Republic of Kenya

Kenya Statement on Trade in listed chemicals. Polymers and products

Kenya supports sub-option 1. Kenya welcomes this provision prohibiting the trade of listed chemical, polymers and products. Kenya believes that it is important that trade is regulated under this treaty for the following reasons:

- Plastic feedstocks, polymers, additives, plastic pellets, plastic products, and waste are largely traded internationally and trade in plastics and their feedstocks supports the rise in production and consumption of plastics;
- Trade in plastics acts as a conveyor belt for the spread of products, packing and packaging responsible for plastic pollution, including micro- and nanoplastics around the world; and adds to the waste management burden that importing countries face;
- Trade-related measures can target international supply chains to restrict or promote particular substances and/or products, thereby playing a key role in preventing plastic pollution globally;
- Additionally, it does not make sense for States to ban or restrict certain products or materials while still allowing them for import as has been the practice of some states that import.

Kenya would like to propose the following additions to the text:

On sub-option 1 a Kenya would like to see the inclusion of ‘chemicals, groups of chemicals or polymers with the potential for adverse effects on human health and the environment in application of the precautionary principle.

Kenya furthermore proposes the duplication of operating paragraph 5c bis to part 3 as a provision (d) to include products that do not meet standards established in article 5 on product design to prevent unnecessary and disproportionate burdens being placed on the recycling systems of other countries.

Kenya does not support sub-option 2 as it believes that the contents of this provision are adequately covered under international cooperation. Kenya however would like to move the end of this paragraph that reads ‘measures taken to deal with plastic under this instrument including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade specially developing countries exports’ to sub-option 1 as a 6th operating paragraph.
 Ultimately Kenya would like to see the establishment of consistency concerning control obligations for products and materials regulated by the Instrument, including by regulating their transboundary movement, to ensure that imported or exported products are produced and handled in full compliance provisions of this instrument.

Transparency.

Kenya aligns with the statement made by Angola on behalf of African Group. Kenya wishes to state that transparency, traceability and access to information and data is critical. Parties need to know that plastics in circulation are safe and free from toxic chemicals. Mandatory disclosure is therefore necessary.

Kenya notes that gaps in transparency are obstacles towards a safer circular economy and have contributed to the current situation where recycled plastics spread toxic chemicals in an uncontrollable way, endangering consumers and workers throughout the plastic life cycle.

Kenya therefore supports the use of option one as basis for negotiation. Within the text, Kenya would like to see the following reflected

1. A mandatory requirement on producers, importers and exporters to disclose information on the chemical composition of all plastics and plastic products based on harmonized standards and guidelines.
2. Mandatory requirements on producers, importers and exporters to disclose information on the types and quantities of chemicals and polymers produced as well as used across the lifecycle of plastics, based on harmonized standards and guidelines.
3. A mandatory requirement on measures for traceability of chemicals, polymers, plastics and plastic products throughout their lifecycle.
4. To achieve this, there must be established a digital tracking, traceability systems with mandatory and harmonised marking and labelling requirement.

These systems should serve the purpose of

1. Protecting human health and the environment by preventing the use of harmful chemicals
2. Ensuring safe and environmentally sound management of products at the end of life
3. Promoting the reuse, repair, refurbishment and recycling of plastics

Kenya would like to emphasize that the right to access of information especially for developing countries must be protected by this instrument to promote informed decision making by parties.

Kenya supports the provision on national monitoring systems.

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