



Webinar No. 6

Addressing marine litter in the Caribbean: good regulatory practices

Webinar series

Marine litter: legal tools to address the crisis

October 21st, 2021



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Online events support of Environmental Governance

United Nations Environment Programme

Latin America and The Caribbean Office

Agenda

1

Opening remarks

2

Introduction from a legal perspective

3

Panel: good regulatory practices in the Caribbean

4

A model legal tool to prevent and reduce marine pollution

5

Audience Interaction

6

Q&A section

7

Closing remarks

1. Opening remarks



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Andrea Brusco

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Latin America and the Caribbean Office

2. Introduction to the topic from a legal perspective



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Marine Litter in the Caribbean: Good Regulatory Practices

Introduction from a Legal Perspective

by Kate Wilson Legal Officer, DSD, Saint Lucia

October 21, 2021



Outline



- Definition: Marine Litter
- Impact of Marine Litter
- The Role of International Environmental Law in Managing Litter
- International/Regional and National Legal /Regulatory Frameworks to deal with Marine Litter
- Conclusions and Recommendations

Definition of Marine Litter



- Marine Litter is any persistent, manufactured or processed solid material that is discarded, disposed of or abandoned in the marine and coastal environment.
- Includes items originating from land or sea-based sources.
- Major sources of land based marine litter include waste from landfills near coastal areas; storm water run-off; ineffective sewage treatment; industrial outfalls; littering and natural disasters.
- Sea-based sources include fishing; dumping from vessels at sea; shipping and lost/abandoned fishing gear.

The Problem: Impact of Marine Litter



The full magnitude of marine litter is difficult to determine. While it is often estimated that 80% of Marine litter comes from land-based sources this may not account for all the litter that reaches the marine environment.

The prevalence of marine litter depends on many different factors like changing production patterns, poor waste

management and gaps in the regulation of waste materials.

The amount and composition of marine litter also varies within regions due to differences in economic activity such like tourism, fishing, shipping and waste management.

Location also influences the volume of marine litter.

Impact of Marine Litter (cont'd)



Most common marine litter found are plastic beverage bottles, plastic bags, plates and cups, food wrappers, glass bottles, beverage cans.

35% constitutes fisheries and aquaculture; 20% household waste and 12% beach recreation items.

ML not only on the water surface and beaches but also at depths ranging from 35 -4500 meters. Of all these, 95% of the ML is plastics. Microplastics especially problematic as they can pass through wastewater filters easily and it is impossible to recover them once they reach the ocean.

Caribbean Sea 2nd. Most plastic contaminated space after the Mediterranean sea. 10/30 largest per capita polluters of SUP (UNEP2019).

Detrimental effects of Marine Litter



- ML negatively impacts the environment, economy and public health. Marine life death and injury from being entangled or ingesting litter. Ingested microplastics can affect the cells, degrade tissue and spread harmful toxics across the food chain.
- Economic losses (costs for beach clean ups/reduction in tourism revenue)
- Public health (physical injury/disease)
- Scenery/aesthetics (damage to reefs/coast lines)especially to the Caribbean as a tourist destination (Grenada/SVG for yatching)

Role of International Environmental Law in Addressing/Managing Marine Litter



- Marine litter present unique legal and regulatory challenges. Laws and Policies need to address not only the removal of marine litter but more importantly, the production, use and disposal of products that lead to ML.
- A circular economy approach is imperative to reduce the waste at source. Waste management legislation, policies and strategies must be in sync with a concept of waste hierarchy in order to effectively address marine litter and its related challenges.
- The wide-ranging sources, widespread distribution, persistence and other characteristics make the problem a very complex one. To be effective measures need to be implemented across all sections of society and requires change to attitudes, behaviors that are culturally sensitive.

The Role of IEL in Addressing ML



- Environmental Rule of law offers a framework to address the gaps between what is on the books and what needs to be done in practice. It is the key to achieving the SDGs 2030 agenda which includes addressing ML.
- Without the environmental rule of law and a comprehensive legal and regulatory framework, development cannot be sustainable. The environmental rule of law ensures that well designed legislative, policy and regulatory safeguards serve as a pillar for protection of people and planet which forms the very foundation of life itself. (Actg. ED UN Environ Joyce Msuya) ; There must be a balance between the protection of procedural and substantive rights. **Milestone of October 8, 2021, HR Council at its 48th. Session- 43 countries adopted Res. 48/13** recognizing the right to a safe, clean and healthy environment as a human right.
- The efforts must recognize that the production of plastics globally is likely to continue to grow rapidly and a consistent set of indicators are critical to track progress nationally, regionally and globally in order to find effective solutions.

The International (Global) Framework



- At the top of the global legal framework governing ML is the **MARPOL Convention** which regulates operational vessel source pollution. (Optional Annex V: legally binding total ban on the discharge of plastic waste; severely restricts other waste in designated areas like Antarctic/ Mediterranean; obligation to provide facilities in Ports and Terminals).
- **The London Dumping Convention (1996 Protocol).**
- **The Basel Convention on Hazardous Waste**
- **Law of the Sea Convention (1982)** (comprehensive/enforceable system of protection/preservation of the marine environment).

International (Global) Framework Cont'd.

- Other MEAs -Convention on Biological Diversity (CBD); Convention on Migratory Species (CMS).
- UNGA/COP Resolutions (Res. 60/30 (2005); 235).
- Trade Agreements (GAAT/ Marrakech Agreement which established the WTO).
- FAO Code of Conduct on Responsible Fishing
- SAMOA Pathway
- The Future We Want (Rio+ Conference)
- 2030 SDG Agenda (Goal 14)
- Global Program of Action (protection of ME from Land based activities)



The Regional Framework

- . The Cartagena Convention (30 yrs./ J'ca.) and the LBS Protocol (1999/2010)
- . UNEP-Caribbean Environmental Program (CEP) promotes synergies with regional signatory Governments.
- . Caribbean Regional Action Plan for ML(RAPMaLi) promotes national policy and legal reforms, technical support/high level meetings/ dedicated webpage/media platform/creation of informational materials.
- . # Caribbean CleanSeas Campaign (UNEP-2017) cross-sectoral pp/civil society targeting production/consumption of non-recoverable and SUP; more importantly highlights the scale of the problem. Commitments from 9.

The Regional Framework Cont'd.

- . Caribbean Countries in the 1st. Year, to reduce ML in the WCR (GPML-Caribe/ GCFI and Cartagena Convention Secretariat co-hosts with input from CYEN.
- . Cooperation: OSPAR Convention for the NE Atlantic and the Cartagena Convention mobilized funds from the Sweden/ Netherland Gov'ts to support ML activities in the WCR/ Report on new harmonized approach to monitoring ML.
- . Regional State of the Convention Report (SOCAR) 1st. of its kind in the CR quantitative assessment LBS of the SO marine environment in WCR/ Driver Pressure State Impact Response (DPSIR) framework of humans and the environs

National and Local Frameworks

- Trash-Free Waters Initiative in the Caribbean (J'ca./Panama)
(Westmoreland/Juan Diaz public awareness/re-cycling,
capacity building, pilots).
- Prohibiting/Disincentivizing at retail level/bans(Plastic bags,cups,straws, stirrers, plates). Styrofoam
legislation
- Mandating metal beverage containers/cloth shopping bags (Barbados) Returnable Containers Act.
- Littering laws that ban cigarette butts/smoking on beaches (Dominica).
- Removing custom duties and taxes on alternatives (TnT/Slu)
- Grenada-Marine Protected Areas Law (2009) <https://laws.gov.gd>
- Guyana -Regulations made under the Environmental Protection Act Cap 20:05
- OECS Commission (CROP Project/OECS Replast/ REMLit Project/Model legislation (David Simmonds/George
Romilly/Phillip Dalsou/geospatial mapping.Debra Bushell) DSD/CYEN/Fisheries

CONCLUSIONS:

. The Way forward :overarching laws aimed at development and implementation of a marine litter plan; support of Science and Technology and a framework of regulatory measures that prevent, reduce and manage ML. Must be an integrated approach considering the relationship between other legislation like waste management; must also periodically review the legislation and its implementation.

Must recognize the principles of the Escazu Agreement (cooperation/capacity building) Interagency mechanism involving all stakeholders -Private sector, civil society, Extended Producer Res).

States must learn from each other; development partnerships for collaboration; design appropriate measures to incentivize change.

Recommendations:

- Political will, funding and capacity building to implement/enforce the legislative and regulatory frameworks adopted.
- Approaches must include collecting, accessing data, requiring agencies to report on progress, baseline assessments, setting specific goals for ML reduction; public awareness and public participation.
- Gap analysis to allow States to make informed decisions on priorities for ML
- Plan for a grace period (bans/fees/phase-out)sensitize the public; public “buy in” can improve enforcement/compliance
- Document and Share approaches-the legislative and regulatory development process esp. any cost/benefit analyses can help other States considering similar measures (MBC Bill and SVG). How Stakeholders were engaged; Policy options debate. Use of online databases like ECOLEX (great tool for laws/policies but need better keywords for ML.

References:



- Marine Litter Legislation: A Policy Toolkit for Policy Makers
- Environmental Rule of Law (1st. Global Report)
- Managing Marine Litter (Arie Trouwborst)
- Regional and Global Programs and Initiatives that Address ML (2019)
- A Sea of Change to Change the Sea (J.R. Coulter)

3. Panel Good regulatory practices in the Caribbean



Lorna Inniss

**Coordinator of Cartagena Convention Secretariat
United Nations Environment Programme**



Kashta Graham

Manager of Projects Branch

National Environment and Planning Agency Jamaica (NEPA)



**National Environment
and Planning Agency**



National Solid Waste Management Authority



PLASTIC WASTE MINIMIZATION PROJECT:

Influencing policy and legislation to reduce marine litter in Jamaica

Presented by: Kashta S. Graham, BSc., PMP.
Manager, Projects Branch
National Environment and Planning Agency

Presentation Overview

- ✓ Project Background Information
- ✓ Project Objectives, Deliverables and Accomplishments
- ✓ Regulatory Impact Assessment on Plastics and Polystyrene
- ✓ Jamaica's Plastic Ban update

Background on the Plastic Waste Minimization Project

- **Funded by: Government of Japan through United Nations Environment Programme (UNEP), International Environmental Technology Centre (IETC) Japan and Government of Jamaica**
- **Implemented by: The National Environment and Planning Agency (NEPA) in collaboration with the National Solid Waste Management Authority (NSWMA)**



Managing and protecting Jamaica's land, wood, air and water



PLASTIC WASTE MINIMIZATION PROJECT

TIMELINES and BUDGET

TIMELINES	BUDGET
May 2019 to June 2021 <i>(25 months)</i>	USD372,720 (Donor funds)

PLASTIC WASTE MINIMIZATION PROJECT

Overall Objective

Enhancing the legislative framework in Jamaica to support the development and implementation of a national sustainable consumption and production programme to reduce plastic marine litter generated from land-based activities

PLASTIC WASTE MINIMIZATION PROJECT

Specific Objectives - The 3 Ps

- Project Management (Component 1)
- **P**olicy Development (Component 2)
- **P**ublic education (Component 3)
- **P**ilot demonstrations (Component 4)



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PLASTIC WASTE MINIMIZATION PROJECT

What did we achieve?

Deliverables – Policy development (Component 2)

- ✓ Regulatory Impact Assessment on Plastics including Polystyrene (Jul. 2020)
- ✓ Green Economy Investment Strategy and Action Plan (Apr. 2021)
- ✓ Integrated Waste Management Policy dialogue session (Mar. 2020)

PLASTIC WASTE MINIMIZATION PROJECT

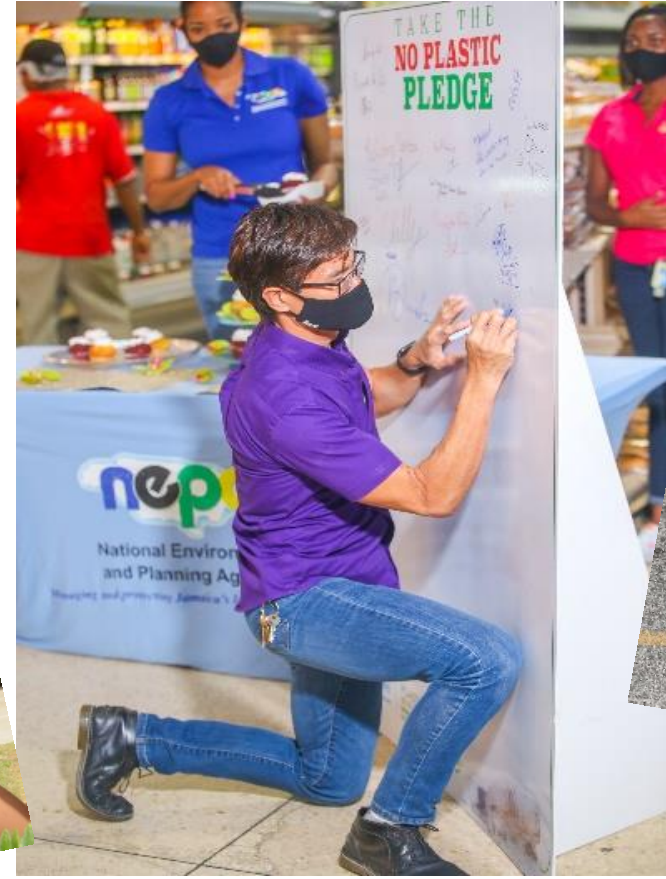


What did we achieve?

Deliverables – Public education (Component 3)

- ✓ National media campaign (Social media, Radio, TV and Print)
- ✓ Supermarket Plastic Recycling Drop-off Initiative
- ✓ Plastic Waste Management Virtual Conference

PLASTIC WASTE MINIMIZATION PROJECT



Managing and protecting Jamaica's land, wood, air and water



PLASTIC WASTE MINIMIZATION PROJECT

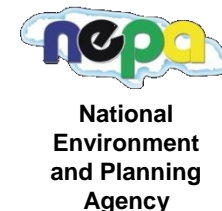
What did we achieve?

Deliverables – Pilot Demonstrations (Component 4)

- Plastic Recycling Pilot Project in Rae Town implemented by the National Solid Waste Management Authority (November 2019-March 2021)
- Provide support to the **Green Business Jamaica** Environmental stewardship programme [Seven (7) Private and five (5) Public sector entities] (May 2019 - March 2021)



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PLASTIC WASTE MINIMIZATION PROJECT



PLASTIC WASTE MINIMIZATION PROJECT

Regulatory Impact Assessment (RIA) on Plastics including Polystyrene

- Identification and review of policy options
- Cost benefit analysis
- Enforcement and compliance actions
- Preferred policy options determined

PLASTIC WASTE MINIMIZATION PROJECT

Recommended policy options - Regulatory Impact Assessment

- A Voluntary/ Legislated Deposit Refund Scheme (DRS) with recycling (*to be reviewed after 5 years*)
- Measures to support use of alternative biodegradable materials (*reduce customs duties on importation*)
- Keep current regulations -Ban on certain single use plastics and polystyrene

JAMAICA'S PLASTIC BAN UPDATE

- Implemented in 2019 (3-Phases)
- Focuses on the import, manufacture, distribution and use of specific types of single-use plastic products



PLASTIC BAN TIMELINE

Refuse • Reduce • Reuse

JANUARY 1
2019



SCANDAL BAGS

24 X 24 inches or less
1.2 mils in thickness



**IMPORTED
POLYSTYRENE FOAM**



**PLASTIC
DRINKING STRAWS**

JANUARY 1
2020



**LOCALLY MANUFACTURED
POLYSTYRENE FOAM**

JANUARY 1
2021



**STRAWS ATTACHED
TO JUICE POUCHES**



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National
Environment
and Planning
Agency

JAMAICA'S PLASTIC BAN UPDATE

- The Natural Resources Conservation Authority (Plastic Packaging Materials Prohibition) Order, 2018
- The Trade (Plastic Packaging Materials Prohibition) Order, 2018
- *The maximum fine under the Trade Act (Trade Plastic Packing Material Order) 2018, is Two Million Dollars (\$2M), while under the NRCA (Plastic Packaging Prohibiting) Order 2018, the fine is Fifty Thousand Dollars (\$50,000). Both Orders carry a term of imprisonment of two (2) years, respectively.*

THANK YOU



Managing and protecting Jamaica's land, wood, air and water





Indira James-Henry

Environmental Implementation Coordinator

Ministry of Health and Environment of Antigua and Barbuda

Click [here](#) to access Indira James-Henry's presentation

4. A model legal tool to prevent and reduce marine pollution



Andrea Brusco

Regional Coordinator of Environmental Governance

United Nations Environment Programme

Latin America and The Caribbean Office

Model Law for the Prevention and Reduction of Marine Litter

PARLATINO

**United Nations Environment Programme
Regional Office
October 21, 2021**

Model Law for the Prevention and Reduction of Marine Litter

Click [here](#) to access the Model Law for the Prevention and Reduction of Marine Litter

5. Audience participation



María Catalina Pedrozo

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Results

What challenges do you face in your countries to implement a national marine litter law?

Coherent policies and regulations at different levels of government



Political will of governments



Coordination between the different government agencies



Mechanisms for community participation



Awareness and education



Others



6. Q&A section



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6. Closing remarks



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Thank you!

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