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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. Background

1. Plastics are versatile, with wide-ranging applications, and they play a significant role in human livelihoods. The amount of plastic in the world's oceans has been rapidly growing, however, posing a threat to the environment and to our way of life.

2. Plastics is a term commonly used to describe a wide range of materials that are made of synthetic and semi-synthetic polymers – large molecules composed of multiple units, in a range of forms, including synthetic fibres (such as nylon) and elastomers (such as rubber bands). The production of plastics today is closely linked to the oil and gas refining and petrochemical industries. Plastics can also be produced from non-fossil fuel inputs, such as cellulose and other biomaterials. Certain plastic products are more biodegradable than others.

3. The plastics industry makes over 30 types of plastic polymers, which have distinctive properties and applications and are mixed with other materials in different degrees. Depending on their composition and purity – and their combination with other materials in final products – they also have different levels of potential for recycling and reuse. When linked to trade, plastics can be clustered in six main groups:

- (a) Primary plastics (for example, resin pellets, powders, plates, sheets or strips);
- (b) Plastic-based inputs (for example, synthetic fibres, foils, pipes, or parts of other manufactured products);
- (c) Plastic-based finished goods (for example, toys, clothes or furniture);
- (d) Plastic packaging materials (for example, bottles, bags or boxes);
- (e) Plastic waste or scrapped plastics (for example, pre-used plastic goods or packaging, whether pure, mixed-recyclable or non-recyclable);
- (f) Secondary plastic waste materials (for example, recycled plastic inputs).

* In accordance with the decision taken at the meeting of the Bureau of the African Ministerial Conference on the Environment held on 26 May 2022, the eighteenth session of the Conference, which was adjourned on 16 September 2021, will resume as an in-person meeting in Dakar from 12 to 16 September 2022.

4. Plastic pollution is today considered one of the most pressing global environmental challenges, alongside climate change and biodiversity loss. This is mainly due to the widespread polluting effects of plastic production and disposal processes on air, water and soil and the associated impact on human and animal health. Poor management of plastic as a material and as waste has negative environmental effects, such as the appearance of plastic and microplastic deposits on land and in rivers and oceans worldwide. Plastic is also responsible for significant greenhouse gas emissions, including through its fossil fuel-based production and the open-air burning and energy-intensive recycling and incineration facilities used for its disposal.

5. Plastic pollution has an impact on human health and livelihoods, contributes to greenhouse gas emissions and biodiversity loss and compromises ecosystem functioning in both landscapes and seascapes. Plastic is not inherently bad; it is an anthropogenic invention that has generated significant benefits for society. According to the World Wide Fund for Nature, it is the way in which plastics are produced and the way in which products and packaging are designed, combined with how plastic items are managed after use, that makes them highly unsustainable and damaging to both human health and nature. Discarded plastic items found in nature fragment over time into smaller and smaller pieces called microplastics, which are increasingly found in the food we eat, the water we drink and the air we breathe. Animals, including livestock, can also confuse microplastics for food, which often results in their death. Marine life often becomes entangled in single-use plastic bags, ropes or discarded fishing nets. Plastic pollution thus poses a threat to Africa's blue economy, affecting ocean-based economic activities such as tourism, fishing and maritime trade.¹

6. Research related to the trade and movement of waste has found evidence that bilateral trade in waste increases if there is divergence in environmental policy stringency between the trading partners. This implies a "pollution haven effect", whereby polluting industries relocate production to countries with more lax environmental regulations.²

7. The world is demanding that collective action be taken on plastic pollution. At the resumed fifth session of the United Nations Environment Assembly of the United Nations Environment Programme, countries delivered the first step in this process by agreeing to establish an ad-hoc open-ended working group and an intergovernmental negotiating committee that will forge a global agreement on plastic pollution.

II. Global plastic waste situation³

8. Since the mid-1950s, the production and use of plastics have grown rapidly. Annual global production of primary fossil-fuel-based plastics increased from 2 million metric tons in the 1950s to more than 438 million metric tons in 2017. Up to 99 per cent of plastics are made from polymers from non-renewable hydrocarbons, mostly oil and natural gas. Less than 10 per cent of the plastic waste generated to date has been recycled; 14 per cent has been incinerated and 76 per cent has been disposed of in landfills or released into the environment.⁴

9. With increasing awareness about the impact of plastic waste on the environment, many countries are taking action, through regulations or restrictions on unnecessary, avoidable and problematic plastic products.

¹ www.wwf.org.za/our_news/news/?38422/Governments-commitment-to-support-global-plastics-treaty-lauded.

² www.oecd.org/environment/waste/policy-highlights-international-trade-and-the-transition-to-a-circular-economy.pdf.

³ This section is reproduced from GRID-Arendal and Secretariat of the Basel Convention Fact sheet no. 1: *An introduction to the global plastic waste crisis*.

⁴ Geyer, R., 2020. *Production*, Chapter 2: Production, Use and Fate of Synthetic Polymers in Plastic Waste and Recycling. Letcher, T.M. (ed.). Cambridge, MA: Academic Press. pp. 13–22.

A. Plastic production continues to grow rapidly and across regions

10. Almost 50 per cent of all plastic has been produced since 2005.⁵ Historically, Europe and North America have dominated global plastic production. In the last decade, however, Asia has emerged as a significant producer, with China accounting for 28 per cent of total plastic production and 64 per cent of synthetic fibre production in 2016. North America (specifically the North American Free Trade Agreement region) accounts for 21 per cent of global plastic consumption, closely followed by China (20 per cent) and Western Europe (18 per cent).⁶

B. Packaging is the largest market for plastic resins

11. Many plastic products (such as disposable cups, plates, cutlery, takeaway containers and carrier bags) are used for only a short period, often for less than a day, especially single-use packaging.⁷ The most commonly produced plastic consumer products (for example, bags, containers and food packaging film) include packaging made from low density polyethylene (LDPE), containers made from high density polyethylene (HDPE) (such as milk bottles, shampoo bottles and ice cream tubs) and polyethylene terephthalate (PET), which is used for bottles for water and other drinks. Together, these products account for some 36 per cent of plastic use globally.^{8,9}

12. Plastic packaging includes a broad spectrum of items used in various sectors, including the commercial, retail, household, tourism and agricultural sectors. While plastic packaging accounts for a large share of plastic waste, sectors such as fisheries, construction, agriculture, transport and electronics are also significant users of plastic packaging.

C. Increasing generation of plastic waste and its consequences

13. To date, some 6.9 billion metric tons of primary plastic waste have been generated and hundreds of millions of metric tons are added each year.¹⁰ The bad news is that systems for the environmentally sound management of plastic waste are still insufficient in many parts of the world. Many countries still struggle with the very first step of waste management – waste collection.

14. Despite efforts to reduce the generation of plastic waste, total waste released into the environment is predicted to increase, owing to a continuing rise in production of plastic products, the time needed to shift consumer demand and continued challenges in establishing adequate waste management systems.¹¹ It is estimated that mismanaged plastic waste will grow from 91 million metric tons in 2016 to 239 million metric tons by 2040 if significant measures are not implemented.¹² Modelling indicates that without major intervention, between 155 and 265 million metric tons of plastics per year could be discharged into the environment by 2060.¹³

⁵ Institute of Scrap Recycling. (2020). Plastic resin production expected to decline by about 10% through 2020 due to impacts of coronavirus. ISRI virtual plastics spotlight examines effect of COVID-19 on producers and recyclers. Recycling Products News: www.recyclingproductnews.com/article/34169/plastic-resin-production-expected-to-decline-by-about-10percent-through-2020-due-to-impacts-of-coronavirus. Accessed 15 November 2021.

⁶ United Nations Environment Programme, 2018. *Mapping of Global Plastics Value Chain and Plastics Losses to the Environment: With a Particular Focus on Marine Environment*. UNEP, Nairobi.

⁷ Resource Futures and Nextek, 2018. Eliminating avoidable plastic waste by 2042: a use-based approach to decision and policy-making. www.circularonline.co.uk/wp-content/uploads/2019/06/Eliminating-avoidable-plastic-waste-by-2042-a-use-based-approach-to-decision-and-policy-making.pdf. Accessed 15 November 2021.

⁸ United Nations Environment Programme, 2018, *Mapping of Global Plastics Value Chain and Plastics Losses to the Environment*.

⁹ Geyer, R., *Production*.

¹⁰ Ibid.

¹¹ Borrelle, St. B. and others, 2020. *Predicted growth in plastic waste exceeds efforts to mitigate plastic pollution*. <https://science.sciencemag.org/content/369/6510/1515>. Accessed 15 November 2021.

¹² Pew Charitable Trusts and SYSTEMIQ, 2020. *Breaking the Plastic Wave: a comprehensive assessment of pathways towards stopping ocean plastic pollution*. www.pewtrusts.org/-/media/assets/2020/07/breakingtheplasticwave_report.pdf. Accessed 15 November 2021.

¹³ Lebreton, L. and Andrady, A., 2019. *Future scenarios of global plastic waste generation and disposal*. *Palgrave Commun* 5, 6 (2019). doi.org/10.1057/s41599-018-0212-7. Accessed 15 November 2021.

III. Status of plastic pollution in Africa¹⁴

15. Africa generated a total of 19 million metric tons of plastic waste in 2015, of which 17 million metric tons were mismanaged. This is compared to the global total of 60 to 99 million metric tons of mismanaged plastic waste in 2015, which is projected to triple by 2060 under a business-as-usual scenario.¹⁵

16. Geographical plastic leakage hotspots, stemming from land-based sources, have been identified in many rivers close to urban centres where there is high waste generation but poor waste management. It is estimated that over a quarter of the total mismanaged plastic waste globally has been leaked into the watersheds of 14 major rivers around the world, including four African rivers: the Congo, the Niger, the Nile and the Zambezi.¹⁶ The basins of these four rivers overlap with the urban areas of some of the largest cities in Africa, where the bulk of the plastic waste is generated, giving rise to their status as plastic leakage hotspots. Furthermore, these four river basins are part of 63 major transboundary river basins across the continent and are therefore potential carriers of plastic waste to other African countries and, eventually, to the ocean.¹⁷

17. Up to 90 per cent of ocean plastic waste originates in Asia and Africa¹⁸ (with Asia accounting for 50 per cent of global plastic production^{19,20}), mainly due to mismanagement of waste. What that means is that the very small amount of plastic waste generated in Africa largely goes unrecycled. Cumulatively, the continent recycles only 4 per cent of its total waste, including plastics.²¹ Recycling is a critical strategy for addressing plastic pollution and is endorsed by the African Union, which has envisioned that African cities would be recycling at least 50 per cent of the waste they generate by 2023.²² Recycling is worth up to \$120 billion each year globally;²³ prioritizing it can unlock myriad income and enterprise opportunities, especially for a ballooning young population, and can drive economic competitiveness.

18. Domestic consumption and subsequent waste generation is not the only driver of plastic pollution in Africa; large amounts of plastic waste are also imported from other countries that do not treat such waste locally. With the 2018 ban on imports of plastic waste into China, plastic waste exports – mainly from developed countries, including the United States of America and some countries in the European Union – were diverted to other developing nations, largely in Southeast Asia, but also to certain African countries, including Ethiopia and Senegal.²⁴ This could lead to increased plastic pollution in countries with poor and limited solid-waste management and recycling infrastructure, making it vital for African countries to limit the amount of plastic waste that they import.

Plastic pollution sources and hotspots

19. A global study by the United Nations Environment Programme in 2018,²⁵ based on 2015 data, indicated that the largest land-based activities contributing to both macro- and microplastic pollution are mismanaged solid waste and tyre abrasion. Ghost fishing gear, discarded plastic equipment from aquaculture activities and littering from ships are the main sea-based sources of plastic pollution.

¹⁴ With the exception of the third paragraph, the text in this section is reproduced from: Z. Sadan and L. De Kock, *Plastic Pollution in Africa: Identifying policy gaps and opportunities*. (WWF South Africa, Cape Town, 2021).

¹⁵ Lebreton and Andrady, *Future scenarios of global plastic waste generation and disposal*.

¹⁶ Lebreton and Andrady, *Future scenarios of global plastic waste generation and disposal*.

¹⁷ United Nations Environment Programme, 2010. *Africa Water Atlas*, UNEP, Nairobi. doi.org/10.1007/s00264-013-1939-9.

¹⁸ Sulaimon Salau, “Marine plastic pollution costs \$13bn. damage yearly”, *The Guardian*, 3 April 2019.

¹⁹ guardian.ng/business-services/marine-plastic-pollution-costs-13b-damage-yearly/.

²⁰ Katharina Buchholz, “Asia Produces Half the Plastic in the World”, *Statista*, 29 June 2021.

²¹ United Nations Environment Programme, 2018. *Africa Waste Management Outlook*, UNEP, Nairobi.

²² au.int/agenda2063/outcomes.

²³ www.unep.org/interactives/beat-plastic-pollution/.

²⁴ McCormick, E. and others, 2019. Where does your plastic go? Global investigation reveals America’s dirty secret. *The Guardian*, 17 June. theguardian.com/us-news/2019/jun/17/recycled-plastic-america-global-crisis.

²⁵ United Nations Environment Programme, *Africa Waste Management Outlook*.

1. Solid waste from households

20. According to the same study, plastic waste accounted for 13 per cent of municipal solid waste in sub-Saharan Africa. In Morocco, plastic accounts for 10 per cent, or 690,000 metric tons, of household waste each year.²⁶ A recent study by the International Union for Conservation of Nature included a detailed analysis of plastic material flows in four African countries – Kenya, Mozambique, South Africa and Tanzania. That report provided updated data on the source of plastic pollution hotspots by sector, application and polymer, as well as the plastic leakage rates for those four African countries, and found that a total of 190,000 metric tons of plastic leaked into the marine environment from those four countries alone in 2018, with South Africa contributing the largest volume (107,000 metric tons) and Mozambique the least (17,000 metric tons).²⁷

2. Plastic packaging sector

21. In all of the four countries mentioned above, packaging is the sector with the highest absolute leakage (that is, the total amount of leaked plastic). It is also the sector with the highest volumes of mismanaged waste and it is believed to be the sector hotspot for the continent.²⁸ In terms of relative leakage (that is, the amount of leaked plastic divided by the amount of waste generated), the most problematic sectors are fishing and medical, followed by agriculture and automotive tyres; however, those sectors contribute little to the overall absolute leakage in comparison with the packaging sector.

3. Textiles

22. Synthetic textiles contribute to both macro- and microplastic pollution throughout their life cycle. The rise of the “fast fashion” industry has resulted in increased consumption globally of clothing made from polyester fibre. Markets are flooded with polyester textiles, meaning that clothing prices are continuously plummeting, which in turn has resulted in 64 per cent of clothing being disposed of in either formal waste treatment or informal dumps.²⁹ On a global scale, 98 per cent of microplastic pollution is from land-based activities and the rest is from activities at sea. One of the largest sources of microplastics is from the washing of synthetic textiles, which releases microfibrils that then enter wastewater streams.³⁰ In three of the four African countries listed above, the textile sector is ranked second in terms of absolute plastic leakage, which includes both macro- and microplastic leakage.

4. Plastic carrier bags

23. In most countries, plastic carrier bags have been identified as problematic, owing to their ubiquitous use and propensity to leak into the environment. By 2018, 127 countries had put into force some type of legislation to ban the manufacture, free distribution, use and import of plastic bags.³¹ African countries have taken the lead on regulating plastic bags, with 37 countries having some form of regulation on plastic bags by 2018. Despite those positive steps, the enforcement of such bans has been a challenge for various reasons, including illegal trade and the exploitation of loopholes in regulations. Rwanda has been the most successful in its bans on plastic bags and other single-use plastics as a result of its strict enforcement regime.³² In other African countries, plastic bags remain a problem.

²⁶ Heinrich Böll Foundation, 2020. *Plastic Atlas: Middle East and North African Region*. Heinrich Böll Foundation, Ramallah, Palestine. ps.boell.org/en/plastic-atlas.

²⁷ Pucino, M. and others, 2020. *Plastic pollution hotspotting and shaping action: Regional results from eastern and southern Africa, the Mediterranean, and Southeast Asia*. International Union for Conservation of Nature, Gland, Switzerland.

²⁸ Babayemi, J.O. and others, 2019. Ensuring sustainability in plastics use in Africa: Consumption, waste generation, and projections. *Environmental Sciences Europe*, 31: 60. doi.org/10.1186/s12302-019-0254-5.

²⁹ Heinrich Böll Foundation, *Plastic Atlas: Middle East and North African Region*.

³⁰ Boucher, J. and Friot, D., 2017. *Primary microplastics in the oceans: A global evaluation of sources*. International Union for Conservation of Nature, Gland, Switzerland. portals.iucn.org/library/sites/library/files/documents/2017-002-En.pdf.

³¹ United Nations Environment Programme, 2018. *Legal limits on single-use plastics and microplastics: A global review of national laws and regulations*. United Nations Environment Programme, Nairobi.

³² Development and Cooperation, 2021. *Plastics ban: finding alternatives*. dandc.eu/en/article/rwanda-taking-its-ban-single-use-plastic-bags-one-big-step-further-include-most-other-types.

5. Plastics from the fishing sector

24. An analysis of the fishing sector shows that between 12 per cent and 36 per cent of the plastic used in fishing activities, which includes fishing nets and packaging used on board, leaks into the ocean; however, the absolute leakage from fishing activities usually contributes less than 1 per cent of the total plastic leakage in each country.³³

6. Disposable plastic medical gear

25. In the past two years, the coronavirus disease pandemic has resulted in the increased use of personal protective equipment, including disposable surgical masks and gloves, by individuals beyond the medical profession. The recommended frequency of replacing surgical masks for hygiene reasons has further added to the increased generation of this waste stream.³⁴ Evidence of these items being mismanaged after use, ending up as litter in city areas and the natural environment, has been reported in the major cities of Kenya, Nigeria³⁵ and South Africa.^{36,37} These waste items put additional strain on the already limited waste collection and management infrastructure and exacerbate the impact of plastic pollution, specifically blocked waterways and drainage systems.

7. Disposable water sachets and plastic bottles

26. In many African countries, the use of bottled or sachets of drinking water is a growing business owing to the lack of access to potable water, and tap water often being of a lower quality.³⁸ Unfortunately, the bottles (generally made of PET), and lids, caps and sachets (generally made of LDPE or HDPE) are major sources of plastic leakage in countries such as like Ghana and Nigeria.³⁹ In the Ada East district of Ghana, an increase in plastic waste has been noticeable, especially around the market region, consisting largely of water bottles and sachets. The accumulation of plastic fragments from plastic water sachets has led to soil pollution in the surrounding agricultural land, leading to problems such as decreased water penetration into the soil due to blockages, contamination of groundwater and poor soil aeration.⁴⁰

8. Disposable nappies

27. Single-use nappies (both infant and adult) are a substantial contributor to plastic waste globally. A recent study by the United Nations Environment Programme⁴¹ found that such items have environmental impact across their entire life cycle and are also a leading cost for local authorities, who are most often responsible for their disposal. The global disposable nappy market has experienced unprecedented growth in the last few decades and is expected to exceed \$71 billion by 2022. This growth in consumption is most prevalent in developing countries, including African countries, due to high birth rates, improving economies and urbanization, and increased availability and marketing, among other factors. There is limited data on consumption and volumes for disposable nappies in Africa, but a recent study in South Africa, which investigated the feasibility of pyrolysis plants to treat

³³ Pucino and others, *Plastic pollution hotspotting and shaping action*.

³⁴ Olatayo, K.I., Mativenga, P.T. and A.L. Marnewick, 2021. COVID-19 PPE plastic material flows and waste management: Quantification and implications for South Africa. *Science of the Total Environment*, 790. [sciencedirect.com/science/article/abs/pii/S0048969721032617#f0030](https://doi.org/10.1016/j.scitotenv.2021.148488).

³⁵ Arimiyaw, A.W., Abass, K. and A.K. Morgan, 2021. Minimizing the long-term impact of COVID-19 on environmental pollution in Sub-Saharan Africa. *Sustainability: Science, Practice and Policy*, 17(1): 82–85. doi.org/10.1080/15487733.2020.1857571.

³⁶ Langa, L. 2021. Covid-19 masks are contributing to the burden of water pollution. *Daily Maverick*, 19 September. [dailymaverick.co.za/article/2021-09-19-covid-19-masks-are-contributing-to-theburden-of-water-pollution](https://www.dailymaverick.co.za/article/2021-09-19-covid-19-masks-are-contributing-to-theburden-of-water-pollution).

³⁷ Arimiyaw, Minimizing the long-term impact of COVID-19 on environmental pollution in Sub-Saharan Africa.

³⁸ Nyarko, A.D. and Adu, K.J., 2016. Impact of sachet water and plastic bottle waste on agricultural land in the Ada East District of Ghana. *Asian Research Journal of Agriculture*, 1(3): 1–10. journalarja.com/index.php/ARJA/article/download/715/893.

³⁹ Babayemi and others, Ensuring sustainability in plastics use in Africa: Consumption, waste generation, and projections.

⁴⁰ Nyarko, Impact of sachet water and plastic bottle waste on agricultural land in the Ada East District of Ghana.

⁴¹ United Nations Environment Programme, 2021. *Single-use nappies and their alternatives: Recommendations from Life Cycle Assessments*. UNEP, Nairobi.

used nappies, found that a typical city generates 67,000 to 160,000 metric tons per annum.⁴² Less than 30 per cent of those nappies are collected and taken to either compliant or non-compliant landfills. The remaining volumes are uncollected and improperly disposed of, with significant volumes leaking into the environment.⁴³

IV. Actions taken by Africa on plastic pollution

28. In recent years, African States have formulated a number of policy positions and calls to action pertaining to plastic pollution:

(a) The ministerial statement and key policy messages of the ninth special session of the African Ministerial Conference on the Environment, held from 15 to 17 March 2022, highlight the need to “work towards having a new global approach to address plastics pollution, in accordance with the principles of equity and common but differentiated responsibilities and respective capabilities, in light of national circumstances, and noting the right of African countries to development and gaps between developing and developed countries in terms of historical responsibility, scientific knowledge, capacity, technological advances and technical and financial support in the fight against marine waste and plastic pollution”;

(b) In the statement and key policy messages from the online first part of the eighteenth session of the African Ministerial Conference on the Environment, the African ministers of the environment agreed to the following statement: “We will work towards having a new global legally binding agreement on marine litter and plastic pollution that takes a comprehensive approach to address the full lifecycle of plastics, from production and design to waste prevention and management, while ensuring coherence and coordination of activities undertaken by existing regional and international instruments, and create a supporting structure for implementation in developing countries, as well as taking into account the gap between developing and developed countries in terms of scientific knowledge, capacity, technological advances, technical and financial support in the fight against marine waste and plastic pollution”;⁴⁴

(c) In section VIII of the appendix to the Durban Declaration on Taking Action for Environmental Sustainability and Prosperity in Africa, adopted at the seventeenth session of the African Ministerial Conference on the Environment, held in Durban, South Africa, from 11 to 15 November 2019, member States committed to supporting global action to address plastic pollution, including through a new global agreement that would, among other things, take a comprehensive approach to addressing the full life cycle of plastics, from production and design to waste prevention and management;

(d) In paragraph 3 of decision CB.3/8, the Conference of the Parties to the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa invited, on a national basis, “parties and other African States that have not already done so to phase out and prohibit the manufacture, importation, use, and sale of plastic bags and other single-use plastic items in their countries”;

(e) In paragraph 6 of decision CB.3/8, the Conference of the Parties to the Bamako Convention called for “a new legally binding global agreement to combat plastic pollution, covering the full life cycle of plastics, with a view to reducing both the quantity and the harmful qualities of plastic wastes, highlighting the elimination of the trade, production and use of single-use plastics and the substitution and re-design of such products, while emphasizing the importance of technology research and transfer, and the need for adequate financing to enable African countries to prevent plastic pollution”.

29. In addition to the above, individual countries have taken bold legislative steps to combat plastic pollution at the national level. For example, as at 30 July 2019, 34 African countries had adopted legislation in respect of plastic bag pollution.⁴⁵

⁴² Department of Environment, Forestry and Fisheries and Department of Science and Innovation of South Africa, 2020. *Waste picker integration guideline for South Africa: Building the recycling economy and improving livelihoods through integration of the informal sector*. DEFF and DSI, Pretoria, South Africa.

⁴³ International Union for Conservation of Nature -EA-QUANTIS, 2021. *National guidance for plastic pollution hotspotting and shaping action: Country report South Africa*. IUCN, Gland, Switzerland.

⁴⁴ AMCEN/18(I)/8, annex I, appendix I, paragraph 10.

⁴⁵ Chancia Plaine, “Plastic waste: an overview of repressive legislation in African countries (1/2)”, *Afrik21*, 30 July 2019.

V. Intergovernmental negotiation committee process

30. In its resolution 5/14, entitled “End plastic pollution: towards an international legally binding instrument”, the Environment Assembly noted that plastic pollution, in marine and other environments, could be of a transboundary nature and needed to be tackled, together with its impacts, through a full-life-cycle approach, taking into account national circumstances and capabilities. It stressed the urgent need to strengthen the science-policy interface at all levels, recognizing the important role played by plastics in society. It recalled Environment Assembly resolutions 1/6 on marine plastic debris and microplastics, 2/11 on marine plastic litter and microplastics, 3/7 on marine litter and microplastics, 4/6 on marine plastic litter and microplastics, 4/7 on environmentally sound management of waste and 4/9 on addressing single-use plastic products pollution, and affirmed the urgent need to strengthen global coordination, cooperation and governance to take immediate action towards the long-term elimination of plastic pollution in marine and other environments, and to avoid detriment from plastic pollution to ecosystems and the human activities dependent on them. It also recognized the wide range of approaches, sustainable alternatives and technologies available to address the full life cycle of plastics, further highlighted the need for enhanced international collaboration to facilitate access to technology, capacity-building, and scientific and technical cooperation, and stressed that there was no single approach.

31. In the same resolution, the Environment Assembly recognized that each country was best positioned to understand its own national circumstances, including its stakeholder activities, related to addressing plastic pollution, including in the marine environment, and also the significant contribution made by workers in informal and cooperative settings to the collecting, sorting and recycling of plastics in many countries.

32. In the same resolution, the Environmental Assembly further acknowledged that some legal obligations arising out of a new international legally binding instrument would require capacity-building and technical and financial assistance in order to be effectively implemented by developing countries and countries with economies in transition. It requested the Executive Director of the United Nations Environment Programme to convene an intergovernmental negotiating committee and decided that the intergovernmental negotiating committee was to develop an international legally binding instrument on plastic pollution, including in the marine environment, which could include both binding and voluntary approaches, based on a comprehensive approach that addressed the full life cycle of plastic, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities. It also requested the Executive Director to convene an ad hoc open-ended working group to hold one meeting during the first half of 2022 to prepare for the work of the intergovernmental negotiating committee and to discuss in particular the timetable and organization of the work of the committee.

33. Environment Assembly resolution 5/14 thus mandated an ad hoc open-ended working group to lay the groundwork for negotiations toward a new international treaty on plastic pollution, including in the marine environment. In Dakar, Governments took the first steps by setting out the schedule of negotiations and rules of procedure. Multi-stakeholder dialogues on the scope of the plastics pollution problem were convened to put everyone on the same footing.

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	Week of 28 November 2022
Second meeting of the intergovernmental negotiating committee	End of April 2023
Third meeting of the intergovernmental negotiating committee	End of 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	Early May 2024
Fifth meeting of the intergovernmental negotiating committee	Early December 2024

VI. Need for the Africa region to prepare for the intergovernmental negotiating committee meetings

34. Recognizing the need for a unified African voice and a common African position, Africa needs to attend the intergovernmental negotiating committee meetings with a clear negotiation strategy, a plan as to what it requires and what it is willing to part with and a sense of what the other parties want, what the limits should be, its priorities and its gaps. There may be a need for a specially trained African group of negotiators for plastics, similar to the one that exists for climate change.

35. According to Environment Assembly resolution 5/14, the international legally binding instrument on plastic pollution, including in the marine environment, could include provisions:

- (a) To specify the objectives of the instrument;
- (b) To promote sustainable production and consumption of plastics through, among other things, product design and environmentally sound waste management, including through resource efficiency and circular economy approaches;
- (c) To promote national and international cooperative measures to reduce plastic pollution in the marine environment, including existing plastic pollution;
- (d) To develop, implement and update national action plans reflecting country-driven approaches to contribute to the objectives of the instrument;
- (e) To promote national action plans to work towards the prevention, reduction and elimination of plastic pollution, and to support regional and international cooperation;
- (f) To specify national reporting, as appropriate;
- (g) To periodically assess the progress of implementation of the instrument;
- (h) To periodically assess the effectiveness of the instrument in achieving its objectives;
- (i) To provide scientific and socioeconomic assessments related to plastic pollution;
- (j) To increase knowledge through awareness-raising, education and exchange of information;
- (k) To promote cooperation and coordination with relevant regional and international conventions, instruments and organizations, while recognizing their respective mandates, avoiding duplication and promoting complementarity of action;
- (l) To encourage action by all stakeholders, including the private sector, and to promote cooperation at the local, national, regional and global levels;
- (m) To initiate a multi-stakeholder action agenda;
- (n) To specify arrangements for capacity-building and technical assistance, technology transfer on mutually agreed terms, and financial assistance, recognizing that the effective implementation of some legal obligations under the instrument will depend on the availability of capacity-building and adequate technical and financial assistance;
- (o) To promote research into and development of sustainable, affordable, innovative and cost-efficient approaches;
- (p) To address compliance.

36. Possible areas to be considered in developing a common understanding or position for Africa for the negotiations include:

- (a) The type of plastics that Africa should be concerned with. This should take into account the socioeconomic needs of Africa and the fact that plastics are transient and very mobile, whether legally or illegally, around the world;
- (b) Financial issues. There is a need to bridge the financial gap between developing and developed countries in terms of scientific knowledge, capacity, technological advances and the availability of technical and financial resources in the fight against marine waste and plastic pollution. The international legally binding instrument on plastic pollution should embody the principle agreed at the United Nations Conference on Environment and Development in 1992 that countries have a common but differentiated responsibility to protect and manage the global commons;

(c) Economics of plastic waste trade. International trade in hazardous and non-hazardous waste and scrap products has been growing at an exceptional rate in the past two decades. Differences in environmental policy, taxes, disposal fees and transport costs are important determinants across countries, but the illegal nature of many types of hazardous waste also means that organized crime may play a role in certain countries. There may be a need for better understanding of microeconomic incentives as they relate to upstream and downstream recyclers and to the social welfare implications for wages, environmental quality and human health. The plastic waste industry is a multimillion-dollar business. How can Africa participate in the plastic supply chain? How can Africa protect itself from illegal trade? What business and investment opportunities linked to the provision of waste management services can the continent tap into?

(d) Sustainable Development Goal 12 on sustainable consumption and production. Sustainable production and consumption is of particular relevance to the plastics economy. A change of paradigm away from linear production models and towards a circular economy entails both reduced production and increased reuse and recycling of plastics and plastic products. To promote international circular supply chains and prevent developing countries from becoming a dumping ground for undesirable wastes;

(e) Restrictions on the sale and consumption of certain types of plastics. The proliferation of such restrictions also affects trade in downstream industries that use or incorporate plastics and that are of importance to developing countries;

(f) Waste to wealth. Exhausted utilities can be transformed into valuable commodities through efficient waste management. Generating wealth from waste has been recognized as a major challenge for international organizations and for countries, their governments and their organizations;

(g) Tapping into youth and the informal sector. Young people and informal waste pickers can be empowered with simple reskilling and fiscal incentives to invest in enterprise activities that drive circularity in plastics, in particular to expand successful initiatives that are already in place in Africa, such as recycling plastic waste into building materials in order to tap into the growing construction sector market;

(h) Policy reforms. Legislative or policy and regulatory actions being taken to address plastic waste need to be revisited with a view to reformulating them to provide incentives rather than penalties. The expansion of success among those already engaged in action in both the informal and corporate sectors should be incentivized on the basis of objective data on gaps and opportunities;

(i) Development of plastic waste management strategies based on the principle of reduce, reuse and recycle, which results in resource efficiency and a reduction in generation of plastic waste. Strategies that emphasize responsible consumption and production of disposable single-use plastic products and sustainable plastic packaging include implementing extended producer responsibility for managing plastic waste along with relevant stakeholders, promoting the reuse of plastic packaging, ensuring recycling of plastic waste and avoiding end-of-life disposal. For that, Governments and the private sector would need to develop and promote sustainable plastic packaging designs based on the following criteria: (i) facility of reuse; (ii) amenability to recycling; (iii) use of recycled plastic content; and (iv) reduced material use.

VII. Proposed action

37. The African Ministerial Conference on the Environment, at its resumed eighteenth session, may wish to decide:

(a) To initiate a process for outlining the interests of the African region and enabling it to participate effectively in the global negotiation process;

(b) To find the best mechanism for concluding the nomination of Africa's representatives to the bureau of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.