

CIDCE Written Views INC on Plastic Pollution

International Center for Comparative Environmental Law (CIDCE)

The International Center for Comparative Environmental Law (CIDCE), an international NGO with special consultative status with the United Nations and observer status at the United Nations Environment Assembly, has supported, since the beginning of the process, the conclusion of a legally binding treaty aimed at preventing, combating and eliminating plastic pollution. CIDCE's previous contributions have put forward specific proposals concerning the scope and principles of the future treaty. As negotiations are about to resume, CIDCE wishes to reaffirm this ambition while contributing, in a constructive spirit, to identifying the legal compromises that could finally enable the adoption of the treaty.

CIDCE therefore urges States and their national negotiators to actively seek areas of convergence and calls strongly for the adoption of a legally binding instrument and its effective implementation. The document issued by the INC Chair on 8 August 2026 shows that several key elements are now sufficiently mature to form the backbone of an agreement: the objective of protecting human health and the environment; an approach covering the life cycle of plastics; measures relating to products and their design; prevention of releases and leakages; waste management; just transition; financing; cooperation; national plans; reporting; effectiveness evaluation; and an implementation and compliance mechanism. The challenge for the forthcoming negotiations is therefore less to reopen all previous debates than to transform these areas of convergence into legally operational provisions.

1. Maintain global ambition and a scope covering the entire life cycle.

CIDCE considers it essential that the treaty cover all sources and forms of plastic pollution, all relevant products and substances, and all activities liable to generate pollution, from production to end-of-life, including imports and exports. Such an approach should make it possible to address past, present and future pollution while preserving the effectiveness of the treaty. It should also take into account areas beyond national jurisdiction and land-sea-atmosphere continuities. The Chair's current proposal, which retains a life-cycle approach while leaving the precise scope open, may provide a basis for compromise, provided that the absence of implicit exclusions does not reduce the effectiveness of the future instrument.

2. Make environmental principles effective guiding rules.

CIDCE reaffirms the importance of prevention at source, the precautionary principle, the principle of non-regression, the One Health approach, ecological solidarity, and common but differentiated responsibilities and respective capabilities. The treaty should also enshrine an approach based on the best available scientific knowledge and on the effective participation of Indigenous Peoples and, where appropriate, local communities. The 2026 text already contains several of these elements; retaining them within the body of the treaty, with sufficiently normative wording, would help bring positions closer together without prejudging the specific modalities of implementation.

3. Give priority to reducing pollution at source.

The future treaty should not be limited to improving waste management. It should establish a clear hierarchy: avoid and reduce unnecessary or problematic plastics; promote reuse and product durability; improve product design and circularity; and subsequently ensure the environmentally sound management of waste. CIDCE's previous contributions proposed, in this respect, the "5Rs" – refuse, reduce, reuse, repurpose and recycle – together with an appropriate framework for strictly indispensable products and extended producer responsibility. The provisions currently under consideration concerning plastic products, their design and waste provide a concrete pathway for translating this hierarchy into national obligations and subsequent work by the Conference of the Parties.

4. Preserve a measurable, progressive and transparent national framework.

CIDCE has previously proposed that Parties establish progressive national commitments and that developed countries take the lead by adopting economy-wide absolute plastic pollution reduction targets.

Without requiring, at this stage, an architecture identical to that of the climate regime, the treaty should ensure that national plans reflect the highest possible level of ambition, can be strengthened over time, are made publicly available and are subject to periodic reporting allowing progress and difficulties to be assessed. In this context, the use of legal indicators could help measure the effectivity of the treaty's implementation by objectively and comparatively assessing how international obligations are translated into national legal frameworks and effectively applied. The current work provides a useful basis for convergence in this regard.

5. Ensure the means of implementation and a just transition.

Environmental ambition cannot be effectively implemented without predictable financing, capacity-building, technical assistance, technology transfer and international cooperation, taking into account the needs and circumstances of developing countries, in particular least developed countries and small island developing States. The financial mechanism must be sufficiently accessible and sustainable. The just transition must also protect affected workers and communities, including waste pickers, workers in the formal and informal sectors, and populations whose livelihoods depend on the activities concerned.

6. Build an institutional compromise without depriving the treaty of its substance.

CIDCE considers that reaching an agreement could be facilitated by making a pragmatic distinction between essential obligations that must be included in the treaty from the time of its adoption and technical modalities that may subsequently be further developed by the Conference of the Parties or subsidiary bodies. This approach is compatible with the evolving nature of an environmental treaty, provided that the fundamental obligations and the mechanisms relating to financing, transparency, monitoring and implementation are sufficiently defined from the outset. The Chair's document specifically invites Parties to identify "bridging approaches and solutions" and to streamline outstanding issues. This approach deserves full support.

CIDCE therefore calls upon delegations to give priority to areas of convergence rather than those that remain irreconcilable, without sacrificing the very purpose of the mandate entrusted by the United Nations Environment Assembly. A treaty that can be progressively strengthened, in particular through subsequent decisions of the Conference of the Parties, while remaining legally binding and endowed with a clear objective, effective obligations, financing and monitoring mechanisms, and a process of continuous improvement, would provide a foundation upon which international action can progress. Conversely, the absence of an agreement would leave the international community without a common response to a global problem whose effects are already being felt by ecosystems, human health and future generations.

CIDCE therefore urges States to make the next phase of negotiations a decisive moment of convergence and, finally, to achieve the adoption of an international legally binding instrument to end plastic pollution.

For further information, please consult the hyperlinks below.

https://drive.google.com/file/d/1-ZnMin1qqpDNckqeoW_ywbuHPVn0_N0v/view

https://resolutions.unep.org/resolutions/uploads/cidce_en_12082023.pdf