

[Courtesy translation]

Model Law for the Prevention and Reduction of Marine Litter

Environment and Tourism Commission

Explanatory Memorandum:

In recent years, marine litter has become one of the problems of greatest attention in countries with coastal and marine areas within their territories, not only because it has repercussions on the fauna and flora of marine ecosystems, but also because of the socioeconomic impacts that affect the development of their communities. Therefore, it has a prominent importance in the international agenda. Within the framework of the 2030 Agenda on Sustainable Development, the Sustainable Development Goals (SDGs) were adopted by all Member States, calling, among others, for the conservation of the oceans, more specifically in reference to Goal 14 to Conserve and sustainably use the oceans, seas and marine resources, as well as Goals 6 on Water and Sanitation, 12 on Responsible Production and Consumption and 13 on Climate Action, goals directly linked to actions to protect marine and coastal ecosystems, through the prevention and reduction of marine litter.

Moreover, during the fourth session of the United Nations Environment Assembly (UNEA-4), the Ministerial Declaration on Innovative Solutions to Environmental Challenges and Sustainable Consumption and Production¹ was adopted, which calls for a reduction in the production and use of single-use plastic items. During the same session, the UNEA adopted Resolution 4/6 on Plastic Pollution and Marine Microplastics².

According to the National Oceanic and Atmospheric Administration (NOAA), 80 % of all pollution in seas and oceans comes from land-based activities, including urban settlements and industries, sewage outfalls, and beach litter, mainly composed of plastics. Likewise, in 2017, The Ocean Conservancy conducted a global beach cleanup evidencing that the main items collected were cigarette butts, plastic bottles, bottle caps and food wrappers. In one year alone, more than 8 million tons of plastic enter the oceans, which is equivalent to throwing away one truckload of plastic litter per minute.

This highlights the fragilities of waste management systems and the need to strengthen their infrastructure. In that sense, and as alarming as it is, if current consumption and production patterns continue, the population keeps growing and the quality of waste management systems does not improve, by 2050 there will be more plastic litter than fish in the sea (UN, 2017). Other sources of marine litter are those from marine spills such as from fisheries, container ships, cruise ships and boats. It is estimated that, from the fishing industry alone, 640,000 tons of fishing gear is lost to the oceans (USAID, 2019).

In this regard, the fact that marine litter can come from a variety of land and marine sources, both within and outside the State, poses a unique legal and policy-wise challenge for many countries, as they use several laws and policies to prevent, manage and reduce the proliferation of marine litter as part of the

¹ Available on <https://wedocs.unep.org/bitstream/handle/20.500.11822/25486/Africa%20Group%20Input%20into%20the%20Concept%20Paper%20for%20Forth%20United%20Nations%20Envi...pdf?sequence=6&isAllowed=y>

² Available on <https://wedocs.unep.org/bitstream/handle/20.500.11822/30675/UNEPEA4RES16E.pdf?sequence=1&isAllowed=y>

overall framework to reduce the generation and spread of solid waste, rather than relying on a framework specifically designed to address marine litter (UNEP, 2016).

In an effort to achieve a comprehensive and holistic approach to marine litter management, the following approach is recommended (UNEP, 2016):

- Adopt legislation that provides a general framework for preventing, reducing, and managing differently marine litter. This legislation should consider the relationship between marine litter legislation and other relevant legal frameworks (e.g., on waste management), and whether the new general legislation complements or replaces existing laws. It should also provide for periodic review of the legislation and its implementation.
- Adopt legislation to manage marine litter once it has entered the environment. Such legislation typically addresses three dimensions: (a) an assessment of the status of marine litter and its impact on the environment; (b) the development and implementation of plans to address marine litter; and (c) the cleanup of marine litter.
- Establish an inter-institutional coordination mechanism among the various sectors involved in the treatment of marine litter. This interagency coordination should address the development, implementation and review of marine litter legislation and implementing regulations, involving key stakeholders from the private sector and civil society.
- Design appropriate legal frameworks to regulate and encourage change.
- Political will, funding, and capacity to implement and enforce marine litter legislation.
- Collaborate with civil society and the private sector to design systems that achieve marine litter objectives and address social and economic issues.

In Latin America and the Caribbean, about 10 % of global waste is generated in the region and, although proper final disposal of solid waste has improved, about 145,00 tons/day end up in dumpsites, including 17,000 tons/day of plastic waste (UNEP, 2018) that often accumulate in marine ecosystems, exposing the region to three of the five islands of plastics in the world (South Pacific, South Atlantic and North Atlantic).

To address this issue and promote progress in the protection of marine environments, it is necessary to develop and strengthen technical, political, and regulatory cooperation among the countries of the region, structured around regional regulations. For this matter, Latin American and Caribbean countries have particular situations with respect to the regulation of different sources of marine pollution. In recent years, several countries in the region have strengthened their institutional and regulatory frameworks, for instance, in the area of single-use plastic items and solid waste; or have ratified conventions to prevent and reduce ocean pollution from ships, among others. However, it is necessary to build an instrument that consolidates multiple pollutants from both land- and marine-based sources.

In order to achieve sustainable economic and social growth, it is essential to make better use of our natural resources, improve the management of waste and chemicals, and establish effective laws, policies and institutions to regulate actions that affect the environment, while monitoring the state of the planet's health is vital to better understand the magnitude of the challenges we face (UNEP, 2016).

The purpose of this Model Law is to provide the marine environment with a coherent regulatory framework that guarantees its good environmental status, by consolidating different sources of pollution,



both terrestrial and marine, in a single legal scheme, to serve as inspiration and consolidation of regulations for the countries of the region. Although the countries of the region already have specific legislation that applies to the sea, this Law does not seek to modify or repeal it, but rather to ensure that the national marine policies approved under this Model Law reinforce the application of sectoral legislation, guaranteeing its coherent and coordinated articulation, which can lay the ground for human activities in the sea not compromising its good environmental status (Ley de Protección del Medio Ambiente Marino, 2010). In this sense, various sources of inspiration have been employed to achieve the development of this project, such as works developed within the framework of the United Nations Environment Programme, for instance, “Marine litter legislation: A toolkit for policymakers”, and several international and regional regulations, such as the Spanish Law for the Protection of the Marine Environment (2010) and the Panamanian Law for the Reduction of Single-use Plastics (2020), as well as model laws developed within the framework of the PARLATINO.

The first chapter introduces the purpose and main definitions, along with a list of legal principles, and proposes the establishment of an Interministerial Commission for the Prevention of Marine Litter.

In the next two chapters, emphasis is placed on the sources of pollution, both land and marine. In this regard, Chapter II refers to discharges from land, specifically in reference to the plastic component, discharges of wastewater and nutrients, and discharges of toxic substances, namely pesticides, fertilizers, detergents, chemicals, among others.

Chapter III then sets out the sources of marine litter, such as discharge of hydrocarbons, maritime transport, discharges from ships and aircraft, platforms or other constructions at sea, fishing nets and elements, incineration at sea, waste from cruise ships, and finally, extraction of resources.

Moreover, Chapter IV proposes the development of a National Policy for the Prevention and Reduction of Marine Litter, which seeks to determine methodological aspects for the establishment of such policy.

Subsequently, Chapter V incorporates waste management and Extender Producer Responsibility (EPR), acting under sustainability criteria and promoting economic growth through responsible practices with the oceans and seas.

Chapter VI covers participation, information, and access to justice, containing provisions on citizen participation and environmental education, along with the development of communication, awareness-raising strategies, the cleanup and restoration of marine ecosystems, and the provision of technical training to government representatives.

Finally, a section on research, development, and innovation is included. Next, under Chapter VII on regional integration and cooperation, reference is made to the incorporation of a Regional Programme for the Prevention and Reduction of Marine Litter, together with the exchange of best practices, the generation of alliances, regional networks of marine protected areas, and the conservation of marine species and habitats, among others.

Finally, Chapters VIII, IX, and X include provisions relating to infractions and penalties, inspection, and economic and fiscal incentives, respectively.

Chapter I: GENERAL PROVISIONS

Article 1. Purpose. The purpose of this Model Law is to establish a legal framework for the adoption of the policies and measures necessary to achieve or maintain a healthy marine environment, through its planning, conservation, protection, and improvement, ensuring compliance with the following specific objectives:

1. The protection and conservation of the marine environment, including its biodiversity.
2. The conservation and sustainable use of the resources of the marine environment, taking into consideration the general interest as a public good.
3. The prevention and reduction of land and marine discharges into the marine environment, intending to progressively reduce to reduce pollution of the marine environment in order to avoid serious impacts on or risks to marine biodiversity, marine ecosystems, human health, and permitted uses of the sea.
4. The renewal of marine ecosystems in those areas that have been negatively affected.
5. Economic development approaches, such as the circular economy, can be used to prevent the creation of marine litter.

Article 2. Application. This Model Law shall apply to the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf, including the seabed, the subsoil, the existing biodiversity, and the natural resources subject to national sovereignty or jurisdiction up to the distance determined by international treaties and the legislation of each country.

Article 3. Definitions. For the purposes of this Model Law, the following definitions shall apply:

1. **Good environmental status of the marine environment:** oceans and seas that are ecologically diverse and dynamic, clean, healthy, and productive in the context of their intrinsic conditions, and in which the use of the marine environment is sustainable, thus protecting its potential for uses, activities, and resources by present and future generations.
2. **Pollution of the marine environment:** the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which causes or is likely to cause harmful effects such as damage to living resources and marine life, hazards to human health, impairment of maritime activities, including fishing and other legitimate uses of the sea, deterioration of the quality of seawater for use and impairment of recreational amenities.
3. **Environmental status of the marine environment:** the general condition of the environment at sea, considering the structure, function, and processes of the ecosystems comprising the marine environment, natural physiographic, geographic, biological, geological, and climatic factors, as well as physical conditions, including acoustic and chemical conditions, resulting in particular from human activities within or outside the area concerned.
4. **Sound solid waste management:** Refers to the strategic approach to sustainable solid waste management, covering all sources and all aspects, including generation, separation, transfer, sorting, treatment, recovery, and disposal in an environmentally sound manner, with emphasis on maximizing resource efficiency.

5. **Incineration at sea:** the burning of waste or other material on board a ship, platform, or other offshore construction for the purpose of deliberate disposal by thermal destruction, other than that waste or other material resulting directly or indirectly from the normal operations of the ship, platform or other offshore construction.
6. **Single-use plastic products:** a product made entirely or partly of plastic, and which has not been conceived, designed, or placed on the market to complete, within its lifetime, multiple circuits or rotations by being returned to a producer to be refilled or reused for the same purpose for which it was conceived.
7. **Sanitary landfill:** an engineered waste disposal facility designed, constructed, and operated in a manner that minimizes impacts on public health and the environment.
8. **Waste:** Substances or objects which are disposed of, intended to be disposed of, or required to be disposed of in accordance with the provisions of national legislation.

Article 4. Principles: For the interpretation and application of this Model Law, the following principles of International Environmental Law, as reflected in the Rio Declaration and international environmental instruments on the environment, are recognized:

1. **Access to justice:** States should provide effective access to judicial and administrative procedures, including redress and appropriate remedies.
2. **Sustainable development:** The right to development must be exercised in a manner that equitably responds to the developmental and environmental needs of present and future generations.
3. **Environmental Impact Assessment:** An Environmental Impact Assessment should be undertaken as a national instrument for any proposed activity that is likely to have a significant adverse impact on the environment and is subject to a decision by a competent national authority. In the context of marine litter, Environmental Impact Assessments should be used to assess the potential for waste input into the marine environment, identify preventive and mitigation measures, and create legally binding obligations to prevent and reduce marine litter, subject to the decision of a competent national authority.
4. **Environmental information and communication:** At the national level, all persons shall have adequate access to environmental information available to public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes.
5. **Changing unsustainable patterns of production and consumption:** States should cooperate in promoting a favorable and open international economic system conducive to economic growth and sustainable development in all countries, in order to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a veiled restriction on international trade. Unilateral measures to address environmental problems occurring outside the jurisdiction of the importing country should be avoided. Measures to address transboundary or global environmental problems should, as far as possible, be based on international consensus.
6. **Public participation:** States should facilitate and encourage public awareness and participation by making information available to all.
7. **Prevention of transboundary environmental harm:** States should provide relevant information and prior and appropriate notification to States that are likely to be affected by

activities that may have significant adverse transboundary environmental effects and should consult with such States at an early date and in good faith.

8. **Precautionary principle:** In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
9. **Environmental responsibility:** National authorities should seek to encourage the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the costs of pollution, with due regard to the public interest and without distorting international trade and investment.
10. **Common but differentiated responsibilities:** States shall cooperate in a spirit of global solidarity to conserve, protect and restore the health and integrity of the Earth's ecosystem. Given that they have contributed to varying degrees to the degradation of the global environment, States have common but differentiated responsibilities. Developed countries recognize their responsibility in the international pursuit of sustainable development, considering the pressures their societies place on the global environment and the technologies and financial resources at their disposal.
11. **Sovereignty over natural resources:** States have the sovereign right to exploit their resources according to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or under their control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

It also reaffirms those principles and criteria that are of particular relevance to the interpretation and application of this Model Law:

1. **Self-management:** the national State and local governments will develop their actions to contribute to the management of marine litter in accordance with the provisions of this Law and in harmony with the actions deployed by public entities.
2. **Governance:** The State must design its processes and public policies for the protection of the marine environment through multi-sectoral involvement and interaction in decision-making, conflict management, and consensus-building, based on clearly determined responsibilities, goals, and objectives at all levels of the State.
3. **Gender equality:** Action must be taken to ensure that all people enjoy equal conditions and opportunities to fully exercise their human rights.
4. **Incorporation:** The formulation, implementation, and evaluation processes of policies, plans, programmes, projects, and regulations, as well as the design and planning of budgets, should incorporate marine litter management considerations.
5. **Regional Integration:** States should cooperate and effectively coordinate their actions to discourage or prevent the relocation and transfer to other States of any activities and substances that cause serious environmental degradation to the marine environment or are considered harmful to human health.
6. **Self-determination and free, prior, and informed consent of Indigenous and Afro-descendant Peoples:** Prior consultation and consent of the people concerned shall be ensured for any public or private decision that may affect, modify, reduce, or extinguish indigenous property rights.

7. **Priority:** Policies concerning the prevention and restoration of the marine environment must be able to guarantee and prioritize the social groups in the most vulnerable conditions.
8. **Progressivity, graduality, or non-regression:** Environmental objectives should be achieved gradually, through interim and final goals, projected in a timetable that facilitates the corresponding adaptation of activities related to those objectives, and once achieved, no regression will be feasible.
9. **Extended Producer Responsibility:** The State should make producers and importers responsible for financing the proper management of waste generated by products sold on the national market, whether imported or domestically manufactured, in order to minimize the impact of marine litter on the marine environment.
10. **Sustainability:** The State will encourage human activities to be transformed in terms of their modes of production and consumption patterns, as well as towards inclusive and sustainable economic growth, including, among other alternatives, the circular economy, which contributes to minimizing pollution and improving people's well-being, including but not limited to circularity, respecting the traditional knowledge of Indigenous and Afro-descendant Peoples and local communities, as well as promoting action, research and education for sustainability in schools, universities and other centers of knowledge.
11. **Subsidiarity:** The national State, through the different levels of public administration, should collaborate and, if necessary, participate in a complementary manner in the actions of individuals in the preservation and protection of the marine environment.
12. **Transversality:** The National State and local governments should consider, integrate and coordinate all public and private actions, taking into account the intervention of different sectors and actors, incorporating a comprehensive overview, and promoting the involvement of the private sector and civil society in order to ensure the multidimensional and articulated implementation of the national policy, as well as to contemplate and account for the impact caused by actions, measures, programmes, and undertakings on climate change.

Article 5. Enforcement authority and inter-ministerial coordination. The countries shall designate a National Enforcement Authority, as the highest political decision-making body with national decision-making and coordination functions. Within sixty days of the entry into force of the law, the Enforcement Authority shall submit to the Executive Branch the proposal for the creation of an Inter-ministerial Commission for the Prevention and Reduction of Marine Pollution, for the coordination of the elaboration, application, and monitoring of the planning of the marine environment, of which the ministerial departments with competence and incidence on the marine environment shall form part.

Chapter II: LAND-BASED SOLID OR LIQUID WASTE SOURCES

Article 6. Single-used plastic items.

Section 1. Application. The provisions outlined in this article are of mandatory compliance, as applicable, for any natural or juridical person, public or private, that manufactures, imports, distributes, markets delivers, uses, and consumes within the territory.

Section 2. The regime for the reduction of single-use plastic items. As of the entry into force of this Law, the following measures are established to reduce the production, consumption, and final disposal of single-use plastic articles. The transition will be promoted to progressively replace them with sustainable alternatives and with a less negative impact on the environment and health in the region, incorporating principles of circular economy, such as eco-innovation, eco-design, reuse, recycling, promoting responsible consumption and production, among others:

1. Promote a culture of awareness, education, and communication about the environmental impacts of the use of plastics and single-use plastic items.
2. Acquire, promote, and consume sustainable alternatives with less environmental impact, incorporating principles of circular economy, such as eco-innovation, eco-design, reuse, recycling, among others.
3. Gradually eliminate/reduce single-use plastic packaging and products.
4. Invest in reusable packaging and in our product distribution systems.
5. Assume shared responsibility for the entire life cycle, for its products and packaging, and demand the same from suppliers.

Individuals who also trade as natural persons must comply with the measures contemplated at both the individual and commercial levels.

Section 3. Progressive replacement of single-use plastic items. Emphasis is given on the progressive reduction and replacement of single-use plastic articles with products manufactured with reusable, recyclable, biodegradable, and compostable materials that do not contain plastic. In addition, it also promotes the prohibition of replacement alternatives labeled as degradable, recyclable, oxo-degradable, biodegradable, oxo-biodegradable, bioplastic, bio-based, compostable, or any other single-use product containing plastic.

Section 4. Specifications on products subject to regulation. For the purposes of this Model Law, the following single-use plastic products are subject to the regulation of progressive replacement by items manufactured with environmentally sustainable materials that do not contain plastic:

1. Plastic bags designed or used for carrying goods by consumers or users.
2. Plastic straws.
3. Containers and cups of expanded polystyrene for food and beverages for human consumption.
4. Plastic tableware and other table utensils for food and beverages for human consumption.
5. Polyethylene terephthalate (PET) bottles for beverages for human consumption, toilet, and personal care.
6. Inputs for the manufacture of PET bottles for beverages for human consumption.
7. Plastic ear swabs.
8. Plastic covers for laundry clothing.
9. Plastic egg packaging.
10. Disposable plastic scramblers.

11. Plastic rods for holding balloons.
12. Plastic sticks for candy.
13. Plastic rings for cans.

Section 5. Microplastics. It promotes the gradual reduction of the manufacture, importation, sale, and offering for sale of personal care and cosmetic products containing intentionally added plastic microbeads.

Section 6. Exceptions. Excepted from the provisions of the present Model Law are those single-use plastic articles determined by the Public Health authority for medical purposes and necessary for health issues.

Section 7. Sustainable public entities and procurement. All public entities shall promote and prioritize products manufactured with reusable, recyclable, biodegradable, or compostable materials that do not contain plastic.

Article 7. Wastewater/nutrient discharges. States shall adopt all appropriate measures to prevent, reduce and control, under the principle of graduality, pollution caused by the discharges from rivers, estuaries, coastal establishments, sewage facilities or any other located in their territories, in accordance with the national legislation in force on the matter.

Article 8. Discharges of toxic substances. States shall adopt all appropriate measures to prevent, reduce, and control, under the principle of graduality, pollution by the discharge of hazardous substances resulting from productive processes, such as agriculture, mining, forestry, among others, in accordance with national legislation in force on the matter.

Article 9. Proper design and location of sanitary landfills. The location of sanitary landfills near water sources that flow into the sites established in Article 2 is discouraged, as well as in any area where the release of pollutants could seriously affect marine fauna and flora.

Chapter III: MARINE SOURCES/OUTFLOWS

Article 10. Discharge of hydrocarbons. The prevention, reduction, and control of the discharge of hydrocarbons and their mixtures from vessels and naval artifacts outside the regime authorized by the regulations of each country, capable of polluting waters under national jurisdiction, being said prohibition extensive to vessels of the national flag on high seas.

Article 11. Discharges from ships and aircraft, platforms, or other offshore constructions. States shall adopt all appropriate measures to prevent, reduce, and control, under the principle of graduality, litter caused by dumping of waste and other materials from ships, aircraft, or artificial structures at sea, ensuring effective compliance with applicable international rules and standards, as well as with national legislation in force on the matter. For the purposes of this Model Law, the following types of waste are not subject to regulation:

1. Dredged material.
2. Fish waste or materials resulting from fish processing operations.
3. Biodegradable waste.

The gradual decrease in the dumping at sea of all plastic materials is encouraged, including synthetic fiber fishing lines, nets, and plastic garbage bags.

The Coastal States are committed to ensuring adequate garbage reception facilities and services are established in all ports as soon as possible; taking into account the special needs of vessels operating in those areas, with adequate capacity so that vessels using them do not have to suffer unnecessary delays.

Article 12. Incineration at sea. Incineration in the marine environment of any waste or other materials is discouraged.

Article 13. Waste from cruise ships. The gradual reduction of garbage dumping in marine protected areas and waters of national jurisdiction is encouraged, including the dumping of any litter or element harmful to animals and plants, unsightly elements, substances that destroy or reduce the amenities of the area, in compliance and accordance with the national legislation in force on the matter.

Article 14. Fishing. The gradual reduction in the dumping of fishing equipment and any other non-biodegradable object used for the harvesting of marine resources at sea is encouraged. Moreover, it is encouraged to set up the establishment of measures that include the development and use of selective, environmentally safe, and affordable fishing equipment and techniques.

If a fisherperson loses or abandons his fishing equipment, he or she shall incur all costs associated with the collection of the equipment and, if the State recovers it, he or she shall be indebted to the State.

Article 15. Extraction of non-living resources. States shall adopt all appropriate measures to prevent, reduce, and control, under the principle of graduality, litter resulting, either directly or indirectly, from the exploitation or exploration of the seabed and subsoil, in accordance with the national legislation in force on the matter.

Chapter IV: NATIONAL POLICY TO PREVENT AND REDUCE MARINE POLLUTION

Article 16. National Policy for the Prevention and Reduction of Marine Pollution - The National State shall create a National Policy for the Prevention and Reduction of Marine Pollution by which it establishes measures to prevent marine pollution and improve the environment. The flexibility of such a programme should be ensured to allow for the incorporation of new knowledge and its adaptation to new learning.

National Policies for the Prevention and Reduction of Marine Pollution should contain, as a minimum, the following instruments, actions, and measures:

1. Establishment of a governance instrument at the highest executive level that integrates the different levels of government and other non-governmental actors, through the establishment of multi-sectoral cooperation for the management of marine pollution prevention and reduction.
2. Implementation of general policies for the protection, preservation, and conservation of the marine environment, accompanied by legal, economic, financial, and regulatory instruments.
3. Analysis of the changes observed in the marine environment due to pollution in recent years and the establishment of future projections of these changes.

4. Definition and application of methods and tools to assess the potential entry of waste into the marine environment and its impacts in order to identify preventive and mitigation measures, as well as the definition of a technical body with the competence, budget, and structure to define the methodological bases for the elaboration of studies on the effects of marine pollution.
5. Identification of vulnerabilities, opportunities, and appropriate prevention and mitigation measures in the short, medium, and long term, under a participatory process with the different levels of government and relevant public and private actors.
6. Identification of the sectors responsible for pollution of the marine environment, and those most likely to cause pollution, and quantification of such pollution.
7. Development of guidelines for incorporating into Environmental Impact Assessment processes considerations relating to the impacts of land and marine discharges on the marine environment.
8. Establishment of baselines and reference levels to be used for the monitoring and evaluation process to measure change and effectiveness of the strategies, policies, and measures adopted.
9. Capacity building at sub-national level and awareness-raising of civil society.
10. Promotion of national transparency sub-programmes aimed at ensuring and controlling the quality of information on progress in marine litter management, in particular concerning compliance, updating and continuous improvement of the Nationally Determined Contributions.
11. Disaster risk management linked to climate-induced hazards through waste prevention and reduction strategies to prevent litter from entering waterways, together with the adoption of measures to coordinate clean-up efforts following a natural disaster.
12. The establishment of information systems that facilitate the collection, systematization, analysis, and use of information for evidence-based decision-making considering its impacts on people, communities, and development sectors.

Chapter V: WASTE MANAGEMENT AND EXTENDED PRODUCER RESPONSIBILITY

Article 17. Sound Waste Management. A sound waste management within the framework of the provisions contained in this Model Law shall take place in accordance with the implementation of the following hierarchical order in waste management: prevention, minimization, reuse, recycling, energy recovery, and, finally, disposal. Such applicable principles shall take place at each of the stages of waste generation, namely: during the design and manufacture of the waste, during its useful life cycle, and at the end of it, including, among other alternatives, circular economy approaches.

Article 18. Extended Producer Responsibility. Manufacturers and importers shall be responsible for the management of the waste covered by this Model Law, at the end of their useful life cycle, under the institute of Extended Producer Responsibility, to promote the reduction of waste generation and to encourage recycling.

Chapter VI: PARTICIPATION AND INFORMATION

Article 19. Citizen participation. States and each local jurisdiction shall ensure the right of public participation, through open and inclusive participation in environmental decision-making processes,

based on domestic and international regulatory frameworks, leading to the definition of the best actions for the prevention, reduction, and mitigation of marine litter, such as:

1. Guarantee mechanisms for public participation in decision-making processes, reviews, revisions, reexaminations and updates regarding projects and activities related to the marine environment, as well as the elaboration of policies, strategies, plans, programmes, rules, and regulations, including environmental authorization processes that have or may have a significant impact on the environment, including when they may affect health.
2. Complete reasonable timelines that allow sufficient time for informing the public and for effective public participation.
3. Include opportunities to submit comments by appropriate and available means, in accordance with the circumstances of the process.
4. Establish conditions conducive to public participation in environmental decision-making processes that are appropriate to the social, economic, cultural, geographic, and gender characteristics of the public.
5. Promote the inclusion of people in vulnerable situations, women, indigenous peoples, afro-descendants, and their organizations, in decision-making related to marine litter management. In the case of indigenous communities, guarantee respect for free, prior, and informed consent in decision-making processes that affect their lands or territories and other resources, respect for their identity and their territorial governance system.
6. Facilitate and continuously provide assistance to all public and private stakeholders to assess the impacts of marine litter, providing the knowledge, elements, tools and assessments methods available.
7. Promote the joint search for solutions and participatory planning.
8. Establish a participatory process for assessing the feasibility of the option and measures identified in order to integrate them into the management of the different sectors and systems.

States must establish mechanisms, instruments, and tools for the effective exercise of the right to citizen participation based on the criteria of transparency and accountability, the right to truthful, timely and complete information, representation of all relevant sectors, especially the participation of groups in vulnerable situations, such as women, indigenous peoples, and afro-descendants, the obligation to hold periodic public hearings in which the States must report on the problem of marine litter and the appropriate prevention and mitigation measures.

Article 20. Information. Competent authority of the State must carry out actions within their jurisdiction to guarantee the dissemination and communication of the information in their possession.

A status report shall be submitted semiannually to members of civil society and representatives of the governments of those areas, groups, or resources that are being subject to prevention, vulnerability management, and mitigation policies associated with marine litter.

Article 21. Access to justice. Competent authority of the State must guarantee the right to access to justice in environmental matters in accordance with the guarantees of due process, such as:

1. Establish measures to reduce or eliminate barriers to the exercise of the right of access to justice.
2. Establish means of dissemination of the right of access to justice and the procedures to make it effective.
3. Establish mechanisms for the systematization and dissemination of the corresponding judicial and administrative decisions.

4. Guarantee the use of interpretation or translation of languages other than the official languages when necessary for the exercise of this right.

In order to give effect to the right of access to justice, each State shall address the needs of persons or groups in vulnerable situations by establishing support mechanisms, including free technical and legal assistance, as appropriate.

Article 22. Environmental education and communication and awareness strategies. States shall adopt policies and approaches that engage citizens to better understand the causes of marine litter, the constraints to prevent them, and the opportunities to better manage it, such as: citizen education and environmental engagement.

States shall promote education on sustainability in production and consumption, which can contribute significantly to the prevention and reduction of marine litter, along with measures to raise awareness of the impact of litter on the marine environment and education for its prevention, such as the following:

1. **Cleaning and restoration of marine ecosystems:** The State shall adopt measures aimed at the cleanup and restoration of marine ecosystems.
2. **Technical training:** The State shall carry out technical training at the national, subnational, and local levels on the prevention and reduction of marine pollutants, under the creation of channels for the training of public officials involved in the matter.

Article 23. Research, development, and innovation. The State shall guarantee, facilitate, and promote research, innovation, and the development of best environmental practices in the marine environment and the sustainable development of all natural resources, including the study of environmental, health, social and cultural impacts.

The Interministerial Commission for the Prevention and Reduction of Marine Litter will be the competent authority that will guarantee that marine research aimed at the rational use of the resources and potential of the marine environment is compatible with the achievement of good environmental status, through coordination between the pertinent national and local administrative agencies, NGOs, researchers, educators, private companies, laboratories, and the general public.

Moreover, it calls for the creation of an advisory body whose mission is to provide scientific advice to States to inform their regulations, supporting the formulation and implementation of national and subnational policies on marine litter through its monitoring and advice based on science, technology, and information, seeking to support the development of technologies and production methods to prevent the entry of litter from land-based sources.

Chapter VII: REGIONAL INTEGRATION AND COOPERATION

Article 24. Regional cooperation and coordination. Cooperation with the other States of the Latin American and Caribbean region in the marine environment, in order to ensure the coherence and coordination of the strategies of the same zone, including the monitoring programmes.

Article 25. Regional strategy for the prevention and reduction of marine litter. The countries of the region are urged to develop and implement one or several regional strategies of communication strategies on marine litter for the purpose of:

1. Exchange economic and technological assistance.
2. Promote awareness at governmental, industrial, and civilian levels.
3. Report imminent or actual damage from marine litter.
4. Develop regional emergency plans for pollution events affecting two or more national jurisdictions.
5. Share information regarding potential effects of activities that may cause significant litter of the marine environment or may cause significant changes in it.
6. Develop human resources through training and education for sustainable and inclusive development.

Article 26. Exchange of best practices. Promote the exchange of best practices, namely:

1. Sharing of successful practical environmental solutions.
2. Generation of alliances.
3. International positioning of the States in international fora.
4. Broad dissemination of the appropriate technology needed to improve knowledge of the seas and the marine environment. Countries in the region are encouraged to share costly services, such as research vessels and remote sensing systems.

Chapter VIII: PENALTY

Article 27. Penalty. Penalties for contraventions of the obligations provided for in this Model Law, without prejudice to the other responsibilities that may correspond, shall be defined by the Member States in their internal legislation.

Chapter IX: AUDITING

Article 28. Audits. The Enforcement Authority shall be the supervisory body that shall issue the necessary instructions for compliance with the resolutions outlined in this Model Law, which shall be designated by each Member State.

Chapter X: ECONOMIC AND FISCAL INCENTIVES

Article 29. Economic and fiscal incentives. The Enforcement Authority, alongside the Ministry of Finance, shall design and promote tax credits and incentives to producers and consumers that, due to their economic interest, encourage the users of marine ecosystems to adopt a behavior that contributes to the achievement of the objective of good environmental status, namely:

1. Incentives for the promotion of the sustainable use of products.
2. Incentives for investment in technology, processes, and products for the appropriate final disposal.
3. Tourism taxes for the conservation of the marine environment in protected areas.

Chapter XI: FINAL PROVISIONS

Article 30. Duties of the Enforcement Authority. The duties and obligations of the Enforcement Authority shall be defined by each country, in accordance with its respective institutional organization.

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