



SOUTH AFRICA'S NEGOTIATING MANDATE FOR THE 3RD SESSION OF INTERGOVERNMENTAL NEGOTIATING COMMITTEE ON PLASTIC POLLUTION

07 NOVEMBER 2023



**forestry, fisheries
& the environment**

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA



PURPOSE

To brief stakeholders about:

- South Africa's negotiating position to serve as the basis for engagement at the 3rd session of the Intergovernmental Negotiating Committee (INC3) on international legally binding instrument on plastic pollution to be held in Nairobi, Kenya from 13-19 November 2023.



OUTLINE

- Background
- Issue 1: Objectives, Principles and Scope
- Issue 2: Primary Plastic Polymers, Chemicals and Polymers of Concern
- Issue 3: Problematic and avoidable plastic products and Product specification measures (intentionally added microplastics, recycled content, reduce, refill, repair)
- Issue 4: EPR and Waste Management
- Issue 5: Means of implementation (financial mechanism & reporting)
- Conclusion

BACKGROUND

The third session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-3), is scheduled to take place from 13 to 19 November 2023 at the UN Environment Programme (UNEP) Headquarters in Nairobi, Kenya.

The session will be preceded by regional consultations on 12 November 2023. Also as decided by the Committee at its second session, a preparatory one-day meeting will take place on 11 November 2023, at the same venue.

As of 4th September 2023, the **zero-draft text** of the international legally binding instrument, prepared by the Chair of the INC, with the support of the Secretariat was used to inform consultations in preparation for INC-3.

ISSUE 1: OBJECTIVES, PRINCIPLES & SCOPE

OBJECTIVE: The instrument will have to identify a clear objective.

South African Position: The objective of this instrument is to end plastic pollution, including in the marine environment, and to protect human health and the environment.

PRINCIPLES: What principles could be set out in the future instrument to guide its implementation?

South African Position: The National Environmental Management Act provides comprehensive guidance on the relevant principles for ending plastic pollution and these are complimented by the Rio Principles. The principle of Common but Differentiated Responsibilities (CBDR), The Precautionary Principle, The Polluter Pays Principle, and Just Transition Principle would be underscored to inform the control measures.

SCOPE: What is the proposed scope for the future instrument? Which types of substances, materials, products and behaviours should be covered by the future instrument?

South African Position: A comprehensive approach that addresses the full life-cycle of plastics to eliminate plastic pollution, including leakage, to protect the environment, human health and livelihoods from the impacts of plastic pollution.

ISSUE 2: PRIMARY PLASTIC POLYMERS, CHEMICALS & POLYMERS OF CONCERN

PRIMARY PLASTIC POLYMERS: Given the full life cycle approach, it is advisable to take necessary measures to prevent and mitigate the potential for adverse impacts on human health or the environment from the production of primary plastic polymers, including their feedstocks and precursors.

South African Position: Taking necessary measures in line with Sustainable Consumption and Production to manage and reduce plastic pollution emanating from the global production and supply of primary plastic polymers.

CHEMICALS AND POLYMERS OF CONCERN: It is necessary that there is a negotiated criteria for listing of chemicals and polymers of concern that is based on an evidence-based approach.

South African Position: Each Party should take the necessary measures to not allow, or to regulate, the presence and use, in plastics and plastic products, of chemicals, groups of chemicals and polymers with the potential for adverse impacts on human health or the environment at any stage of the product life cycle.

ISSUE 3: PROBLEMATIC PRODUCTS & PRODUCT SPECIFICATIONS

PROBLEMATIC AND AVOIDABLE PLASTIC PRODUCTS, INCLUDING SHORT-LIVED AND SINGLE-USE PLASTIC PRODUCTS South African Position: Each Party should take the necessary measures to regulate and reduce and, as appropriate, not allow the production, sale, distribution, import or export of problematic and avoidable plastic products, including short-lived and single-use plastic products.

INTENTIONALLY ADDED MICROPLASTICS South African Position: Each Party identifies plastics and products containing intentionally added microplastics in accordance with the criteria, and takes the necessary measures to manage, restrict and, where appropriate, not allow, their production, use in manufacturing, sale, distribution, import or export.

PRODUCT DESIGN AND PERFORMANCE South African Position: Each Party should not allow the production, use in manufacturing, sale, distribution, import or export of plastics and products containing intentionally added microplastics, except where an exception is specified.



ISSUE 3: PROBLEMATIC PRODUCTS & PRODUCT SPECIFICATIONS (cont...)

REDUCE, REUSE, REFILL AND REPAIR OF PLASTICS AND PLASTIC PRODUCTS South African Position: Each Party should, based on guidance to be provided by the governing body at the latest by its second session, take effective measures to promote the reuse, refill, repair, repurposing and refurbishment.

USE OF RECYCLED PLASTIC CONTENTS South African Position: Each Party should take the necessary measures for plastics and plastic products produced within its territory and those available on its market to achieve minimum percentages of safe and environmentally sound post-consumer recycled plastic contents, based on the elements contained. The measures taken to implement this provision shall be reflected in the National Action Plan.

Alternative plastics and plastic products South African Position: Parties should encourage the development and use of safe, environmentally sound and sustainable alternative plastics and plastic products through regulatory and economic instruments. Just transition should be upheld.

NON-PLASTIC SUBSTITUTES South African position: Parties are encouraged to use regulatory and economic instruments to promote development and use of safe and sustainable non plastic substitutes. Just transition should be upheld.

ISSUE 4: EPR & WASTE MANAGEMENT

EXTENDED PRODUCER RESPONSIBILITY (EPR) South African Position: Polluters need to be held accountable for pollution arising from their products. South Africa has already implemented plastic product-related EPR schemes that incentivise increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management of waste. Just transition should be upheld.

WASTE MANAGEMENT South African Position: Each Party should take effective measures on safe and environmentally sound waste management at its different stages, including handling, collection, transportation, storage, recycling and final disposal of plastic waste.



ISSUE 5: MEANS OF IMPLEMENTATION

FINANCING – South African Position: A new dedicated Financial Mechanism should be established in line with the principle of Common but Differentiated Responsibilities. The governing body shall, at its first session, adopt the arrangements for the operation of the newly established dedicated fund.

Reporting on progress - South African Position: Each Party should report to the governing body, through the Secretariat, on the measures it has taken to implement the provisions of this instrument and on the effectiveness of such measures.



CONCLUSION

- Multi-stakeholder delegation (Government, research institution, formal and informal industry, NGOs) and
- Engage in the INC-3 negotiations with a view to ensuring our positions are incorporated.