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Plastics treaty negotiations: a ray of hope in Ottawa

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After three sessions of the Intergovernmental Negotiating Committee on Plastic Pollution (INC), the negotiations for an international legally binding instrument on plastic pollution resumed at the fourth INC session held in Ottawa (Canada) in April 2024. Pending successful intersessional talks on key issues and a fifth session of the INC scheduled in Busan, Republic of Korea in November, the UN “Plastics Treaty” could be agreed by the end of 2024 and signed at a diplomatic conference in the first half of 2025. However, the

level of ambition is uncertain given the differences between a “High Ambition Coalition” seeking a broad agreement addressing plastic proliferation from production to disposal, and a “like minded” group seeking to restrict the scope of the agreement to the management of waste.

From INC3 to INC4

Mandated by the Fifth Meeting of the UN Environment Assembly (UNEA5) held in Nairobi, Kenya in 2022, the Intergovernmental Negotiating Committee on Plastic Pollution convened its fourth session ([INC4](#)) in Ottawa, Canada, on 23-29 April 2024, to pursue negotiations on an International Legally-Binding Instrument (ILBI) on Plastic Pollution including in the marine environment. Over 2,500 delegates and observers from 175 countries attended the meeting.

Previous sessions held between November 2022 and November 2023 in Punta del Este (Uruguay), Paris (France), and Nairobi (Kenya) had made only limited progress. With the rise of a so-called “like-minded” group of countries determined to restrict discussions to waste management, the [third session had failed to reach agreement](#) on intersessional work needed to address key questions such as the scope of the ILBI and its means of implementation.

INC4 participants came to Ottawa with concern, knowing that according to the target set by [Resolution UNEA5/14](#) of March 2022, *End plastic pollution: towards an international legally binding instrument*, there were only two sessions left to complete the draft by the end 2024 deadline, before its adoption by a diplomatic conference, presumably in the first half of 2025.

A [revised draft text of the ILBI](#) was circulated in advance of INC4 by the Secretariat of the UN Environment Programme (UNEP). Made up of 69 pages, the draft text was ambitious in terms of the issues covered, but it contained nearly 1,000 square bracketed words, phrases, sentences, paragraphs, and entire sections, reflecting the tensions and differences of views expressed at INC3.

Drawing lessons from the absence of high-level participation at the failed INC3, Canada's Environment Minister Steven Guilbault convened several fellow ministers for a Partnership Day on 22 April. Christophe Béchu, Steffi Lemke, Jeanne d'Arc Mujawamariya, and Teresa Ribera, Environment Ministers respectively of France, Germany, Rwanda, and Spain reaffirmed their commitment to a global plastics treaty/ILBI addressing all aspects from production to disposal. Representatives of indigenous peoples, scientists, international organisations, regional governments, the retail sector, and environmental NGOs also took part in that scene-setting Partnership Day.

The USA, a country which is not a member of the HAC but supports the inclusion of [provisions to enhance reuse systems](#) in the ILBI as a priority to contain plastics proliferation, also took part in the Partnership Day, and signed up on 29 April to [G7 Environment Ministers Declaration](#) recognizing the need to reduce plastic production.^{[1](#)}

However, the Center on International Environmental Law ([CIEL](#)) noted the presence of [196 lobbyists from the fossil fuel and chemical industries registered at INC4](#).

From confrontation to conversation^{[2](#)}

On Day 1, the plenary of INC4 was adjourned after two Contact Groups were established to review the draft text of the ILBI^{[3](#)}. The “like-minded” group first adopted an unaccommodating strategy especially evident in Contact Group 1, but then changed gears and entered actively in the negotiations in the following days, by systematically inserting

more language into the text so that their favoured options would be retained and introducing more square brackets around options favoured by the HAC thereby diminishing their impact.

In doing so, the “like-minded” group managed to stand as influential players throughout the week on key issues: objective and scope of the ILBI; definitions and principles; primary plastic polymers and chemicals and polymers of concern; micro- and nanoplastics; problematic and avoidable plastic products, including short lived and single-use plastic products and intentionally added microplastics; waste management and emissions and releases of plastic throughout its life cycle; extended producers responsibility; prevention and retrieval of lost fishing gear; product design and performance; non-plastic substitutes and just transition, capacity building, technical assistance and technology transfer; and the trade policy interface including transparency, tracking, monitoring and labelling.

This tactical change of the “like-minded” countries (open to negotiation but without concession) may be due to their perceived need to avoid alienating the members of the African, Latin American and Caribbean, Asian and SIDS groups who are advocating for the adoption of a treaty which could provide them with financial opportunities to face plastic pollution challenges.

Breaking free from brackets

If the expectation for INC4 was to streamline the revised draft text, narrow down the number of options, and reduce the amount of square bracketed elements, it failed spectacularly. If on the contrary the hope was to bring everyone together in negotiations mode, the Ottawa session sent a signal that it is possible for the INC to reach a consensus agreement by the end of 2024.

In the absence of rules of procedure allowing the adoption of proposals by majority vote, the most ambitious options have so far been blocked, like [a joint proposal by Rwanda and Peru](#) for a global target to reduce the production of primary polymers by 40% by 2040 (40x40) against a 2025 baseline, which did not receive enough support during the final INC4 plenary session. Canada’s Environment and Climate Minister Steven Guilbault—a member of the HAC—[questioned](#) in media interviews the feasibility of agreeing provisions for the reduction on the production of polymers at this stage, suggesting that this issue should be left to the treaty’s Conference of Parties to decide in the future.[4](#) And a proposal by the EU to adjourn INC4 and prolong it later in the year was not agreed. Opposing this proposal, members of the like-minded group argued that the multilateral agenda for the rest of the year was already packed.[5](#)

Agreement was however reached on establishing two ad-hoc intersessional open-ended expert groups, both online and—funds permitting—in-person meetings, to advance discussion before INC5:

- Co-chaired by Germany, Palau and Iraq, the first group will endeavour *to identify and analyse (without prejudice to national capabilities and the outcome of negotiations) criteria and non-criteria-based approaches with regard to plastic products and chemicals of concern and product design focussing on recyclability and reusability of plastic products, considering their uses and applications, for the consideration by INC5.*
- Co-chaired by Australia and Ghana, the second group will endeavour *to develop and analyse potential sources and means that could be mobilized for the implementation of the objectives of the ILBI, including options for the establishment and alignment of financial flows and catalyzing finance, for consideration by INC5.*[6](#)

The EU and several countries requested that observers be invited to attend the intersessional sessions. It was also decided that an Open-Ended Legal Drafting Group would be formed at INC5, to assist with the preparation of the final text to be forwarded to a diplomatic conference.

The issue of financial arrangements is expected to be a central deal-maker or deal-breaker at INC5, just as had happened two years earlier with the Kunming-Montreal Global Biodiversity Framework of December 2022. Many countries from the Global South are advocating for the creation of a new multilateral fund, whereas all or most OECD members would rather have financial arrangements through the Global Environment Facility (GEF). The implementation of the *Polluter-Pays-Principle* in the form of a tax on polymer producers was also discussed. In order to compensate for the limited scope of the consensus reached in Ottawa, the EU delegation introduced during the final plenary session—on behalf of 33 countries and 34 civil society organizations—the [Bridge to Busan Declaration](#), reaffirming the mandate of UNEA 5/14 Resolution to develop an ILBI “*based on a comprehensive approach that addresses the full lifecycle of plastics*”, and “*emphasiz[ing] that the full lifecycle includes the production of primary plastic polymers*”.

The last statement of INC4, by the representative of Fiji, ended with the words: “*Break free from brackets!*”. Not only was it a wink to the Break Free From Plastics movement, but also an invitation to all not to lose the historic opportunity which remains possible in the next six months.

Lessons from other Multilateral Environmental Agreements

According to the OECD’s [Global Plastics Outlook: Scenarios to 2060](#), global plastic waste is set to almost triple by 2060 unless no action is taken to reduce, prevent and combat its proliferation. Anticipating the associated surge of plastic wastes, the High Ambition Coalition emphasizes that it would be unrealistic to seriously envisage to achieve the elimination of plastic pollution by 2024 through waste management and recycling alone. A wide array of available tools, from production and consumption reduction to reuse must be prioritized, in line with the internationally agreed [waste management hierarchy](#).

It took more than 30 years after the adoption of the UN Framework Convention on Climate Change (UNFCCC, 1992) for the Conference of the Parties (COP28, 2023) to start addressing the use of fossil fuels. If the ILBI adopted by a diplomatic conference in 2025 does not contain provisions to address the reduction of polymer production and plastics use, we can expect—based on the UNFCCC experience—that addressing production and use will be put aside, at minimum for a long period of time.

Shortly after INC4, at their Summit in Paris, Presidents Xi Jinping and Emmanuel Macron in Paris signed a [Joint Declaration for a Reinforced Cooperation between China and France on Ocean Biodiversity](#), including a “*commitment to actively promote the reduction upstream of the production and consumption of plastics, and to prohibit or reduce the production and use of certain single use plastics [...]*”. Whether this position expressed by China at the highest level may represent a game-changer at INC5 remains to be seen.⁷

At INC4, together with their 40x40 plastic phase-down scenario, the governments of Rwanda and Peru presented the *Kigalima* proposal, whereby the diplomatic conference adopting the ILBI would take place in Kigali in the first half of 2025 and would be immediately followed by an early action conference in Lima at the end of 2025 or beginning of 2026 without waiting for the “Kigalima Agreement” to enter into force. Early action is indeed what we need.

¹ “We are committed to taking ambitious actions throughout the full life cycle of plastics to end plastic pollution and call on the global community to do the same, with the aspiration to reduce and, as appropriate, restrain the global production and consumption of primary plastic polymers.” G7 Declaration of Ministers of the Environment and Energy, Torino, Italy, April 26-28, 2024

² Detailed tracking of INC4 development and conclusions can be found in the [summary report of the Earth Negotiations Bulletin](#) . Contact Groups and Subgroups non-papers are also publicly available on the [INC Secretariat website](#) .

- 3 Contact Group 1 (co-chaired by Germany and Palau) was tasked with reviewing Parts I and II including relevant proposed annexes. Contact Group 2 (co-chaired by Australia and Ghana) was tasked with reviewing Parts III to VI including relevant proposed annexes. Furthermore, Contact Group 1 was divided into three sub-groups and Contact Group 2 into two sub-groups.
- 4 However, a couple of days later, Steven Guilbault signed in Turin the G7 Declaration calling for reduction of plastics production, probably reflecting the fact that he is torn between domestic pressure from certain Canadian provinces and his own convictions, as well as international relations.
- 5 With Conferences of the Parties of all three “Rio conventions” (CBD COP15 in Cali, UNFCCC COP28 in Baku, and UNCCD COP16 in Ryad) between October and December 2024.
- 6 Provisional drafting pending publication of the INC4 report by the Secretariat.
- 7 Paragraph 17 of the Joint Declaration for a Reinforced Cooperation between China and France on Ocean Biodiversity, Paris, 6 May 2024.