

Written submission from The Ocean Cleanup  
**Response to the call for written submissions prior to INC-3, issued by the INC Secretariat (part b)**

**TEMPLATE FOR SUBMISSIONS (part b) – Potential areas for intersessional work**

Name of country (for Members of the committee)	
Name of organization (for observers to the committee)	The Ocean Cleanup
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**Input on the potential areas of intersessional work to inform the work of INC-3 (following the lists compiled by the co-facilitators of the two contact groups)**

**Contact Group 1 (CG1)**

This part of the submission relates to the following areas identified in the report from CG1:

1. “Information on definitions of, e.g. plastics, microplastics, circularity,”
2. “The potential role, responsibilities and composition of a science and technical body” and;
3. “To consider potential scope of and guidance for National Action Plans”

The scope of work for this intersessional program should include

1. **The development of clear definitions for key terms used in the future instrument including ‘riverine [plastic] emissions’ and ‘legacy oceanic plastic pollution’.** To that end we suggest considering the following definitions:
  - **Riverine [plastic] emissions-** mass of plastic transported by rivers and waterways from inland sources into coastal waters and ocean, including areas beyond national jurisdiction.
  - **Legacy Oceanic Plastic Pollution:** aggregated mass of plastic emitted from rivers and coastlines, or that are lost, abandoned or otherwise discarded, into coastal waters and ocean, including areas beyond national jurisdiction. These plastic debris are diverse in nature, ranging from discernible and floating mega- and macro-scale objects to particles and fibers measurable at the micro- and nano-scales. Such debris can either persistently maintain buoyancy upon the oceanic surface for protracted intervals, including in gyres, or drift ashore, to the littoral zones of small island states.

**2. The role, responsibilities and composition of a science and technical body should include work towards determining and setting up scientific baselines upon which the treaty can set ambitious targets against.** Among those baselines should be:

- a. Global annual average of riverine [plastic] emissions.
- b. Global accumulation of legacy oceanic plastic pollution at a certain point in time.

There are a variety of informational choices that feed into baseline setting, including the start date (i.e., the period when the baseline starts); which policies are included in the baseline; key parameters affecting plastic emissions estimates, i.e., drivers of plastic emissions (e.g., trade, GDP, geography); methodologies used; assumptions and uncertainties. **The science and technical body needs to identify and communicate what data it requires to help set the baseline.** Specifically, in terms of monitoring riverine emissions and legacy oceanic plastic pollution – The Ocean Cleanup has valuable data from our continuous work on-the-ground and our trips out to sea. Remediation is monitoring. Monitoring is Data. Data is accountability.

Knowing more about how much plastic is entering coastal waters and ocean, and how much is already persisting there, can provide guidance and motivation for policymakers to pursue the objectives of the instrument. It is important that intersessional work includes considering key learnings from previous climate agreements and baseline settings.

To assist states in addressing such challenges, as well as the Secretariat in developing the draft Zero, we are proposing two possible **zero draft provisions** to address plastic pollution in our ocean:

- “By [2030], cap and subsequently **reduce the global average of riverine plastic emissions** to a level significantly below [20%] of a baseline. This baseline is to be established by a designated scientific panel within [six months] following the adoption of this agreement.”
- “By [2040], restrain and **subsequently decrease the global accumulation of legacy oceanic plastic pollution, including in areas beyond national jurisdiction** to a level significantly below [20%] of a baseline. This baseline is to be determined by a designated scientific panel within [three years] following the adoption of this agreement.”

**3. National commitments to reduction, mitigation and remediation targets (or a specific bandwidth) of riverine [plastic] emissions and of stock of accumulated plastic in the environment (including in areas beyond the respective jurisdiction), should also be included in National Action Plans.** It should include financing commitments as well as other types of activities. Financing commitments should be determined as a combination of two factors:

- **Contribution to** riverine [plastic] emissions **and to** legacy oceanic plastic pollution. Financial responsibility should be calculated based on (i) historical contribution (including variables such as plastic production, plastic waste generation and trade, etc.), and (ii) current contribution (idem).
- **Capacity to** finance mitigation and remediation of riverine (plastic) emissions and legacy oceanic plastic pollution. Financial responsibility should be calculated based on a voluntary assessment of how much each economy can pay without incurring excessive setbacks, in addition, when appropriate, to their financing commitments resulting from the contribution factor.

## Contact Group 2 (CG2)

This part of the submission refers to the option for intersessional work following the discussions in CG2 on the overarching subject of funding

**Intersessional work should focus on determining what needs financial support, and on identifying the specific activities that will need to be funded, either nationally or multilaterally under the new instrument.** Members of the Committee may then develop the terms under which these activities are multilaterally funded and the most appropriate mechanism to deliver these funds. For example, investment in a global common good, like a clean Ocean, may not always clearly generate obvious financial returns or revenues, hindering access to existing financing mechanisms. Multilateral funding must therefore include in its scope (1) remediation of legacy oceanic plastic pollution, (2) mitigation and interception of riverine (plastic) emissions and (3) its embedded and resulting data monitoring activities. Furthermore, multilateral funding and/or support for innovative financial schemes (e.g., impact/performance bonds) guaranteed by development banks and states, would provide the necessary means, including private sector capital, for effectively addressing legacy plastic pollution.

*Input in relation to the identified matter for intersessional work “To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered”:*

**Intersessional work should include the identification of specific topics that could benefit from cooperation and coordination under existing MEAs, and that can be used as a model for the instrument.** The Ocean Cleanup proposes that ‘remediation of legacy oceanic plastic pollution, including in areas beyond national jurisdiction’ should be one of these topics.

The Ocean Cleanup is currently conducting research to examine whether States already have a legal obligation to remediate legacy oceanic plastic pollution, including in areas beyond national jurisdiction. According to the preliminary findings of our research, there are several international agreements<sup>1</sup> which provide a framework for addressing legacy oceanic plastic pollution. For instance, UNCLOS establishes a general duty to eliminate marine pollution, while MARPOL regulates and minimizes waste discharge from ships, including a ban on plastic disposal. The Basel Convention focuses on monitoring the effects of hazardous waste management, and the Protocol on Liability and Compensation for Damage addresses the costs of reinstating impaired environments. The London Dumping Convention prohibits the intentional dumping of plastic-containing wastes. The OSPAR Convention emphasizes the polluter pays principle, to bare the costs of pollution control and reduction measures to the polluter. However, these obligations do not specifically address legacy oceanic plastic pollution in areas beyond national jurisdictions, leading to weak incentives for States to act. These internationally legally binding instruments

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<sup>1</sup> International agreements on marine pollution: UNCLOS and BBNJ, Convention on Biological Diversity, International Convention for the Prevention of Pollution from Ships and Protocol (MARPOL), Basel Convention, London Dumping Convention and Protocol, OSPAR Convention, Stockholm Convention, Fish Stocks Agreement (FSA), Watercourses Convention; and over 20 regional or specialized treaties such as the Helsinki, Tehran, Cartagena, Lima, Noumea, Jeddah, Bamako, Barcelona, Antigua, Nairobi.

have divergent levels of ratification and incoherent geographical coverage – and no coordination among all of them, nor a harmonized monitoring of levels of pollution. Therefore, despite so many agreements, we have fallen short of adequately addressing the issue. The good news is that they all serve as a precedent and reference point for the development of provisions in the coming instrument.

It is suggested for the Secretariat to consider conducting a study to analyze how **existing MEAs provide a framework for addressing** legacy oceanic plastic pollution, including in areas beyond national jurisdiction.

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#### *About The Ocean Cleanup*

The Ocean Cleanup is a not-for-profit global project undertaking what may be considered as the largest cleanup in history. At time of writing, The Ocean Cleanup has already removed more than 194,000 kilograms of plastic from the Great Pacific Garbage Patch, as part of its mission to remove 90% of floating plastic in the Ocean by 2040; this, while the project is still at the development stage of its technology. Towards that scope, the organization collects data and develops technological solutions as part of a twofold approach: intercepting riverine plastic emissions, and removing legacy plastic pollution.