

Zero Draft

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

The table below outlines possible elements of a regional framework for the prevention of pollution by marine litter and microplastics. It is recommended that the accompanying document titled “Pacific Marine Litter Framework - Zero draft Introduction 211102” is read first.

A supplementary document titled “Pacific Marine Litter Framework - Zero draft - annexes 211018” is also provided with additional sample text, which can be discussed in the first workshop on the 7<sup>th</sup> December but comments prior to the workshop are also welcome by Friday 26<sup>th</sup> November.

You are kindly invited to provide comments in the column titled SPREP Member Comments. Should you have additional comments or suggestions, a blank row has been included at the end of each section in the table. Please also provide your contact details.

The introductory document contains contact details should you wish to arrange a time to discuss the zero draft with the University of Wollongong.

**Name:**

**Country:**

**Contact email:**

<i>TOPIC</i>	<i>CONTENT</i>	<i>SPREP Member Comments</i>
PREAMBLE	<b>Conscious</b> of their responsibilities based on an understanding of the different needs and various capacities of all Parties that can be met only by cooperative effort among all peoples of the Pacific Islands	
Environment, health	<b>Aware</b> that their responsibilities to protect, preserve and improve the environment of the Pacific Islands region the health, benefit and enjoyment of present and future generations of the people of the region; <b>Concerned</b> about the growing threat to human health and the environment posed by the increasing production and improper disposal of marine plastic debris and microplastic wastes in the marine environment, including by habitat destruction, impaired reproduction of commercial fish stocks undermining the livelihoods of fishing communities, tourism operators and aquaculture facilities; <b>Aware</b> of health concerns resulting from transfer to humans, especially women and, through them, future generations, of plastic contaminants including substances of concern such as hazardous chemicals, persistent organic pollutants, microplastics released throughout the entire life cycle of plastics, as well as	

	waste electrical and electronic equipment (WEEE) and end-of-life vehicles;	
Pacific region	<b>Noting</b> the particular vulnerabilities of the Pacific region, due to accumulation of marine plastic debris through ocean currents and regional dependency of international trade in commodities containing or packaged in plastic that may lead to long-term build-up of plastic waste in the environment as well as the contribution of the plastics life cycle to climate change;	
Pacific treaties	<b>Recalling</b> their commitments under existing regional treaties and arrangements for the protection and preservation of the environment of the Pacific Islands region, including the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, signed in Noumea on 24 November 1986, and its Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, adopted by Parties on 25 November 1986, and of the Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, adopted in Waigani on 16 September 1995;	
Pacific action plans	<b>Taking full account of</b> the Pacific Regional Declaration on the Prevention of Marine Litter and Plastic Pollution and its Impacts made in on 19 September 2021, and the Pacific Regional Action Plan: Marine Litter 2018-2025, adopted through the South Pacific Regional Environment Programme, priority Action 1.2, both of which support the development of a regional framework to address marine litter and microplastics;	
Global	<b>Recognising</b> the urgency of transitioning to a safe circular economy at global level and in the Pacific region; <b>Recalling</b> multilateral standards pertaining to plastic waste pollution at sea established by the International Maritime Organisation and by the Food and Agriculture Organisation of the United Nations;	
MEAs	<b>Further Recalling</b> relevant multilateral environmental agreements, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal adopted by the Conference of the Plenipotentiaries on 22 March 1989, the Stockholm Convention on Persistent Organic Pollutants, adopted on 22 May 2001, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, adopted 10 September 1998; <b>Noting in particular</b> the Basel Convention Conference of the Parties decisions, adopted in May 2019, namely BC-14/12, amending Basel Convention Annexes, and BC-14/13, setting out actions <i>inter alia</i> to minimise the generation of plastic waste and to improve its environmentally sound management;	
UNEP	<b>Noting also</b> the preliminary steps towards negotiations for an international agreement on the prevention of marine pollution by plastics; as decided by the United Nations Environment Assembly in its Resolution 3/7 of 2017, deciding on the long-term elimination of all discharge of litter and microplastics to the ocean and establishing an intersessional Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics to consider, <i>inter alia</i> , a stronger governance response at the global level; <b>Concerned</b> by the slowness of progress towards global resolution of the complex issues of pollution by marine litter and microplastics when contrasted with the urgency of dangers posed to the people and	

	environment of the Pacific Islands region; <b>Aware</b> of the need for the Pacific region to take a leading role in the prevention of pollution by marine litter and microplastics in the Pacific region, while noting that highest efficiency gains require a global approach to pollution prevention that such Pacific regional endeavours support; and <b>Recognising</b> the need for complementarity between Pacific regional standards and a future global instrument intended to safeguard the environment and people from plastic pollution;	
OBJECTIVE	To sustainably manage plastic and associated chemicals across the life cycle	
Protect environments and health	In order to prevent, reduce and eliminate pollution of the environment and protect human health in the Pacific islands region	
STRATEGIC GOAL	The four strategic goals that need to be achieved in order to fulfil the objectives of this Protocol are	
Management	[Environmentally] sound management of plastic waste	
Life-cycle	Sustainable management through their life cycles of all plastic products	
Eliminate	Elimination of problematic and avoidable plastic products	
Hazard reduction	Chemical hazard reduction, and transparency and traceability of chemical additives.	
PRINCIPLES	Regional and national efforts to fulfil the objectives of the Protocol shall be informed by the high-level principles for plastics sustainability set out in Annex A.	
DEFINITIONS		
SCOPE	Jurisdiction, geography, sources and limits	
Jurisdiction	This Protocol shall apply within the national jurisdiction of each of its Parties, throughout its land, airspace and maritime jurisdiction, including the exclusive economic zone and the continental shelf, as well as on its vessels, platforms and artificial islands. This Protocol shall apply also to areas beyond national jurisdiction, including upon the high seas, to the extent that Parties can exercise their jurisdiction within the limits of international law.	
Geography	The “Protocol Area” shall comprise: <ul style="list-style-type: none"> <li>The land territory, internal waters, territorial sea, continental shelf, archipelagic waters and exclusive economic zones established in accordance with international law of the Parties and territories for which they have international affairs responsibilities: <ul style="list-style-type: none"> <li>American Samoa</li> <li>Niue</li> <li>Australia</li> <li>The Commonwealth of Northern Mariana Islands</li> </ul> </li> </ul>	

	<p>Cook Islands Federated States of Micronesia Fiji French Polynesia Guam Kiribati Republic of Marshall Islands Nauru New Caledonia and Dependencies New Zealand</p> <p>Republic of Palau Papua New Guinea Pitcairn Solomon Islands Tokelau Tonga Tuvalu Vanuatu Wallis and Futuna Western Samoa</p> <ul style="list-style-type: none"> <li>• Those areas of high seas which are enclosed from all sides by the exclusive economic zones referred to in paragraph (i);</li> <li>• A Party may add areas under its jurisdiction within the Pacific Ocean between the Tropic of Cancer and 60 degrees South latitude and between 130 degrees East longitude and 120 degrees West longitude to the Protocol Area. Such addition shall be notified to the Depositary who shall promptly notify the other Parties and the Secretariat. Such areas shall be incorporated within the Protocol Area ninety days after notification to the Parties by the Depositary, provided there has been no objection to the proposal to add new areas by any Party. If there is any such objection the Parties concerned will consult with a view to resolving the matter.</li> </ul>	
Sources pathways and sinks	<p>This Protocol shall apply to all plastic pollution sources, pathways and sinks, which include:</p> <ul style="list-style-type: none"> <li>• Land-based sources, including littering, extractive industries, wastewater, stormwater, poor landfill management, agriculture, and abrasion of plastic products during use, etc..</li> <li>• Sea-based sources, including fisheries, aquaculture, shipping, offshore industry, discharge and dumping.</li> <li>• Pathways, including aquatic, terrestrial, atmospheric.</li> <li>• Sinks, including land, watercourses, seas and oceans, atmosphere</li> </ul>	
Limits on scope	<p>Nothing in this Protocol shall affect or limit in any way:</p> <ul style="list-style-type: none"> <li>• The sovereignty of States over their internal waters, archipelagic waters and territorial sea, or the sovereign rights and jurisdiction that States have in their exclusive economic zones and continental shelves, and the exercise by vessels and aircraft of all States of navigational rights and freedoms, as provided for in international law and as reflected in the 1982 United Nations Convention on the Law of the Sea and other relevant international instruments.</li> <li>• The rights and obligations of any Party under international law including under other international agreements already in force between them.</li> </ul>	

	<ul style="list-style-type: none"> <li>• The rights of a Party to take additional domestic measures consistent with this Protocol to prevent, reduce and eliminate plastic pollution in accordance with that Party’s other obligations under applicable international law;</li> <li>• The coverage by or application of another international instrument to the discharge of plastic pollution wastes which derive from the normal operations of a vessel.</li> <li>• The coverage by or application of binding international standards administered through the the World Trade Organization, in particular the Technical Barriers to Trade Agreement, relevant to plastic pollution control measures.</li> </ul>	
OPERATIONS	The Parties shall implement this Protocol by means of a scaffolded framework comprised of regional sustainability criteria; national plastics inventories; national plastics management plans; national plastics sustainability standards; market-based measures; and regulation and administration.	
Regional sustainability criteria	<p>The Parties, through the Conference of Parties, shall agree on regional plastics sustainability criteria that apply to economic activities throughout the life cycle of plastics occurring within the Protocol area.</p> <ul style="list-style-type: none"> <li>• The regional plastics sustainability criteria shall be a Pacific regional application of the High-level Principles for Plastics Sustainability set out in Annexe A and informed by the Indicative Criteria for Plastics Sustainability set out in Annex B to the Protocol.</li> <li>• The regional plastics sustainability criteria shall be adopted as Annex C to this Protocol and should be adapted and amended whenever necessary to harmonise regional approaches with developments in international standards and guidance for preventing pollution by marine litter and microplastics.</li> </ul> <p>The regional plastics sustainability criteria shall:</p> <ul style="list-style-type: none"> <li>• Guide this Protocol’s implementation measures across the life cycle of plastics to meet its objective and strategic goals;</li> <li>• Include binding targets, as well as voluntary and aspirational targets;</li> <li>• Guide operations of governments and economic activities of industry to reshape plastics production, consumption and waste management, throughout the plastics life cycle and</li> <li>• Include measures to promote best available techniques, best available technology and sound environmental management. Such measures should extend from the upstream elimination of problematic and avoidable plastics products from domestic markets in the region (such as bags, straws, cutlery, takeaway containers, Styrofoam and polystyrene packaging, drinks bottles, earbuds and microbeads) towards environmentally sound management of plastic waste and legacy plastics downstream. The Parties shall develop regionally relevant sustainability criteria through open-ended or ad-hoc technical working groups and negotiating committees, as established at the first meeting of the</li> </ul>	

	<p>Conference of Parties. Regional and national initiatives of Parties in progress in the Protocol area should be examined and integrated and gaps in plastics governance addressed.</p> <ul style="list-style-type: none"> <li>• The regional plastics sustainability criteria shall be supported by the development of related technical standards, testing protocols and certification schemes, within the limits of regional capacities and national capacity strengthening programs.</li> </ul>	
National inventory	<p>Each Party shall develop and publish a National Plastics Inventory. The ‘original National Plastics Inventory’ is the first such inventory produced and made available to the Conference of Parties under this Protocol and, thereafter, each Party shall periodically update its inventory on a sexennial basis.</p> <ul style="list-style-type: none"> <li>• National Plastics Inventories shall use comparable methodologies and indicators, to be agreed upon by the Conference of Parties. They shall survey and record plastics at all stages across the plastics life cycle and shall analyse and assess intervention points in the national economy to prevent plastics and related chemical leakages into the environment. Parties shall provide for publication to the Secretariat data in national inventories on material flows to enable understanding of the movement of plastics across the [global and national] value chain and potential points of leakage into the environment in the Protocol area.</li> <li>• In addition to periodic updating of National Plastics Inventories, Parties should, within their capacities, monitor the status of and analyze trends in plastics pollution of the environment in areas under their jurisdiction, using harmonized methodologies for data collection. Parties may monitor the status of and analyze trends in plastics pollution of the environment in areas beyond their jurisdiction, in accordance with their available resources and with international law, building on existing monitoring networks and research programmes.</li> <li>•</li> </ul>	
Management plan	<p>Each Party shall develop and adopt a National Plastics Management Plan and communicate it to the Secretariat to be recorded in a public international registry.</p> <ul style="list-style-type: none"> <li>• The National Plastics Management Plan shall be based upon and respond to information available in the national plastics inventory and designed to enable environmentally sound plastics management by targeting critical intervention points in the plastics life cycle, as identified in the national inventory.</li> </ul> <p>A National Plastics Management Plan shall:</p> <ul style="list-style-type: none"> <li>• Aim specifically to implement the strategic goals of this Protocol;</li> <li>• Adapt plastics sustainability criteria suitable to the national conditions of the Party through adoption into a national approach that sets targets, identifies measures and mobilizes resources;</li> <li>• Be holistic and comprehensive to manage address the main national drivers of plastic pollution in the Protocol area across all relevant sectors;</li> <li>• Facilitate the development of National Plastics Sustainability Standards that are binding and may be complemented by additional standards that are voluntary, guiding or aspirational;</li> </ul>	

	<ul style="list-style-type: none"> <li>• Be implemented through various means of each Party's sovereign choice, guided by its national circumstances and country conditions;</li> <li>• Build upon existing programs and commitments, where available, such as industry sector pacts; and</li> <li>• Prioritize measures that enhance social welfare and environmentally sustainable livelihoods for vulnerable communities.</li> </ul> <p>Additional guidance set out at Appendix 1 may be taken into consideration when designing a National Plastics Management Plan.</p> <ul style="list-style-type: none"> <li>• Parties shall update their respective National Plastics Management Plans on a sexennial basis. Each Party shall submit its National Plastics Management Plan to the Conference of Parties for sexennial review as to its conformance to the plastics sustainability criteria.</li> <li>• Each Party's successive National Plastics Management Plan will represent a progression of targets beyond the Party's preceding plan and reflect its highest feasible ambition. A Party may at any time adjust its plans with a view to enhancing its level of ambition.</li> </ul>	
National standards	<p>Each Party shall enact binding National Plastics Sustainability Standards that impose obligations on persons and entities under national jurisdiction and are designed to sustainably manage plastics along their life cycles.</p> <ul style="list-style-type: none"> <li>• National Plastics Sustainability Standards shall be based upon the regional sustainability criteria adopted by the Conference of Parties, as adapted to suit the national conditions of the Party.</li> <li>• National Plastics Sustainability Standards may be complemented by additional standards that are voluntary, guiding or aspirational. Additional guidance set out at Appendix 2 may be taken into consideration when designing National Plastics Sustainability Standards and voluntary, guiding or aspirational standards.</li> </ul>	
Market mechanisms)	<ul style="list-style-type: none"> <li>• Parties shall seek to internalise costs of life cycle management of plastics and to promote behaviour change by domestic industry and consumers in order to achieve regional sustainability criteria, as adapted for national application in accordance with their National Plastics Management Plans and their National Sustainability Standards.</li> <li>• Parties may choose to incentivise reusability, reparability and recyclability of products by utilising domestic market-based mechanisms, taking into consideration the market-based measures set out at Appendix 3.</li> </ul> <p>In consultation with plastics producers, including importers and local manufacturers, and to operationalise extended producer responsibility, Parties may choose to encourage waste management services delivery and clean-up of plastics in the environment, including fishing gear, by domestic industry in a manner that promotes the latter's financial viability, including by providing funding mechanisms in accordance with Article X.</p>	

Regulation and administration	<p>Parties shall each specify their national plastics regulator to implement this Protocol.</p> <ul style="list-style-type: none"> <li>Parties shall enact powers of the national plastics regulator to ban, seize, confiscate or destroy prohibited items and shall impose penalties for committing related offences.</li> </ul> <p>Parties shall each specify their plastics national administrative focal point to implement this Protocol.</p> <ul style="list-style-type: none"> <li>The national administrative focal point shall facilitate domestic coordination through a national plastics management committee that includes all relevant government agencies, and shall facilitate regional and international cooperation.</li> </ul>	
CONFERENCE OF PARTIES	<p>A Conference of the Parties to this Protocol is hereby established. The first meeting of the Conference of the Parties shall be convened not later than one year after the entry into force of this Protocol. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting. The quorum for meetings of the Conference of the Parties shall be two-thirds of the Parties.</p>	
Rules of Procedure	<p>The Conference of the Parties shall adopt by consensus at its first ordinary meeting, or as soon as practicable thereafter, Rules of Procedure. It shall also adopt by consensus financial rules, including the scale of contributions of the Parties to this Protocol to the regular budget.</p>	
Sustainability criteria	<p>The Conference of the Parties at its first meeting shall consider the formulation of regional sustainability criteria, pursuant to Article X, and shall determine the structure and processes for their formulation and adoption. It shall also consider the designation of Pacific Island Developing Countries, and the adoption of any additional measures relating to the implementation of this Protocol.</p>	
Review implementation	<p>The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Protocol, and in particular, shall:</p> <ul style="list-style-type: none"> <li>Promote the harmonisation, at high levels of protection, of appropriate legislation, policies, strategies and measures for minimising harm to human health and the environment;</li> <li>Consider and adopt, where necessary, amendments to this Protocol, and its annexes and appendices, taking into consideration, inter alia, available scientific, technical, economic and environmental information;</li> <li>Examine and approve the regular budget prepared by the Secretariat in accordance with Article X;</li> <li>Consider and undertake any additional action that may be necessary for the achievement of the purposes of this Protocol in the light of experience gained in the operation of the Protocol and developments elsewhere;</li> <li>Consider and adopt further protocols or annexes or appendices as necessary;</li> <li>Establish and/or designate such subsidiary bodies or agencies as are deemed necessary for the implementation of this Protocol; and</li> </ul> <p>Determine and adopt appropriate rules and procedures for the acceptance of new Parties to this Protocol in accordance with Article X.</p>	

Observers	Any State which is eligible to become a Party to this Protocol may be represented as an observer at meetings of the Conference of the Parties. Any other State or any body or agency, whether national, regional or international, governmental or non- governmental, with an interest in the subject matter of this Protocol which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.	

SECRETARIAT	<p>The Secretariat's functions shall be carried out by the Secretariat of the Pacific Regional Environment Programme (SPREP). The functions of the Secretariat shall be to:</p> <ul style="list-style-type: none"> <li>• Arrange and service meetings of the Parties to this Protocol;</li> <li>• Prepare the regular budget of the Conference of the Parties, as required by this Protocol;</li> <li>• Prepare and transmit information derived from meetings of subsidiary bodies and agencies established under this Article or provided by relevant intergovernmental and Non-Governmental entities;</li> <li>• Ensure coordination with the secretariats of relevant treaties and other relevant international and regional bodies, and in particular to enter into such administrative arrangements as may be required for the effective discharge of its functions;</li> <li>• Communicate with the competent authorities established by the Parties in accordance with Article X of this Protocol as well as appropriate intergovernmental and Non-Governmental Organisations which may provide financial and/or technical assistance in the implementation of this Protocol;</li> <li>• Compile information concerning regional plastic wastes and to circulate this information;</li> <li>• Receive and convey on request to Parties information on available sources of technical and scientific expertise;</li> <li>• Receive and convey on request to Parties information on consultants or consulting firms having the necessary technical competence in the field to assist them with advice as to the environmentally sound management of plastics;</li> <li>• Cooperate with countries concerned and with relevant and competent international organisations and agencies in the provision of experts and equipment for the purpose of clean-up assistance in the Protocol Area;</li> <li>• Prepare and transmit reports based upon information received in accordance with Article X of this Protocol; and</li> <li>• To perform such other functions relevant to the purposes of this Protocol as may be determined by the Conference of the Parties.</li> </ul>	
Scientific and Technical committee	<p>A Scientific and Technical Committee is hereby established to support evidence-based decision-making by the Conference of Parties. It shall identify baselines, assess the prevalence and impacts of plastic pollution, develop commonly agreed methodologies for data collection, prioritise plastic pollution risks, and shall assess progress, and provide advice to the Parties accordingly.</p> <ul style="list-style-type: none"> <li>• The Scientific and Technical Committee shall promote and catalyze research at the national level, facilitate scientific and technical knowledge gathering, and instituting independent or subsidiary scientific and technical bodies. It shall also facilitate national sharing of information, directly or through centralized information exchange. The Scientific and Technical Committee shall also provide technological, technical and socio-economic advice on the regional sustainability criteria for plastic products and shall respond to technical, technological and economic questions that the Conference of</li> </ul>	

	<p>the Parties and its subsidiary bodies may put to the it. It shall prepare assessments of the effects of types of measures that might be taken in accordance with the provisions of this Protocol and identify innovative, efficient and state-of-the-art technologies for the prevention, reduction and elimination of plastic pollution and the ways and means of promoting development and/or transferring such technologies.</p> <ul style="list-style-type: none"> <li>• The Scientific and Technical Committee shall be open to participation by all Parties and shall be multidisciplinary and comprise government representatives competent in the relevant field of expertise.</li> <li>• The functions, terms of reference, organization and operation of the Scientific and Technical Committee may be further elaborated by the Conference of the Parties.</li> </ul>	
Industry and Stakeholder Liaison	<p>Liaison with private sector bodies relevant to management across the life cycle of plastic products shall be facilitated by the Industry and Stakeholder Liaison, which shall be established by the Conference of Parties at its first meeting.</p> <ul style="list-style-type: none"> <li>• Plastic Industry and Stakeholder Liaison shall promote development by industry of codes for product design and labelling, guidelines for best environmental practice in conformity with the sustainability criteria, levies and other instruments that would form part of the cascade of measures implementing the sustainability criteria.</li> <li>• The Conference of Parties shall select modalities to optimise the efficacy of Industry and Stakeholder Liaison, which may include delegation of functions on behalf of the Secretariat, secondments of experts to the Secretariat or the Scientific and Technical Committee, establishment of subsidiary bodies to provide expert advice, cooperation agreements with industry bodies, multi-stakeholder partnerships or other modalities.</li> </ul>	
SUPPORT PICS	<p>The Parties to this Protocol commit to measures supporting implementation of its operational mechanisms and specific commitments, including through education and awareness raising, and technical and financial assistance.</p>	
Education	<p>The Parties shall promote understanding of the importance of measures required for the prevention, reduction and elimination of all plastic pollution by means of propagation through mass media; educational programmes; training programs; workshops; labelling; producer and importer obligations and other measures.</p>	
Awareness raising	<p>The Parties shall cooperate with other States and international organizations in developing educational and public awareness programmes of how unsustainable consumption patterns coupled with poor plastic design and waste management practices result in plastic pollution with grave consequences for human health, the environment, habitats and biodiversity.</p>	

Funding	<p>Each Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of its own national activities, in accordance with its National Plastics Management Plan, to achieve the strategic goals of this Protocol.</p> <p>The developed country Parties shall contribute financial and technical resources to enable developing country Parties to meet their agreed incremental costs of the preliminary enabling measures necessary to commence implementation of their obligations under this Protocol, as follows:</p> <ul style="list-style-type: none"> <li>• Original national inventory of plastics flows;</li> <li>• Original national assessment of intervention points to prevent plastics leakages into the environment;</li> <li>• Design of National Plastics Management Plans;</li> <li>• Design of National Sustainability Standards; and</li> <li>• Design of national regulatory and market-based instruments.</li> </ul> <p>Contributions from other countries and sources on a voluntary basis are also to be encouraged.</p>	
Capacity building	<p>The developed country Parties may also provide to developing country Parties financial resources related to the implementation of this Protocol through bilateral, regional and other multilateral channels.</p>	
REVIEW PROGRESS	<p>Parties shall report triennially on their performance of obligations under the Protocol. They shall provide information about their individual national implementation of National Plastics Management Plans and processes for implementation of international sustainability criteria.</p>	
National	<p>National Performance Reports shall track progress at national levels towards achievement of the strategic goals of the Protocol, as guided by Appendix 4, and describe steps taken to implement National Plastics Management Plans and National Plastics Sustainability Standards. Each National Performance Report shall also draw conclusions for forward planning priorities, based on context drawn from the national inventory.</p> <ul style="list-style-type: none"> <li>• National performance reports shall be presented in a standardized format, to be formulated by joint decision of the Scientific Committee and the Technical Committee, as endorsed by the Conference of Parties.</li> <li>• Each national report shall be made public and shall be reviewed for strengths and weaknesses in national implementation and to suggest improvements where necessary and to facilitate regional and international assistance where required. The reviews shall be supported by the Secretariat and conducted by expert panels. Each panel shall be jointly appointed by the Scientific Committee and Technical Committee.</li> </ul>	
Regional	<p>The Conference of the Parties shall periodically review the implementation of the Protocol to assess collective progress towards achieving the objective of the Protocol and its strategic goals. It shall do so in a comprehensive and facilitative manner seeking to aggregate environmental assessment and national reporting data, taking into account equity and the best available science.</p>	

	<ul style="list-style-type: none"> <li>• Each Regional Review shall seek to identify progress and obstacles to achievement of the objectives and strategic goals under this Protocol, including by identifying best environmental practices, implementation gaps, priority future actions and the effectiveness of the Protocol.</li> <li>• The Conference of the Parties shall undertake its first Regional Review five years after its first session and every ten years thereafter unless otherwise decided by the Conference of Parties, while endeavouring to align the cycle with the 2030 Agenda on Sustainable Development and its successor agendas.</li> <li>• The outcome of the Regional Review shall inform Parties in updating their National Plastic Management Plans, including measures and targets included therein, and International Sustainability Criteria with the view to ensure progression over time.</li> </ul>	
AMENDMENT	<p>Any Party may propose amendments to this Protocol. Amendments shall be adopted by a Conference of Parties.</p> <ul style="list-style-type: none"> <li>• Any Party may propose amendments by transmitting them to the Secretariat to facilitate their placement on the agenda of the Conference of Parties.</li> </ul> <p>Any amendment to the main body of this Protocol shall be adopted by a three-fourths majority vote of the Parties represented at the Conference and shall be transmitted by the Depositary for acceptance by all Parties to the Protocol.</p> <ul style="list-style-type: none"> <li>• Instruments of ratification, acceptance or approval of amendments to the main body of this Protocol shall be deposited with the Depositary.</li> <li>• Amendments to the main body of this Protocol shall enter into force between Parties having accepted such amendments on the 30th day following the date of receipt by the Depositary of the instruments of at least three-fourths of the Parties to this Protocol. Thereafter the amendments shall enter into force for any other Party on the 30th day after the date on which that Party deposits its instrument.</li> </ul>	
Protocol		
Annex or Appendix	<p>Amendments to any Annex or Appendix shall be adopted by a simple majority vote of the Parties represented at the Conference and shall be submitted by the Depositary to all Parties to the Protocol.</p> <ul style="list-style-type: none"> <li>• An amendment to any Annex or Appendix may be objected to by any Party by deposit of an instrument of objection with the Depositary within 12 months of the adoption of the amendment by the Conference of Parties. An amendment to any Annex or Appendix shall enter into force between those Parties that did not object to it within 12 months on the day after the first anniversary of its adoption.</li> </ul> <p>After the entry into force of an amendment to this Protocol, any new Party to the Protocol shall become a Party to the Protocol as amended</p>	

RELATIONSHIPS	<p>This Protocol shall not affect the rights and obligations of any Party regarding any existing treaty, convention or agreement to which they are Parties, which are in force on the date of the entry into force of this Protocol.</p> <ul style="list-style-type: none"> <li>• The Parties shall endeavour to harmonise measures taken to implement this Protocol with their implementation efforts undertaken pursuant to obligations under any other relevant treaty, convention or agreement to which they are Parties, in particular those concerning chemicals management or pertaining to plastic waste pollution at sea .</li> </ul>	
Intergovernmental	<p>The Conference of Parties shall coordinate with the governing bodies of other relevant intergovernmental organisations, in particular those concerning regional and international management of fisheries, vessels, waste and chemicals under relevant treaties, to develop and adopt frameworks for cooperation with them in order to promote complementary actions. Definitions and terminology applied under this Protocol shall be consistent, as far as possible, with that used in relevant treaties.</p> <ul style="list-style-type: none"> <li>• The Secretariat to this Protocol shall maintain liaison and cooperation with relevant intergovernmental organisations engaged in plastics or chemicals management and control of pollution at sea, in particular the secretariats to multilateral environmental agreements, the International Maritime Organisation, the Food and Agriculture Organisation of the United Nations, Regional Fisheries Management Organisations, as well as the Strategic Approach to International Chemicals Management (SAICM), the World Customs Organisation, and the World Trade Organisation.</li> <li>• The Secretariat to this Protocol shall also maintain liaison and cooperation with relevant international industry organisations and standards-setting bodies, such as the International Standards Organisation (ISO) and European Committee for Standardisation (CEN).</li> </ul>	

DISPUTES	<p>In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Protocol or any protocol thereto, the Parties concerned shall seek a settlement of the dispute through negotiation, mediation or any other peaceful means of their own choice.</p> <ul style="list-style-type: none"> <li>• If the Parties concerned cannot settle their dispute through the means mentioned in paragraph 1 of this Article, the dispute, if the Parties to the dispute agree, shall be submitted to arbitration under the conditions set out in Annex X of this Protocol or to the International Court of Justice. However, failure to reach common agreement on submission of the dispute to arbitration or to the International Court of Justice shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.</li> <li>• When ratifying, accepting, approving or acceding to this Protocol, or at any time thereafter, a Party may declare that it recognises as compulsory <i>ipso facto</i> and without special agreement, in relation to any Party accepting the same obligation: <ul style="list-style-type: none"> <li>a) Arbitration in accordance with the procedures set out in Annex X; and/or</li> <li>b) Submission of the dispute to the International Court of Justice.</li> </ul> <p style="margin-left: 40px;">Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.</p> </li> </ul>																			
SIGNATURE	<p>This Protocol shall be open for signature by the Parties to the Agreement Establishing the South Pacific Regional Environment Programme:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Australia</td> <td style="width: 50%;">Niue</td> </tr> <tr> <td>Cook Islands</td> <td>Papua New Guinea</td> </tr> <tr> <td>Federated States of Micronesia</td> <td>Solomon Islands</td> </tr> <tr> <td>Republic of Fiji</td> <td>Kingdom of Tonga</td> </tr> <tr> <td>Republic of France</td> <td>Tuvalu</td> </tr> <tr> <td>Republic of Kiribati</td> <td>United Kingdom on behalf of Pitcairn Islands</td> </tr> <tr> <td>Republic of the Marshall Islands</td> <td>United States of America</td> </tr> <tr> <td>Republic of Nauru</td> <td>Republic of Vanuatu</td> </tr> <tr> <td>New Zealand</td> <td>Western Samoa</td> </tr> </table> <p>This Protocol shall remain open for signature by the Parties to the Agreement Establishing the South Pacific Regional Environment Programme from ... 2022 until ... 2023 at SPREP.</p>	Australia	Niue	Cook Islands	Papua New Guinea	Federated States of Micronesia	Solomon Islands	Republic of Fiji	Kingdom of Tonga	Republic of France	Tuvalu	Republic of Kiribati	United Kingdom on behalf of Pitcairn Islands	Republic of the Marshall Islands	United States of America	Republic of Nauru	Republic of Vanuatu	New Zealand	Western Samoa	
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RATIFICATION etc	<p>This Protocol shall be subject to ratification, acceptance or approval by Parties to the Agreement Establishing the South Pacific Regional Environment Programme. Instruments of ratification, acceptance or approval shall be deposited with the Depository.</p>																			

ACCESSION	This Protocol shall be open for accession by States not Parties to the Agreement Establishing the South Pacific Regional Environment Programme, subject to a decision by the Conference of the Parties concerning each request for accession, pursuant to Article X. Requests for accession may be deposited with the Secretariat from the day after which this Protocol enters into force.	
ENTRY INTO FORCE	This Protocol shall enter into force thirty days from the date of deposit of the tenth instrument of ratification, acceptance or approval and thereafter for each State thirty days after the deposit of its instrument of ratification, acceptance, approval or accession.	
RESERVATIONS	No reservations or exceptions shall be made to this Protocol. Paragraph 1 of this Article does not preclude a signatory or Party when signing, ratifying or acceding to this Protocol, from making declarations or statements, however phrased or named, with a view, <i>inter alia</i> , to the harmonisation of its laws and regulations with the provisions of this Protocol, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Protocol in their application to that Party.	
WITHDRAWAL	At any time after three years from the date on which this Protocol has entered into force for a Party, that Party may withdraw by giving written notification to the Depositary. <ul style="list-style-type: none"> <li>• Withdrawal shall be effective one year after receipt of notification by the Depositary, or on such later date as may be specified in the notification.</li> <li>• Withdrawal shall not exempt any withdrawing Party from fulfilling any obligations it might have incurred under this Protocol, whilst a Party to this Protocol.</li> </ul>	
DEPOSITORY	The Secretary General of the South Pacific Forum Secretariat shall be the Depositary of this Protocol.	
REGISTRATION	This Protocol, as soon as it enters into force, shall be registered by the Depositary with the Secretary-General of the United Nations in conformity with Article 102 of the Charter of the United Nations.	