### Asia Pacific regional submission- Part A

(To submit suggestions on principles and scope of the instrument)

| Name of country (for Members of the committee) | 1. Thant Myanmar (Myanmar)  
2. BAN Toxics (Philippines)  
3. Citizen consumer and Civic Action Group (India)  
4. Eco Circular India Foundation (India)  
5. Center for Public Health and Environmental Development (CEPHED) (Nepal)  
6. Pacific Environment Vietnam (PEVN)  
7. Vietnam Zero Waste Alliance (VZWA)  
8. Tāngata Whenua Coalition for an Effective Plastics Treaty (TWC) (New Zealand)  
9. Aotearoa Plastic Pollution Alliance (APPA) - Aotearoa (New Zealand)  
10. Environment and Social Development Organization-ESDO (Bangladesh)  
11. Paryavaran Mitra (India)  
12. Ecosoum (Mongolia)  
13. Sahabat Alam Malaysia (Friends of the Earth) (Malaysia)  
14. Consumers’ Association of Penang (Malaysia)  
15. Zero Waste Himalaya (India)  
16. Centre for Environmental Justice (Sri Lanka)  
17. Mother Earth Foundation (Philippines)  
18. Trash Hero World (Thailand and Indonesia)  
19. National Platform for Small Scale Fish Workers (NPSSFW), India  
20. Solid Waste Management Roundtable (SWMRT), India  
21. Hasiru Dala (India)  
22. Nexus for Health, Environment, and Development Foundation (Nexus3) (Indonesia)  
23. Greenpeace Southeast Asia (Regional)  
24. Center to Combat Corruption and Cronyism (C4 Center)  
25. The Indonesia Plastic Bag Diet Movement  
26. Ecological Waste Coalition of the Philippines (EcoWaste Coalition)  
27. Bethany Society (India) |
| Name of organization (for observers to the committee) | 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. | 10. | 11. | 12. | 13. | 14. | 15. | 16. | 17. | 18. | 19. | 20. | 21. | 22. | 23. | 24. | 25. | 26. | 27. |
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1. Scope

What is the proposed scope for the future instrument?

Which types of substances, materials, products and behaviors should be covered by the future instrument?

Proposed scope:

The UNEA Resolution 5/14 already clearly defines the mandate for the treaty's scope to end plastic pollution across the entire life cycle of plastics that includes all plastics and associated pollution with no exceptions. The resolution's paragraphs 3 and 4 clearly delineate the scope of work needed for the instrument and the mandate for the work of the Intergovernmental Negotiating Committee (INC).

However, the Resolution 5/14 does not define "end plastic pollution" and "full life cycle approach". We propose a common minimum definition for these terms in order to clarify the scope.

Explanatory Text:

- As laid out in the preamble of the Resolution 5/14, the future instrument must “prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment.” This dictates for the prospective instrument to cover all forms of plastics along its entire life cycle, including polymers (both synthetic and semi-synthetic biobased or otherwise), precursors, additives (intentional, unintentional and as fugitive release), materials and products, and its accompanying pollution in all forms.

- Therefore, we urge member states not to spend precious time revising the scope. Doing so will be counter to the ambition that passed the resolution 5/14 and divert the attention needed for negotiating control measures which are needed to prevent and end the plastic pollution crisis.

- Adequate definitions to capture the full range of sources of plastic pollution across the lifecycle of plastics. We will regret omissions now, and it would only necessitate the reopening of the instrument for negotiations in the future, or creation of additional instruments.

- The full lifecycle of plastics must include all the stages of plastics starting from the sourcing of feedstocks (fossil or biomass sources) to make plastics which is met by a suite of associated environmental and health impacts, to the waste management and pollution phases (including waste-management residues or by-products). It is only through the full lifecycle approach that the
plastics crisis can be comprehensively addressed with priority to upstream actions to prevent production beyond sustainable levels and generation of hazardous materials and waste. False downstream solutions like open burning, incineration, firing in coal-fired power plants and other waste-to-energy processes, co-processing in cement kilns, and chemical recycling should be prohibited to protect human health and the environment.

- Plasps should include:
  - **All substances** used for the production of plastics (including all feedstocks/raw materials used for the production of monomers that is in turn used in the production of polymers); **plastic polymers** (including all synthetic polymers (organic, inorganic and hybrid) as well as all semi-synthetic polymers in their diverse states of matter, water solubility and water absorbency).

  - **All additives** (used for the production of plastic materials, both unintentional and intentional, including manufacturing aids such as blowing agents and fillers); **plastic materials** (consisting of plastic polymers and additives, both unintentional and intentional, including composites) and;

  - **All plastic products** (products made wholly or partly from plastic materials, including multilayer products that are made with plastic layers or laminates). They also include intermediate products such as pellets, expanded polystyrene beads, rolls of film and primary microplastics used to manufacture other products).

- **Plastic pollution** should include all wastes, debris and pollution made wholly or partly of plastic materials (eg. secondary microplastics, ash from incineration of waste containing plastics) and all intentional and non-intentional release in all environments, including in human bodies.

2. Principles

*What principles could be set out in the future instrument to guide its implementation?*

**Proposed principles:**

Global plastics treaty control measures and allocation of implementation resources may be informed by specific principles of international human rights and environmental law, some of which could be mentioned in the preamble to the future treaty. However, **treaty text does not need to specifically address principles** outside the preamble or separately from implementing them in control measures. We recommend that the **INC-3 time is focused on control measures** where these principles manifest themselves, and that principles are discussed chiefly as rationales for specific control measures.
The **UNEA Resolution 5/14** is underpinned by many principles of the **1992 Rio Declaration on Environment and Development** which includes among others:

- The polluter pays principle (Principle 16)
- Liability and compensation (Principe 13)
- The precautionary principle (Principle 15)
- Public participation in environmental decision-making (Principle 10)
- Transboundary environmental justice, also known as the “no harm rule” protecting states from transboundary harm (Principle 14)
- Access to information (Principle 10)
- The principle of common but differentiated responsibilities (CBDR) (Principle 7) that should apply to financing but not technology transfer (even on mutually agreed terms). The principle of common but differentiated responsibilities should not be deployed to support a weak and ineffective voluntary national action plan-driven instrument.

In addition, human rights and environmental protection are interdependent, and as such human rights must be central in the global plastics treaty, including:

- The rights to life and the highest attainable standard of physical and mental health
- The right to a safe, clean, healthy and sustainable environment and the prohibition on discrimination regarding the right to a safe, clean, healthy and sustainable environment (environmental justice)
- The rights to freedom of expression, association and peaceful assembly, including as they pertain to environmental defenders as per the Declaration on Human Rights Defenders
- The rights to education, information, participation and effective remedies
- The rights of Indigenous Peoples and Traditional Communities as per the United Nations Declaration on the Rights of Indigenous Peoples and the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), as well as other human rights and conservation agreements, set out obligations of States in relation to the rights of indigenous peoples.
- A just transition for formal and informal workers and communities including Indigenous Peoples in the lifecycle of plastics, to safeguard their human rights and livelihoods as economies shift to sustainable systems to combat plastic pollution. A just transition ensures those most affected by plastic pollution do not bear the costs of transition and participate equitably in emerging economic opportunities.
  - One health principle
  - Socio-political Justice
  - Inter and intra generational equity

The **principle of prevention & Zero waste hierarchy** is a fundamental principle of environmental law since its recognition in the **1972 Stockholm Declaration on the Human Environment** at the conference that saw the founding of UNEP.

We also suggest some additional principles including:
Explanatory Text:

The crisis of plastic pollution is a complicated issue with the crisis of human and environmental health, socio-economic injustices, breaching of planetary boundaries as well as human and indigenous peoples’ rights.

First and foremost, the prospective agreement must acknowledge the human rights injustices caused by the production of plastics and extraction of feedstocks by the petrochemical industry rooted in the Global North. In particular, the negative impacts on small, developing, island states as well as fenceline communities, mountains and other fragile and important socio-ecologies, indigenous peoples, all workers, women and children, and other marginalized people who bear the disproportionate brunt of plastic pollution. **High Mountain plastic pollution and impact on indigenous communities’ lands and water must be recognized and given focussed priority** in control for implementation, compliance and redressal mechanisms since until we protect these fragile ecologies and clean up upstream, downstream effects cannot be prevented.

In Asia Pacific, a handful of powerful countries are responsible for the majority of production capacity while the existing narrative, particularly around ocean plastic pollution, holds SouthEast Asian countries responsible as Global polluters discounting for transboundary movement of plastic pollution as waste exports and the role of polluting petrochemical industries set up in the region by investors in the developed world. Therefore, the treaty must hold the petrochemical industry and developed countries accountable for the damages caused in the region by ensuring they bear the disproportionate funding for the treaty, phasedown production including extraction of feedstocks by ending direct and indirect subsidies, investment in restorative justice and control the practice of waste exports.

Rio Declaration’s Principle 14 on **Transboundary environmental justice** applied to this issue which prohibits transboundary harm. It also speaks to Rio Declaration’s Principle 16 on **Polluter Pays**, in line with which is the development and implementation of robust EPR rules which must be mandatory and compliment global minimisation of plastic production and scaling up of reuse systems. Moreover, agreement must adopt a **human rights-based approach** emphasizing human rights principles as well as mechanisms for accountability and access to remedy. This ties into Rio Declaration’s Principle 13 on **Liability and Compensation** for the victims of pollution and environmental damage.

**The Prevention Principle** is central to many multilateral environmental agreements. It is an anticipatory law with the objective of preventing a wrong before it is done. 1973 International Convention for the Prevention of Pollution from Ships (MARPOL), the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter include this principle. The Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics also recognized that “prevention is paramount and is the priority” as early as its second

The zero waste hierarchy applies the prevention principle to materials including plastics across their lifecycle. Additionally, the zero waste hierarchy includes their design during the production phase, highlights the importance of reuse and repair to extend the use phase, and also covers waste management.

In line with the prevention principle is the precautionary principle to ensure that measures are taken to prevent plastic pollution, even where scientific uncertainty persists and where there are risks of serious or irreversible harm to people and planet there is no excuse to take precautionary measures. This also connects to the principle of no data, no market: chemicals including plastic polymers in products and materials without available toxicity data should not be put in the market.

The principle of non-regression and no regrettable substitutes are important to prevent states and industry from exploiting loopholes. Non-regression prohibits weakening of existing environmental law or current levels of environmental safeguard. This would be important to prevent the treaty from worsening the plastic pollution crisis. Groups or families of chemicals, polymers and substances of concern should be banned instead of only particular chemicals. No regrettable substitutes ensures that a banned chemical of concern is not replaced by a substitute from a group which is probably as bad as the one banned. Preventing poor alternatives of single use plastics such as the case with biobased and oxodegradable plastics would be another example.

The Maastricht Principles on the Human Rights of Future Generations establishes equity between current and future generations with respect to human rights, including the right to a safe, clean, healthy and sustainable environment. Preserving the rights of future generations to a healthy environment by protecting planetary boundaries from threats stemming from plastics must be a key principle for the global plastics treaty. It can be operationalized through the use of planetary boundaries as references to inform the pace and scale of a global plastics production phasedown to essential uses, priority phaseouts for specific plastic polymers, additives, materials or products, and sustainability criteria for alternative systems and materials. A dedicated scientific body free from conflicts of interest with businesses in the plastics value chain will be best-placed to make such assessments.

The universal right to access to information in a transparent manner is essential to upholding the human rights principles. For instance, plastic manufacturers should be mandated to disclose information about the polymers and chemicals used for production transparently. These ingredients should also be traceable across the lifecycle of plastics. This information would empower consumers, businesses and recyclers across the plastics value chain about potential harms of the plastic material and make informed decisions.

The principle of Socio-political justice must be integrated in the treaty. This would ensure reparations, justice, and full participation in Treaty negotiations must be ensured for those most disproportionately
impacted across the life-span of plastics, including waste pickers, Indigenous Peoples, coastal communities, island nations and others.

The Treaty negotiations and implementation processes must be Independent evidence and experience-based, taking into consideration the experiences of those most impacted by plastics while drawing on all available independent scientific evidence. This includes Indigenous science and knowledge and the unique contributions they offer in ending plastic pollution, including circular systems, material, relational, ecological, conservation, economic, and intergenerational knowledge.

The Treaty must recognise Indigenous justice: Indigenous Peoples are disproportionately impacted throughout the full life-span of plastics. Indigenous Peoples’ sovereignty, their right to protect their spaces, and their science and knowledge systems must be clearly recognised throughout the Treaty design, negotiations, and implementation processes. The Treaty preamble should clearly state how the instrument aligns with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the obligation of Member States to such UN agreements on Indigenous Peoples, as well as regional, national, and local-level Treaties between Indigenous Peoples and other authorities.

All measures taken in regulating the plastic life cycles must be seen through a just transition lens for all workers affected by systems change in the global plastics economy. In this regard, waste pickers and workers must be recognized as the backbone of the collection and sorting as the most challenging steps for plastic waste recycling. They are also one of the most vulnerable occupational groups, with socially disadvantaged women and children from marginalized communities being even more so. As such, waste pickers deserve particular emphasis in a new plastics treaty, to ensure their meaningful inclusion in treaty provisions and implementation, and realize their full potential as engineers of the global materials economy, placing them at the vanguard of collection, sorting, reuse, repair, composting and recycling systems.

Lastly, these principles must be realized in the implementation of the prospective instrument via control measures. Member states must focus their limited time and resources on establishing strong control measures where these principles will be realized rather than addressing them in the preamble of the instrument.

3. Additional considerations

Provide any other relevant inputs, proposals or priorities here that have not been discussed at INC-2 (e.g. preamble; institutional arrangements, including governing body, subsidiary bodies, scientific and technical cooperation and coordination, and secretariat; final provisions including dispute settlements; and if appropriate annexes).