

IUCN and IUCN WCEL contribution for enhancing “Ecosystems, Biodiversity and Human Health” in the Global Plastics Treaty and support for negotiators during [Activities leading up to INC-5.4](#) – Legal Brief

1 July 2026

Context

Plastic pollution is one of the fastest-growing drivers of biodiversity loss, undermining ocean health, human well-being, and the potential of a circular plastics economy and a sustainable blue economy. The future international legally binding instrument on plastic pollution – the Global Plastics Treaty – presents a historic opportunity to address one of the most pervasive drivers of environmental degradation worldwide.

The 20-month pause in substantive negotiations between INC-5.2 and INC-5.4 makes this intersessional period decisive for shaping the Global Plastics Treaty. Although there has been no mandate for official intersessional work, there is a need for coordinated efforts to provide States with guidance and expertise on a number of areas relating to addressing plastic pollution to advance the negotiations in the future. Other critical areas of focus for informal work during the intersessional period are rules of procedure, national plans, assessment and implementation tools and standards, ecosystems, biodiversity and human health considerations. Hence, the reference to “Ecosystems, Biodiversity and Human Health”, including a OneHealth approach is still missing as a key element of the draft text to date.

For more information,
please contact:

Dr. Karine Siegwart
Senior Policy Advisor
Centre for Policy and Law
karine.siegwart@iucn.org

Dr. Alexandra R. Harrington, Chair, IUCN WCEL Pollution Law Specialist Group
arharrington@gmail.com

IUCN World Headquarters
Rue Mauverney 28
1196 Gland
Switzerland
Tel: +41 22 999 0000
Fax: +41 22 999 0002
www.iucn.org



Taking into consideration the discussions at the INC [informal in-person meeting of Heads of Delegation to the INC, 30 June – 3 July 2026, Nairobi, Kenya](#) and to support negotiators and stakeholders likewise for the [INC Activities leading up to INC-5.4](#), IUCN and IUCN World Commission on Environmental Law (WCEL) issued a new legal brief with the following two components:

- How to enhance “Ecosystems, Biodiversity and Human Health” in the Treaty text.
- How to answer to the the [Guiding Questions by the Chair](#), at the [INC informal in-person meeting of Heads of Delegation to the INC, 30 June – 3 July 2026, Nairobi, Kenya](#) (**Annex**)

Enhancing “Ecosystems, Biodiversity and Human Health” in the Treaty text

Many multilateral environmental agreements (MEAs), such as the [Basel Convention](#), the [Rotterdam Convention](#) and the [Stockholm Convention](#), the [Minamata Convention on Mercury](#) and the [Montreal Protocol on Substances that Deplete the Ozone Layer](#), as well as the [Global Framework on Chemicals](#) and the recently established [Science-Policy Panel on chemicals, waste and pollution](#) (ISP-CWP), along with regional Conventions, indirectly address aspects of the plastic pollution crisis. Additionally, several Resolutions adopted by the United Nations Environment Assembly (UNEA) at its past sessions, including those proposed and adopted at the recent UNEA7 in December 2025, reflect widely held concerns about the impact of pollution on human health and the environment.

Further, addressing the full lifecycle of plastic pollution, as set out in [UNEA Resolution 5/14](#), and following the intertwined objective of protecting both human health and the environment, mainstreaming biodiversity and ecosystems through the treaty text are therefore fundamental and a cross-cutting task. This includes the need to highlight where the nexus points with existing treaties might be, taking into consideration the pollution themed treaties referenced above as well as the Convention on Biological Diversity (CBD) and its 2022 Kunming-Montreal Global Biodiversity Framework (GBF), especially GBF Target 7 on pollution¹.

The progress of the INC process has opened many questions on procedural aspects as well as on potential treaty content, especially where the gaps are in existing international agreements, the connections between existing MEAs relating to chemicals and wastes, the status of the INC [Chair's Text](#) of 1st December 2024, and the 15th of August 2025 proposed [Chairs revised draft text proposal](#), as well as the consequences for national legislation and implementation². It is also important to retain the proposed elements relating to health, information sharing and cooperation, and the incorporation of the OneHealth approach into the future Global Plastics Treaty, as was evidenced during the discussions during INC-5.2 (see the [unep assembled treaty text of INC 5.2. August 2025](#), Article 19).

Mandated by its Members through IUCN Resolution adopted at WCC 2025 in Abu Dhabi ([WCC-2025-Res-058](#)) which asks for continued engagement to end plastic pollution across the full life cycle, on local, national, regional and international level, including for the concluding of the negotiations for a future Plastics Treaty, and as IUCN looks ahead to rolling out the [2026–2029](#)

¹ For in-depth analysis of the gaps in MEAs as they relate to plastics and plastic pollution, see the following reports produced recently by IUCN and IUCN WCEL with Norad support:

- [Gaps and synergies between proposals for a Global Plastics Treaty and existing Multilateral Environmental Agreements – Policy and Legal analysis](#), (Translation in [French](#), [Spanish](#), and [Portuguese](#))
- [A “Source-to-Sea” \(S2S\) approach to address marine plastic pollution: Policy, legal and institutional outlook](#), (Translation in [French](#), [Spanish](#), and [Portuguese](#))
- [A Rapid Plastic Pollution Assessment and Material Flow Analysis in the Greater Accra, Central, and Western Regions of Ghana](#).
- [A Rapid Assessment of Biodiversity and Plastic Pollution Impacts in Ghana](#)
- [Financing Implementation of the Global Plastics Treaty- Delivering Outcomes for People, Nature and Climate](#).

² See IUCN and IUCN WCEL Analysis of the Treaty Text proposals (Chairs Text):

- [Global Plastics Treaty talks hit setback: more than a plastic pollution crisis, latest Chair's Text draft sparks dismay – yet there is still hope with one day left - Story | IUCN](#); and
- [Plastics Treaty negotiations end without agreement in Geneva – yet many countries and stakeholders remain strongly engaged to end plastic pollution - Story | IUCN](#)

[Programme](#), IUCN and its World Commission on Environmental Law (WCEL) emphasizes the need to address the fundamental connections between plastic pollution, biodiversity loss and human health as intertwined issues in the future Global Plastics Treaty. Aligned with multiple treaty provisions and subsequent Conference of the Parties decisions, IUCN calls for a future Global Plastics Treaty that is science-based and includes clear, verifiable obligations across the full plastics lifecycle that reflect impacts on biodiversity, ecosystems and human health³:

- References to all phases of the plastics lifecycle - from extraction, production, reuse, recycle to waste management and end of life based on [UNEA Resolution 5/14](#) and as set out in Article 3, 4, 5, 6, 7, 8, 9 of the 1 December 2024 [Chair's Text](#).
- Specific textual language relating to international cooperation and coordination between the Treaty's governance body and the governance mechanisms for other multilateral environmental agreements and relevant international and regional law instruments and organizations as well as scientific institutions, in a revised iteration of **Article 12** from the 1 December 2024 [Chair's Text](#) on “*Capacity Building, Technical Assistance and Technology Transfer, including on “International Cooperation”*”.
- A reference to protection of biodiversity and ecosystems from legacy and future plastic pollution, as a standalone article, or specific language in a revised iteration of **Article 19** 1 December 2025 [Chair's Text](#) on “*Health*”, following a biodiversity and health linked approach.

IUCN and its WCEL urge State Parties to use the international cooperation system available under the BRS Conventions and others treaty systems to be reflected in Article 12 1 December 2024 [Chair's Text](#) on “Capacity building, Technical assistance and Technology transfer, including International Cooperation” as well as to include specific language on biodiversity and ecosystems considerations in Article 19 1 December 2024 [Chair's Text](#) on “Health” to advance collaborative work for the implementation of the future Treaty that complements existing international treaties and obligations, such as the BRS Conventions and the Global Chemicals Framework, the CBD [COP 16 decisions](#) and with the Global Biodiversity Framework, in particular Target 7 and is aligned with the mandate as set out in [UNEA Resolution 5/14](#).

³ See further publications on Options for entry points for biodiversity language and international cooperation within the future Plastics Treaty:

- [A global plastics treaty and biodiversity: converging or conflicting regimes?](#)
- [Reinforcing Commitments to Nature and Communities: Options to include Biodiversity in the future Global Plastics Treaty - resource | IUCN](#)
- [INC5.2 Policy Brief: International Cooperation model for the future Plastics Treaty, with a focus on biodiversity and OneHealth - resource | IUCN](#)

IUCN and IUCN WCEL **suggest inclusion of the following treaty language**, highlighted in **YELLOW**

*Wording in **Title** and in **Paragraph 4** to be included within the Treaty Text, if **Article 12** would be followed:*

ARTICLE 12 – Capacity Building, Technical Assistance and Technology Transfer, including International Cooperation and Coordination

1. ...
2. ...
3. ...

4. Parties shall cooperate with each other and, as appropriate, on a regional basis and promote cooperation and coordination with relevant intergovernmental organizations and other entities, including relevant scientific organisations and governing bodies for other international instruments, and private sector entities, as appropriate, to support the effective implementation of the Convention and the achievement of its objective, while avoiding duplication of efforts. Such cooperation shall include, but not be limited to, strengthening and enhancing coordination with relevant legal instruments, frameworks and bodies.

The Secretariat, with guidance from the Conference of the Parties, shall cooperate and collaborate with relevant international instruments, intergovernmental organizations and entities, including the secretariats of relevant international instruments and organizations, to ensure consistency among relevant international organizations.

- [5. ...
6. ...
7. ...

*Wording in **Title** and **Paragraph** to be included within the Treaty Text, if a **standalone Article 19** would be followed:*

ARTICLE 19 – Ecosystems, Biodiversity and Human Health

Recognising that the health of natural systems directly influences human health, Parties shall develop and implement integrated strategies, policies and legal measures that address the impacts of plastic pollution on ecosystems and biodiversity, including the OneHealth approach such that the well-being of associated human populations also benefits;

....

The suggested treaty language is in keeping with previous proposals made by Members of the INC process and with elements of existing MEAs, their subsequently adopted Conference of the Parties decisions and implementing frameworks. The overarching concern is to ensure that the future Global Plastics Treaty be a legally significant treaty that

- addresses all phases of plastic pollution and the plastics lifecycle,

- builds on existing models, advances cooperation and coordination amongst different treaty governance systems and organizations,
- encourages convergence and coherence with existing international treaty law,
- gives flexibility to regional/national implementation through existing regional conventions and national laws, considering the relevant conditions a country occurs.
- recognizes the core connections between biodiversity protection and plastic pollution,
- and ensures that all States, stakeholders and civil society members will be represented in its terms.

Such language would further allow for the effective and holistic mainstreaming of related practices between treaties and organizations, assisting States in fulfilling their multiple obligations under international law and ensuring mechanisms for responsive coordination of responses to future issues.

It also would promote ecosystem approaches, helping National Biodiversity Strategies and Action Plans (NBSAPs) under the CBD and future National Plastic Action Plans under the Plastics Treaty to be implemented in an effective manner. The objective would also be to promote, in combination with the proposed language in Article 12, circular economy solutions and chemical regulations that are nature-based and nature positive and toxic-free and safe for ecosystems and human health.

IUCN and IUCN WCEL stand ready to support negotiators throughout the INC negotiations process, as we have from the outset. We believe this is the time to propose and advance Treaty language proposals that fully address all aspects of UNEA Resolution 5/14, are coherent with international treaties and obligations in a complementary way and advance human health and biodiversity protections.

ANNEX

IUCN WCEL answers to the Guiding Questions by the Chair, at the INC informal in-person meeting of Heads of Delegation to the INC, 30 June – 3 July 2026, Nairobi, Kenya

Despite obligations, targets, monitoring/reporting, implementation and financing under existing Multilateral Environmental Agreements MEAs (in particular the Basel, Rotterdam and Stockholm Conventions) and thus national legislation regulating parts of the Plastics life cycle, an independent Global Plastics Treaty is needed and should contain clear language concerning:

- Coherence and compliance with obligations under existing MEAs,
- A full life cycle approach, and application of UNEA 5/14 mandate,
- Extended Producer Responsibility (EPR) systems,
- Bans of single use plastic products and other bans/levies (at the border and/or nationally),
- Criteria/monitoring of trade of plastic waste,
- Enhance market for recycled products, that are safe,
- Robust scientific information (and a clear an transparent process) on content of plastic products (chemicals of concern, additives) and on alternatives/substitutes, including the availability of data,
- Impact assessments on ecosystems like freshwater and coastal, and how to enhance water quality,
- Education to promote behavioural change,
- One Health approach.

Cluster A:

- National plans
- Reporting
- Implementation and compliance

- Information exchange
- Effectiveness evaluation

Overall comment: Although they have not yet been agreed to as a tool by the INC, National Action Plans have been used across various MEAs. They are typically used as a tool through which State Parties articulate their legal, regulatory and policy plans to address certain issues for a dedicated time period. These national action plans are then made available to the public, civil society, other State Parties to a treaty, and to the governance mechanisms for the treaty regime. In many cases, the governance mechanisms then have the opportunity to provide comments and the State Parties are required to file subsequent national action plans that address steps taken to implement previous commitments as well as new commitments for the future.

1. What minimum common essential elements should be included in National Action Plans to ensure comparability while preserving national flexibility?

At a minimum, and consistent with established practice under MEAs, National Action Plans under a future Global Plastics Treaty should include a clear set of information requirements relating to the implementation of the core elements of the Treaty (CIEL/IUCN publication [National-Implementation-Plans-and-National-Action-Plans-Key-Elements-to-Consider-in-the-Context-of-a-Treaty-to-End-Plastic-Pollution August-2023.pdf](#)). These should include plans for the future as well as benchmarks and targets that can be verified to determine whether the commitments made in the National Action Plans have been met by each State Party. Although national circumstances are important considerations, it is critical that there be a set of clear information requirements for NAPs in order to monitor national implementation, establish an understanding of the issues facing the Treaty as it moves into further phases of implementation, allows for accountability and transparency in the Treaty application process, and allows for certainty for elements of the financial mechanism functions.

2. How can National Action Plans be structured so that reporting, implementation and compliance, information exchange, and effectiveness evaluation reinforce each other, rather than operating as separate obligations?

National Action Plans in the plastic pollution context should be centred on the fundamental

issues posed by the problem at the national level and could also include provisions regarding subnational entities. In designing the requirements for National Action Plans, the bridge between law and science offers a strong option to ensure that the terms reflect the objectives, principles, scope and core obligations of the treaty regime. The National Action Plans would benefit from being cumulative in nature, allowing for an understanding of how past practices have/have not caused changes that can be further advanced into future laws and policies. National Action Plans can be valuable tools for government planning and implementation if they are carefully designed and if State Parties have assistance, such as technical and financial assistance, to alleviate the potential for excess burdens being placed on governmental entities. National action plans should be designed to increase ambition over time ("progression") and contain a safeguard against regression ("non-regression"). It would be preferable that the national action plans be communicated on the same time, iterative for all State Parties rather than on staggered timelines. The content of national action plans should be informed by the objectives of the GPT and designed to fulfil these objectives.

Starting from the bottom-up approach through national action plans, the GPT should include a strong system of international oversight. This would apply to robust binding guidance for national action plans, binding requirements for reporting on implementation and achievement of these plans (possibly by using indicators), independent review and a mechanism for facilitating implementation and compliance. It might also be helpful to graphically illustrate how these elements fit together.

3. What practical mechanisms would ensure that information exchange contributes to improved implementation at the national level?

In designing national action plan requirements, it is important to ensure a structure that avoids duplication of information gathering and analysis with other international treaty reporting requirements. Given the financial and technical burdens of reporting on States, particularly SIDS and developing States, alleviating the pressures of duplication in reporting could result in more robust insights from the national action plans. This could also advance an understanding of how to coordinate their implementation in conjunction with other relevant national laws and international treaties.

4. How can reporting requirements be designed to directly support compliance assessment and effectiveness evaluation rather than functioning as a standalone exercise?

To address increasing ambition over time, inclusion of the requirement for iterative processes for all State Parties, the need for progression of ambition in national action plans, global stocktakes which inform the level of ambition in the next round of national plans, and common timeframes for reporting and next round of national actions plans should be considered as critical elements. The results of the stocktake could be used to determine next steps in implementing Annexes to the Treaty and could serve as part of a robust compliance system, along with a well-defined Compliance Committee.

5. What characteristics should effectiveness evaluation have in order to be a useful tool for improving the implementation of the instrument?

National action plans constitute one form of oversight for the implementation of a treaty, however they are rarely used alone when creating procedures to oversee the effectiveness and accomplishment of a treaty regime. Instead, treaties – including MEAs – often use reporting requirements, stocktakes and similar benchmarking

requirements to measure and assess the success of a treaty in application. These methods of assessment can be used to determine the need for amendments, annexes, protocols, agreements or other similar instruments in the future, giving them connections to both the specific convention structure and the framework convention structure discussed in the [Compilation of IUCN WCEL Briefings for Negotiators for INC-3 - resource | IUCN](#).

Effectiveness and accomplishment oversight for the GPT could be a valuable tool if crafted in a way that thoroughly evaluates the legal and technical aspects of plastic pollution. This type of oversight could be entrenched through a recurring stocktake system or could be triggered by another measure, although a sense of predictability of assessment would be valuable. These stocktakes could be used to assess progress regarding plastic pollution at the national level and international level, adoption and implementation of laws and rules relating to plastic pollution, economic transitions away from plastics intensive industries, reductions in biodiversity loss connected with plastic pollution, and reductions in carbon emissions attributable to the plastics industry, to name a few potential options. This could be used to generate a reliable assessment process that could increase the legitimacy of the GPT.

Cluster B:

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

1. How can provisions on releases, leakages, and waste management systems be reinforced by provisions on product design and products?

It is essential that releases, leakages and waste management systems be included in the core obligations of the GPT since they form vital aspects of the full lifecycle of plastic pollution as set out in UNEA Resolution 5/14. They can be reinforced through provisions on product design and products that are connected to standards for

ensuring the reduction and elimination of releases and leakages in design and production processes as well as provisions defining the connections between circularity, waste management systems and product design and production. Given the emerging scientific and technical knowledge in these areas, they would be best supported through the use of annexes to the GPT that could be updated as deemed appropriate by future CoPs.

2. What type of provisions should be considered to identify plastic products that may lead to plastic pollution? To what extent can the instrument create a common approach to this, while at the same time respecting different national circumstances and prerogatives?

While deferring to scientific knowledge for the technical specifications, it must be emphasized that from a legal perspective it will be important to generate definitions and criteria for plastic products in the applicable articles. This would give legal and regulatory certainty to all countries, as well as the private sector and to consumers, and would allow for uniform benchmarking and reporting. The creation of such definitions and criteria would not cause a conflict with differing national circumstances as they would reflect a scientific reality. However, it should be noted that the use of limited exemptions, as allowed for in some other MEAs and proposed throughout the IMC process, could be considered where there are significant national circumstances that would require additional time for a State to facilitate implementation.

3. How can plastic product design be a useful tool to avoid plastic pollution? What mechanisms can be envisaged in the text to disseminate good practices in this field?

As was highlighted in the discussions before and during the 2024 Bangkok intersessional meetings, existing uses of criteria approaches and noncriteria approaches to pollutants have been successful in regulating aspects of critical forms of pollution, notably air pollution. As scientific knowledge and legal efforts to address pollution and pollutants have increased

internationally and nationally it is possible to see this concept of criteria and noncriteria approaches expanding into other sectors than air pollution.

The potential inclusion of criteria approaches and noncriteria approaches for the designation and regulation of plastics, chemicals and product design under the GPT is an example of this growing awareness regarding the need for criteria-centred evaluation methods. However, this must be balanced against the fundamental question of the types of criteria and/or noncriteria approaches will be used and whether the annexes or other lists envisioned in the GPT will be positive or negative lists.

The suggestion of sustainability criteria as a broader method for framing and understanding the impacts of chemicals and product design throughout the plastics value chain is important. Beyond this, it will be essential that, regardless whether the criteria approach, noncriteria approach, or a hybrid thereof is recommended for use in the GPT, the contents of the criteria selected include not only science-based elements and socio-economic elements but also directly include evaluative elements connecting to short, medium and long-term impacts of substances and designs on biodiversity, ecosystems and the environment at the international, regional and local levels. The inclusion of these elements within the approach(es) selected would bridge the interlinkages between pollution, biodiversity and climate change and would ensure that there is greater convergence and coherence between treaties regulating pollution and international treaty regimes more broadly. This would advance transparency and information-sharing as well as providing States and stakeholders with an option to connect knowledge from other, related sectors, helping to ensure that reporting requirements are less onerous for States and that stakeholders can have their perspectives included across a wide range of related international treaty regimes.

4. What role, if any, should the instrument play in addressing existing/legacy plastic pollution — and through what types of provisions?

To fulfil the mandate of UNEA Resolution 5/14, it is essential that the GPT include strong provisions to address existing/legacy plastic pollution. These measures should be mainstreamed throughout the GPT, from a recognition in the preamble to inclusion in the core obligations, especially those around product design, National Action Plans, national reporting requirements, financing, capacity building and technology transfer. These provisions could also include a dedicated, standalone article that articulates the issues that States face from existing/legacy plastic pollution and ties to the core elements of the GPT.

5. How can the instrument contribute to more effective waste management, including collection of plastic waste?

To make waste management more effective, it is critical that the full lifecycle of plastic pollution be included in the GPT. Without this, the GPT will be required to play catch-up in terms of adapting to developments in the plastics market and their impacts on waste management rather than presenting a unified legal and regulatory system that allows for coordination and cooperation from the beginning of the plastics lifecycle through to waste management.

Cluster C:

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

1. Can capacity-building, technical assistance, technology transfer, and financial support be integrated into a single coherent implementation package that directly enables action under the instrument or is it preferable to structure these as distinct but complementary obligations?

From a legal perspective, and to advance synergies with existing MEAs as well as financing mechanism practices, it is preferable to retain a separate but complementary system of obligations relating to capacity-building, technical assistance, technology transfer and financial support. This would follow accepted MEA practice and advance the reality that these are each separate aspects needed to address plastic pollution in their own right. It would be important to ensure that each of these elements includes language that provides they will be undertaken as mutually agreed upon undertakings in order to preserve sovereignty and incorporate local knowledge of needs.

2. What institutional arrangements would be adequate to ensure that capacity-building efforts contribute effectively to the implementation of the agreement?

To best facilitate this, a dedicated capacity-building article with voluntary terms that link to National Action Plans, national reporting requirements, stocktaking measures, international cooperation provisions and financing will be essential. It is critical to understand capacity-building as a legal and scientific pathway forward that will require updating and evolution as capacities and knowledge regarding the plastics lifecycle and addressing plastic pollution continue to emerge.

3. How can the instrument create the incentives and send effective signals to the private sector to align with the objective of the instrument?

The GPT can and should create spaces within the capacity-building, technical assistance, technology transfer and financial mechanism provisions which involve the private sector as recipients of technical assistance and capacity building, drivers of technical assistance and capacity building, potential donors to the financial mechanism(s) created and potential partners for implementing grants and other funding projects on the ground. The GPT should also include dependable standards in the core obligations provisions, including

in Annexes, as well as National Action Plans and national reporting requirements so that the private sector can clearly understand the legal and regulatory requirements at the international and national levels. This will allow the private sector to understand compliance obligations, anticipate current and future regulatory requirements and ensure a level playing field across markets and jurisdictions.

4. What conditions would a financial mechanism deliver predictable and adequate support for implementation; and what criteria would be needed to assess adequacy?

From the INC-1 to INC-5.2, the need for a financing mechanism as a central element of the GPT has been clear. Whether housed in an existing financial entity, created as a new and freestanding entity, or a hybrid of these options, the financing mechanism will be essential to the success of the GPT. It will require clear and defined rules on financing rounds, and should start by providing early assistance with the ratification process, as was the case for the BBNJ Agreement. The financing mechanism will require transparency in decision-making and will need to ensure that the means of financing are predictable for recipient States. It will also require reporting procedures that connect to project specifics as well as to National Action Plans, national reporting requirements and applicable stocktaking measures.

5. What structure in the financial mechanism would be most appropriate for the purposes in the instrument? What could be the role or roles of the GEF or a dedicated multilateral fund? Are the proposals presented so far mutually exclusive options, or can they coexist in a hybrid approach?

Given the exigencies of financing as part of national and global efforts to address plastic pollution, the option of a hybrid approach is both legally possible and practically has the potential to most quickly deliver results. As has been seen in recently adopted treaties, such as the BBNJ, there is the option to house immediate financing in a mechanism such as the GEF and then transition some

or all of the funds falling under the umbrella of a financial mechanism to a freestanding financial entity once operationalized by future GPT CoPs.

Cluster D:

- Preamble
- Objective
- Principles and approaches
- Just transition
- Health
- Public information, awareness, education and research

1. Which general principles and approaches are essential to guide consistent decision-making across all provisions of the instrument? How should they be operationalized (e.g. in a standalone article, in the Preamble, or integrated within each substantive provision)?

The preamble to the ILBI is an essential legal and policy element that allows for a strong foundation of common understandings, motivation and needs of the international community. It should be the first reference to the many principles of international law which are included in the terms of the GPT and then these terms should be mainstreamed throughout the GPT.

The principles could include:

- The Rio Declaration principles as referenced in UNEA Resolution 5/14
- Polluter pays principle
- Precautionary approach
- Principle of prevention
- National capabilities and circumstances
- Common but differentiated responsibilities
- Non-regression
- Intergenerational equity
- Intragenerational equity
- Waste hierarchy approach
- OneHealth approach
- Inclusion of a gender perspective
- Special circumstances of SIDS and LDCs
- Human right to a clean, healthy and sustainable environment
- Use of the best available science, data, information, and traditional knowledge, knowledge of Indigenous Peoples, and

local knowledge systems, as reflected in the UNDRIP and other instruments including international human rights law

- Transparency and access to information
- Circularity
- Just transitions
- The sovereign right to exploit natural resources
- Public participation in the decision-making process.

2. What division of content can exist between the Preamble on one hand and principles and approaches on the other, to avoid repetition of elements and enhance coherence in the text?

Since the Preamble has a different legal function than the textual terms relating to principles and approaches, it is essential that these two sections be reflective of each other in order to provide legal certainty. The concern should not be about repetition, as this is necessary to give legal weight, but rather about ensuring that there are no conflicts or omissions between the Preamble terms and the articulated principles and approaches text.

3. How should the instrument address the social and economic dimensions of the transition envisaged under the instrument; and what form should that take in the instrument: a standalone provision, preambular language, or integration within substantive articles?

In the plastics context, the transition away from plastic production as well as plastic-intensive industries and the informal sector can be seen as essential yet also carries with it the potential to cause unemployment, underemployment and poverty. As has been seen in efforts to transition away from coal and fossil fuel extraction sectors due to climate change law, transitions must be done carefully and inclusively, involving not only the workers themselves but also their families and communities. A just transition in the context of the plastics life-cycle and circular economy will depend on the national or sub-national setting in which it occurs but also will require international law to guide

and oversee full implementation in the legal and regulatory realm as well as in policy and economic practice. Thus, including a standalone provision on just transition as well as references in the Preamble and throughout the GPT will be essential. The standalone provision will be key to ensuring that there is a full legal understanding of the issues involved – which are often complex – and the nature of State obligations to address them under the GPT. To refer to an earlier question, this is also an area where the private sector could be brought into the GPT implementation process.

Based on experiences with transitions in other industries, it has become clear that legal and regulatory efforts should focus on not only the individuals losing their jobs but also their families and communities since there are impacts across these layers. In the plastics context, this will be particularly critical for those engaged in the informal economy, such as waste pickers, who are often at the margins of society to begin with and frequently are women, children, those in extreme poverty or Indigenous peoples. Thus, they already face structural barriers to education, career choice and career advancement without the added stress of transitioning to another sector or job. To address this, the GPT could include wide-ranging provisions for coordination with and engagement of affected stakeholders, educational assistance with a focus on vocational training, and transitions to green and blue jobs. This would be benefitted by a funding mechanism to provide assistance to States and stakeholders engaged in these efforts as well as capacity-building and technology transfer provisions.

Further, transitions and responses to them will require tailoring to the communities in which they are taking place to avoid entrenching discrimination against women, the poor, and members of marginalized communities. Understanding the social and economic issues facing those who are engaged in the plastics industry would be key to facilitating transitions that are realistic for the communities in which these workers live while also advancing equity, non-discrimination and justice. Previous just transitions efforts in the coal sector have

demonstrated the need to address issues not directly connected with re-education or training, especially domestic violence and abuse that can come with economic stress in a household.

Additionally, efforts at just transition in the context of the GPT could benefit from exploring synergies with other treaty systems addressing transitions. Thus, a broad view of just transition and the sectors that will be impacted by efforts to regulate plastic pollution under the GPT could facilitate significant shifts that assist multiple treaties in achieving their goals.

4. How should the instrument address the relationship between plastic pollution and human health and through what type of provision, if any?

Following the precedent of the Minamata Convention, the GPT should contain a standalone provision relating to health. However, to fully reflect the impacts of plastic pollution on human health, ecosystems, biodiversity and environmental health, the standalone article should be focused on the OneHealth approach. The provisions of this article should connect to the Preamble, core obligations, National Action Plans, national reporting requirements, stocktaking measures and financing mechanism.

5. How can public information, awareness, education, and research be structured to directly support implementation and behavioral change at scale?

Transparency, access to information and public information are core principles of international law, particularly in the environmental context, and should be included in the Preamble, the Principles and Approaches article and throughout the terms of the GPT. This links to the importance of using National Action Plans and national reporting requirements as part of the compliance elements for the GPT. In addition, education should be mainstreamed throughout the GPT, especially in the capacity-building, technical assistance and technology transfer articles.