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**United Nations
Environment Assembly of the
United Nations Environment
Programme**

**Ad hoc open-ended expert group
on marine litter and microplastics
Second meeting
Geneva, 3–7 December 2018**

Workshop on governance

Note by the secretariat

I. Background

1. At the first meeting of the ad hoc open-ended expert group on marine litter and microplastics, held in Nairobi from 29 to 31 May 2018, governance emerged as a key topic which could benefit from additional discussions by the ad hoc open-ended expert group, possibly through a workshop format. For that reason, the second meeting of the ad hoc open-ended expert group has been structured to include workshop discussions in contact groups to facilitate collective reflection and informal interaction between the experts.

2. The present note is intended to facilitate the dialogue on governance with a particular focus on how to address the gaps in the existing international, regional and subregional frameworks for combating marine litter and microplastics. In so doing, experts are invited to explore the governance options identified in the assessment entitled “Combating marine plastic litter and microplastics: An assessment of the effectiveness of relevant international, regional and subregional governance strategies and approaches”, an advance unedited version of which was submitted to the United Nations Environment Assembly for consideration at its third session, in December 2017 (UNEP/EA.3/INF/5).

II. Framing the content of the workshop

3. Given that the concept of governance is vast, the following areas have been identified for further focused discussion at the present meeting:

- (a) Strengthening existing international treaties and non-binding instruments;
- (b) Voluntary initiatives;
- (c) Developing a legally binding architecture.

4. Two important aspects of governance are funding and implementation mechanisms, the latter including monitoring and reporting standards, liability and compensation. Each contact group is invited to consider how those aspects will be addressed by the options presented in the assessment, i.e., the strengthening of existing international treaty regimes and non-binding instruments, voluntary initiatives and the potential development of a new legally binding instrument.

5. Participants are invited to discuss the legal barriers to the implementation of the proposed options. For the purposes of discussion, the definition of a “legal barrier” is any impediment or barrier established by, founded upon or generated by law, the absence of it or the lack of its implementation and/or enforcement. Legal barriers to the implementation of a circular economy can be summarized in

six areas: the lack of definitions and the occurrence of gaps in legislation; unclear definitions of targets in legislation; the definition of hard numerical limits in regulations; lagging or incomplete implementation or enforcement of legislation; inconsistent national implementation of international legislation; pieces of legislation that conflict with each other because they represent conflicting values, for example hygiene versus food waste rules.

III. Workshop format and rules of engagement

6. In order to enable all the experts to express their opinions and participate effectively, participants will be divided into contact groups. The discussions in each contact group will be led by two co-facilitators, one from among the government participants and one from among the stakeholder participants, taking gender, geography and areas of interest into consideration, and will also include senior experts and a note-taker from the secretariat. Co-facilitators will be designated by the co-chairs of the ad hoc open-ended expert group.

7. Experts will be invited to join a contact group to engage in in-depth discussions, including on how relevant issues and synergies with other areas and sectors could best be addressed under each of the governance options. Participants are invited to refer to the background assessments and consolidated paper¹, and consider ways of overcoming the major barriers to combating marine litter and microplastics.

8. The proceedings will be undertaken in English, with interpretation available in one contact group only. The format of the meeting will be informal; all the experts are invited to speak during the discussions.

IV. Expected outcomes

9. The main outcome of the contact group discussions will be a set of recommendations to be presented to the plenary for further consideration.

V. Questions for the contact groups

10. While the discussions will be informal, the following questions are intended to guide the experts:

- (a) What are the main legal barriers and possible response options to the implementation of the proposed governance options (see UNEP/AHEG/2018/2/2, annex)?
- (b) Is the status quo an option?
- (c) What are the key elements to consider for the proposed voluntary global umbrella mechanism (see option 2 and phase 1 of option 3 described in the summary for policymakers of “Combating marine plastic litter and microplastics: An assessment of the effectiveness of relevant international, regional and subregional governance strategies and approaches” (UNEP/AHEG/2018/1/INF/3)?
- (d) What are key elements to consider for the proposed legally binding architecture (see option 3 described in the above-mentioned summary for policymakers (UNEP/AHEG/2018/1/INF/3)?
- (e) What are the possible roles of the different actors (government, civil society, private sector, intergovernmental organizations, secretariats of multilaterals environmental agreements, other international platforms) in implementing the proposed governance options?
- (f) What mechanisms could support the implementation of the proposed governance options (e.g., monitoring and reporting standards, funding mechanisms, liability and compensation)?

¹ To facilitate discussions at its second meeting, at its first meeting the ad hoc open-ended expert group on marine litter and microplastics requested the secretariat to consolidate into a single document the four discussion papers presented at the meeting: documents UNEP/AHEG/2018/1/2, UNEP/AHEG/2018/1/3, UNEP/AHEG/2018/1/4 and UNEP/AHEG/2018/1/5. The four discussion papers and the consolidated document are available from: <https://papersmart.unon.org/resolution/adhoc-oeeg> and <https://papersmart.unon.org/resolution/second-adhoc-oeeg>.