



UNIVERSITY
OF WOLLONGONG
AUSTRALIA

Pacific Islands Regional Protocol on Prevention of Pollution by Marine Litter and Microplastics

Zero Draft – October 2021

Dear SPREP Members

The Director General of SPREP, Kosi Latu, has notified SPREP Members that the University of Wollongong, Australia, has been engaged to facilitate the development of a draft framework for the Pacific Region on marine litter and plastic pollution. The Australian National Centre for Ocean Resources and Security (ANCORS) at the University of Wollongong is excited to facilitate this project.

Recalling the Noumea Convention COP16 Meeting Report where the development of a Regional Framework was agreed and by way of a Protocol was discussed the Secretariat is pleased to provide this 'zero draft' which will serve as a starting point for SPREP Members to commence discussions prior to diplomatic negotiations. Your engagement and expertise will be invaluable in bringing the best possible draft forward for diplomatic consideration.

Provided here are four documents for your consideration. They are:

1. This covering letter. It sets out the Pacific regional background to the project and the SPREP process for carrying forward. It also provides a thumbnail sketch of the proposed protocol in the form of a list of titles of its provisions, annexes and appendices.
2. A table of elements for the main body of the proposed new *Protocol on Prevention of Pollution by Marine Litter and Microplastics*. This table comprises three columns. The first column provides the titles of the Protocol's provisions. The second column provides the draft text of each proposed provision. The third column is set left blank for your comments.
3. A set of six technical Annexes and Appendices for the protocol. The Annexes set out principles and indicative criteria for regional plastics sustainability criteria. The appendices provide technical guidance for operationalising the Protocol.
4. A [video](#) presentation concerning these documents is available in addition

This information is provided to you about three weeks before the first SPREP workshop concerning the draft protocol on 7th December 2021. Our hope is that you will provide your comments on this zero draft in the third column of the table on the 26th November, prior to the workshop on 7 December in time for us to incorporate them into a first draft for consideration at the workshop. A second draft will be prepared following your feedback at the workshop and circulated to you prior to a second workshop on 25 January 2022. After that second workshop, the final draft will be submitted to the SPREP Secretariat by 15 February 2022.

The draft *Protocol on Prevention of Pollution by Marine Litter and Microplastics* seeks to build on principles, approaches and indicators already agreed by SPREP Members in regional instruments, declarations and action plans.

These matters already agreed by SPREP Members include the following:

Cleaner Pacific Strategy 2025

- **PRINCIPLE 1 Reduce, Reuse, Recycle, Return (3R + Return)**
In prescribing waste management interventions, the preference shall be to reduce the generation of waste and pollutants; to reuse if appropriate and safe to do so; to recycle domestically when technically and economically feasible; and to return waste resources to appropriate recycling facilities in other countries. Residual waste that cannot be reused, recycled, or returned for recycling shall be disposed of in an environmentally sound manner.
- **PRINCIPLE 2 Product stewardship**
Those involved in producing, importing, selling, using and disposing of products have a shared responsibility to ensure that those products or materials are managed throughout their lifecycle in a way that reduces their impact on the environment and on human health and safety.
- **PRINCIPLE 3 Polluter pays principle**
Waste producers and polluters should pay the cost of managing their waste or cleaning up the pollution and remediating associated environmental damage.
- **PERFORMANCE INDICATORS:** (Table ES1)
 - Implement resource recovery programmes
 - Expand user-pays WCP collection services
 - Recover resources from wastes and pollution
 - Waste recycling rate (=amount recycled, reused, returned / amount recyclable) (%)
 - No. of national or state container deposit programmes
 - No. of national EPR programmes for e-waste
 - Improve life-cycle management of residuals
 - No. of national or state user-pays systems for waste collection
 - Waste collection coverage (% of population)
 - Waste capture rate (= amount collected / amount generated) (%)

Pacific Regional Declaration on the Prevention of Marine Litter and Plastic Pollution and its Impacts

- These impacts are due to linear economic models, disregard for or lack of adequate end-of-life management, insufficient support for the development of sustainable alternatives to plastics, continued production and use of unnecessary or harmful plastics, especially single-use plastic products, and open burning and dumping of plastic waste.
- **Acknowledging** the actions taken to reduce and eliminate single use and problematic plastics in the region and the need for more ambitious action and global and regional policy frameworks such as extended producer responsibility, container deposit systems and consumer awareness and responsibility.
- **Acknowledging** the role played by all stakeholders throughout the full plastics lifecycle, from extraction, production, trade, manufacturing, consumption to waste management and environmental legacy and the need for global intervention and support for pollution prevention at each stage.
- **Call** for the future discussions on the agreement to consider implementation measures such as national plans and targets to be globally supported and coordinated as well as mechanisms for regular regional monitoring including identification of suitable regional indicator species, and reporting to support the Pacific region in meeting measurable marine litter and plastic pollution elimination targets.
- **Call** for future discussions on the agreement to consider the need for elements such as a reduction of virgin plastic production, the phasing out of toxic and avoidable plastics, problematic and single-use plastic products and additives and the harmonization of design and labelling standards, to support transition to a safe circular global economy and to find alternatives to allow for our continued economic development.
- **Support** ambitious policy implementation measures through mechanisms such as national plans, noting the role that private sector can play in helping drive solutions such as product stewardship, including extended producer responsibility and container deposit schemes.

In your comments on the zero draft *Protocol on Prevention of Pollution by Marine Litter and Microplastics*, we would ask you please to focus particularly upon the provisions concerning the Protocol's 'Operations'. These contain the main regional and national obligations created by the Protocol to drive change to protect regional environment and

health from pollution by marine litter and microplastics. The six operations provisions are the following scaffolded framework that spans the life cycle of plastic flows in the Pacific region:

1. Regional plastics sustainability criteria (Annex B)
2. National plastics inventories
3. National management plans (Appendix 1)
4. National standards (Appendix 2)
5. National market measures (Appendix 3)
6. National regulation and administration

We look forward to engaging with you in the development of this regional initiative. All stakeholders are invited to engage directly with us at ANCORS, University of Wollongong, at any time. Our contact details are set out below. Anthony Talouli, A/Director WMPC Programme is your SPREP contact point for further information on this initiative at anthonyt@sprep.org.

We will be delighted to meet you at the first workshop on 7 December 2021.
Yours sincerely,

Karen Raubenheimer

Lecturer | ANCORS

M +61 408 051 386 (preferred) | **T** +61 2 4221 5247 | **E** kraubenh@uow.edu.au

[Profile](#)

Gregory Rose

Professor of Law | ANCORS

T +61 2 4221 4120 | **F** +61 2 4221 3188 | **E** grosenh@uow.edu.au

W https://scholars.uow.edu.au/display/greg_rose



Australian National Centre for Ocean Resources and Security

Innovation Campus

University of Wollongong NSW 2522 Australia

Telephone (02) 4221 4883 Facsimile (02) 4221 5544

www.uow.edu.au CRICOS PROVIDER No. 00102E

Protocol outline

- **PREAMBLE**
 - Environment, health, climate
 - Pacific region
 - Pacific treaties
 - Pacific action plans
 - Global
 - MEAs
 - UNEP
- **OBJECTIVE**
 - Protect environments
 - Protect health
- **STRATEGIC GOALS**
 - Management
 - Life-cycle
 - Eliminate
 - Hazard reduction
- **PRINCIPLES**
 - High level principles (Annex A)
- **DEFINITIONS**
- **SCOPE**
 - Jurisdiction
 - Geography
 - Sources pathways and sinks
 - Limits on scope
- **OPERATIONS**
 - Regional sustainability criteria (Annex B)
 - National inventory
 - Management plan (Appendix 1)
 - National standards (Appendix 2)
 - Market measures (Appendix 3)
 - Regulation and administration
- **CONFERENCE**
 - Rules of Procedure
 - Sustainability criteria
 - Review implementation
 - Observers
- **SECRETARIAT**
 - Scientific and Technical committee
 - Industry and Stakeholder Liaison
- **SUPPORT PICS**
 - Education
 - Awareness raising
 - Funding
 - Capacity building
- **REVIEW PROGRESS**
 - National (Appendix 4)
 - Regional
- **AMENDMENT**
 - Protocol
 - Annexes or Appendices
- **RELATIONSHIPS**
 - Intergovernmental
- **DISPUTES**
- **SIGNATURE**
- **RATIFICATION etc**
- **ACCESSION**
- **ENTRY INTO FORCE**
- **RESERVATIONS**
- **WITHDRAWAL**
- **DEPOSITORY**
- **REGISTRATION**

Annex A. High-level Principles for Plastics Sustainability

Annex B: Indicators for Plastics Sustainability Criteria

Appendix 1: Guidance for National Plastics Management Plans

Appendix 2: Guidance for National Sustainability Standards

Appendix 3: Guidance for National Market-Based Measures

Appendix 4: Guidance for National Performance Reports