Samoa on behalf of the Alliance of Small Island States (AOSIS) at the Third Session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

Contact Group 2: Inputs on streamlined documents
Nairobi, Kenya - 19 November 2023

Thank you co-facilitators for your efforts in producing the streamlined documents on all elements in Parts III and IV of the Zero Draft, with tracked changes.

Part IV:

2. Implementation and compliance:

OP2 The mechanism referred to in paragraph 1 [shall consist of a committee that shall be [facilitative][nonpunitive] [non-adversarial][expert-based] in nature [and [shall] pay particular attention to the respective national capacities and circumstances of Parties.3 ][function in a manner that is [transparent][non-intrusive], non-adversarial and non-punitive and shall pay particular attention to the respective national capacities and [capabili telecircumstances] of Parties [at all stages of the review process][in particular those that are developing countries]. The committee shall also consider and provide flexibilities for the developing country parties in the light of their capacities and capabilities.]

AOSIS position:

We have spoken both during the initial contact group 2 discussions, and the contact group 2 verification process that was meant to inform the streamlining, as well as through our submissions, on the need to include: “in particular small island developing states.” We therefore take this opportunity to highlight that omission in OP2 of this section. As a general comment on many of the streamlined options, we think that as a principle “the Special circumstances of SIDS” is recognised in other agreements, and there are other ways in which we can recognise the special needs of other developing countries.

Part IV

4. Periodic assessment and monitoring of the progress of implementation of the instrument* [and effectiveness evaluation]

[b.][c.] Review of [hazardous] chemicals [and polymers] of concern, microplastics and problematic and avoidable products[, and non-plastic substitutes]
Regarding OP8, AOSIS had proposed a non-exhaustive list of considerations we would like to see included in the conduct of the work by the subsidiary body, which we do not see reflected. These include:

a. the potential harm of the polymer, additive or product;
b. the contribution of the polymer, additive or product to plastic pollution;
c. the necessity of the product;
d. the availability of safe, sustainable, accessible and economically-feasible alternatives and/or substitutes; and

e. the degree of economic harm to developing countries, particularly SIDS.

6. Information exchange; and 3. Reporting on progress

Regarding OP1: c- AOSIS had emphasised that references to knowledge must incorporate the formulation as follows, which is consistent with language agreed in Resolution 5/14 as well as the Paris agreement: “traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems.”

Further to OP1C - We had also advocated for “in line with free, prior and informed consent.”

Regarding OP1 bis, it should read: “traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems, subject to free, prior and informed consent.”

This would be consistent with our interventions, as well as our submissions. We would also like to see the foregoing reflected in Reporting on progress, and other parts where traditional knowledge, knowledge of indigenous peoples, and local knowledge systems, is referenced.