

Did the latest Resolution on Marine Plastic Litter and Microplastics take us any closer to pollution-free oceans?

By: Linda Finska

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According to [the Ellen McArthur Foundation](#), by 2050 there will be more plastic than fish by weight in our oceans if the business-as-usual-model continues. The latest United Nations Environment Assembly addressed this alarming scenario in its Resolution on Marine Litter and Microplastics. But does the resolution take us any closer to concrete solutions? Arguably, it does not. The resolution highlights the urgency of the issue and encourages Member States and stakeholders to take action. Admittedly, it builds momentum to address the issue but fails to provide credible solutions.

Background to the Resolution

[The United Nations Environment Assembly \(UNEA\)](#) is the governing body of the United Nations Environment Programme (UNEP) and globally the highest-level decision-making body on environmental issues. It has the universal membership of all 193 UN Member States. The UNEA has its origins with the UN Conference on the Human Environment in 1972 and was finally established at the [Rio+12 UN Conference on Sustainable Development in 2012](#). The Resolutions of the UNEA are not legally binding on Member States. However, the biennial Environment Assemblies have an important role in guiding policies and setting priorities concerning global environmental issues.

The UNEA has emphasized the issue of marine plastic debris and microplastics since its first Session (UNEA-1) in 2014. However, marine plastic debris has been a concern amongst scientists since the extensive plastic production and consumption began in the 1950s. There was more in-depth research on the issue in the 1970s but it was only in the 1990s, when [the five massive gyres in the oceans that consist of plastic debris and microplastics](#) were discovered, that the issue became widely recognized and a global concern amongst decision-makers and the public. Marine plastic debris and microplastics cause a severe threat to marine life by ingestion and entanglement, and possibly threaten human health. The recognition of these threats has finally brought the topic on to the international agenda. Yet, what does that mean? This latest resolution demonstrates where the international community currently stands on the issue. On the one hand, states and stakeholders admit that the issue is severe and complex, they are willing to discuss it on a high level, and they encourage further research that can help to decide what measures to take. On the other hand, states are not ready to start negotiating a new treaty and prefer to rely on the existing instruments that also regulate plastic and make voluntary commitments on a national and regional level. Presumably, this trend will continue in the near future and the failure or success of the current measures will define how the situation will develop.

Towards a Pollution-Free Planet?

At its third session in December 2017, the UNEA-3 gathered high-level representatives, leaders from the private sector, and civil society in Nairobi to address the theme [“Towards a Pollution-Free Planet”](#). The theme embraced the concept of pollution broadly and concerned pollution of air, land, waterways, oceans, and management of chemicals and waste. The outcome of the Assembly included a political declaration on pollution, 13 resolutions and 3 decisions adopted by Member States, voluntary commitments by governments and other stakeholders, and a collection of individual commitments in the form of the [#BeatPollution Pledge](#). All the commitments concerning pollution were either in the

form of a resolution or as separate voluntary commitments, and therefore not legally binding. Thus the theme, including pollution of the oceans, remains utopian,

The Resolution on Marine Litter and Microplastics seeks to contribute to the process of reaching Sustainable Development Goal 14 (SDG 14) and its [target 14.1](#) which aspires to “prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities including marine debris and nutrient pollution” by 2025. The Resolution builds on the increased scientific knowledge on marine litter and microplastics and the previous initiatives to reduce marine plastic debris and microplastics. These initiatives include the two previous resolutions on marine litter and microplastics adopted by Member States at the UNEA-1 and UNEA-2 ([Resolutions 1/6](#) and [Resolution 2/11](#)), the Declaration “Our ocean, our future: call for action” adopted by Member States at the UN Ocean Conference, and other previous voluntary commitments and recommendations, such as the G-20 Action Plan on Marine Litter.

The resolution also builds on the latest report prepared under the auspices of the UNEP. At the second session (UNEA-2), Member States adopted Resolution 2/11, which called for a comprehensive assessment of the effectiveness of relevant international, regional and sub-regional governance strategies and approaches to combat marine plastic debris and microplastics. This assessment, “[Combating marine plastic litter and microplastics: Assessment of the effectiveness of relevant international, regional and sub-regional governance strategies and approaches](#)”, was presented to the UNEA-3, and provided possible legal and policy options to be discussed during the Assembly.

The report suggested three legal and policy options for the UNEA-3 to deliberate. Option 1 was to maintain the status quo, Option 2 was to revise and strengthen existing framework, adding components to address industry, and Option 3 was to establish a new global architecture with a multilayered governance approach. The text of the Resolution lands somewhere between options one and two. This means that Member States are willing to support voluntary initiatives but are far from summoning the political will to start negotiating a new international legally binding instrument concerning plastic pollution in the oceans. More specifically what were Member States able to agree upon?

Main Observations on the Resolution

There are four important observations to be made concerning the Resolution. These observations are the urgency of the issue, the balance to be struck between short-term and long-term solutions, the wide range of actors encouraged to take action, and the plan for how to continue the work after the UNEA-3.

First, the Assembly noted with concern that the amount of plastic litter in the oceans is increasing rapidly, as is the production and consumption of plastic.

Second, given the urgency of the issue, the Resolution underlined that the highest priority should be given to waste minimization and waste management since these represent preventative, short-term solutions. The Resolution encouraged Member States and other actors to include marine litter and microplastics in regional, national and local waste management plans. In relation to waste management the Resolution acknowledged the role of technology and technology transfers in improving the situation, especially in geographical areas with great amounts of plastic litter. This recognition was particularly in line with [the statement from African States](#) during the UNEA-3 which stressed that implementation of all resolutions would require capacity building, financial support and technology transfers. However, the Resolution also stressed the importance of long-term elimination of

discharging plastic litter, such as promoting environmentally-friendly material alternatives and the use of extended producer responsibility schemes.

Both short-term and long-term solutions are needed to combat plastic leakage to the oceans. In the face of urgency and limited financial resources this is an important point to bear in mind, otherwise the focus is bound to be on short-term arrangements. The negative impacts of plastic litter are not spread fairly and equally. However, without moving in the direction of a more coordinated international governance and possibly binding international instrument with a focus on plastics, it is highly unlikely that a sustainable balance can be struck between short-term and long-term solutions and sharing the negative impacts of plastic more fairly. The resolution encourages regional co-operation and integrated approaches but essentially leaves the decisions on whether and which action to take to Member States. Within Member States these concerns are left to compete with the myriad of other state interests and concerns. The UNEA has a role in setting priorities and the Resolution could have stressed in clearer terms the importance of coordination and cooperation to tackle the issue.

Third, the Resolution addressed a wide range of actors: Member States, UNEP along with other relevant international and regional organizations, the private sector, and civil society. The Resolution encouraged Member States to implement the earlier resolutions on marine litter and microplastics, develop and implement action plans, and to strengthen their approaches to prevent plastic litter and microplastics from leaking into the ocean from all possible sources. Member States were encouraged to take these measures based on the best available knowledge and taking into account national conditions. The Resolution also requested strengthening the role of the UNEP in combating plastic litter and microplastics and invited relevant international organizations and conventions to increase their actions relating to plastic litter. These included the Convention on Biological Diversity, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants, the International Maritime Organization and its conventions, the Food and Agriculture Organization, Regional Fisheries Management Organizations/Arrangements, the Regional Seas Conventions and Programmes, the Organization for Economic Cooperation and Development and the Strategic Approach for International Chemicals Management.

The Resolution also addressed the private sector, civil society and NGOs. These actors play an important role by sharing information, raising awareness, developing new technologies and clean-up efforts. The Resolution especially highlighted that plastic producers, retailers, consumer goods industry, importers, packaging firms and transport firms could contribute to the issue by developing more environmentally sound business practices.

The variety of the actors addressed speaks to the need to recognize the complexity of the issue and the broad array of measures needed to tackle the problem of marine litter and microplastics. The Resolution acknowledged both the individual roles of all these actors as well as the need for cooperation between them. However, other than a request to strengthen the role of UNEP and mentioning the Global Partnership on Marine Litter, the Resolution provides no guidance as to how all these multiple actors should coordinate their efforts. It notes that the industry has an important role, but it does not elaborate on this statement. Therefore, it remains unclear whether the companies should establish initiatives themselves, independently or jointly, or whether Member States should be involved in establishing obligations for companies under their jurisdiction.

Fourth, the Resolution offered guidance as to how the work concerning plastic litter and microplastics should continue until UNEA-4 in Spring 2019. The Resolution requested that the Executive Director

and other relevant bodies should prepare a report providing an overview of all the voluntary commitments regarding marine plastic litter and microplastics, and how these commitments support UNEA's work and reaching the SDG 14, Target 14.1. Mapping and evaluating these efforts is a welcome initiative and will shed more light on the extent and effectiveness of these commitments. The Resolution also established an Ad Hoc Open Ended Expert Group. The purpose of the group is to examine all barriers to combating marine plastic litter and microplastics, especially from land-based sources. At UNEA-4, the Expert Group will present the results of its work. One of the tasks in its Programme of Work is to identify potential options for continued work for consideration by the UNEA.

Final Remarks

In conclusion, the Resolution highlights the urgency for Member States to adopt better waste management through waste management plans and use of technology and technology transfers. The Resolution stresses that a wide range of measures are needed to tackle the issue of marine litter and microplastics, both binding and non-binding, and that an essential part of adopting all these measures is to involve governments, regional bodies, the private sector and especially key business actors, civil society, NGOs, and all the relevant international and regional organizations and conventions.

The Resolution shows that States, the private sector and civil society are, to some extent, willing to work towards better practices to tackle the issue. What is needed, though, is coordination of the whole process that includes both legally binding instruments and voluntary commitments. At the moment, there is no one institution governing these efforts and the Resolution did not specifically address the issue of coordination or which institution should be responsible for holding the reigns of the whole process. The Resolution merely requested strengthening the role of UNEP and its contribution to the Global Partnership on Marine Litter, and also encouraged governments, regional bodies, the private sector and civil society to cooperate and to do this through the Global Partnership on Marine Litter and its regional nodes. [The Global Partnership on Marine Litter](#) is a global multi-stakeholder partnership under the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities and the only global intergovernmental mechanism that addresses the connectivity between terrestrial, freshwater, and coastal and marine ecosystems. However, it is a voluntary initiative that concentrates on land-based activities and as such, it is not the most suitable focal point for coordination of the whole process.

The Resolution does not provide a clear roadmap for the future. It remains to be seen whether Member States are ready to make further commitments at the UNEA-4 in 2019. Negotiating a treaty concerning plastic debris and microplastics, combined with multilevel governance structure was recommended by the UNEP assessment. However, more momentum is needed to reach a point where Member States are willing to start negotiating a new treaty or strengthening governance. The Resolution contributes to this by bringing awareness, identifying the relevant actors and requesting more research on marine litter and microplastics prevention, thus building momentum on the issue. It also draws attention to the simplest way to approach the problem, that is, for all of us to cut any unnecessary use of plastic and instead use environmentally sound alternatives.

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