

# Assessing and Addressing Contextual Equity: A Framework for Key Drivers Needed by Caribbean Small Island Developing States to Achieve Contextual Equity in the Global Plastics Treaty Negotiations

## Evaluación y abordaje de la equidad contextual: un marco para los impulsores clave que necesitan los pequeños estados insulares en desarrollo del Caribe para lograr la equidad contextual en las negociaciones del Tratado Mundial sobre Plásticos

## Évaluation et prise en compte de l'équité contextuelle : un cadre pour les principaux moteurs nécessaires aux petits États insulaires en développement des Caraïbes pour parvenir à l'équité contextuelle dans les négociations mondiales sur le traité sur les plastiques

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### ABSTRACT

The “global plastics treaty” negotiations, to create an international legally binding instrument (ILBI) to end plastic pollution, including in the marine environment have commenced. Caribbean Small Island Developing States (SIDS) are disproportionately impacted by the transboundary nature of plastic pollution and face challenges in equitably participating in the global plastics treaty negotiations. This study examines contextual equity as experienced by Caribbean SIDS in preparation and participation for the first ad-hoc Open Ended Working Group (OEWG-1) and the first intergovernmental negotiating committee (INC-1) meeting for negotiations on specific terms of the treaty. This dimension of equity refers to equity in access in the form of financial resources, political power, human capacity, and negotiating skills. Semi-structured interviews conducted with delegates, non-governmental organizations and regional coordinators from Caribbean SIDS revealed that they have varying capabilities and resources, inclusive of financial and human capacity, to equitably participate in developing interventions like the global plastics treaty. This study contributes new knowledge on barriers inhibiting contextual equity for Caribbean SIDS within the INC negotiation process and offers a framework of key drivers needed to achieve equity throughout the development and future implementation of a global plastics treaty for Caribbean SIDS.

KEYWORDS: Caribbean Small Island Developing States, Global Plastics Treaty, Negotiations, Contextual Equity, United Nations, Plastic Pollution

### INTRODUCTION

Plastics' pervasive existence as a pollutant has become a cause of global concern due to its adverse impacts on marine organisms, ecosystems, economies and human health (Derraik, 2002; Kershaw, 2016; Villarubia-Gómez et al., 2018). Increasing trends in its production and pollution of the marine environment have led to a unified call by states, civil society, academia, policy makers and non-governmental organizations (NGOs), among others, for the development of a global plastics treaty to address plastic pollution (Eriksen et al, 2014; Geyer et al., 2017; UNEP 2022; WWF, 2022). During the 5th session of the United Nations Environment Assembly (UNEA)(UNEA-5.2) (March, 2022), UN member states adopted *Resolution 5/14 End plastic pollution: Towards an international legally binding instrument (ILBI) (UNEA 5/14)*, aimed to combat plastic pollution with a global and legally binding plastics treaty by 2024 (Bergman et. al, 2022; WWF, 2022, UNEP, 2022). Informally known as the “global plastics treaty”, this instrument intends to comprehensively address the full life cycle of plastic from production to disposal (UNEP, 2022, WWF, 2022). This also includes the extraction of feedstocks for plastics production, recovery and remediation of legacy or existing plastics contaminating the environment. The landmark adoption of UNEA 5/14 created a pathway to commence negotiations on specific terms and necessary measures to effectively and comprehensively manage plastic pollution globally (Filho and Velis, 2022; WWF, 2022). The resolution summoned an ad-hoc open ended working group (OEWG) and five sessions of intergovernmental negotiating committee (INC) meetings, composed of United Nations (UN) member States, to negotiate on material and procedural obligations contained in the treaty. The negotiations are set to conclude in a meeting of plenipotentiaries in early 2025 (UNEP, 2022; WWF, 2022; UNEA 5/14) (Fig. 1). It denotes that participation in the OEWG-1 and the INCs should be open to all member states of the UN and Members of its specialized agencies, regional economic integration organizations, as well as relevant stakeholders (UNEA 5/14, 2022).

All member states, inclusive of Small Island Developing States (SIDS), have the ability to access the negotiating forum to have their voices and positions heard. However, international environmental negotiations and current UN structures have been deemed highly inequitable by scholars who allude that its architecture systematically obstructs progress towards the development and implementation of international environmental policies (Schroeder et al., 2012). This includes a certain degree of inequity in environmental treaty making whereby developed countries are more equipped than other member States to negotiate more favorable outcomes due to the considerable disparities in resources and power dynamics (Takamura, 2003; Heyward, 2007; Penetrante, 2011; Schroeder et al., 2012). For example, SIDS, such as those from the Caribbean, begin at a disadvantage in international negotiations due to fewer dedicated resources, inclusive of financial and human capacity, to equitably participate in developing interventions like the global plastics treaty (Campbell et al., 2021; Hassanali, 2022).

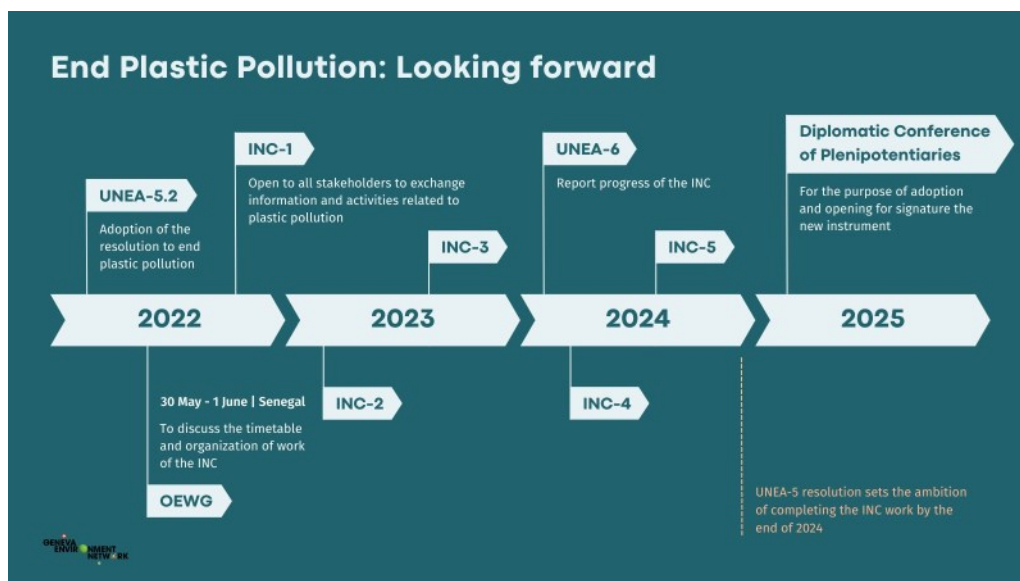


Figure 1. INC Meetings Timeline. Photo Credit (Geneva Environment Network) .

Caribbean SIDS are comprised of 16 countries, [Antigua and Barbuda, The Bahamas, Barbados, Belize, Cuba, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago] (Fig.2) who experience similarities in their ecology, culture and economic reliance on tourism and ocean based industries (Diez et al., 2019; UN, 2022; Stofen-O’Brien et al., 2022). These countries represent roughly a 0.95% share of the global mismanagement of plastic waste (Meijer et al., 2021). However, within Caribbean SIDS, the inequities of marine plastic pollution are heightened through the transboundary movement and deposition of plastic litter to its coastlines, which are often disproportionate to the production and consumption levels of plastic in the region (Lachmann et al., 2017; Ambrose et al., 2019; Ambrose, 2021). The adverse impacts of plastic pollution to Caribbean SIDS jeopardizes ocean dependent industries such as tourism and fisheries that contribute largely to their gross domestic product (GDP) (Diez et al., 2019). In addition, it negatively impacts biodiversity and

threatens human health as plastic toxins work their way up the food chain through trophic interactions which may result in bioaccumulation of toxins across trophic levels (Derraik, 2003; García-Gómez et al., 2020, Mesquita et al., 2022; Rakib et al., 2023; Ambrose and Walker, 2023). Such threats have led to SIDS collectively calling for the urgent, yet equitable development of a global plastics treaty. The desire is to hold the perpetrators of plastic pollution accountable while also recognizing the special circumstances and needs of SIDS, this includes ensuring that marginalized voices are heard and that they have the capacity to contribute to the treaty's development and implementation (Alliance of Small Island States (AOSIS) Opening Statement, INC-1 Plenary, 2022).

Themes of equity are commonplace among environmental negotiations and can aid in identifying fair compromises given the collective interests and capacities of all players (Ashton and Wang, 2003). Such negotiations tend to prioritize distributive equity, which considers the distribution of costs, risks and benefits of the environmental issue being discussed, while overlooking procedural equity, concerned with the involvement of all stakeholders, including indigenous communities and marginalized groups such as women and youth, and their right to participate in the decision making process (McDermott et al., 2013; Martin et al., 2014; Law et al., 2017; Hass et al., 2019; Campbell et al., 2021; Ruoso and Plant, 2021). Contextual equity refers to equity in access and calls attention to pre-existing imbalances in the form of financial resources, political power, human capacity, and negotiating skills, which creates an unlevelled playing field for participants in the decision making process (Martin et al., 2014; Law et al., 2017; Hass et al., 2019). This arm of equity has received little attention or research priority as most equity arguments are biased towards distributive equity, which is prioritized over procedural equity, with

Role	No. Individuals
Delegate	8
Lawyers and Policy Advisors	3
NGO's	2
Regional Group Coordinator	1

Table 1. Semi-structured interview study participants

both overshadowing contextual equity (Friedman et al., 2018). Yet, contextual equity serves as the gateway to achieving all dimensions of equity within environmental decision making (Hass et al., 2019).

This study examines the contextual equity barriers facing Caribbean SIDS in the development of a global plastics treaty and explores its connection to distributive and procedural equity. Through semi-structured interviews, it aims to assess the experiences of delegations, NGOs and regional coordinators from Caribbean SIDS during their preparation and participation in the initial phases of the INC process, starting with the first meeting of the OEWG (OEWG-1), held from May 30-June 1, 2022 in Dakar, Senegal and the INC-1 held from November 28-December 2, 2022 in Punta del Este, Uruguay. This study contributes new knowledge on barriers inhibiting contextual equity for Caribbean SIDS within the INC process and offers a framework of key drivers needed to achieve equity throughout the development and future implementation of a global plastics treaty for Caribbean SIDS.

## METHODOLOGY

### Data Collection

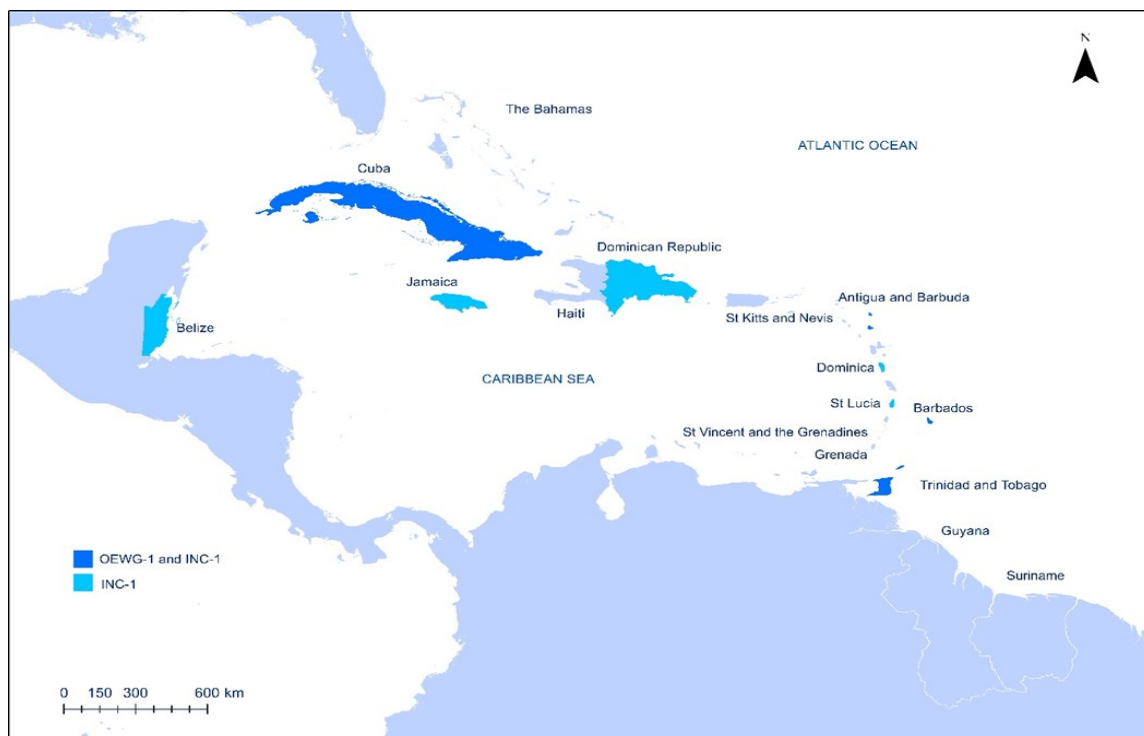
During the plenary session of the OEWG-1 and INC-1 meetings, Caribbean countries in attendance and the size of their delegations were observed, noted and confirmed using United Nations Environment Programme (UNEP) List of Participants (LOP) data. Regional meetings hosted by GRULAC (Group of Latin America and Caribbean Countries) during the OEWG-1 and INC-1 were also

observed, where subjects of the study were identified and interviews were requested. A snowball sampling method was used where various participants suggested others for the study. This study utilized semi-structured interviews and participant observation to learn about the activities of the people and events under study in its natural setting including their observing and participating in decision making activities for the ILBI to end plastic pollution (Kawulich, 2005). Meeting observations were conducted both virtually during the OEWG-1 and in-person during the INC-1 in Punta del Este, Uruguay. Twelve semi-structured interviews were conducted via Zoom (n=2) and in-person at INC-1 (n=10) between 14 individuals representing Caribbean delegates, non-governmental organizations, a UN regional group coordinator, lawyers and policy advisors, with the latter accounting for a single interview (Table 1). All respondents attended either the OEWG-1, the INC-1 or both, worked in or with the Caribbean region and were actively engaged in the negotiation process. Study participants were asked questions related to equity in terms of their preparation for and participation in the INC meetings and challenges faced in achieving equity.

The author of this paper was granted observer status as an entry point into INC-1 and was not affiliated with any State(s) or delegations nor had any pre-existing relationships with study subjects.

### Data Analysis

Following a modified methodology by Ison et al., (2021), all interviews were transcribed using the Otter.ai



**Figure 2.** Map of Caribbean SIDS attending the Ad Hoc OEWG-1 and INC-1 meetings

Challenges faced by Caribbean Delegations	Frequency (n=12)
Small, delegation, one, two, delegate, size	74
Financial, finance, financing, funds, fundraising	23
Human, limited, capacity	22
Technical, expertise, knowledge	12
Time	5
Coordination	3
Equity	2

**Table 2.** Word frequency analysis of challenges faced by delegations from Caribbean SIDS

software. Using Nvivo 13 qualitative data analysis software to analyze interview transcripts, a three step process was used to identify codes, subcodes (categories) and themes. Codes were derived from the focal point of the interview questions (i.e equity, preparation, participation, challenges). From here subcodes (more specific categories of the codes) were created, before themes relevant to the research questions were extracted (LeBlanc, 2010). Word frequency analyses were also conducted based on the recurrence of similar descriptive words in each interview and their connection to each code and subcode.

## Results

The results presented here are based on observation and interview data from Caribbean SIDS attendance at the OEWG-1 and the INC-1 meetings, challenges faced in their preparation and participation and their perceptions on contextual equity in the negotiation process. It is laid out in 7 sections based on key indicators of contextual equity including financial resources, human capacity, and negotiating skill. In section 3.1, the broad concept of equity as perceived by the study participants is presented. Section 3.2 explains attendance by Caribbean SIDS and G20 members during the both meetings and also details disparities in delegation size and composition. Section 3.3 presents contextual equity challenges faced by Caribbean delegations in their preparation and participation in both meetings and is divided into subsections 3.3.1 on human capacity, 3.3.2 on financial and time constraints and 3.3.3 on science formulating national positions. Section 3.4 discusses stakeholder engagement and 3.5 prioritization and coordination of INCs among Caribbean SIDS.

### Study Participants Perception on Equity in Negotiations

Study participants were asked to conceptualize the term equity, its key elements and its relation to the negotiation process. A word frequency analysis based on the question revealed respondents perceived equity using the words equal/equally/equality (n=10), fair/fairness (n=7), access (n=6) and just (n=5) (Table 2). The conceptu-

alization of equity as related to the negotiation process was regarded by study participants as, going beyond accessing the negotiation forum but having specific needs met for particular countries so that they are better equipped to access the negotiating opportunity. On achieving equity within negotiating forums, one participant argued that it would require systemic changes that account for historical prejudices that perpetuate the disparities between developed and developing countries, which lead to inequities in environmental decision making, further stating:-

“Reparatory justice, and those types of things are really important to the conversation, because if you're looking at it through the environmental sphere, the challenges a lot of developing countries face right now are a direct result of things that are linked to historical prejudices from developed countries. I think these are some of the principles that you want to see emulated in moves towards ensuring equity, because you have to have the tough conversations, but more than just conversations are solutions. So I think that's a huge part of discussions on really materializing true equity.”

### OEWG-1 and INC-1 Meeting Attendance, Delegation Size and Composition between Caribbean SIDS and G20 Member States

Disparities in delegation size between Caribbean SIDS and developed countries were observed within both the OEWG-1 and INC-1 meetings. To contrast Caribbean SIDS attendance at the fora compared to developed countries, five (5) countries and one (1) union from the Group of Twenty (G20) were selected. G20 members represent around 85% of the global GDP, over 75% of the global trade, and about two-thirds of the world population and comprises 19 countries (G20, 2023). Australia, China, the European Union, Germany, the United Kingdom and the United States were selected for comparison based on population size and economic resources. Only five (5) Caribbean countries attended the OEWG-1 with a maxi-

mum delegation size of two (2) delegates (Fig 2, Fig 3). All G20 members were in attendance, with member state China having a delegation size of 29 delegates (Fig. 3). The OEWG-1 LOP did not specify if all delegates listed were in-person or attended online.

The INC-1 LOP accounted for both in-person and online attendance. During the INC-1, Caribbean SIDS attendance increased from the OEWG-1 with 10 countries listed within the LOP. However, on ground observations concluded that only 9 countries were in attendance in-person with a mean of 2 delegates per delegation, inclusive of online and in-person attendance (Fig. 2, Fig. 4). Despite online attendance, study participants noted limitations of attending virtually as online delegates were not allowed to speak during the plenary sessions, only within regional meetings. Additional challenges included varying time zones from the meeting location and technical difficulties with the UNEP virtual platform, leaving many countries to petition for in-person participation for the remainder of the INC meetings, especially given the negotiation’s crucial and historic stature. At INC-1, 19 Caribbean delegates were present in-person with 50% of delegations consisting of one person (Fig. 4). Antigua and Barbuda had the largest delegation (n=6). Similar to OEWG-1 attendance, All G20 members attended the INC-1 both in-person and online with the United States of America having a delegation size of 41 delegates, with 23 attending in-person, according to LOP data (Fig. 4). In-person attendance was not verified for G20 member states. The mean size of G20 delegations consisted of 10 delegates, composed of government ministries inclusive of foreign affairs, finance, solid waste, chemicals and recycling, academia, lawyers and policy advisors (UNEP, OEWG-1and INC-1 LOP). Caribbean delegations were mainly composed of two delegates; either from the Ministry of Foreign Affairs or from a technical

ministry such as the Ministry of Environment, Sustainable Development or Waste Management.

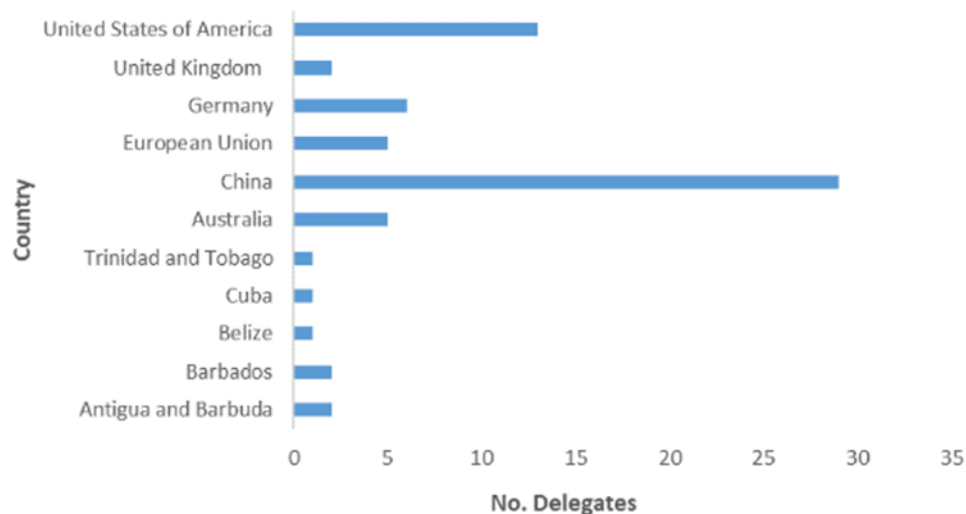
**Contextual Equity Challenges Faced by Caribbean Delegations Preparing and Participating in INC-1**

**Human Capacity**

Study participants were asked to outline challenges that Caribbean delegations face in preparing and participating in the negotiation process for the INC-1. Based on the qualitative analysis of the interview data, the codes human capacity and funding were created with various themes which were specific to the research objective derived from each code (Fig. 5). A word frequency analysis of the codes showed that combined, delegation size, condensed from the words small, delegation, one, two, delegate and size, had a frequency of 74. Funding and human capacity had word frequencies of 23 and 22 respectively (Table 3).

Delegation size of Caribbean SIDS was associated with challenges with human capacity as each delegate linked the cause to exhaustive responsibilities within their ministries, where they serve as delegate(s) for all environmental meetings while concurrently administering the multiplicities of their job obligations in the midst of negotiations. One participant noted that due to being small countries, with small governments, you end up with the same person doing all of the jobs and it leaves little time to prioritize or adequately prepare for negotiations. The realities of this challenge faced was illustrated by one of the delegates interviewed, summarizing their recent experience within serving different negotiation fora, stating:-

"Sometimes things are a bit unrealistic for smaller delegations versus big delegations that are not necessarily equitable. So, there are some inherent



**Figure 3.** OEWG-1 Attendance by Caribbean SIDS and G20 Countries

challenges and disadvantages in preparation, because, you know, case in point I came from Egypt (Conference of Parties (COP) 27 on Climate Change), I had two days in between, and then I came straight here (Uruguay, Punta del Este, INC-1). So whereas others would have, for example, let's say the US, they are not the same negotiators I would've negotiated with on climate, and they would have had all that time when we were in Sharm el She'ikh, Egypt negotiating to read the scenario note and do this and that where, you know, sometimes you have to rush and get on a plane, or you can't even do it at all, and you're reading it while you're here (Uruguay, Punta del Este, INC-1) hearing people with their national statements, etc.”

Study participants petitioned for a more varied delegation in terms of diversity of skill sets to aid in understanding the financial, social, environmental and legal implications of the intended ILBI to end plastic pollution. For example, some study participants expressed inequities faced when negotiating against countries that have not only larger delegations but a wealth of knowledge and expertise specific to plastic manufacturing, chemistry and waste management along with the financial means to pay experts and advisors within the plastics and legal fields to be a part of their delegations. Based on the INC-1 LOP, only two Caribbean delegates were listed as legal officers within their ministry. However, based on interview data, two other legal advisors were identified within another delegation. The limited legal capabilities were brought forward by study participants, with one participant emphasizing the need for a legal advisor or lawyer to be a part of Caribbean delegations, further explaining the integral need for understanding the legal language, undertones, financial and sovereignty implications involved in the treaty process. A team of lawyers and policy advisors involved in the study stated that;

“The legal resources for Caribbean SIDS are not on an equitable basis. The Australians, the Americans, and the Chinese all have access to vast resources, and law firms that they can call on at need, because we know that SIDS and some lesser developed countries do not have those facilities.”

The study participants further suggested that the financial means of acquiring legal support outside of the government ministries for Caribbean SIDS could be anywhere north of \$3 million USD for full service representation throughout the remainder of the INC process and that without adequate legal representation and understanding of the treaty process, countries will be “completely unarmed” in negotiations as they face countries with sufficient access to legal resources. Additionally, the study participants stated that a limited understanding of treaty obligations under negotiation could result in Caribbean SIDS not being able to contribute to the negotiation, thus creating a closed door.

When it came to building capacity in the areas of treaty negotiations and diplomacy, nearly 90% (n=7) of delegates

interviewed stated that they received no formal negotiation training from their governments and instead learned the negotiation process from colleagues or by gaining experience and knowledge through attending negotiation meetings. Several delegates interviewed stated that courses in diplomatic relations and negotiation training were available at a regional university or abroad but required public servants to absorb the costs of the training as Caribbean government’s lack the budget to support capacity building. Alternatively, one delegate indicated that Azerbaijan and South Korea have diplomatic academies where they offer free training to at least one delegate from a developing country. However, these are with their partner countries and it is unclear how many Caribbean SIDS have partnerships with either country.

### **3.3.2 Financial and Time Restraints**

Similarly, study participants emphasized financial limitations as a challenge for Caribbean SIDS to attend the INC-1. Based on interview data, roughly, 90% (n=8) of Caribbean SIDS attending the OEWG-1 and the INC-1, received external funding from UNEP to support travel and participation. Interviewees noted that mobilizing funds from national treasuries within Caribbean governments to attend environmental meetings is difficult as either there are no funds available or the events are not prioritized within national budgets. As such, many Caribbean delegations are unable to attend meetings unless external funding is available to support at least one or two delegates from SIDS or Least Developed Countries (LDCs).

Due to the limitations in human capacity, time to prepare for the event was also a challenge faced by Caribbean delegates preparing for INC-1, with only 1-2 months to prepare in the midst of pre-existing responsibilities as stated by study participants. Such time challenges were in the form of conflicting schedules and limited personnel to assist in revising documents, preparing briefs and participating in preparatory meetings hosted by various organizations. Additionally, the timing of the OEWG-1 and the INC-1 was quickly organized and condensed, with the INC-1 being sandwiched between two major multilateral environmental agreement (MEA) meetings, COP 27 on climate change and COP 15 on biodiversity, with one participant stating that,

“The environmental stock calendar for the year 2022 was insane with an influx of multilateral environmental agreement (MEA) meetings, which created a conflict in interests and obligations for Caribbean SIDS to attend. There's literally COP 15 happening in Canada, in a week and a half and this is just after COP 27 just finished in Egypt. So like, it's back to back to back. There are people that have conflicting interests right now.”

### **Science Formulating National Positions**

Perceptions of Equity	Frequency (n=12)
Equal/Equally/Equality	10
Fair/Fairness	7
Access	6
Needs	6
Participation	5
Just	5
Different	5
Ability	4
Power	2
Privilege	2
Opportunities	2

**Table 3.** Word Frequency Analysis of participant perceptions of equity

During the opening plenary session of INC-1, all UN Member states, UN regional groups, intergovernmental organizations, NGOs and UN specialized agencies were given the opportunity to deliver opening statements outlining their positions on the development of the global plastics treaty and elements they would like to see included. Based on meeting observations and statements published on UNEP's website, it was observed that only 4 Caribbean countries (Cuba, Dominican Republic, St. Lucia and Trinidad and Tobago) delivered national statements. Regional groups GRULAC and AOSIS, which Caribbean SIDS belong to, also delivered statements, in which all Caribbean SIDS in attendance of INC-1 aligned their positions too. Opening statements addressed the extent of the issue of plastic pollution facing the country and/or region and detailed priority areas needed for inclusion in the treaty. Collectively, all statements shared drew attention to the following key principles (further explained in the discussion) of environmental law that should govern the INC meetings and treaty outcomes:-

1. Polluter Pays Principle
2. Common but Differentiated Responsibilities
3. Just Economic transitions
4. Equity Principle
5. Precautionary Principle
6. Principle 12, Rio Declaration

Additionally, statements called for the proposed instrument to:-

1. Provide remediation pathways for existing pollution
2. Allow flexibility taking into account national circumstances and respective capabilities; and to prioritize additional, predictable and adequate financial resources

3. enable capacity building and technology development, access and transfer
4. facilitate financial support of at least two participants per delegation to reinforce participation

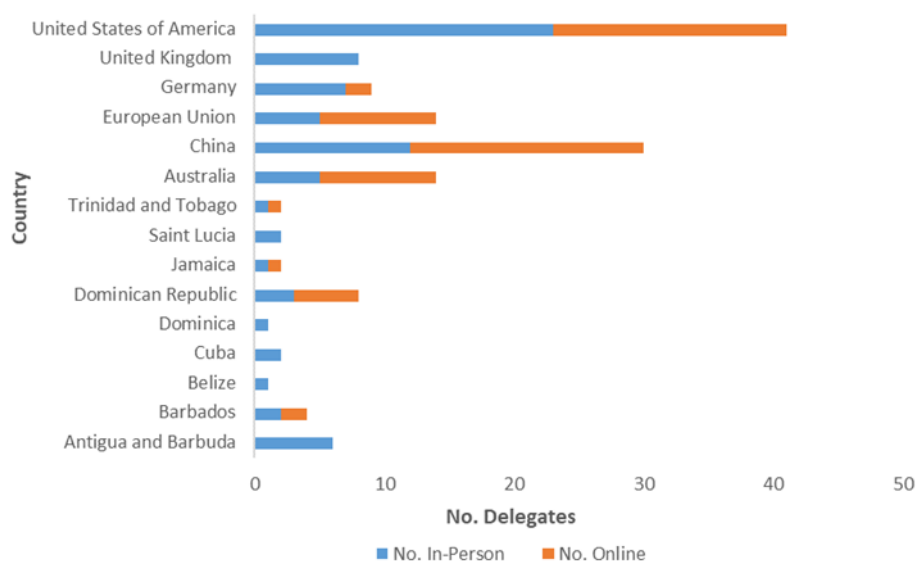
Each statement delivered on behalf of Caribbean SIDS by its associated member state or regional group addressed the broad impacts of plastics on the environment and economy. However, all statements lacked specified localized plastic pollution data to support impacts felt within each country. Based on study participant responses, the generalized scientific data guiding the formulation of statements and positions were obtained from within scientific departments of government ministries, NGOs or largely from UNEP prepared documents. Study participants noted that Caribbean SIDS lack adequate data on plastic pollution and would need to source and produce quantitative and qualitative data for levels of plastic produced, number of local producers of plastics and volumes produced, plastic waste streams, waste management mechanisms and local authorities responsible for plastic production, imports and sales.

### Stakeholder Engagement

Nationally, stakeholder engagement, specific to preparation for the INC-1 was conducted within 3 Caribbean. A regional workshop for Caribbean SIDS leading up to INC-1 was hosted by Antigua and Barbuda with St. Kitts and Nevis, Jamaica, Trinidad and Tobago, Martinique, Guyana and Barbados in attendance along with NGOs. Respondents noted that aside from stakeholder engagement between regional governments, more work must be done to liaise with national and regional stakeholders on the ground working in the arenas of waste picking, plastic manufacturing, garbage disposal, collection and recycling among others to gain insights into their experiences and challenges faced. This must be inclusive of various government ministries within Caribbean SIDS such as Trade and Industry, Customs, Marine and Environment, and Commerce among others. On the importance of stakeholder engagement, one respondent stated:-

“I think that's the best way to really understand how we can approach the design of the instrument in a way that resolves those grassroots level issues and what our specific issues are. So I think more consultations with those various stakeholders that are involved in the plastics issue and people from the informal sector, CSOs (community service organizations), environmental organizations, those that do coastal cleanups, asking them, What's your data looking like? What's your challenges? What do you think might work best to prevent leakage into the marine environment, but also to prevent waste coming onshore as well.”

During both meetings, UNEP hosted multi-stakeholder fora, bringing together key stakeholders to discuss their positions on the formulation of the global plastics treaty.



**Figure 4.** INC-1 Attendance by Caribbean SIDS and G20 Countries

One (1) NGO and 1 CSO from Caribbean SIDS were present at both meetings and its stakeholder forums, having attended independently of government orchestrated delegations. Regarding funding to attend, UNEP provided funds for the CSO representative while the NGO representative was funded by their organization. One stakeholder suggested that governments within Caribbean SIDS discount the value of local knowledge systems and its input in the negotiation process, typically ratifying environmental agreements without stakeholder and community engagement and buy-in to support treaty obligations.

#### **Prioritization and Coordination of INCs among Caribbean SIDS**

Throughout the interview process, the general perception among study participants was that, based on low attendance from Caribbean SIDS, the INC forum was not being prioritized among its governments or regional intergovernmental organizations such as CARICOM (The Caribbean Community). Active and strategic coordination led by CARICOM, was widely proposed by respondents as a solution to overcoming preparatory and participatory barriers associated with coordination for the INC negotiations among Caribbean SIDS. Study participants argued that based on CARICOM's leadership in the Biodiversity of areas Beyond National Jurisdiction Agreement (BBNJ) negotiations, advocating for regional interests and the special circumstances of Caribbean SIDS, and in other multilateral environmental agreements, it was a well poised entity to lead strategic coordination for INC meetings for Caribbean SIDS. However, it was noted by study participants that CARICOM also faces challenges with human capacity

and funding which may have resulted in its absence from the INC-1 as plastic pollution has not yet been made a regional priority. One participant stated that,

“Political will is there among governments of Caribbean SIDS but it is not as appealing as climate change, thus requiring this be prioritized from CARICOM levels so that it maintains on the agenda and that there's interest and a desire to send delegates in the meeting to provide meaningful input when we're (Caribbean SIDS) preparing our (Caribbean SIDS) position papers.”

One participant suggested that many Caribbean SIDS remain unaware of the INCs while another stated that lack of prioritization could be due to a number of factors such as limited resources or conflicting events.

#### **Discussion and Recommendations**

Contextual equity considers the circumstances of stakeholders, in this case, delegations from Caribbean SIDS, capacity to participate fairly in the decision making process for an ILBI to end plastic pollution. Based on data gathered from observations and interviews, it is evident that Caribbean SIDS face contextual inequities in their preparation and participation in the OEWG-1 and INC-1 as compared to developed countries, thus foreshadowing continued experiences for the remainder of the INC process. Contextual factors such as delegation size, human capacity, negotiation training and skills, data gathering and funding proved to be barriers to contextual equity which impedes on procedural and distributive equity for Caribbean SIDS participating in the INC process. Results of this study were used to develop a framework (Fig. 6) demonstrating barriers or

factors impeding equity and key drivers needed to achieve the three dimensions of equity needed for the development of a global plastics treaty. Subsequently, this framework may be used to guide implementation of the global plastic treaty once ratified by Caribbean SIDS and will be explained further in the discussion.

### **Funding Mechanisms Needed to support Delegations from Caribbean SIDS**

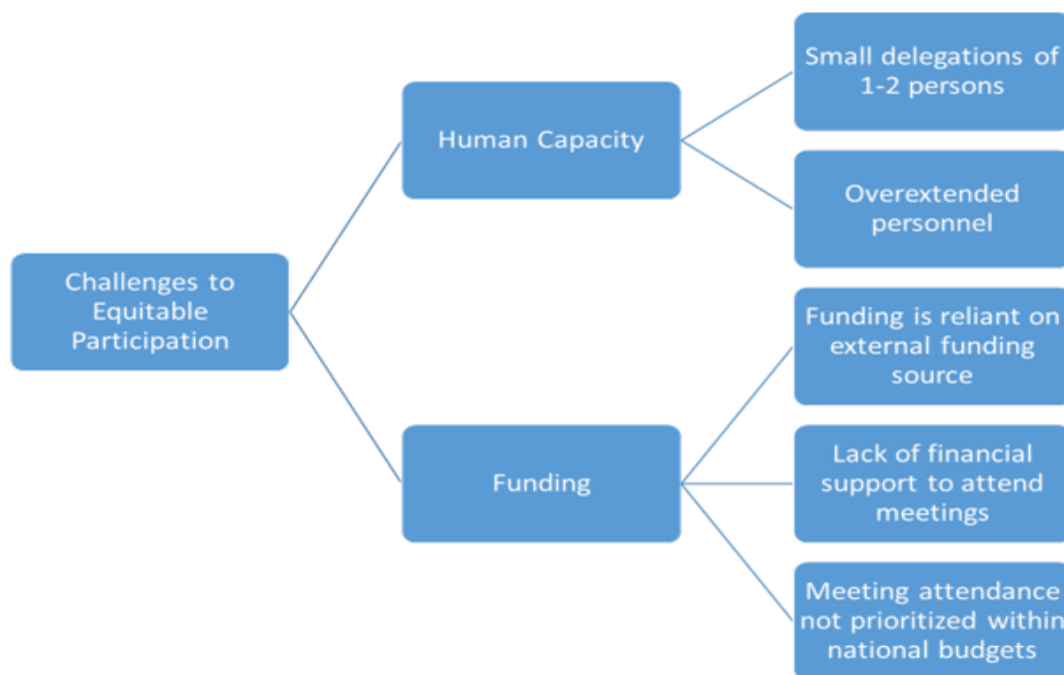
Caribbean SIDS typically lack resources needed to support large delegations to attend UN negotiations as costs involved with visas, transportation, accommodation, daily subsistence and other associated expenses can prove prohibitive (Hassanali, 2022; CIEL, 2022). Accessing funds to attend such meetings from public treasuries within Caribbean SIDS prove difficult as funds are either unavailable, not prioritized within national budgets or allocated to more pressing national needs such as food security, crime and economic growth and development. External voluntary funding mechanisms are accessible to developing states, to facilitate participation in environmental negotiation processes (Hassanali, 2022; CIEL, 2022). The opportunity for Caribbean SIDS to fundraise for plastic pollution related projects, including policy development and negotiation processes, can be limited due to their status as ‘wealthy’, based on their GDP being very high by reason of tourism revenue (Study Participant). However, this fails to take into account the high cost of living within the Caribbean region, leaving SIDS at a disadvantage from accessing funds from global organizations that refer to the Development Assistance Committee (DACs) list generated by the Organisation for Economic Co-operation and Development (OECD) (Study Participant). The UNEP Secretariat offers funding support for at least two delegates from SIDS and LDCs to attend negotiations, a means utilized by Caribbean delegations attending OEWG-1 and INC-1. In this case, the funding source of the Secretariat is unclear, however, in some instances for different MEAs, funding mechanisms are often external and mainly garnered through the goodwill of UN Member States; international financial institutions, donor agencies, intergovernmental organizations, NGOs and other relevant individuals (Hassanali 2022). The provision of funding by UNEP for SIDS acknowledges the financial inequities that limit their participation and should continue to provide means of support for meeting attendance. However, additional funding is still required to support capacity building, stakeholder engagement and data gathering necessary for meeting preparation.

### **Capacity Building needed to support Delegations from Caribbean SIDS**

Delegation sizes and diversity of skill sets have increased over the years for developed countries, such as G20 members, compared to developing countries participating in international environmental negotiations (Schroeder et al., 2012). This study illuminates low

attendance and participation in the OEWG-1 and INC-1 by Caribbean SIDS and echoes the limitations in human capacity that hinder Caribbean SIDS ability to equitably prepare and participate in the global plastic treaty negotiations. Delegates from Caribbean SIDS are generally overwhelmed with administrative responsibilities that run parallel to their participation in negotiations as expressed by study participants. To overcome the issues of limited capacity and overextended personnel working within siloed governance structures within Caribbean SIDS, communication and cross training across various government ministries along with staff recruitment is needed to better equip delegates. Participation in the negotiation process is incumbent on understanding UN systems and its components for environmental decision making. The United Nations Institute for Training and Research (UNITAR) offers core diplomatic training (CDT) to diplomats to enhance effective performance within a multilateral environment (UNITAR, 2023). Cross collaboration between UNITAR, UNEP and governments within Caribbean SIDS may be undertaken to host regional CDT workshops to train delegates across various government ministries in the basics of the treaty development process. Certainly, this should extend to LDCs who may experience similarities in inequities of participating in the negotiation process. Capacity building in the field of law is also needed to build legal literacy among delegations from Caribbean SIDS.

As evidenced in the data, developed countries have access to vast legal resources which equips them with a more thorough understanding of the legal implications shaping the treaty and the obligations that may result from its formulation. Addressing the full life cycle of plastics and plastic pollution in the marine environment from an international environmental law perspective is extremely complex as it requires legal understanding of definitions and translations of proposed elements to be incorporated into the treaty. For example, terms such as circular economy, elimination and even plastic, which are proposed treaty elements will require a legal definition to understand what it means in the context of the plastic treaty and UN member state obligations (Study participant). To support developing countries in need of legal support specific to the global plastics treaty negotiations, the Plastics Treaty Legal Advisory Service (PTLAS) was created to provide free legal support to developing countries and civil society organizations to ensure that all actors, particularly those most affected by plastic pollution, can fully participate in and influence the negotiating process (PTLAS, 2023). PTLAS composes a global network of lawyers from law firms and universities, providing briefings on important and strategic issues arising during negotiations; legal interpretation and implications of proposals and draft treaty text; and guidance on treaty law, international environmental law and trade law within a 24-hour time frame (PTLAS, 2023). The service however, does not provide advice on negotiation strategy or policy matters,



**Figure 5.** Thematic framework for challenges faced in equitable participation

increasing the need for intentional capacity building in this area for Caribbean SIDS. The authors of this paper have no affiliation with the PTLAS organization and argue that such a resource may prove beneficial to Caribbean SIDS in light of both legal needs and budgetary constraints to support external legal counsel.

### **Procedural Equity Requires Stakeholder Engagement**

Actualizing the ambitious goal to end plastic pollution must ensure that negotiations provide meaningful pathways for engagement, as success depends on stakeholders' full and active participation (CIEL, 2022). This is reliant on procedural equity being achieved throughout the entirety of the negotiation process to ensure that diverse interests and values of marginalized voices and key stakeholders be represented and defended (Friedman et al., 2020). UNEA 5/14 recognized the need for stakeholder engagement by encouraging action among all stakeholders via a multi-stakeholder forum open to all stakeholders to exchange information and activities related to plastic pollution (UNEA 5/14). Both OEWG-1 and INC-1 hosted multi-stakeholder dialogues, engaging the voices of stakeholders who would be impacted by the ILBI on plastic pollution and who ordinarily would not be directly involved in negotiations (UNEP, 2022). It provided a space to discuss solutions and innovations across the plastics lifecycle among representatives from the informal waste picking sector, Indigenous People and local communities, research institutions, private sector, inter alia (UNEP, 2022;

CIEL; 2022). However, this was not without its challenges as stakeholders lodged complaints regarding the separation of stakeholder engagement from the INC-1 negotiations. There was also outcry over a powerful lobby from within the plastic industry, which created the impression of a perceived co-option of the INC stakeholder engagement forum (Author's Meeting Observations). Based on interview data, current stakeholder engagement activities occurring within 3 Caribbean SIDS up to the time of writing, have been between government ministries and local plastic producers or businesses who may be impacted by the future treaty. Though a great first step, efforts must expand to include varying actors at the grassroots level, including waste pickers, indigenous communities, NGOs, CSOs, academia and the general public who are major consumers of plastic products. Meaningful engagement and participation by stakeholder groups is crucial to gaining localized perspectives, technical knowledge and guidance on the social impacts of the intended global plastics treaty, while also empowering them to become legitimately involved in the decision making process (Zuercher et al., 2022; CIEL, 2022). Though stakeholders are not actively negotiating, as observers are not permitted to engage in negotiations, as this role is withheld for member State delegates, their voices contribute to the development of negotiating positions and can support the successful implementation of the treaty (Sterling et al., 2017). Therefore, it is imperative that Caribbean SIDS among other UN member States, iteratively engage stakeholders during the interes-

sional periods of the INCs. However, guidance on effective and meaningful stakeholder engagement may be required for some member states such as SIDS. As such, capacity building mechanisms in the form of social science training that expands on stakeholder analysis, social and community engagement strategies, active listening practices, cultural sensitivity and qualitative data analysis is required. Coordinating training in the aforementioned arena could be offered by UNEP, but it will still require that UN member states facilitate in-house training within government departments, ministries or agencies to ensure sound stakeholder engagement is achieved. This level of engagement creates a pathway for negotiations to utilize robust indigenous, traditional and community expertise needed to support the science-policy interface within the treaty making process (Polejack, 2021; CIEL, 2022)

**Localized Scientific Data Gathering Needed to Shape Caribbean SIDS Positions in Negotiations**

Caribbean SIDS and their associated groups such as AOSIS and GRULAC have petitioned for the precautionary principle to guide the ILBI to end plastic pollution. This principle suggests that the presence of threats with grave or irreversible damage that lack scientific certainty should not be used as an excuse to disregard the prevention of environmental degradation (Gollier and Treich, 2012). Though, the impacts of plastic pollution on SIDS have been partially documented and provide substantive reasons for urgent action through the development of a global plastics treaty, Caribbean SIDS require specific quantitative and qualitative data demonstrating the severe and inequitable environmental, economic and health

impacts of plastic pollution to bolster their negotiating positions throughout the INC process (Lachman et al., 2017; Ambrose et al, 2019; Diez et al., 2019; Ambrose, 2021).

Caribbean SIDS are calling for equity in the distribution of cost, benefits and risks associated with the treaty outcomes via the polluter pays principle and common but differentiated responsibilities. Both assume that the polluter should be held responsible for costs associated with environmental damages caused and that responsibilities for mitigating the issue should vary based on each country’s capacity and contributions to the problem (Heyward, 2007; Szykowska and Pawlaczyk, 2014). Transboundary marine plastic debris, originating from as far as the west coast of Africa and other locations, have been documented on beaches within Caribbean SIDS (Ambrose et al., 2019; Ambrose, 2021). However, Caribbean SIDS lack robust harmonized data documenting plastic concentrations and its transboundary sources to support which polluter, in this case country, should be responsible for paying for mitigation and remediation (Ambrose et al., 2019, Ambrose et al., 2021).

Building scientific capacity for plastic pollution data collection in all forms can shape negotiation positions by utilizing scientific data that reflects the needs of Caribbean SIDS and the region at large. This is a critical step for policy development and measuring the effectiveness of policy interventions and will be crucial in establishing effective national implementation plans to support the implementation of the treaty obligations domestically (Ambrose, 2021). Scientific research on the issue of marine plastic pollution in Caribbean SIDS is predomi-



**Figure 6.** Framework for Key Drivers Needed for Achieving Equity in Preparation, Participation and Future Implementation of a Global Plastics Treaty for Caribbean SIDS

nately executed by foreign scientists or organizations using varying data collection methods (Ambrose, 2021; Stofen-O'Brien et al., 2022). This creates non-viable, incomparable and oftentimes exclusive data sets that are not entirely helpful in strengthening the science-policy interface for Caribbean governments (Ambrose, 2021; Stofen-O'Brien et al., 2022). Scientific capacity building must include localized and/or regional data gathering in the areas of chemical composition of plastics; environmental and health impacts; marine debris and microplastics monitoring, inclusive of brand audits and the identification of transboundary waste and national and regional plastic production and disposal. The collection and possession of this kind of data is necessary to help fill the global governance gap which lacks accountability for the global mismanagement and transboundary nature of plastic production which leads to plastic pollution (Graff, 2018).

### **INCs Prioritization and Coordination needed for Caribbean SIDS**

While access to adequate funding and capacity building is intended to promote equity of Caribbean SIDS among their global counterparts, it may prove ineffective if governments within Caribbean SIDS fail to prioritize or see no value or benefits that may result from participating in the INCs (Sparks and Silva, 2019; Osterblom et al., 2020; Campbell et al., 2022). Throughout the interview process, the general perception among study participants was that, based on low attendance from Caribbean SIDS, the INC forum was not being prioritized among its governments or regional intergovernmental organizations like CARICOM. However, one participant did note that political will for this issue is present among governments within Caribbean SIDS, even though the INCs have not been made a regional priority up to the time of writing. The term 'political will' within itself, brims with ambiguity and imprecision (Post et al., 2010). The 'political will' of Caribbean SIDS related to prioritization of participation in the development of the global plastics treaty must be assessed as up to the time of writing the issue of plastic pollution was prioritized among its governments, however it was unclear if the INC process was made a priority.

During the 44th Regular Meeting of The Heads of Government of CARICOM, hosted in Nassau, The Bahamas February 15-17, 2023, urgent areas of priority discussed were healthcare, crime, food and energy security (The Tribune, 2023). However, the two main items on the agenda were climate change and the political, economic and social turmoil occurring in Haiti, at that time (The Tribune, 2023). Indeed climate change and its adaptation and mitigation responses has long been prioritized by Caribbean SIDS. However, with a view to elevating the importance of INC participation, connections between climate change and plastic pollution must not be ignored. Climate change and plastic pollution are often viewed as separate competing issues but in essence

they are fundamentally linked as plastic contributes to greenhouse gas emissions throughout its lifecycle and conversely extreme weather events associated with climate change drive plastic pollution into the natural environment (Ambrose et. al, 2019; Ambrose, 2021; Ford et al., 2022). For example, the aftermath of Hurricane Dorian, the most powerful storm on record to hit The Bahamas and the second strongest hurricane ever recorded in the Atlantic Ocean, left behind 1.5 million pounds of debris, inclusive of plastic in one township on the island of Abaco, The Bahamas (DTN, 2019; The Tribune, 2019). This does not account for transboundary plastic debris that high speed, excessive winds drive on to coastlines within Caribbean SIDS following extreme weather events or landfill failures due to waste mismanagement (Ambrose et al., 2019; Ambrose, 2021).

It must be noted that localized action in the form of plastic bag and/or single use plastic bans and policies have been implemented in a majority of Caribbean SIDS, further signifying a level of importance and priority for the issue itself (UNEP-CEP, 2019; Clayton et al., 2020). However, regarding priority of the INC forum, Caribbean SIDS were likely hindered by the short timeline of the OEWG-1 and the INC-1 coming together so quickly following Resolution 5/14. Additionally, the economic hardships facing the region due to the COVID-19 pandemic and the condensed environmental meeting calendar for quarter four of 2022 where priority for COP 27 took precedence were also factors. The amalgamation of these factors continue to point to the fact that increased funding and human capacity is needed for Caribbean SIDS to participate in MEAs. Similarly, as noted by study participants, CARICOM also faces challenges with human capacity and funding, which may have resulted in its absence from OEWG-1 and INC-1. To curb speculation on the matter regarding CARICOM's perceived lack of engagement in the INCs, intentional dialogue must be pursued with representatives of CARICOM to understand their approach to preparing member states for participation in other MEAs similar to the INCs for plastics and to identify how equity may be achieved by Caribbean SIDS. Current coordination mechanisms that support Caribbean SIDS in their preparation for INC meetings include AOSIS, International Union for Conservation of Nature (IUCN), and GRULAC, who hosted virtual coordination activities, along with UNEP, who hosted general virtual preparatory meetings for all UN member states and meeting participants. This included technical briefings whereby meeting participants were informed of the provisional agenda and flow of the meeting and were able to ask questions and gain clarity on processes and procedures of the negotiations (UNEP, 2022).

The plastic treaty negotiations also has an in-house coordination mechanism known as the Bureau. The Bureau of the INC is composed of representatives from each UN regional group and is responsible for providing guidance to the Secretariat in organizing the meetings of the INC (UNEP, 2023). Historically, SIDS lacked a seat

within the Bureau. However, to maintain an equitable stake in the negotiation process, the need for a SIDS representative on the Bureau was requested by AOSIS during the OEWG-1 plenary session (Author's observation notes; AOSIS OEWG-1 plenary statement, 2022). Many SIDS lack representation within UNEP headquarters in Nairobi and other offices in Geneva, where relevant information specific to the INCs are developed and disseminated. To ensure pertinent information regarding the INCs were received by SIDS, and in the interest of increasing transparency, the INC Bureau saw it fit to have a dedicated SIDS representative. Antigua and Barbuda was selected as the Bureau representative for SIDS. This level of representation may present opportunities for Caribbean SIDS to highlight challenges faced in their participation and preparation for the INCs and may lend room to specified intervention by UNEP to address such challenges.

### CONCLUSION

#### **Framework for Key Drivers Needed for Achieving Contextual Equity in Preparation, Participation and Future Implementation of a Global Plastics Treaty for Caribbean SIDS**

For Caribbean SIDS to effectively petition for beneficial outcomes during the negotiations, priority must be given to contextual equity and its role as the gateway to Caribbean SIDS achieving distributive equity outcomes from the treaty which address equitable distribution of the costs, risks and benefits of the global plastics treaty obligations. This study yields a framework (Fig. 6) highlighting five major factors impeding contextual equity as experienced by Caribbean SIDS in their preparation and participation for the INC-1 and details the key drivers needed to support the dimensions of distributive and procedural equity discussed in this paper, for the remainder of the INC process.

Contextual factors which constrain the achievement of equitable participation in the INC negotiation process by Caribbean SIDS include a lack of prioritization of the INC forum by governments within Caribbean SIDS and intergovernmental organizations representing them. Inadequate funding to support the necessary needs and activities associated with preparation and participation in the INCs is also a notable challenge. Additionally, limited capacity in the form of adequate staff and training for delegates, among others, and limited stakeholder engagement activities were also identified as barriers. Lastly, the absence of diverse and robust localized scientific data on plastics to aid in shaping national positions was lacking. Conversely, the aforementioned contextual constraints also serve as enabling factors for achieving equity once the appropriate drivers are applied.

Prioritization of the INC forum by governments within Caribbean SIDS must be driven by clearly defined "political will", via political capital which influences decision making, goal setting, time, resources and funding

allocations needed from governments. Funding to support attaining equity must be driven by financing mechanisms and resources necessary to support preparation for and participation in negotiations for Caribbean SIDS. Currently, funding is available through UNEP but more diversified means of financing to support Caribbean SIDS and other member states in need of support must be pursued by its governments and UNEP. Increasing diplomatic, negotiation, legal and scientific training and staff recruitment are key drivers to building capacity among delegations within Caribbean SIDS. The inclusion of key stakeholder perspectives is needed to drive stakeholder engagement which contributes to the development of negotiating positions for Caribbean SIDS. Lastly, localized and regional scientific data on plastics environmental impact, plastic production within Caribbean SIDS, chemical analyses of plastics, plastic waste streams and social science data on attitudes and perceptions on the implementation of a global plastics treaty in Caribbean SIDS, *inter alia*, are needed to drive the development and shaping of the global plastics treaty.

The prioritization of contextual equity allows access to fulfilling procedural equity, which requires sufficient capacity building to pursue stakeholder engagement and social science research needed to support the involvement of all stakeholders and marginalized groups and their right to participate in the decision making process (McDermott et al., 2013; Law et al., 2017). Through the achievement of contextual and procedural equity, this provides Caribbean SIDS a fair and robust opportunity to petition their wants and needs for the equitable distribution of costs, risks and benefits associated with the outcome of the global plastics treaty, thus fulfilling distributive equity (Haas et al., 2019). Possessing contextual needs in the form of finances and human capacity, paired with experience and expertise in environmental decision making, can develop confidence in a member state's ability to participate in the process and can inform their success (Haas et al., 2019; Ruoso and Plant, 2021).

The framework (Fig. 6) developed through this research argues that the drivers necessary for achieving contextual, procedural and distributive equity are interlinked and can result in equitable preparation and participation in the INC process by Caribbean SIDS. It also speaks to challenges Caribbean SIDS may face for the implementation of a global plastics treaty as challenges outlined in their ability to equitably participate in the treaty negotiations also mirror their ability to implement a treaty of this scale (Ambrose, 2021). Though the obligations of the global plastics treaty have yet to be decided upon, this study perceives that for Caribbean SIDS, implementation and compliance of the treaty will require political will, financing mechanisms, capacity building, scientific research and an iterative stakeholder engagement process. Such drivers are necessary for ratification of the future treaty; funding to support its implementation and capacity building opportunities that support compli-

ance; stakeholder and public engagement to promote awareness of the treaty and its implications for business and the general public; and scientific data to measure the effectiveness of the treaty overtime (Ambrose, 2021). Once drivers for attaining contextual factors are applied and met, political and public acceptance of the treaty may be promoted, thus bolstering the success of the intended ILBI to end plastic pollution.

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### Data Availability Statement

The raw data supporting the conclusions of this article will be made available by the authors, without undue reservation.

### Ethics

Ethics approval to conduct this study involving human participants was approved by the World Maritime University's Ethics Committee. Participant consent was sought and obtained from each individual, who was also given the opportunity to decline or withdraw from the study at any stage. Participants will remain anonymous throughout the study.

### CRedit authorship contribution statement

Kristal K. Ambrose: Conceptualization, Data Collection, Data Analysis, Writing – original draft, final draft.

### Conflict of interest

The author declares that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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