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Africa's participation in the development of an international legally binding instrument on plastic pollution, including in the marine environment*

Note by the secretariat

I. Introduction

1. In addressing the global issue of plastic pollution, the resumed fifth session of the United Nations Environment Assembly of the United Nations Environment Programme, through resolution 5/14 established an intergovernmental negotiating committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment.
2. During the resumed eighteenth ordinary session of the African Ministerial Conference on the Environment held 12 -16 September 2022 in Dakar, Senegal, the secretariat submitted a note under AMCEN/18(II)/11 on Africa's participation in the development of an international legally binding instrument on plastic pollution, including in the marine environment.
3. Consequently, through decision AMCEN/18/2, member States were urged to prepare and actively participate in the intergovernmental negotiating committee processes, so as to advance Africa's interests in the negotiations. The ministers also made key policy messages that formed the African common position in the lead up to the first intergovernmental negotiating committee meeting.
4. Decision AMCEN/18/2 established the African Group of Negotiators on plastics pollution with a view of coordinating Africa's interests in the intergovernmental negotiating committee processes. The decision also requested the Executive Director of the United Nations Environment Programme and other partners to support the African region in the said processes.
5. Africa's decision-makers and negotiators have been collaborating and deliberating towards articulating the continent's priorities in one voice, seeking to find strategies for global plastic waste reduction and minimization with a unified and coordinated common approach to ensure Africa's priorities are taken into consideration in the formulation of the envisaged legally binding instrument.

II. Africa's engagement in deliberations of the intergovernmental negotiating committee process

A. Participation in the first session of the Intergovernmental Negotiating Committee (Uruguay, 28 November to 2 December 2022)

6. In the leadup to the first session of the intergovernmental negotiating committee, the African Group of Negotiators on plastics pollution held a series of regional consultations with the objective of

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increasing awareness, enhancing negotiation skills, and building the capacity of African negotiators and policy actors in identifying Africa's interests and priorities related to plastic pollution.

7. The key highlights of the regional consultations included the fact that there was a lack of common understanding regarding different types of plastics on the continent. This understanding is crucial for identifying materials covered by existing conventions and addressing those that require attention in the new treaty. The consultations also emphasised the need to tackle issues related to imported plastics, waste from industrialised countries, composition, and origin of plastic waste as well as the importance of considering the safety and recyclability of plastic products. The consultations further highlighted the need to identify the current status of plastics and make predictions for the future. There was also a need to address marine pollution caused by plastics, which has detrimental effects on marine ecosystems.

8. Lessons learnt reveal that although Africa is a net importer of plastics rather than a major producer, more information on imports and exports is essential to identify data gaps and prioritize negotiations. Countries with available plastic data were acknowledged for their advantage in identifying existing gaps, and other African countries were encouraged to replicate this practice.

9. Support for the consultative meetings of the African Group of Negotiators on plastics pollution was received from the United Nations Environment Programme, and other partners, including Konrad-Adenauer-Stiftung, the Federal Republic of Germany as well as collaborating organisations such as the United Nations Institute for Training and Research, International Pollutants Elimination Network, Worldwide Fund for Nature, Western Indian Ocean Marine Science Association and the University of Nairobi's Centre for Advanced Studies in Environmental Law and Policy.

10. Overall outcomes of the consultative meetings of the African Group of Negotiators on plastics pollution include developing draft guidelines on coordination mechanisms, operational modalities, a code of conduct for its work, an evolving African common position and strategy with key policy messages, and enhanced negotiation skills.

B. Participation in the second session of the intergovernmental negotiating committee (Paris, 29 May to 2 June 2023)

11. With a strong representation and participation in the first session of the intergovernmental negotiating committee, it was necessary and important to continue the momentum of the Africa group to effectively participate in the second session. Africa's strong voice and common position was needed in the discussion on potential options for elements towards an international legally binding instrument, based on a comprehensive approach that addresses the full life cycle of plastics.

12. The African Group of Negotiators on plastics pollution, therefore, held a series of meetings to prepare for second session of the intergovernmental negotiating committee that was held in Paris. During the regional consultative meeting held in Accra, Ghana, 16 to 18 May 2023, key issues were highlighted including the convergence on a circular economy approach, objectives of the future instrument, the importance of national action plans, financial mechanisms, monitoring schemes, technology transfer, education awareness, and a unified African approach, among others.

13. The regional consultations, deliberated on the options paper provided by the secretariat of the intergovernmental negotiating committee through two contact groups, focusing on core obligations and control measures, as well as means of implementation. The African Group of Negotiators on plastic pollution formulated recommendations based on these discussions, guiding the drafting of the African common position for engagement at the second session of the intergovernmental negotiating committee.

14. Additionally, the regional consultative meeting emphasized the importance of involving informal waste pickers in decision-making processes. The role of informal waste pickers, responsible for collecting 60% of Africa's waste, was highlighted, emphasizing the need for their recognition and inclusion in addressing plastic pollution and waste management initiatives.

15. Support for the consultative meetings of the African Group of Negotiators on plastics pollution in the lead up to the second session was received from Ghana's Ministry of Environment, Science, Technology and Innovation, the United Nations Environment Programme, Konrad-Adenauer-Stiftung, Worldwide Fund for Nature and other collaborators.

III. Proposed Africa's participation in the third Intergovernmental Negotiating Committee (Nairobi, 13-17 November 2023)

16. Emerging from the two previous sessions of the intergovernmental negotiating committee, the African Group of Negotiators on plastic pollution has demonstrated unity and a strong shared African voice. The African Group of Negotiators on plastics pollution is actively involved in shaping the development of a legally binding instrument on plastic pollution.

17. The outcome of the second session of the intergovernmental negotiating committee mandated the secretariat of the committee to prepare a zero-draft of the proposed legally binding instrument for consideration at its third session, to be held in Nairobi on African soil, 13 to 17 November 2023. Therefore, the Africa Group of Negotiators on plastic pollution next task is to strategically position Africa and contribute to the preparation of the instrument.

18. The African Group of Negotiators on plastics pollution will continue to strengthen its capacity, negotiation skills, understanding of the zero-draft instrument, common positions, and coordination strategies for negotiations during the third session of the intergovernmental negotiating committee.

19. A series of online regional consultations are expected to be held culminating in a physical preparatory meeting to be held in October 2023 before the third session of the intergovernmental negotiating committee. The purpose of the consultation meetings is to work towards a common African position and strategy that reflects regional priorities and contribute effectively to the development of the legally binding instrument on plastic pollution.

IV. Proposed timetable for meetings of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment

<i>Meeting</i>	<i>Nominal timeline</i>
First meeting of the intergovernmental negotiating committee	Uruguay, 28 November to 2 December 2022
Second meeting of the intergovernmental negotiating committee	Paris, 29 May to 2 June 2023
Third meeting of the intergovernmental negotiating committee	Nairobi, 13 to 17 November 2023
Sixth session of the United Nations Environment Assembly	Week of 26 February 2024 (Executive Director of the United Nations Environment Programme to report on progress)
Fourth meeting of the intergovernmental negotiating committee	Ottawa, Canada, early May 2024
Fifth meeting of the intergovernmental negotiating committee	Republic of Korea, early December 2024

V. Proposed action

20. The African Ministerial Conference on the Environment, at its nineteenth session, is requested:

(a) To continue supporting the work of the Africa Group of Negotiators on plastic pollution.

(b) To provide policy directions to the Africa Group of Negotiators on plastic pollution especially on key areas of Africa's common interest in the development of an international legally binding instrument on plastic pollution, including in the marine environment.