



GAIA submission: Part A - Scope and Principles

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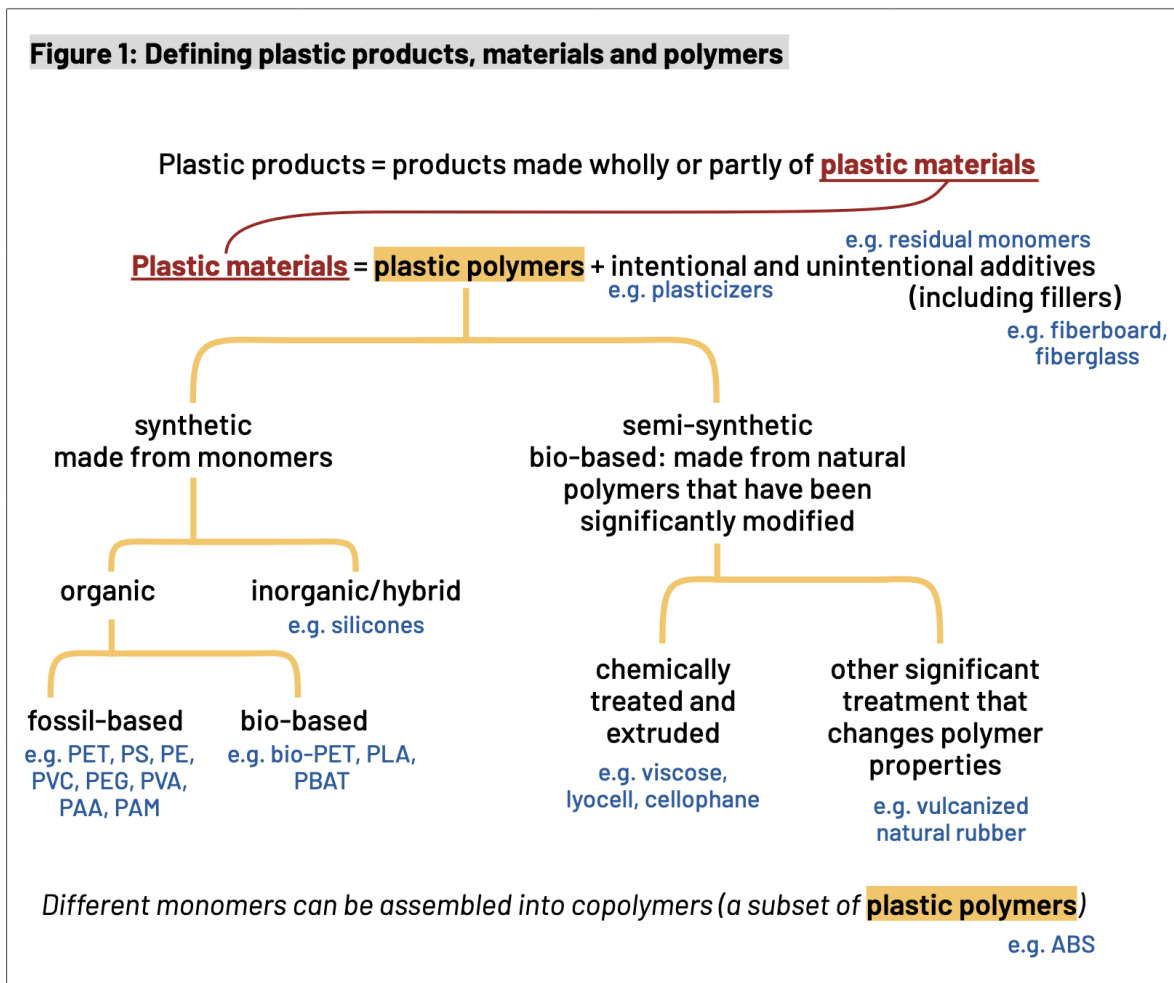
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1. Scope

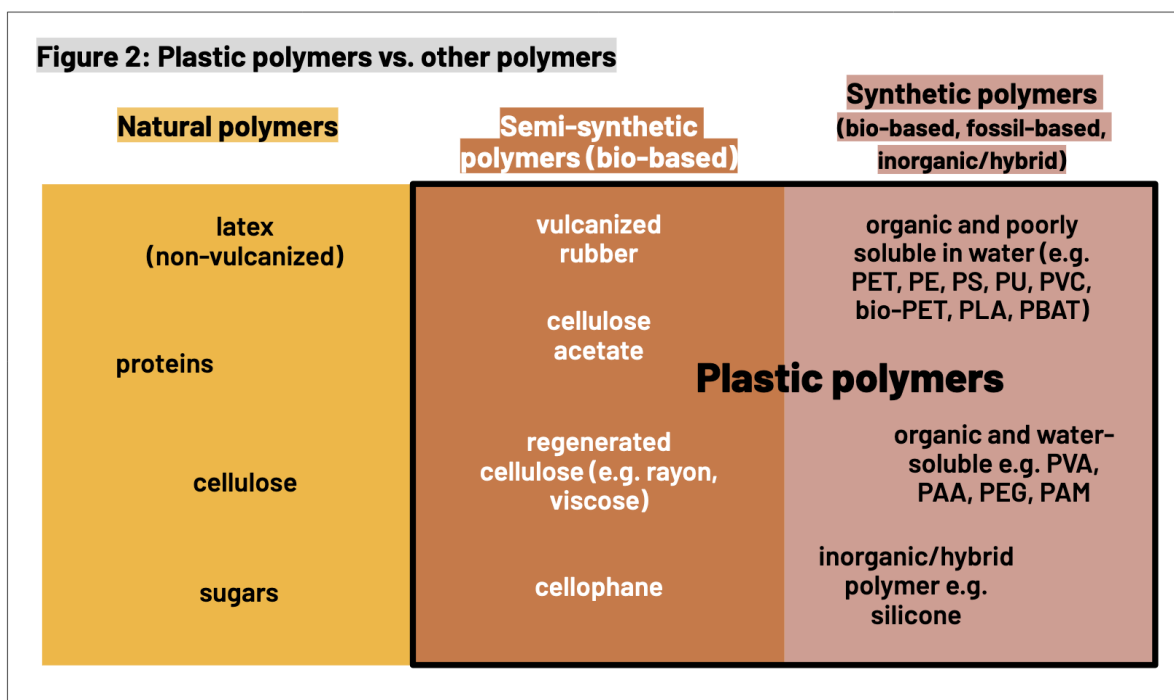
[UNEA Resolution 5/14](#) that sets the mandate for global plastics treaty negotiations **already defines the treaty's scope** in the following manner:

- The substances, materials and products covered are **all plastics and associated pollution**, with no exceptions.
- The behaviors, actions and processes covered span the **whole lifecycle** of plastics from the acquisition or generation of raw materials from natural resources until the very end of life of plastics and associated pollution impacts.

GAIA's 2022 publication [Defining plastic products, materials and polymers: a proposal](#) clarifies the full scope of plastics covered, from plastic products to plastic materials, plastic polymers and additives, summarized in the following diagram:



It is important to distinguish plastic polymers - both synthetic and semi-synthetic - from natural polymers:



The following table identifies both the plastics and the plastic pollution covered by the treaty, by lifecycle phase:

<p>Upstream</p>	<p>All chemicals and polymers (substances) used for the production of plastics:</p> <ul style="list-style-type: none"> - All feedstocks/raw materials used for the production of monomers. - Monomers used for the production of plastic polymers. - Plastic polymers: 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: <ul style="list-style-type: none"> - Manufacturing aids such as blowing agents - fillers <p>All materials made from plastic polymers and additives including composite materials.</p> <p>All intermediate products made wholly or partly of plastic materials including pellets, expanded polystyrene beads, rolls of film and primary microplastics used to manufacture other products.</p> <p>All pollution from upstream plastics and associated chemicals</p>
<p>Midstream</p>	<p>All products made wholly or partly of plastic materials, including multi-material products and products featuring plastic layers or laminates.</p> <p>All pollution from midstream plastics and associated chemicals</p>
<p>Downstream</p>	<p>All wastes, debris and pollution made wholly or partly of plastic materials, e.g.:</p> <ul style="list-style-type: none"> - Secondary microplastics - "Plastistone" - Ash from the incineration of wastes containing plastics <p>All wastes, debris and substances resulting from plastic waste management or pollution, e.g.</p> <ul style="list-style-type: none"> - Oil resulting from the pyrolysis of plastic waste - Gas resulting from the gasification of plastic waste <p>All pollution from downstream plastics and associated chemicals</p>

2. 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. GAIA recommends that **INC-3 time be focused on control measures** and that principles are discussed chiefly as rationales for specific control measures.

Rio Principles

Many principle underpinnings for the global plastics treaty are already agreed in [UNEA Resolution 5/14](#) that reaffirms the principles of the [1992 Rio Declaration on Environment and Development](#). The Rio Principles include, inter alia:

- The principle of common but differentiated responsibilities (CBDR) (Principle 7) that should apply to finance under the global plastics treaty.
- Public participation in environmental decision-making (Principle 10)
- Access to information (Principle 10)
- Liability and compensation (Principle 13)
- Transboundary environmental justice, also known as the “no harm rule” protecting states from transboundary harm (Principle 14)
- The precautionary principle (Principle 15)
- The polluter pays principle (Principle 16)

Human rights

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.

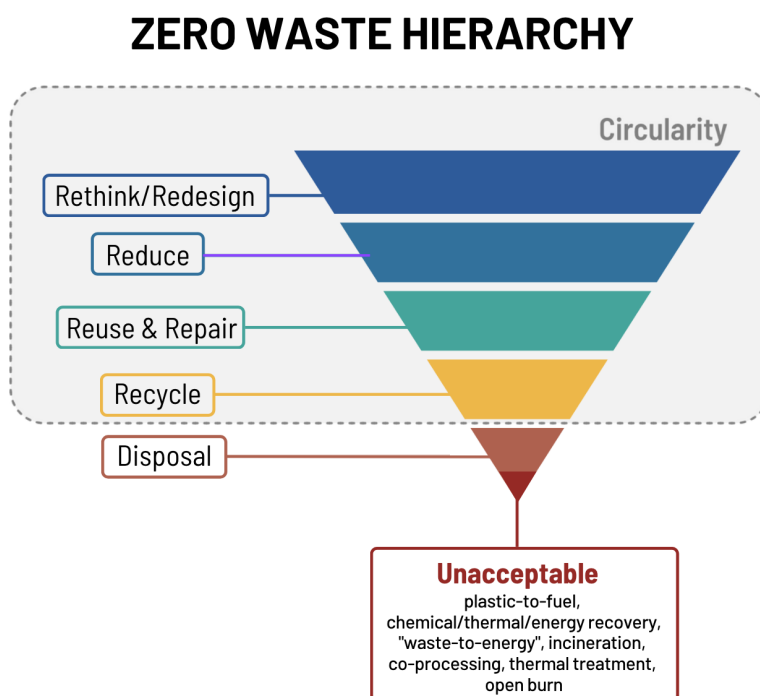
Overall, the UN [Framework Principles on Human Rights and the Environment](#) provide a useful overview of human rights relevant for environmental protection (UN Doc. A/HRC/37/59, 2018).

Prevention principle and zero waste hierarchy

The **prevention principle** 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. Prevention is the central focus of several international environmental agreements and is cited in the titles of the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL) and the 1972 Convention on the Prevention of Marine Pollution by Dumping of

Wastes and Other Matter, while the United Nations Convention on the Law of the Sea includes an obligation to prevent pollution (Article 194). The Ad Hoc Open-Ended Expert Group on Marine Litter and Microplastics recognized that “prevention is paramount and is the priority” as early as its second meeting in 2018. Prevention also appears both in principles 9 and 32 of the 2023 [Maastricht Principles on the Human Rights of Future Generations](#).

The **zero waste hierarchy** applies the prevention principle to materials including plastics across their lifecycle. Unlike the traditional waste hierarchy, 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.



Inter-generational equity and planetary boundaries

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.

Protecting future generations' right to a healthy environment requires respecting our planetary boundaries. Nine planetary boundaries have been identified to date: climate change, stratospheric ozone depletion, atmospheric aerosol loading, ocean acidification, altered biogeochemical flows (phosphorus and nitrogen cycles), freshwater use, land-system change, loss of biosphere integrity, and novel entities. Plastics are a type of novel entities, and contribute to weakening all other boundaries, as illustrated in the diagram below from Villarrubia-Gómez et al. (2022).

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.

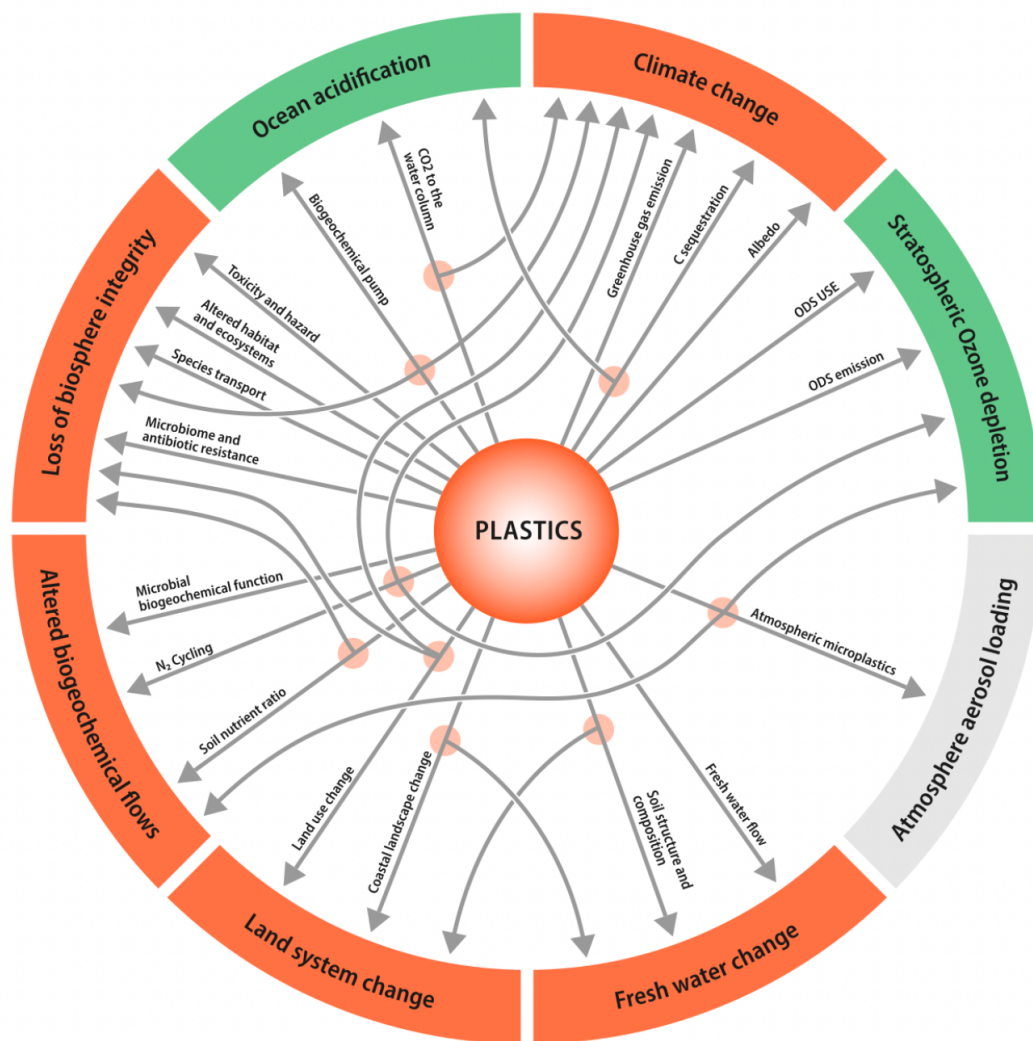


Figure 2. The plastics planetary boundary as a novel entity and cross-interactions with Earth System Components. Concept based on Gleeson et al. 2020. GHG = greenhouse gas emissions; ODS = Ozone depleting substances

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GAIA is a global network of grassroots groups and national and regional alliances representing more than 1000 organizations from 92 countries. We envision a just, zero waste world built on respect for ecological limits and community rights, where people are free from the burden of toxic pollution, and resources are sustainably conserved, not burned or dumped. We work to catalyze a global shift towards environmental justice by strengthening grassroots social movements that advance solutions to waste and pollution.