

## **Samoa on behalf of the 39 Small Island Developing States**

### **Proposal on Article 9: Remediation of Existing Plastic Pollution**

#### **Overview:**

1. There needs to be a clear express obligation in the non-paper to remediate existing plastic pollution. However, there should not be a disproportionate burden on SIDS to contribute to remediation activities in the marine environment, especially considering that we are disproportionately impacted by plastic pollution.
2. While the non-paper references the disproportionate impacts on SIDS, there is a clear distinction when it comes to disproportionate burden. (See Port State Measures Agreement, UNFCCC, BBNJ) SIDS would therefore need to see similar text within the context of remediation.
3. Given the unique legal and technical nature of remediation in the marine environment, including areas beyond national jurisdiction, SIDS propose a separate cooperative remediation mechanism within this Article that would be more focused on this issue, in cooperation and coordination with existing programmes, initiatives and conventions.
4. Activities under this mechanism could include engagement with non-state actors, bilateral and multilateral cooperation among Parties for remediation, and financial resources and relevant technologies to address remediation, particularly through establishing a remediation fund.
5. This section must also be linked to the development, promotion and dissemination of information, best-practices and technology development for environmentally sound remediation activities.

#### **Proposal based on INC Chair's Non-Paper 03:**

1. Parties shall, individually and collectively, as appropriate, and recognising in particular the special circumstances of Small Island Developing States, and the disproportionate burden on them to address such plastic pollution:
  - a. Identify, evaluate and prioritize locations or accumulation zones most affected by existing plastic pollution, including in the terrestrial, freshwater, and coastal marine environments within areas of national jurisdictions; and
  - b. Take effective and environmentally sound mitigation and remediation measures, including clean-up activities in particular identified affected locations or accumulation zones.
2. A remediation mechanism is hereby established, operating under the guidance of the Conference of Parties, to support the remediation of existing plastic pollution in areas

beyond national jurisdiction, taking into account relevant provisions of international agreements, and in cooperation and coordination with relevant intergovernmental organisations, processes and frameworks.

3. A remediation trust fund is hereby established, utilising both public and private sources of finance, to support the activities of the remediation mechanism, as well as enhancing capacity building and transfer of technology in order to remediate existing plastic pollution.
4. Parties and the remediation mechanism shall take into account the special circumstances of small island developing states and are encouraged to promote engagement of Indigenous Peoples, local communities, civil society, as well as the private sector, in activities pursuant to the paragraphs above.
5. The Conference of the Parties shall adopt guidance, as appropriate, with the assistance of a subsidiary body on scientific, technical and economic and cultural matters established under Article XX, to facilitate implementation of this Article.]

#### Tracked changes:

[1. Parties shall **individually and collectively, as appropriate, and recognising in particular the special circumstances of Small Island Developing States, and the disproportionate burden-on them to address such plastic pollution:** ~~cooperate to:~~

- (a) Identify, evaluate and prioritize locations or accumulation zones most affected by existing plastic pollution, **in areas within national jurisdiction**, including in the terrestrial, freshwater and **coastal** marine environments ~~and areas beyond national jurisdiction, or where quantities and types of plastic pollution pose a threat to human health, species or habitats;~~ and
- (b) Take mitigation and remediation measures, including clean-up activities in such identified affected locations or accumulation zones, ~~taking into account the special circumstances of Small Island Developing States, and the disproportionate impacts on them of such plastic pollution.~~

~~2. When implementing remediation measures outside of national jurisdictions, Parties should take into account relevant provisions of international agreements.~~

2. A remediation mechanism is hereby established, operating under the guidance of the Conference of Parties, to support the remediation of existing plastic pollution in areas beyond national jurisdiction, taking into account relevant provisions of international agreements, and in cooperation and coordination with relevant intergovernmental organisations, processes and frameworks.

3. A remediation trust fund is hereby established, utilising both public and private sources of finance, to support the activities of the remediation mechanism, as well as enhancing capacity building and transfer of technology in order to remediate existing plastic pollution.

~~3-4. Parties and the remediation mechanism shall take into account the special circumstances of small island developing states and~~ Each Party is encouraged to promote engagement of **Indigenous Peoples**, local communities, civil society, as well as the private sector, in activities pursuant to ~~the paragraphs above. 1 and 2.~~

5. The Conference of the Parties shall adopt guidance, as appropriate, **with the assistance of a subsidiary body on scientific, technical and economic and cultural matters established under Article XX**, to facilitate implementation of this Article.]

*Work in the interim period between the DipCON and COP1 (for adoption by the COP at its first meeting) could include the development of guidance to assist Parties in implementing this Article, and support to Signatories, in particular to LDCs and SIDS, for early implementation.*