

**SOUTH AFRICA'S NEGOTIATING POSITION TO
SERVE AS THE BASIS FOR ENGAGEMENT AT
THE 4th SESSION OF THE
INTERGOVERNMENTAL NEGOTIATING
COMMITTEE (INC 4) ON INTERNATIONALLY
BINDING INSTRUMENT ON PLASTIC POLLUTION**

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**forestry, fisheries
& the environment**

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BACKGROUND

In March 2022, Heads of States, Environment Ministers and representatives from 175 countries adopted Resolution 5/14 at the United Nations Environment Assembly (UNEA) in Nairobi to negotiate an internationally binding agreement to end plastic pollution.

In UNEA Resolution 5/14, governments requested the UN Environment Programme (UNEP) to: convene an Intergovernmental Negotiating Committee (INC). Its mandate was to develop an international legally binding instrument on plastic pollution, including in the marine environment.

The intergovernmental negotiating committee at its third session (INC 3) established three contact groups which resulted in the development of the revised draft text of the instrument in December 2023.



Issue 1: Objectives, Principles and Scope

OBJECTIVE: The instrument must identify a clear objective, considering the evolving international agreements on climate, biodiversity, and chemicals and for this objective to be informed by evidence.

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

PRINCIPLES: The instrument must have general principles of international environmental law that provide the general framework for environmental protection against plastic pollution.

Recommended Position: The National Environmental Management Act's principles and the Rio Principles provide comprehensive guidance on the measures including considerations for controlling and managing plastic pollution. The principle of common but differentiated responsibilities (CBDR), The Precautionary Principle, The Polluter Pays Principle, Just Transition Principle would be underscored to inform the control measures to ensure that plastic development is socially, environmentally and economically sustainable.

SCOPE: The proposed scope for the future instrument must clarify the types of plastic substances, materials, products incl. behaviours that should be covered by the instrument.

Recommended 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 and Polymers of Concern

PRIMARY PLASTIC POLYMERS

It is advisable for Parties to consider taking 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.

Recommended Position: It is recommended for Parties taking into consideration their respective capabilities and national circumstances (CBDR) to consider taking necessary measures to manage 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 evidence-based approach.

Recommended Position: It is recommended that 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 and avoidable plastic products and Product specification measures (intentionally added microplastics, recycled content, reduce, refill, repair)

PROBLEMATIC AND AVOIDABLE PLASTIC PRODUCTS, INCLUDING SHORT-LIVED AND SINGLE-USE PLASTIC PRODUCTS

Recommended Position: It is recommended that 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

Recommended Position: It is recommended that Each Party identifies plastics and products containing intentionally added microplastics in accordance with the criteria, and take the necessary measures to manage, restrict and, where appropriate, not allow, their production, use in manufacturing, sale, distribution, import or export.

EXEMPTIONS AVAILABLE TO A PARTY UPON REQUEST

Phase out dates require confirmation of financial and technical assistance for transition as alternatives may not be cost-effective and thus time-bound phase outs are not supported. If financial and technical assistance is not agreed on then options with target dates would be opposed.

Issue 3: Problematic and avoidable plastic products and Product specification measures (intentionally added microplastics, recycled content, reduce, refill, repair)

PRODUCT DESIGN AND PERFORMANCE

Recommended Position: It is recommended that 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.

REDUCE, REUSE, REFILL AND REPAIR OF PLASTICS AND PLASTIC PRODUCTS

Recommended Position: It is recommended that 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

Recommended Position: It is recommended that 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 plan communicated.

ALTERNATIVES PLASTICS AND PLASTICS AND PLASTIC PRODUCTS

Recommended Position: It is recommended that Parties should **encourage** the development and use of safe, environmentally sound and sustainable alternative plastics and plastic products through regulatory and economic instruments.

Issue 4: EPR and Waste Management

EXTENDED PRODUCER RESPONSIBILITY (EPR)

Recommended Position: It is recommended that Polluters need to account. South Africa has already implemented legislated EPR that incentivise increased recyclability, promote higher recycling rates, and enhance the accountability of producers and importers for safe and environmentally sound management of plastic waste.

WASTE MANAGEMENT - Recommended Position: It is recommended that 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 (financial mechanism & reporting)

FINANCING - Recommended Position: It is recommended that the Mechanism should consist of newly established dedicated Fund. The governing body shall, at its first session, adopt the arrangements for the operation of the newly established dedicated fund.

Reporting on progress - Recommended Position: It is recommended that 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 and the possible challenges.



CONCLUSION

- Multi-stakeholder delegation (Government, research institution, formal and informal industry, NGOs) and
- Engage in the INC-4 negotiations with a view to ensuring our positions are incorporated.

