

## **Outlines of a New Global Architecture for combatting marine plastic litter and microplastics**

### **Updated Explanatory note to the sketch presented by Swedish experts at the first meeting of the Ad-Hoc Open Ended Expert Group**

#### Background

At the first meeting of the Ad-Hoc Open Ended Expert Group in May 2018, many participants noted the need for enhancing a broader approach, facilitating resource mobilization and minimizing duplication of efforts. Other participants recognized enhanced utilization of existing global and regional mechanisms as important possible support measures, within their respective mandates. Many participants noted that future actions should build on existing global and regional mechanisms that could support the process and seek out avenues where strengthening is needed to enhance their functionality.

Several participants pointed to the need for something new and additional to fill governance gaps at the international level. Sweden, subsequently supported by others, proposed a three-pillar approach involving:

- 1) the Regional Seas Programmes and Conventions (RSCs),
- 2) the Basel Convention (BC), and
- 3) The prevention of plastic pollution

This proposal was visualized in a sketch, which was made available to participants<sup>1</sup>.

In this note, Swedish experts provide further explanations of the thinking behind the functions and elements suggested for this three-pillar approach. A revised sketch is also enclosed, table 1. The elements identified in the sketch would in our view make up an integral part of the approach. Whether they are best fitted in one or another pillar would in some cases need further analysis. As an example, for recollection of plastic waste, it might be that all three pillars have a role to play.

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<sup>1</sup> <https://papersmart.unon.org/resolution/Statements-30-May-2018>

The need for a broader approach with co-ordination between existing and new institutionAs underlined in the assessment commissioned by UNEA 2, the monitoring and the reduction of marine plastic litter and microplastics is not the primary objective of any international legally binding instrument.<sup>2</sup>

Making best use of existing mechanisms while developing new approaches, as appropriate, would be a dynamic and pioneering process. It would require improved co-ordination between all relevant institution and ongoing efforts.

### The three pillars

A large number of multilateral environmental agreements are of importance in combatting marine plastic litter and would be part of the co-ordination (see page 6 below).

The Regional Seas Conventions and the Basel Convention would, in our view, play more critical roles in a broader approach, as explained hereunder. They therefore make up two “outer pillars” (see sketch).

#### *Regional Seas Programmes and Conventions*

Many Regional Seas Programmes and Conventions (RSCs) have already adopted, or are in the process of developing, regional action plans on marine litter and microplastics, sometimes completed with national plans or commitments. Compared to international agreements, RSCs may more easily adapt their measures to regional, and national, circumstances and needs, having the adequate knowledge of the marine environment and the specific pressures it receives.

However, status quo could not be an option for any of the RSCs. Their efforts should be constantly improved, and lessons on best practices be identified and disseminated, e.g. by peer reviews. A further harmonization of monitoring, establishing thresholds and targets, evaluation and reporting would be crucial to support such efforts.

The RSCs should also be given the responsibility to jointly follow progress in research on the negative effects on human health and the environment of plastic pollution and micro-plastics, and assess effectiveness of measures in terms of improvement of the marine environment, including a regular update to the Co-ordinating body as appropriate.

At the first meeting of the Ad-Hoc Open Ended Expert Group, participants expressed that national level response measures<sup>3</sup> will remain a core element to resolving the problems.

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<sup>2</sup> 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

<sup>3</sup> Unless some competences were given to regional bodies as it is the case in the EU.

Indeed, in our suggested architecture, national measures would be core, either as part of or as a complement to regional actions.

A weakness of the RSCs at present is the absence of RSC in some geographical areas, or low capacity and resources as in parts of the Pacific. The possibilities for a full geographical coverage together with capacity building therefore needs to be explored and promoted.

### *The Basel Convention*

A major function for the broader approach would be to assure that plastic waste is handled in an environmentally sound manner, thereby minimizing leakage to the environment. The Basel Convention (BC) is a legally binding instrument with almost universal membership, addressing the control of transboundary movements and environmentally sound management of wastes. It is therefore well placed to play a central role.

The Basel secretariat has presented a report on the possible options to further address marine plastic litter and microplastics under the Basel Convention<sup>4</sup>.

In May 2019 the Parties to the Convention agreed to amend the annexes of the convention, with the aim to better control transboundary movements of plastic waste and ensure environmentally sound waste management, including adequate knowledge and capacity of recycling in importing countries. The Parties also agreed to establish a Partnership under the Convention on plastic waste that also addresses marine plastic litter and microplastics, which will provide a forum to support further action with the primary objective of improving plastic waste management to prevent its release into the environment. It was also decided to update the guideline on sound management of plastic waste (adopted in 2002) with recent developments in e.g. recycling technology. The BC has for many years issued comprehensive guidance documents for various parts of waste management which, if applied appropriately at the national level, has the scope to address many aspects of the challenge of marine pollution by plastics. In our view, there is a considerable potential for better waste management in a structured co-operation and co-ordination between the BC and the RSCs. The three-pillar architecture could maximize this potential.

### *The Prevention pillar - a Platform and a Forum*

As further pointed out in the assessment commissioned by UNEA 2, there is at present no institution to prevent plastic pollution “upstream”, i.e. tackle the inherent challenges posed by the choice of plastic polymers and their additives, and choices in the design of products.

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<sup>4</sup> UNEP/CHW/OEWG.11/ INF/22.

There is also a lack of various global level standards. On the positive side, an increasing number of actors are now voicing their visions for how the economy of plastics in general, and plastic packaging in specific, should be transformed from linearity to circularity.

The remaining pillar of the broader approach would thus consist of functions needed to promote circular use of plastics and prevent pollution at source. In our thinking, the prevention pillar could initially be divided into a dialogue part – the Platform - and an agreement part – the Forum – although it will be important to assure good correspondence between the two.

Plastic industry, and businesses using their products, would take considerable responsibility for delivery under the Platform. With the support of governments and public society, they would define the foundations of a circular plastics economy. As an example, they could recommend criteria for high quality plastics and recycled plastics fit for circularity, recommend standards for communicating quality in the value chain, initiate global certification schemes, define best practice for extended producer responsibility schemes, etc. The Platform could further play a role in innovation and redesign, and business-to-business solutions.

A growing number of governments are taking action to reduce single-use plastics, as reported recently by UNEP<sup>5</sup>. However, as these efforts are not coordinated, they may unfortunately contribute to a fragmentation of the market. There is also, supposedly, a considerable duplication of work in that each member state develops its own tool and analyze its pros and cons. Under the Forum, member states would instead try to agree on more uniform measures built on a joint analysis. Such action could be based on recommendations from the Platform or initiatives at regional or national levels. Agreements/commitments could, inter alia, address the use of non-circular plastics, hazardous additives, top-littering objects, microplastics in products and from other sources, degradable plastics, etc. Based on the experiences of its members, the Forum could identify optimal legal or economic instruments, including producer responsibility schemes, having delivered or able to deliver concrete results in terms of reducing river and marine litter.

The issues of port reception facilities and of abandoned, lost or otherwise discarded fishing gear (ALDFG) are currently addressed e.g. by IMO and FAO. To the extent that additional measures would be deemed necessary, the Forum could take initiatives.

The Prevention Pillar, and especially the Platform, would thus have clear multi-stakeholder as well as multi-sectorial character. In that respect, it would have some similarities with the Strategic Approach to International Chemicals Management – SAICM – and experiences from work under SAICM could be valuable to take advantage of. Compared to current work

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<sup>5</sup> "Single-use plastics – A Roadmap for Sustainability" : <http://www.unenvironment.org/news-and-stories/press-release/new-report-offers-global-outlook-efforts-beat-plastic-pollution>

under SAICM, however, the Prevention Pillar should deliver detailed recommendations, agreements etc. at a regular basis.

In the sketch, we have placed this pillar in the center of the broader approach as we believe it could also fill the function of a “buffer” for the RSCs as well as the BC. In case the RSCs or BC would not be successful in some task, additional or alternative action could instead be considered under the Prevention pillar.

In a top-down approach, it could be for the UNEA to decide on its establishment, functions, governance and financing. Alternatively, in a bottom-up approach, any stakeholder could in principle invite other stakeholders to a joint co-operation along the lines we have sketched. If found comprehensive, such co-operation could be formally recognized by UNEA and relevant multilateral environmental agreements as a part of an architecture.

### The coordinating role

There is a need for coordination between the three pillars, and other existing instruments as appropriate, on the monitoring, evaluation and report on progress of overall efforts. There is also a need for a forum for discussing further improvements in the roles of the institutions as well as the effectiveness and efficacy of their overall delivery.

### *Other institutions of importance for combatting marine litter*

There are many international agreements, binding as well as voluntary, with relevance to the issue of marine litter, e.g. United Nations Convention of the Law of Seas (UNCLOS), the International Convention for the Prevention of Pollution from Ships (MARPOL), the Convention on the prevention of Marine Pollution by Dumping of wastes and Other Matter (London Convention), the Convention on Biological Diversity and the Stockholm Convention. It could be discussed whether one or some of these should also be part of the broader approach. For simplicity, however, we have chosen not to widen our analysis further.

In any case, it should be noted that this outline merely provides a targeted response to that part of the programme of work of the expert group that stipulates the identification of “potential options for continued work”. We refer to the assessment commissioned by UNEA 2 for the full picture.

Table 1. Sketch of a New Global Architecture for combatting marine plastic litter and microplastics, based on based on UNEP/AHEG/2018/1/INF/

Co-ordinating role		
Pillar 1	Pillar 2	Pillar 3
Regional Seas Conventions in strengthened cooperation	Prevention of plastics pollution	The Basel Convention
<p>Sharing of best practices (peer learning?)</p> <p>Develop and harmonize <b>action plans</b> on marine litter and microplastics, incl., inter alia:</p> <ul style="list-style-type: none"> <li>✓ Identification of the main sources of litter and promotion of coordinated action at source</li> <li>✓ Improvement of recollection, reuse, recycling of plastics packaging;</li> <li>✓ Minimum standards for waste water and storm water treatment</li> <li>✓ Targeted action on releases of microplastics</li> <li>✓ Beach clean-ups</li> <li>✓ Fishing gear</li> <li>✓ Shipping</li> </ul> <p>Harmonize monitoring, reporting and evaluation of plastic litter and microplastics from all sources.</p> <p>Follow progress in science, including on impacts of plastics on health and environment.</p>	<p><b>A. Platform for knowledge sharing, co-operation and recommendations by plastic manufacturers, producers of packaging and consumer goods, food manufacturers, food service companies, restaurant groups, authorities, NGOs etc., e.g.:</b></p> <ul style="list-style-type: none"> <li>• Evaluation of plastic packaging recyclability and fitness for circular economy;</li> <li>• Development of standards for identification and labelling of virgin and recycled plastics; certification schemes, etc.;</li> <li>• Co-operation in innovation,</li> <li>• Business-to-business applications</li> <li>• Define best practice for producer responsibility schemes.</li> </ul> <p><b>B. Forum for voluntary and coordinated commitments by member states, e.g.:</b></p> <ul style="list-style-type: none"> <li>✓ Phase-out of additives of concern;</li> <li>✓ Phase-out of single-use plastics and other unnecessary generation of waste;</li> <li>✓ Phase-out of non-circular plastics in packaging;</li> <li>✓ Incentives for re-use;</li> <li>✓ Stimulation of demand for recycled plastics,</li> <li>✓ Phase-out of microplastics in products;</li> <li>✓ Reduce microplastics releases from other sources (textiles, pellets, tyres, artificial turfs)</li> <li>✓ Guidelines on labelling;</li> <li>✓ Definitions of and potential regulation of “degradable” plastics;</li> <li>✓ Targets for recollection, reuse, recycling;</li> <li>✓ Expand the use of well-designed economic instruments including producer responsibility schemes.</li> </ul>	<p>Amendment of annexes to comprehensively address plastic waste within the Convention, especially plastic waste leading to marine pollution, influencing, inter alia:</p> <ul style="list-style-type: none"> <li>✓ The possibility to control import &amp; export;</li> <li>✓ Minimum generation of waste;</li> <li>✓ Minimum transboundary movement;</li> <li>✓ Packaging, labelling, transport requirements;</li> <li>✓ Environmentally sound management</li> </ul> <p>Partnership on plastic waste that also addresses marine plastic litter and microplastics, providing inter alia:</p> <ul style="list-style-type: none"> <li>✓ a stakeholder forum to support further action to improving plastic waste management</li> </ul> <p>Update technical guidelines on the sound management of plastic waste</p>

<p>Assess effectiveness of measures in terms of improvements in the marine and coastal environment.</p> <p>Coordination and coherence with e.g. IMO, IOC</p>	<ul style="list-style-type: none"><li>✓ Requirements/incentives for Port reception facilities to manage waste from ships (/possible additional measures to IMO's)</li><li>✓ Regulations/strategies/ economic instruments to minimize abandoned, lost and discarded fishing gears (ALDFG) (/possible additional measures to FAO's)</li></ul>	
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