

U.S. Comments on Revised Draft Scenario Note

The United States appreciates the efforts of the Secretariat and Bureau to continue the work of the Ad Hoc Open-ended Expert Group on Marine Litter and Microplastics (AHEG) during the COVID-19 pandemic. We also offer our support to Mr. Satoru Iino in assuming the role of Acting Chair. We recognize this exceptional time has required the Bureau to reconsider previous plans and gauge what is practical and feasible to accomplish ahead of UNEA-5. We urge the Bureau to take into account Member States challenges as it develops a process that preserves the opportunity for robust participation and scales the level of ambition to meet the limitations placed on all during the pandemic. We thank the Secretariat for their efforts to provide opportunities for Member State input on the Draft Scenario Note. We also urge the Secretariat to provide information on the organization of the technical briefings to allow Members time to prepare to participate effectively.

The United States urges UNEA-5 preparations to be based on the information developed during all previous AHEG meetings and to be directly responsive to the AHEG mandate laid out in UNEA resolutions 3/7 and 4/6. We support the suggestion to compile this information in a factual summary report, which would not be a negotiated document. We think the sections of this summary report should be modeled on the mandate as outlined in UNEA resolution 3/7 paragraph 10 (d) and 4/6 paragraph 7. In Annex I of this document, we propose an outline for the summary report that is directly responsive to the mandate, and which builds on Draft Scenario Note proposed outcome in paragraphs 8 (a) and (b). We recognize there may be some overlap in these sections and it may make sense to reorganize to prevent such overlap. We support the Secretariats in such efforts provided the document denotes how the sections respond to the mandate. Draft Scenario Note paragraph 8 (c)¹ conflates the terms “response options,” “potential options,” and “existing and potential response options.”² We urge the Secretariat to be precise in use of these terms to ensure that they are used accurately as described in the mandate in the entire document. Additionally, the Draft Scenario Note references “potential response options” in several instances, we suggest the Secretariat review and revise this term to appropriate term from the mandate.

We do not support undertaking work outside of the AHEG’s mandate. The AHEG is not tasked by UNEA to identify “elements and approaches”, and this term is not used consistently in the Draft Scenario Note paragraphs 8 (c), 9, 12. We can see a benefit of using the “key elements and approaches of the life cycle of plastic pollution” as described in Draft Scenario Note paragraph 9 to be a framework to organize information in the summary report. We urge the Secretariat and Bureau to clarify the meaning of this “elements and approaches” and to use it consistently.

¹ 8 (c) Identification of a range of existing and potential national, regional and international response options including key elements and approaches addressing the life cycle of plastic pollution, with analysis and examination of feasibility and effectiveness of such response options using pilot studies. These elements and approaches of potential options will outline continued work for consideration by UNEA-5.

² “Response options” are described UNEA resolution 3/7 paragraph 10(d)(ii) “To identify the range of national, regional and international response options, including actions and innovative approaches, and voluntary and legally binding governance strategies and approaches;” and referenced in the following paragraphs 10(d)(iii) and (iv). “Potential options” is found in UNEA resolution 3/7 paragraph 10(d)(v) “To identify potential options for continued work for consideration by the United Nations Environment Assembly.” “Existing and potential response options” are described in UNEA resolution 4/6 paragraph 7(d) “Analyse the effectiveness of existing and potential response options and activities with regard to marine litter and microplastics at all levels to determine the contribution that they make to solving the global problem.”

We suggest the Bureau reconsider the “Virtual working group on Elements Paper.” First, it is unclear to us how an informal group would feed information into an AHEG outcome, without a more formal process for Member input. Second, it is unclear to us what the “Elements Paper” refers to in relation to the AHEG activities as tasked in UNEA resolution 3/7 paragraph 10 (d) and 4/6 paragraph 7. Third, we think this is an area where the AHEG should scale its activities to be responsive to limitations imposed by the pandemic. We suggest the AHEG focus its efforts on supporting the Secretariat in developing the summary report to be shared with UNEA-5 that utilizes previously developed AHEG materials. We believe this would address the mandate while taking into account limitations from the pandemic.

With respect to the virtual AHEG meeting proposed for November 9-13 2020, we would like to raise the fact that there are technical, operational, and procedural challenges to holding a virtual AHEG meeting. Given those challenges, we do not support a virtual meeting of the AHEG at this time especially as we think the AHEG has sufficient information to meet the mandate outlined in UNEA resolutions 3/7 and 4/6. Perhaps further consideration could be given to the potential to hold a virtual meeting if the Secretariat can articulate how to address related challenges. We suggest revisiting this proposal after Parties have a draft of the summary report and a detailed proposal from the Secretariat on how to organize a virtual AHEG meeting. We think there could merit in virtual meeting to assist the Secretariat in finalizing the summary report.

Annex I – AHEG Summary Report Outline

AHEG Summary Report Outline

Resolution 3/7

- Exploration of all barriers to combating marine litter and microplastics, including challenges related to resources in developing countries
- Identification of the range of national, regional and international response options, including actions and innovative approaches, and voluntary and legally binding governance strategies and approaches
- Identification of environmental, social and economic costs and benefits of different response options
- Examination of the feasibility and effectiveness of different response options;
- Identification of potential options for continued work for consideration by the United Nations Environment Assembly

Resolution 4/6

- Stocktaking of existing activities and action by governments, regional and global instruments, international organizations, the private sector, non-governmental organizations and other relevant contributors to reduce marine plastic litter and microplastics with the aim of the long-term elimination of discharge into the oceans
- Identification of technical and financial resources or mechanisms for supporting countries in addressing marine plastic litter and microplastics
- Encouragement of partnerships that undertake activities such as the development of source inventories, the improvement of waste management, awareness-raising and the promotion of innovation in relation to the prevention of marine litter, including plastic litter and microplastics
- Analysis of the effectiveness of existing and potential response options and activities with regard to marine litter and microplastics at all levels to determine the contribution that they make to solving the global problem;