

Written views on the Chair's guiding questions, second informal in-person meeting of Heads of Delegation, Bangkok, September 27 to 30 2026

This document responds to the guiding questions issued by the Chair on September 9 2026 ahead of the second informal in-person meeting of the Heads of Delegation in Bangkok September 27 to 30 2026.

Overview:

The Global Plastics Treaty is among the most consequential multilateral environmental negotiations of our time. Across the full life cycle of the material, plastic pollution poses an existential threat to public health, biodiversity, the climate system, the global economy and sustainable development.

The Chair circulated the Aid to Negotiations on August 8 2026. The Chair himself called this an Aid to Negotiations, not a negotiating text. It fails to live up to the UNEA Resolution 5/14 mandate, falls far short of what is required and cannot serve as the basis for the talks ahead in its current form.

This is not a new text. It is the Chair's revised text of August 15 2025 from INC5.2, the text that Member States would not accept in Geneva, carried over almost intact. Several provisions that were unbracketed in the Chair's text of August 15 2025 are bracketed again: human health and the full-life-cycle approach in the Objective (Art. 1), the chemicals-of-concern criterion for Plastic Products (Art. 4(1)(e)), the recital on unsustainable production and consumption, and the decision-making provision (Art. 18). The production recital was carried over verbatim, so its re-bracketing does not reflect new drafting or convergence, but a lowering of the baseline. The Aid also contains no provision on production, no provision on environmental monitoring and no populated annex.

While the Chair's back-to-basics approach was welcome in the context of re-centering the INC around its original intended purpose (to develop a global, legally binding treaty across the full lifecycle of plastics) and revisiting topics that have been lost (e.g. microplastics, sectoral approaches), the Aid risks losing significant progress made on a number of topics throughout negotiations to date. Proposals supported by a large number of Member States should not be set aside.

The priority in Bangkok should therefore be to:

- Ensure that the structure of discussions in Bangkok, and the second iteration of the Aid to Negotiations do not prejudge the outcome through omission without justification. Excluding topics from discussions does not mean unanimous consensus to remove elements or provisions
- Maintain the focus on a comprehensive full lifecycle approach. Tackling plastic pollution requires coherent intervention across all steps of the plastic supply chain, from production to end of life
- Ensure everything remains on the table, allowing for conceptual discussions on topics that haven't been explored in detail (e.g. production and chemicals)

Arrangements for observer access and participation in future sessions should also be agreed in Bangkok, so that scientific, technical and community expertise continues to inform the text.

Common Guiding Elements

Legal character of the obligations

Across the substantive articles, the obligation is to “take measures, as appropriate” and “in accordance with national circumstances and capabilities,” with “shall” or “should” left in brackets, leaving even core duties self-judging. Flexibility in implementation is important to allow for the different circumstances of states, avoiding a rigid “one-size-fits-all approach.” The risk is that attempts at flexibility instead create ambiguity and open-ended discretion.

For all Parties, legal clarity and flexibility created through obligations of result, differentiated timelines and time-bound exemptions are in their interest. This is the truest expression of common but differentiated responsibilities, maintaining common obligations while allowing differentiated implementation schedules. If a developing country’s legal duty is merely to “take measures within its capabilities,” it is legally compliant even if it takes minimal action. Consequently, determining what constitutes an “incremental cost” beyond its baseline capability becomes a source of endless debate between donor and recipient countries. In the text, this means recasting the core duties as obligations and placing the flexibility in differentiated timelines and time-bound exemptions, alongside a strong framework for Means of Implementation.

Elements for the text and for decisions of the Conference of the Parties

The text of the instrument should contain a provision on production, the criteria for identifying problematic and avoidable plastic products and chemicals of concern, initial lists of products and chemicals in annexes, the procedure and decision rule for amending the annexes, the statistical data Parties must report, and the financial mechanism. The initial lists belong in the text. Methodologies, reporting formats, technical guidance and sector-specific design criteria can be developed through decisions of the Conference of the Parties prepared in the interim period. The statistical data to be reported should be clearly specified in the text, either in a comprehensive reporting article or in each operative article.

The DipCon resolution is an opportunity to set out a robust preparatory process to ensure upon entry into force, the Convention is set up for successful and rapid implementation of global measures and the delivery of Means of Implementation (both financial and technical).

Mandates for the interim period

The Diplomatic Conference should mandate interim work so that the first meeting of the Conference of the Parties can take decisions rather than begin preparatory work. This preparatory period will be crucial in ensuring the instrument begins to implement real change at the earliest opportunity.

Core obligations should not be deferred. If COP-1 operates by consensus, matters postponed now can be blocked there indefinitely, and the ambition lost will not return. Interim work should support elements already in the text, such as methodologies and reporting formats, and should not stand in for the criteria and initial lists.

Linkages between articles

Articles 4, 5 and 7 should share the same criteria and annexes, with one subsidiary body evaluating proposals under each. Articles 13, 14 and 15 should operate as one cycle, as set out under Cluster A.

Topics for the Chair’s dedicated consultations

Long-term goals and production

This is not a gap to be patched; a treaty with no production provision cannot meet the mandate. The Aid still has no dedicated provision on sustainable production. The UNEA 5/14 mandate is to promote sustainable production and consumption, and the evidence that current levels are unsustainable is overwhelming. Not only has the dedicated provision supported by over 100 countries been ignored, but the fundamental concepts necessary to understand sustainable production and consumption trends have also been stripped away:

- a common definition (primary polymers and products);
- a measurable, time-bound global target;
- national measures with flexibility for differing national circumstances;
- mandatory reporting on the production, import and export of primary plastic polymers;
- an effectiveness review able to strengthen over time.

That provision should be restored, with a legally binding global target to reduce plastic production.

Decision-making

Article 18 keeps a voting fallback but brackets it, adds a procedural two-thirds vote to declare consensus exhausted before any three-fourths vote can be taken, and locks Financial (Art. 10) decisions to consensus. A voting fallback of this kind has broad support. At INC5.2, Colombia and Peru, with a broad coalition, proposed that once consensus is exhausted, questions of substance be decided by a two-thirds majority of Parties present and voting and questions of procedure by a simple majority, a rule backed by nearly 120 countries. Member States should press for a cleaner, lower voting threshold in the direction of the Colombia-Peru proposal, which has existing precedent in the UNEA rules of procedure.

Subsidiary body

A subsidiary body or bodies will be necessary to support the Conference of the Parties with necessary scientific, technical and economic information to successfully implement obligations, as well as advise on the effectiveness evaluation. It is important to recognise the important role such a body or bodies play for parties in implementing the agreement.

Scope

The Scope placeholder is one of the few genuinely new features, and it cuts the wrong way: it presents four options, one a negative list of elements, and the real risk is that scope becomes the tool to narrow coverage rather than define it. Scope must stay comprehensive. Member States should resist a negative list that could carve out production or problematic products, and develop scope together with the Objective (Art. 1) and Definitions (Art. 3).

Cluster A:

- National plans
- Reporting
- Implementation and compliance
- Information exchange
- Effectiveness evaluation

Overarching approach to Cluster A:

This clustering is best approached by asking how its tools can be built to drive and verify the implementation of binding global measures. Across the answers that follow, one line holds: ambition is set globally, and these tools exist to verify and ratchet it up over time, not to become a route by which national plans, reporting, or review quietly weaken it.

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

National plans are a vehicle for implementation, not a substitute for the core instrument. They should be built from common essential elements that require Parties to show how they are implementing the binding global measures, supported by statistical data across the lifecycle of plastic, including production, consumption, and trade in primary plastic polymers. National flexibility should govern how obligations are met domestically, not whether they apply. A global target, mandatory reporting and an effectiveness review are common obligations that only the instrument itself can set. Assigning them instead to national plans would misallocate the treaty's functions, producing an ineffective result.

National action plans should be a place for Parties to tailor implementation of global measures to their unique contexts and circumstances as well as identify gaps and resources needed to close them. Member States must not let the instrument drift into a bottom-up model that surrenders common obligations to national discretion alone.

2. 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?

These articles reinforce each other only when they are tied to binding requirements rather than nationally determined pledges. The instrument sets the binding global measures, plans show how each Party is implementing them, reporting tracks that implementation, compliance addresses shortfalls, and effectiveness feeds back into stronger obligations.

Reporting will support compliance and effectiveness only if it is designed around measures each Party has taken to implement its obligations and periodic reporting of statistical data across the lifecycle of plastic, including production, consumption, and trade in primary plastic polymers.

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

Information exchange should be linked to obligations. For example, when products or chemicals are listed by the governing body, implementation guidance and safer alternatives information should prioritize those items. That keeps the exchange of information operational rather than purely informational. A clearinghouse managed by the Secretariat should hold national plans, reported data, technical guidance and good practice in one place. Information exchange should also cover the chemical content of plastic products, so that regulators, recyclers and the public can identify products containing listed chemicals.

Cluster B:

- Releases and leakages
- Existing and legacy plastic pollution
- Plastic waste management
- Plastic products design
- Plastic products

Overarching approach to Cluster B:

Here, the Chair has clustered the core obligations and control measures, following the structure of the Aid to Negotiations, which has no article on production or on chemicals. Regardless of the eventual political decision to include them, and how, the INC would benefit from exploring the potential measures and approaches to these issues.

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

The instrument should develop global criteria for identifying problematic and avoidable plastic products and adopt an initial list based on those criteria, at a global level. The criteria could include a “case for taking global action” criterion (per Australia’s bridging proposal, drawing on concepts from the Stockholm Convention) ensuring that the global list captures the products where coordinated action is needed to end plastic pollution. Member States should build on the Mexico-Switzerland architecture, with built-in exclusions, registered exemptions, an opt-out for future amendments, and product-by-product timing.

Article 4 should rest on four elements:

- agreed criteria for coverage;
- a binding initial annexed list for phase-out or restriction where alternatives exist;
- a mechanism to add products against the criteria; and
- an effectiveness review able to escalate to more restrictive measures.

Alongside a case for global action, the criteria should include products that:

- are highly likely to be littered or to otherwise enter the environment
- are not capable of being reused, recycled or composted in practice and at scale
- contain intentionally added microplastics
- are short-lived or single-use
- pose a risk to human health or the environment
- contain a chemical or chemicals of concern to human health or the environment

The current criteria do not name short-lived or single-use products. Over 100 countries and territories have implemented national or regional bans and restrictions on single-use plastics, and UNEA resolution 4/9 specifically targeted single-use plastic items. The bracketed criteria on chemicals of concern and intentionally added microplastics should be retained. The Aid also adds “manage” to the obligation, a weaker verb than reduce or phase out. Combined with the disjunctive “or,” this means compliance is achieved by merely taking measures to manage a problematic product rather than removing or reducing it. “Manage” should be deleted, and the obligation should apply to the production, import and export of listed products as well as their sale, so that a phase-out

in one market does not move products to another.

Design is also where chemicals of concern can be addressed. Member States advanced this at the Nairobi HOD meeting and the Chair's July 2026 summary recorded it, yet the Aid failed to carry it. An initial annexed list of chemicals in products (for example, certain phthalates, BPA, lead and cadmium) with a process to add more over time should be carried in Article 5.

Article 5 only asks Parties to "take appropriate measures," language that encourages rather than binds. Design determines how much plastic a product uses and whether it can be safely reused or recycled, so it must move from aspiration to obligation. This means binding design requirements (safe, durable, reusable, recyclable, low in plastic and microplastic release), with sector- and product-specific criteria adopted as an annex with a conformity duty and an escalation mechanism, building on the Chile-UK proposal at INC5.2. Member States should build reuse and refill systems and deposit-return schemes into the design requirements, since they are among the most effective means of reducing plastic use.

2. 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?

There is broad consensus that the instrument should address existing and legacy plastic pollution, supported by means of implementation and framed as a complement to upstream reduction rather than a substitute for it. The first enabling factor is environmental monitoring, which the Aid does not provide for. Accumulation zones cannot be identified, evaluated or prioritized without data on where plastic is present in the environment and how it is moving. The Aid also removes "monitor" from paragraph 1(a) of Article 8 and changes "shall adopt guidance" to "may adopt guidance." Both should be restored.

3. How can Parties cooperate in the implementation of effective waste management policies, taking into account the different national circumstances and needs?

The most effective contribution the instrument can make to waste management is to reduce the volume and toxicity of plastic reaching a waste system in the first place, consistent with the hierarchy that places prevention and reuse ahead of recycling and disposal. Well-designed extended producer responsibility (EPR) programs can provide sustainable financing for collection and treatment infrastructure, including systems to collect reusable items so that they can be cleaned and returned to use. Consideration and support should be given to countries with circumstances in which the implementation of EPR is more challenging.

Cluster C:

- **Capacity-building, technical assistance, and technology transfer, including international cooperation**
- **Financial resources and mechanism**

Overarching approach to Cluster C:

This cluster should be approached not as a question of aid, but as the financial and capacity

architecture that enables the instrument's obligations to be implemented everywhere. The starting point should be predictable, adequate, and additional resources, anchored in a dedicated multilateral fund and supported by contributions from those who profit from plastic pollution.

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

A financial mechanism delivers predictable support when its resources are additional, replenished on a fixed cycle, and assessed against actual implementation costs. Production-based contributions, consistent with the polluter-pays principle like the global plastic pollution fee, could provide additional resources at the scale and stability required.

2. 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?

The clearest signal to the private sector is regulatory certainty. Reduction targets and clear global criteria for problematic and avoidable plastic products and for chemicals of concern, together with initial lists adopted under the instrument, tell the market which products and chemicals must be phased out and by when.

Embedding and implementing the polluter pays principle, through globally coordinated fees, national fiscal measures and the development of funding mechanisms to channel private sector contributions towards the objectives of the treaty should be considered in this context.

3. What provisions related to technology transfer could foster international cooperation, considering the capacity differences between countries?

Capacity building, technical assistance and technology transfer are key enabling activities, which should be identified as a cost category to be provided for by the financial mechanism. They should be tied directly to the instrument's control measures across the lifecycle, including phase-outs, safe alternatives, and monitoring, so that they enable compliance with binding obligations.

Cluster D:

- Preamble
- Objective
- Principles and approaches
- Definitions
- Just transition
- Public information, awareness, education and research
- Secretariat
- Final provisions

Overarching approach to Cluster D:

This cluster is where the instrument's purpose is set, and it should be the treaty that justice

and science demand. These foundations must carry legal force rather than sit in preambular language.

Before turning to the questions, we note that health is no longer one of the topics in this cluster. It was listed under Cluster D for the Nairobi meeting, and no question in Bangkok addresses it. Removing health from the cluster topics and from the questions risks it leaving the instrument by omission rather than by decision. Health must also be considered when in relation to the obligations under Cluster B. We address Health under question 1 below and ask that time be set aside for it in Bangkok.

1. 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?

Essential principles should be both stated in a dedicated operative article and operationalized through the provisions they inform. Implementation of principles through clear provisions and legal obligations should be the priority. There is clear evidence around the need for focusing policy interventions on a precautionary approach, given the scale of risks posed to the environment, climate system and human health by plastic pollution. A just transition should be addressed through a dedicated provision and reflected in the substantive articles that affect workers and communities, and backed by finance. Negotiators should refer to the demands made by the International Alliance of Waste Pickers on how to ensure a just transition for informal waste workers. Health should be addressed both through a dedicated, operative provision and throughout the instrument. The objective should refer to human health and the full life cycle of plastics without brackets.

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

Public information, awareness, education, and research support implementation at scale when built on transparency and independent science. This means disclosure of chemical content and lifecycle data, protected access to information, and education that reinforces reduction and reuse rather than placing the burden on individual behavior.

3. 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?

Article 3 on Definitions currently only includes “Party” and “Regional economic integration organization,” which is insufficient. Terms that reach the obligations should be defined in the text, including reuse, refill, and single-use. Several of these already appear in the operative articles and carry the weight of the obligation, so leaving them undefined leaves the scope of that obligation to each Party. Where a term is used in only one article, it can be defined there instead, provided the definition is in the instrument and not left to later decisions.

The Secretariat needs a defined role in compiling and analyzing national reports, identifying trends and implementation gaps, and preparing analysis for decisions of the Conference of the Parties.

The path forward

These proposals show what an effective treaty requires. Member States should reject the

Aid to Negotiations as the basis for those talks, not to walk away from the process, but to insist it be rebuilt into a text worth negotiating. **Member States should be prepared to rebuild and reimagine, including from the ambitious proposals already tabled.**

Now is a moment to step back and to strengthen the text, rather than pushing forward on rejected text to signal progress. A moment to recall what has been left on the contact group and plenary floor and return to what the majority has agreed.

The second iteration of the Aid must add a legally binding global target to cut plastic production, list products and chemicals in annexes at adoption, restore monitoring and statistical data to effectiveness evaluation, and keep voting available when consensus is exhausted.