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TACKLING MARINE PLASTIC POLLUTION

It is time to begin negotiations
on a new legally binding agreement

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Summary points

- **Marine plastic pollution has reached crisis levels.** It is poisoning marine life and affecting human health and livelihoods in ways we are only now beginning to understand. It is estimated that around eight million tonnes of plastic waste enters the world's oceans every year, threatening marine life, coastal livelihoods and potentially even human health. **It is a global problem that urgently requires a global response.**
 - **As of today, there is no international treaty in place dedicated to fully tackling the issue.** The existing legal framework covering marine plastic pollution is fragmented and ineffective, and does not provide the tools necessary for an effective global response to the problem. This issue cannot be solved on a national or regional level, or through non-binding, voluntary measures alone. It requires coordinated international action, shared responsibility and a common approach.
 - **A new legally binding agreement is needed—one which clearly stipulates the vision** (goal of zero discharge of plastic into the ocean), **the ambition** (strict national reduction targets), **and the required means and measures for getting there** (a comprehensive review system and implementation support architecture). The main elements of such an agreement, as proposed by WWF, are laid down in this paper.
 - **WWF is calling on states to begin negotiations, as soon as possible, on a new international legally binding agreement to tackle marine plastic pollution.**
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1 THE CHALLENGE OF MARINE PLASTIC POLLUTION

Plastic pollution in the world's oceans is at record levels and rising by the day. It is estimated that between 1.7 and 4.6% of the total plastic waste generated ends up in the ocean.¹ That amounts to several million tonnes every year, the equivalent of an entire garbage truck of plastic every minute.² Marine plastic pollution is one of the most serious environmental challenges of our time, and unless urgent action is taken, the problem will get progressively worse over the coming decades.

1.1 Effects

The effects of plastic pollution are both profound and far-reaching, and the plastic in the ocean is already causing considerable problems for marine life, from “zooplankton to cetaceans, seabirds and marine reptiles”.³ There is no lack of images illustrating the severity of marine plastic

¹ Jambeck et al. (2015).

² Ellen MacArthur Foundation (2016: 29). Estimates based on data from Jambeck et al. (2015)

³ Eriksen et al. (2014: 2).

pollution: rivers filled with plastic garbage, beaches littered with plastic bottles, seals entangled in pieces of plastic, and dead birds and whales whose stomachs are filled with plastic waste.

According to the LITTERBASE project, marine litter—of which the vast majority is plastics—affects nearly 1,500 species worldwide.⁴ Between 1997 and 2015, the number of marine species affected by entanglement or ingestion of plastic debris doubled, from 267 to 557 species.⁵ This included half of all seabird species, two-thirds of all species of marine mammals, and all seven species of marine turtles.

For a large number of states marine plastic pollution is also having a direct economic impact. A 2014 UN report estimated the cost of damage to marine ecosystems from plastic waste to be US\$ 13 billion, adding that this was likely to be an underestimation.⁶ The damage caused by marine debris for the 21 countries of the Asia-Pacific Economic Cooperation (APEC) has been estimated to US\$ 1.26 billion per year, with the tourism sector being hit with the largest share, at US\$ 622 million.⁷

1.2 Sources and pathways

Marine plastic pollution enters the ocean through a variety of pathways and stems primarily from land-based activities. One major source of plastic pollution is uncollected and mismanaged waste, which includes material that is littered, inadequately disposed of or not formally managed (disposal in dumps or uncontrolled open landfills). Some of this plastic waste is discharged directly into the ocean, but most of it makes its way there gradually, including through rivers and other waterways. One estimate suggests that between 1.14 and 2.41 Mt of plastic waste is flow from rivers into the ocean each year.⁸ Smaller plastic particles (microplastics) enter marine environments through, for instance, road runoff containing particles from worn vehicle tyres, urban waterways containing polymer fibres from washed clothing or microbeads used in cosmetic products.⁹

Over the years, the plastic discharge into the ocean has accumulated, and by one estimate, as much as 65 million tonnes of plastic waste could be lying on the ocean floor,¹⁰ while about 250,000 tonnes is floating near the surface.¹¹ Five times that amount (about 1.4 Mt) has washed up on beaches around the world.¹²

2 EXISTING RESPONSE MEASURES AND INITIATIVES

In recent years, plastic pollution has increasingly been recognized as a critical environmental problem, and in particular as a serious threat to the wildlife and ecosystems of the world's oceans. Attempts to tackle the issue have been made on multiple levels and on different fronts, but in sum these efforts have been unable to bring down the leakage rates of plastic into the ocean. On the contrary, the amounts of plastic entering the ocean every year have been growing – at an alarming rate. In a business-as-usual scenario, it is estimated that by 2025, the leakage rate will have more than doubled since 2010.¹³

⁴ Tekman, Mine B.; Gutos, Lars; Bergmann, Melanie (2018): LITTERBASE: Online Portal for Marine Litter. <http://litterbase.awi.de>, accessed 15 September 2018.

⁵ Kühn S., Bravo Rebolledo E.L., van Franeker J.A. (2015) “Deleterious Effects of Litter on Marine Life”, in Bergmann M., Gutow L., Klages M. (eds) *Marine Anthropogenic Litter*. Springer, Cham

⁶ UNEP (2014) “Valuing Plastics: The Business Case for Measuring, Managing and Disclosing Plastic Use in the Consumer Goods Industry”.

⁷ Alistair McIlgorm, Harry F. Campbell, Michael J. Rule, 2011, “The economic cost and control of marine debris damage in the Asia-Pacific region”, *Ocean & Coastal Management*, Volume 54, Issue 9, 2011, pp. 643-651.

⁸ Lebreton et al. (2017). See also Schmidt et al. (2017).

⁹ Microplastics is often defined as pieces with a diameter of less than 5 mm.

¹⁰ Pham, C.K., Ramirez-Llodra, E., Alt, C.H.S., et al. (2014) *Marine Litter Distribution and Density in European Seas, from the Shelves to Deep Basins*, *PLoS ONE*, Vol.9, No.4, p.e95839.

¹¹ Eriksen M, Lebreton LCM, Carson HS, Thiel M, Moore CJ, et al. (2014) *Plastic Pollution in the World's Oceans: More than 5 Trillion Plastic Pieces Weighing over 250,000 Tons Afloat at Sea*. *PLoS ONE* 9(12): e111913. doi:10.1371/journal.pone.0111913.

¹² For an overview of recent data, see Eunomia, “Plastics in the Marine Environment”, June 2016.

¹³ Jambeck et al. (2015).

2.1 National initiatives and policy measures

Much is being done on national level around the world to prevent leakage of plastic into nature, as well as to promote clean up. For many countries the primary focus has been on increasing collection rates of plastic and on improving waste management, including through upgrades in infrastructure. In parallel, a number of countries have also introduced measures aimed at phasing out the most problematic types of plastic products.

Worldwide, more than 60 governments have introduced regulations on single-use plastic bags (as of June 2019) and Styrofoam products, and the number of these regulations is set to grow.¹⁴ Some states have also enacted legislation aimed at limiting the use of microbeads. Another national policy measure implemented by some states is to stop the import of plastic waste for recycling (plastic waste that has been collected and sorted in other countries), with China as the most notable example. In mid-2017, China announced to the parties of the World Trade Organization (WTO) that it would ban the import of plastic waste (and a number of other scrap materials) beginning in early 2018. The ban has since taken effect, which has caused problems both for countries that used to export a considerable amount of their plastic waste to China,¹⁵ and for countries that have become alternative destinations for the plastic scrap, such as Malaysia.¹⁶

2.2 Regional frameworks and action plans

The UN Regional Seas Programme is the key regional framework for protecting the ocean. It was set up in 1974 under the auspices of the UN Environment Programme (UNEP). Today, the Regional Seas Programme includes a total of 18 Regional Seas, several of which have “adopted actions plans specifically addressing marine litter/plastics debris and microplastics.”¹⁷ One of these (covering the Mediterranean Sea) is legally binding, and with clear obligations regarding, for instance, “the waste management hierarchy, closure of illegal dumping/dumpsites, shift to sustainable consumption and production patterns”, as well as a monitoring mechanism, it could potentially serve as a “model for best practice.”¹⁸

The Regional Seas “create a basis for action by States to address marine plastic litter and microplastics”.¹⁹ At the same time, there are considerable differences between the mandates of the Regional Seas in terms of introducing and enforcing upstream interventions. Overcoming this would require significant convergence of policies as well as extensive inter-regional coordination. Another challenge is that the Regional Seas “do not extend beyond the relevant geographical scope defined in a convention”.²⁰ This means that a large number of states, including most land-locked states, are not covered by this framework.

2.3 Global strategies and partnerships

2.3.1 The GPA and the Global Partnership on Marine Litter (GPML)

The Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA), set up in 1995, aims at fostering collaboration and coordination among states on the prevention of marine pollution from land-based sources. It is “currently the only global

¹⁴ UNEP (2018) “Single-Use Plastic: A Roadmap for Sustainability. Nairobi: United Nations Environment Programme”.

¹⁵ Toscano, Nick (2018): China's Import Ban Shakes up Plastic Waste War. The Sydney Morning Herald, 10 September 2018, <https://www.smh.com.au/business/the-economy/china-s-import-ban-shakes-up-plastic-waste-war-20180908-p502lw.html>, accessed 12 September 2018.

¹⁶ See for instance Leslie Hook and John Reed, “Why the world’s recycling system stopped working”, Financial Times, October 25, 2018, <https://www.ft.com/content/360e2524-d71a-11e8-a854-33d6f82e62f8>

¹⁷ UNEP (2017): “Combating Marine Plastic Litter and Microplastics: An Assessment of the Effectiveness of Relevant International, Regional and Subregional Governance Strategies and Approaches”. Nairobi: United Nations Environment Programme, p. 69.

¹⁸ Ibid. The Regional Plan on Marine Litter Management in the Mediterranean, adopted by the parties to the Barcelona Convention in 2013.

¹⁹ UNEP (2017: 69).

²⁰ UNEP (2017: 79).

intergovernmental mechanism entirely dedicated to addressing this issue.”²¹ The GPA encourages action at the national, regional, and international level. It lists nine source categories of marine degradation, one of them being litter, including plastic waste, though plastic also finds mention under the category of “sewage”. The GPA operates primarily through the Regional Seas Programme.

At the Third Intergovernmental Review Meeting (IGR-3) of the GPA in 2012, delegates adopted the Manila Declaration on Furthering the Implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities. Among other things, the Manila Declaration recommended the establishment of a Global Partnership on Marine Litter (GPML), which was launched at the UN Conference on Sustainable Development in Rio de Janeiro in June 2012 (Rio+20). The GPML is a voluntary international multi-stakeholder partnership hosted by UNEP. It brings together a diverse set of stakeholders, including governments, NGOs, the private sector, and international agencies. The GPML serves, among other things, to support the implementation of the Honolulu Strategy (see next section) and its three overarching goals.²²

With its specific focus on land-based sources of marine litter, the GPA (and its spin-offs) should in principle be able to provide a platform for targeted action to tackle the issue of marine plastic pollution. More than two decades after its establishment, however, the results have not been particularly convincing. Part of the reason for this could be that it lacks a functioning compliance mechanism, and that it does not provide sufficient funding for the implementation of the objectives in developing countries.²³

2.3.2 The Honolulu Strategy

At the Fifth International Marine Debris Conference in 2011, the Honolulu Commitment to tackle marine debris was adopted.²⁴ Stakeholders were subsequently invited to take part in the development and implementation of the Commitment. The outcome was a voluntary approach dubbed the Honolulu Strategy, which aims to connect marine litter programs and to foster collaboration among them by sharing lessons learned and best practices.²⁵ The Strategy does not provide any measurable targets or timelines, though there are specific provisions for the monitoring and evaluation of progress on projects, as well as a number of possible actions that may be undertaken by different stakeholders (e.g. government agencies, civil society, private sector, international organisations).

2.3.3 G7 and G20 action plans

Under the German presidency of G7 in 2015, the group agreed on the “Action Plan to Combat Marine Litter”. The Action Plan mentions the GPA and the GPML as relevant frameworks, and it contains nine overarching principles and a range of priority actions to address land-based sources. Under the Canadian presidency in 2018, five of the seven states that make up G7 also agreed on an “Ocean Plastics Charter”.²⁶ The Charter contains pledges on sustainable design and production, collection systems and infrastructure, sustainable lifestyles and education, research and innovation, and coastal and shoreline action.

In 2017, the G20 also agreed on an Action Plan on Marine Litter, which includes a commitment to “take action to prevent and reduce marine litter of all kinds, including from single-use plastics and micro-plastics”, in order to “reiterate our commitment to preventing and substantially reducing marine litter and its impacts by 2025 in support of the 2030 Agenda for Sustainable Development”.²⁷ Particular attention was given to land-based sources, with a key focus on waste—including waste prevention and sustainable waste management.

The G7 and G20 action plans on marine litter are emblematic of the increased political attention to ocean-related issues in recent years, including the challenge of marine plastic pollution. As global governance frameworks, however, these action plans have some inherent limitations, the most evident being that they include only a limited number of states. Another notable drawback is that they are not

²¹ UNEP (2017: 12).

²² Ibid.

²³ Meier-Wehren, Bettina (2013): The Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, in: *New Zealand Journal of Environmental Law*, Volume 17, pp. 1-40.

²⁴ See <https://5imdc.wordpress.com/about/commitment/>.

²⁵ UNEP (2017: 40). See also https://marinedebris.noaa.gov/sites/default/files/publications-files/Honolulu_Strategy.pdf.

²⁶ See <https://g7.gc.ca/wp-content/uploads/2018/06/OceanPlasticsCharter.pdf>.

²⁷ See <https://www.mofa.go.jp/mofaj/files/000272290.pdf>.

legally binding, and do not have compliance mechanisms, funding systems or effective implementation support architectures.

3 THE EXISTING GLOBAL LEGAL FRAMEWORK

There is currently no international legally binding agreement in place dedicated to tackling marine plastic pollution. Several existing conventions can be said to have provisions that directly or indirectly require states to protect the ocean from marine litter and microplastics, but none of them have this as a primary objective.²⁸ Moreover, they do not provide a comprehensive and effective governance structure to achieve the objective of a world free from ocean plastics.

3.1 Global conventions with relevance for marine plastic pollution

3.1.1 UNCLOS

Part XII (Articles 192–237) of the 1982 UN Convention on the Law of the Seas (UNCLOS) deals with protection and preservation of the marine environment, including from land-based sources. According to Article 207(1), “States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources”. Article 207(4) adds that states “shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources”.

UNCLOS also deals with sea-based sources of marine pollution. Article 210(1) requires parties to “adopt laws and regulations to prevent, reduce, and control pollution of the marine environment by dumping.” Article 210(4) makes clear that this is not only a domestic issue, but that states “shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution.” This obligation to develop supplementary rules, standards, and practices has largely been fulfilled through the implementation of MARPOL and the London Convention (see below).²⁹

UNCLOS is a comprehensive and complex convention, containing 320 articles and 9 annexes. It covers virtually all matters relating to the management and use of the ocean. It does not, however, include much detail regarding *how* pollution at sea should be prevented. This is largely left to the states parties to figure out through separate or supplementary arrangements.³⁰ This also means that monitoring of compliance with the obligations under Part XII of UNCLOS can be rather difficult.³¹ In that sense, UNCLOS could be understood as something of a “constitution” for the oceans, where general rules and principles are enshrined, but without providing a detailed recipe for the fulfilment of its aspirations.

3.1.2 MARPOL

Annex V of the 1973/78 International Convention for the Prevention of Pollution from Ships (MARPOL) prohibits the disposal of garbage, including plastic, at sea. In principle Annex V applies to all vessels of any type (including fishing vessels), but the compliance requirements differ depending on tonnage, amount of persons the vessel is certified for, and whether it is fixed or floating. Vessels larger than 400 tons (gross tonnage) have to record any disposal of waste, both at sea and in ports, in a Garbage Record Book (GRB). Where irregularities or non-compliance are discovered, penalties may

²⁸ UNEP (2017: 10).

²⁹ Note that both MARPOL (1973/1978) and the London Convention (1972) predate the adoption of UNCLOS (1982), but both have subsequently been amended and/or expanded (e.g. the London Protocol of 1996, and updates to Annex V of MARPOL).

³⁰ As of February 2019, UNCLOS has 168 states parties, and two conventions have been negotiated to strengthen the implementation of the convention (1994 Agreement relating to the implementation of Part XI of the Convention, and the 1995 UN Fish Stocks Agreement and the). For more information, see UNCLOS secretariat website, available at <http://www.un.org/depts/los/>.

³¹ Dehner, Jeffrey S. (1995): Vessel-Source Pollution and Public Vessels: Sovereign Immunity v. Compliance. Implications for international Environmental Law. *Emory International Law Review*, Vol. 9(2); pp. 507–552.

be set by each state domestically. For the vessels that are covered by MARPOL's Annex V, the treaty provides an important governance framework for preventing leakage of plastic waste into the ocean from sea-based sources.

3.1.3 The London Convention

The 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Convention) requires its parties to prohibit dumping at sea, with exemptions to the general prohibition spelled out in annexes. Initially, the London Convention had no compliance mechanism, but in 2007, following the entry into force (in 2006) of the protocol to the Convention (London Protocol, agreed in 1996), a set of Compliance Procedures and Mechanisms was adopted.³² The London Protocol also introduced a “reverse list” in which substances and materials that may be disposed of at sea are listed. Dumping of substances and materials not mentioned in the reverse list – such as plastic – is prohibited.

Apart from a general provision under Article I, on the obligation of states parties to “promote the effective control of all sources of pollution of the marine environment”, the London Convention does not aspire to regulate land-based sources of marine pollution. The ban on dumping of wastes and other matters only applies at sea. This includes all marine waters, but not internal waters of states parties (Article III(3)). Dumping of waste in rivers and estuaries is thus not covered, though such acts would be in contravention of the general provision of UNCLOS (see above).

3.1.4 The Basel Convention

The 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) requires prior written consent before hazardous wastes and other wastes can be exported (Article 4.2).³³ The Convention also prohibits all trade of hazardous wastes or other wastes with non-parties (Article 4.5). Plastic is not included in the list of materials considered hazardous under the convention (Annex I/III), nor is it explicitly mentioned under the category of “other wastes” (Annex II).

The provisions most relevant to preventing leakage of plastic waste into the environment are found under Article 4.2, which states *inter alia* that “Each Party shall take the appropriate measures to: (a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum”, and “(b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes”. As it relates to marine plastic pollution, and in particular pollution from land-based sources, these obligations are broadly comparable to those found under UNCLOS: they establish a general obligation, but fail to provide the details necessary to make the obligation effective.

Despite the limited mandate of the Basel Convention when it comes to the specific problem of marine plastic pollution, parties have expanded the work on plastics under the Convention through voluntary and collaborative measures. In 2002, the sixth Conference of the Parties (COP-6) to the Basel Convention adopted voluntary technical guidelines on the identification and environmentally sound management of plastic wastes and for their disposal. In 2018, a proposal for amending some of the Annexes to the Convention was also introduced. This proposal would remove plastic waste from the list in Annex IX, and place this under Annex II instead (which would make it fall in the category of “other wastes” (refer Article 1.2). A decision on whether to implement this proposal will most likely be taken at COP-14 in 2019 and, if adopted, the proposed amendment would make export and import in plastic waste for recycling purposes somewhat more difficult. Export to non-parties (e.g. the United States) would, for instance, become prohibited.

3.2 Gaps in existing global governance frameworks

The existing global legal framework pertaining to marine plastic pollution is fragmented and ineffective. None of the global treaties currently in place have detailed provision explicitly aimed at preventing leakage of plastic into the ocean. And while some of them cover part of the problem, a large number of the sources of marine plastic pollution that remains largely unregulated. That is because existing instruments are either limited in scope when it comes to “ordinary” plastic waste (the Basel

³² See <http://www.imo.org/en/OurWork/Environment/LCLP/Compliance/Pages/default.aspx>.

³³ An “exporting state” is understood under the Convention to mean “a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated” (Article 2.10).

and Stockholm Conventions) or do not provide measurable targets and timelines, making it difficult to monitor progress at the regional, national, or global level (the Honolulu Strategy and Basel Convention).³⁴

In combination, UNCLOS, MARPOL, and the London Convention and Protocol should in principle be able to tackle most sea-based sources of marine litter, yet there are certain implementation and compliance challenges that need to be addressed.³⁵ For instance, MARPOL Annex V has exemptions based on vessel size and currently excludes most fishing vessels, which are responsible for a large volume of abandoned, lost or otherwise discarded fishing gear.³⁶

4 TOWARDS A NEW LEGALLY BINDING AGREEMENT

An effective global response to the problem of marine plastic pollution requires the negotiation and implementation of a new international legally binding agreement. Such a treaty would make the issue of marine plastic pollution a joint global undertaking, setting clear responsibilities for states parties and making sure someone is accountable for the millions of tonnes of plastic that end up in the ocean every year.

4.1 The role and function of a new agreement

A key role for the new agreement would be to generate a sense of political urgency among states, and to translate this into action on the ground. Through compliance measures and reporting requirements, states would be encouraged to contribute their fair (but differentiated) share towards solving the problem, which in turn can be expected to strengthen the global norm against pollution of the ocean. This review system should be accompanied by a comprehensive implementation support architecture aimed at assisting states in their efforts to implement the obligations under the treaty.

Another critical function of the new treaty would be to provide a regular and recurring meeting place for dedicated discussions on this issue on a global level – something sorely lacking in the current international governance structure. The annual Conferences of the Parties (COPs) under the UNFCCC (and its associated meetings) can serve as a case in point; it is by far the most important international forum for discussing the issue of climate change, providing invaluable political impetus to the global efforts to resolve the issue, and projecting political attention and urgency all the way down to national and local level.

Having a dedicated framework for discussions on the issue of marine plastic pollution also allows for better coordination and synergies among existing initiatives, which is particularly important given the fragmentation of the existing international governance structure. The new treaty would thus serve as a platform for catalysing joint action and pooling of resources, which in turn could make national efforts aimed at closing the gap between plastic production levels and waste collection rates more effective.

WWF Recommendation:

- *The new treaty should include a clearly formulated vision of eliminating discharge of plastic into the ocean, directly or indirectly, based on the principle of precaution and in recognition of the devastating impact marine plastic pollution has already shown to have on marine ecosystems and coastal livelihoods.*

³⁴ Raubenheimer, Karen; McIlgorm, Alistair (2018): Can the Basel and Stockholm Conventions provide a global framework to reduce the impact of marine plastic litter? *Marine Policy*, 96, 285-290, DOI:10.1016/j.marpol.2018.01.013.

³⁵ UNEP (2017).

³⁶ UNEP (2018), “Discussion Paper on Barriers to Combating Marine Litter and Microplastics, Including Challenges Related to Resources in Developing Countries”. UNEP/AHEG/2018/1/2, 23 April 2018.

4.2 Design and key elements of a new agreement

WWF has identified eight key components that we believe should be included in a new legally binding agreement to tackle marine plastic pollution. Taken together, these components would provide a global governance framework that could allow states to 1) effectively establish a sense of shared responsibility, 2) generate the political urgency necessary for more drastic action to be taken on the ground, and 3) provide a global platform for coordination, cooperation and resource mobilization.

4.2.1 A clearly formulated vision

The object and purpose of the new treaty could be formulated on the basis of the language adopted in United Nations Environment Assembly (UNEA) resolution 3/7, which “Stresses the importance of long-term elimination of discharge of litter and microplastics to the oceans and of avoiding detriment to marine ecosystems and the human activities dependent on them from marine litter and microplastics”.³⁷

4.2.2 An ambitious global goal

In order to generate momentum and pace in the work towards the vision of a plastic pollution free ocean, the new governance structure would also need to include a clearly formulated global goal, which should be measurable, time-bound, and achievable. And most importantly, it should be ambitious enough to actually solve the problem. Given the challenge of setting long-term targets, it would also make sense to add milestone objectives along the way.

WWF Recommendation:

- *The new treaty should include an ambitious, shared, and time-bound global goal for the protection of the marine environment from plastic pollution, with particular emphasis on eliminating discharge of plastic pollution that ends up in the world's oceans by 2030.*

4.2.3 National action plans with clear targets

A key element in the new treaty will be the part that contains the roadmap for how to achieve the global reduction target. Such a roadmap, or strategy, will need to identify exactly what is required from each state in terms of leakage reduction in order to achieve the global goal by 2030. Regardless of the model chosen, the global goal must be translated into specific national obligations, bearing in mind the principle of “common but differentiated responsibilities”.³⁸

In order to achieve the national reduction targets, states should be required to draw up national action plans where concrete measures and activities are outlined. The national action plans should be tailored to the specific circumstances and priorities of each State, and should be structured as policy tools for achieving the reduction targets. They should also be designed in a way that allows for a transparent review of the progress made by each State towards its national target. Regional cooperation in the implementation of the national action plans should be encouraged, but the responsibility for achieving the goals of the national action plans must remain with each state party.

WWF Recommendations:

- *The new treaty should provide for the adoption of clear, measurable and time-bound national reduction targets, sufficient, on aggregate, to achieve the global goal.*
- *It should include an obligation to develop and implement effective national action plans, on prevention, control and removal, ambitious enough to achieve the national reduction targets.*

³⁷ UNEP/EA.3/Res.7, para. 1.

³⁸ Principle 7 of the Rio Declaration on Environment and Development, Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), Volume I: Resolutions adopted by the Conference, resolution 1, annex I.

4.2.4 A robust monitoring and reporting mechanism

A fourth key component of a new treaty is a system for reviewing progress towards the global target, and for assessing the effectiveness of the strategy and the national action plans. This is the part of the treaty that is most directly aimed at increasing the sense of political urgency of the issue for states parties. The basic purpose of a review system is to make sure states implement planned measures and stay on track to reach their agreed reduction targets, and, if that is not the case, allow for necessary adjustments to be made.

In practice, the review system would require states to produce and present national progress reports, in a transparent and open manner. The review system should also provide an arena for states to raise issues that have proven difficult to resolve on a national or regional level, and that might require some form of global streamlining or standard setting.³⁹

WWF Recommendation:

- *The new treaty should include an agreed measurement, reporting and verification scheme for tracking marine litter and microplastics discharge and the progress made to eliminate them at a national and international level.*

4.2.5 A dedicated international scientific body

Certain common global standards for measurement and data gathering must be developed, and baselines must be calculated. And in order to keep track of progress towards the global target, the review system should also include regular scientific reports on the status of marine plastic pollution, as well as independent evaluations of measures taken. This could be aided by the establishment of a dedicated international scientific body, modelled on those set up for other international environmental issues (e.g. the International Panel on Climate Change or the Scientific Assessment Panel under the Montreal Protocol).

WWF Recommendation:

- *The new treaty should include a dedicated international scientific body with a mandate to assess and track the extent of the problem, and collate state-of-the-art knowledge to provide inputs for decision-making and implementation.*

4.2.6 An implementation support architecture and policy toolkit

To spur implementation of the new treaty, an implementation support architecture should be set up to make it easy for states to channel their political will into effective, reliable and cost-efficient solutions. One key feature in such a support system would be to provide a platform for technical cooperation among states parties. It should encourage exchange of know-how and information, and it should promote best-practices that could help other states achieve their targets. If deemed useful, these best-practices could also be wrapped into a policy toolkit, which governments could then use when revising and upgrading their national action plans.

WWF Recommendation:

- *The new treaty should include a comprehensive implementation support architecture, including a technical support and a policy toolkit.*

4.2.7 A financial mechanism

The new treaty would also require some sort of a financial mechanism to support the implementation of the national obligations. Such a mechanism could either be built into the treaty architecture (as with the Montreal Protocol) or it could be based on existing financial structures (e.g. the Global

³⁹ This could include, for instance, certain product design standards or a global ban on certain activities or categories of plastic products.

Environment Facility). Regardless of how it is structured, it would serve a key role in catalysing progress towards the achievement of a object and purpose of the treaty.

WWF Recommendation:

- *The new treaty should include a financial mechanism to support states in their efforts to implement national action plans and other obligations.*

4.2.8 Globally applicable rules, regulations and standards

A final component of the new treaty would be to identify areas where national action should be reinforced by common global standards, or where there is a need to close regulatory gaps in the international governance structure. The treaty framework should serve as a platform for discussing and agreeing to such common global standards, which in turn could be fed back into national action plans. For instance, if there is general agreement among states parties that microplastics in cosmetics should be phased out entirely, or that all types of plastic sold should be 100% recyclable, this could be adopted as a requirement for all states parties (e.g. in a protocol or an annex), and something that all parties would have to include as one of their national measures.

WWF Recommendations:

- *A commitment to develop common methods, definitions, standards, and regulations for an efficient and coordinated global effort to combat marine plastic pollution, including, where appropriate, specific bans on certain categories of plastic deemed to pose a particular risk to the marine environment, or products considered impossible to safely collect and manage.*
- *An explicit ban on certain acts considered to defeat the object and purpose of the treaty, for instance deliberate dumping of plastic waste in river systems and internal waters that flow towards the sea.*

5 NO TIME TO WASTE

The problem of marine plastic pollution will not be resolved overnight, and it could also take time before an effective international legally binding governance framework is in place and fully functioning. But this is precisely why it is urgent to get discussions going among states on what the scope and parameters of a new global governance structure should look like.

What should the main functions of the new treaty be? What should be its scope and its primary objective? What kind of mechanisms should be put in place? Should it focus on setting reduction targets? How should the baseline for those targets be measured and verified? Should the treaty be a comprehensive convention (CBD, Minamata, Stockholm, Basel), or should it be designed as a framework agreement with protocols (UNFCCC, Vienna Convention on the Ozone Layer)? Or would it make more sense to link the new agreement to an already existing treaty (e.g. Basel Convention)?

In order to find robust, convincing and agreed answers to these questions, states should decide, as soon as possible, to establish an intergovernmental negotiating committee with a mandate to elaborate and prepare a new legally binding global agreement for the protection of the ocean from plastic pollution.

WWF believes the time has come to start negotiations on a new legally binding agreement to tackle marine plastic pollution. WWF is calling on states to begin negotiations, as soon as possible, on a new international legally binding agreement to tackle marine plastic pollution.



Why we are here

To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature.

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