**Part A**

**Elements not discussed at INC-2**

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?*

The scope defined in Resolution 5/14 is clear and does not need to be changed. We recommend that the scope encompass the lifecycle of plastics as it is currently defined. The resolution provides sufficient guidance for the intergovernmental negotiating committee (INC). Resolution 5/14’s preamble affirms the scope as “prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment.” This plain language unambiguously covers, as it should, all plastics and their lifecycle – from production and use to waste management -- to prevent pollution and related risks. Member States should avoid scope revisions, focusing on defining critical control measures instead.

2. **Principles**

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

Principles of environmental law and human rights should be incorporated through biding commitments into the plastics treaty instrument. We urge Member States to focus on establishing control measures that will manifest these principles instead of addressing them in the preamble of the future instrument and avoid spending substantial negotiating time on principles.

Proposed principles:
- Precautionary principle
- Polluter-pays principle
- Common, but differentiated responsibility
Explanatory Text:

In crafting an effective plastics treaty, it is essential to draw upon well-established international law principles that promote cooperation, sustainability, and environmental protection. The adoption of these principles will ensure the treaty's robustness, effectiveness, and its ability to address the complex challenges posed by plastic pollution on a global scale.

1. **Precautionary Principle**: The Precautionary Principle suggests that in the absence of full scientific certainty, preventive measures should be taken to mitigate potential harm to the environment and human health. This principle is particularly relevant for a plastics treaty, because while there are data gaps about the long-term impacts plastic production and use, what is known about chemicals used in plastics and the plastics themselves indicates that they are toxic to humans and wildlife. By incorporating the Precautionary Principle, the treaty can guide nations to proactively address emerging plastic-related risks.

2. **Polluter Pays Principle**: The Polluter Pays Principle dictates that those who cause pollution should bear the costs of its remediation and prevention. This principle is integral to holding industries and nations accountable for their plastic waste. Nearly every plastic is made from fossil fuels, and the industry needs to be held accountable for its products. The entire manufacturing chain from fracking to plastic production to waste management should be dirty and the social and environmental costs of it should be carried by its producers.

3. **Common but Differentiated Responsibility**: This principle recognizes that while all nations share a responsibility to address global environmental challenges, their capacities and contributions may differ. In the context of a plastics treaty, adopting this principle acknowledges the varying levels of development and resources among nations. It promotes cooperative efforts while allowing for tailored approaches to plastic pollution reduction, taking into account each nation’s responsibilities contributing to the problem and capabilities to contribute to solutions.

4. **Integration Principle**: The Integration Principle underscores the interconnectedness of environmental issues. A plastics treaty should consider how plastic pollution intersects with other environmental challenges like climate change and biodiversity loss. The plastic industry is a major contributor to greenhouse gas pollution. By addressing these issues synergistically, the treaty can have a more profound and lasting impact.

5. **Transboundary Cooperation**: Transboundary Cooperation emphasizes the importance of collaborative action among nations sharing common environmental resources. Given that plastic pollution transcends national boundaries and often travels across oceans, the treaty should promote international collaboration in reducing plastic production, waste management, and the prevention of plastic pollution into shared ecosystems.
By incorporating these international law principles into the plastics treaty, it will not only establish a strong legal framework for addressing plastic pollution but also foster a global commitment to safeguarding our planet's health for current and future generations.

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).*

   **Proposed inputs:**
   
   - Science-based decision-making
   - Enforceable measures

   **Explanatory Text:**

   In developing a comprehensive plastic treaty, the virtues of science-based decision-making and enforceable measures cannot be overstated.

   By grounding the treaty in rigorous scientific research and analysis, Member States can ensure that their actions are both targeted and effective, addressing the root causes of plastic pollution and its far-reaching impacts on ecosystems and human health. Science-based decision-making provides a solid foundation for crafting policies and strategies that are evidence-driven, enabling us to prioritize interventions that yield the greatest positive outcomes.

   Furthermore, the inclusion of enforceable measures within the treaty reinforces its credibility and ensures that commitments are translated into tangible actions. Enforceability establishes accountability among nations, industries, and stakeholders, compelling them to meet their obligations and take meaningful steps toward reducing plastic production, reducing waste generation, holding manufacturers accountable, and adopting sustainable practices. It also harmonizes expectations and approaches for all nations. Such measures not only foster compliance but also encourage innovation, as parties strive to meet their obligations in a manner that aligns with the treaty's objectives.