



## REPUBLIC OF KENYA.

### KENYA'S PROPOSAL FOR CONVERGENCE.

Taking into account the urgency of delivering treaty text, Kenya proposes the following;

Compilation of an **initial list** on chemicals, products and problematic polymers\* proposed for phase out as annex based on the criteria for impact severity on human and environmental health and pollution.

Art 3.1

*Parties shall manage and reduce the global production and supply of [primary] plastic [polymers] to achieve the global target set out in part I of annex A. (Rwanda, Peru CRP).*

#### **Implementation.**

Noting the complexity and scope of plastic pollution and cognizant of National circumstances, the following is proposed;

1. The chemicals of concern shall continue to be managed as per the relevant treaty.
2. Problematic plastics will be managed through a phase down/out approach

Kenya proposes for inclusion in the treaty of a “**Phase out Commencement Date**” which in this regard is proposed to be the date of coming to force of the instrument or associated amendments. Beyond this date, problematic plastics shall be managed through the COP using the procedure below:

- A) Declaration by a party to the COP on existing plastic volumes including production and supply.
- B) Proposal to reduce production and supply for every 5 year cycle.
- C) Application for exemption from the COP

Art. 6.1

*Any State or regional economic integration organization may register for one or more exemptions from the phase-out commencement dates listed in [Annex [B] on problematic plastic products and Annex [B] on plastic products, hereafter referred to as an “exemption”, by notifying the Secretariat in writing:*

- a. On becoming a Party to this Convention; or*
- b. In the case of any problematic product that is added by an amendment to Annex [B] on plastic products, no later than the date upon which the applicable amendment enters into force for the Party.*

Further, parties are urged to undertake **Baseline inquiries** to provide basis for develop their **compliance plan** in phasing out the listed products and problematic polymers in the annex based on their national circumstances.

Art. 3.2

*Parties shall, in order to achieve the target referred to in paragraph 1, conduct a baseline study on levels of production within their national jurisdictions to inform a reduction schedule set out in the [annex for production.], develop nationally determined targets and take the necessary measures to achieve them.*

Art. 3.5

*Conference of parties shall provide guidance on the methodology for conducting a baseline study and production schedules*

Any request for exemptions must based on a **compliance plan** that demonstrates a **50% phase out** in use of listed chemicals, products and polymers in the annex over **5 years** with systemic monitoring and review by a **monitoring, evaluation and compliance review committee** established by the Conference of Parties.

Art. 3.3

*Parties shall reflect the measures taken to implement this provision in their respective national plans communicated pursuant to [part IV.1 on national plans], including their intended level of domestic supply of primary plastic polymers including, as relevant, domestic production, expressed in percentage terms in relation to the reduction schedule, baseline set out in part I of annex A, for each reporting period specified in [part IV.3 on reporting on progress].*

Subsequent **applications for exemptions** must be based on compliance plans that **further demonstrate another 50% reduction** and shall only be granted upon satisfactory review of **compliance and meeting of the previously set** phase out targets.

Art. 6.7

*Notwithstanding paragraph 1, State or regional economic integration organization may register for an exemption every five years upon commencement of the phase-out date for the relevant product listed in Annex [B], provided they demonstrate commitment to reduce the problematic product by 50% for each 5 year cycle of exemption application.*

This shall allow for urgent high ambition of plastic pollution facilitated by a gradual phase done contributing to subsequent phase out that facilitates a **just transition** for economies, societies and the private sector.

The envisaged results, culminates in a realistically timely and attainable targets that can be represented in a gently sloping normal curve until the problematic product drops off due to economies of scale considerations.

**INC 5 Kenya delegation.**

**November 2024.**