

Norwegian proposal for elements and approaches to strengthen global governance structures to prevent marine litter and microplastics

There are gaps in the current global response to combat marine litter and microplastics. Below is a proposal for how a new global structure could strengthen governance to fulfill the long-term ambition of zero discharge of plastic litter into the ocean as agreed at UNEA-3. A number of new measures and initiatives are emerging, and we need to make sure that we prioritize our efforts into lasting results. The ad hoc open-ended expert group is in a unique position to develop ambitious recommendations for further actions to UNEA-4 in this regard. Norway believes that we can also draw upon existing experience with source-based pollution prevention and control policies that are highly relevant also to combating marine litter and microplastics. There seems to be a growing recognition of the need for a global umbrella structure to coordinate efforts, report and monitor progress and to guide us to the right priorities. The proposal is aimed at facilitating the discussions of the expert group and primarily address land-based sources, but should be comprehensive and holistic in addressing all aspects of the problem.

I Basis and rationale for a stronger global governance structure

Broad agreement on important governance elements

Through resolutions on marine litter and microplastics by UNEA-1, UNEA-2 and UNEA-3, we have reached international consensus on several important elements such as:

- the nature of the problem and the urgency for a stronger international response,
- the long-term elimination of discharges of litter and microplastics to the oceans,
- the need to reduce negative impact on the marine environment and marine ecosystem services and significantly reduce the discharges of litter and microplastics into the oceans by 2025,
- important principles and approaches such as the importance of preventive action upstream and a holistic approach that includes all sources including land-based sources, and that improved waste management systems are key to long-term and lasting improvements,
- shared responsibilities by all stakeholders – governments, industry and businesses, consumers and civil society and the call for all actors to step up their efforts
- the importance of exploring further the use of existing global governance structures and instruments within their respective mandates,
- the importance of regional governance structures, in particular the regional seas conventions, and
- the need to strengthen and coordinate global reporting and monitoring, through harmonization of standards and methodologies and to improve knowledge sharing, research, capacity-building and technical cooperation.

The UNEA-3 report concludes that there are gaps in our current response and recommends a combination of strengthening existing structures as well as new and additional structures

As noted in the UNEP-report UNEP/EA.3/INF/5, no one organization or instrument exists at the global level that has a mandate to fully cover all aspects of this complex problem. However, a number of existing instruments are relevant to marine litter but in an indirect way or covering only aspects of the problem. In order to ensure a holistic approach that also enables us to fill the gaps there is a need for a new and additional structure.

Multitude of international initiatives, need for coordination and focus long-term

The issue of marine litter and microplastics is on the top of the global agenda. There is a proliferation of new initiatives and public awareness is high. That is a positive development. However, there is a need to ensure that action is effective, coordinated and systematic and that it brings about tangible and lasting results for the marine environment. There seems to be a growing recognition that the current situation calls for a global, coordinating mechanism that serves as support to governments and as a focal point of global action.

The need for a structured response to fulfil long-term and short-term goals

The UNEA-3 in its resolution 3/7 para 1 formulates the level of ambition as "the long-term elimination of discharge of litter and microplastics to the oceans and of avoiding detriment to marine ecosystems and the human activities dependent on them from marine litter and microplastics".

In its resolution 3/7 para 2 the UNEA, reiterates the short-term SDG 14.1 goal to, by 2025, "prevent and significantly reduce the discharge of litter and microplastics into the oceans".

There is at present no structured response in place aimed at operationalizing these internationally agreed ambitions.

Regular pollution control and waste management approaches relevant and applicable

From a governance point of view, marine litter and microplastics have commonalities with other pollution problems and could be addressed in similar ways. The UNEA-resolutions underline that preventive action upstream is key, and environmentally sound waste management in particular, is essential to prevent marine litter. This is a good starting point, since experiences with controlling pollution and environmentally sound management of waste then are relevant and applicable. There are however important differences, mainly due to the nature of plastic as a material, its widespread use and long durability in the marine environment causing damage to marine life as "macro"-plastic, and the ultimate breakdown into microplastics. Solid plastic waste as a source of microplastics-pollution is a very particular kind of pollution source. In addition there are regular (point source) emissions of plastics and microplastics from industrial sources and wastewater. A source-based approach should cover all emission sources and the whole life-cycle of plastics, from products to waste and waste management, and point sources of microplastics. In this context we also need to consider clean up-actions of solid plastic waste and litter not only as a remedy, but also as a preventive measure for preventing both short-term harm to marine biodiversity and long-term breakdown of litter into microplastics. Cleanup action will most likely be necessary in the long run, in parallel with stronger preventive action upstream.

II Main functions of a strengthened governance structure

Our overall ambition is to eliminate discharges into the ocean. At this stage of our process, the expert group needs to make progress on identifying **what kind of governance elements we need** in order to eliminate discharges of marine litter and microplastics to the oceans. Below is a listing of possible elements and options, with questions for further work. An important part of our exercise should also be to **clarify the respective roles and responsibilities** of governments, other stakeholders and existing international instruments and bodies, their relationship to an overarching structure and possible contributions to the overall ambition to eliminate discharges into the ocean.

Main functions for a strengthened global governance structure:

- 1) To serve as a means to deal with matters that can only be solved in cooperation between governments at the global level, such as global monitoring and review, data collection and coordination (part III).
- 2) To support governments (and other stakeholders and initiatives) in enhancing the effectiveness of preventive policies and measures (part IV).

- 3) To secure effective prioritization and dissemination of financial resources (to be elaborated at a later stage).

III Global environmental monitoring, data collection and coordination

The level of ambition for global action has been defined by the UNEA-3 resolution on the long-term elimination of discharge of litter and microplastics to the oceans and of avoiding detriment to marine ecosystems and the human activities dependent on them from marine litter and microplastics. This calls for a global structure that may address some of the issues of a general nature that can only be solved in cooperation between governments, other stakeholders and relevant international environmental governance structures. In particular, this relates to monitoring the problem – do our oceans become cleaner, what are effects on biodiversity, and what is the cumulative effect of efforts to prevent marine litter and microplastics and to clean up? Other challenges are collection of scientific information and advice. Another is global coordination: How to enhance coordination and exchange between governments, international instruments and bodies, to make the most effective use of available resources, and how to respond to developments of the environmental problem, including new scientific evidence, over time? Possible elements in a global structure:

- Environmental monitoring - presence of marine litter, effects on marine ecosystems.
- Overview of contributions from governments, international organizations, instruments and voluntary initiatives.
- A mechanism for global stocktake on progress.
- Knowledge building and sharing, capacity-building.

IV Approaches to preventive measures to eliminate discharges to the oceans

UNEA has pointed to preventive measures upstream, in particular waste management, as key to lasting improvement. How could a global governance structure support the development and implementation of more effective pollution and waste policies, enhance environmental standards in all countries, promote exchange of best practices, and the implementation of effective measures? How can we ensure that action taken by the private sector and other stakeholders are relevant contributions to lasting improvements to the marine environment?

A combination of approaches – source-based, regional and voluntary approaches - may be necessary and should be mutually supportive.

1 Source-based approach

Addressing the issue by source is a relevant approach for all governance levels and sectors as a basis for developing effective action and measures.

Point sources

Emissions of plastics and microplastics from point sources may cover a range of activities:

- Industrial production (emissions to water),
- intentional or unintentional (from wear and tear such as or accidents)
- Waste water from households, overload accidents in waste water plants
- Plastic elements from building projects, infrastructure development etc.
- Other activities including non-commercial activities

How and to which extent could aspects related to the management of point sources be addressed at the global level?

Products

Products are sources to microplastics pollution and litter. Measures are available to reduce pollution, increase recyclability and in other ways facilitate environmentally sound waste management of plastic waste through eco-design and the use of materials etc. Mitigation strategies should therefore include the product stage. How could global cooperation within a strengthened framework promote development in this area?

Waste and waste management

There is a role for the Basel Convention related to plastic waste prevention and management. The convention does however have limits to its scope. What do we need as supplements to what may be achieved under the Basel Convention? The Basel Convention has started a process to explore possible options within its mandate. Proposals for the Basel Convention COP 14 are:

- To establish a partnership for plastic waste.
- To make the prior informed procedure for transboundary movement of plastic wastes applicable to problematic plastic waste.
- Revised guidelines for environmentally sound management of plastic waste.
- Other options to strengthen the convention such as capacity building, mobilizing resources.

2 Sector specific approaches

The UNEA-resolutions point to addressing plastic waste generated in particular sectors and activities, in particular where international organizations and instruments already exist. On seabased sources, the MARPOL Convention under the UN International Maritime Organization is crucial. An action plan against marine plastic litter from ships (including microplastics) was adopted in October 2018 by the IMO MEPC and measures shall be in place within 2025. The UN Food and Agriculture Organization and its Fisheries Committee develop guidelines to reduce marine litter from fishing activities and contribute to implementation of the MARPOL convention and its regulations relevant for marine litter and microplastics from ships. One of many elements of the action plan is to consider to make mandatory the recently decided FAO Guidelines on marking of fishing gear through regulations under the MEPC. Should these and / or other international sector-specific instruments be encouraged to deliver on additional / specific issues? How could or should a global structure be informed in order to keep a global overview of the sum of contributions and their effects?

3 Regional approaches

Regional seas conventions and programmes, and also regional fisheries management organizations are important for cooperation on protection of regional sea areas from marine litter and microplastics. These conventions vary substantially in legal form, implementation and level of ambition. How to ensure a more consistent environmental standard and implementation in all regions while taking into account regional differences? Should the regional seas system be challenged to take on specific tasks or roles? What could the relationship be between an overarching global structure and the regional seas level? How can we enhance the exchange of knowledge and experiences with effective measures and strategies between the regional seas conventions and organizations?

4 Voluntary approaches – variation of actors, sources, actions and sectors

The UNEA-resolutions underline the importance of contributions from the private sector, civil society, consumers and others. The Global Partnership on Marine Litter (GPML) is an existing platform for voluntary cooperation and has recently revised its role, membership and mandate. It is now being consolidated as the platform for voluntary, bottom-up cooperation, information sharing and match-making. The partnership should be an important component of a new umbrella structure. A global structure should also bring together other initiatives and platforms created to combat marine litter and microplastics and identify their respective contributions, roles and responsibilities.