

## **Submission of the Africa Group**

### **Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument**

On 9 December 2022, the Executive Secretary of the INC Plastic Pollution Secretariat sent a notification inviting written submissions from members of the committee and from observers. The template below is intended to provide guidance to members of the committee and observers in structuring the written submissions.

As requested by INC-1, written submissions will inform the secretariat in the preparation of a document with potential options for elements towards an international legally binding instrument, for consideration at the second session of the INC, without in any way prejudging what the committee might decide regarding the structure and provisions of the instrument. The document is to be based on a comprehensive approach that addresses the full life cycle of plastics as called for by UNEA resolution 5/14, including identifying the objective, substantive provisions including core obligations, control measures, and voluntary approaches, implementation measures, and means of implementation.

The template below is meant to assist Members and Observers to prepare their written submission as a guide. A number of documents prepared for INC-1 are of relevance, notably UNEP/PP/INC.1/5 on 'Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment'.

The template is divided into three sections:

- I. Substantive elements
- II. Implementation elements
- III. Additional input

All written submissions must be sent to [unep-incplastic.secretariat@un.org](mailto:unep-incplastic.secretariat@un.org). The statements received will be compiled and made available the INC webpage.

Please note that it is not required for all fields to be answered in the template for submission.

#### **Deadline for submissions:**

- 6 January 2023 for written submissions from observers.
- 10 February 2023 for written submissions from Members of the Committee.

## TEMPLATE FOR SUBMISSIONS

|                                                                      |                                                                                                                                                                                                      |
|----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name of country<br/>(for Members of the committee)</b>            | <b>Africa Group</b>                                                                                                                                                                                  |
| <b>Name of organization<br/>(for observers to the committee)</b>     | <b>N/A</b>                                                                                                                                                                                           |
| <b>Contact person and contact<br/>information for the submission</b> | <b>Oliver Boachie<br/>Chair of the AGN<br/><a href="mailto:oliver.boachie@mesti.gov.gh">oliver.boachie@mesti.gov.gh</a><br/><a href="mailto:oliverboachie@gmail.com">oliverboachie@gmail.com</a></b> |
| <b>Date</b>                                                          | <b>10 February 2023</b>                                                                                                                                                                              |

### I. Substantive elements

#### 1. Objective(s)

*a) What objective(s) could be set out in the instrument?*

Proposed Objective: As set out in the UNEA resolution 5/14, the objective of the treaty should be to end plastic pollution, including pollution from legacy plastics, in all environments in order to protect the environment and human health, and to create a non-toxic circular economy for plastics, based on a comprehensive approach that addresses the full life cycle of plastics, taking into account, the principles of the Rio Declaration on the Environment and Development (Rio Declaration), as well as national circumstances and capabilities.

In addition, the following elements should be included :

- Reducing overall plastic production and use.
- Specific and measurable actions to tackle plastic pollution including cooperation to control plastic pollution and virgin plastics.
- Ensuring a just and inclusive transition for informal waste workers and affected communities, especially in developing countries.
- Promoting sustainable production and consumption and circular economy approaches to address plastic pollution, including resource efficiency, product design and reuse, that retain plastics in the economy.
- Avoiding adverse consequences of the implementation of the legally binding instrument on the climate, biodiversity, and food security.

## 2. Core obligations, control measures and voluntary approaches

a) *What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?*

Focusing on addressing the plastic pollution from a life cycle approach, the following core obligations and control measures need to be included in the future objective of the instrument.

### **Upstream phase: Sourcing and Virgin Plastic Production**

- Tracking and transparency on types and volumes of plastic feedstocks, polymers, recyclates
- Tracking and transparency of the ingredients of plastics
- Controlling by phasing out the production, use and trade of problematic and toxic plastic products
- Mechanisms to reduce the production, consumption and trade of specific products, polymers or additives with corresponding annexes.

### **Midstream phase: Product Design and Use**

- Controlling production and recycling of plastics containing toxic chemicals to allow for a non-toxic circular economy.
- Tracking and traceability requirements
- Labeling and information disclosure requirements on the composition of chemicals in plastic products
- Harmonized product design standards and requirements aimed at incentivizing reuse, durability, collection and/or recycling.
- Ban or control of specific plastic products, including single-use plastics, where alternatives are available, accessible and affordable with corresponding annexes.

The plastic materials subject to the ban could be identified based on criteria, such as:

- the risks that the plastic material poses for the environment and/or human health (harmfulness);
  - the importance of the plastic application in the plastic value chain, taking account of its function, and the ability to avoid or replace its use (redundancy);
  - the ability to collect, sort and recycle the plastic material in an environmentally-sound manner (recyclability); and
  - the propensity of the plastic material to become litter or otherwise pollute the environment (pollution risk).
- Reduction targets and timelines to phase out specific plastics products, where alternatives are not available, accessible and affordable.

### **Downstream phase: Waste Management and Remediation**

- Promotion of environmentally sound management (ESM) of plastic waste in line with resource efficiency.
- To prevent the production and releases of toxic emissions from plastics waste management, policies should prohibit the following dangerous practices: open burning, incineration, co-

firing in coal-fired power plants and other waste-to-energy processes, co-processing in cement kilns, and chemical recycling

- Defining ESM for plastic waste to guide future prohibitions, moratoriums and investment criteria, for example to avoid lock-ins to solutions which harm human and environmental health
- Controlling plastic waste trade including synergies with the Basel Convention and the Bamako Convention for the African region.

### **Sectoral and Source-specific Strategies**

In addition to core obligations and control measures addressing each phase of the plastics life cycle, sectoral strategies should be adopted for specific sectors (e.g. fisheries, agriculture, packaging, absorbent hygiene products, construction, automotive), and specific sources such as microplastics (e.g. tyres, textiles, paint), among others.

### **Voluntary approaches**

- Behavioral interventions: Adoption of pro-environment behavior in societies through non-price and non-regulatory means (e.g., Education, communication and public awareness campaigns, industry standards, voluntary certification schemes).

## **II. Implementation elements**

### **1. Implementation measures**

- a) How to ensure implementation of the instrument at the national level (e.g. role national action plans contribute to meeting the objectives and obligations of the instrument?)*
- b) How to ensure effectiveness of the instrument and have efficient national reporting?*
- c) Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).*

There are two main implementation measures that the treaty should adopt as mandatory. These are:

- National Action Plans
- National reporting
- Coupled with monitoring & effectiveness evaluation

### **National Action Plans**

The following elements should be included:

- Made mandatory on all parties to meet their obligations and set out additional commitments to achieve both national and global objectives
- Include a review and update mechanism
- Development of national action plans in consultation with relevant national stakeholders
- There should be guidelines approved by Conference of Parties for support in developing national action plans and national inventories

### **On National Reporting**

- The treaty must adopt harmonized definitions, formats and methodologies for reporting to ensure comparable statistical data and enable assessment of the progress of implementation of the instrument and the effectiveness of the instrument in achieving its objectives. Such reporting should cover each phase of the life cycle: upstream, midstream and downstream.
- Enable global and regional reporting frameworks.

### **On Monitoring and effectiveness evaluation**

Parties to undertake appropriate monitoring to plastic production, consumption, use and plastic waste management and leakage, plastic pollution in the environment and, where relevant, to alternatives and substitutes to plastic. The treaty should adopt a global monitoring framework to establish baselines for plastic production, consumption, use and plastic waste management, leakage rates, and plastic pollution in the environment (i.e. marine, terrestrial, freshwater, air). This should enable the monitoring of trends in order to enable assessment of the global progress of implementation of the instrument and the effectiveness of the instrument in achieving its objectives. Similar to reporting, this should include common definitions, formats and methodologies as well as indicators and risk thresholds.

Other implementation measures

- Develop national guidelines and/or Standard Operating Procedures (SOPs) to implement the global instrument
- Invest in research and innovation for reducing plastic production, reuse and recycling
- Technology development and transfer and sharing of knowledge across nations
- Consider the principle of common but differentiated responsibility (CBDR), as part of the negotiation models.
- Establish a mechanism that sets differentiated timelines for developing country implementation of control measures, subject to the financial support and the technology transfer provided by developed countries.

## 2. Means of Implementation

With respect to means of implementation, document UNEP/PP/INC.1/5 covers the following elements: capacity-building, technical assistance, technology transfer on mutually agreed terms and financial assistance.

a) *What measures will be required to support the implementation of the instrument?*

### **On Financial mechanism**

- Establish a financial mechanism (similar to the MLF model of the Montreal Protocol) that provides for predictable, accessible, adequate and timely financial resources and technical assistance, including technology transfer, to developing country Parties on a grant and concessional basis, with identified sources and access modalities, providing a full package that allows for delivering the global and national goals, operating under the authority of the Parties
- Developed countries shall contribute to the Fund established
- Ensure access to financing on a concessional basis from multinational financial institutions
- Promote multilateral cooperation for proper management of this mechanism.

### **On Technical assistance**

- Technical assistance in terms of providing guidance on best practices can provide support for the implementation of policies and programs to eliminate plastic pollution and can help to build the capacity of local organizations.

### **On Subsidiary bodies**

The treaty should establish key subsidiary bodies to support implementation, including:

- A dedicated scientific, technical and socio-economic assessment body, operating under the authority of the Parties, similar to the model in the Montreal Protocol
- Implementation Committee to consider and report on compliance with the provisions of the treaty reporting and control measures

### **On other measures**

- The treaty should include mechanisms to ensure the resilience of those most vulnerable to the impacts of plastic pollution, including coastal communities in developing countries.

### III. Additional input

Please provide any other relevant proposals or priorities here (for example introductory elements; awareness-raising, education and exchange of information; research; stakeholder engagement; institutional arrangements and final provisions).

To effectively implement the treaty, it is important to conduct widespread public education campaigns to increase awareness and understanding of the treaty's goals and objectives. This education should also aim to encourage stakeholders across the plastic value chain to change their behaviors in order to support the treaty's objectives.

- Extensive public education to raise awareness of the instrument and also to encourage behavioral change.
- Integrate a self- financing system to support the implementation of the instrument at national, regional and international levels.