

Towards an Effective and Legally Functional Treaty to End Plastic Pollution CIEL's Written Views on the Guiding Questions of the Second informal in-person Heads of Delegation Meeting, Bangkok, 27-30 September 2026

*"We respectfully invite all Members to honour equally the values and spirit embodied in **Mshikamano** (solidarity and standing together) and **เกื้อหนุน (Kuea-koon)** (mutual support and helping one another) and allow observers to effectively participate in the informal and formal negotiations."*

Initial considerations

As it stands, the Aid to Negotiations does not provide an adequate basis to put the process back on track towards an effective and legally functional instrument to end plastic pollution that fulfills the mandate of UNEA Resolution 5/14. Nor is it balanced: it removes options that may currently lack consensus but are essential for effectiveness, despite clear indications from a large number of Committee members that they consider these elements necessary. (see [CIEL Analysis of the Aid to Negotiations](#)).

International legal obligations relating to pollution already exist. The text should not fall below an already internationally agreed-upon language. Instead, it should establish obligations in a manner aligned with relevant international and regional commitments.

The Aid to Negotiations, as well as the organization of work of the Head of Delegation meeting, intentionally excludes critical steps of the full lifecycle, organizes topics within clusters as a non-comprehensive approach, attempts to reduce the scope of the mandate through limiting questions, and provides a narrow interpretation on what is considered as plastic pollution.

CIEL welcomes the Chair's invitation to submit written views on [the guiding questions](#) and hope this practice can continue, highlighting however that it is not an adequate replacement for effective and inclusive participation of observers. CIEL's answers do not reflect the view that issues outside the guiding questions are of lower priority. Additionally, this should not be read as an acceptance of the aid as a basis for negotiations.

UNEA Resolution 5/14 mandate detailed on operative paragraphs 3 and 4 are considered an open mandate, since States should use those as a minimum but the committee can decide to include other topics too. Both the comprehensive and the full lifecycle approach are missing, in particular any upstream measures. Also, there is no clarity on how countries will comply or will cooperate for transboundary plastic pollution (except for the voluntary nature provision on legacy plastic pollution).

A start-and-strengthen approach (SaS approach) is usually used to secure broad participation within the treaty while providing flexibility to enhance commitments through future decisions. The approach has many precedents in other multilateral environmental agreements (MEAs) and can serve as an effective means of building ambition. The text current provisions and the treaty design should be tested against the structure and the tools of the SaS approach. Currently, the effectiveness of a SaS architecture depends on the inclusion of specific legal and procedural elements, according to [CIEL's Assessing the "Start-and-Strengthen" Approach Publication](#).

CIEL recognizes the Chair's efforts to bring concepts such as *Pamoja*, *Umoja*, *Samakkhi* and *Ruam Jai* into the negotiations. These concepts have deep cultural and social histories and meanings that extend beyond States, including traditions of community, solidarity and collective action. Their use should therefore be reflected in the process itself; otherwise, there is a risk that they become merely symbolic, detached from their meaning and from the participation of those whose collective action they evoke. In that context, the Bangkok HoD meeting should deliver concrete ways to guarantee meaningful observer participation and appropriate conflict-of-interest safeguards.

The more observers are kept out of the HoDs and conflict of interests rules are lacking, the more these issues are extended, the higher the risk of shrinking civic space. Systemic exclusion, inaction and indifference would sit uneasily with the very spirit of *Pamoja*, *Umoja*, *Samakkhi* and *Ruam Jai*. We respectfully invites all Members to honour equally the values and spirit embodied in **Mshikamano** (solidarity and standing together) and **แก้แค้น (Kuea-koon)** (mutual support and helping one another) and allow observers to effectively participate in the informal and formal negotiations.

Informal Consultations

As informal consultations will be held by the Chair on scope, decision making, long-term goals and subsidiary bodies, CIEL offers the following reflections that delegates should highlight:

Scope:

- There is no need for a dedicated article on scope and principles in the treaty. The scope is already agreed from the UNEA resolution which set up the mandate for the treaty negotiation. [CIEL's previous submission](#) clarifies that and gives more details on certain principles that should be operationalized into the treaty.
- If working with a standalone article on scope, retain the exact language in OP 3 of the UNEA Resolution 5/14.
- Do not support a negative list, as this risks presenting exclusions from the lifecycle that would limit international cooperation and the effectiveness of the instrument.

Decision-making:

- Because of the overreliance on COP decisions within the Aid to Negotiations, the question on what the COP can and cannot decide is more complex.
- Enabling conditions for effective and timely decisions are critical, and deserve more or equal allocated time than other provisions of the future architecture.
- Consensus should be the by default rule of decision making for both procedural and substantive matters, with voting when efforts to get consensus are exhausted.
- The possibility of voting is an enabler of consensus building since even the availability of majority voting as a last resort in the event of an impasse incentivizes Parties to find adequate compromises.
- The treaty should establish distinct procedural rules for three categories of decision-making, which are commonly addressed separately in the final provisions:
 - decisions of the Conference of the Parties;
 - adoption or amendment of annexes, including the addition of new annexes; and
 - amendments to the treaty itself.

- The COP may also have separate voting rules for other matters specified in the treaty, such as budget adoption.
- Paragraph 5 of Article 18 on the COP, as reflected in the second iteration of the Aid to Negotiations, allowing the COP to vote on decisions when consensus cannot be reached, should be unbracketed, retained, and should accurately reflect the [CRP](#). Instead of the three-fourths majority in Articles 18 (COP) and 22 (Amendments to the Convention), and its application to Article 23 (Adoption and Amendments of Annexes), a two-thirds majority should be preferred.
- For the COP to address implementation challenges and evolve over time, it needs the ability to vote. COP decision-making, for instance, should enable effective follow-up on effectiveness evaluation findings, translating effectiveness evaluation outcomes into strengthened implementation measures and, where necessary, the development of additional measures.
- Additional Materials:
 - [Final Provisions of International Legal Instruments](#)
 - [Obstructionist Tactics in Decision-Making](#)
 - [Scope and Limits of Decisions by the Conference of the Parties](#)
 - [Visual Overview of COP decisions](#)

Possible consideration of long-term goals:

- Although the remaining negotiating time should focus on defining future common and individual obligations, rather than aspirational objectives, existing agreed language demonstrates that long-term goals can extend beyond improved waste management. These precedents should inform discussions on the long-term goal(s) of the future Plastics Treaty.
- If a goal system is to be included, it should be accepted on the condition that:
 - It addresses all drivers and sources of plastic pollution.
 - It links with the effectiveness evaluation mechanism of the treaty.
- Drawing on the strongest existing formulations, and to ensure that long-term goals are effective and coherent, they should:
 - Reflect the overall objective of the Treaty and contribute directly to its achievement;
 - Be coherent with, and support, other international commitments related to environmental protection and preservation;
 - Include a defined multiyear timeframe, providing a clear temporal horizon for action and progress;
 - Be accompanied by measurable targets and indicators, enabling progress to be assessed against the goals; and
 - Be subject to periodic monitoring and assessments, with the results informing subsequent implementation and, where necessary strengthening measures.

Guiding Questions

Cluster A: • National plans • Reporting • Implementation and compliance • Information exchange • Effectiveness evaluation

A1. What purposes are National Plans expected to serve as a contribution to the achievement of the objectives of the instrument?

- National plans should serve to implement the obligations established under the Treaty, not to replace, dilute, or redefine them. This distinction should be made explicit in the article. Accordingly, the title should refer to “National Implementation Plans” rather than simply “National Plans.”
- UNEA 5/14 OP3.d mandate instructs the INC to include provisions “*To develop, implement and update national action plans reflecting country-driven approaches to contribute to the objectives of the instrument,*”
 - **Development:** Current text (13.1) mandates or requests the development of national plans.
 - As an element it's important to have a clear individual obligation that party national implementation plans must “reflect the highest possible ambition.”
 - The article should include an obligation for Parties to integrate measures to end plastic pollution into relevant sectoral plans, programmes and strategies, such as climate adaptation plans and National Biodiversity Strategies and Action Plans (NBSAPs), among others, as appropriate.
 - **Update:** Current text (13.2) suggests the update in order to enhance the level of ambition.
 - Updates should follow a timeframe cycle that can be linked with global effective evaluation of the instrument and compliance cycles.
 - The article shall include a progression clause and reflect stronger language, closer to the Paris Agreement, which requires that each successive national action plan represent a progression from the previous one, reflecting the highest possible ambition.
 - **Implementation:** Current text (13.3) suggests stakeholder engagement for (integrate, consult) to facilitate the development, implementation, review and updating of the national plans:
 - The article must reflect the effective participation of stakeholders and rightholders, as well as rightsholders, not only in implementing but also in formulating, reviewing and updating national action plans.
 - Where the implementation of a National Action Plan may affect Indigenous Peoples’ lands, territories, resources or traditional livelihoods, including, for example, through relocation or the storage or disposal of hazardous materials, or may involve access to or use of their traditional knowledge or genetic resources, Indigenous Peoples’ right to free, prior and informed consent (FPIC) shall apply, consistent with applicable international standards.
- **Cross-cutting obligations:** Current text (13.4) includes the element of collaboration and coordination on development and implementation from subregional and regional plans.

- Because of the transboundary nature of plastic pollution, it is necessary to strengthen the obligation in the text, as well as to include a dedicated Diplomatic Conference decision within the final act, a clear path of collaboration and coordination with sub and regional conventions (regional seas conventions, basin agreements, etc) beyond National Plans.
- National Plans should reflect that, among other measures, Parties must show how the measures they take nationally, at the highest possible ambition, contribute to progress towards more sustainable production and consumption patterns.
- Additional Materials:
 - [National Implementation Plans and National Action Plans](#) (CIEL, IUCN, WCEL)

A2. How could provisions on reporting, implementation and compliance, information exchange, and effectiveness evaluation support the overall implementation of the instrument, and what is the relationship between these articles?

- **Reporting, implementation and compliance, and effectiveness evaluation** are key interlinked provisions to ensure that parties are working to achieve the goal of the Treaty: to end plastic pollution. It is essential, however, that party obligations are clear and tied to the goal in ways that can be implemented, reported on, and assessed during the effectiveness evaluation; this is not currently the case.
- **Monitoring is a cross-cutting implementation tool:** All four tools for effective implementation should be accompanied by robust monitoring arrangements. Monitoring is currently missing from the text as a whole, despite repeated calls from many countries for its inclusion. Monitoring is essential to track implementation, assess progress against the Treaty's objectives and future targets, identify gaps, and inform periodic review and strengthening of measures.
- **Reporting:** Must capture production and consumption available data, with format and methodology set by the Conference of the Parties (COP).
 - Generally, MEAs' treaty text requires two types of reports from Parties:
 - Report on legal obligations, often required every year or every other year.
 - Report on implementation, impacts, and challenges, required less frequently.
 - The current text requires parties to report on legal obligations, including in relation to the article on National Plans. But, as there are few provisions that could be considered legal obligations, it is unclear what the COP could include in the *"the format and periodicity, modalities, and guidelines for national reporting."* The similar text of *"each party shall take measures, as appropriate, taking into account its national circumstances and capabilities..."* included in most operative articles severely limits the impact and track of future provisions of the treaty. One could argue that by submitting all obligations to such a limitation would defeat the very purpose of a global treaty by upholding the current status quo where each country is free to develop the measures they choose to adopt and implement.
 - The current text only explicitly requires parties to report on implementation of measures on Products (Art. 4.8), and Products design (5.4), excluding the

reporting requirement from articles on implementation on other provisions such as releases and leakage, waste prevention, just transition, legacy/existing pollution. This must be fixed.

- **Compliance:** Current text contains compliance approach, scope of consideration, compliance body, triggering mechanism.
 - The language of “mechanism” should be included (Art. 12.1), to allow for other processes and actions to support the Implementation and Compliance Committee.
 - Important to keep the early creation of an Implementation and Compliance Committee. (Art. 12.1).
 - A clear mandate and timeline for implementation and compliance mechanisms in the treaty text is essential. Currently, the Diplomatic Conference [draft resolution](#) on arrangements in the interim period includes the “[Draft modalities and procedures for the [mechanism, including a] committee established under Article [X] on Implementation and Compliance];” Currently the timeline for the approval of “modalities and procedures” is missing, risking that the treaty will be operating without compliance provisions, potentially delaying treaty implementation and efficiency.
 - Another missing element from the treaty text is determination of non-compliance and non-compliance response measures. The compliance article should draw on a broader evidentiary base than national reports alone, and adopt established MEA precedent (e.g., Montreal Protocol language) for determining non-compliance and to set forth a timeline for the COP to develop and approve the non-compliance procedures.
 - The article Art. 12.2 should also include the possibility to consider implementation and compliance issues based on submission from other parties and all information available to the secretariat.
- **Effectiveness evaluation (Art. 15):** Should be made legally binding
 - **Comparable monitoring data and regulatory follow-up:** The treaty should require the COP, from its first meeting, to establish arrangements for generating and providing comparable monitoring data necessary for the effectiveness evaluation, and establish an explicit link between evaluation findings and potential stronger regulatory measures where the evaluation identifies insufficient progress.
 - Effectiveness should be explicitly measured against production/consumption data and other measurable targets to test progress toward the treaty objective.
 - The evidence sources listed in Article 15.2 should be mandatory inputs to the effectiveness evaluation, preventing Parties from subsequently narrowing the evidentiary basis of the evaluation.
 - The element of article 15.2.b which mandates to incorporate compliance information into the periodic assessment, needs a follow-up procedure requiring the COP to act on findings as the text currently stops at “evaluate” with no mandate to strengthen the instrument afterward.
- **Information Exchange:** These four articles form a feedback loop: information exchange is the connective tissue that makes compliance and effectiveness evaluation possible in practice. Information exchange is also an aspect of traceability and transparency. (see

answer below on information exchange).

- Additional Materials:
 - [Implementation, Compliance, and Reporting](#)

A3. What will be the role of information exchange in the overall implementation of the instrument and how can it contribute to its effectiveness?

- Without reliable information disclosure, the data needed to run compliance review and effectiveness evaluation will not consistently surface.
- **The main role of an information exchange article is transparency function:** A general disclosure obligation should be reinstated, paired with a narrow, precedent-based confidentiality carve-out (modeled on the Stockholm Convention's Art. 9.5 "information on health and safety... shall not be regarded as confidential,").
- Another important role (and main difference with articles on public information,) is to tie it directly to scientific information, reduction/elimination of production and consumption; trade; releases and leakage, etc. transition pathways towards less harmful, sustainable production and consumption, health information, etc, rather than being a generic information facilitation provision as it is right now.
- Additional Materials:
 - [Bridging data gaps to support the Global Plastics Treaty](#) (Quanyin Tan & alt.)

Cluster B: Releases and leakages • Existing and legacy plastic pollution • Plastic waste management • Plastic products design • Plastic products

Production and Consumption: The text removes the provisions that would allow Parties to work towards bringing production and consumption to levels compatible with the treaty's objective. This has been framed as a political issue, when in reality it is a technical, effectiveness matter, building on the best available science.

- **Background:** Entering Geneva (INC5.2), Article 6 on supply, dealt with production and consumption. The article was discussed in a Contact Group meeting on 5 August, together with scope and during an informal meeting. Despite Conference Rooms Paper text submissions received on former Article 6, ([Congo](#), [South Africa](#), [Japan](#), [Indonesia](#), AGN), and the [Panama](#) (+89 countries) and [SIDS](#) (+14 countries) proposals from INC5.1 in Busan, the article disappeared from texts proposed on August 9 and August 15. [India](#), [Saudi Arabia on behalf of the Arab Group](#), [Iran](#), [Malaysia](#), [Kazakhstan](#), [Russia](#) support a no-provisions option. Despite divergence, [Qatar](#) supporting no article said: "*Qatar supports maintaining the two existing options under Article 6 as the legitimate basis for further discussion.*"
- Despite the disagreement and with no textual negotiation, [the co-facilitators of the Contact Group 1](#) suggested more time for discussion. However, without any textual negotiations, Chair's text of August 15th deleted a dedicated article but kept some elements along the text:
 - Preamble: Recognition on unsustainable levels;

- Product Design: Sub-objective of product design improvement measure (duty or commitment);
- Effective evaluation: COP decision, including on data on production and consumption of plastics as Information source, and available statistical data on consumption and production.
- Aid to Negotiations bracketed the mention of the preamble and deleted the source of information to be used for the effectiveness evaluation.
- **Reintroduce most supported proposals:** It is Important to keep [Panama](#) (+89 countries) and [SIDS](#) (+14 countries) texts and the no option as the legitimate basis for further discussion.
- **Use agreed language on sustainable consumption and production:** such as Basel Convention decision BC-14/13 and UNGA A/RES/74/216.
- **Attribute time during Bangkok for discussion:** As part of the cluster B or at least as a dedicated consultation by the chair.
- Additional materials:
 - [Legal Models to Control Primary Plastic Polymer Production](#)
 - [Plastic Polymers under the Full Life Cycle Approach](#)
 - [Reducing Plastic Production to Achieve Climate Goals](#)

B1. What considerations should guide decisions on determining which plastic products will require possible global measures, actions or cooperation?

- **Global, legally binding measures** are necessary to create a level playing field and avoid a fragmented market, provide clarity for economic actors and send adequate market signals, and to protect the environment and human health by phasing out and restricting problematic products and hazardous chemicals.
- In terms of legal clarity, separate provisions on chemicals and on products could help clarify obligations, criteria, and potential exceptions, rather than a blend of obligations in the same article. However, if States are opting for a joint article, the proposal submitted by Mexico and Switzerland on behalf of 85 countries during INC 5.2 would be an adequate negotiation starting point.
- Chemicals of concern are a significant driver of plastic pollution and its environmental, health, and human rights impacts, as well as a barrier to circularity and recycling. Addressing them calls for collective action, including chemical simplification and the phase out of chemicals of concern.
- **There are an estimated 10,000 or more chemicals used in plastics today** for which [hazard information](#) (that is, whether the chemicals are carcinogenic, mutagenic, etc.) is currently unavailable. This article should be coupled with provisions on transparency and disclosure of accessible information on the composition of plastic products, including chemicals of concern, throughout the product life cycle.
- **Lack of transparency and traceability of chemicals in plastics imposes disproportionate costs on developing countries.** The Stockholm Convention's POPRC has recognized the complexity of identifying POPs in products and wastes, noting that greater transparency could reduce costs by enabling countries to prevent imports containing POPs. This is directly relevant to plastics, where chemicals of concern can be embedded in polymers, products and waste. Greater transparency and traceability across the plastics life cycle can therefore reduce identification and

management costs and strengthen countries' ability to prevent problematic plastic imports, particularly in developing countries.

- **National-only approach is insufficient:** National measures under paragraph 1 alone are inadequate: divergent national approaches undermine real reduction/phase-out and reinforce market fragmentation.
- **Criteria:**
 - Retain the Article 4(1) criteria as drafted; drop the “unacceptable risk” qualifier in 1(b), there is no scientifically defensible category of “acceptable” risk to human health.
 - Key considerations for this article should also include criteria based on the precautionary principle and approaches organized by grouping or class, to prevent a slow, fragmented approach that addresses products or chemicals one by one.
- **Annex:**
 - Make the Annex mechanism legally operative: “Parties shall not allow the manufacture, import or export of plastic products listed in the Annex within the timeframes specified therein.”
 - **Process for listing new products or chemicals:** States could consider a mechanism starting with a Party proposal that will be assessed through a review by Subsidiary Body to be recommended for a COP decision (allowing for a majority vote once attempts at consensus are exhausted), this could be combined with a Rotterdam Convention-style automatic trigger when two Parties from different regions notify a national ban/restriction on the same product.
 - **This article should set clear obligations for member states without overrelying on future COPs to compensate for a weak article:** as COP decisions cannot create new obligations, they can only implement obligations already anchored in the treaty text, the direct link with the Annex is what makes future listings legally sound.

B2. What type of enabling factors should be considered to address existing and legacy plastic pollution, including the process to identify and evaluate the locations or accumulation zones and subsequent remediation efforts?

- **Need a broad definition of plastic pollution:** (see answer 3 on Cluster D)
- **Restructure Article 8:** Restructure Art. 8(1): identification/evaluation within national jurisdiction (a) and remediation (c) as “each Party shall”; identification/evaluation beyond national jurisdiction (b) as a separate “shall” cooperation obligation.
- **Add recognition:** Recognize the historical accumulation of legacy pollution and its socioeconomic and health impacts on disproportionately affected communities.
- **Clarify “most significantly affected” which is operationally vague.** Separate the duty to identify/evaluate from the duty to prioritize, with prioritization addressed through international cooperation and coordination.
- **COP mandate:** Strengthen the COP's guidance/remediation mandate from “may” to “shall” (or at minimum bracket “shall”) as written it is discretionary and too weak for a negotiating basis.

1. How can Parties cooperate in the implementation of effective waste management

policies, taking into account the different national circumstances and needs?

- **Link with other sources of plastic pollution, especially those of potential transboundary nature:** Although plastic waste generation, releases and leakage into the environment is just one source of plastic pollution and needs to be addressed jointly with other drivers and sources, such as plastic production, international waste trade, and chemicals.
- **Acknowledge the link between plastic waste and unsustainable patterns of plastic production and consumption:** Apart from the direct recognition in the preamble, and a necessary reintroduction of a standalone article on production, an alignment with existing sustainable production and consumption provision is necessary. (United Nations General Assembly Resolution [A/RES/74/216](#)). Effective waste management itself requires aligning production and consumption with what the system can actually absorb, since even strengthened systems have limits and most plastic products, packaging especially, are not effectively recyclable in practice.
- Support reflecting the primary obligation as the prevention and minimization of plastic waste generation, in line with the waste hierarchy, complemented by the need to manage waste in an environmentally sound manner.
- **Suggest reflecting language for cooperation with the Basel Convention** to close existing regulatory gaps and loopholes in the trade of plastic waste, covering materials such as textiles, rubber, mixed paper waste bales contaminated with plastics, waste-derived fuel, and illegal dumping, burning, movement, shipping and disposal of plastic waste. The programme of work under Art. 7.5 could establish an indicative list of these priority areas and provide further guidance on how to address them.
- **Cooperation in transparency on the flows of chemicals used in plastics:** Lack of information and transparency regarding the presence of chemicals in plastic waste streams is a barrier to increased recycling of those products. This article should also reflect the need to reduce risks associated with hazardous constituents in plastic waste, based on the agreed language in Basel Convention Decision BC-14/13, including enhanced disclosure, traceability, and harmonized marking and labelling requirements, consistent with future COP guidance.
- **Other safeguards from jointly or individual action.** The article would also benefit from a safeguard along the lines of Basel Convention Art. 4.11: *"Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order to better protect human health and the environment."*

Link with Article on Releases and Leakage:

- **Stand-alone provision:** A stand-alone provision on plastic waste, independent of the obligations on releases and leakages is necessary.
- **The obligation on releases and leakages should be complemented** and focused on an obligation to prevent, minimize and control all releases and leakages across the full lifecycle of plastics.
- **Reintroduce measures on microplastics:** Previous draft and iterations contained a dedicated article on microplastics. Current text does not contain any effective measures to cover one the main source and in some cases driver (primary microplastics) of plastic pollution. It is key to reintroduce measures such as "plastic pellet releases and leakages", on "product design", independent verification and monitoring, etc.
- **Support keeping the obligation general.** CIEL does not see value in stating that the article will only deal with releases and leakage that contribute to plastic pollution. This is

redundant and unnecessarily narrows the provision.

- **The Aid lacks language operationalizing this obligation** through a mandate for the COP to develop a dedicated programme of work (drivers, pathways, sources, economic sectors, applications).
- Support incorporating language to prevent, control and minimize transboundary plastic pollution.

Cluster C: • Capacity-building, technical assistance, technology transfer, including international cooperation • Financial resources and mechanism

C1. What elements must be considered to ensure that all available financial sources, including public finance, are effectively mobilized for the implementation of the instrument?

- **It is important to establish a financial mechanism with a dedicated fund.** Apart from the creation of a dedicated financial mechanism it will be crucial to:
 - **Align finance with objectives:** Reintroduce a currently missing option requiring Parties to progressively align relevant public and private financial flows with the instrument's objectives. This means to halt funding, redirecting existing investments and subsidies away from plastic production that drive plastic pollution and towards activities that support treaty implementation, especially for the including reduction, reuse systems of plastics.
 - **Enabling activities:** Reflect the bracketed “enabling activities” language from the 88-country CRP (AGN/GRULAC/Cook Islands/Fiji/FSM, August 2025) on Art. 11, a non-prescriptive indicative list would allow action to start sooner rather than deferring everything to a first-COP decision.
- Additional Materials:
 - [Tackling Subsidies for Plastic Production](#)

C2. What role should the private sector have in facilitating the mobilization of financial resources, capacity building and technical assistance, and what elements could be considered under the financial mechanism to promote such a role?

- **Operationalization of the Polluter Pays Principle**
 - **Link the polluters principle to the financial architecture:** The Polluter Pays Principle, listed in Article 2.1(b), should be operationalized through the provisions on finance and capacity-building, including the provisions addressing private-sector finance.
 - **Clarify the role of private-sector finance:** Article 10.8 on **public-private partnerships** should be explicitly linked to the Polluter Pays Principle. Private-sector contributions should be recognized as **complementary finance** that supplements, rather than substitutes for, accountability-based obligations to finance implementation.
 - **Establish a producer-based financial contribution:** Reintroduce a **global**

plastic pollution fee, to improve accountability, availability and predictability of resources payable by producers of primary plastic polymers, to ensure that those contributing to plastic pollution bear an appropriate share of the costs of preventing and addressing it.

Cluster D: • Preamble • Objective • Principles and approaches • Definitions • Just transition • Public information, awareness, education and research • Secretariat • Final provisions

- **Preamble:** Under International law, the preamble provides guidance and a general framework on interpretation of the instrument. From this perspective, framing the problem that States are trying to address should be accurate and reflect the current knowledge and gaps in terms of science and governance.
- Reframe PP4 to remove the phrase *“Acknowledging the important role played by plastics in human society.”* There is no established precedent in multilateral environmental agreements for positively characterizing the substance being regulated in this manner. Instead, PP4 should recognize plastics, including microplastics, as pollutants, consistent with the framing of the subject matter in the Minamata Convention (mercury), Stockholm Convention (POPs), and Basel Convention (hazardous wastes), and aligned with the OECD definition of plastic pollution and Article 2.6 of the Kyiv Protocol.
- Delete the sentence *“Recognizing the significant contribution made by all workers in the plastics sector (...) to the collection, sorting and recycling of plastics in many countries”* from PP6 and re-incorporate UNEA Resolution 5/14 language: *“Recognizing also the significant contribution made by workers in informal and cooperative settings to the collecting, sorting and recycling of plastics in many countries”*
- **Objective (Art. 1):** Clarify that the treaty’s objective is to **protect** and **preserve** human health and the environment from all sources and drivers of plastic pollution, this helps resolve the waste-management-only vs. full-lifecycle scope debate, at the same time that aligns with international customary law.

D1. Which principles and approaches could be useful in guiding the effective implementation of the instrument, and how could these be best reflected in the instrument?

- **Principles and approaches (Art. 2):** Retain all bracketed principles language to preserve coherence with the UNEA 5/14 mandate; strongly retain the human rights reference in 2(a), since the preamble's provision on human rights is comparatively weak; reference the Rio Declaration as a whole rather than cherry-picking specific principles, since it was negotiated and agreed as an integrated package of 27; reincorporate a standalone trade provision (non-discriminatory implementation, import/export documentation for non-Party trade, anti-illicit-trade measures, national monitoring authorities), argued to be WTO-consistent.
- **Just transition (Art. 9):** Use the International Alliance of Waste Pickers' definition of waste pickers and explicitly acknowledge their role in recycling and reuse.
- **Operationalisation of the Polluter Pays Principle:** Merely listing the principle should

not be sufficient. The Treaty should operationalise the Polluter Pays Principle by requiring the internalisation of the costs of plastic pollution and addressing explicitly who is responsible for paying, what costs should be covered, and through which mechanisms.

- **Waste Hierarchy** should be included in the principles and approaches article as a set of prioritized steps linked to resource efficiency and full lifecycle approach.
- Additional Materials:
 - [Ensuring a Human Rights-Based Approach](#)
 - [The stages of the plastics cycle and their impacts on human rights](#) - Report of the UN Special Rapporteur on Toxics and Human Rights
 - [Trade Provisions in Multilateral Environmental Agreements](#)
 - [Non-Party Trade Provisions in Multilateral Environmental Agreements](#)
 - [WTO Rules and Key Elements for Consideration in the Context of the Plastics Treaty](#)

D2. How can actions related to public information, awareness, education, and research support implementation?

- **An article on public information should prioritize further work** combating disinformation in an intentional way, promoting information integrity in advertising and policymaking, clear rules against greenwashing, safeguarding against corporate influence and conflict of interest and transparency policies.
- **Standalone health article:** A standalone health article is preferable to folding health into Art. 17, merging risks understating the scientific and legal weight of health impacts; both hazard and risk dimensions should be captured. Regardless of the presence of a standalone health article, the protection of human health should be reflected in the objective and all provisions of the treaty.
- **Drop qualifier:** Drop the “potential adverse effects” qualifier entirely (even in brackets), it implies some effects of plastic pollution are not adverse, which is not scientifically defensible.
- **COP mandate:** The COP should have an explicit mandate to develop protocols to the Treaty.
- Additional Materials:
 - [The Plastics Plot: The Corporate Disinformation Tactics Behind Plastics Pollution](#)

D3. Considering the progress achieved so far in the discussions related to issues such as the Secretariat and definitions, does the current formulation in the Aid to Negotiations reflect the level of detail required?

Definitions:

- In Multilateral Environmental Agreements (MEAs), definitions can either appear as part of a dedicated article on ‘definitions’ or ‘use of terms, or they can be embedded within a substantive or procedural provision, chapter, or annex. Some treaties do not contain explicit definitions. In certain cases, key terms can be defined through a criteria approach, or it may be possible to infer the meaning of terms from the instrument text (e.g., the preamble, objective, lists, etc.)

- Definitions for the negotiations:
 - No legally binding definition on “plastic pollution” might create confusion.
 - A potential negative list will limit the definition of plastic pollution and on plastics.
- In that context the current Aid to negotiations falls short. CIEL considers that the definition of such key terms benefit from being short, easily understandable, and should respond to the objectives set in the mandate of UNEA resolution 5/14. In that respect CIEL believes that the definition used by the OECD for its global plastic outlook (**“Broadly, all emissions and risks resulting from plastics production, use, waste management and leakage”**) should be used as the working definition of “plastic pollution” during the negotiations and serve as the basis for further defining the term in the plastic treaty should it be deemed necessary.
- Alternatively the [Science Coalition definition](#) offer a middle ground between OECD definition, Busan text and the traditional definition of pollution, that should be considered as a working definition:
 - *“Plastic pollution: the introduction by humans, directly or indirectly of plastic chemicals, materials, products, and waste intentionally or unintentionally released, emitted, or leaked throughout the life cycle of plastics which results or is likely to result in such deleterious effects as harm to living resources and other organisms, hazards to human health, hindrance to legitimate activities, impairment of environmental quality, and reduction of amenities”*
- Additional Materials:
 - CIEL’s [compilation of definitions](#)

Final Provisions:

- As technical provisions that help describe how a treaty will enter into force, be ratified, and undergo future revisions, final provisions are critical for a future treaty’s success. Key final provisions can determine the adaptability and effectiveness of the treaty over time, such as amendments to the treaty; the adoption, amendment, and adjustment of annexes; entry into force; and reservations.
- While discussions related to the Final Provisions may have advanced on some articles, on others the Aid to Negotiations presents certain key elements as agreed, when that is far from reality. For example, the three-fourths majority for voting has not been discussed and agreed at an INC.
- Furthermore, other articles are legally flawed, such as Article 19, which obligates the COP to establish subsidiary bodies at its first meeting, but provides no way for the COP to establish subsidiary bodies at subsequent meetings.
- Additional Materials:
 - [Final Provisions of International Legal Instruments](#)

For more information, contact info@ciel.org