Third Session of the Intergovernmental Negotiating Committee (INC) toward an international legally binding instrument on plastic pollution, including in the marine environment

Contact Group 3
November 15 & 16, 2023

Samoa on behalf of the Alliance of Small Island States (AOSIS)

Cluster B: Institutional arrangements (Governing body, subsidiary bodies, and secretariat)

1. Governing body
AOSIS supports the establishment of a Conference of the Parties (“COP”) as the main decision-making / governing body of the ILBI, comprised of representatives from all Parties to the ILBI.

The ILBI should explicitly authorize the COP to convene ordinary as well as (when necessary) extraordinary meetings.

The ILBI should contain language on some procedural rules for the COP, particularly on decision-making (e.g., consensus-based decision-making, with allowance for voting if all efforts at achieving consensus are exhausted), while allowing the COP to adopt a fuller set of rules of procedure during its first meeting.

The ILBI should authorize the COP to establish subsidiary bodies as it sees fit, beyond those established by the ILBI.

Possible functions of the COP include (Para. 58 of the Synthesis Report (“SR”)):
  a. Taking decisions on convening meetings;
  b. Reviewing, evaluating and adopting decisions related to the implementation of the ILBI;
  c. Considering and taking any action necessary to achieve the objectives of the ILBI;
  d. Considering matters related to compliance;
  e. Establishing subsidiary bodies as it considers necessary for the implementation of the ILBI;
  f. Overseeing the work of subsidiary bodies;
  g. Requesting and considering scientific and technical assessments or reviews from the subsidiary bodies to the ILBI or any independent body linked to the ILBI;
  h. Reviewing information made available to it, including through national reporting and subsidiary bodies;
  i. With the help of the subsidiary bodies, providing guidance on financial needs for the implementation of measures;
  j. Cooperating, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and
k. Considering amendments to the ILBI proposed by the Parties.

2. **Subsidiary bodies**

AOSIS supports the establishment of certain subsidiary bodies by the ILBI, as well as the ILBI authorizing the COP to establish additional subsidiary bodies as the COP deems necessary and appropriate. Each subsidiary body shall have the authority to adopt its own rules of procedure, subject to approval by the COP.

AOSIS supports the establishment within the ILBI of several subsidiary bodies:

   b. an Implementation and Compliance Committee;
   c. an executive committee or a similar entity to manage the Financial Mechanism established under the ILBI.

   a. **Implementation and Compliance Committee**

An Implementation and Compliance Committee would facilitate the implementation of and promote compliance with the ILBI. It would pay particular attention to the respective national capabilities and circumstances of Parties, including the special circumstances of SIDS. It will examine both individual and systemic issues of implementation and compliance. Membership in the Committee shall be based on election by the COP, with due consideration to equitable geographical representation, including dedicated representation for SIDS.

b. **Scientific, Technical and Economic Panels (STEPS)**

The Parties shall convene appropriate panels of experts qualified in plastics science, technology and socio-economic and socio-cultural matters and determine the composition and terms of reference of any such panels.

The Conference of the Parties may call upon the STEPs to:

   a. Review the implementation of the ILBI, including by assisting with the conduct of effectiveness assessments;
   b. To provide timely information, including as requested by Parties, on relevant topics, such as the cost, safety and market availability of chemicals, inputs and proposed alternatives;
   c. To provide information on standards, guidelines or procedures as may be requested by Parties;
   d. Conduct assessments on measures, actions and approaches under the ILBI, including the potential economic, social, cultural and environmental implications of amendments, adjustments and proposed regulatory actions;
   e. Develop assessments of minimum funding requirements to the Financial Mechanism necessary for implementation of obligations;
   f. Make recommendations for the conduct of risk assessments and environmental impact assessments for remediation activities;
   g. Monitor, report and verify remediation activities; and
   h. Undertake any additional action on areas of concern to the Parties.

AOSIS continues to consider further elaboration of the role, function and design of the Executive Committee or other similar entity to manage the Financial Mechanism established under the ILBI.
3. **Secretariat**
AOSIS supports the establishment by the ILBI of a secretariat.

AOSIS is open to the ILBI designating the Executive Director of UNEP or some other international organization to perform the functions of the secretariat unless and until the COP decides to entrust the functions of the secretariat to another international organization or establish a new, standalone secretariat.

Functions of the Secretariat include, among others (Para. 85 of the synthesis report):

a. Preparation and arrangements for meetings of the COP and subsidiary bodies, and provision of related services as required;

b. Assisting Parties, as required, in the exchange of information related to the implementation of the ILBI;

c. Compiling and publishing national reports submitted by the ILBI;

d. Preparing and making available to the Parties periodic reports based on national reporting and other sources of information, as appropriate;

e. Coordinating, as appropriate, with the secretariats of other relevant international bodies and instruments;

f. Performing any secretariat functions specified in the instrument and any other functions as may be determined by the COP; and

g. Entering, under the overall guidance of the COP, into administrative and contractual arrangements that may be required for the secretariat to perform its functions.