



# Persatuan Pengguna Pulau Pinang Consumers Association of Penang

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## Media statement

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### **Demands for an ambitious Global Plastics Treaty third round of negotiations (INC-3) in Nairobi, Kenya**

Plastic is a growing crisis with devastating impacts on the environment, human health, human rights, environmental justice, the rights of Indigenous Peoples, biodiversity, and climate. As numerous studies have demonstrated, plastic has been found everywhere, not only in ecosystems and the atmosphere but also in the food we eat, the water we drink, and even inside our bodies. Thus global actions to address the plastic crisis are urgently needed.

In March 2022, the United Nations Environment Assembly decided on a mandate to create the world's first Plastics Treaty, a legally binding international law aimed at reducing plastic pollution worldwide and covering the full lifecycle of plastic. For the Global Plastics Treaty to be effective in reversing the tide of plastic pollution, mechanisms and solutions to address it need to exist within climate and planetary boundaries. This treaty is an opportunity to get it right. It can potentially be one of the most significant environmental agreements in history.

The third round of negotiations (out of five) of the Intergovernmental Negotiating Committee (INC) for the Global Plastics Treaty will take place in Nairobi, Kenya from November 13 to 19. Leading up to the INC-3, in early September 2023 the UN Environment Programme and the Chair of the INC, released the zero draft text of the treaty, or essentially the full range of viewpoints that will become the basis of negotiations at INC-3, and a subsequent first draft of the treaty text.

Highlights of the zero draft include options for progressive reduction of plastic production, elimination of polymers and chemicals of concern, elimination of problematic short-lived and avoidable plastics, the recognition of the need for transparency, just transition, and the setting up of systems and targets for reduction and reuse, among others.

The Consumers' Association of Penang, a member of the Global Alliance for Incinerator Alternatives (GAIA), a participating organization of the International Pollutants Elimination Network (IPEN), and a core member of the Break Free from Plastic Movement will together with the civil society organizations watch out for attempts to undermine the treaty with a focus only on cleaning up the plastic mess instead of mandating ambitious plastic production cuts.

The mandate for the treaty stipulates that it must cover the full life cycle of plastic, from the extraction of raw materials on, yet the zero draft text does not make a clear reference to the need for restricting the extraction of fossil fuels used to make plastic—the only way to get to the root cause of the issue.

Another problematic aspect of the zero draft text is the reference to “alternative plastics,” like biobased, biodegradable, compostable plastics, suggesting that these are “good” or “better” plastics that should be scaled up. These types of plastics also come with their own problems. The treaty should hence stipulate the reduction of all types of single-use plastics, not creating a loophole that just replaces one type of single-use material with another.

Parts of the zero draft are leaning towards recycling as a solution, which is unsuitable as this ignores the major adverse effects associated with recycling, including workers' exposures to toxic chemicals, the release of microplastics during recycling processes, and the wider spread of toxic chemicals through products made from recycled plastics. CAP's test conducted with IPEN of recycled plastic pellets in Malaysia found toxic chemicals in these pellets. These pellets should not be used for making new products as the toxicity will be carried over to the new recycled products.

We urge that the Plastics Treaty must choose reuse. One key solution for the plastic crisis that was not given attention to is reuse. Reuse was left out of the section on Extended Producer Responsibility (EPR) even though reuse is a critical strategy of EPR that should be privileged above recycling (as it is on the waste hierarchy). In addition to reducing the need for more resource extraction, reuse creates numerous economic benefits, including creating 200 times as many jobs as waste disposal. Reuse is entrenched in our traditional practices and should be revived and become a norm.

A section on Just Transition is mentioned in the zero draft. Just Transition in the plastics treaty must promote systemic change that upholds human rights and allows communities along the plastic lifecycle to live and work with dignity. A just transition must be truly inclusive, from decision-making to implementation, and allow impacted communities to define their own vision for a plastic-free world.

GAIA has been monitoring the rise of industry-influenced promotion of burning waste in cement kilns and other incinerators, plastic credits, and chemical “recycling,” within the context of the treaty, all of which threaten to undermine the treaty’s aims to eradicate plastic pollution.

Millions of tonnes of low-grade, dirty, and mixed plastic waste are dumped in the countries in the Global South including Malaysia each year. The plastics treaty must bring an end to this waste colonialism and be complementary to existing measures under the Basel Convention on the Control of Transboundary Movements of Hazardous Waste and their Disposal which seek to regulate the plastic waste trade.

Further, trade measures and coordination will be needed to guarantee that the Treaty provisions, including bans on certain types of plastic products, chemicals and additives, can be properly enforced. Monitoring of the import and export of primary forms of plastics and midstream forms of plastics will also be crucial.

The call on governments to ensure that the emerging plastics treaty instrument includes:

- > Mandatory targets to cap and dramatically reduce virgin plastic production, commensurate with the scale and gravity of the plastic pollution crisis and aligned with planetary boundaries. This includes, but is not limited to, the elimination of single-use plastics, and other non-essential, unnecessary, or problematic plastic products and applications, including intentionally-added microplastics. This system should be supported by measures to prevent countries that are not parties to the treaty from undermining these agreements.
- > Bans on toxic chemicals in all virgin and recycled plastics based on groups of chemicals, including additives (e.g., brominated flame-retardants, phthalates, bisphenols) as well as notoriously toxic polymers (e.g. PVC).
- > Legally binding, time-bound, and ambitious targets to implement and scale up reuse and refill to accelerate the transition away from single-use plastics. Correspondingly, the treaty must reject false solutions, regrettable substitutes, and polluting and ineffective techno-fixes such as “chemical recycling,” incineration, waste-to-energy, co-processing of plastic-rich RDF in cement kilns, international waste trade, plastic credits, and other schemes that perpetuate business as usual and support continued plastic production and pollution to the further detriment of the climate, human and environmental health.
- > A just transition to safer and more sustainable livelihoods for workers and communities across the plastics supply chain, including those in the informal waste sector; and addressing the needs of frontline communities affected by plastic production, incineration, and open burning. This approach necessitates respect for human rights and Indigenous Peoples’ rights, and due recognition of the traditional knowledge and expertise of Indigenous people of the lands affected, as well as local communities, waste pickers, and formal sector recyclers towards resolving the crisis.
- > Provisions that hold polluting corporations and plastic-producing countries accountable for the profound harms to human rights, human health, ecosystems and economies arising from the production, deployment and disposal of plastics.
- > Provisions should also provide science-based solutions, including Traditional Teachings and Indigenous Knowledge.
- > The treaty should also set publicly accessible, harmonized, legally binding requirements for the transparency of chemicals in plastic materials and products throughout their whole life cycle.
- > Polluters should be kept out of the treaty process. The INCs should result in a treaty that limits the influence of entities with conflicts of interest (like plastics producers) in the ongoing work of the Conference of Parties (COP) of the eventual treaty.

CAP has provided input to Malaysia’s National Negotiating Committee on the zero draft and we hope that the concerns and suggestions by civil society organizations will be seriously considered during the negotiations.

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