

EXAM

JUS5520 - International Environmental Law - Autumn 2017

Date: 12 December

Time: 09:00 - 13:00

In recent years, countries have increasingly paid attention to problems associated with microplastics in the marine environment. Each year, more than 8 million tonnes of plastic ends up in the oceans where it seriously affects marine wildlife, fisheries and tourism. Up to 80 per cent of all litter in the oceans is made of plastic. According to some estimates, at the current rate we are dumping items such as plastic bottles, bags and cups after a single use, by 2050 oceans will carry more plastic than fish and an estimated 99 per cent of seabirds will have ingested plastic. It is feared that microplastics may accumulate in living organisms and have significant toxic effects. However, significant scientific uncertainty remains as to the specific harmful effects.

In February of 2017, UN Environment launched a global campaign to eliminate major sources of marine litter by the year 2022. This was followed up at the third session of the United Nations Environment Assembly of the United Nations Environment Programme (UNEA-3), held in Nairobi from 4 to 6 December 2017. At the Assembly, countries adopted a Resolution on Marine Litter and Microplastics. Paragraph 10 of the Resolution stated that the Assembly:

Decides to convene meetings of, subject to the availability of resources, an Ad Hoc Open Ended Expert Group, to further examine the barriers to, and options for, combating marine plastic litter and microplastics from all sources, especially land based sources, and:

- a. requests the Executive Director to provide the secretariat for this work,
- b. decides that the Ad Hoc Open Ended Expert Group will be informed by and build on inter alia relevant resolutions, decisions, and reports by the United Nations Environment Programme, other organizations, Member States, and stakeholders as appropriate,
- c. decides that the Ad Hoc Open Ended Expert Group will include experts with the relevant technical expertise from all Member States, representation from international and regional conventions and organizations and relevant stakeholders,
- d. decides that the Ad Hoc Open Ended Expert Group will have the initial Programme of Work:
 - I. explore all barriers to combating marine litter and microplastics, including challenges



UiO : Det juridiske fakultet

Universitetet i Oslo

related to resources in developing countries,

- II. identify the range of national, regional and international response options, including actions and innovative approaches, and voluntary and legally binding governance strategies and approaches;
- III. identify environmental, social and economic costs and benefits of different response options;
- IV. examine the feasibility and effectiveness of different response options;
- V. identify potential options for continued work for consideration by the United Nations Environment Assembly,

- e. decides to convene at least one meeting, but no more than two meetings, before UNEA-4, including enabling the participation of developing countries,
- f. requests the Executive Director to provide a progress update on the Programme of Work, including on the results of the meeting(s) at UNEA-4,
- g. decides to determine at UNEA-4 on the future direction, timing, and expected outcomes of the work;

You work as legal adviser at UN Environment. The Executive Director asks you to take a close look at paragraph 10(d)(ii) of the resolution with a view to identifying and systematizing possible international response options with a focus on legally binding governance strategies and approaches. You shall submit a written report on the issue.

