

2. THE UNITED NATIONS ENVIRONMENT ASSEMBLY (UNEA)

Summary of role: *UNEA is the world's highest-level decision-making body on the environment. It is also the highest decision-making body with the most general and applied mandate to combat pollution from marine plastic litter and microplastics. Decisions (resolutions, declarations, recommendations and other formal decisions) are made by consensus.*

Summary of recommendations and work status: *UNEA is driving to strengthen coordination and research capacity for better understanding of sources, pathways and hazards as well as barriers and challenges to actions to combat pollution from marine plastic litter and microplastics. A review is scheduled at UNEA-5 in 2021 of commissioned studies and reports from other bodies.*

Keywords/research fields: *United Nations Environment Assembly (UNEA); The Future We Want; United Nations General Assembly (UNGA); Creation of UNEA; function and mandate; SGD 14; UNEA Resolutions on marine plastic litters and microplastics; UNEA-1, UNEA-2, UNEA-3, UNEA-4*

2.1 Creation of UNEA and development of work of UN Bodies on marine plastics

2.1.1 The Future We Want

The pressing emphasis on plastic as a critical source of marine environmental pollution at the international policy level has been enabled by the United Nations General Assembly (UNGA)'s careful attention to the outcome document, 'The Future We Want', of the 2012 UN Conference on Sustainable Development in Rio (Rio+20). UNGA Resolution 66/288, which followed Rio+20 and was adopted on 27 July 2012, endorsed 'The Future We Want'. The UNGA is the highest deliberative, law and policymaking and representative organ of the UN. It has universal representation (i.e. 193 member states, with one vote each). UNGA resolutions are recommendatory but provide framework and scope to the work of specialised UN bodies.

The issue of plastic pollution in the marine environment also appeared in the annual UNGA resolutions on Oceans and Law of the Sea after Rio+20. The first mention of plastic was made in 2006, in a UNGA Resolution which highlighted the lack of information and data, encouraged further studies and the raising of awareness of the impact of marine debris on health and productivity of the marine environment and consequent economic loss (UNGA, Oceans and the Law of the Sea, A/RES/60/30 (8 March 2006)).

2.1.2 Creation of the UNEA: Its Function and Mandate

Another outcome of Rio+20 was the establishment of the UNEA, the world's highest-level decision-making body on the environment. The UNEA reports to the UNGA. The work of UNEA contributed to the adoption by the UNGA of the 2030 Agenda for Sustainable Development and its 17 Sustainable

Development Goals (SDGs) in 2015. These include SDG 14 to ‘conserve and sustainably use the oceans, seas and marine resources for sustainable development’.

SDG 14 includes 7 targets and 3 means of implementation which cut across the 7 targets. The first target focuses on marine pollution including marine debris. UNEA has established several task-forces on marine plastic debris and fosters cooperation between the relevant UN bodies (see below). Update on the progress and importance of the issues are related in each report and decisions of UNEA. The annual UNGA on Oceans and Law of the Sea reiterates decisions of the UNEA with respect to marine plastic pollution and microplastic and invites states to implement them.

2.2 Status of work

This report focuses on specific provisions on marine plastic debris (or litter) and microplastic. However, it is important to note that the outlook of UNEA and its framing of the issue of pollution from marine plastic is wider than these provisions. It also involves other more general environmental considerations and SDGs than those included in SDG 14 on life underwater. These include overall sustainability including sustainable product design and services and sustainable food production system, single use plastic, resource efficiency, life-cycle assessment, environmental governance, etc. Many of these themes have aspects that are relevant to combating pollution from marine plastics.

2.2.1 UNEA-1, Resolution 1/6 on marine plastic debris and microplastic

The first UNEA (June 2014) adopted Resolution 1/6 on marine plastic debris and microplastic. This two-page resolution describes issues raised by pollution from marine plastic debris and microplastics. It highlights the complexity of the issue and the need for more knowledge and research, emphasises the need for urgent action, and requests:

“the Executive Director, in consultation with other relevant institutions and stakeholders, to **undertake a study** on marine plastic debris and marine microplastics, building on existing work and taking into account the most up-to-date studies and data, focusing on: (a) **Identification of the key sources** of marine plastic debris and microplastics; (b) Identification of possible measures and **best available techniques and environmental practices** to prevent the accumulation and minimize the level of microplastics in the marine environment; (c) Recommendations for the **most urgent actions**; (d) Specification of **areas especially in need of more research**, including key impacts on the environment and on human health; (e) Any other **relevant priority areas** identified in the assessment of the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection [GESAMP]”

[Emphasis added]

(UNEA-1, Resolution 1/6: https://papersmart.unon.org/resolution/uploads/unep.ahqg_.2019.3.inf_.2_compilation_of_resolutions.pdf)

2.2.2 UNEA-2, Resolution 2/11 on marine plastic litter and microplastic

Following the adoption of the SDGs in 2015, UNEA-2 adopted a new and more comprehensive resolution, Resolution 2/11, on marine plastic litter and microplastics on 27 May 2016. It describes issues raised by pollution from marine plastic debris and microplastics, reiterates past UN resolutions, and welcomes the activities of relevant UN bodies and organisations on this topic, including the IMO:

[Para 16] “Recognizes the role of the [IMO] in mitigating marine litter; recalls annex V of [MARPOL]; and agrees on the need to reduce illegal dumping of litter in the sea, including through the establishment and use of effective port reception facilities, the identification and, as appropriate, recovery of costs related to the disposal of garbage and waste, including through harbour fees, and consideration of other incentives and innovative approaches”

(...)

[Para 21] **“Requests** the Executive Director, in close cooperation with other relevant bodies and organisations, to **undertake [an assessment](#) of the effectiveness of relevant international, regional and subregional governance strategies and approaches to combat marine plastic litter and microplastics, taking into consideration the relevant international, regional and subregional regulatory frameworks and identifying possible gaps and options for addressing them, including through regional cooperation and coordination**, and to present the assessment to the Environment Assembly at its next session, within available resources for this purpose”

[Emphasis added]

(UNEA-2, Resolution 2/11: https://papersmart.unon.org/resolution/uploads/unep.aheg_.2019.3.inf_.2_compilation_of_resolutions.pdf)

2.2.3 UNEA-3, Resolution 3/7 on marine plastic litter and microplastic

In January 2018, UNEA-3 adopted Resolution 3/7 on marine plastic litter and microplastics. This four-page resolution further elaborates on issues raised by pollution from marine plastic debris and microplastics and reiterates past UN resolutions. Other points include the establishment of an Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics. See extracts below:

[Para 7] “Requests the Executive Director, subject to the availability of resources, to **strengthen the capacity and activity of [UNEP] on marine litter and microplastics**, including by: (a) Strengthening the contribution of [UNEP] to the Global Partnership on Marine Litter; (b) Providing advice on the prioritizing of activities upon request based on best available scientific knowledge, and the most environmentally sound and cost-effective measures to prevent and reduce marine litter and microplastics, according to resolutions 1/6 and 2/11 and the present resolution; (c) Facilitating the establishment and implementation of regional and national action plans to prevent and reduce litter and microplastics in the marine environment, as requested by member states; (d) Supporting countries, upon request and in collaboration with other international organisations and relevant stakeholders, in closing data gaps and improving the availability of accessible data on the sources and extent of marine litter and microplastics in the environment; (e) Closely

liaising with other United Nations agencies to encourage them to support programmes to reduce marine litter and microplastics”

[Para 10] **“Decides to convene, subject to the availability of resources, meetings of an open-ended ad hoc expert group** to further examine the barriers to and options for combating marine plastic litter and microplastics from all sources, especially land-based sources, and: (a) Requests the Executive Director to provide the secretariat for that work; (b) Decides that the open-ended ad hoc expert group will be informed by and build on, among others, relevant resolutions, decisions and reports by the United Nations Environment Programme, other organisations, member states and stakeholders as appropriate; (c) Decides that the open-ended ad hoc expert group will include experts with the relevant technical expertise from all member states, representation from international and regional conventions and organisations and relevant stakeholders; (d) Decides that the open-ended ad hoc expert group will have the following initial programme of work: (i) **To explore all barriers to combating marine litter and microplastics, including challenges related to resources in developing countries; UNEP/EA.3/Res.7 4** (ii) **To identify the range of national, regional and international response options, including actions and innovative approaches, and voluntary and legally binding governance strategies and approaches;** (iii) **To identify environmental, social and economic costs and benefits of different response options;** (iv) **To examine the feasibility and effectiveness of different response options;** (v) **To identify potential options for continued work for consideration by [UNEA]”**

[Emphasis added]

(UNEA-3, Resolution 3/7: https://papersmart.unon.org/resolution/uploads/unep.aheg_2019.3.inf_2_compilation_of_resolutions.pdf)

2.2.4 UNEA-4, Resolution 4/6 on marine plastic litter and microplastic

In March 2019, UNEA-4 adopted Resolution 4/6 on marine plastic litter and microplastic. This four-page resolution reiterates prior concerns and resolutions. It also highlights relevant legal and policy work done in other UN bodies:

[Preambular] “Taking note of important developments with regard to exploring options within the mandates of relevant existing international agreements and organisations for addressing marine litter, in particular:

(...)

(b) The adoption of an action plan by the [IMO MEPC], supported by the [LC/LP], to reduce marine plastic litter from ships;”

[Para 2] “Requests the Executive Director of the United Nations Environment Programme, subject to the availability of resources and benefiting from the work of existing mechanisms, to **immediately strengthen scientific and technological knowledge with regard to marine litter, including marine plastic litter and microplastics**, through the following activities: (a) **Convening**

existing relevant science advisory initiatives with input from Member states, as appropriate, to provide input into the activities outlined in paragraphs 3 and 7 of the present resolution; (b) **Compiling available scientific and other relevant data and information to prepare an assessment on sources, pathways and hazards of litter, including plastic litter and microplastics pollution, and its presence in rivers and oceans**; scientific knowledge about adverse effects on ecosystems and potential adverse effects on human health; and environmentally sound technological innovations; (c) **Recommending indicators to harmonize monitoring, reporting and assessment methodologies**, taking into account key sources of marine litter, including plastic litter and microplastics, in cooperation with relevant international organisations; (d) Gathering information with a view to informing policies and action regarding environmentally sound technological innovations, options and measures for reducing the risk of discharges of litter, including plastic litter and microplastics, into the marine environment, taking into account the whole life cycle of plastics, in support of local, national, regional and global action”

[Para 3] “**Decides to strengthen coordination and cooperation by establishing**, subject to the availability of resources and building on existing initiatives, a **multi-stakeholder platform within [UNEP]** to take immediate action towards the long-term elimination, through a life-cycle approach, of discharges of litter and microplastics into the ocean”

[Para 7] “Decides to **extend until its fifth session the mandate of the ad hoc open-ended expert group on marine litter and microplastics** established by its resolution 3/7, and requests the expert group, building on its previous work, to: (a) Take stock of existing activities and action by governments, regional and global instruments, international organisations, the private sector, non-governmental organisations and other relevant contributors to reduce marine plastic litter and microplastics with the aim of the long-term elimination of discharge into the oceans; (...) (d) Analyse the effectiveness of existing and potential response options and activities with regard to marine litter and microplastics at all levels to determine the contribution that they make to solving the global problem (...).”

[Emphasis added]

(UNEA 4, Resolution 4/6:

https://papersmart.unon.org/resolution/uploads/unep.aheg_2019.3.inf_2_compilation_of_resolutions.pdf)

UNEA-5 is planned to take place on 22-26 February 2021 in Nairobi, Kenya.

Available <https://environmentassembly.unenvironment.org/unea5>.

2.3 Regional approach in UNEA resolutions on marine plastic debris and microplastics

All UNEA resolutions highlight the critical importance of regional cooperation, implementation through regional institutional mechanisms, regional instruments, regional response options and/or regional action plans for the prevention of pollution from marine plastic debris and microplastics.

Examples include:

- Encouraging states to cooperate through relevant Regional Seas conventions with a view to adopting actions plans to combat marine litter and to implement regional action plans to reduce marine litter [UNEP/EA.1/Res.6, paras 10 and 11];
- Acknowledging that sources of marine plastic litter and microplastics and resources available can vary between regions so that measures need to be taken and adapted as appropriate to local, national and regional situations [UNEP/EA.2/Res.11, para 1];
- Urging states to collaborate to establish regional action plans to combat marine litters if they have not done so yet [UNEP/EA.2/Res.11, para 4]
- Recognising the need to identify transport and distribution pathways and hotspots of marine litter, and to cooperate regionally and internationally to clean up such hotspots [UNEP/EA.2/Res.11, para 12]
- Recognising that governments need to further identify the most significant sources, as well as important and cost-effective preventive measures at regional level [UNEP/EA.2/Res.11, para 17]
- Inviting regional organisations and conventions including Regional Seas conventions and programmes to increase their action, within their mandate, to prevent and reduce marine litter and microplastics and their harmful effects and to coordinate where appropriate to achieve that end [UNEP/EA.3/Res.7, para 8]
- Calling states and other actors, including at the regional level to address the problem of marine litter and microplastics [UNEP/EA.4/Res.6 para 1]
- Establishing a multi-stakeholder platform within the [UNEP] to take immediate action towards the long-term elimination, through a life-cycle approach, of discharges of litter and microplastics into the oceans; this may include promoting action in the framework of Regional Seas conventions and programmes to address marine litter through action plans, protocols, partnerships and other activities [UNEP/EA.4/Res.6, para. 3(f)]