

DRAFT REPORT

Intergovernmental Negotiating Committee (INC) On Plastic Pollution & The Role and Relevance of The Regional Seas Programme

I. Background information

1. This document has been prepared to provide a draft report for the Regional Seas Programme based on the available information both from the on-going INC process as well as the regional seas conventions and action plans for consideration at the 23rd meeting of the Regional Seas Programme to be held in November 2023. Based on feedback at the 23rd meeting, a more detailed report will be developed on the achievements of the Regional Seas Programmes together with an analysis of their contribution and potential role in supporting implementation of the agreement once adopted/ratified to be used for communicating as an information document for INC 4, UNEA 6, participating countries, and other UN member States.
2. The consultancy services are related to supporting the implementation of the project (316.1) 'Sustainable Management of Marine and Coastal Ecosystem Services (A3)' Output 5. The consultancy duration is 6 months.
3. The overall objective of this consultancy is to document experiences, roles, monitoring framework and achievements of Regional Seas Conventions and Action Plans in meeting their regional targets and objectives on plastics and microplastics pollution including marine litter.
4. The specific objectives of this consultancy comprise the following tasks:
 - i. Collect information from the Regional Seas Programme secretariats on the achievements of the Regional Seas Programmes in meeting their regional targets and objectives, which are linked with the plastics and microplastics pollution including marine litter.
 - ii. Document the experiences of the Regionals Seas Programmes to achieve their regional targets and objectives on plastics and microplastics pollution including marine litter and monitoring of their achievements.
 - iii. Conduct a desktop analysis about the actual roles of the Regional Seas Programmes for achieving the regional plastics and microplastics pollution including marine litter objectives and targets and their level of contribution.
 - iv. Present the preliminary findings at the 23rd annual meeting of the Regional Seas Conventions and Action Plans to be held in November 2023
5. There is also need to engage and collaborate with key staff members of the Regional Seas Conventions and Action Plans and liaise with the Project Coordination Team.
6. The ultimate result of the assignment is the preparation of a detailed report on the achievements of the Regional Seas Programmes together with the analysis of their contribution and potential role in supporting implementation of the agreement once adopted/ratified to be used for communicating as an information document for INC 4, UNEA 6, participating countries, and other UN member States.

DRAFT REPORT ON THE ACHIEVEMENTS OF THE REGIONAL SEAS PROGRAMMES TOGETHER WITH THE ANALYSIS OF THEIR CONTRIBUTION AND POTENTIAL ROLE IN SUPPORTING IMPLEMENTATION OF THE AGREEMENT ONCE ADOPTED/RATIFIED

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1. INTRODUCTION TO THE REGIONAL SEAS PROGRAMME

The Regional Seas Programme (RSP) was launched in 1974 after the establishment of the United Nations Environment Program (UNEP) and has become recognized as a global flagship programme (Maruma Mrema 2016). The RSP applies a unique means of protecting marine and coastal environments through a “shared seas” approach (Rochette et al. 2016), where neighbouring countries are engaged in actions to protect their common environment and shared bodies of water (Mead 2021). UNEP’s RSPs consists of 3 types of Regional Seas Conventions and Action Plans (RSCAPs), across more than 145 countries in 18 regions (Figure 1):

- **UNEP-administered** – These RSCAPs have been established and are directly administered by UNEP who provides Secretariat functions, managing of finances and technical assistance. UNEP administers 5 regional seas conventions and 2 action plans. These are: [Caribbean Region](#), [East Asian Seas](#), [Eastern Africa Region](#), [Mediterranean Region](#), [North-West Pacific Region](#), [Western Africa Region](#). The Regional Office for Europe administers the Tehran Convention ([Caspian Sea](#)).
- **Non-UNEP administered** – These RSCAPs have been established under the auspices of UNEP, but another regional body provides the Secretariat and administrative functions. These are: [Black Sea Region](#), [North-East Pacific Region](#), [Red Sea and Gulf of Aden](#), [ROPME Sea Area](#), [South Asian Seas](#), [South-East Pacific Region](#), [Pacific Region](#).
- **Independent** – These RSCAPs have not been established by UNEP but cooperate with the Regional Seas Programme and attend regular meetings. These are: [Arctic Region](#), [Antarctic Region](#), [Baltic Sea](#), [North-East Atlantic Region](#).

The mandates and frameworks of RSPs align with regional priorities and contribute to global mandates, such as the 2030 Agenda for Sustainable Development, the Kunming-Montreal Global Biodiversity Framework (KMGBF), and United Nations Environment Assembly (UNEA) resolutions.

In November 2006, UNEP prepared Guidelines for the Development and Implementation of Regional Strategies for Addressing Marine Litter. Three phases were suggested for incorporation of marine litter issues into the Programmes of Work of individual RSCAPs: Phase I (assessment of the regional situation); Phase II (preparation of a Regional Action Plan); and Phase III (integration of the Regional Strategy into the Programme of Work) (NOWPAP 2008). Currently, four UNEP-administered Regional Seas programmes have adopted Regional Action Plans on Marine Litter (RAPMALI): the Caribbean, East Asian Seas, Mediterranean, and Northwest Pacific. RAPMALI’s have also been adopted amongst the Non-UNEP Administered RSPs, Black Sea and South Asian Seas Regions and Independent RSPs in The Arctic, Baltic Sea, and North East Atlantic Regions.

The RSCAPs engage with partners to deliver key functions such as knowledge management and monitoring, whilst functioning as a mechanism for effective regional cooperation, testing of protocols and methodologies and setting of targets at the regional level help to inform global responses (UNEP 2021). Most of the RSPs have a geographical mandate restricted to areas within the jurisdiction of Contracting Parties, but four regional systems (Antarctic, Mediterranean, North-East Atlantic and South Pacific) have the specific mandate to include activities in Areas Beyond National Jurisdiction (ABNJ) (Druel et al. 2012; UNEP 2016). The RSP and the platforms it provides has also enabled countries with different political settings e.g. Libya/Israel, Iran/Iraq, USA/Cuba to meet, discuss, and engage with shared problems or challenges and seek common solutions (Maruma Mrema 2016).

These RSCAPs have established either intergovernmental meetings (IGMs) for action plans, or conferences of the parties (CoPs) for the conventions and/or protocols, which provide policy guidance and act as a decision-making organ for the implementation of the instruments (Maruma Mrema 2016). With regards to institutional

structure, all UNEP administered RSPs have at least a Secretariat (Regional Coordinating Unit – RCU), whilst some programmes are also supported by additional institutional structures such as Regional Activity Centres (RACs) (Rochette et al. 2015).

These entities contribute through the following tasks:

1. Providing States with relevant data so that they can adopt science-based decisions.
2. Strengthening regional cooperation by organising conferences and workshops.
3. Providing legal and technical assistance to facilitate the implementation of conventions, protocols, and action plans (Rochette et al. 2015).

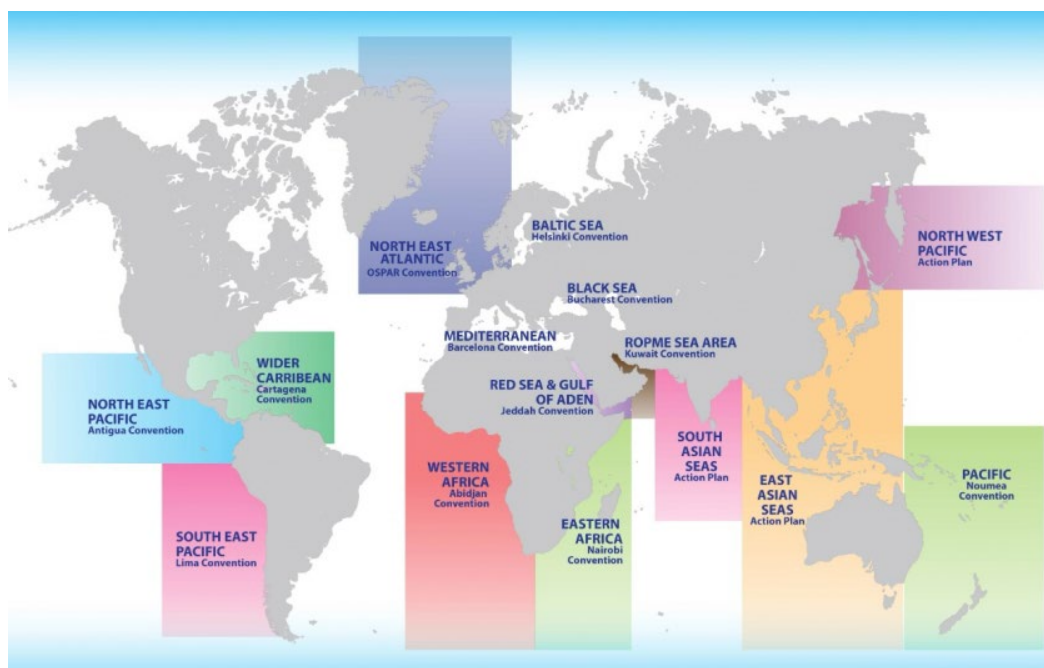


Figure 1. Map of the Regional Seas Programme (Hart 2018)

2. THE ASSESSMENT PROCESS

The assessment began with the collection, collation and analysis of literature related to the Intergovernmental Negotiating Committee (INC) on Plastic Pollution and relevance to the Regional Seas Programme including the Regional Seas Conventions and Action Plans. This information will be based on existing online resources which are publicly accessible online as well as through provision of resources by individual Regional Seas Secretariats. A survey with relevant Regional Seas Focal Points will also be conducted to collect data and gather initial perspectives on the potential role of the Regional Seas Programme in supporting the implementation of the agreement once adopted/ratified. Further analysis of the reporting under the various negotiating stages of the International Plastic Pollution Agreement, previous UNEA resolutions from UNEA 1 to 5, the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA) and the three source categories, which includes marine litter and plastics, among others will be carried out. It is expected that documents which are not in an open access format will be provided. There will be regular liaison with the Project Coordination Team and Regional Seas Focal Points. Consultation will also occur in person at the 23rd Annual Meeting of the Regional Seas.

3. STRATEGIC DIRECTIONS OF THE REGIONAL SEAS PROGRAMME

The Regional Seas Strategic Directions (RSSD) 2022-2025 aims to harness progress achieved by the 18 Conventions and Action Plans through translation of activities into a coordinated global response to combat key environmental drivers towards a pollution free, resilient, and diverse ocean. To achieve the objective of the RSSD, three strategic goals and relevant targets to achieve key aspects relevant to this report are outlined (UNEP 2021a):

1. Secure diverse, resilient, and productive marine and coastal ecosystems.
 - To strengthen the focus on moving towards a circular economy, there is a need for sustainable consumption and production patterns to target upstream activities, while also tackling downstream activities, to limit both land- and sea-based sources of pollution.
2. Support assessment, information, and knowledge management at all levels to strengthen science-policy dialogue on marine and coastal issues and their interactions.
 - Regionally harmonized data collection, assessment and monitoring of relevant indicators supported.
 - Capacity promoted across all regions (peer to peer learning, sharing of best practices enhanced, monitoring and data collection advanced, stakeholder engagement strengthened).
 - Synergies enhanced across reporting requirements to reduce duplication of efforts.
 - Research fostered to deepen understanding of marine environments.
 - Science – policy dialogue enhanced on marine and coastal issues.
3. Increase reach and mainstreaming of the Regional Seas Programme, including advocacy, political support, and dialogue for furthering action.
 - The relationship of the RSP with the UN Environment Assembly enhanced.
 - Cooperation enhanced with relevant UN bodies, MEAs, international financial institutions, philanthropies, and other relevant processes.
 - Collaboration between Regional Seas strengthened.
 - The delivery of RSP activities promoted through national action plans.
 - RSP activities mainstreamed into country programming.

A phased approach for the development of indicators during 2022-2025 will assist in further harmonizing the work of the RSCAPs, helping to better understand global progress that will be essential to interpret the state of ocean health and adopt necessary global responses. The development of indicators will benefit reporting at the Global Annual Meeting of the RSCAPs and reporting to UNEA (UNEP 2021).

4. REGIONAL SEAS PROGRAMME AND MARINE POLLUTION

According to Bliss-Guest and Keckes (1982), four key components comprise the overall strategy of the RSPs:

1. Promotion of international and regional conventions, guidelines, and policies, for the control of marine pollution and for the protection and management of marine and coastal resources.
2. Assessment of the state of marine pollution, of the sources and trends of this pollution, and of the impact of the pollution on human health, marine ecosystems, and amenities.
3. Coordination of efforts regarding the environmental aspects of the protection, development, and management, of marine and coastal resources, and
4. Support for education and training efforts to facilitate the participation of all countries in the protection, development, and management, of marine and coastal resources.

The mandates of the RSPs focus on the protection and management of the coastal and marine environment in the broadest sense – but includes the prevention and pollution and the conservation of marine biodiversity (Rochette et al. 2015). It is important to note that the issues related to marine pollution were the major impetus for the development of the RSP. Thus, all existing regional seas conventions contain specific obligations for the parties to take appropriate measures to prevent, abate, combat/control, and to the extent possible remedy/eliminate pollution from the different sources or causes (Maruma Mrema 2016). The Regional Seas Conventions and Action Plans (RSCAPs) provide inter-governmental frameworks to address pollution at sea, such as oil spills and movement of hazardous waste, as well as land-based sources of pollution.

Pollution of the marine environment continues to be a global growing concern and encompasses the introduction of substances into the environment which results in deleterious effects to living resources and hindrance to marine activities (Article 1(4), United Nations Convention on the Law of the Sea [UNCLOS]). Approximately 80 % of marine pollution originates on land and is a result of direct or indirect introduction or discharges of solids and liquids from land-based sources such as rivers, waterways, runoffs, and infrastructure (GESAMP 2010). The GPA, through the Washington Declaration on Protection of the Marine Environment from Land-based Activities, identified nine key source categories of marine pollution: sewage, persistent organic pollutants, radioactive substances, heavy metals, oils (i.e., hydrocarbons), nutrients, sediment mobilization, litter, and physical alteration and destruction of habitat (UNEP N.D.). The rest enters the oceans from sea-based sources such as vessels (or the atmosphere) (UN 2016).

Abandoned, lost, or otherwise discarded fishing gear (ALDFG) is another critical type of sea-based source of pollution and is considered the main source of plastic waste in the marine environment coming from the fisheries and aquaculture sector (Diez et al. 2019). Also referred to as “ghost gear” this form of plastic is four times more likely to harm marine life through entanglement than all other forms of marine debris combined, making it the deadliest form of plastic pollution (Wilcox et al. 2016) Ghost gear has caused significant declines in fish stocks, including commercial species (NOAA Marine Debris Program 2015), thereby threatening global food security, fisheries sustainability and ultimately, lives and livelihoods (Ocean Conservancy 2023).

Plastics possess multiple unique characteristics such as being inexpensive, strong, durable, lightweight, and corrosion resistant along with high thermal and electrical insulation properties (Wabnitz and Nichols 2010). A key issue with plastic production is that a significant percentage is used to make short-lived, single use and other disposable packaging that end up discarded shortly after manufacturing (Wabnitz and Nichols 2010). Although countries have made considerable progress in limiting some forms of pollution, other forms, such as marine litter, continue to persist. Even though there have been considerable efforts to remove marine debris from the environment and restrict dumping at sea, the incidence of plastics continues to increase in some

areas (Gall and Thompson 2015). Microplastics (i.e., small pieces of plastic less than 5 mm in diameter) are also of great concern and may be primary or secondary. Primary microplastics are those originally manufactured to be that specific small size or generated through usage of products within their life cycle (e.g. microbeads); whilst secondary microplastics are those that result from the breakdown of larger items in the environment (OSPAR Commission 2022).

The issue of plastic in the marine environment is gaining increased recognition in marine conservation in recent years, yet there is often confusion related to its definition. In general, marine litter (commonly referred to as marine debris) includes manufactured or processed solid material entering marine and coastal environments via land and sea-based activities (Hastings and Potts 2013). It may include items that are intentionally discarded or unintentionally lost in the environment (Gall and Thompson 2015). Because marine litter can be dispersed great distances by wind and ocean currents, it is recognized as a transboundary problem. The greatest issue associated with marine litter involves 'mismanaged' plastic waste including items that were 'leaked' either purposefully or wrongly disposed (e.g., deposited at open and uncontrolled landfills) (Turpie et al. 2015). Plastic leakage can occur at any stage during the manufacture and consumption processes, especially when there is inadequate infrastructure for capturing waste (Mathews and Stretz 2019).

Global plastic production and consumption has grown exponentially since the 1950s, with global production projected to reach around 450 million tons by 2025 (Ocean Conservancy 2023). An estimated 11 million metric tons of plastics enter the ocean annually from land-based source and without drastic intervention, scientists predict an almost three-fold increase of ocean plastic inputs (~29 million metric tons) annually by 2040 (Lau et al. 2020). The plastics sector is a dominant and increasing driver of fossil-fuel demand and greenhouse-gas (GHG) emissions. As they are made from and powered by fossil fuels, the plastics sector uses as much oil as the global aviation sector (Ocean Conservancy 2023). The production of plastic also involves the use of chemical additives, including some listed as hazardous under the Stockholm Convention which are shown to be detrimental to human and environmental health (Ocean Conservancy 2023). Nearly 40% of plastics produced annually consists of single-use packaging and/or products (Ocean Conservancy 2023).

The impact of marine litter spans local, regional, and international scales and affects human health, the economy, marine life, general aesthetics, and public perception (Williams and Rangel-Buitrago 2019). Furthermore, impacts of marine litter are not restricted to only the physical effects they may have on the environment or marine life but also includes indirect issues such as bioaccumulation, vectors for disease or invasive species, and damaging seafloor species and coral reefs (Lamb et al. 2018, UNEP 2018). Marine litter can have devastating effects on wildlife through ingestion and entanglement (Derraik 2002) and then ultimately sink to the seabed thereby creating significant management challenges (Hastings and Potts 2013, Raubenheimer and McIlgorm 2018).

Case Studies: Achievements and Challenges by the RSPs in addressing plastic and microplastic pollution.

The Wider Caribbean Region:

Achievements:

1. Action plan and strategy development: Development and update of RAPMALI; Development of Regional Marine Litter Strategy for the Wider Caribbean Region
2. Regional cooperation and coordination: Establishment of Caribbean Regional Marine Litter Node with Gulf and Caribbean Fisheries Institute; Partnership with IMO and linking MARPOL with LBS Protocol; Incorporation of Marine Based Sources of Litter including ADLFG; Integration of MPAs with marine litter prevention.

3. Capacity building and information exchange: support to development of national marine litter strategy and action plan for Saint Lucia; Support to building capacity and sharing information about microplastics; Preparation and dissemination of several knowledge management products.
4. Stakeholder engagement: Engagement of youth, private sector and NGOs through grants and small community-based projects
5. Harmonizing monitoring and assessment: Development of a manual on Harmonized Marine Litter Monitoring Approaches and an action plan for implementation.

Challenges:

1. Lack of coherent national policies, laws, and regulations.
2. Lack of coordination among multiple regional and global interventions.
3. Targeted financial and technical resources.

OSPAR (North-East Atlantic Region)

Achievements

1. A review of the RAPMALI which was initially developed in 2014, reported that, as of June 2021, of the 32 collective actions, 78% (25) were considered complete or fully implemented, 9% (3) were still in progress, and 13% (4) were limited in progress and no further action was foreseen under this RAP ML.
2. Regarding the 23 national actions under the RAPMALI, for almost all Contracting Parties, over 75% of actions were fully implemented or in progress.
3. The fishing for litter (FFL) initiatives in fishing harbours target to “increase the total number of vessels participating in FFL schemes in the OSPAR Maritime Area by 100% by 2021” was already accomplished by 2020.
4. The RAPMALI was ambitious and had inspired action and progress in OSPAR Contracting Parties and other international organisations (e.g., Arctic Council, G7, UN).
5. OSPAR has contributed to the evidence base for and benefited from the adoption of recent EU initiatives, such as the Single-Use Plastics Directive, the Port Reception Facilities Directive, work on microplastics and several EU-funded projects.
6. There has been a decrease in quantities of litter found on OSPAR beaches and of floating litter in Region II - the Greater North Sea - over the last 10 years which is admirable considering the upward trend in plastics production and consumption in Europe over a similar period.

Challenges:

1. The review concluded that the work completed under the RAPMALI had been extensive but was not always easy to quantify or to illustrate through concrete outputs.
2. In terms of evidence of change in the quantities of marine litter in the North-East Atlantic, criteria like threshold values only exist so far for beach litter (EU only) and plastic litter in fulmar stomachs when it comes to determining the effectiveness of measures, but additional ones for other marine compartments and impacts are currently being developed.

5. THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC) ON PLASTIC POLLUTION AND RELEVANCE TO THE REGIONAL SEAS PROGRAMME

Plastic pollution is a global challenge which requires local solutions and actions (Maes et al. 2023), however the current global legal framework pertaining to marine plastic pollution is fragmented and ineffective. Policy addressing marine litter continues to emerge yet there is still an identified need for the development of an international convention that specifically addresses marine plastic debris (Villarrubia-Gomez et al. 2018). Thus far, there are multiple international instruments that address sea-based and land-based sources of pollution including UN Convention on the Law of the Sea, London Convention/London Protocol, MARPOL, Stockholm, Rotterdam, and Basel Conventions (Villarrubia-Gomez et al. 2018). However, none of the existing global treaties have any detailed provisions explicitly aimed at preventing leakage of plastic into the ocean (WWF 2019) or throughout the entire plastics lifecycle (Punka 2023). The existing instruments that address plastic pollution focus on regulating plastic waste rather than at an earlier stage of the value chain which affects the ability of existing and future management efforts to keep up with the increasing number of plastics being produced (Punka 2023).

Adopted in 1995 by more than 100 countries and administered by UN Environment Programme (UNEP), the Global Programme of Action (GPA) addresses the impacts of land-based activities on coastal and marine environments. The GPA is the only global intergovernmental organisation that promotes collaboration amongst parties and focuses on the connectivity between multiple ecosystems (coastal, marine, freshwater, and terrestrial) (UNEP 2018). It is designed to assist states in taking actions individually or jointly by leveraging their respective policies, priorities, and resources which will lead to the prevention, reduction, control, and/or elimination of the degradation of the marine environment. Marine litter, along with nutrients and wastewater, were highlighted as the three priority focus areas by the parties of the GPA. Together with the relevant stakeholders and partners and through the three global partnerships on nutrients, wastewater management, and marine litter, governments are provided with assistance and advice on how best to achieve their priorities (UNEP 2019).

The Global Partnership on Plastic Pollution and Marine Litter (GPML) is a multi-stakeholder partnership that provides a unique mechanism to bring together all actors working on marine litter to share knowledge and experience and to advance solutions to this global issue. This 'voluntary open-ended partnership' has an overall goal of reducing and managing marine litter and is guided by the Honolulu Strategy (Pettipas et al. 2016). The Honolulu Strategy was developed by NOAA and UNEP and was launched in 2011 and aims to reduce the quantity and impact of land-based and sea-based sources of marine litter on shorelines, pelagic waters, and benthic habitats (Pettipas et al. 2016, Borelle et al. 2017).

In March 2022, at the fifth session of the UN Environment Assembly, a resolution was adopted to develop an international legally binding instrument (ILBI) on plastic pollution. ILBI's are the result of international regulatory cooperation within a multilateral setting, following specific decision-making processes agreed upon by members, and designed to support countries in addressing their policy challenges (Ocean Conservancy 2023). The resolution emphasized the need to convene an Intergovernmental Negotiating Committee (INC) to develop "the instrument," which is to be based on a comprehensive approach that addresses the full life cycle of plastic, including its production, design, and disposal. The resolution summoned an ad-hoc open-ended working group (OEWG) and five sessions of INC meetings, composed of UN member States, to negotiate on material and obligations contained in the treaty. The INC began its work during the second half of 2022, with the ambition to complete the negotiations by the end of 2024. The first session of the INC (INC-1) took place in Punta del Este, Uruguay from 28 November to 2 December 2022, followed by a second session (INC-2) in

Paris, France from 29 May to 2 June 2023. The third session (INC-3) is scheduled for 13 to 19 November 2023 at the UNEP Headquarters in Nairobi, Kenya.

The Second Session of the Intergovernmental Negotiating Committee (INC-2) emphasized addressing country capacities and readiness to develop and implement the global mandate on plastic pollution. INC-2 highlighted the need to utilise existing mechanisms for coordinated action that are aligned with regional frameworks and national priorities. Delegates also emphasised the need for effective science-based approaches, circular design, practical and scalable actions, and harmonized monitoring and assessment to achieve demonstrable impact on the ground. Producing less litter by means of smart production and design should be treated as an integral theme (HELCOM 2015).

This agreement will benefit from a holistic, integrated approach that combines community and economic instruments to provide solutions to the global issue of plastic pollution (Vince and Hardesty 2018). It is recommended that a “hybrid approach” that provides “a new global architecture with a multilayered governance approach, combining legally binding and voluntary measures,” should be a platform to facilitate an international body (i.e., an existing or new body) that coordinates and strengthens governance measures under various instruments (Gottlieb 2021). Collectively, attention was drawn to the following key principles that should govern the INC meetings and outcomes (Ambrose 2023a; UNEP 2023a):

- **Polluter Pays Principle** (seeks to hold polluters financially responsible for causing environmental hazards and pollution).
- **Common but Differentiated Responsibilities** (acknowledges the different capabilities and differing responsibilities of individual countries in addressing the issue at hand).
- **Just Economic Transitions** (ensure that the substantial benefits of a green economy transition are shared widely, while also supporting those who stand to lose economically).
- **Equity Principle** (acknowledges that there are historically underserved and underrepresented populations and that fairness regarding these unbalanced conditions is needed to assist equality in the provision of effective opportunities to all groups).
- **Precautionary Principle** (where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation).
- **Principle 12, Rio Declaration** (recommends that states should co-operate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, to better address the problems of environmental degradation).

The Regional Seas Conventions and Action Plans have focused on marine litter for many years. For example, the Black Sea, East Asian Seas, and the Mediterranean Regional Marine Litter Action Plans guides its contracting parties by similar principles identified above. As a result, this new global agreement can complement those RSPs that have previously developed marine litter action plans as well as binding conventions and protocols focused on preventing marine pollution (Raubenheimer and Urho 2020). Obligations made under global and regional instruments only become effective once they are incorporated into national legislation and are implemented and enforced, typically through national plans (Maes et al. 2023). Two types of national plans exist:

1. **National Implementation Plans (NIPs)**: are typically more comprehensive and are developed to meet specific obligations under a complex Multilateral Environmental Agreement (Maes et al. 2023).
2. **National Action Plans (NAPs)**: are typically more action-oriented and can be used for a broader range of environmental initiatives (Maes et al. 2023).

6. POTENTIAL ROLE OF THE REGIONAL SEAS PROGRAMME

Since its inception, the Regional Seas Programme has offered a valuable, legal framework to tackle common environmental issues at the regional level while supporting individual member states to exercise their duties and obligations under global multilateral environmental agreements (Ferreira et al. 2022). This framework allows participating countries to jointly agree on their priorities and develop programmes whilst also offering a forum for intergovernmental debates on regional environmental challenges, and relevant strategies to address them (Maruma Mrema 2016). The RSCAPs also have specific strategies, targets, and initiatives to address plastic pollution by promoting cooperation within their regions to collectively tackle the issue (Maes et al. 2023). Regional Seas Programmes can be instrumental in supporting countries during the INC process and implementing a global, legally binding plastics treaty, by:

- Providing a **platform for dialogue and information exchange** between countries, scientific communities, and civil societies to promote knowledge-sharing and cooperation, including through regional preparatory meetings, Intergovernmental Meetings, working groups on marine litter etc.
- Enhancing and **harmonizing monitoring and assessment** through regional guidance, capacity building, and coordinated data collection, to improve data comparability and evidence for decision making and progress tracking. Having a common framework for data collection and assessment is essential to encourage uptake and compliance, while ensuring that the agreement's obligations can be validated (Maes et al. 2023).
- Assisting countries in aligning their **national policies and plans** with the ILBI's requirements to ensure effective implementation and enforcement and that a unified approach is taken. This could provide a second regulation level within the global agreement where these regional hubs of countries that face similar challenges can cooperate and allow for more successful implementation (Punka 2023).
- Providing sufficient **resources for meaningful participation** of countries in negotiations, including information sharing, and travel funding. The opportunity for some SIDS (e.g. The Caribbean) to access funds for pollution related projects, including policy development and negotiation processes, can be limited due to their status as 'wealthy', based on their GDP being high via tourism revenue (Ambrose 2023a). In addition to providing funding for travel, additional funding is needed to support capacity building, stakeholder engagement and data collection which is essential for meeting and negotiation preparations (Ambrose 2023a).
- **Raising awareness among member states of support services available** e.g. A legal toolkit on marine litter and plastics pollution prevention which aims to assist legislators and policymakers in the development and strengthening of their regulatory frameworks with the following key tools or features: a legislation explorer, glossary of terms, an interactive step-by-step guide for developing legislation on single use plastics, case-studies on the impacts and legal/regulatory responses to plastic pollution and marine litter and other resources (LEAP 2023). Additionally, there is the Plastics Treaty Legal Advisory Service (PTLAS) which was created to support developing countries in need of legal support specific to the global plastics treaty negotiations (Ambrose 2023). The PTLAS provides free legal support to developing countries and civil society organizations to ensure that all actors, particularly those most affected by plastic pollution, can fully participate in and influence the negotiating process (PTLAS, 2023).
- Providing **capacity building opportunities** for meaningful participation of countries in negotiations. For smaller delegations from developing countries or SIDS, there is the need for a legal advisor or

lawyer to be a part of the team, since there is an integral need for understanding the legal language, undertones, financial and sovereignty implications involved in the treaty process (Ambrose 2023a). These delegations typically comprise of one or two members of a government agency and are generally at a disadvantage to larger delegations from developed countries.

- Providing **capacity-building initiatives** and **technical assistance** to strengthen countries' institutional capacity and expertise in addressing plastic pollution and implement **region-specific actions and measures** aligned with the ILBI's goals, including through RAPMALIs.
- Facilitating **regional cooperation and coordination** among countries during negotiations to raise regional priorities, including through joint statements.
- Tailoring effective **solutions to overcome region-specific challenges and priorities** related to plastic pollution.
- Sharing **best practices, case studies, and lessons learned** within and from other regions, including during annual meetings of the RSPs and through Regional Nodes of the Global Partnership on Plastic Pollution and Marine Litter (GPML).
- Utilizing **established expert networks** to ensure effective science-based approaches are considered in the development of a robust instrument with high environmental integrity.
- Advocating for stronger engaging action and **raising awareness** about plastic pollution to foster collective commitment towards an ILBI.
- Supporting countries in **reporting and reviewing progress** in addressing plastic pollution, ensuring transparency and accountability within the INC process and the ILBI framework.

Limitations: Although the Regional Seas Programme has an important role to play in implementing and developing aspects of the new plastics treaty, it is important to recognise that the 18 RSCAPs are not a homogenous group and instead vary in their capacity, knowledge, technology, financial and human resources (Ferreira et al. 2022). Implementation amongst the RSP also varies regionally due to political instability and a lack of political will, lack of funding, and weak enforcement mechanisms (Rochette 2013; Mead 2021).

Furthermore, the high number of independent RSPs and the variability of their resource's capability could create challenges for coordination and harmonization of efforts (Raubenheimer and Urho 2020). Furthermore, the reality is that many of the RSPs still have the same institutional frameworks as when they were created with (Rochette and Billé 2013). Limited financial and human resources of RSPs consequently affect their coordination and ability to support states, therefore hampering higher level strategic and political work (Rochette et al. 2015).

For a party to enforce the agreement, the terms of the regional conventions must be incorporated into a party's domestic laws. However, to date, no regional seas programme currently provides for sanctions against violating parties, nor has it been used in to enforce prohibitions on marine debris (Gold et al. 2013)

From a governance perspective, more than half the ocean lies beyond national jurisdictions (Morrissey 2019) which is well beyond the scope of most RSPs, except for four: Antarctic, Mediterranean, North-East Atlantic and South Pacific Regions. Nonetheless, preventing and mitigating the issue of marine litter locally will be dependent on the source of pollution, available infrastructure, consumer preferences, and behaviours and will vary by nation and region due to resource availability (Morrissey 2019).

7. MEASURES TO ENHANCE THE CONTRIBUTION OF THE REGIONAL SEAS PROGRAMME TO END PLASTIC POLLUTION

Due to their existing frameworks and proven experience, the RSPs can be instrumental in supporting countries during the INC process to end plastic pollution. The RSCAPs already engage with partners to deliver key functions such as knowledge management and monitoring, whilst functioning as a mechanism for effective regional cooperation, testing of protocols and methodologies and setting of targets at the regional level help to inform global responses. The issues stemming from marine pollution were the major impetus for the development of the RSP, thus, all existing RSCAPs contain specific obligations for the parties to take appropriate measures to prevent, abate, combat/control, and to the extent possible remedy/eliminate pollution from the different sources or causes (Maruma Mrema 2016). However, there are opportunities to enhance the contribution of the RSP's to support countries during the INC process to end plastic pollution:

1. **Targeted financial resources in RSCAP Secretariats:** Although the RSPs have been successful in raising funds from various donors for projects and activities, difficulties still arise for some RSPs in raising funds from the Member States to manage and run the RCUs. Thus, there is need for the establishment of a financial mechanism (including a dedicated Multilateral Fund) to provide the necessary financial resources to eligible countries to meet their commitments under the instrument. There is also need to develop financing mechanisms to support SMEs with solutions for plastics as well as a fund to support removal of plastics from oceans (e.g. small island nations), possibly via a verifiable plastic credit mechanism.
2. **Legal support and guidance:** There is need for better participation of RSP Secretariats in INC Meetings to develop regional statements, side events and preparatory meetings to facilitate the mentioning of Regional Seas in the negotiated text (country led). The Negotiating Process involves very specialist language and expertise, and to support the legal toolkit, the model of the Plastics Treaty Legal Advisory Service could be expanded or modified for the purpose of the RSP member states.
3. **A toolbox to facilitate capacity building and technology transfer:** This could involve models by championing countries to share information across the region and include how to guides, customized according to sector or country that become resource materials from tool kits for implementors / trainers / guideline creators. A registry of resources including an inventory of organizations and experts working in the region should also be developed. The Digital Platform of the GPML can serve as a key component in facilitating this.
4. **Revision of strategic documents** to include a focus on plastic and microplastic pollution including marine litter: Actions are needed that address every stage of the plastic life cycle, with a special emphasis on reducing plastics production. Policy responses to managing marine litter need to consider all these driving forces to reduce inputs, reduce the risks associated with materials (e.g., alternatives to plastic) and facilitate societal change.
5. **Technical guidance** to help member states implement: Application of EPR schemes applied across sectors since the Pacific are non-producers of plastic polymers or materials but recipients can complement work done by all Parties under the treaty. Mitigation and removal programmes for legacy plastics in the environment. Controls for a just transition for SIDS to include financial, technology and capacity development.
6. **Training and recommendations for harmonised data collection, monitoring, and reporting:** RSPs can catalyse and lead from the bottom up to develop consensus within their region to harmonise methodologies and protocols: including what, when and how to measure whilst also accounting for spatial and temporal heterogeneities along with involving actors across the entire value chain. There is also need to build capacity on data analytics and there is an opportunity to explore the use of AI in

collecting, transferring, consolidating and analysing data. A Digital Platform and “clearing house” is needed to aggregate and coordinate key standards for digital sustainability developed by a range of actors.

7. **Development of a communication strategy** including key principles and messages, audiences, indicators, and targets and ensuring that knowledge and resources are available in different languages of the region. Collaboration amongst RSPs can be valuable to share best practices and lessons learned.
8. **Collaboration with other regional governing bodies:** The Regional Seas could serve as platforms for exchange of information, scientific knowledge, data, and best practices as one of the main actors to consider in the international cooperation already included in the zero draft. Experience gained by RSPs not only through the implementation of the Action Plans, but also through the knowledge acquired in terms of monitoring and assessment of marine litter in could be of assistance for those countries initiating the process of designing such plans. In the case of the Caribbean RSP, a partnership was formed with the IMO to link MARPOL with the LBS Protocol.
9. **Development of broader partnerships** and using procedures and methods to create awareness for the problems of marine litter and ensuring a sense of public ownership for preventive and removal measures (HELCOM 2015). Stakeholders including those involved in the informal waste sector, manufacturers, non-organized groups/individuals, faith-based organization, indigenous group representatives and facilitating connection between governments and businesses, communities, while empowering private and non-profit sectors. There is an important need to engage with informal sector waste collectors or “waste pickers” to incorporate their expertise and ensure that national and regional-level actions are just, inclusive, and effective. According to recent studies, between 15 - 56 million people work in informal solid waste collection globally and are responsible for almost 60% of all plastics collected and recycled (Ocean Conservancy 2023).
10. **Encouraging integrated approaches to tackle global issues:** Because of the links between climate change and marine plastic pollution, integrated approaches could benefit both problems (from the thematic assessment)

8. RECOMMENDATIONS AND CONCLUSION

(Recommendations will be finalized pending discussions at 23rd Annual Meeting)

Plastic pollution is a global challenge which requires local solutions and actions, however the current global legal framework pertaining to marine plastic pollution is fragmented and ineffective. Since its inception, the Regional Seas Programme has offered a valuable, legal framework to tackle common environmental issues at the regional level while supporting individual member states to exercise their duties and obligations under global multilateral environmental agreements. The Regional Seas Conventions and Action Plans also have specific strategies, targets, and initiatives to address plastic pollution by promoting cooperation within their regions to collectively tackle the issue. The Regional Seas Programmes stands to have a substantial role in supporting countries during the INC process and implementing a global, legally binding plastics treaty by:

- Providing a platform for dialogue and information exchange.
- Enhancing and harmonizing monitoring and assessment.
- Assisting countries in aligning their national policies and plans with the ILBI’s requirements.
- Providing sufficient resources for meaningful participation of countries in negotiations.
- Providing capacity building opportunities and technical assistance.
- Facilitating regional cooperation and coordination.
- Sharing best practices, case studies, and lessons learned within and from other regions.

However, although the Regional Seas Programme has an important role to play, it is important to recognise that the 18 RSCAPs are not a homogenous group and instead vary in their capacity, knowledge, technology, financial and human resources. Political instability and a lack of political will, lack of funding, and weak enforcement mechanisms has potential to create challenges for effective coordination and harmonization of efforts. Furthermore, to date, no regional seas programme currently provides for sanctions against violating parties, nor has it been used in to enforce prohibitions on marine debris. Pollution is a global, transboundary problem and more than half the ocean lies beyond national jurisdictions which is well beyond the scope of most RSPs (except for four regions: Antarctic, Mediterranean, North-East Atlantic and South Pacific). Nonetheless, preventing and mitigating the issue of marine litter locally will be dependent on the source of pollution, available infrastructure, consumer preferences, and behaviours and will vary by nation and region due to resource availability. Nonetheless, there are opportunities to enhance the contribution of the RSP's to support countries during the INC process to end plastic pollution:

- Targeted financial resources in RSCAP Secretariats.
- Legal support and guidance.
- A toolbox to facilitate capacity building and technology transfer.
- Revision of strategic documents.
- Technical guidance to help member states implement.
- Training and recommendations for harmonised data collection, monitoring, and reporting.
- Development of a communication strategy for national focal points.
- Collaboration with other regional governing bodies.
- Development of broader partnerships and engaging with all stakeholders.
- Encouraging integrated approaches to tackle global issues.

9. Annex

Supplemental Document (DRAFT): Achievements and Challenges by the Regional Seas Programmes in addressing plastic and microplastic pollution.

UNEP ADMINISTERED REGIONAL SEAS PROGRAMMES

East Asian Seas Region

COBSEA 2019. COBSEA Regional Action Plan on Marine Litter 2019. Secretariat of the Coordinating Body on the Seas of East Asia (COBSEA) and United Nations Environment Programme, Bangkok.

At the 24th Intergovernmental Meeting of the Coordinating Body on the Seas of East Asia (COBSEA) in June 2019, participating countries adopted the revised Regional Action Plan on Marine Litter to guide action on marine litter in the East Asian Seas region. This was a follow up to the initial plan originally adopted in 2008 and was prepared in accordance with COBSEA Strategic Directions 2018-2022 and was based on extensive desk review; information gained through national consultations; recommendations from meetings of the COBSEA Working Group on Marine Litter; and existing regional action plans for marine litter. In addition to adopting the revised RAPMALI, other achievements of the COBSEA endorsed Regional Guidance on Harmonized National Marine Litter Monitoring, conducted harmonized surveys in 8 of 9 countries to dates (regional assessment planned in 2024), established a Regional Action Centre on marine pollution, established Regional Node of the GPML, developed a Toolbox on Ghost Gear. The main challenges that COBSEA experiences in achieving its regional targets and objectives related to marine litter include hesitance related

to data sharing and transparency, limited capacity and knowledge, as well as vast differences in country capacities and stages of development.

Mediterranean Region

Regional Plan on Marine Litter Management in the Mediterranean in the Framework of Article 15 of the Land Based Sources Protocol (2021).

The Mediterranean is one of the most affected regional seas by marine litter. The annual plastic leakage is estimated at 229,000 tonnes and plastics constitute around 95% of waste in the open sea. The UNEP/MAP-Barcelona Convention system has been addressing marine litter since the early 1990s, with the introduction of the Amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (LBS Protocol) (1996), and the adoption of the Strategic Framework for Marine Litter Management (2012) prepared within the framework of the UNEP Regional Seas Programme. The Regional Plan on Marine Litter Management (RPML) in the Mediterranean adopted by the Contracting Parties to the Barcelona Convention in 2013 was the first-ever legally binding instrument aiming to prevent and reduce marine litter and plastic pollution and to remove existent marine litter, using environmentally sound techniques. In December 2021, at the 22nd Meeting of the Contracting Parties to the Barcelona Convention (COP 22), amendments to the Regional Plan on Marine Litter Management in the Mediterranean (RPML) that streamline and apply circular economy principles was adopted. The RPML constitutes one of the most advanced instruments for cooperation on tackling marine litter amongst the regional seas. Lessons learned from its implementation are expected to inform deliberations on the global treaty on plastic pollution. The Marine Litter MED II project (2020-2023), funded by the European Union, supports the implementation of the Regional Plan on Marine Litter Management in the Mediterranean at national, sub-regional and regional level with a particular focus on southern Mediterranean countries namely Algeria, Egypt, Israel, Lebanon, Libya, Morocco, and Tunisia. The project builds on the outcomes of the EU-funded Marine Litter MED project (2016-2019)

Northwest Pacific Region

Northwest Pacific Action Plan (2018) NOWPAP Regional Action Plan on Marine Litter

The NOWPAP activities related to marine litter were first initiated in November 2005 when the project proposal was approved at the Tenth NOWPAP Intergovernmental Meeting. The first phase, called Marine Litter Activity (MALITA), was completed by the end of 2007 with the overall objective being to develop a Regional Action Plan on Marine Litter. The NOWPAP Regional Action Plan on Marine Litter was launched in 2008 and is the key framework addressing marine litter and microplastics in the region. The plan aims to improve the quality of the marine and coastal environment of the Northwest Pacific region by addressing the marine litter problem through cooperation and partnerships. Through the implementation of MALITA project, several key activities were implemented successfully including the establishment of a marine litter database; a regional review of legal and administrative aspects related to marine litter; and strengthening of cooperation with UNEP RSP and other organizations and projects, such as Coordinating Body on the Seas of East Asia (COBSEA) and Yellow Sea Large Marine Ecosystem (YSLME) project. The NOWPAP RAP MALI is a non-legally binding action plan for the NOWPAP member states.

NON-UNEP ADMINSTERED REGIONAL SEAS PROGRAMMES

Black Sea Region

Commission on the Protection of the Black Sea Against Pollution (BSC) (2018) Black Sea Marine Litter Action Plan

The rationale for the preparation of this Marine Litter Regional Action Plan was to improve the quality of the marine and coastal environment in the Black Sea. The overall objective of the BS ML RAP is to consolidate, harmonize and implement necessary environmental policies, strategies and measures for sustainable integrated management of marine litter issues in the Black Sea region. In implementing the BS ML RAP the Contracting Parties are guided by several key principles including the precautionary principle and polluter-pays principle as well as an ecosystem based approach. The Contracting Parties of the Bucharest Convention will elaborate and implement, individually or jointly, as appropriate, national and regional action plans and programmes, containing measures and timetables for their implementation. Contracting Parties are expected to prepare National Biennial Reports on NAPs and BSC PS shall prepare Regional Biennial Reports on NAPs based on National Reports. To implement the BS ML RAP, Contracting Parties were encouraged to adopt the necessary legislation and/or establish adequate institutional arrangements to ensure marine litter reduction and prevention. This included establishing institutional coordination, reviewing, and revising existing legislation, establishing marine litter regional expert groups, integrating marine litter issues into existing legal and administrative instruments, and ensuring close coordination and collaboration between national, regional, and local authorities. The Regional Action Plan also details options for preventing marine litter from land and sea-based sources and removing existing marine litter, ensuring sound disposal methods are applied.

South Asian Seas Region

South Asia Co-operative Environment Programme (SACEP) (2018) Towards Litter Free Indian Ocean: Summary of the Regional Marine Litter Action Plan for the SAS Region

The SAS member countries account for almost one fifth of the world's total population and have a high dependency on natural resources and are thus very vulnerable to the impacts of marine litter. Currently marine litter and microplastic management strategies of the countries within the SAS region are weak, disjointed or simply not available. There is a lack of standardized methods for research and comparison and in some countries, there is a complete lack of ongoing marine litter monitoring. All SAS member countries struggle with marine litter quantification and thus are unable to identify the magnitude of marine litter within their regions. There is also a lack of area and site specific ecological, social, and economic parameters in relation to marine litter within the region. It has been suggested that cooperative action on marine litter has been delayed due to insufficient participation by member states. There is also need for a well-designed education and awareness program to create the enabling conditions that are needed for implementation. Most countries within the region have annual beach cleaning programs but have not targeted the stakeholders that are directly responsible for marine litter. As a result of this thorough gap analysis, actions have been developed and are in the process of implementation.

INDEPENDENT REGIONAL SEAS PROGRAMMES

Arctic Region

Protection of the Arctic Marine Environment (PAME) Regional Action Plan on Marine Litter in the Arctic (2021).

With the adoption of the Regional Programme of Action on Protection of the Arctic Marine Environment from Land-based Activities in 1998, and its updates in 2004 and 2009, PAME outlined a stepwise approach for tackling land-based sources of marine pollution. In 2019, PAME completed a desktop study on marine litter, including microplastics, which improved the understanding of the scope of marine litter in the Arctic region, synthesized knowledge on its extent and effects in the Arctic marine environment, and identified knowledge gaps. While the desktop study improved understanding and knowledge on marine litter in the Arctic, it also highlighted key knowledge gaps and future research needs including the need for information on the distribution of marine litter, the sources and pathways of marine litter, and the impacts of marine litter on Arctic wildlife and human populations. Furthermore, it highlighted the lack of a formal and harmonized monitoring program that covers the sources, pathways, and distribution of marine litter throughout the Arctic and internationally. The Regional Action Plan on Marine Litter in the Arctic sets out a range of strategic actions that address both land- and sea-based sources of marine litter in the Arctic region, organized by eight themes: I) Reducing Marine Litter Inputs from Fisheries and Aquaculture; II) Reducing Marine Litter Inputs from Ships and Offshore Structures; III) Improving Onshore Waste and Wastewater Management; IV) Sustainable Materials Management in the Arctic Environment; V) Cleaning Arctic Coasts; VI) Strengthening Monitoring and Research; VII) Outreach; and VIII) International Cooperation. Reports on the implementation of the ML-RAP will be submitted biennially and every four years, PAME, in collaboration with all Arctic Council subsidiary bodies, will lead a review and, unless otherwise decided, update of the ML-RAP.

Baltic Region

HELCOM (2021) Recommendation 42-43/3 on the Regional Action Plan on Marine Litter.

This updated Action Plan was developed based on lessons learnt from the implementation of the first Regional Action Plan adopted in 2015 and on the best available information on amounts and composition of litter found in the coastal and marine environments as well as its sources and pathways to the Baltic Sea. The Action Plans in 2015 and 2021 were based on fundamental principles, as contained in articles of the Helsinki Convention: public participation and stakeholder involvement; sustainable consumption and production; best available knowledge and socio-economic effectiveness; integration; application of waste hierarchy; and an ecosystem approach. There were 30 regional actions identified in the 2015 Action Plan. However, based on review in the 2021 revision, it was reported that 0 actions were completed with 8 being ongoing and 22 not initiated. The revised action plan includes a recommendation to report on the implementation of actions and their effectiveness towards achieving corresponding targets for the first time by 1st December 2023. An implementation plan, including an attempt for identification of country leads was also developed and included concrete steps and target years as well as a follow up process with respective milestones and indicators of accomplishments.

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