PART III

1. Financing

AOSIS continues to consider both options proposed by the zero draft, but notes that there must be a clear obligation to provide adequate, predictable, sustainable and timely financial resources to developing country parties, particularly SIDS.

The source(s) of finances still needs to be determined, however there must be sufficient and sustainable finance with priority access and speed for SIDS, based on the priority areas for SIDS in implementing the instrument, including waste management and remediation.

This section must also be coupled with strong reporting requirements on the provision of finance.

The economic panel under the Scientific, Technical and Economic Panels (STEPS) proposed by AOSIS shall undertake individual National Budget Implication (NBI) calculations based on the needs identified by developing countries, particularly SIDS.

Parties develop a minimum financial target, with approval of the COP for the Mechanism every five years, in consideration of assessments conducted by the STEPs taking into account the National Budget Implications (NBI’s).

The corresponding implications on national budgets shall then be costed to the Financial Mechanism.

In addition, a wide variety of sources, including public and private, may be considered to provide financial resources to meet the minimum target of the Mechanism.

The Financial Mechanism shall include:

a. [an existing fund e.g. the Global Environment Facility Trust Fund];

b. A Plastics Implementation Fund to support the implementation of national action plans and other activities to be defined by the Parties (access to technology, royalties, capacity building etc.); and
c. Remediation Fund to support remediation of legacy plastics in the marine environment, including areas beyond national jurisdiction.

Parties are to develop a transparent governance system for the financial mechanism with equitable and balanced representation, including dedicated SIDS representation.

The provision of financial resources under the Mechanism shall prioritize SIDS both for simplified and harmonized access to these resources as well as their allocation with minimum floor for SIDS.

Finally, historic large scale producers of plastic shall contribute a determined percentage of revenues obtained from their national extended producer responsibility (EPR) schemes to the Financial Mechanism in order to support the implementation of national action plans by developing countries, particularly SIDS.

Regarding potential intersessional work on financing, AOSIS sees value in considering the mapping of current financing to address plastic pollution toward the development of a new, dedicated financial mechanism using both public and private sources - to support, *inter alia*, the remediation of legacy plastic pollution, and implementation by developing countries, particularly SIDS.

2. **Capacity-building, technical assistance and technology transfer**

**AOSIS position:**

Capacity building under this ILBI must be sustainable and long-term in nature. Provisions should also concentrate on the obligations needed to ensure the retention of capacity once built. Capacity building is a key element in ensuring that there is a just transition.

Capacity building must also include obligations to share information, technical knowledge, know-how, expertise and skills, and utilization of the Scientific, Technical and Economic Panels (STEPs), proposed by AOSIS, in developing and maintaining human resources and infrastructure in developing countries to effectively respond to the plastics problem.

The Instrument must ensure equal access to technology for all developing countries on a non-discriminatory basis and modify Intellectual Property protections on essential technologies, including waste management, to combat plastic pollution in SIDS.

The Plastics Implementation Fund under the Financial Mechanism proposed by AOSIS could also cover the royalties for utilization of essential technologies to combat plastic pollution in SIDS, and the development of technical guidelines, methodologies and other tools.
AOSIS proposed text:

Para 1 of the zero draft: Parties shall cooperate to enable, within their respective capabilities, the provision of timely, sustainable, comprehensive and adequate capacity-building and technical assistance to developing countries, in particular, to least developed countries and SIDS, to assist them in implementing their obligations under this instrument and to retain such capacity once built.

PART IV

A. National Plans

AOSIS position:

AOSIS views national plans as the key implementation tool under the instrument, critical to achieving its objective. As such, national plans should be binding upon states, provided that there is sufficient means of implementation, particularly for SIDS, to aid with their development and implementation, as well as any reporting requirements thereunder. There must be language encouraging more quantitative targets and measurable actions, depending on the national circumstances and capabilities of Parties, to progressively achieve the obligations and ultimate objective of the agreement. In addition to the elements already listed in paragraph 1, AOSIS sees the need for other priority areas critical to effectively addressing plastic pollution.

AOSIS also sees significant value in both ex post and ex ante reviews of national plans. Ex ante reviews could help to ensure that initial national plans are sufficient to meet the obligations under the Instrument, including global targets, where applicable. Ex post reviews could help to identify any challenges faced by developing countries, including SIDS; inform any need for more targeted means of implementation; and encourage higher ambition by all Parties.

In developing, submitting and updating national plans, the instrument must encourage robust consultation with all relevant local stakeholders, including Indigenous people, local communities, waste pickers, civil society, private sector, local governments and municipal authorities. The development of national plans must take into account: national circumstances and capabilities, including states' respective plastics baseline inventories, best available science, data and information relevant to local contexts, resource challenges and limitations, horizontal and vertical governance of plastics broadly, institutional gaps in plastics management, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, public interests and stakeholder input.

Adjustments of national plans should only be permitted to allow for more concrete and ambitious actions by Parties.

National plans should also include co-operative and coordinated sub-regional and regional approaches
to implementation, particularly for SIDS, and joint actions with non-state actors, where appropriate.

Support shall be provided to developing country Parties, with priority access for SIDS, for the development and implementation of national action plans, including for the development of plastics baseline inventories, recognizing that enhanced support for developing country Parties, particularly SIDS will allow for higher ambition in their actions.

**AOSIS proposed text:**

*Para 1 of the zero draft:* Each Party shall develop and implement a national plan through domestic consultations, with binding actions, including quantitative and measurable targets, where appropriate, to fulfill its obligations under this instrument and to achieve its objective(s). The national plans shall be based on the format in annex G and shall include at least relevant elements related to:

- a. Primary plastic polymers;
- b. Chemicals and polymers of concern;
- c. Problematic and avoidable plastic products;
- d. Product design and performance;
- e. Reduce, reuse, refill and repair of plastics and plastic products;
- f. Use of recycled plastic contents;
- g. Extended Producer Responsibility;
- h. Emissions and releases of plastic through its life cycle;
- i. Waste management;
- j. Fishing gear;
- k. Existing plastic pollution, including in the marine environment;
- l. Just transition;
- m. Educational and awareness raising programmes on plastic pollution, including those aimed at behavioural change and developing capacity;
- n. Promoting research, development and innovation;
- o. Commitments from developed countries in relation to financial support, capacity building and technology transfer for developing countries, especially SIDS;
- p. Promoting, encouraging and incorporating action by all stakeholders to address plastic pollution, including the private sector, informal plastics waste sector, waste pickers, Indigenous peoples and local communities;
- q. Legislative, policy and regulatory arrangements for compliance with obligations under this instrument; and
- r. Actions to support compliance with reporting requirements under this instrument.
B. Implementation and compliance

AOSIS position:

AOSIS is of the view that the Parties should establish a facilitative and expert-based committee at its first session to promote implementation and compliance. It shall operate in a manner that is transparent, non-adversarial and non-punitive, with special consideration for the national capacities and capabilities and circumstances of developing countries, especially SIDS.

The Parties should also consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this agreement and for treatment of Parties found to be in non-compliance. However, in relation to paragraph 4, the work of this committee shall also be used to make informed recommendations for the provision of effective means of implementation to address areas of non-compliance in SIDS.

AOSIS proposed text:

Para 4 of the zero draft: The committee referred to in paragraph 1 shall examine both individual and systemic implementation and compliance issues and make recommendations to the governing body*, as appropriate, including for the provision of effective means of implementation from developed countries to address areas of non-compliance in SIDS.

Para 6 of the zero draft: The committee may consider issues on the basis of:
   a. Written submissions from any Party with respect to its own compliance;
   b. Written submission from any Party regarding another Party’s compliance;
   c. Requests from the governing body*;
   d. Information provided by the secretariat with respect to the status of submission of information under [part IV.3 on reporting on progress].
C. **Reporting on progress**

AOSIS position:

AOSIS continues to consider both options, with a current preference for Option 1, noting that there must be specific support for SIDS to facilitate compliance with reporting obligations.

Reporting must allow for best available national data and information on the following items, subject to their applicability to their domestic contexts, and the availability of sufficient support provisions for developing countries, particularly SIDS:

a. Progress in actions implemented pursuant to its national action plan;

b. Level of support provided to enable implementation by developing countries, particularly SIDS;

c. Monitoring and verification of sources, levels, and impacts of plastic pollution; and

d. National sources and levels of plastics and materials controlled by this agreement produced, recycled, imported and exported, as applicable.

The Parties also provide to the Secretariat best available data, information, best-practices, technical knowledge and scientific research and reports on plastic pollution, impacts and solutions, including in the areas of sustainable alternatives, design substitutes, remediation actions, and relevant technologies, especially in waste management and recycling, depending on their national circumstances and capabilities.

The Secretariat shall develop a public virtual platform for the dissemination of the submissions made by Parties under this Article.

**AOSIS proposed text:**

**Option 1.**

6. Each Party shall take measures to ensure mandatory disclosures from businesses, including the financial sector on their activities and financial flows from all sources related to plastic pollution and related sustainable finance practices.

D. **Periodic assessment and monitoring of the progress of implementation of the instrument**

   **and effectiveness evaluation [WIP]**

   a. **Effectiveness evaluation**

AOSIS position:

AOSIS proposes a global plastics outlook mechanism which could relate to effectiveness evaluation and reporting on progress. The global plastics outlook is a series of processes that would evaluate progress
and make recommendations to the COP, based on the data, information and reports submitted by Parties, and assessments by the STEPs.

With the assistance of the Scientific, Technical and Economic Panels (STEPs) proposed by AOSIS, the COP shall periodically evaluate the collective implementation of the agreement in order to assess collective progress in achieving its objective and the targets within the prescribed timetables. It shall do so in a comprehensive and facilitative manner, considering the means of implementation and support, equity and the best available science, data and information, including traditional knowledge, knowledge of indigenous peoples and local knowledge systems.

The global plastics outlook shall, inter alia:

a. Recognize the efforts of Parties to drive ambitious national actions to combat plastic pollution;

b. Enhance the implementation of national action plans by states and contributions by non-state actors;

c. Review the adequacy and effectiveness of national action plans activities by states and contributions by non-state actors, and the level of support provided for implementation by Parties; and

d. Review the overall progress made in achieving the objective and timetable goals.

The outcome of the global plastics outlook shall inform Parties in updating and enhancing, in a nationally determined manner, their actions and support in accordance with the relevant provisions of this agreement, as well as in enhancing international cooperation for addressing plastic pollution.

**AOSIS proposed text:**

*Para 3 of the zero draft:* The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and economic information, including:

a. National reporting pursuant to [part IV.3 on reporting on progress];

b. National plans submitted by Parties pursuant to [part IV.1 on national plans];

c. **Scientific and Socioeconomic assessments** pursuant to [part V.2 on subsidiary body];

d. **Scientific assessments and the use of** best available scientific and technical knowledge, including scientific literature and other relevant sources;

b. **Review of chemicals and polymers of concern, microplastics and problematic and avoidable products**

**AOSIS position:**

AOSIS generally supports this provision, noting that there must be stronger language to facilitate updates and higher ambition over time.

To this end, the global plastics outlook proposed by AOSIS could provide the outcomes for Parties to propose, consider and decide on adjustments or amendments of annexes to the instrument. The
instrument must therefore include considerations for Parties in making these amendments or adjustments.

Regarding paragraph 2 of the zero draft, in conducting their assessments for recommendations to the COP on adjustments and amendments, the STEPs must include evaluations of the following non-exhaustive list of considerations:

1. the potential harm of the polymer, additive or product;
2. the contribution of the polymer, additive or product to plastic pollution;
3. the necessity of the product;
4. the availability of safe, sustainable, accessible and economically-feasible alternatives and/or substitutes; and
5. the degree of economic harm to developing countries, particularly SIDS.

5. **International Cooperation**

**AOSIS position:**

AOSIS supports this provision as we do see value in complementarity, coordination and cooperation, including in the following areas:

1. Development of standards for product design, labelling and coding and the work of the ISO;
2. Abandoned, lost or otherwise discarded fishing gear (ALDFG) and the work of the IMO and FAO; and
3. Plastic waste trade, and other reporting requirements under BRS conventions; among others.

International cooperation will be required as a means of promoting resource-efficiency and avoiding the duplication of actions.

However, in designing the Instrument we must also consider means of responding to areas which have proven challenging for other instruments and conventions to effectively address, and where there might be gaps that the new regime can fill.

Further clarity will also be required on the extent of the term ‘monitoring’ as it relates to the actions and activities required of Parties, and whether they are reconcilable with the actions and activities required of Parties under other conventions in seeking complementarity and coordination.

6. **Information exchange**

**AOSIS position:**

AOSIS generally supports the inclusion of the Chair’s proposed text, taking into account our previous interventions and written submissions on reporting, international cooperation and the consideration of developing regional hubs and a virtual platform for information dissemination.
7. **Awareness-raising, education and research**

**AOSIS position:**

AOSIS generally supports the zero draft text, noting that we have included this item as one of the key activities to be incorporated into national plans as well.

8. **Stakeholder engagement**

**AOSIS position:**

AOSIS supports comprehensive stakeholder engagement under the instrument, especially in recognition of the inclusion of the multistakeholder action agenda under Resolution 5/14.

To this end, AOSIS thinks that Non-state actors may make voluntary contributions to combat plastic pollution, supplementary to the actions taken by Parties.

Each Party takes appropriate domestic mechanisms to make the contributions made by non-state actors binding in their domestic legal systems.

A plastics action agenda is created under the agreement to incentivise greater actions by all relevant stakeholders to end plastic pollution. The plastics action agenda shall be guided by a terms of reference, criteria for non-state actor participation, an organisational structure, and rules of governance.

Each Party develops appropriate domestic measures to encourage the participation of non-state actors in the plastics action agenda.

The Conference of Parties may call upon members of the plastics action agenda to make reports, recommendations and/or provide input on technical matters as needed at Meetings of the Parties.

Actions to be taken by a non-state actor in a particular state could be included in its national plan, and aggregately contribute to the targets therein.