Name of intergovernmental organization (Members of the committee)	**Samoa, on behalf of the 39 member states of the Alliance of Small Island States (AOSIS)**
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Introduction

The UNEA mandate resolution is clear. The purpose of the new internationally legally-binding instrument is to "end plastic pollution." This will require an instrument that is fit for purpose–that recognizes the environmental, economic and social dimensions of the global plastic pollution problem.

The Alliance of Small Island States (AOSIS) welcomes the call for submissions to structure our discussions at INC-2. With the ambitious goal of concluding this Instrument by the end of 2024, this next INC will be critical in charting our path toward completing our work and solving the plastic crisis. To move forward at the next INC, we need to have discussions on two tracks:

1. Structure of the Instrument, including the nature of actions and how they can be organized; and
2. The substantive actions that the Instrument will need to consider to fulfill its ultimate objective.

This submission will discuss both tracks. On the first, it is critical to begin comprehensive discussions on the structure of the Instrument. The experience from other recently negotiated MEAs is that treaty structure is as critical as substantive obligations in the eventual achievement of the MEA's objective. Further, the negotiations on structure are often a very detailed and nuanced process that requires sufficient time to be accomplished. As we expect to begin INC-3 with a zero draft, it is critical to have discussions at INC-2 on structure.

There is no single institutional model that is a fit for the plastic pollution problem. We must draw from existing examples and learn from those MEAs that are not achieving their objectives. For the small islands, a plastic pollution instrument that has the same institutional structure and level of ambition as the Paris Agreement would be unacceptable. Recognizing that we have limited days to negotiate this Instrument, it must be structured to include:

1. A high level of initial ambition for all stakeholders across the full-life cycle of plastics, including remediation;
2. A mandatory process to increase the stringency and breadth of the actions undertaken by the regime, based on best available science, economics, technology and traditional knowledge;
3. Flexibility in implementation for countries, considering the national circumstances and capabilities, with comprehensive and effective means of implementation for developing countries, particularly SIDS;
4. Prevention and mitigation of adverse impacts on economies, supply chains, trade, and consumers, particularly in developing countries.

We therefore take this opportunity to suggest that the Instrument be designed with the ambitious global collective actions required to end plastic pollution, while affording States the flexibility to determine the national actions required to progressively fulfill them, as follows[1]:

a. **Global collective actions** should include measures across the full plastic life-cycle, including global goals or targets based on best available scientific and environmental information, that States must work towards.
b. **Nationally-determined actions** are the domestic measures to be taken by States to implement the global actions, taking into account their national circumstances and capabilities, including their respective economies, industry conditions and capacity-constraints. These domestic measures will also include regulatory actions to manage the non-state actors–such as the private sector, within their jurisdiction and control.
c. Further to the actions required of non-state actors domestically by States, **non-state actor action** should also consist of additional actions that non-state actors commit themselves to.

To support this structure, we propose the use of annexes to allow for rapid updating and amendment to drive higher ambition over time, taking into account developments in data, information, science and technology. The Instrument will also need robust support mechanisms and provisions to facilitate implementation, and a comprehensive transparency framework to ensure all States are effectively contributing to meeting the global collective actions required to end plastic pollution.

I. Substantive elements

1. Objective(s)

a) What objective(s) could be set out in the instrument?

Proposed Objective: The ultimate objective of the ILBI should be to prevent, reduce and eventually eliminate plastic pollution, in order to avoid its related risks to human health and adverse effects on human well-being and the environment, particularly the marine environment, in a progressive and strategic manner that covers the full life-cycle of plastic, within the context of promoting circularity and sustainable development, taking into account the disproportionate impacts of plastic pollution.

[1] See Appendix A

Explanatory Text: The objective of the Instrument must be specific, measurable, and intermediate with achievable end result(s), while avoiding excessive detail that would inhibit progression, and ensuring flexibility and evolution in actions to confront plastic pollution. The objective must also take into account the goal articulated by the title of the mandate resolution: to "end plastic pollution." Favour should therefore be given to a broader articulation that is unambiguous, practical, attainable and realistic, with a sufficient degree of ambition to respond to the issue both urgently and progressively. The formulation of the objective must also be conducive for ensuring the scope of the Instrument includes, *inter alia*, the full life-cycle of plastics, including microplastics and single-use plastics, sustainability and circularity, and past, present and future plastic pollution in all environments, including areas beyond national jurisdiction.

2. Core obligations, control measures and voluntary approaches

a) What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?

In order to effectively address the plastic pollution issue, ensure the highest attainable level of ambition, and promote consistency in actions by all Parties for the purpose of monitoring global progress, the ILBI must set out the core global collective actions targeting the life-cycle of plastics and the action areas of high priority to States, particularly SIDS.

In developing and defining the obligations under the ILBI, parties should give priority to the global actions that have the greatest potential to achieve the ultimate objective. These could include, for example:

a. The elimination of hazardous chemicals, additives and polymers which are harmful to the environment and human health and unfavourable to recycling (the ILBI could identify these substances based on a scientific criteria);
b. The elimination of problematic and unnecessary plastics (definition and criteria to be established by the ILBI, but must include single-use plastics, microplastics, and plastics that are difficult to recycle);
c. The elimination of ghost gear pollution in the environment, particularly the marine environment;
d. The development of a circular plastics economy;
e. The development of a global harmonized system for labeling of plastics, including information on contents, composition and recyclability of plastics;
f. Sustainable waste management targeting accessibility, infrastructure, collection, and recycling using best practices, techniques and technology;
g. Platforms for the development of safe and sustainable alternatives and substitutes;
h. The development of a global harmonized system for design standards, and methodologies to promote circularity of plastics;

i. Extended Producer Responsibility/Liability (EPR/L) mechanism(s);
j. Prohibiting the trade of plastic waste except for the purpose of sustainability and circularity;
k. Promoting the development of regional or global harmonized arrangement(s) for design standards, and methodologies to promote circularity of plastics; and
l. The remediation of plastic pollution in the environment, including the marine environment and areas beyond national jurisdiction.

II. Implementation elements

1. Implementation measures

a) How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?)

b) How to ensure effectiveness of the instrument and have efficient national reporting?

c) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).

National Action Plans (NAPs): AOSIS views NAPs as the key implementation tool under the ILBI. However, the design of the NAPs framework under the Instrument must consider the need for clear measurable actions and targets, support and flexibility for SIDS in the development and implementation of NAPs, transparency, and the inadequacies and limitations of other types of action plan frameworks in other MEAs, including the Paris Agreement. NAPS should also include commitments on the provision on the means of implementation by developed countries.

To this end, AOSIS sees value in ex post and ex ante reviews of NAPs to ensure that they are sufficient to meet the obligations under the ILBI; identify any challenges in implementation; and inform any need for higher ambition. These reviews could be conducted by the Scientific, Technical, and Economic Panels (STEPs) we propose to be established under the ILBI. (See page 5)

In addition to States' regulation of non-state actors, States should also be encouraged to collaborate and partner with non-state actors, where appropriate, to meet the targets and goals outlined in their NAPs.

The ILBI, through its provisions, reports, guidelines and/or annexes may also define the areas of action for States to consider in developing their NAPs and the types of measures, programmes and tools which may be useful in this regard. These could broadly include:

a. Sustainable design, production and consumption of plastics broadly;
b. Development of a comprehensive and environmentally sound and sustainable waste management infrastructure;
c. Circularity considering resource-efficiency and recyclability of plastics;

d. Educational and awareness raising programmes on plastic pollution, including those aimed at behavioral change and developing capacity;
e. Development and sourcing of safe and sustainable alternatives to plastics;
f. Public and private sector capacity building to strengthen relevant knowledge and skills;
g. Encouragement and development of innovative instruments and tools, including incentive schemes and private sector programmes, to prevent, reduce, and eliminate plastic pollution;
h. 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 to, among other things, facilitate pro-environment behaviour and regulate consumption patterns through non-regulatory and non-price means;
i. Development of appropriate policy, legislative frameworks and institutional infrastructure toward the achievement of the ultimate objective of the ILBI;
j. Promoting/developing green technology and green jobs in a circular economy in sectors related to plastic recycling; and
k. Development of quality infrastructure services for the circular economy and sustainable alternatives.

Transparency and reporting framework: Keeping in mind that SIDS' implementation of reporting requirements will depend on adequate support and flexibility, the Instrument needs to establish minimum transparency arrangements to feed into higher ambition, as well as accountability and compliance. These must include, at minimum:

a. Periodic reporting on national actions implemented as a means of achieving the common objective(s) and measuring effectiveness;
b. Periodic reporting on support for implementation provided to developing countries, particularly SIDS, as a means of achieving the common objective(s) and measuring effectiveness;
c. Monitoring and verification of sources, levels, and impacts of plastic pollution on a regular basis, particularly in the marine environment, while taking into account the importance of regionally disaggregated data and information; and
d. Periodic reporting on national sources and levels of plastic being produced, exported, imported and recycled.

Scientific, technical and economic panels (STEPs): In consideration of the scientific, technical, economic, and environmental dimensions to the issue, the instrument should establish a mechanism for States to benefit from relevant expertise in these areas for the purposes of facilitating compliance, implementation, guidance and increased ambition as may be necessary. As such, AOSIS proposes the establishment of the STEPs to do so. Parties could be empowered to convene appropriate panels of experts qualified in plastics pollution science, technology and socio-economic matters and determine the composition and terms of reference of any such panels. The STEPs could, at minimum, provide guidance on NAPs, produce reports and assessments on progress, guide adjustments and amendments toward higher ambition, and make recommendations as may be required by Parties.

2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) What measures will be required to support the implementation of the instrument?

MOI must be new, additional, adequate and predictable, with specific support provisions for SIDS including priority access, & clear obligations on developed countries to provide, and report on, support.

At minimum, MOI must include:

a. **Finance:** There must be multiple sources of finance for the agreement including both States and non-state actors. To this end, the Instrument must establish a financial mechanism that has the ability to designate one or more entities that would be entrusted with its operation. This operation shall be conducted in a fit-for-purpose manner. The governance system of the financial mechanism shall be transparent and have equitable and balanced representation, with dedicated SIDS representation on the governing body of any operating entity. The provision of financial resources under or outside of the instrument shall prioritize SIDS both for simplified and harmonized access to these resources as well as their allocation with minimum floor for SIDS.

   In order to ensure that adequate finance is provided, AOSIS suggests that for the implementation of NAPs, there must be a country-owned and driven determination of needs. The corresponding implications on national budgets should then be costed. The economic panel under the Scientific, Technical and Economic Panels (STEPs) could be tasked with undertaking the National Budget Implication (NBI) calculations. The binding financial obligation on developed countries would be to cover the NBIs for all obligations.

   AOSIS is also considering the possibility of a trust fund that would specifically target remediation of plastic pollution in the marine environment.

   Finally, AOSIS continues to explore the potential options for a linkage between extended producer responsibility (EPR) and financing for developing countries, in particular SIDS, to implement the Instrument. This linkage may be grounded in, among other things, Rio principles 2 (transboundary harm), 13 (liability and compensation for pollution and environmental damage), and 16 (polluter pays).

2. **Technology development and transfer:** The transactional costs for technology needed to implement action tend to be significantly higher in SIDS than non-SIDS. This is linked to some of our inherent special circumstances, such as geographic remoteness and small populations, allowing for limited to no economies of scale. Additionally, the payment of royalties for utilization of this technology (know-how) to developed country private industry is often cost-prohibitive for SIDS. Technology development and transfer will, therefore, be essential for SIDS to meet their targets and obligations and meet SIDS needs in relation to, inter alia, waste

management, recycling, and the development of alternatives and substitutes. AOSIS sees that there are a number of options to overcome these barriers.

The ILBI should also seek to develop national, regional and/or international hubs or platform(s) for the development, dissemination of, and access to technology, science, data and information on plastics, sustainability and circularity.

3. **Capacity building**: 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 to a plastic pollution free future in which SIDS are not left behind.

III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

Stakeholder involvement: AOSIS is of the view that the INC in its work should continue to consider possible ILBI arrangements and/or mechanisms for engaging non-state actors in the new regime and promoting and encouraging actions by non-state actors. In setting up the multistakeholder action agenda, the Instrument should identify the various categories of stakeholders in plastics relevant to the new regime and develop a governance framework for their involvement and actions.

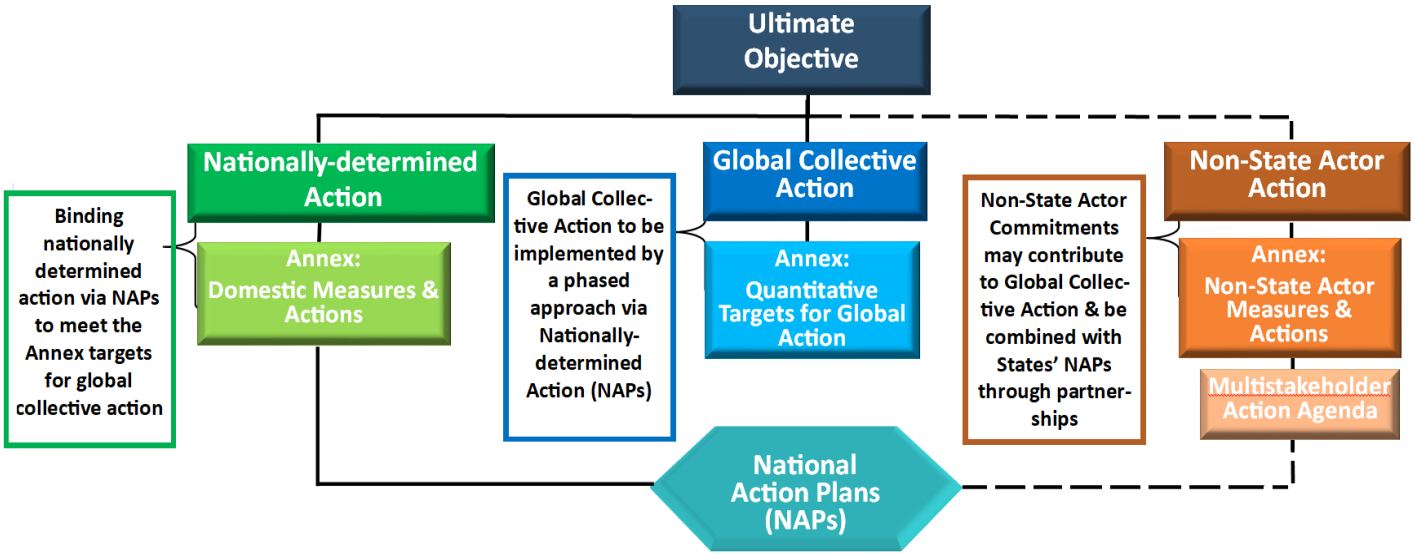
Structure of the ILBI (see Appendix A): In light of the foregoing elements, the priorities for SIDS, the limited time remaining to negotiate the Instrument, and the multitude of polymers, additives, plastics and activities that could potentially be regulated, AOSIS aspires for the development of an Instrument which could be capable of evolution and responsive to data, science, technology, information, and collective progress in fulfilling its ultimate objective.

We therefore continue to strongly consider the need for an Instrument supported by annexes capable of periodic updates to continuously drive ambition and incorporate developments in science, information and technology. Periodic updates should, at minimum, take into account, inter alia, science, data, reports, recommendations and assessments from subsidiary bodies (e.g. the STEPs). Recognizing the limited time and the many issues involved, specific areas of action intended to be binding on the regime, but requiring further development, could be identified and reserved for the COP to operationalize under the Instrument.

Indeed, AOSIS recognizes that on the path to INC-2, much of the technical, political, economic and scientific dimensions to the issue have yet to be discussed. However, as we explore these issues, it is critical to keep in mind how we intend to structure the elements we have identified and examined.

To this end, we would advocate for the issue of structure to be considered for inclusion at INC-2.

APPENDIX A


Ultimate Objective
Nationally-determined Action
Global Collective Action
Non-State Actor Action
Binding nationally determined action via NAPs to meet the Annex targets for global collective action
Annex: Domestic Measures & Actions
Global Collective Action to be implemented by a phased approach via Nationally-determined Action (NAPs)
Annex: Quantitative Targets for Global Action
Non-State Actor Commitments may contribute to Global Collective Action & be combined with States' NAPs through partnerships
Annex: Non-State Actor Measures & Actions
Multistakeholder Action Agenda
National Action Plans (NAPs)