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#breakfreefromplastic

Convention on Plastic Pollution

Toward a new global agreement to address plastic pollution

June 2020

ABOUT EIA

We investigate and campaign against environmental crime and abuse.

Our undercover investigations expose transnational wildlife crime, with a focus on elephants and tigers, and forest crimes such as illegal logging and deforestation for cash crops like palm oil. We work to safeguard global marine ecosystems by addressing the threats posed by plastic pollution, bycatch and commercial exploitation of whales, dolphins and porpoises. Finally, we reduce the impact of climate change by campaigning to eliminate powerful refrigerant greenhouse gases, exposing related illicit trade and improving energy efficiency in the cooling sector.

ABOUT GAIA

GAIA is a global network of more than 800 grassroots groups, NGOs and individuals. We envision a just, Zero Waste world built on respect for ecological limits and community rights, where people are free from the burden of toxic pollution, and resources are sustainably conserved, not burned or dumped. We work to catalyze a global shift towards environmental justice by strengthening grassroots social movements that advance solutions to waste and pollution.

ABOUT CIEL

Founded in 1989, the Center for International Environmental Law (CIEL) uses the power of law to protect the environment, promote human rights, and ensure a just and sustainable society. CIEL is dedicated to advocacy in the global public interest through legal counsel, policy research, analysis, education, training, and capacity building.

WE WOULD LIKE TO THANK

The Break Free From Plastics movement, of which EIA, CIEL and GAIA are members, for building momentum and amplifying voices to tackle plastic pollution globally. This report was made possible with support from the Plastic Solutions Fund and the Oak Foundation.

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Background

Plastic pollution is one of the greatest anthropogenic threats our planet faces and protection of the marine environment is a common concern of humankind.

Of approximately 275 million tonnes of plastic waste produced annually, up to 12 million tonnes leak into our oceans, wreaking havoc on livelihoods and ecosystems.[1] Yet the impact of ever-increasing production, coupled with overwhelmed and insufficient waste management, is felt not just in the oceans but in every environment on Earth,[2] resulting in an estimated $13 billion in annual environmental damage to marine ecosystems, as well as other economic losses and significant human and environmental health concerns.[3]

This plastic pollution crisis is inherently transboundary in nature and thus requires a concerted and coordinated global response to adequately address it.

In recent years, marine plastic pollution has been put squarely on the international agenda. As part of the 2030 Agenda for Sustainable Development, Sustainable Development Goal 14.1 states the need "by 2025, [to] prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution," making the issue of plastic pollution a top global priority. Marine plastic pollution also has been repeatedly highlighted by the United Nations Environment Assembly (UNEA) in a series of resolutions:

Resolution 1/6: Marine plastic debris and microplastics (2014). At its inaugural session, UNEA stresses the importance of the precautionary approach, calls for comprehensive action on marine plastic pollution and requests an extensive study to identify key sources and possible measures.[4,5]

Resolution 2/11: Marine plastic litter and microplastics (2016). UNEA recognises marine plastic pollution is a "rapidly increasing serious issue of global concern that needs an urgent global response," underscoring the need for harmonised definitions and monitoring, the lack of resources across regions and requesting an assessment from the United Nations Environment Programme (UNEP) on the effectiveness of international and regional strategies and approaches.[6,7] Following a review of 18 international instruments and 36 regional instruments, UNEP concludes that "current governance strategies and approaches provide a fragmented approach that does not adequately address marine plastic litter and microplastics."[8]

Above: Plastic production is increasing at alarming rates, set to quadruple by 2050. Up to 12 million tonnes of plastic leak into our oceans each year, and 51 trillion plastic particles are already present in the marine environment.

Resolution 3/7: Marine litter and microplastics (2017). UNEA stresses "the importance of long-term elimination of discharge of [plastic] litter and microplastics to the oceans," encouraging national action and international cooperation, and establishes an Ad Hoc Open-Ended Expert Group to examine options to combat marine plastic pollution from all sources, including international response options and legally binding strategies and approaches.[9,10]

Resolution 4/6: Marine plastic litter and microplastics (2019). UNEA reaffirms the importance of the long-term elimination of discharge of plastic litter and microplastics into the oceans and further stresses "the importance of more sustainable management of plastics throughout their lifecycle in order to increase sustainable consumption and production patterns, including but not limited to the circular economy" and extends the mandate of the expert group to include exploring technical and financial resources and mechanisms and the effectiveness of an international response option.[11,12]

Moreover, during this time, the International Maritime Organization (IMO) adopted its Action Plan to Address Marine Plastic Litter from Ships in 2018,[13] taking initial steps to reduce plastic pollution from ships and fishing vessels. Likewise, the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal adopted amendments in 2019 intended to better control the transboundary movements of certain problematic plastic waste by changing their control status so they are subject to the "'prior informed consent" procedure.[14]

It is increasingly clear, however, that to prevent plastic pollution in the marine and other environments, the global community will need a dedicated instrument, a Convention on Plastic Pollution, that addresses the full lifecycle of plastics from production and design to waste prevention and management.[15,16] The Convention on Plastic Pollution should build upon and complement existing regional and global frameworks, allowing them to contribute within their core competencies, while otherwise filling the significant gaps that must be addressed in order to eliminate the long-term discharge of plastic pollution into our oceans and promote a safe circular economy for plastics which is just and safeguards the climate system.[17]

Pillars of Action

Member States have identified several areas where activities are needed, which can be broadly placed into four pillars of action that form the structural and conceptual framework for the Convention on Plastic Pollution:

CONVENTION ON PLASTIC POLLUTION

PILLAR 1 MONITORING AND REPORTING

Monitoring and reporting on the state of the environment and implementation

Harmonisation
- Definitions
- Methodologies (monitoring, reporting)
- Standardised formats

Environmental monitoring
- Baselines (seafloor, seawater, shoreline, biota, freshwater, soils)
- Indicator species
- Evolution of plastic pollution in marine and other environments

National data reporting
- National inventories and sources:
  - virgin plastic production and use
  - recycled plastic production and use
  - plastic-waste management
  - plastic-waste trade
  - land-based sources
  - sea-based sources
  - microplastics
- Evolution of circular economy and leakage

Reporting on national action
- Submission of national action plans
- Periodic review and update

Periodic comprehensive assessments
- Progress toward global objectives
- Scientific and socio-economic reviews

PILLAR 2 PLASTIC POLLUTION PREVENTION

Measures to reduce plastic pollution and promote a safe circular economy for plastics

Global objectives
- Long-term elimination of discharges
- Safe circular economy for plastics

National action plans
- Policies and legislation:
  - targets and market restrictions
  - waste prevention and management
  - recycling and secondary markets
- Sustainable financing mechanisms
- Infrastructure investments
- International and regional commitments

Microplastics
- Intentionally added (e.g. microbeads, fertilisers)
- Wear and tear (e.g. tyres, textiles)
- Mismanagement (e.g. pellets)

Standardisation
- Labelling
- Product design and additive restrictions
- Certification schemes
- Voluntary industry standards

Virgin plastic production and use
- Controls and quality standards

Remediation and legacy pollution
- Protocols and guidelines

PILLAR 3 COORDINATION

Coordination with other international and regional instruments on relevant topics

Sea-based sources (including fishing gear)
- International Maritime Organization (IMO)
- Food and Agricultural Organization (FAO)

Plastic waste trade
- Basel Convention
- Organisation for Economic Co-operation and Development (OECD) and regional instruments

Chemicals and additives
- Stockholm Convention
- Strategic Approach to Integrated Chemical Management (SAICM)

Biodiversity
- Convention on Biological Diversity (CBD)
- Convention on Migratory Species (CMS)
- International Whaling Commission (IWC)

Climate change
- United Nations Framework Convention on Climate Change (UNFCCC)
- Intergovernmental Panel on Climate Change (IPCC)

Agriculture
- Food and Agricultural Organization (FAO)

Cross-regional knowledge exchange
- Regional seas conventions and programmes
- Regional fisheries management organisations

PILLAR 4 TECHNICAL AND FINANCIAL SUPPORT

Technical support to policymakers and financial support to developing countries

Scientific Assessment Panel
- Periodic comprehensive assessments
- Ad hoc reports

Socio-Economic Assessment Panel
- Periodic comprehensive assessments
- Ad hoc reports

Implementing and bilateral agencies
- Technical assistance:
  - capacity-building and training
  - policy development
  - monitoring and reporting
- Best practices and knowledge exchanges

Financial resources and mechanism
- Enabling activities:
  - capacity-building and training
  - policy development
  - monitoring and reporting
  - institutional strengthening
  - Pilot and demonstration projects
- Incremental costs

Implementation and compliance mechanism
- Implementation guidance
- Assistance for countries in non-compliance

Above: Monitoring and reporting on the presence of plastic pollution in different environments will be a critical component of the new convention.

Pillar 1: Monitoring and reporting

An essential element in any multilateral environmental agreement is monitoring and reporting.

Monitoring and reporting on the state of the environment will be critical aspect of the Convention on Plastic Pollution, in particular the evolution of two indicators:

Presence of plastic pollution - environmental monitoring
The presence of plastic pollution, i.e. a top-down approach for tracking the evolution of plastic in marine and other environments over time. Parties will need to develop a harmonised environmental monitoring framework outlining what will be monitored, such as seafloor, seawater, shoreline, biota, passively fished waste or other compartments such as freshwater and soils. In collaboration with the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) and/or other dedicated bodies, Member States will also need to establish clear methodologies for how such monitoring should take place, how it will be coordinated, by whom and how often.

Circular economy and leakage - data reporting
Plastic inputs into the environment, i.e. a bottom-up approach tracking national progress toward a circular economy and the reduction of leakage. This will require reporting along the full lifecycle of plastic, from production and use to collection, recycling and plastic-waste management. National data reporting will also facilitate the development, implementation, review and update of national action plans, allowing for progress to be monitored nationally and collectively at the global level.

How these evolve over time will determine the success or failure of the adopted policies and measures, informing future decision-making. Much of the monitoring of the marine environment is currently undertaken through ad hoc bodies, agencies, projects and programmes in an inconsistent and fragmented manner, causing significant challenges with reliability and cross-comparability of data. With regard to reporting, such mechanisms are virtually non-existent. One of the first tasks of the Parties will therefore be to develop and implement a harmonised monitoring and reporting system which will include standardising definitions, methodologies and formats for the purposes of establishing baselines and inventories.

Above: Pellets are the building blocks of the plastics industry. Melted and molded into virtually every plastic product in existence, up to 230,000 tonnes leak into the environment annually.

Pillar 2: Plastic pollution prevention

The overarching objectives of the Convention on Plastic Pollution are:

1. to eliminate the long-term discharges of plastic into all compartments of the environment (land, sea, air);

2. to achieve a safe circular economy for plastics, one that is just and safeguards the climate system.

At the heart of the global agreement will be country-level plastic pollution reduction plans – national action plans, as it were – transposing international obligations and setting out the specific policies and measures taken or to be taken to reduce plastic pollution. These will be informed and supplemented by initiatives to address specific issues related to microplastics and ensure standardisation across the plastic value chain.

National action plans

National action plans, more appropriately referred to as plastic pollution reduction plans, will form the cornerstone of a new Convention on Plastic Pollution, transposing international obligations into policies and legislation, including measures and incentives to be implemented at the national level. They will be tailored to each country's specific needs and circumstances in order to reflect the realities on the ground. For example, in a country with large rural areas lacking waste-management infrastructure, policymakers may elect to advance a set of measures to eliminate prevalent single-use plastic items while promoting traditional solutions as alternatives, coupling this with targeted investments in accessible and regular separate collection and recycling. Parties should be expected to communicate their plastic pollution reduction plans as part of their commitments under the Convention, report on implementation over a specified timeframe and review and update them periodically. Relevant commitments made elsewhere, such as under regional and other international instruments, would be incorporated into the national action plans so as to consolidate all actions into one document, a one-stop shop for national action against plastic pollution. National action plans should include the requirement to legislate in the pursuit of establishing extended producer responsibility schemes and national reduction targets.

Microplastics

Primary microplastic pollution is plastic entering the environment in small pieces and includes microplastics emitted during the lifecycle of a product through wear

and tear (e.g. automobile tires, road markings, textiles, artificial turf, building paint), through accidental spills (e.g. pellets) or because intentionally added (e.g. microbeads in cosmetics and cleaning products, controlled-release fertilisers). Secondary microplastic is derived from the breakdown of larger pieces of plastic debris once in the environment. Microplastics are an insidious form of pollution, the impacts of which we have only just begun to understand. They adsorb toxic pollutants, harbouring concentrations of PCB and DDT up to 1,000,000 times more concentrated than surrounding water. A recent study found up to 1.9 million microplastic pieces per m^2 of seafloor, with 2,249 species of plant, animal and microbe being known to be impacted globally.[18,19] These pollutants are contaminating seafood destined for human consumption[20] and threatening human health in other ways such as through airborne nanoparticles and microfibres.[21] While several national and regional regulations aim to limit the quantities of certain intentionally added microplastics, much more needs to be done. Despite human and environmental health concerns, there exists no multilateral instrument to ban or heavily restrict the use of intentionally added microplastics globally.

Standardisation

Another key issue impeding progress towards achieving circular-economy objectives is a lack of global criteria and standards on products and recycled materials, undermining secondary markets and the circular economy. The Convention on Plastic Pollution should systematically address these issues through a combination of labelling, product design, additive restrictions and certification schemes. These activities would work to bring structure and organisation to the global plastics value chains and enable consistent approaches that would actively promote resource efficiency, best practice and waste reduction at national levels. In addition to this, the Parties may wish to set out global market restrictions, such as prohibitions on certain polymers and additives, and controls on the use of toxic additives, such as endocrine-disrupting chemicals and carcinogens.

Virgin plastic production and use

Significant reductions in the quantity of virgin plastic produced and used is key to the long-term elimination of emissions into marine and other environments. This will require a series of control measures to be negotiated at the global level to cap and gradually phase down virgin plastic production and use. These measures should be accompanied by quality specifications on virgin pellets and resins, allowing for recycling into the circular economy.

Remediation and legacy pollution

In addition to prevention, coordinating the clean-up of what is already present in the environment will also be an important task. Currently, remediation efforts are not only insufficient, but also disparate and often ineffectual at large scales. Parties to the Convention will thus be required to negotiate the development of protocols and guidelines for remediating all environmental compartments (land, sea and air) while ensuring impacted communities are made whole.

Above: As demand for oil in the transportation sector is likely to decline, companies are transitioning their investment to petrochemicals - the feedstock of the plastic industry - as a means to maintain profitability. Consequently, the expansion of plastic production facilities such as this are rapidly advancing around the world, with over $200 billion currently being invested in new infrastructure in the United States alone.

Pillar 3: Coordination

Several existing conventions and agreements could be or are actively taking steps to address aspects of plastic pollution, covering topics from fishing gear to the plastic-waste trade.

However, there is a lack of coherence and coordination between measures to address plastic pollution on land and at sea. Consequently, coordination with other international and regional instruments is needed and should be central to the governance of the new Convention on Plastic Pollution, promoting effective cooperation and coherence while fully recognising that these are separate bodies with their own mandates and competencies.

Sea-based sources (including fishing gear)
Several multilateral environmental agreements exist to regulate sea-based sources of marine plastic pollution, targeting pollution from fishing vessels, cruise liners, maritime platforms, ports and shipping operations, among others. Notably, these largely fall within the mandates of the International Maritime Organization (IMO) and Food and Agricultural Organization (FAO), and include the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), the London Convention and Protocol, Port State Measures Agreement (PSMA) and the FAO Code of Conduct for Responsible Fisheries (including the Voluntary Guidelines for the Marking of Fishing Gear), among others. Considered alongside one another, these instruments take disparate approaches on some issues or harbour significant regulatory voids. Likewise they sometimes lack clarity about where responsibility for monitoring, reporting and enforcement sits, particularly in the context of fishing gear and the jurisdiction of essential portside measures required for an effective approach to managing this problem. The new Convention on Plastic Pollution would seek to eliminate regulatory voids and ensure coherence and coordination.

Plastic waste trade and management
Significant quantities of plastic waste are internationally traded with limited transparency and accountability on final treatment. Several instruments partially regulate this international trade, including the Basel Convention (1989), economic organisations such as the Organisation for Economic Cooperation and Development (OECD) and multiple regional agreements. The new Convention on Plastic Pollution should work with these instruments to ensure that activities on the plastic waste trade are coherent and complementary, eliminating leakage into marine and other environments while ensuring final treatment is compatible with a safe circular economy for plastics.

Chemicals and additives
Plastics are essentially composed of different types of chemicals, which includes additives. Additives are the chemicals added to polymers along the supply chain to change their physical, thermal, electrical or aesthetic characteristics. While historically considered biochemically inert, it is now known that many of these chemicals and additives are toxic to human health and have the capacity to pass biological membranes and disrupt physiological processes. This toxicity can undermine secondary markets for post-consumer pellets and a safe circular economy for plastics. In response to this concern, several agreements exist to restrict and regulate the types and quantities of chemicals produced, including during the manufacturing of plastic. These include the Stockholm Convention on Persistent Organic Pollutants (POPs) (2001), a legally binding agreement, and the Strategic Approach to International Chemicals Management (SAICM), a non-binding policy framework. However, the vast majority of plastic additives fall outside the scope of the Stockholm Convention and a remarkable degree of opacity still exists around the chemicals and additives used in plastic production altogether. A lack of obligation to disclose information on substances contained in plastic products and to report on the specific additives used throughout the supply chain, combined with a limited understanding of health implications, means that existing instruments are at present ineffectual at safeguarding human and environmental health and promoting a safe circular economy for plastics. The new Convention on Plastic Pollution would work to address these shortfalls by controlling the use of all additives in plastic on the basis of the precautionary principle.

Biodiversity
Some multilateral agreements on biodiversity and species conservation have a role to play in mitigating the impact of pollution, including plastic pollution, on natural systems and tracking the evolution of plastic in and impacts on indicator species. This includes the Convention on Biological Diversity, Convention on Migratory Species and International Whaling Commission, among others.

Climate change
Plastic has a large and rapidly growing greenhouse gas footprint, primarily in its production phase and secondarily upon incineration and decomposition. Plastic also significantly exacerbates climate disruption in many locales (e.g. plastic bags block drains, exacerbating flooding; plastic damage to coral reefs undermines climate-stressed ecosystems upon which local economies depend). In accordance with the Paris Agreement of the United Nations Framework Convention on Climate Change (UNFCCC), the plastic lifecycle must be managed so as to achieve net carbon neutrality by 2050. This and other actions to minimise plastic's climate impact will require explicit coordination between national action plans and the UNFCCC's Nationally Determined Contributions. Similarly, scientific bodies under the Convention should coordinate with the Intergovernmental Panel on Climate Change (IPCC) to ensure accurate and timely accounting of plastic's climate impacts.

Agriculture
Agriplastics are plastics used in agricultural production and sales and include greenhouse film, silage covers and bags, irrigation systems, nutrient prills, tunnels and covers. Hundreds of thousands of tonnes are produced, traded and used annually for purposes ranging from weed suppression and fertilisation to protection from harsh weather and transportation. As well as generic concerns about non-recyclability and inappropriate disposal, recent studies have affirmed that soil mulching and microplastic fertilisers can degrade terrestrial ecosystems and reduce crop productivity over longer timeframes, presenting serious threats to global food security. Despite these growing concerns, agriplastic use remains unregulated by the Food and Agricultural Organization, or any other related regulatory body.

Cross-regional knowledge exchange
The 18 Regional Seas Conventions and Programmes addressing land-based sources of pollution vary in scope, legal structure and effectiveness.[22] Nevertheless, they serve as important regional laboratories with the potential to reinforce regional cooperation to address region-specific issues and should therefore be strengthened, where possible, and knowledge exchanged among them.

Above right: Cooperation and coordination at the global level is critical for addressing the transboundary problem of plastic pollution.

Pillar 4 – Technical and financial support

The Convention on Plastic Pollution will require technical and financial resources to achieve its objectives. In addition to providing for a secretariat, additional technical and financial resources will be needed to support decision-making and assist developing countries and economies in transition.

Scientific assessment panels
UNEA has recognised the "urgent need to consider a strengthened science policy interface and global coordination, cooperation and governance" and "strengthen the science policy interface at all levels and to do more to support science-based approaches."[23] This includes improving the "understanding of the fate, distribution and impact of marine litter" and promoting "local, national, regional and global action to prevent and eliminate the discharge of [plastic] litter."[24] Policy decision-making under the Convention on Plastic Pollution should be based on the best-available science, bringing together in standing scientific assessment panels the relevant expertise, including, for example, the Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP).

Socio-economic assessment panels
Socio-economic assessment should inform policy decision-making, providing improved understanding of the implications of status quo, inaction and of various

measures under consideration in terms of costs and economic impact as well as social implications on workers, households and gender and the rights of indigenous people, among other considerations.

Implementing and bilateral agencies

Many of the current activities undertaken to address marine plastic pollution at the regional and global levels are effectuated through implementing and bilateral agencies. This existing structure should be built into the Convention on Plastic Pollution in the form of technical assistance building upon the existing technical expertise within implementing and bilateral agencies in terms of capacity-building and training, policy development and monitoring and reporting. Moreover, best practices and knowledge exchanges should be shared and promoted more widely.

Financial resources and mechanism

A global agreement should include a mechanism to provide financial support to developing countries and economies in transition to assist with implementation and compliance. These financial resources can be divided into: (i) enabling activities, i.e. those activities necessary to pave the way for or enable compliance including capacity-building and training, policy development, monitoring and reporting, institutional strengthening and pilot and demonstration projects; and (ii) incremental costs, i.e. agreed costs related to complying with the new commitments. This financial mechanism should combine multiple sources of funding and ensure the operationalisation of the polluter-pays principle.[25] In order to achieve sustainable financing for plastic-waste management, economic and other fiscal measures will need to be adopted by municipal and national governments. To this end, plastic waste management must become self-sufficient at the local and national levels, financed predominantly by the economic actors (industries) profiting from plastic use. Related to the provision of financial resources is the financial mechanism for delivering them, which requires further discussion and elaboration drawing on the experience and lessons learnt from the various existing financial mechanisms in other multilateral environment agreements and assessing their effectiveness in addressing plastic pollution.

Implementation and compliance mechanism

In order to assist with implementation and compliance with the provisions of the Convention on Plastic Pollution, a dedicated mechanism (committee) should be established, including providing additional support to countries in non-compliance.

Conclusion

Political momentum for a new global agreement addressing the full lifecycle of plastics is growing, as evidenced by the ever-increasing assemblage of international agreements, declarations, initiatives and conventions that have solidified and prioritised measures to achieve these ambitions. These include several recent high-level regional and ministerial declarations, including:

• **The Nordic Ministerial Declaration** on the call for a global agreement to combat marine plastic litter and microplastics, April 2019. The declaration encourages "… other interested actors to join the call for a new global agreement and participate actively in the Ad Hoc Open-Ended Expert Group established by the United Nations Environment Assembly.[26]

• Adoption of the **Caribbean Community (CARICOM) St Johns Declaration**, July 2019, which states: "Heads of Government… [u]nderscore the urgent need for a global agreement to address plastics and microplastic pollution and in this regard recall resolution 3/7 of the United Nations Environment Assembly (2017), and the long-term ambition to eliminate discharges of litter and microplastics to the oceans."[27]

• The outcome of the 17th session of the African Ministerial Conference on the Environment (AMCEN), November 2019. **The Durban Declaration** on Taking Action for Environmental Sustainability and Prosperity in African states: "We commit ourselves to supporting global action to address plastic pollution, which will require further work in order to engage more effectively on global governance matters relating to plastic pollution, including reinforcing existing agreements and the option of a new global agreement on plastic pollution."[28]

• The new **European Union (EU) Circular Economy Action Plan**, March 2020, which states: "The [European] Commission will … lead efforts at the international level to reach a global agreement on plastics and promote the uptake of the EU's circular economy approach on plastics.[29]

At the fifth session of UNEA, currently scheduled for February 2021, delegates from around the world will meet once again to discuss next steps on global governance amid growing calls from ministers, capitals and regions for a new legally binding Convention on Plastic Pollution, an idea that has broad support within the expert group established to review international response options.

It is critical that Member States at UNEA support the call for an intergovernmental negotiating committee or equivalent body to begin negotiations without delay on the elements and design of the Convention on Plastic Pollution, the only viable and effective means to tackle plastic pollution and save our oceans.

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