



GAIA comments on the Chair's text

April 2025

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General considerations

The treaty text proposed by the INC Chair at the end of the INC-5 ([Chair's Text](#)) is the baseline for consultations taking place during the intersessional period until negotiations formally resume at the INC-5.2 in August 2025 and has been accepted as a basis for negotiations moving forward.

The Chair's Text needs significant adjustments to yield an effective plastics treaty, including:

- Clearly framing the treaty's scope across the **life cycle of plastics, starting with the extraction of raw materials** (see article 1bis on Definitions);
- Making **human rights including the right to health and the right to a clean, healthy, and sustainable environment,¹ the rights of Indigenous Peoples, and just transition** cross-cutting priorities, and emphasizing their specific relevance in the implementation of article 10 on Just transition;
- Including **global, legally-binding core obligations** free from "as appropriate" and "national circumstances" loopholes that reflect the ambitious convergence of a progressive majority of states (see articles 6 on Production, 3 on Products and chemicals, and 10 on Just transition);
- **Excluding climate and toxics-intensive technologies** such as incineration, pyrolysis and chemical recycling from waste management, financing, transfer, consideration in design, and from

¹ The UN General Assembly recognizes the right to a clean, healthy and sustainable environment as a human rights since 2022: UNEP (2022) [In historic move, UN declares healthy environment a human right](#)

- counting towards any recycling or recycled content targets (see articles 8 on Plastic waste management, 11 on the Financial mechanism and 5 on Plastic product design);
- Establishing a **financial mechanism** equipped to support a robust and effective treaty, including through a dedicated fund and secretariat, as well as by complementing public financing with private funds, including those levied through a global plastic polymer fee (see article 11 on the Financial mechanism);
- **Equipping the future plastic treaty COP with an effective decision-making process** and providing a streamlined **Annex updating or adjustment process**, such as **tacit acceptance or a vote of two-thirds of COP Parties** present and voting, to update Annex criteria and lists based on the latest science and independent evidence, drawing on the work of the **Scientific Review Committee** (see article 20 on the COP and 27 on Ratification);
- Providing **reasonable flexibility arrangements that do not sacrifice treaty effectiveness** (see articles 4 on Exemptions, and 27 on Ratification for applicability of amendments to Annexes).

Comments on articles are presented in order of suggested priority for the sequencing of negotiations to guide negotiators in their efforts towards convergence around a text for an effective treaty and optimize negotiation time.

Articles to finalize first (in order of priority)

Article 6: Supply / Sustainable production

Over one hundred countries have called for measures to bring primary plastic production in line with the climate planetary limit of 1.5 degrees Celsius of global warming, in line with the mandate from UNEA resolution 5/14 for full lifecycle measures.² This requires casting aside Option 1 (no article).

Recommendations to strengthen Option 2:

- **Remove brackets** around each of the paragraphs, that are all needed for the elegant five-point binding control measure proposed;
- **Add national targets** supporting the global reduction target to ensure Parties are also individually accountable. Parties may request delayed phasedown via Article 4 on Exemptions. SIDS and LDCs may additionally seek leniency under the treaty's compliance mechanism where their financing is insufficient for compliance;
- Provide an assessment of progress on and effectiveness of targets, with the option to update them, every **two years** instead of five years, to address the urgency of the plastic pollution crisis and its harm to the environment including the climate and biodiversity, as well as human health.

A streamlined **Annex updating or adjustment process**, such as **tacit acceptance or a vote of two-thirds of COP Parties** present and voting, as well as universal applicability of annex updates once they enter into force (removing Article 27(4)), are critical to the success of this Article.

² Written and verbal support by countries at INC-5 as tracked by GAIA.

Article 3: Plastic products

At INC-5, a 100+ country majority supported binding product and chemicals phaseouts to end plastic pollution.³ The Chair's text on plastic products is not workable in its current form. A coherent proposal mirroring the ambition at INC-5 would be beneficial.

Elements needed include:

- Harmonized mandatory disclosure of chemical composition and associated harms;⁴
- A no data no market approach;
- Phasing out the manufacturing and trade of plastic products containing hazardous chemicals, using:
 - A hazard-based approach, starting with the criteria of persistence, bioaccumulation, mobility and toxicity, and further hazard criteria detailed in an Annex⁵;
 - A red list identifying chemicals and groups of chemicals for which hazardousness has already been established based on hazard criteria;
 - Continuous monitoring where there is insufficient evidence to exclude hazardousness, through a Scientific Review Committee;
- Phasing out the manufacturing and trade of plastic products and groups of products that:
 - Are unnecessary (can be eliminated without being replaced), or that can be avoided after the scaling up of alternatives such as reuse systems and refill;
 - Harm human health or the environment, including products that are single-use, short-lived, easily littered, or most likely to emit microplastics;
 - Are challenging to reuse or manage safely as waste at scale and in practice, recalling that neither chemical recycling nor incineration are safe for human health or the environment;⁶
- Criteria and corresponding lists should be included in an Annex on plastic products and chemicals; adopting a group-based approach where possible is critical for efficiency and to avoid regrettable substitution.⁷

A streamlined Annex updating or adjustment process, such as tacit acceptance or a vote of two-thirds of COP Parties present and voting, as well as universal applicability of annex updates once they enter into force (removing Article 27(4)), are critical to the success of this Article.

Article 4: Exemptions

The suggested text would make exemptions easily accessible for Parties in need of flexibility relating to phase out dates for prohibited plastic products, or prohibited chemicals in plastic products. Reasonable safeguards are needed to ensure that the legitimate exemptions don't give way to loopholes: exemptions

³ [Declaration on Plastic Products and Chemicals of Concern](#) and verbal support by countries at INC-5 as tracked by GAIA.

⁴ HEJSupport, Swedish Society for Nature Conservation and GroundWork (2022) [Global Plastics Treaty – transparency requirement for chemical constituents in plastic is a must](#)

⁵ The UN Globally Harmonized System of Classification and Labelling (GHS) already uses persistence, bioaccumulation and toxicity as hazard criteria, and is currently considering to add mobility.

⁶ GAIA (2022) [“Chemical recycling” and plastic-to-fuel](#); GAIA (2022) [Waste incineration and burning waste in cement kilns](#)

⁷ See IPEN (2025) [The plastics treaty in 2025: IPEN views on the Chair's Text](#)

must relate to specific essential uses⁸ and must not give rise to uncontrolled production or trade of plastic products and chemicals.

GAIA recommends:

- Shifting **from a notification to an authorization/application approach** for exemptions, requiring that Parties demonstrate:
 - That the use of the specific plastic product or chemical targeted by the exemption request is essential for the functioning of society, including health and safety;
 - The absence of alternatives that are economically feasible and safe for human health and the environment;
 - That all economically-feasible steps have been taken to minimize the essential use of the plastic product or chemical targeted by the exemption request.
- Providing that **exemptions applications are reviewed by the Scientific Review Committee and granted by the COP;**
- Offering **three-year exemptions, with a six-year sunset period**, instead of five and ten years, respectively.

An exemption application form that details the technical and scientific information required to meet essential use criteria may be included in an Annex.

With such a flexible exemptions provision, there is no need to seek flexibility through optional annexes, which would sacrifice overall treaty effectiveness. SIDS and LDCs, whose access to financing does not cover their implementation needs, may seek leniency under the treaty compliance mechanism.

Article 8: Plastic waste management

Measures taken on plastic waste management under the future plastics treaty must bridge the gaps of the Basel Convention, in particular:

- Focusing on **prevention** as the top-tier of the waste hierarchy, also considering that Basel Convention provisions on waste prevention are all only voluntary guidance;
- **Excluding plastic waste management practices that harm the environment, health and human rights** such as plastic burning, whether during open burn or controlled burning in incinerators, cement kilns, or pyrolysis, as well as chemical recycling. Current Basel Convention guidance does not sufficiently equip governments to tell apart harmful waste-management technologies from safe ones.⁹

GAIA recommends that negotiations strengthen Article 8 and:

- **Exclude plastic burning** in all its forms, including by removing the mention to “waste to energy recovery” incineration;
- Re-order measures in Paragraph 2 following the **waste hierarchy**, starting with **prevention**;

⁸ Essential use is a use is necessary for health, safety or is critical for the functioning of society, in the absence of alternatives that are acceptable from the standpoint of environment and health, in line with the Montreal Protocol definition in its [Decision IV/25](#) (1992)

⁹ Basel provisions on waste prevention are all voluntary guidance that has failed to curb the plastic pollution crisis, and the emphasis remains on recycling rather than upstream prevention. See GAIA, BAN and EIA (2023) [Bridging the Basel Convention Gaps with the Future Plastics Treaty](#)

- Exclude **toxic recycling**;
- Preserve the excellent Article 3 provisions on **waste trade** that strengthen the Basel Convention;
- Retain the important mentions to **just transition and waste pickers** in Paragraph 2.

Article 10: Just transition

- Replace non-binding provisions in Paragraphs 1, 2 and 3 with **binding ones**, and **remove the mention “taking into account national circumstances and capabilities”** to avoid creating loopholes;
- Retain a **mention of the ILO Just Transition Guidelines** from the Chair’s third non-paper, especially now that references to specific measures have been removed;¹⁰
- Guarantee that a just transition ensures **safeguards for human health and the environment, upholds the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including the right to Free, Prior and Informed Consent (FPIC), and respects the right to self-determination.**

Article 11: Financial mechanism

At INC-5, 151 countries supported a financial mechanism with a dedicated fund, as well as a dedicated secretariat, and mandatory contributions from developed country Parties supporting developing country Parties and Parties with economies in transition.¹¹ Ghana also made a proposal for a **global plastic polymer fee**, to complement public funding and fill the large financing gap to meet the needs of developing state Parties to a future plastics treaty.¹² Several of these important elements from a majority coalition of Global South delegations are missing from the Chair’s text version of Article 11, given the supremacy given to the proposal by a minority Global North potential donor countries on finance during INC-5 negotiations.

For an effective Article 11, GAIA recommends that negotiators:

- Retain the establishment of a new **dedicated multilateral fund and remediation fund** in paragraph 7 and add the establishment of a **dedicated Secretariat**;
- Retain the focus on financing **developing country Parties, in particular LDCs and SIDS**;
- Include a **global plastic polymer fee** to ensure private sector contributions from the industry most responsible for plastic pollution, complement public funding and cover the financing gap;
- Ensure that fund replenishment is **binding** for Parties with the financial capacity to do so;
- Reference the financing of **just transition** as a dedicated track alongside the existing mention of financing for communities most vulnerable to plastic pollution;
- **Exclude climate and toxics-intensive technologies** such as incineration, pyrolysis and chemical recycling, from financing and transfer;
- **Omit paragraph 14** to ensure that while the private sector may complement public funding, it does not lead overall financing for the instrument;
- Not prejudge on which financial institution could host the financial mechanism fund(s) and focus instead on defining the financing modalities and conditions that any candidate institution must fulfil;

¹⁰ International Labour Organization (2015) [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#)

¹¹ Number of countries supporting the INC-5 [Conference Room Paper submitted by Africa Group, GRULAC, Cook Islands, Fiji and Federated States of Micronesia](#) and verbal support by countries at INC-5 as tracked by GAIA.

¹² INC-5 [Submission by Ghana: The plastic polymer fee](#)

- Omit any reference to plastic credits given their record of pollution and fraud to date, as well as their unreliability.¹³

Article 20: Conference of the Parties

Negotiators should incorporate Norway's INC-5 proposal, also found in the BBNJ Agreement, to ensure that the future plastic treaty COP is able to effectively make decisions:¹⁴

The Conference of the Parties shall make every effort to adopt decisions by consensus. Except as otherwise provided in this Convention, if all efforts to reach consensus have been exhausted, decisions of the Conference of the Parties on questions of substance shall be adopted by a two-thirds majority of the Parties present and voting, and decisions on questions of procedure shall be adopted by a majority of the Parties present and voting.

The COP's adoption of its Rules of Procedure should also be made by a two-thirds majority, rather than by consensus, as COP Rules of Procedure adoption by consensus has caused paralysis in the Minamata Convention, where voting paragraphs in the COP Rules of Procedure remain bracketed as its 6th COP approaches, as well as in the UNFCCC, now approaching its 30th COP.

Articles 27: Ratification, acceptance, approval or accession and 24: Adoption and amendment of annexes

Article 27 Paragraph 4 of the Chair's text is modelled on Article 30(5) of the Minamata Convention that gives its Parties, upon joining the Convention, the option to choose that no annex amendment will apply to them unless they explicitly opt-in. This is a very problematic clause that would deal lasting damage to the future plastic treaty's ability to update its Annexes on plastic products, chemicals and plastic production in line with the latest science. With this language, the plastic treaty will be unable to keep up with the evolution of plastic pollution. An adopt-now-and-strengthen-later model will not succeed. GAIA therefore strongly recommends that negotiators remove paragraph 4 of Article 27, as well as mentions to it in paragraphs 3(b) and 4 of Article 24.

Other articles of note

Article 1: Objective

The objective of this instrument must align with the mandate in UNEA Resolution 5/14 "End plastic pollution" and therefore:

- The objective should read "The objective of this Convention is to protect human health and the environment **by ending from** plastic pollution";
- The brackets around "based on a comprehensive approach that address the full life cycle of plastics" should be removed.

¹³ BFFP (2023) [Smoke and Mirrors: The Realities of Plastic Credits and Offsetting](#).

¹⁴ INC-5 [Norway submission on Article 20: Conference of the Parties](#)

Article 1bis: Principles and approaches

A dedicated article on principles ensures their legal force. Referencing groupings of principles such as the Rio Principles is a more concise and fair approach than highlighting some principles and not others. The concise format of Option 2 is helpful, with substantial changes to its content. The article on Principles should:

- Focus on **principles of international environmental law** rather than more vague “approaches” which should be removed completely as they may open loopholes;
- Reference the **Rio Principles**, in line with UNEA Resolution 5/14;
- Reference other principles of international law not covered by the Rio Principles, such as:
 - The **prevention principle** (central to the [1972 Stockholm Declaration on the Human Environment](#) that founded UNEP)
 - **Human rights**, noting the UN [Framework Principles on Human Rights and the Environment](#) that provides an overview of human rights relevant for environmental protection (UN Doc. A/HRC/37/59, 2018);
 - The **rights of Indigenous Peoples**, as set forth in the United Nations Declaration on the Rights of Indigenous Peoples;
 - **Intergenerational equity**, as defined in the [Maastricht Principles on the Human Rights of Future Generations](#);
 - Just transition, as defined in the ILO [Guidelines for a just transition towards environmentally sustainable economies and societies for all](#).

Article 2: Definitions

- Include the following **definition of life cycle**:
 - “Life cycle” means all activities and outcomes associated with the production and consumption of plastics including raw material extraction and processing (for plastics: refining; cracking; polymerisation), design and manufacturing, packaging, distribution, use and reuse, maintenance and end of life management, including segregation, collection, sorting, recycling, and disposal (from UNEP 2021 Plastics Science, UNEP/PP/INC.1/7);
- Include the following **definition of just transition**:
 - “Just transition” means ending plastic pollution in a way that is fair and inclusive for everyone concerned, by ensuring effective social dialogue among all groups impacted by the plastics crisis and creating decent work opportunities while leaving no one behind, in accordance with human rights standards, the United Nations Declaration on the Rights of Indigenous Peoples and the ILO guidelines for a just transition.¹⁵
- The definition of “plastics” must **not exclude plastics that are water-soluble or non-solid at room temperature** as these also contribute to plastic pollution and harm health;¹⁶

¹⁵ Adapted from a definition by the International Alliance of Waste Pickers.

¹⁶ Non-solid plastics cause plastic pollution and are toxic, and should be covered under a plastics treaty. Uncured, non-solid thermoset plastics such as PDMS (silicones) are persistent pollutants, posing particular problems for wastewater treatment because they do not biodegrade. See Teixeira, A. C. S. C., Guardani, R., Braun, A. M., Oliveros, E., & Nascimento, C. A. O. (2005). [Degradation of an aminosilicone polymer in a water emulsion by the Fenton and the photochemically enhanced Fenton reactions](#). *Chemical Engineering and Processing: Process Intensification*, 44(8), 923–931). For their toxic impacts, see Hyoungh, U. J., Yang, Y. J., Kwon, S. K., Yoo, J.

- “Plastic chemicals” must be clearly defined as any chemicals present in plastics: additives, processing chemicals, polymers, oligomers, monomers, and non-intentional additive substances (NIAS);
- “Microplastics” must be defined as pieces of plastic with their longest dimension measuring 5 mm or less;
- The definition of “plastic pollution” must include all releases, leakages, and emissions of plastics, including microplastics, as well as hazardous chemicals and greenhouse gases across the full lifecycle of plastics;
- The definition of a “plastic product” must include components in order to cover primary microplastics in products, as well as intermediate products used to manufacture other products (e.g. pellets and other primary microplastics, polystyrene beads, rolls of film);¹⁷
- The definition of “plastic waste” must be further clarified, in line with the Basel Convention, as “materials or substances consisting of plastic which are disposed of, intended to be disposed of, or required to be disposed of by the provisions of national law, in accordance with definitions under the Basel Convention”.

Article 5: Plastic product design

- In paragraph 1(a)
 - rephrase the text to make the obligations under 1.(a) clear and binding;
 - clearly separate reuse from recycling to follow the waste hierarchy and avoid confusion in the order of priority of design principles;
 - ensure that reuse is not confined to plastic products but applies across materials, including alternatives to plastics;
 - exclude climate and toxics-intensive technologies such as incineration, pyrolysis and chemical recycling from design considerations and do not count them towards recycling or recycled content targets;
 - emphasize that all materials, products and processes must be toxic-free;
 - require disclosure of all chemicals present in plastic products;
- Require the Paragraph 2. guidance to be issued by the second COP, to avoid undue delays;
- Omit Paragraph 4. that is redundant with a similar mention in the article on Principles;
- Restore the non-Party trade provision from the Chair’s fourth non paper, and reference compliance with Article 3 on plastic products, since the current version of Article 5 lacks an Annex.

H., Myoung, S. C., Kim, S. C., & Hong, Y. P. (2007). [Developmental toxicity by exposure to bisphenol A diglycidyl ether during gestation and lactation period in Sprague-Dawley male rats](#). *Journal of Preventive Medicine and Public Health*, 40(2), 155-161 and Hossain, M. M., Huang, H., Yuan, Y., Wan, T., Jiang, C., Dai, Z., Xiong, S., Cao, M., & Tu, S. (2021). [Silicone stressed response of crayfish \(Procambarus clarkii\) in antioxidant enzyme activity and related gene expression](#). *Environmental Pollution*, 274, 115836.

¹⁷ Adapted from [Directive \(EU\) 2019/904 on the reduction of the impact of certain plastic products on the environment](#).

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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.