



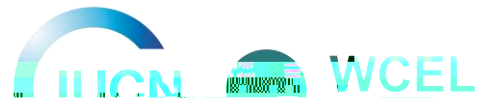
In 2022, the **IUCN World Commission on Environmental Law (WCEL)**

How? The preamble may include historical references, treaty regime references, as well as emphasising the core interpretive principles of international law that form the underlying terms of the Plastic Pollution Treaty. In this context, principles such as the polluter pays principle, the precautionary approach, national capabilities and circumstances, sustainable development, the rights of future generations and intergenerational equity could play a significant role in the framing of the Treaty in the preamble content. As was stressed by States during INC-1, the transboundary nature of plastic pollution is an important element for the Plastic Pollution Treaty to include. In this context, including this as a thread from the preamble onward could serve as a comprehensive tool for holistically addressing plastic pollution.

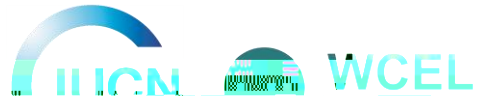
2. Introductory elements including definitions, robust objectives, scope and principles

What? Definitions are essential to the functioning of any treaty regime. This will also be the case for the Plastic Pollution Treaty in particular because of the highly nuanced and technical nature of the issues raised by the cycles of plastic pollution.

How? As discussed in the IUCN Briefing for Negotiators addressing the glossary of key terms, one way for the Plastic Pollution Treaty to maximise its legal and technical impact is through a strong and extensive set of definitions. These definitions could reflect the science of the plastics life-cycle as well as the role of science and scientific knowledge in plastic pollution and associated impacts.



What? The inclusion of fundamental principles for the implementation of a treaty regime can serve a vital role at the time of adoption as well as in future negotiations for amendments, annexes, protocols, agreements, or other interpretive actions. These principles should reflect



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-



How? Effectiveness and accomplishment oversight for the Plastic Pollution Treaty 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 similar to that adopted for the Paris Agreement 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 Plastics Pollution Treaty. Care would need to be taken so that the assessment system designed is sufficiently rigorous to allow for in-depth measures while also accommodating unforeseen situations that could have an impact on implementation. The Covid-19 pandemic highlighted

How? Capacity-building in the plastic pollution context differs from that in the context of multilateral environmental agreements, and inclusion of a nuanced understanding of capacity building needs in responding to plastic pollution could be valuable. When designing the governance mechanisms to be used in the Plastic Pollution Treaty, the inclusion of a dedicated mechanism for capacity-building could offer an important opportunity. Similarly, the inclusion of technical assistance and technology transfer elements in the Plastic Pollution Treaty could be used to entrench these aspects of equity within the objectives, scope and principles of the Treaty.

What? UNEA resolution 5/14 includes specific reference to a financial mechanism to assist in implementing the Plastic Pollution Treaty. Thus, the financing issue was resoundingly discussed as a critical element of the Plastic Pollution Treaty by States and stakeholders during INC-1 and will remain an issue for future negotiations.

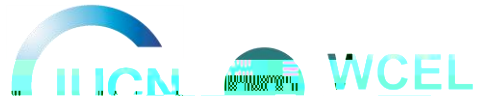
How?



How? The complexities of issues involved in plastic pollution could make the use of subsidiary bodies within the Plastic Pollution Treaty integral to achieving its objectives and purposes. Based on the changing nature of law and technology in the realm of plastics, treaty terms creating specific subsidiary bodies as well as allowing for the creation of unspecified subsidiary bodies in the future could be quite useful to the implementation and responsiveness of the Plastic Pollution Treaty. As was highlighted by many States during the INC-1 discussions, a dedicated scientific advisory body could play an important role in this context, particularly it can bridge the science and policy issues of plastic production, consumption and pollution.

7. Final provisions, including settlement of disputes

What? As noted in UNEP briefing note 5 in advance of INC-1, decisions regarding the use of reservations are central to the legitimacy of State intent to be bound by a treaty's terms. The idea of reservations has been discussed as an effort to balance sovereignty and international law, however in relation to topics such as environmental harms they are rarely used.



escalating to the International Court of Justice where necessary could offer a path that allows the States involved and the Treaty to benefit from the experience of an increasingly environmentally aware international court that is also versed in intricate issues of sovereignty and international law. The inclusion of dispute settlement provisions within the main text of the treaty structure decided upon for the Plastic Pollution Treaty could be considered as an important element that should not be left for the conclusion of a subsequent instrument.
