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Troubled waters – Where is the bridge? Confronting marine plastic pollution from international watercourses

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Panel on Plastics and Land-Based Pollution: Possible
Models

Linda Finska/PhD Research Fellow

K. G. Jebsen Centre for the Law of the Sea/UiT



Roadmap

- Idea, Topic & Purpose
- Method
- Findings:
 - Obligations and interaction
 - Regional Seas Organisations and Watercourse Commissions
 - Asia
 - Inadequacies
- Conclusions

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Troubled waters – Where is the bridge? Confronting marine plastic pollution from international watercourses

Linda Finska, Julie Gjerttz Howden

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Abstract

A considerable volume of marine plastic pollution derives from watercourses, and many of the world's largest and most heavily polluted watercourses are international. In spite of the clear factual link between the utilization and protection of international watercourses and marine plastic pollution there is hardly any interaction between the legal sub-fields of international water law and marine environmental law. This lack of interaction also reflects the absence of a global treaty, or even a shared global understanding, of the environmental threat from plastic pollution and the universal responsibility this generates also for landlocked States. This article investigates the possibilities for more integrated measures to prevent pollution of international watercourses and oceans, and argues that regimes within international water law and marine environmental law must cooperate to create awareness of the plastic pollution risk from watercourses and take steps to harmonize their legal rules and policies to contribute to the control and mitigation of marine plastic pollution. Regional coordination, such as improved cooperation between the regional seas organizations and river basin organizations, could provide a tool to better address transboundary sources of plastic. Potentially, such developments could be adopted to control marine plastic pollution from the most heavily polluted international watercourses.

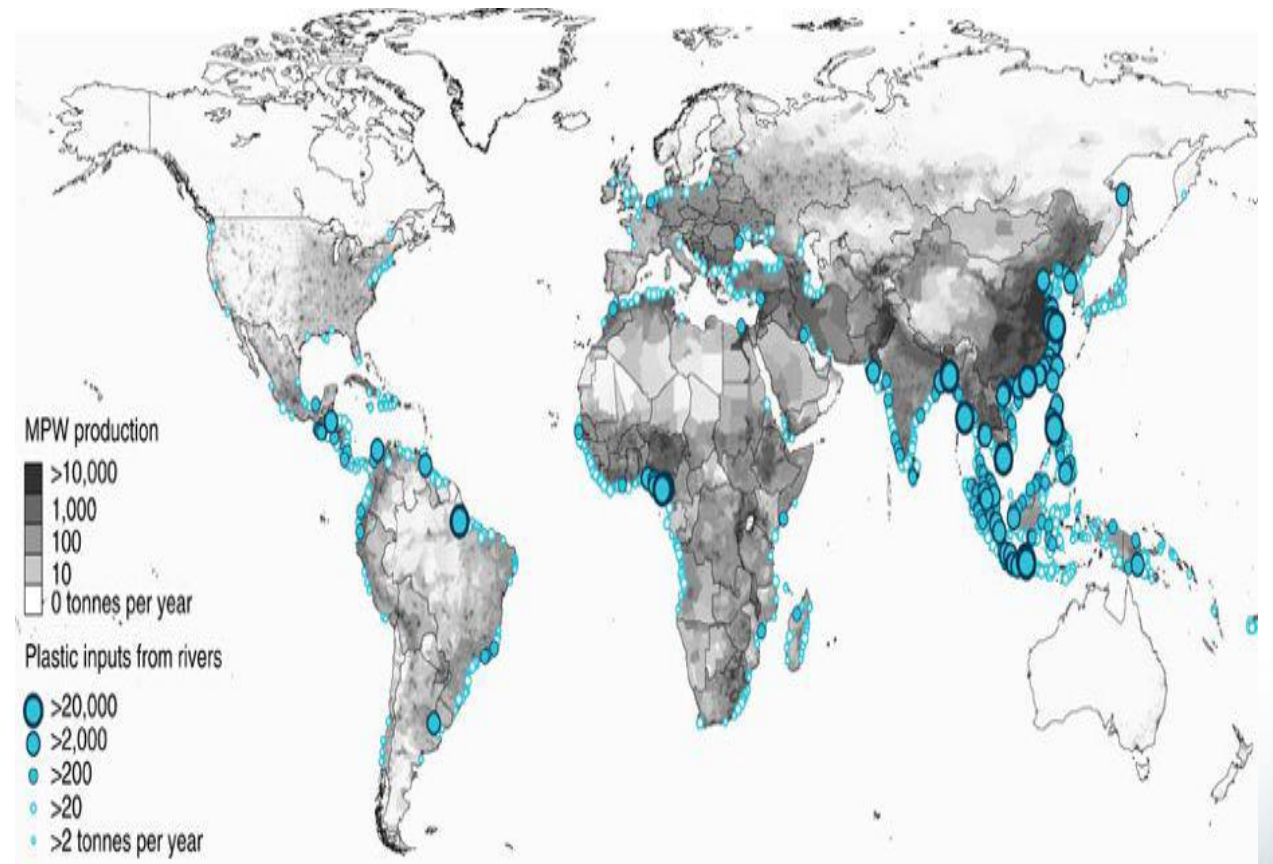
Idea, Topic & Purpose

The Idea:

- Recent scientific studies
- UN Environment Report 2016
- Our PhD projects:
 - Julie Gjørtz Howden: international water law
 - Linda Finska: international environmental law and plastic pollution prevention

The Topic: Interaction between marine environmental law and international water law in dealing with plastic pollution

The Purpose: To draw attention to the physical and legal linkages between plastics, watercourses and oceans



Source: LCM Lebreton et al. River Plastic Emissions to the World's Oceans. 8 Nature Communications 1. 2017.

Method

- *Source of inspiration: the most recent scientific knowledge*
 - *Constructing the legal research questions*
- *Mapping and discussing current legal frameworks (doctrinal study)*
 - *Sources of international law:*
 - *Protecting the marine environment from land-based sources of pollution*
 - *Protecting the marine environment from pollution of international watercourses*
 - *General international law*
- *Regional study*
 - *Sources:*
 - *Scientific modelling of riverine inputs of plastics*
 - <https://www.theoceancleanup.com/sources/>
 - *Regional seas instruments/information*
 - *River basin management instruments/information*

Findings: Obligations and regime interaction

International marine environmental law

- *LOSC Art. 207 and 213*
 - *General obligation*
- *GPA and Montreal Guidelines*
 - *Recommend cooperation*

International water law

- *UNWC Art. 23*
 - *Duty to manage the watercourse in a manner that does not harm the marine environment*
- *UNECE Art. 2(6) and 9(4)*
 - *Cooperative duties*



*Tijuana River Estuary and litter booms in the border of Mexico and USA.
Photo by Linda Finska.*

Findings: Regional Seas Organisations and River Basin Organisations

- Most of the polluted international and national rivers have their estuaries in regions that have a regional seas programme
- Asia, South and Central America, and Europe and North Africa
- Best examples from North-East Atlantic and Black Sea regions
- Institutions in place in the Mediterranean, East Asian Seas and the Wider Caribbean
→ no common approach
- In other regions, no river basin organisations in place
- Integrated approach to protect international watercourses and oceans is rare on global scale



Tijuana River Estuary and litter booms in the border of Mexico and USA.
Photo by Linda Finska.

Asia: Regional Seas Organisations and River Basin Organisations?

- Three regional seas programmes, no regional sea conventions
 - General action plans in place
- North-West Pacific and the Amur River
 - NOWPAP Regional Action Plan on Marine Litter
 - No RBO
- East Asian Seas and the Mekong River
 - COBSEA Report on marine litter
 - Mekong River Commission instruments do not engage with marine environment or plastics
- South Asian Seas and the Brahmaputra-Ganges River
 - SACEP Report on marine litter
 - No RBO
- Additionally, a myriad of national rivers transporting over 1000t of plastics yearly to the ocean



Source: Plastic and other waste clog a river in Cambodia. Photo by Akira Kodaka

Findings: Inadequacies

- **Fragmentation of international law**
 - “Legal blind spots”
 - The Black Sea and the Rhine Cooperation
- **Interdependency of States**
 - Transboundary nature on contemporary environmental problems
 - Holistic approach is needed as plastics affect the whole water cycle
- **Law could contribute to:**
 - Creating a global cooperative regime for surveillance and reduction of marine plastic pollution
 - Institutionalizing interaction and create common action plans between regimes
 - Providing tangible goals for mitigation and reduction of marine plastic pollution



Thank you!

- Questions?
- Email:
 - Linda.finska@uit.no



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Photo by Linda Finska.*