

4. INTERGOVERNMENTAL PROCESSES THAT DIRECTLY SUPPORT THE WORK OF UNEA AND UNEP ON MARINE PLASTICS

4.1 Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA)

Summary of role: *The Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities (GPA) is an intergovernmental mechanism established in 1995 to respond to land-based sources of pollution of the marine environment and includes plastics waste in its scope. It is a voluntary and non-binding programme. An Intergovernmental Review Meeting (IGR) had been organized every 5 years since 2001 to review implementation of the GPA*

Summary work status: *The last IGR, in 2018, resulted in a general agreement on continuing work on enhancing the mainstreaming of the protection of coastal and marine ecosystems, especially from the environmental threats caused by increased nutrients, wastewater, and marine litter and microplastics. The future of the GPA was also discussed and referred to UNEA-4. However, the latter did not make a decision on this. The future of the work of this GPA is therefore unclear.*

Keywords/research fields: *Function and Mandate; Status of work; 2012 Manila Declaration on Furthering Implementation of the GPA*

4.1.1 Function and mandate

The GPA was created as an intergovernmental mechanism to respond to land-based sources of marine pollution. It aims at preventing the degradation of the marine environment from land-based activities by facilitating the realization of the duty of states to preserve and protect the marine environment. It was adopted by 108 governments, and the European Commission at an intergovernmental conference convened in Washington D.C. in 1995. It is designed to assist states in taking actions individually or jointly within their respective policies, priorities and resources, that will lead to the prevention, reduction, control and/or elimination of the degradation of the marine environment, as well as to its recovery from the impacts of land-based activities. (GPA, I.B.3) Available: <https://papersmart.unon.org/resolution/uploads/1995-gpa.pdf>.

From an international law perspective, the GPA is a mechanism developed to implement UNCLOS (in particular Articles 207 and 213 on pollution from land-based sources) as well as other relevant treaties. In addition to UNCLOS, it specifically refers to the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention and its Protocol), the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), the Convention on Biological Diversity (CBD), the United Nations Framework Convention on Climate Change (UNFCCC), the Regional Seas conventions and the International Convention for the Prevention of Pollution from Ships (MARPOL). (GPA, I.C.4-7)

With respect to contaminants, the GPA specifically identifies litter (including plastic litter) as one of eight contaminants that characterise a problem and need management measures. The other seven are: sewage, POPs, radioactive substances, heavy metals, oils (hydrocarbons), nutrients and sediment mobilization. Plastic is also mentioned in the context of sewage. In the specific context of litter, sources of marine litter are identified as including land-based and sea-based sources. Importantly, the GPA already refers to floatable litter which is known to travel considerable distances with regional and sometimes broader implications, as well as resin pellets used as industrial feedstock which circulate and deposit on oceanic scales. Finally, it also highlights that the burning of litter containing plastics may generate significant quantities of POPs, metals and hydrocarbons which can reach the marine and coastal environment. (GPA, H.142-143)

4.1.2 Method and status of work

The GPA emphasises the critical role of regional and sub-regional conventions, programmes, arrangements and their institutional mechanisms for successful actions to protect the marine environment from land-based activities. (GPA, III.21-35)

An Intergovernmental Review Meeting (IGR) has been organized every 5 years since 2001 and it also involves IGOs and non-state stakeholders such as NGOs. The 2012 Manila Declaration on Furthering Implementation of the GPA was adopted ahead of the 3rd IGR (IGR 3) and is included in the meeting report where work on plastic litter is a particular area of concern and focus. Reports of the meetings are available online at: <https://www.unenvironment.org/explore-topics/oceans-seas/what-we-do/addressing-land-based-pollution/governing-global-programme>.

The last IGR (IGR 4) was held in Bali in November 2018. The report is short as is the Bali Declaration adopted at the end of the meeting. This Declaration indicates a general agreement on continuing work on enhancing the mainstreaming of the protection of coastal and marine ecosystems, especially from the environmental threats caused by increased nutrients, wastewater, and marine litter and microplastics. It does not include other detail and refers to UNEA-4. For further details on the outcome of UNEA-4, refer to [Part 1, Section 3.2.2.4](#) above. IGR 4 and the Bali Declaration are available online at: <https://papersmart.unon.org/igr-meeting/sites/default/files/english.pdf>.

4.1.3 2012 Manila Declaration on Furthering Implementation of the GPA

The Manila Declaration on Furthering Implementation of the GPA (2012 Manila Declaration) was adopted by 65 governments and the European Commission ahead of IGR 3. It identifies marine litter as a priority source category for action for 2012–2016 and triggered the development of the GPML. The Declaration also recognises the important role of regional cooperation, in particular the Regional Seas Conventions and Action Plans, to implement the GPA and calls for strengthening and promoting the existing Regional Seas Conventions and Action Plans to further implement the GPA [Manila Declaration, p2]. For further details on the GPML, refer to [Part 1, Section 3.3.3](#) above. The 2012 Manila Declaration is available online at: <http://wedocs.unep.org/bitstream/handle/20.500.11822/12347/ManillaDeclarationREV.pdf?sequence=1&isAllowed=y>.

4.2 Ad Hoc Open-Ended Expert Group (AHEG) on Marine Litter and Microplastics

Summary of role: *The AHEG was established by the 3rd UNEA (UNEA-3) in 2017 to further examine and report on the barriers to and options for combating marine plastic litter and microplastics from all sources. It is not a decision-making body. Two meetings of the AHEG were held prior to UNEA-4 and a further three meetings before UNEA-5.*

Summary of recommendations and work status: *The current programme of work of the AHEG, decided by UNEA-4, includes : (i) To 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; (ii) To identify technical and financial resources or mechanisms for supporting countries in addressing marine plastic litter and microplastics; (iii) To encourage partnerships that undertake activities such as the development of source inventories, the improvement of waste management, awareness-raising and the promotion of innovation in relation to the prevention of marine litter, including plastic litter and microplastics; and (iv) To 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.*

Keywords/research fields: *Ad Hoc Open-Ended Expert Group (AHEG) on Marine Litter and Microplastics; Function and mandate; UNEA 3/7; UNEA 4/6; Status of work; Scientific Advisory Committee; barriers to combating marine litter and microplastics; national; regional and international response options; Marine litter; microplastics; stocktaking of existing activities; plastic; effectiveness; response options; partnerships; technical; financial; resources; private sector*

4.2.1 Function and mandate

The AHEG was established by Resolution UNEA 3/7 (UNEP/EA.3/Res.7) to further examine the barriers to and options for combating marine plastic litter and microplastics from all sources, especially land-based sources. This resolution 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.

The AHEG comprises experts with relevant technical expertise from member states, representation from international and regional conventions and organisations and relevant stakeholders. UNEP provides the secretariat.

The AHEG is not a decision-making body and therefore does not require consensus, providing only summary documents that reflect discussions. These discussions have tended to be open in nature, with breakout groups focusing on specific topics and providing input to the plenary sessions. Country position statements are not generally requested but are accepted. Countries may be asked to make

submissions on particular topics prior to meetings and to submit contributions post meetings to support discussions.

Resolution UNEA 3/7 assigned the AHEG with 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;
- (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; and
- (v) To identify potential options for continued work for consideration by UNEA.

Resolution UNEA 4/6 (UNEP/EA.4/Res.6) provided the AHEG with additional work:

- (i) To 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;
- (ii) To identify technical and financial resources or mechanisms for supporting countries in addressing marine plastic litter and microplastics;
- (iii) To encourage partnerships that undertake activities such as the development of source inventories, the improvement of waste management, awareness-raising and the promotion of innovation in relation to the prevention of marine litter, including plastic litter and microplastics; and
- (iv) To analyse the effectiveness of existing and potential response options and activities with regard to marine litter and microplastics at all levels to determine the contributions that they make to solving the global problem.

4.2.2 Status of work

The first meeting of the AHEG (AHEG-1) took place on 29 –31 May 2018 in Nairobi. The meeting highlighted the importance of dialoguing with international and regional organisations, and multilateral environmental agreements and of learning more about the challenges in addressing marine litter under their respective instruments and activities. Available: <https://papersmart.unon.org/resolution/adhoc-oeeq-working-documents>.

AHEG-2 was held in December 2018 in Geneva. The meeting proposed options for the Group's continued work to be considered at UNEA-4, such as to consider modalities for the establishment of a global knowledge hub, to consider the establishment of a scientific and technical advisory group on marine litter and microplastics, and to consider the establishment of a forum for governments, industry, academia, civil society, and other stakeholders to share experiences and coordinate. Available: <https://papersmart.unon.org/resolution/second-adhoc-oeeq>.

AHEG-3 was held in Bangkok in November 2019. The meeting provided guidance to UNEP (as the Secretariat) for the preparations of the work mandated by UNEA-4 to be considered at AHEG-4. AHEG-4 and AHEG-5 were planned respectively for May 2020 and November 2020 prior to Covid-19 Crisis. AHEG-4 has now been postponed until further notice. Available: <https://papersmart.unon.org/resolution/third-adhoc-oeeg> and <https://environmentassembly.unenvironment.org/expert-group-on-marine-litter>.

The members of the AHEG include representatives from regional conventions and organisations (UNEP/UNEA.3/Res.7, para 10(c)). Within the framework of the implementation of its programme of work, AHEG would have to review measures undertaken at the regional level, namely regional response options, activities and actions taken by regional instruments (UNEP/UNEA.3/Res.7, para 10(d)).

4.2.3 Scientific Advisory Committee to AHEG

The Scientific Advisory Committee on Marine Plastic Litter and Microplastic was established on the basis of Resolution 4/6, paragraph 2 of UNEA-4 to prepare an assessment on sources, pathways and hazards of litter including plastic litter and microplastic pollution. This Scientific Advisory Committee convened four times through online meetings and one in-person meeting in February 2020. Its work is to be reported to UNEA-5.