

ARTICLE 9 [[EXISTING]][AND][LEGACY] PLASTIC [WASTE]  
POLLUTION] [REMEDICATION OF PLASTIC POLLUTION]

1. [Recognising the historical responsibility of developed country Parties in legacy plastic waste pollution and reaffirming the Rio Principle of common but differentiated responsibilities (CBDR)] Each Party [is encouraged to][should][shall][aim to],[individually and [collectively,][or in cooperation with other Parties] as appropriate,][taking into account national circumstances and capabilities][acknowledging that delayed action accumulate hotspots of plastic pollution][in a nationally determined manner]:
  - a) [~~Take measures to~~ identify, [and] evaluate, [and monitor] locations or accumulation zones [most][significantly] affected by [existing][legacy] plastic pollution [, which is caused by ~~shipments of plastic waste from~~ developed country Parties,] within its national jurisdiction~~]~~ [, ~~including in the marine environment~~],~~]~~ [and cooperate, [as][if and where] appropriate, with other Parties, relevant international or regional organizations or other stakeholders ~~to do so~~ with respect to [existing][legacy] plastic pollution in areas ~~both under and~~ beyond national jurisdiction] ~~and in accordance with relevant provisions of international agreements~~]; and]
  - b) [take appropriate ~~removal~~] ~~[and] remediation~~ ~~[and restoration]~~ measures in an [environmentally [and socially] sound ~~ecologically sensitive~~] manner, including [as appropriate] [removal][and [remediation and] restoration of the affected sites]] [clean-up] activities [of [existing] [legacy] plastic pollution, ~~in an [environmentally sound] [ecologically sensitive] manner~~] in such identified affected locations or accumulation zones ~~[taking into account the special circumstances of least developed countries and other developing countries experiencing the disproportionate impact of plastic pollution]~~ within areas of national jurisdiction ~~[and cooperate, [as][if and where] appropriate, to do so in areas beyond national jurisdiction] [and in accordance with relevant provisions of [applicable] international agreements]~~].
    - b) *Bis.* [~~Cooperate, as appropriate, with other Parties, [relevant international or regional organisations or other stakeholders] to identify, evaluate [and monitor] [existing] [legacy] plastic pollution in areas beyond national jurisdiction, [and to take appropriate remediation measures in an [ecologically sensitive] [environmentally sound] manner in such areas.~~] [and in accordance with [relevant provisions of [applicable] international agreements]] [international law]

*1 Bis.* [Each Party shall report on measures taken in implementing paragraph 1 and any outcomes achieved.]

*1 Ter.* [To facilitate the achievement of obligations in paragraph 1 a [removal,] [remediation [and restoration] mechanism] [programmes of work] is hereby established, operating under the guidance and authority of the Conference of Parties, to address the [environmentally sound][ecologically sensitive] remediation [and restoration] of existing plastic pollution [, particularly transboundary pollution][which could be a transboundary character] in the marine [and limnological] environment, [particularly][including] in areas beyond national jurisdiction, inter alia, developing methodologies and guidelines, and facilitating coordination and cooperation, taking into account relevant regional and international agreements, intergovernmental organisations, regional entities, processes, frameworks and stakeholders as appropriate.]

2. [When implementing any activities under paragraph 1, **[Parties and the remediation mechanism]**[each Party] [should][**shall**][**is encouraged to**][**aim to**]:
- (a) [take into account **[the disproportionate impacts [on geographically disadvantaged countries] of existing [and legacy] plastic pollution, which is [primarily] transboundary [which could be a transboundary character] on [small island developing states] [developing countries]]**], lower riparian countries [geographically disadvantaged states] and archipelagic countries][**and countries with waste territories**] any relevant guidance adopted by the Conference of the Parties, and, [as] [**if and where**] appropriate, [**considering**] relevant provisions of other international agreements;]
  - a. *Bis.* [Be guided by any relevant programmes of work and guidance adopted by the Conference of Parties, as well as, where appropriate, relevant provisions of other international agreements.]
  - b. take into account the best available science [**best environmental practices and best available techniques**][and relevant technologies], [**and may if applicable consider**] [**the knowledges, sciences and practices of Indigenous Peoples [and local communities]**] [**traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems**] [the knowledge of Indigenous Peoples, and local [knowledge systems] and traditional knowledge]**[of Indigenous Peoples, and local communities]** and practices], [as][**if and where**] appropriate][**as well as the knowledge of waste pickers, Indigenous Peoples, in addition to the knowledge of local communities, as appropriate**]; [and][or]
  - c. [**As appropriate,**] [**facilitate**][**promote**][**and support**] the [**full, effective and meaningful**] engagement of Indigenous Peoples, [as well as] [**and**] local communities, [**where appropriate and with respect for their governance systems**] [**waste pickers**] civil society, scientists, [**local governments**] and the private sector, as appropriate and foster the exchange of relevant technologies, [**while encouraging transfer of technology from developed to [least developed][developing] countries, [including] [as well as] countries with economies in transition**] experiences and lessons learned [**encouraging the voluntary transfer of technology on mutually agreed terms.**], emphasizing the need for adequate financing and access to affordable technologies adapted to the reality of developing countries].]
  - 1. *Alt.* [Developed country Parties [, and other sources of plastics] shall, in a transparent and comprehensive manner, report data on current and [historical] exports of plastic wastes and any documented cases of illegal dumping in developing country Parties and Parties with economies in transition covering the past 93 years. This report shall include data on volumes, weight, types of plastic waste, and destination.]

*2 Bis. Alt.* [Developed country Parties shall provide capacity building, technology transfer, and financial support to developing country Parties and Parties with economies in transition to facilitate the management of plastic waste from legacy plastic waste pollution as a result of waste exported from developed country Parties to developing country Parties and Parties with economies in transition.][The unilateral coercive measures by Parties shall not impede the targeted Parties particularly developing countries from accessing means of support including required financial resources and investments, technology transfer and capacity building to implement their obligations under this article.]

**2 Bis.** [Address pollution resulting from transboundary incidents including marine accidents and illegal dumping and support international cooperation and accountability mechanisms to respond effectively such incidents.]

**2 Ter.** [The extent to which developing country Parties will effectively implement this provision will depend on the effective implementation of provision related to means of implementation as referred to in articles 11 and 12 of this instrument.]

3. [The Conference of the Parties **[should][may][shall]** [adopt guidance and]], **at no later than its first session adopt terms of reference for the mechanism established above, and as appropriate adopt]** establish [any relevant programme of work][**legacy plastic waste work programme**][**to address legacy plastic waste pollution caused by developed country Parties and implementation of provision of this article**][**with the assistance of relevant subsidiary bodies established under article XX**] [to facilitate the implementation of this Article] [, including the establishment of a relevant subsidiary body tasked with: **3(a) reviewing national priorities and justification submitted by Parties; 3(b) making recommendations for inclusion in the global programme of work; and 3(c) supporting the allocation of remediation funding based on objective and science-based assessments.**][**such guidance and programme of work shall be adopted by consensus and remain voluntary in nature**].]

1. **Bis.** [The unique nature of high mountain plastic pollution needs relevant programmes to be developed and executed to address by having exclusive arrangements of required technical and financial assistance for waste management, infrastructure development and regular mountain plastic pollution clean-up to manage high mountain plastic pollution in an environmentally sound manner.]