



National Stakeholder Consultation

SA's Negotiating Mandate for INC-4
Inputs from civil society organisations
12 April 2024

Time is Ticking!

This year marks the final sprint towards developing a legally binding instrument to end plastic pollution, through a comprehensive approach across the full life cycle of plastics, as set out by UNEA Resolution 5/14, two years ago.

The world is watching closely as the Intergovernmental Negotiating Committee (INC) prepares for its fourth and fifth meetings which will determine whether a future free from plastic pollution is secured or not.



Reflecting on INC-3

The third meeting of the Intergovernmental Negotiating Committee on plastic pollution (INC-3) saw a clear majority of states cooperating in good faith, with constructive proposals for a treaty grounded in global, binding rules. More than 110 countries supported global bans and phase-outs of the most harmful and avoidable plastics and associated chemicals. Yet, **INC-3 resulted in an inflated and disorganised revised draft text of 68 pages, more than 100 conflicting options and more than 1000 brackets, and no mandate for formal intersessional work for the further treaty development.** The result in part reflects the delaying and obstructionist tactics of a small minority of states with deep petrochemical interests.



A group of ten diverse people, including men and women of various ethnicities, are standing outdoors on a brick-paved area in front of a light-colored building. They are dressed in casual to semi-formal attire. The group is arranged in a single row, with some individuals slightly behind others. The background shows a building with a large pillar and some greenery. The text "Our Recommendations for the rZD" is overlaid in the center of the image.

Our Recommendations for the rZD

On Process:

- At the fourth session of the Intergovernmental Negotiating Committee (INC-4) we call on the South African government and other governments to seize this opportunity to **prioritise the most important binding global rules, and firmly reject any bad-faith obstructions in the two remaining meetings of the INC.** With just over 85 hours of scheduled negotiation time left, governments need to ensure they deliver on the commitment to produce a legally binding global instrument to end plastic pollution - one that is ambitious, effective and just.
- At INC-4, member States should carefully consider the order in which they discuss themes and revised zero draft provisions during INC-4 contact groups, **ensuring that substantive matters are given priority attention.**
- Member States should consider alternative approaches to draft treaty text for discussion at INC-4, **retaining or refining Option's 1** to reflect high ambition that provides a sufficient starting point for developing necessary harmonised and binding global rules to end plastic pollution. These options should include a start-and-strengthen approach through the use of annexes to further detail the criteria, lists and timelines hinging on science-based benchmarks bound to evolve, such as volumes of plastic production consistent with safe and just levels for planetary boundaries, as well as human health impacts.



Elements for an effective **Preamble** and **article on Principles**:

- In the Principles article, include human rights, including the right to a healthy and a clean environment, as well as the rights of Indigenous Peoples, and intergenerational justice;
- Focus the Principles article on principles of international and environmental law and avoid duplication with other articles by removing references to specific policy tools (e.g., EPR for the polluter pays principle).



Elements for an effective **Objective and Scope**:

- Ensure the Objective and Scope align with the treaty negotiations mandate in UNEA Resolution 5/14 to “end plastic pollution” “based on a comprehensive approach that addresses the full life cycle of plastic (**from extraction to final disposal**)”



Elements for effective measures on **Primary polymers**:

- Substantially reduce aggregate global plastic production to protect human and environmental health, uphold human rights for current and future generations, and respect planetary boundaries.
- Opt for a binding production phasedown to sustainable levels (Option 1.1), with global target levels and phasedown schedules detailed in Annex A, open to strengthening as new data on environmental and health impacts emerge.



Elements for effective measures on **hazardous chemicals** including **polymers**:

- Prohibit the production of hazardous chemicals including polymers as groups/families and other hazardous chemicals associated with plastics (Option 4.1), as well as their use (deliberate) or presence (non-intentional) in plastic products and materials (Option 1.1.), to avoid regrettable substitution.
- Require harmonised disclosure of chemical composition and associated harms through a mandatory globally harmonised transparency system for the chemical composition of plastic materials and products



Elements for effective measures on **Products and primary microplastics**:

- Eliminate highly problematic plastic products and materials through bans and phase outs, using a risk-based criteria for identification and listing in the treaty's annexes.
- The treaty should consider controls by groups of plastic products that are either: problematic for human health or the environment, unnecessary for vital social functions and thus can be eliminated without being replaced; or that can be avoided by scaling up reuse systems and refill, or non-plastic alternatives.
- Require nurdles to be transported as a hazardous material



Elements for effective measures on **reuse**:

- Prioritise the reduction of plastics production and global requirements for product design and systems, securing a safe and non-toxic circular economy, and through expansion of reuse systems, rather than relying solely on recycling, bio-based, biodegradable, and compostable plastics, and non-plastic alternatives.
- In the revised zero draft, Option 1.1 is the most effective approach as it provides for binding global design standards for reuse and features time-bound targets for the deployment of reusable alternatives to single-use plastic products.
- Reduction targets per country should be globally binding and globally agreed. Reuse targets should be accompanied by reduction targets. EPR should be leveraged to drive reuse but should not be a replacement for targets.



Elements for effective measures on **EPR**:

- Opt for Option 1 to have mandatory EPR that is globally harmonised and strengthen Option 1 with a reference to waste picker inclusion and respect for the zero-waste hierarchy by prioritising reduction and reuse before recycling.



Elements for effective measures on **waste management**:

- Prohibit plastic burning and other waste management operations that emit hazardous substances, including plastic-to-fuel operations and “chemical recycling”



Elements for effective measures on **Just Transition**:

- All measures taken in regulating the full life cycle of plastics must be seen through a just transition lens for all workers affected by the planned transformative changes in the global plastics economy.
- However, Recognition & Priority must be given for the important role waste pickers and waste workers play in cooperative settings who divert more than 60% of waste from landfills.
- The treaty text must include a definition of just transition in the context of plastics that reflects the priorities of all affected communities, groups, and territories.



Conclusion



- Cutting across all these recommendations would also require the appropriate measures to ensure an effective and comprehensive treaty with global targets, strict baseline assessments, timebound targets, reporting and evaluation mechanisms.
- We also need to ensure that there are clear outcomes on intersessional work to advance specific topics before INC-5.
- We would like to acknowledge that our time until the adoption of the treaty is highly limited, and a concerted effort has to be made to maximise our time and focus on the substance of the negotiations, but also address the Rules of Procedure debate over voting at the INCs.

THANK YOU!

