

## Chair's summary<sup>1</sup> of the work of the ad hoc open-ended expert group on marine litter and microplastics

### Introduction

1. The ad hoc open-ended expert group (AHEG) was established through United Nations Environment Assembly (UNEA) resolution 3/7 paragraph 10. Its mandate was extended through UNEA resolution 4/6 paragraph 7, which requested the group to, among other things: review the present situation<sup>2</sup> and analyse effectiveness of existing and potential response options (hereinafter referred to as response options) related to marine plastic litter and microplastics.

2. The AHEG has met four times (three in-person and one on-line meeting) to deliver on its mandate. This summary describes how the AHEG has delivered on its mandate and provides UNEA-5 with a range of views on response options for its considerations of next steps for marine plastic litter and microplastics. It will be annexed to the AHEG-4 meeting report, as well as the report of the Executive Director to UNEA-5<sup>3</sup>.

## I. Review of the present situation

### A. UNEA mandates 3/7 paragraph 10(d) (i)

3. The AHEG explored barriers to combating marine plastic litter and microplastics, including challenges related to resources in developing countries<sup>4</sup>; took stock of existing activities and action by various actors to reduce marine plastic litter and microplastics with the aim of the long-term elimination of discharge into the oceans; and identified technical and financial resources or mechanisms for supporting countries in addressing marine plastic litter and microplastics.

4. The convening of the AHEG was triggered by the consideration, by UNEA-3, of the 2017 report "Combating marine plastic litter and microplastics: an assessment of the effectiveness of relevant international, regional and subregional governance strategies and approaches"<sup>5</sup> which identifies gaps in current frameworks and options for addressing marine plastic litter and microplastics and outlines three options: status quo (which the AHEG-1 converged on as not an option); strengthening existing instruments and adopting a voluntary global agreement on marine plastic; and development of a new global architecture with a multi-layered governance approach, including the possibility to add a new legally binding instrument to the existing framework (option 2 and 3 are not mutually exclusive, can be in parallel as option 3 and should not be seen as mutually exclusive). The assessment found that marine plastic litter was not the primary objective of any international legal instrument and that the current governance strategies and approaches were fragmented and did not adequately address the global issue of marine plastic litter and microplastics. The assessment therefore identified the need for coordination of activities under multiple agreements; monitoring of progress specific to the issue of plastics; and harmonization of targets and reporting procedures.

5. The AHEG considered various barriers to combating marine plastic litter and microplastics, including challenges related to resources, capacity development and technology transfer in developing countries<sup>6</sup> within four main areas:

(a) **Legal barriers** were established by, founded upon or generated by law or its absence or a lack of implementation and/or enforcement, namely the lack of definition and the existence of gaps in legislation; unclear definitions of targets in legislation; the definition of hard numerical limits

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<sup>1</sup> The present summary was prepared by the Chair of the expert group with the support of the Bureau. It details the work done by the expert group in accordance with the mandates contained in United Nations Environment Assembly resolutions 4/6 and 3/7. The summary was finalized, in consultation with Member States, at the fourth meeting of the expert group (9–13 November 2020) in the understanding that such consultations were not to be seen as formal negotiations.

<sup>2</sup> UNEP/EA.3/Res.7 paragraph 10 (d)(i)

<sup>3</sup> Update of the Executive Director on progress made pursuant to the Assembly resolution on Marine plastic litter and microplastics (UNEP/EA.4/Res. 6) adopted by the fourth session of the UN Environment Assembly on 15 March 2019

<sup>4</sup> UNEP/EA.3/Res.7 paragraph 10(d)(i)

<sup>5</sup> UNEP/AHEG/2018/1/INF/3

<sup>6</sup> (UNEP/AHEG/2018/1/2, UNEP/AHEG/2018/1/6, UNEP/AHEG/2018/2/2)

in regulations; lagging or incomplete implementation or enforcement of legislation; inconsistent national implementation of international legislation; and national legislations which may conflict.

(b) **Financial barriers** were characterized by high-costs that make a certain activity difficult to afford or implement. Some of those financial barriers also constitute economic barriers. These include lack of internalization of cost, harmful subsidies, missing polluter-pays-principle, inappropriate global funding schemes, lack of funds, lack of implementation of market-based instruments and tax incentives, missing markets.

(c) **Technological barriers** are the ones that are related to the production, manufacturing and design of products, consumption systems and all aspects of waste collection, management and recovery. They include lack of standards and coordination across the plastics value chain and for environmental controls and quality specifications of plastics, differing approaches to recovery, sorting and reprocessing technologies and systems.

(d) **Information barriers** included access to data, research, transparency, and education and awareness. Information barriers are also highly relevant to inclusivity and environmental justice.

6. Work undertaken through inventories (financial and technical), stock-taking, as well as through submissions from experts shows that the barriers remain highly relevant to date and that those barriers have not been fully addressed. AHEG experts recognized there is an urgent need to prioritize ways to overcome these barriers through short-, medium- and long-term actions by identifying gaps and key success factors.

## **B. UNEA mandates 4/6 paragraph 7 (a) and (b).**

7. The stock-taking collected information through an online survey and a narrative submission system. A total of 220 actions were submitted through the online survey with four main categories: (a) Legislation, standards and rules, (b) Working with people, (c) Technology and processes, and (d) Monitoring and analysis across geographic focus/levels, environmental zones and life cycle phases.

8. The stocktaking submissions included: a focus of actions addressing microplastics; lack of harmonization of monitoring 25 different protocols cited in 37 monitoring actions reported. Actions described in the stock taking exercises focused on the coastal zone or urban environment and the use/consumption and post- consumption (sorting and management of plastics collected) or the design, production, manufacture and raw material phases. Funding sources for action included public finance, private sector finance and voluntary donations.

9. Among the 53 narrative submissions<sup>7</sup> (using the G20 reporting format) 26 were from UN Member States, 24 from major groups and stakeholders, two from intergovernmental organizations and 11 from UN entities while noting that Member States continue to update and develop their legislation, policies, standards, rules and strategies on marine plastic litter while national frameworks are more prevalent. They further include actions on bans affecting single-use plastics, waste management, extended producer responsibility (EPR), circular economy approach, incentives/disincentives, capacity-building, clean-ups, monitoring actions, the use of biodegradable plastics, and knowledge acquisition.

10. Experts acknowledged the stock-taking efforts and the importance of keeping track of efforts in a systematic manner. Experts further noted the necessity of further actions across the lifecycle required to address marine litter and microplastics in moving forward, including through a circular economy approach.

11. The inventory on technical resources or mechanisms identified 132 resources. State-of-knowledge reports including policy recommendations, application cases and best practice were the most prevalent. Life cycle stages covered waste management (collection/sorting/recycling/final disposal), marine plastic litter (monitoring/capturing), prevention of litter and waste reduction, design and production and use and consumption.

12. The AHEG noted that tackling marine plastic litter and microplastics requires the implementation of an array of policies, activities and technologies, many of which have high financial costs. Member States and organizations therefore can face important financial barriers in implementing necessary measures.

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<sup>7</sup> UNEP/AHEG/4/INF/6 - Report on the stocktake of existing activities and action towards the long-term elimination of discharges into the oceans to reduce marine plastic litter and microplastics

13. The inventory on financial resources or mechanisms examined 75 financial sources of which 75% included waste management as an area of focus. Other resources and mechanisms included funding for technology and processes (including research and development; new product design: new materials and processes; and changes in practice, operations, environmental management and planning). There were also resources and mechanisms to support actions implemented jointly by the public and private actors.

14. Overall, funding provided purely by private funds, investors and organizations remains a smaller proportion of funding than public funds, there are challenges for countries in accessing multilateral funds, difficulties in coordinating national budgets and plans with various international funds and initiatives, limited donor attention to some sectors with significant plastic footprints, lack of an explicit focus on gender and limited funds available to community-based initiatives and initiatives by indigenous peoples and communities. Based on these, new opportunities for innovative financing were listed such as joint public-private initiatives, blended finance, blue bonds, plastic offset programmes, specific plastic taxes or levies, advanced disposal fees, extended producer responsibility, innovative insurance instruments, and environmentally preferred purchasing programmes.

## II. Potential national, regional and international response options

### A. UNEA resolution 3/7 paragraph 10d (ii), (iii), (iv)

15. The AHEG identified a range of national, regional and international response options, including actions and innovative approaches, and voluntary and legally binding governance strategies and approaches<sup>8</sup>. It also identified environmental, social and economic costs and benefits of different response options<sup>9</sup> and examined the feasibility and effectiveness of these response options<sup>10</sup>.

16. The range of national, regional and international response options (UNEA resolution 3/7 paragraph 10(d)(ii)) was further divided into four sub-categories: legal and policy responses, technological responses, economic responses and educational and informational responses.

<i>Category</i>	<i>National level</i>	<i>Regional level</i>	<i>International level</i>
Legal and policy responses	<ul style="list-style-type: none"> <li>Legislative measures (waste management, framework, production/use-specific)</li> <li>National action plans</li> <li>Non-binding and voluntary measures that supplement legislative measures</li> </ul>	<ul style="list-style-type: none"> <li>Regional seas programmes</li> <li>Work of regional fisheries bodies and the Code of Conduct for Responsible Fisheries</li> <li>Policy coordination in EU and ASEAN</li> <li>Action plans developed by G7, G20, APEC</li> </ul>	<ul style="list-style-type: none"> <li>Strengthen existing instruments</li> <li>Establish a new global legally binding mechanism</li> <li>Three-pillar approach: waste management, recycling, and innovation</li> <li>Voluntary measures (GPML, GPA) can be included in all of the above options.</li> </ul>
Technological responses	<ul style="list-style-type: none"> <li>Redesign of plastic items and packaging</li> <li>Technological improvements in waste management</li> </ul>	<ul style="list-style-type: none"> <li>Research and innovation programme of EU that funds work on marine litter (Horizon 2020)</li> </ul>	<ul style="list-style-type: none"> <li>Enhanced international coordination, collaboration on research and development to better understand the pathways and impacts of marine litter and potential solutions and technological innovation</li> </ul>
Economic responses	<ul style="list-style-type: none"> <li>Establishment of incentives, taxes, levies and fines</li> </ul>		<ul style="list-style-type: none"> <li>Establishment of a multi-donor trust fund in the WB</li> <li>Global funding mechanisms</li> </ul>

<sup>8</sup> (in response to UNEA resolution 3/7 paragraph 10(d)(ii)).

<sup>9</sup> (in response to UNEA resolution 3/7 paragraph 10(d)(iii))

<sup>10</sup> (in response to UNEA resolution 3/7 paragraph 10(d)(iv))

<i>Category</i>	<i>National level</i>	<i>Regional level</i>	<i>International level</i>
Educational and informational responses	<ul style="list-style-type: none"> <li>Educational and awareness-raising initiatives launched in society at large and within specific industries</li> </ul>	<ul style="list-style-type: none"> <li>Regional nodes of GPML in order to strengthen interregional and regional cooperation and awareness-raising efforts</li> <li>Research and capacity development initiatives under regional institutions such as UNESCO IOC</li> </ul>	<ul style="list-style-type: none"> <li>Campaigns such as Global Clean Seas project, platforms such as GPML</li> <li>Conferences and events</li> <li>Civil society initiatives such as the global brand audit and global awareness raising campaigns.</li> </ul>

17. The costs of the three international legal and policy response options were analysed and discussed in UNEP/AHEG/2018/2/2. Discussions highlighted the priority has to be placed on prevention, Interest was expressed to delve deeper into the quantitative and qualitative elements of the costs and benefits associated with marine plastic litter and microplastics, despite the considerable challenges involved in taking account of the full range of costs and benefits. It was clear that the cost of inaction exceeds the cost of taking action to protect the environment and human health and there was a need to quantify these costs. Further another message was the importance of interacting and collaborating with all stakeholders in order to take advantage of the range of skills and traditional knowledge and to harmonize methodologies available in order to facilitate data generation and generate comparable data.

18. The following options for enhanced coordination and governance were proposed but are not mutually exclusive and could be explored in parallel:

- (a) Continue to strengthen existing mechanisms and coordination at the global level;
- (b) Improve coordination at the regional level and the establishment of national action plans;
- (c) Encourage new, and enhance existing, forms of financing and technical support to developing countries and small island developing States;
- (d) Consider a potential international legally binding agreement on marine litter and microplastics;
- (e) Consider the establishment of a forum enabling governments, industry, academia, civil society and other stakeholders to share experiences and coordinate action on a regular or ad hoc basis;
- (f) Advancing and strengthening existing initiatives, including voluntary initiatives.

## **B. UNEA resolution 4/6 paragraph 7 (d)**

19. Based on the results of the mandate of UNEA resolution 3/7 paragraph 10(d)(ii)~(iv), the effectiveness of existing and potential response options and activities (as listed below) were analysed (in response to UNEA resolution 4/6 paragraph 7 (d)) in terms of maturity, feasibility, time frame and impact. Archetypes included:

- (a) Strengthening the current international framework
- (b) Development of global design standards;
- (c) A new international framework;
- (d) Strengthening the regional framework;
- (e) Development and implementation of regional marine litter action plans;
- (f) National marine litter action plans;
- (g) Strengthening of solid waste management services using regulatory and market-based instruments;
- (h) National strategy to prevent microplastics

20. The result shows that each analysed option has distinctive features that may take effect differently depending on the diverse circumstances and that flexibility is required according to diverse, national circumstances. Some response option archetypes should be considered as part of

other archetypes since different response options are not mutually exclusive, while understanding that the structure of the report is in response to UNEA resolution 4/6 paragraph 7 (d). Overall, no policy measure could be evaluated as unconditionally and universally effective or ineffective; the success of an archetype related to the specific conditions under which it was employed, such as context, situation, region, and timing/stage and there was not enough data and information available to assess the degree to which the different response options will take effect. More knowledge as well as national, regional and international indicators will help to analyse and monitor the effectiveness of different response options, in a neutral manner and to formulate clear, feasible and targeted indicators and apply them to all international, regional and national aspects.

### III. Potential options for continued work for consideration by UNEA 5

21. There was a consensus at AHEG-1 that maintaining the status quo was not an option. Having reflected on identified national, regional and international response options along with their environmental, social and economic costs and benefits and on the examination of the feasibility as well as the analysis of effectiveness of such response options, pursuant to subparagraph paragraph 10 of UNEA resolution 3/7,<sup>11</sup> AHEG identified potential options for continued work for consideration by UNEA (UNEA resolution 3/7 paragraph 10d (v)), extracting from 14 submissions from Member States, regional groups and specialized agencies and 6 submissions from major groups and stakeholders.

22. Identified potential options are as follows.

Please be noted that

- Identified options in this summary mean the options that were mentioned and elaborated in the submissions and/or interventions by many participants.
- These options are not exhaustive while there are other potential options that have been discussed by some participants but not listed up as identified options in this summary as it is impossible to list up all the options in the summary. All the detailed submissions from the participants are compiled in UNEP/AHEG/4/INF/10 and all of the interventions from the participants during AHEG4 are recorded in its meeting report. It also should be noted that all the identified response options are not mutually exclusive.

(a) Global common vision

Setting new and or sharing an existing long-term vision and objective toward elimination of all discharge of plastic into the ocean. Some examples of noting a shared vision include: SDG 14.1, G20 Osaka Blue Ocean Vision, the Ocean Plastics Charter and UNEA Resolution 3/7 on the long-term elimination of discharge of litter and microplastics to the ocean and avoidance of detriment to marine ecosystems.

(b) National action plans and their implementation

Developing national action plans that could cover as far as possible all life cycle stages of plastics from upstream including sustainable production and consumption to downstream including environmentally sound waste management, as the basic framework that grounds countermeasures on marine plastic litter. It is necessary to take into consideration the diverse social, economic and environmental circumstances of each country, in particular for vulnerable countries with limited technical and financial resources and capacities. National action plans may include basic policy frameworks, related indicators to review the progress, promote transparency and reporting, and various substantial countermeasures, such as innovative solutions and awareness raising activities to reduce avoidable use of plastics and apply circular economy approaches for others.

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<sup>11</sup> Submissions were compiled in UNEP/AHEG/4/INF/10, "Submissions on potential options for continued work for consideration by the United Nations Environment Assembly". Member States, Regional Groups, and other groups of Member States that provided submissions were the African Group, the European Union and Member States, the Nordic Council, Iran, Japan, Malaysia, Myanmar, Norway, the Philippines, Singapore, Switzerland, Timor-Leste, the United States and Viet Nam. Major groups and stakeholders that provided submissions were Association Welfare; the Center for International Environmental Law (CIEL), the Environmental Investigation Agency EIA and GAIA; the India Water Foundation; the International Council of Chemical Associations (ICCA); the Somali Youth Development Foundation; and the Worldwide Fund for Nature (WWF).

- (c) Regional and international cooperation to facilitate national actions
- Enhancing regional and international cooperation to support effective national responses particularly for countries with limited resources and capacities, and having difficulties in developing and implementing such plans.
- (i) Financial and technical assistance, capacity building and technology transfer, to support states with implementing countermeasures and/or national action plans.
  - (ii) Sharing best practices for peer learning and of measuring the progress at the global level.
- (d) Scientific basis
- Further expand, accumulate and share scientific knowledge on marine litter, especially with regard to monitoring and source inventories and impact assessment in order to facilitate the necessary evidence-based and science-based policy approach to measure the success towards achieving common vision and objectives:
- (i) Develop monitoring technology and systems in order to identify sources and flows of plastics.
  - (ii) Standardize/harmonize monitoring and data reporting on the effect of the response measures.
  - (iii) Establish an international scientific advisory panel
- (e) Multi-stakeholder engagement
- Facilitating multi-stakeholder engagement in support of decision-making processes and implementation of actions to address marine litter. Examples of model and/or possible partner of multi-stakeholder and multi-sectoral framework and platform include
- (i) A multi-stakeholder platform operated by UNEP.
  - (ii) The Strategic Approach to International Chemicals Management (SAICM) that could support efforts on chemicals and materials management.
  - (iii) The Partnership under the Basel Convention.
  - (iv) Online platform from the stocktaking exercise.
- (f) Strengthening existing instruments
- Strengthen existing instruments, frameworks, partnerships, and actions such as the Global Partnership on Marine Litter (GPML), ongoing work under the Basel, Rotterdam and Stockholm Conventions, G20 implementation framework and the Ocean Plastics Charter. Such strengthening efforts may include collaborative efforts:
- (i) enlarge participating entities including wide range of public and private sectors
  - (ii) more effective reviewing schemes, such as interim quantitative indicators and periodical review
  - (iii) joint pilot projects to address the challenges in the field
  - (iv) develop and improve the capacity of countries including to undertake environmentally sound waste management.
- (g) A new global instrument
- Develop a new global agreement, framework or other form of instrument to provide a legal framework of global response and to facilitate national responses especially for those countries with limited resources and capacities that could contain either legally binding and/or non-binding elements, such as:
- (i) Global and national reduction targets
  - (ii) Design standards
  - (iii) Phasing out avoidable plastic products
  - (iv) Facilitation of national and regional action plans

- (v) Sharing of scientific knowledge through a scientific panel and utilizing globally harmonized monitoring methodology
- (vi) International coordination of financial and technical resources.

This option may require intergovernmental negotiating process, such as establishing an Intergovernmental Negotiation Committee, aimed to frame and coordinate such new global instrument.

- (h) Enhanced coordination among instruments

Enhance coordination framework amongst existing instruments and between existing and future instruments to pursue enhanced collaboration and to avoid duplication of efforts in order to work towards a common vision.

23. With the AHEG completing its mandate at its fourth meeting, potential options for continued work for consideration by UNEA5 are now identified. Numerous participants expressed their view that the AHEG should recommend starting negotiations on a global agreement (either legally binding or voluntary). Other participants expressed a preference for other response options or noted that the AHEG's mandate is to provide technical information to UNEA across a range of potential response options, not recommendations about what specific policy and/or policy formulation processes that UNEA should pursue. All of the AHEG experts would like to call for member states and stakeholders to recognize the magnitude and urgency of this issue, seriously consider these identified options and work cooperatively toward UNEA5.

24. Taking into account the broad agreement on the “two step approach” for UNEA-5, the AHEG appreciated the willingness of the Executive Director of UNEP to ensure that the work undertaken to date remains current and updated for purposes of the resumed session of UNEA-5, and, upon request, to organize informal preparatory consultations in support of preparations for the resumed session.

25. Experts joining the AHEG remain committed, in their own responsibility, to contributing to efforts to protect human health and the environment from marine plastic litter and microplastic.

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