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SUBMISSION ON THE PROPOSED BASEL CONVENTION AMENDMENTS ON TRANSBOUNDARY MOVEMENT OF PLASTIC WASTES

BACKGROUND

BUSA is a confederation of business organisations including chambers of commerce and industry, professional associations, corporate associations and unisectoral organisations. It represents South African business on macro-economic and high-level issues that affect it at the national and international levels. BUSA's function is to ensure that business plays a constructive role in the country's economic growth, development and transformation and to create an environment in which businesses of all sizes and in all sectors can thrive, expand and be competitive.

As a principal representative of business in South Africa, BUSA represents the views of its members in several national structures and bodies, both statutory and non-statutory. BUSA also represents businesses' interests in the National Economic Development and Labour Council (NEDLAC).

INTRODUCTION

BUSA welcomes the opportunity to comment on the proposed Basel Convention Amendments on Transboundary Movement of Plastic Wastes. Business commends the Department for seeking inputs on the proposed amendments. BUSA further greatly appreciates the indulgence of an extension to submit our comments.

COMMENTS

BUSA does not oppose the proposed amendments, with the important exception of the listing of plastic waste under Annex II, and some caveats for how this is domesticated in South African law.

BUSA would prefer one mechanism to address this need to globally manage plastic waste trade and supports that this mechanism is the Basel Convention. Given the global focus on plastic waste in the environment, a multitude of proposals are under consideration for global adoption. Multiple mechanisms that focus on the same problem create unnecessary bureaucracy, additional cost and confusion. We submit that the Basel Convention is the best tool for this purpose.

In the same vein, BUSA urges the Department to consider what the possible consequences will be to the national legislative framework of adopting the Convention. While this should not be a reason not to adopt, it is common cause that policy uncertainty and misalignment are inhibitors of growth and development. Further, South Africa is overwhelmed in a plethora of policy and legislative changes and amendments which is resulting in policy fatigue. In principle, BUSA believes that new policy or legislation or any amendments must only be done if absolutely necessary, and with full understanding of the consequences, both beneficial and negative.

There are three aspects for consideration where consequences need to be particularly well understood, in our view. The first relates to the nature of the listing of plastic waste in Annex II; the second is a matter of how the transboundary movement of plastic waste will be adopted into South African law; and the third regards any consequent alteration to the local management of plastic waste internally in the country. These are dealt with in turn:

- Amendments proposed to Annexes VIII and IX are acceptable. We cannot, however, support the proposal to add all plastic waste under Annex II, as indicated in Paragraph 14 of the document. The consequences of this would be onerous on government and industry alike. This would mean that all plastic waste generation has to be reduced to a minimum, and that management would now have to be mainly restricted to within country boundaries. This sole focus on reducing plastic waste generation to a minimum without adopting a lifecycle assessment approach to ensure solutions that are environmentally sound on a holistic basis, is environmentally unsound. This is especially in relation to food security and food waste, where developing countries have a long way to go in reducing pre-consumer food losses, and where plastic packaging plays a vital role. BUSA supports measures that focus on capturing and transforming waste at its source to capture the value of plastic, rather than production limits or bans on single-use plastics.

BUSA submits that the statement in Paragraph 14 that that this is “*consistent with environmentally sound and efficient management of waste*”, is erroneous. Minimising waste generation is not necessarily the optimum sustainability outcome: holistic lifecycle management of products and their wastes, is. The Basel Convention should not be in contradiction with other sustainability imperatives, rather it should support them.



BUSA avers that the Basel Convention should be striving rather for the **elimination of plastic waste in the environment** and ensuring the plastic waste generated is properly collected and well managed, and responsibly recycled as far as reasonably possible to increase circularity.

Plastic serves an important role which should not be compromised by the Basel Convention. Further, in light of the text of Paragraph 14, the last sentence of Paragraph 17 "*and they would also fall outside the new addition proposed for Annex II*" does not make sense. BUSA requests that the Department opposes the current Annex II amendment proposal, and rather recommends to only include - consignments of plastic waste mixed and contaminated to an extent which prevents recovery in an environmentally sound manner instead of either including all plastic wastes or being ambiguous about what is in or out.

- Secondly, should it be adopted, this Basel Convention amendment would then be given local effect through the Regulations Regarding the Control of the Import and Export of Waste, which are not aligned with the Basel Convention's common language. The definitions of waste, hazardous waste, non-hazardous waste, disposal and waste treatment facility must be aligned with the Convention's definitions so as to play on an equal competitive footing with all other nations, rather than adopting South Africa's much broader definitions which introduce uncertainty, increase the risks of non-compliance and penalties, and generally increase the costs of transboundary waste movement more than the costs of our major trading nation partners. The amendments proposed would furthermore impose stringent requirements for plastics waste to be characterised as 'non-hazardous' while the definition of "hazardous waste" in our domestic legislation is not aligned with the Convention.
- Further, BUSA would not support any changes to the management of waste within the national boundaries, as a consequence of the adoption of this Basel amendment, which relates only to transboundary movement of waste. Internalising these requirements could be prohibitive as many of these plastic waste materials may be treated as alternative fuels that could be used in industrial processes, contributing to a circular economy. The current management requirements for these materials as general waste within the national boundaries is sufficiently stringent.

BUSA supports the view that the UNEA-4 should focus on policies that enable governments and the private sector to work together to address the challenge of marine litter. The proposed Partnership for Plastic Waste under the Basel Convention is also supported as well as the strengthening of the Global Partnership on Marine Litter.

Plastics are a key component of advancing several Sustainable Development Goals (SDGs), providing a host of benefits while using significantly fewer resources and having lower environmental impacts than many other materials.

In closing, BUSA again thanks the Department for giving us the opportunity to comment and remains committed to working with the Department. We would welcome further discussion on this important matter, and generally on issues related to improved plastic waste management.