African Region Position on Elements addressed in the synthesis report (CG3)  
17th 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 the 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 the 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 (material and territorial) 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 sufficiently address 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.

**Secretariat**

The African group reiterates the AMCEN decision 19/2 paragraph 11 of August 2023 to support the establishment of the Secretariat in the UNEP Headquarters. Africa welcomes the outline in the synthesis report on the hosting of the Secretariat within the UNEP Headquarters.

**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 AG agrees with other many speakers on having intersessional work. The modalities for the intersessional work would be in-person as we believe that in-person discussions will inform constructive and inclusive discussions, the AG believes the following areas are of priority during the intersessional work;

- Chemicals and polymers of concern
- Fishing gear
- Extended Producers Responsibility (EPR)
- Primary Plastics
- Legacy plastics
- Financial Mechanism and means of implementation
- Transparency, Monitoring and tracking
- Reuse and refill

We are also of the view that principles, scope of the treaty and definitions can be discussed extensively during the intersessional period. Additionally, the AG believes reuse can build the capacities and knowledge for successful scale up of reuse to reduce consumption of plastics.
**Final Provisions**

The African Group would like to state that the final provisions may refer to relevant existing Multilateral Environment Agreements and adapted to the context of this international legally binding instrument.

1. On Reservations, the AG believes it is too early to discuss this issue as it would apply to this instrument. However, note that if reservations are admitted in the instrument, this could potentially weaken the integrity of the instrument being developed.

2. On settlement of disputes, the AG supports the use of the text in Article 25 of the Minamata convention.

3. On any future amendment of the instrument, the African Group proposes consideration of article 26 of Minamata Convention.

4. As we are calling for the first draft of the instrument as an outcome of INC3 with annexes for further devolvement ahead of subsequent INC sessions, the African Group proposes consideration of article 27 of Minamata Convention for text adoption and amendment of annexes of the future plastic treaty.

5. With regard to the final provisions of the treaty, such as entry into force of the treaty, the Article 31 of Minamata Convention may serve as a reference.

6. On withdrawal, the AG believes that other provisions in related Multilateral Environment Agreements, such as the Minamata Convention, may also be referred to on this particular matter.