African Regional Statement on Elements not discussed at INC3 (CG3)
16th November, 2023

Preamble Considerations
On the preamble, the African Group (AG) holds the view that while it serves as the foundation for the instrument, the discussions, can be finalized in subsequent sessions when substantive elements have been thoroughly deliberated.

It should be succinct, reflect the interconnected crises of climate change, biodiversity loss, and plastic pollution, and the significant impacts on human and animal health and the integrity of planetary boundaries. These references align with the preliminary elements outlined in UNEA Resolution 5/14 and set the stage for a holistic approach to addressing plastic pollution.

Definitions
The instrument should adopt terms from existing Multilateral Environmental Agreements as appropriate to maintain consistency and avoid redundancy. The development of new definitions should be considered judiciously, reserved for elements currently not defined under UN system. However, the discussion should not happen in isolation of the substantive provisions of the instrument. The governing body should retain the flexibility to define additional terms as necessary for the practical implementation of the instrument.

Principles
The African Group supports the application of the Rio Principles, including 'polluter pays', the precautionary principle, and the principle of the common but differentiated responsibilities. These principles should not remain abstract but be operationalized in the articles of the agreement. Additionally, principles such as a just transition, equity, transparency, traceability and non-toxic circularity should be woven into the fabric of the agreement, ensuring that our actions are just and sustainable.

Scope of the Instrument
The scope should clearly reflect the provisions of resolution 5/14 of the United Nations Environment Assembly, to end plastic pollution across the full life cycle of all plastics and addresses its effects on human health and the environment, including the marine environment.

To ensure the longevity of the instrument the time bound provision may not be included in the scope but could be incorporated in other provisions of the instrument where applicable.
Institutional arrangements:

The architectural design of the institutional framework for the international instrument on plastic pollution should be predicated on a streamlined structure. The Governing body, the central pillar of this architecture must stand singular and robust, consolidated in its authority and purpose. A singular governing body is essential for maintaining clarity and efficiency in decision-making and governance.

In terms of the establishment of subsidiary bodies, the direction indicated in paragraph 63 (c) of the synthesis report garners our preference. It provides a coherent outline for the integration of subsidiary bodies, which should be directly accountable to the Governing body. This accountability is critical, ensuring that the subsidiary bodies are not merely ancillary but are central to the Governing body's mandate, providing informed and direct input into its decision-making processes.

These new subsidiary bodies, including scientific and socio-economic assessment bodies, should function under the clear directive of the Governing body. Their establishment should be underpinned by precise roles and responsibilities, and they should be empowered by terms of reference determined by the Governing body to ensure alignment with the overarching goals of the instrument.

The AG also support the establishment of a Multilateral Fund, an entity of paramount importance to the framework. This fund would provide financial and technical assistance, designed to bolster implementation and facilitate compliance. It is vital that financial support through this fund is predictable and stable as well as that sufficiently addresses enabling activities and incremental implementation costs.

Moreover, the potential for an implementation and compliance committee merits consideration. Such a committee would assist Parties in fulfilling their obligations, functioning under the philosophy that promoting compliance should be constructive rather than punitive. It is envisaged as a facilitative mechanism, guiding Parties towards adherence rather than coercing it.

Further work including intersessional work:

The African Group calls for prioritization of further intersessional work on the definitions, however, as noted earlier, this should be considered in relation to the contextual scope of the application of the relevant definitions and therefore the discussion can be undertaken alongside deliberations on the respective sections of the proposed instrument.

The group remains open to discussion of the elements not concluded including the approaches for integrating the scope and principles into the proposed instrument.