



Nordic Council
of Ministers

EXECUTIVE SUMMARY

Possible elements of a new global agreement to prevent plastic pollution



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Executive Summary

Plastics and their chemical components are integrated in all areas of our daily lives. While plastics will continue to bring various societal benefits, a systematic and holistic global approach is needed to mitigate marine plastic pollution. In 2017, an assessment of the effectiveness of relevant international governance strategies and approaches was presented to the third session of the United Nations Environment Assembly (UNEA) that highlighted key gaps in international plastics governance. The report points out that the absence of an institution with a mandate to coordinate existing efforts, lack of legally binding instruments in key regions to manage marine plastic pollution originating from land, and limited industry due diligence and lack of global design standards to mitigate plastic pollution hamper effective international management of plastics. These shortcomings necessitate a global response that extends beyond waste management to address the entire life cycle of plastic pollution. A business-as-usual approach that does not address current governance gaps is harmful to ecosystems and the services they provide, as well as harmful to social well-being and economic productivity in multiple sectors. This report contributes to global discussions by: (1) defining potential objectives and strategic goals of a potential new global agreement; (2) providing a first outline of a structure for a potential new global agreement; and (3) identifying and detailing national implementation measures to achieve the global goal of zero discharge of plastics into the marine environment.

A global policy setting regarding the prevention of marine pollution by plastics has been established over recent years and this report contributes to relevant discussions within this setting in which the international community has agreed to certain principles, approaches and decisions. Since 2014, UNEA has

in its four consecutive meetings adopted five resolutions specific to the issue of marine plastic litter and microplastics and the mitigation efforts underway, while emphasizing the urgent need for greater progress. In 2017, the third session of the Assembly agreed to the long-term elimination of all discharge of litter and microplastics to the ocean and established an intersessional Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics to consider, inter alia, a stronger governance response at the global level¹. Its intersessional meetings have discussed the sources, response options, enabling mechanisms and barriers to long-term elimination, amongst other issues, and will provide input to the fifth session of UNEA to be held in February 2021.

The vision of UNEA agreed in 2017, for the long-term elimination of all discharge of litter and microplastics to the oceans, builds on and complements Target 14.1 of the 2030 Agenda on Sustainable Development, which calls for preventing and significantly reducing marine pollution of all kinds, particularly from land-based activities, by 2025. The UNEA vision is termed the 'global objective' for the proposed new agreement on marine plastic litter discussed in this report.

In response to numerous calls from the international community for the development of a new global agreement on marine plastic litter, the Nordic Council of Ministers for the Environment and Climate (MR-MK) adopted a Declaration in 2019 that called for the development of such an agreement. The Declaration requested the preparation of a report to inform decision-making, by sketching out the possible elements and approaches of a new global agreement that addresses the whole life cycle of plastics (NCM, 2019). This report is delivered in response to that request.

The report aims to inform the UNEA process and other forthcoming meetings on managing and preventing pollution by plastics. Meetings of parties to relevant instruments and various partnerships aiming to address the issue of plastic pollution also could consider the measures outlined in this report as possibly useful options within their respective mandates.

Why a new global agreement?

Plastics are found in disturbing quantities in our oceans, air, soil and freshwater resources. Plastic pollution presents a significant risk to marine ecosystems and biodiversity globally (UNEP, 2014), as well as to the marine economies of many nations (McIlgorm et al., 2020). The current international legal and policy framework is inadequate to address the issue of marine plastic pollution (UNEP, 2017). Policy and market failures in waste management have also played a key role.

In 2017, governments agreed to the goal of long-term elimination of all discharge of litter and microplastics to the ocean. The marine litter issue,

1 UNEA Res. 3/7, para 10

however, cannot be solved in the ocean itself. Elimination of discharge to sea requires a much-needed systemic change that enables better management of plastics on land too. This can only be achieved when global governance spans the entire plastics life cycle, addressing product design and the entire supply chain. The plastic pollution problem is bigger than ineffective and unsound waste management.

This report outlines suggested elements of a new global agreement to combat plastic pollution. Importantly, the elements aim to engage governments, industry and consumers by providing better tools for governments to regulate national markets, global guidance for industry and incentives for consumers. In implementing those elements, parties to the proposed agreement would approach fulfilment a number of Sustainable Development Goals, particularly Goal 14 on life below water, Goal 11 regarding sustainable cities and communities and Goal 12 on responsible consumption and production. Parties would thereby also reduce the global risks of non-renewable resource depletion, reduced food security, and the health risks of soil, water and chemical pollution.

Approaches to a new agreement: holistic or filling gaps?

Existing global instruments, such as the Basel Convention, the Stockholm Convention, the UN Law of the Sea Convention, the Convention on Biological Diversity, Annex V of the International Convention for the Prevention of Pollution by Ships (MARPOL) and the London Convention and the Protocol thereto, will be complemented by the proposed new global agreement. Geographical gaps in the current regional frameworks concerning land-based sources of marine pollution (UNEP, 2017) can be addressed through a specific global agreement on plastics.

However, a new global agreement for plastics must go beyond simply closing the gaps in the current global and regional law and policy framework. A comprehensive and long-term governance strategy is needed to address prevention as a primary approach and to ensure sustainable management of plastics throughout the value chain². First, the existing framework's weakness on upstream and midstream activities must be addressed (see figure C) by providing robust national financial mechanisms that improve downstream activities in all countries.

A global agreement can help countries address plastic pollution in upstream activities, facilitating governments to enact necessary legislation and implement effective measures. Countries can be provided with the tools to regulate the products placed on their markets that will create a level playing field for industry and governments, avoid disputes under the World Trade Organisation and assist in regulating the growing online sales platform. Most impor-

² The value chain refers to all business activities undertaken to create a product, including from extraction, production and distribution to activities that again create value from the product at end-of-life.

tantly, by addressing the issue at the design phase, all sources and pathways of marine plastic pollution can be addressed. Through this life cycle value chain approach, downstream management services would grow, as risks of exposure to international trade fluctuations in secondary plastics would be reduced, and the economic stability of and investment in downstream plastic waste management services would be enhanced. This, in turn, will benefit those countries that suffer the impacts of transboundary movement of marine plastic litter.

Thus, a life cycle management approach that goes beyond merely closing existing governance gaps can more effectively measure the extent of plastic pollution, including microplastics, and measure progress made at the global level in prevention and mitigation. Commonly agreed targets and measures can help governments implement national actions.

The design of a new global agreement

The design of a new global agreement will depend on the agreed objectives and scope. This will, in turn, influence the design of the obligations parties must commit to and how parties are expected to implement these obligations. Global discussions have progressed from a need to reduce marine litter (downstream), to promoting sustainable waste management in an attempt to achieve such reductions (midstream), to targeting sources (upstream activities) in order to support sustainable waste management and thereby prevent marine litter. These approaches are reflected in Table A.

The objectives listed in Table A were considered together with the request in the Declaration adopted by the Nordic Council of Ministers for the Environment and Climate Change, requesting that the entire life cycle of plastics be addressed by the agreement. This led to the study focusing on an agreement that has the objective of sustainable consumption and production across the

Objective	Design possibilities and limitations
Reduction of marine litter	<p>Build on the Regional Seas Conventions and Action Plans framework.</p> <ul style="list-style-type: none"> • May have limited options for addressing source materials and design of plastic products, including the elimination of residual waste across the full life cycle. • Tracking progress at the global level may prove challenging.
Sustainable waste management	<p>Promote 3R waste hierarchy (reduce, reuse, recycle), including a reduction in the generation of wastes.</p> <ul style="list-style-type: none"> • Would facilitate a reduction in but not eliminate marine litter • Options to influence the design of products across the global value chain may be limited.
Sustainable consumption and production	<p>Address the full life cycle of plastics</p> <ul style="list-style-type: none"> • Would facilitate sustainable waste management and reduction of marine litter and microplastics. • Reduces residual waste across the value chain.

TABLE A
The three objectives assessed for the design of a new global agreement

life cycle of plastics in order to achieve all three of these objectives in the long-term. The third objective has therefore guided the elements outlined in this report.

Options for the design of a new global framework to govern plastic pollution is presented though three approaches. These can be described simplistically, although variations are possible, as:

1. a highly regulatory (top-down) approach;
2. a voluntary (bottom-up) mechanism; or
3. a hybrid formulation that combines the two approaches.

The proposed new global agreement is presented in this report as a framework agreement that provides the legal basis for future development of more detailed implementing instruments over time. A highly regulatory approach provides limited flexibility in the selection of national implementation measures. In contrast, a voluntary approach would not allow for the development of obligations that countries would commit to. In this context, the hybrid approach is therefore favoured in this report.

Governments	Industry	Consumers
<ul style="list-style-type: none"> Tools to regulate domestic markets Tools to ensure transparency across the value chain of products and materials Tools to develop partnerships with industry <p>Developing countries:</p> <ul style="list-style-type: none"> - Assistance for development of National Plastics Management Plans - Assistance for development of regulatory & market-based instruments to reduce the financial & physical burden of waste management 	<ul style="list-style-type: none"> Guidance on sustainability objectives & criteria Confidence in a fair & transparent competitive opportunity Potential cost savings based on performance outcomes 	<ul style="list-style-type: none"> Incentives to reduce, reuse, recycle Penalties for waste and litter Increased opportunity for sustainable income generation

TABLE B
Summary of engagement of government, industry and consumers through a new global agreement

Table C lays out how the hybrid approach engages societal actors in plastics management throughout the life cycle of plastic products. It enables management tools to be utilised by government, industry and consumers at all points along the plastics value chain.

The building blocks of a new global agreement

Multilateral environmental agreements (MEAs) typically exhibit common structural features, as illustrated in Figure A. These are usually blocks of provisions that serve particular functions in the working of an MEA: general, management, supporting, institutional, assessment and final provisions.

- **General** provisions elaborate on the agreement's objective, principles and strategic goals, scope and definitions or use of terms.
- **Management** provisions provide the key mechanisms and operational commitments to be implemented by the parties and other partners in order to achieve their objectives and goals.
- **Supporting** provisions enable implementation of the key mechanisms and specific commitments, such as through advisory functions, international liaison, capacity building, and technical and financial assistance, and education and awareness raising.
- **Institutional** provisions set up the governing body, scientific and technical bodies, and secretariat.
- **Assessment** provisions track progress towards the objective of the agreement at the international and national levels through reporting (disclosure of standardized information), monitoring and research, and review (third-party verification).
- **Final** provisions describe the conditions for ratification and accession, entry into force, dispute settlement, amendment and withdrawal from the agreement.



FIGURE A
The building blocks of an international agreement forming the focus of this report

The strategic goals of a new global agreement

The strategic goals of the new agreement can guide high-level targets to ensure convergence of national efforts to eliminate leakage of plastics into the marine environment. The following are suggested as four strategic goals:

1. Elimination of problematic and avoidable plastic products.
2. Sustainable management of all products.
3. Sustainable waste management.
4. Chemical hazard reduction.

These strategic goals have been chosen because their fulfilment would meet the overall objective of the proposed agreement, i.e. long-term elimination of all discharge of litter and microplastics to the ocean. Of necessity, they relate to the full lifecycle of plastic products. They would be articulated in the general provisions of the proposed agreement.

To be effective in reducing marine plastic pollution over the long-term, the strategic goals of a new global agreement must aim to address all sectors and the full value chain of plastics, upstream, midstream and downstream. Beginning with raw material extraction, through all phases of the life cycle, to design, international trade, microplastics and chemical additives, all with the intention of minimising residual waste across all life cycle phases.

International sustainability criteria

The achievement of strategic goals can be facilitated through operational implementation mechanisms. The fundamental and central operational implementation mechanism proposed in this report is the formulation and adoption of international sustainability criteria addressing the full life cycle of products. These criteria would apply to economic activities along the value chain of plastics, to incentivise reusability, repairability and recyclability of products. In other words, economic activities are considered as 'upstream', 'midstream' and 'downstream' in the context of the controlled flows of the plastics value chain (as illustrated in Figure B). The following figure sets them out and identifies where the economic activities relate to the proposed strategic goals and juxtaposes them with risks of plastic pollution leaking into the environment.

Life cycle activities commonly referred to:

- Upstream: production of virgin materials, design of materials and products, retail, consumption
- Midstream: waste management (collection, sorting, treatment)
- Downstream: mitigation and removal post-leakage into the environment
- Upstream: extraction, production of virgin materials

Value chain activities as referred to in this report:

- Upstream: extraction, production of virgin materials
- Midstream: manufacturing & design, consumption
- Downstream: waste management
- Post-value chain: mitigation and removal post-leakage into the environment

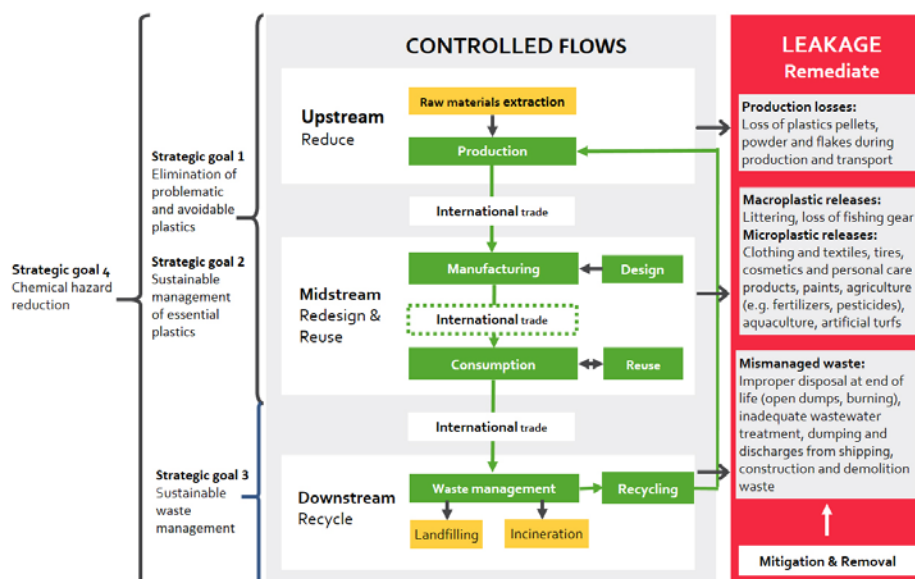


FIGURE B
The value chain of plastics, indicating circular materials flows in green.

The activities within the value chain would be designed to prevent leakage, thereby minimising the need for mitigation and removal (i.e. remediation).

The proposed new agreement's international sustainability criteria would be like the brain and nerve system guiding how its other implementation measures apply. They would be formulated by the parties to the agreement, through open-ended technical working groups, and would be supported by the development of related technical standards, testing protocols and certification schemes. The obligation to formulate and adopt international sustainability criteria would be situated in the management provisions in the body of the proposed new agreement. The structure and processes for the meetings of parties and for the open-ended technical working groups would be prescribed in the part of the agreement on institutional provisions.

Two other core operational implementation mechanisms

Fundamental to achieving the objectives of any multilateral environmental agreement is its implementation at the national level. The strategic goals could be achieved through two additional core operational implementation mechanisms, following the formulation and adoption of international sustainability criteria. These mechanisms would be written into the management provisions in the body of the proposed new agreement.

To implement the international sustainability criteria, parties to the agreement might commit to:

- Develop National Plastics Management Plans (NPMPs) that aim to address the main drivers of plastic pollution by helping countries to design a holistic and comprehensive strategy to manage plastics throughout the

life cycle. The plans promote a bottom-up approach that provides flexibility at the national level for setting targets, identifying measures and mobilizing resources, while ensuring progression over time. NPMPs are submitted to the agreement and periodically updated.

- Develop and agree International Sustainability Criteria under the new agreement, to be fulfilled through National Plastics Sustainability Standards.
- Develop and fulfil National Plastics Sustainability Standards that can be operationalized through the regulation of domestic markets in accordance with the sustainability criteria and deployment of market-based instruments to promote behaviour change by industry and consumers and provide funding mechanisms for waste management services. These may be elaborated in NPMPs.

Supporting measures

The strategic goals and core operational implementation mechanisms are supported by measures addressing funding, sustainable remediation, education and awareness, as well as research. A new global agreement can provide the platform for global coordination to facilitate such measures.

Implementation of the proposed agreement could be supported by funding and capacity building measures. These would be limited to technical assistance comprising incremental costs in developing NPMPs, national sustainability standards and national assessment and reporting.

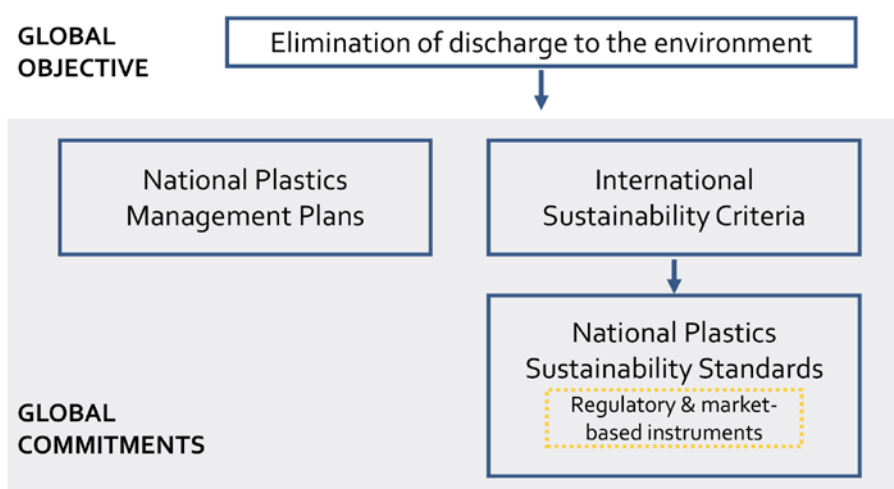


FIGURE C
Linkages between implementation mechanisms, highlighting core global commitments

Assessment to measure progress

The proposed international agreement would set out National Information Sharing, Monitoring and Reporting processes to collate technical information and performance information in prescribed formats to measure national progress in sustainable plastics management. These would be prescribed in the part of the agreement on assessment of progress.

A mechanism for measuring progress is proposed with obligations for reporting to understand performance and monitoring to assess bio-physical and socio-economic impacts of actions. A periodic global review will help to aggregate national data to determine global progress, including identifying best practices and possible implementation gaps, helping to progressively scale up action. Furthermore, national reviews can provide feed-back on progress for individual countries to inform the future development of these NPMPs.

Institutional elements

The development of necessary tools and guidelines and evaluation of progress will require establishment of a governing body that meets at periodic intervals and is supported by a secretariat. Furthermore, a subsidiary scientific body could help to address needs for scientific and technical expertise, and economic and market knowledge, in particular for preparation of necessary guidelines/standards to facilitate implementation and methodologies for measuring progress.

Timeframes

Setting common global timeframes promotes progress towards goals. In the process of preparation and negotiation of the proposed new agreement, countries would commit to cooperate in the development of international sustainability criteria to be included in the text of the agreement, which can then be further developed by subsidiary bodies into performance outcomes, guidelines and best environmental practices that address the life cycle of plastics.

Once this planning phase is complete, countries then have an obligation to develop National Plastics Management Plans (NPMPs) and National Plastics Sustainability Standards. These standards can be given effect within national regulatory and market-based frameworks and outlined in NPMPs. Assistance can be provided to those countries in need during this phase. National plans and standards are part of the implementation of the new agreement, after it comes into force.

Monitoring and reporting frameworks are then used on rolling cycles to enable tracking of global progress. National reporting according to the agreed global standards could lead into national reviews, aggregated to a global review which ultimately allows for the identification of best practices and possible implementation gaps where facilitation can be provided.

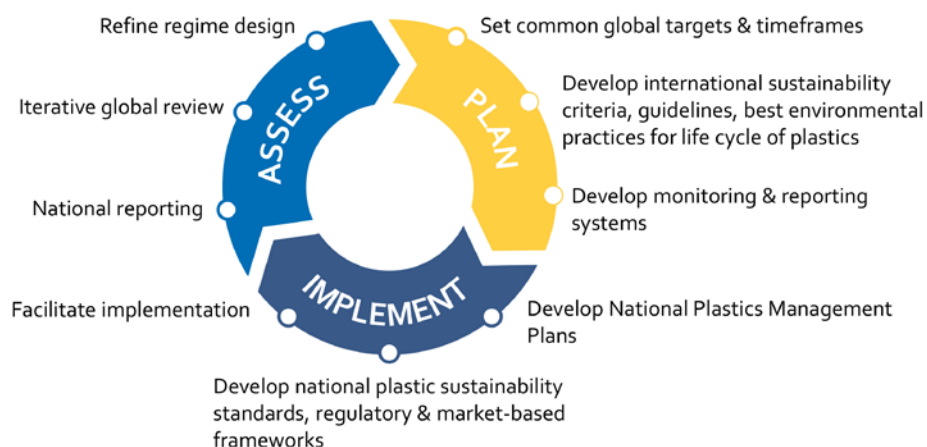


FIGURE D
Overview of the primary
phases of a new global
agreement

Moving to the next step

The report outlines a new conceptual approach to a global agreement. This approach is based on the development of international sustainability criteria for plastics and additives that are formulated in general terms and adopted during the process of negotiation of the agreement. They would be gradually elaborated in specific terms by technical working groups later and fulfilled through the development of national plastics sustainability management plans and national plastics standards.

The concepts presented in this study will require further discussion to take a potential new global agreement to the next level. A number of fora are tackling the issue of plastic pollution may consider the concepts presented here within the contexts of their mandates.

References

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