

GOVERNANCE DISCUSSIONS

(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)?

- Immediate fix, such as bans on plastic bags vs. long-term solutions, such as environmental sound waste management which requires sustained work, capacity building and finance (e.g. of waste management physical infrastructure, enforcement, technical solutions);
- Long-term options should not be pursued at the expense of short-term action, these actions should be informed by guiding principles (such as, that future work be actually effective at working towards a common goal on reducing MLMP; that it consider the role of different actors, trans boundary aspects, a life-cycle approach, and different national capacities etc.)
- Transparency is an issue. Knowledge-sharing necessary (Database Substances of Very High Concern (like EU is developing right now)
- Limited capacity for many related to additives and recycling /support recycling infrastructure.
- Having a clear scope /need to take into account the whole life-cycle of plastic
- Having a clear purpose for the new structure/develop a global vision (close loop for plastic recycling is not possible at the moment, therefore we need to focus on reduction of production)
- Need to enhance coordination/there is no single coordination mechanism dealing with this complex issue / Coordination is different: each body (Basel, MARPOL, Stockholm, SAICM, Regional Seas) is an independent organization and coordination cannot be imposed from the top.
- Research coordination (international), need for standard modelling on leakage, knowledge on good and sustainable alternatives for single use plastic
- Improve integration between land based and sea-based actors both at regional and international levels (e.g. people from both ministries involved).
- A lack of integration between ministries of fisheries and terrestrial issues (in particular in developing countries) and between regional fisheries management and sea international organizations/entities. Regional seas action plans also vary in the degree in which they refer to fisheries. Any overarching instrument should address this coordination issue.
- Need to work on prevention dimension/waste management (plans and zero waste strategies), which means upstream / need to coordination on prevention
- Work with instruments that already exist
- Start off with regional strategies. Easier to get countries to agree if they have same economic policies. Not all countries at same level. Start with something simpler.
- Major barriers occur at the national and subnational level, most of the marine litter derives from improper management of waste which is the responsibility of states.
- Need to define elements to progress on the options.
- A gap analysis on compliance and enforcement of existing mechanisms, targets and standards and definitions to measure progress
- Legally binding protocols to the regional seas impose obligations on countries with reporting requirements.

- Response will vary depending on the level of intervention during the lifecycle, e.g. the upstream production, beach cleanup, waste management;
- Continue strengthening existing mechanisms, such as IMO and the regional seas conventions, Basel, Minamata, under their respective mandates;
- More robust analysis on the effectiveness of existing binding and voluntary mechanisms is needed;
- There is a need for a new forum to analyze national and global trends (e.g. on (eco)labeling (ISO, WTO, WHO), recycling, extended producer responsibility, trade) and decide whether we need a legally-binding or voluntary approach at global level;
- Regulating plastic production and design is fundamental to address the source of the problem. There is a need of unified standards across countries, because plastic waste moves across the borders.
- Address the link between production and use;
- Need to control items that produce microplastics which are not single-use plastics
- Enhance cooperation with the industry
- Reduction of production, prevention, waste management
- Prohibition of additives (toxic additives specific in the production of plastics)
- Adaptive management approach
- Evidence-based
- identification and sharing of information and science and made available
- Immediate gaps to be filled: identify best available alternatives, recycling, circular economy, and identify priorities and geographical priority areas;
- Health and environmental risks of incineration and transforming pollution to one source to another
- Raise awareness to reduce littering locally, regionally and internationally;
- Support to some kind of remediation activities, in particular on the shorelines, beaches and rivers, as well as fishing for litter activities, to be further explored and included in governance structure;
- A blend of options should be considered – in addition to the 3 options as presented in the Assessment paper.
- Building on existing instruments, to create a global comprehensive governance structure (whether legally binding or not) to ensure collaboration between states, industry and other actors;
- Packaging is needed for reduce food waste and medical purposes. Benefits of the use of single-use plastic should be taken into account and alternative solutions be considered, such as 100% reuse, recovery and recycling of plastic packing by 2040 (voluntary commitment from the industry);
- Responsible use of single-use, cutting unnecessary generation, and promoting multiple use of plastic should be promoted rather than no use
- Exchange and improve use of policies for market based incentives for behavior change (subsidies, tax reforms)

(b) Is the status quo an option?

- Need to take immediate action and move beyond status quo.

- There is no interest in maintaining the status quo
- Basel, MARPOL and Stockholm tackle different issues that are very relevant to the solution of the problem from different perspective, such as trade, pollution of ships, and POPs. None of these instruments tackle the entire issue. There is a need to use a single approach to the solution: this is a long-term goal and we need to start working now.

(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)?

- Deeper analysis of option 2, beyond what is in the paper today.
- Develop existing mechanism further/step-by-step implementation. Working horizontally. Endeavour new funding mechanisms
- Need to act as soon as possible, building from work done by UN experts over a long time.
- GPML as a possible platform, could be the one/strengthen it and modify it? Given current mandate of GPML it would be possible to address all the lifecycle aspects. Broad enough in approach(?) Including recycled material of good quality. GPML only may not be sufficient. Start with building up voluntary.
- How could the Strategic Approach to International Chemicals Management (SAICM) play a role in this coordination effort? Also many other platforms: G7 charter, G20 action plan, Ellen MacArthur foundation; Basel convention etc.– what are regional agreements doing, their scopes, limitations (encourage regional cooperation)? Are there still gaps? Where are they? New elements to address these in structure. UN Environment/ UNEA well placed to address
- Secretariat is requested to do a mapping that looks at what we have in light of the previous point. American Chemistry Council will help coordinate overview many private sector efforts underway.
- Suggestions for short term action:
 - o Do national assessments of solid waste management and sources
 - o Global data base for monitoring (Monitoring can be either global, regional, national, local or municipal (e.g. for waste management);
 - o Short term solutions already listed under UNEA resolutions and UNEA3 assessment
 - o Voluntary commitments at national level
 - o Recyclability of fishing gear
 - o Study on link plastics and malaria and cholera
 - o Ensure jobs offered by business are sustainable
- Partnerships/voluntary approach: Faster, more flexible and more ambitious (no need to reach consensus) (e.g. Quick Start)/ key elements of voluntary approach may include: clear scope, leading bodies, regular updates, coordination body, industry engagement, sharing outcomes
- Submit national assessment to capture current and future actions

(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)?

- Strengthen existing platform and what in future might be stronger through a legally binding agreement
- Premature to consider a binding agreement until we know what the priorities are
- Need more research on this issue and focus on priorities
- Advantages of legally binding: more weight, gives countries more confidence to take action if they know that other are also taking action (joint efforts, no free-riders), more effective in supporting coordinate at national level; provides a set of different measures, such as capacity building and other support mechanisms from developing countries in the implementation of the agreement. Disadvantages: many years of negotiation (we may have to start negotiations early); may be expensive. (Annual estimated costs of impact of marine litter however is also US\$13bn per year and rising quickly)
- A legally-binding agreement can also be flexible and agile and create a level playing field with no free-riders;
- Legally binding agreement usually has mixed provisions: hard (e.g. ban with exemptions) or soft (no control measures, every party to develop an action plan with more discretion on what they want to do)
- Must identify sustainable finance to achieve targets
- Monitoring flow of plastics , import , production, use , end of life (covering full life cycle)
- Inclusion of the measures identified in the thought-starter diagram submitted by civil society and the Swedish diagram in advance of the second meeting of the Ad Hoc Open-Ended Expert Group:

(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?

- Upstream measures and dialogue with other actors are important
- Have clarity on who is tasked to implement activities (multiple stakeholders vs. governments only?)
- Get everyone on board. Need to ensure that private sector, community and NGOs are engaged (civil society broadly, including academia and workers). Opportunities provided through existing mechanisms/existing multistakeholder platforms (UNEA, Regional Seas, Basel, etc) to bring together different commitments relevant to the issue, at different levels
- The existing multistakeholder platform may be supplemented by an expert/scientific group
- Strengthening regional level to involve member countries and implement action at national level
- Important to engage cities who often have a primary responsibility for dealing with waste/local government and city mayors
- Role of states: Development of national action plans, development of national legislation and other measures, provide sources-based and life cycle-based approach, improve their waste management systems (environmental/sound)
- Role of Industry/private sector: improving product design, information transparency, producer responsibility through the full product life cycle, implementing circular economy approach, provide finance
- Role of international organizations and instruments: clarify their roles and responsibilities under the common vision, exchange information with the global governance structure (to be created)

- Role of NGOs: convening stakeholders, fostering community action, watch dogs, voicing public opinion, information gathering and spreading
- Consumer information/education and awareness raising– this is a crosscutting role

(f) What mechanisms could support the implementation of the proposed governance options (e.g., monitoring and reporting standards, funding mechanisms, liability and compensation)?

- We lack a structured response/platform. Clear need for coordination and priority setting at global level: to steer the process and promote prevention pillar.
- A vision through the 2030 Agenda for Sustainable Development and UNEA3.
- Need resources to take action. Donor database – way to access funding, draw lessons on efficiency of funding.
- Global funding mechanism
- Take into account national, regional and local realities (national targets, action plans, process tracking mechanisms)/ build on national, regional and global action plans
- Provide roadmaps - System level changes required. For food for example.
- Take steps to get global consensus on prioritizing actions that make most impact
- UN Environment is concluding GEO6 report. What are findings of this global outlook report on this particular subject?
- Decisions from UNEA can help deal with the issues. Also relevant in this regard is the Implementation Plan in Pollution.
- Provision of financial and technical support to countries
- Short-, mid- and long term actions by all stakeholders should be guided by a joint vision and goal within the framework of the SDGs.
- gathering of data, development of methodology and technical advice to assist the governments in implementation (of a legally binding or non legally binding global instrument)
- liability and compensation Work practices contributing to adverse health (Shipping transport to carry insurance/ Workplace issue for production and informal waste-pickers