received for expert group 1 and over 189 nominations of experts from over 59 Members of the Committee for expert group 2. 10 Members of the Committee nominated 38 experts without specifying for which of the two expert groups.
28. As per the guidance included in the invitation letter, it was recommended that the nominated experts who will be travelling to Bangkok apply for the visa as soon as possible as it may take up to 8 weeks to process. The Secretariat will circulate a specific notification on the matter.
29. As agreed at INC-4, the Secretariat, in consultation with the Chair, is currently in the process of selecting technical resource persons. The selection is to be based on the technical expertise required that has been identified as useful to assist the work of the expert groups and was also taking into account the overall range of stakeholders, including civil society. The list of selected technical resource persons and their expertise will be made available online, as will be the list of experts nominated by Members of the Committee.
30. The Co-chairs of both expert groups, with the support of the Secretariat, are preparing the respective work programmes. These will be shared with the nominated experts before the meetings and will be made available on the dedicated webpage, setting out the timing for the meetings, the modalities for engagement, methodology of work and proposed outputs for the respective expert groups. The work programme will also be discussed with the experts during the first online meeting of each group. As these will be technical expert group meetings and not negotiating sessions, no regional consultations ahead of the meetings are being planned. No side events or other events are taking place during the in-person expert groups meetings.

31. The INC Chair informed the Bureau that the Co-chairs of the expert groups would be invited to participate at the next Bureau meeting.

Discussion outcomes and follow-up

The INC Chair and Secretariat to invite the ad hoc intersessional open-ended expert group Co-chairs to the next Bureau meeting.

Agenda Item 3: Other matters.

Summary of discussions

32. The scheduling of the in-person INC Bureau retreat was discussed, with a potential date identified as the 19 and 20 August in Geneva. Bureau members were to inform the Chair and Secretariat of their availability to participate.

Discussion outcomes and follow-up

Bureau members to inform Chair and Secretariat of availability to participate at the in-person Bureau retreat in Geneva, tentatively scheduled for the 19 and 20 August in Geneva.

Agenda Item 4: Next Bureau meeting.

33. The INC Chair announced the next Bureau meeting to be held on Monday, July 15, from 15:00 to 18:00 pm Nairobi time.

Agenda Item 5: Closing of the meeting.

34. The meeting closed at 18:45 pm.