A Series of Governance Papers by Stakeholder Forum, Focusing on the Sustainable Development Goals and the Triple Planetary Crisis

Breaking the Deadlock - Ideas for Advancing a Global Treaty on Plastics Pollution[i]

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Executive Summary

After more than seven decades of almost unabated plastic production and use—particularly of single-use plastics—the planet faces mounting environmental and human-health challenges. Visible accumulations in oceans and rivers, clear impacts on wildlife, and invisible microplastics detected in human and animal tissue have catalysed global concern. In response, in 2022, the UN Environment Assembly (UNEA) adopted Resolution 5/14, mandating the establishment of an Intergovernmental Negotiating Committee (INC) to craft a legally binding instrument on plastic pollution.

By late 2025, after six sessions, negotiations are at a standstill. Deep divisions persist between a "High Ambition Coalition" seeking life-cycle controls (based on the UNEA Resolution) and a "Like-Minded Group," focused narrowly on waste management (and largely, and unfortunately, ignoring the full scope of the UNEA resolution). Further colouring the impasse, the INC Chair has now stepped down, underscoring governance strains and the urgent need for a procedural reset.

While the situation is far from a positive one at present, there may be some possibilities for a way forward to get past the impasse, though the overall likelihood of success is limited. Options such as drawing on lessons from other negotiations – such as for the Ottawa Treaty[ii] – held strictly outside the UN system; the development of a plastics "protocol" under the Basel Convention (within the system), negotiation of a Paris Agreement climate change-style framework agreement, and more targeted initiatives (such as intersessional work and confidence- and trust-building measures) —can comprise practical steps to restore momentum. While some argue that the current, UN-led process is essential for legitimacy, options outside the system or (in the case of the Basel Convention) strictly outside the process but within the system can be an equally, if not more legitimate way to deliver an effective global plastics treaty (since one can argue that the present process is not respecting the mandate it has been given). Barring that, individual countries or other jurisdictions (for example, the EU and California, which both are taking decisive action on

[i] This paper is an expansion of a blog piece first published in September 2025. See: https://blog.felixdodds.net/2025/09/the-current-global-plastics-treaty.html. Additionally, it builds on ideas and concepts put forward in other recent publications, such as Bodansky, Daniel, 2025. The Plastics Negotiations: Is there a will and a way? https://www.ejiltalk.org/the-unep-plastics-negotiations-is-there-a-will-and-a-way/; Wertli, Felix, 2025. Why we couldn't agree on a plastics treaty in Geneva – and what might happen next. https://www.climatechangenews.com/2025/08/21/why-we-couldnt-agree-on-a-plastics-treaty-in-geneva-and-what-might-happen-next/; Scanlon, John, 2025. Is a Plastics Pollution Treaty Still Within Reach? https://illuminem.com/illuminemvoices/is-a-plastics-pollution-treaty-still-within-reach

[ii] Officially named "the Convention on the Prohibition of Anti-Personnel Mines."

plastics) look to steer us into a future with strong curbs on plastics, despite the possible absence of success at the global level.

1. Introduction, Background, and Context

Scientific evidence linking plastics pollution to environmental degradation and potential health risks is already clear[iii] and continues to grow. A 2025 scientific inventory[iv] reports that there are some 16,325 chemical substances used in plastics manufacture—monomers, additives, processing aids, and non-intentionally added substances—of which roughly 4,200 are chemicals of concern. Microplastics have been documented in the human placenta, breast milk, and brain tissue[v].

Box 1. "Downcycling": The Limits of Plastics Recycling[vi]

Despite the common use of the term *recycling*, most post-consumer plastics cannot be remanufactured into equivalent products of the same quality or value. In practice, plastics are generally **downcycled**—reprocessed into materials of lower performance or economic worth, such as park benches, textiles, or road fillers, rather than into new food-grade packaging or high-quality goods.

The reasons are technical and chemical:

- Polymer degradation: Each heating and re-moulding cycle weakens polymer chains, reducing strength and transparency.
- Additive complexity: Thousands of chemical additives, pigments, and stabilisers complicate sorting and make homogeneous recycling nearly impossible.
- Contamination: Mixing of different polymer types and the presence of residues render most waste unsuitable for closed-loop recycling.

As a result, less than 10 per cent of global plastic waste is ever truly recycled into similar products. The majority is either downcycled, incinerated, or landfilled. This reality, therefore, underscores the need to address plastics through lifecycle approaches, reducing virgin production and redesigning materials for genuine circularity rather than relying on end-of-pipe recycling solutions.

UNEA Resolution 5/14[vii] launched negotiations toward an international legally binding instrument on plastic pollution, including in the marine environment, addressing the full life cycle of plastics—from production and design to prevention and remediation. Parallel to this global process, the Basel Convention (and, to a lesser degree, the Stockholm Convention) has already begun to address aspects of plastic waste trade and management.[viii] In addition, key, influential supra- and sub-national jurisdictions (including the European Union and the US state of California – see Section 8, below) have already

[iii] Some "Like-Minded countries," however, have intervened during the negotiations, questioning whether there are proven negative impacts on human health from plastics.

[iv] Monclús, L., Arp, H. P. H., Groh, K. J., Faltynkova, A., Løseth, M. E., Muncke, J., Wang, Z., Wolf, R., Zimmermann, L., & Wagner, M. (2025). Mapping the chemical complexity of plastics. Nature, 643, 349-355. https://doi.org/10.1038/s41586-025-09184-8

[v] Ragusa, A., Matta, M., Rinaldo, D., et al. (2024). Plastic particles in human tissues: evidence and implications. Environment International, 191, 108531. https://doi.org/10.1016/j.envint.2024.108531

[vi] United Nations Environment Programme (UNEP). (2024). Turning off the Tap: How the world can end plastic pollution and create a circular economy. Nairobi: UNEP. https://www.unep.org/resources/turningoffthetap

[vii] United Nations Environment Programme, Environment Assembly. (2022, March 7). 5/14. End plastic pollution: towards an international legally binding instrument: resolution / adopted by the United Nations Environment Assembly. UNEP/EA.5/RES.14.

[viii] Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Conference of the Parties, Fourteenth meeting. (2019, May 10). BC-14/12. Amendments to Annexes II, VIII and IX to the Basel Convention. UNEP/CHW.14/13/Add.4.

taken decisive action on plastics, irrespective of and/or related to global developments at the UN.

2. The (currently stalemated) Global Plastics Treaty Negotiations

At the close of the resumed fifth session in Geneva, Switzerland (INC-5.2, August 2025), the process has continued to be stalled (a situation that has remained basically unchanged since INC-2 in Paris, France (May/June 2023). Two broad groups of countries dominate:

- The "High Ambition Coalition" — advocates production controls, targeted bans on single-use items, and robust provisions on chemicals and health.
- The "Like-Minded Group" — favours a treaty centred on waste management, national discretion, and voluntary measures, and who have basically blocked any significant progress on a treaty since INC-2.

Procedural challenges include limited intersessional work, inconsistent transparency in contact groups, sporadic plenary communication, entrenched positions, and, apparently, a reported case of possible political interference in the process[ix]. Since INC-5.2, the Chair has stepped down[x]. While the Chair's departure alone will not resolve substantive differences, it creates an opportunity—and a necessity—for reinforced leadership arrangements, clearer division of roles between the Bureau and Secretariat, and a publicly articulated roadmap to rebuild confidence ahead of the next session.

3. How We Got There: A Short Summary of the Negotiations Thus Far….

UNEP's 2021 Assessment Report on Marine Litter and Plastic Pollution[xi] Synthesised global evidence on the scale, sources, and impacts of plastics across their life cycle, concluding that plastic pollution had become a transboundary crisis affecting ecosystems, economies, and human health, and that existing voluntary and regional measures were insufficient to address it. The report called for a comprehensive, coordinated global response addressing production, design, consumption, and waste management. Its findings informed the historic decision adopted at the resumed fifth session of the UN Environment Assembly (UNEA-5.2) in March 2022—Resolution 5/14[xii]—mandating the negotiation of an international legally binding instrument on plastic pollution, including in the marine environment. The mandate instructed an Intergovernmental Negotiating Committee (INC) to develop this treaty by the end of 2024, within a three-year timeframe, based on a comprehensive approach covering the full life cycle of plastics. It also directed that the INC consider national circumstances, ensure scientific and technical support, and promote stakeholder participation, thereby setting both an ambitious schedule and a broad but complex negotiating scope.

The first session of the treaty negotiations (INC-1, held in Punta del Este, Uruguay, in November 2022), provisionally adopted rules of procedure and initiated discussions on possible elements of the future instrument. However, at INC-2 (Paris, France, May/June 2023), deep divisions emerged. Much of the meeting was dominated by procedural disputes led by Saudi Arabia, joined by several other major petrostates, over the interpretation of the rules of procedure. These delegations argued that all decisions should be taken strictly by consensus, while others— particularly the High Ambition Coalition—supported the

[ix] https://medium.com/points-of-order/palace-intrigues-e158a369e296
[x] Original INC Chair Gustavo Meza-Cuadra (Peru) was succeeded by Luis Vayas Valdivieso (Ecuador) after INC-3.
[xi] United Nations Environment Programme (UNEP). From Pollution to Solution: A global assessment of marine litter and plastic pollution. Nairobi: UNEP/GRID-Arendal, 2021.
[xii] United Nations Environment Assembly (UNEA) Resolution 5/14: End plastic pollution: towards an international legally binding instrument. Adopted 2 March 2022.

standard UNEP practice of "modified consensus" (whereby consensus is sought but not equated with unanimity and the Chair can determine that consensus exists despite isolated opposition) and even formal voting.

This procedural disagreement consumed much of the session, slowing substantive work and delaying detailed negotiations on the actual text of the treaty. Nonetheless, delegates agreed that the INC Secretariat should prepare a "zero draft" for consideration at the next meeting.

At INC-3 (Nairobi, Kenya, November 2023), negotiations began in earnest based on the prepared draft, covering potential provisions on primary polymer production, problematic and avoidable plastic products, chemicals of concern, waste management, and financial mechanisms. The session confirmed deep political divides: the High Ambition Coalition called for binding global obligations to reduce plastic production and the phase out of high-risk chemical inputs to plastics production, while several producer-aligned states—including Saudi Arabia, Russia, China, and India—advocated a bottom-up approach emphasising national circumstances and voluntary measures.

The Ottawa (Canada) session (INC-4, April 2024) examined a revised Zero Draft line-by-line. Progress was made on some technical elements, but core issues—including whether the treaty should establish binding production limits for virgin plastics, controls on chemical additives, or global design standards—remained unresolved. Delegates agreed on intersessional work related to financing, capacity-building, and technology transfer, but deferred most political decisions.

At INC-5[xiii] (Busan, Republic of Korea, November–December 2024) the substantive divide crystallised around two main options: one — the High Ambition Coalition supported a treaty that would cover the full life-cycle of plastics, including upstream measures (e.g., binding caps on virgin plastic production, redesign of plastics, regulation of chemicals of concern in plastics to enable safe recycling). The other — advanced by the Like-Minded Group, including major petrostates — preferred a narrower treaty focusing on downstream waste-management and recycling, rejecting binding production caps and resisting strong controls on additives and chemicals in plastics (on grounds that these constrain recycling).

On the question of voting to break the deadlock,[xiv] while the High Ambition Coalition did signal its willingness to use formal voting if consensus failed (to avoid being blocked by a minority), they did not force a vote at INC-5 — apparently because the procedural rules (which allowed voting under certain conditions) were not used. In addition, the Like-Minded Group effectively blocked movement by maintaining insistence on consensus and holding their red lines, thereby preventing the High Ambition Coalition from triggering a vote.

INC-5.2[xv] (Geneva, Switzerland, August 2025) further attempted to finalise the instrument. Despite ten intensive days of negotiation and the issuance of successive Chair's draft texts

[xiii] IISD Earth Negotiations Bulletin. Summary of the Fifth Session of the Intergovernmental Negotiating Committee on Plastic Pollution (INC-5.1): 5–15 August 2025. International Institute for Sustainable Development, 2025. https://enb.iisd.org/plastic-pollution-marine-environment-negotiating-committee-inc5.2-summary

[xiv] Resource Recycling. Fresh Round of Plastic Treaty Talks Kicks Off in Geneva. August 2025. https://resource-recycling.com/plastics/2025/08/06/fresh-round-of-plastic-treaty-talks-kick-off-in-geneva

[xv] United Nations Environment Programme. Second Part of the Fifth Session of the Intergovernmental Negotiating Committee (INC-5.2) on Plastic Pollution, Including in the Marine Environment. Geneva, 5–15 August 2025. Available at: https://www.unep.org/inc-plastic-pollution/session-5.2 And: IISD Earth Negotiations Bulletin. Summary of the Second Part of the Fifth Session of the Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution (INC-5.2): 5–15 August 2025. Vol. 25 No. 210, International Institute for Sustainable Development, 18 August

(13 and 15 August), delegates failed to reach consensus on critical issues, including production caps on virgin plastics, regulation of chemicals of concern, financing for implementation, and decision-making rules (consensus vs. voting). In essence, the same or similar disagreements between the Like-Minded Group and High Ambition Coalition countries continued – despite what seemed to be the clear wording contained in the original mandate. The session was formally adjourned without adoption of the treaty text, and it was indicated that the negotiations would resume at a later date.

As of late 2025, the INC has achieved significant procedural and textual progress but has not yet resolved the treaty's legal form, scope, or binding obligations. The original deadline of end-2024 has been missed, and options under discussion include extending the Committee's mandate or adopting an initial framework agreement. The fundamental political divide—between those seeking a transformative instrument to reduce plastic production at source and those favouring a more incremental, waste-management-centred approach—remains the defining challenge of the process. The recent resignation of the latest Chair – H.E. Ambassador Luis Vayas Valdivieso of Ecuador, may be interpreted either as a step back for the process, or a possible opportunity to break the logjam with a new Chair (who remains to be determined, the Group of Latin American and Caribbean Countries – GRULAC – have nominated a Chilean for the new Chair, but apparently the Africa Group and some other individual countries have also put forward nominees).

Box 2. Short Analysis of Each Draft Text Proposal to date

Draft Text	Date	Key Characteristics	Framework-vs-Prescriptive
December 2024 Chair's Text	1 Dec 2024	Conventional treaty structure; many "shall" obligations; annex-update mechanisms; some flexible language	Mixed → leaning framework
Draft Text Proposal	13 Aug 2025	Emphasis on national circumstances; many "should"; no strong production caps/chemicals; civil society criticism of weak binding force	Strongly framework
Revised Text Proposal	15 Aug 2025	Similar flexible language; bracketed options; some life-cycle ambition; seen as weaker by some stakeholders	Framework with some prescriptive elements

4. A Comparative Case Study: The Ottawa Process (1996-1997)

In the early 1990s, efforts to prohibit anti-personnel landmines proceeded within the United Nations Conference on Disarmament (CD), which has been unable to reach agreement in a manner similar to the process the Like-Minded Group of countries is currently advocating in the plastics negotiations. Major powers, notably the United States, Russia, and China, thus blocked agreement on a comprehensive-ban mandate for such a mandate.[xvi] The 1995–1996 Review Conference of the Convention on Certain Conventional Weapons (CCW) modestly strengthened technical restrictions on landmines through an amended Protocol II, but fell short of a prohibition[xvii].

2025. Available at: https://enb.iisd.org/plastic-pollution-marine-environment-negotiating-committee-inc5.2-summary

[xvi] Lawson, A. (1998). The Ottawa Process: Fast-Track Diplomacy and the Global Ban on Anti-Personnel Mines. International Negotiation, 3(3), 451–476. And Maslen, S. (1999). The Convention on the Prohibition of Anti-Personnel Mines: A Commentary. Oxford University Press.

[xvii] United Nations (1996). Final Document of the Review Conference of the States Parties to the Convention on Certain Conventional Weapons. Geneva.

Frustrated by this paralysis, Canada launched the "Ottawa Process" in October 1996 by convening a meeting of like-minded states, the International Campaign to Ban Landmines (ICBL), and the International Committee of the Red Cross (ICRC). Canadian Foreign Minister Lloyd Axworthy proposed a bold, time-bound initiative: to return within one year to sign a treaty banning anti-personnel mines.[xviii]. The process was deliberately organised outside the UN framework, thereby avoiding the CD's unanimity constraint and enabling rapid, open, and participatory negotiations [xix].

Over the following year, an Austrian draft treaty text (February 1997) served as the basis for negotiations, followed by the Brussels Declaration (June 1997), which consolidated political commitments from 97 governments. The decisive Oslo Diplomatic Conference (September 1997) finalised the treaty text in just three weeks, with 89 states adopting the Convention on the Prohibition of Anti-Personnel Mines.[xx] The Mine Ban Treaty was opened for signature in Ottawa on 3 December 1997, with 122 signatories on the first day.[xxi]

Although conducted outside the UN system, the Ottawa Process was "brought back in" at its conclusion: the treaty designated the UN Secretary-General as depositary, requested UN agencies (UNDP, UNICEF, and the United Nations Mine Action Service - UNMAS) to support implementation, and called for annual Meetings of States Parties under UN auspices.[xxii] This pragmatic reintegration provided institutional continuity and global reach—while preserving the spirit of innovation and inclusivity that characterised the process. The Ottawa Process thus demonstrated that independent, humanitarian-framed diplomacy could deliver a rapid multilateral agreement when traditional consensus procedures had failed.

5. Amendments to the Basel Convention (2019): A Possible Starting Point for the Development of a Plastics Protocol under the Basel Convention?

5.1 Plastics Amendments, 2019

The 2019 Basel Convention amendments on the transboundary movement of plastic waste were adopted at the 14th Meeting of the Conference of the Parties (COP-14) in Geneva, following a proposal led by Norway. The amendments were negotiated over two years (2017–2019) under the Open-Ended Working Group (OEWG) and the Expert Working Group on Environmentally Sound Management, responding to rising global concern about marine litter and plastic pollution, especially after China's 2018 "National Sword" import restrictions.[xxiii]

The final outcome consisted of three key amendments to the Convention's Annexes II, VIII, and IX (UNEP/CHW.14/CRP.40/Rev.1):

[xviii] Axworthy, L. (1998). Towards a New Multilateralism: The Ottawa Process and the Landmine Ban. Canadian Foreign Policy Journal, 5(1), 1–12.
[xix] Williams, J., & Goose, S. (1998). The International Campaign to Ban Landmines: A Case Study in Humanitarian Advocacy. Third World Quarterly, 19(1), 207–224.
[xx] ICRC (1997). Report on the Oslo Diplomatic Conference on an International Total Ban on Anti-Personnel Mines. Geneva.
[xxi] United Nations Treaty Collection (1997). Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.
[xxii] Maslen, S. (1999). The Convention on the Prohibition of Anti-Personnel Mines: A Commentary. Oxford University Press
[xxiii] Brooks, A.L., Wang, S., & Jambeck, J.R. (2018). The Chinese Import Ban and Its Impact on Global Plastic Waste Trade. Science Advances, 4(6)

- Certain categories of mixed, contaminated, or non-recyclable plastic wastes were newly listed under Annex II (Y48), making them subject to the Prior Informed Consent (PIC) procedure;
- Hazardous plastic waste streams were clarified under Annex VIII; and
- Clean, sorted, single-polymer plastic wastes destined for recycling remained under Annex IX, which were exempt from PIC.

The amendment package was adopted by consensus after informal consultations and was formally entered into force on 1 January 2021. It marked the first legally binding global measure on plastics, operational through the Basel Convention control system rather than a new treaty. Complementary technical guidelines (updated in 2023)[xxiv] now define best practices for recycling, sorting, and extended producer responsibility (EPR). These measures represented the first legally binding global controls on plastic waste flows, building on the existing Basel Convention control system rather than creating a new instrument.[xxv]

These steps demonstrated that rapid multilateral action is possible under existing environmental agreements, especially when a single, motivated state[xxvi] sponsors text, and when the Secretariat supports a structured, inclusive technical process with a well-defined scope.

5.2 A Way Forward: A Basel Convention Protocol on Plastics

Given the current stalemate in the Intergovernmental Negotiating Committee (INC) for a new global plastics treaty—largely over scope (life-cycle vs. strictly waste management) and legal form (binding vs. voluntary)—a "Basel Protocol on Plastics" could offer a pragmatic, legally sound alternative within the existing treaty architecture.[xxvii]

Such a protocol—negotiated under Article 17 of the Basel Convention—could address plastics in a manner consistent with the existing UNEA mandate, including:

1. By extending beyond waste management to include production, design, and trade of polymers and plastic products;
2. Establishing binding obligations on transparency and traceability of plastic materials, including additives and recyclate content, and bans on certain types of plastics;
3. Creating coordinated national inventories and reporting mechanisms, building on existing Basel Convention PIC systems;
4. Incorporating financial and technical cooperation provisions under the Basel Convention framework (Article 14), mobilising resources through the Global Environment Facility (GEF) or dedicated bilateral/multilateral trust funds;

[xxiv] Basel Convention Secretariat (2023). Technical Guidelines on the Environmentally Sound Management of Plastic Wastes (UNEP/CHW.16/INF/36). Geneva.
[xxv] Basel Convention Secretariat (2021). Plastic Waste Amendments – Questions and Answers. Geneva: UNEP.
[xxvi] Particularly China, which had recently passed its own import restrictions and was supported by other key Parties who wished to update the Convention annexes, in particular.
[xxvii] Raubenheimer, K. (2023). Breaking the Deadlock: Options for a Plastics Agreement Beyond the INC Process. Marine Policy, 152, 105745. And Simon, N., & Schulte, M.L. (2023). Multilateral Pathways for Global Plastics Governance: Lessons from the Basel Convention. Review of European, Comparative & International Environmental Law, 32(2), 213–229.

5. Serving as an implementation bridge to a future plastics treaty if deemed necessary, or, if designed correctly, possibly eliminating the need for a separated (but related) treaty.

Politically, such a path could circumvent the "lowest common denominator" effect of the INC's consensus-based process.[xxviii] Procedurally, the Basel Convention COP could establish an Ad Hoc Working Group to explore the protocol's scope, as was done for the 1999 Protocol on Liability and Compensation. Substantively, it would build on the 2019 amendments' legitimacy and technical base—avoiding duplication while extending coherence across waste, trade, and materials governance.

5.3 Summary Insight:

The Basel Convention plastics amendments of 2019 proved that targeted, technically grounded multilateral progress is achievable. A Protocol on Plastics under the Convention—anchored in existing institutional machinery yet open to broader life-cycle measures—could provide an immediate, politically feasible path forward to break the current negotiating impasse and move toward a globally coherent plastics governance regime. There is no guarantee, however, that the negotiating impasse would be overcome in this forum, as the same countries (with the exception of the United States, which is not a Party to the Basel Convention) would be present and participating.

6. Continuing Along the Current Track: Option for a Paris Agreement-Type Outcome

Another potential outcome model being discussed by delegations and observers is a "Paris Agreement-type" framework,[xxix] inspired by the structure and evolution of the 2015 Paris Agreement under the United Nations Framework Convention on Climate Change (UNFCCC). This type of approach—centred on a broad, flexible framework rather than a rigid, prescriptive treaty—may offer a politically feasible pathway to consensus in the plastics negotiations, particularly given the divergent national positions observed across the INC process.

In this scenario, the plastics treaty would establish a general set of objectives and guiding principles—such as commitments to reduce plastic pollution across the life cycle, promote circular economy approaches, and enhance global cooperation—while leaving the specific, binding commitments or quantitative targets to be defined or strengthened later through national action plans or subsequent protocols developed over time. This mirrors the Paris Agreement model, where initial nationally determined contributions (NDCs) were voluntary, progressively enhanced through iterative cycles and stocktakes.[xxx] Such a framework could include periodic review and updating mechanisms, transparency and reporting obligations, and flexible differentiation between countries based on capacity and circumstances.

Advantages of this model include its relative negotiability and political acceptability at the outset. Framework agreements are typically easier to conclude within a limited timeframe,

[xxviii] Raubenheimer, K. (2023). Breaking the Deadlock: Options for a Plastics Agreement Beyond the INC Process. Marine Policy, 152, 105745.
[xxix] See Section3, Box 2. Existing text proposals all seem to have at least elements of a possible "framework" approach in common, similar to the Paris Agreement.
[xxx] UNFCCC. (2015). Paris Agreement. United Nations Framework Convention on Climate Change, FCCC/CP/2015/L.9/Rev.1.

especially in processes facing significant ideological or economic divisions.[xxxi] They allow countries to sign on to a shared vision without immediately confronting contentious quantitative obligations—an appealing feature for delegations reluctant to commit to global caps on production or trade in primary polymers. This flexibility could help prevent the process from stalling altogether, offering an "umbrella" under which both high-ambition and more cautious countries can operate.

At the same time, such a model could create differentiated opportunities for various negotiating coalitions. Countries in the High Ambition Coalition could pursue robust voluntary measures, coordinated reporting, and early implementation of measures covering the full life cycle of plastics, including design, consumption, and waste management. In contrast, Like-Minded Group countries—such as major petrostates including Saudi Arabia and others—might prefer to interpret the framework narrowly, emphasising pollution control and waste management rather than upstream production measures. Over time, this dynamic could reproduce the Paris Agreement's gradual "ratcheting up" of ambition through cycles of negotiation, learning, and peer pressure rather than through centralised enforcement [xxxii].

However, this flexibility also entails trade-offs. The Paris Agreement model's reliance on voluntary national commitments has been criticised for producing uneven implementation and insufficient collective progress toward its long-term goals.[xxxiii] For the plastics context, the risk would be a patchwork of national approaches that lack harmonisation and fail to ensure global reductions in plastic production and pollution. Thus, while a Paris Agreement-type framework may be the most politically feasible path to reach agreement in the short term, it would require careful institutional design—especially regarding review cycles, financial support mechanisms, and integration of scientific assessments—to ensure progressive convergence toward stronger, binding measures in the medium and long term.

In summary, adopting a Paris Agreement–type model could represent a pragmatic way forward for the plastics negotiations: one that prioritises achievability now while preserving the possibility of ambition later. Its success, however, would depend on whether the treaty embeds clear procedural mechanisms that compel parties to revisit and strengthen commitments over time, ensuring that the framework evolves toward genuine life-cycle coverage and measurable impact on plastic pollution.

7. Strengthening Other Related Activities Along the Current Track

As stated in the introduction, it is evident that the INC process could benefit from strengthened intersessional activities, as well as strengthened coordination between the Chair, Bureau, and Secretariat (as stated in the introduction) to build confidence, transparency, and a sense of collective ownership among delegations. Comparable experiences from other environmental and disarmament regimes show that adaptive procedural reforms, transparent intersessional work, and structured debriefs can restore

[xxxi] Bodansky, D. (2016). The Legal Character of the Paris Agreement. Review of European, Comparative & International Environmental Law, 25(2), 142–150. And: Rajamani, L. (2016). Ambition and Differentiation in the 2015 Paris Agreement: Interpretative Possibilities and Underlying Politics. International and Comparative Law Quarterly, 65(2), 493–514.

[xxxii] Keohane, R., & Oppenheimer, M. (2016). Paris: Beyond the Climate Dead End through Pledge and Review? Politics and Governance, 4(3), 142–151. And: Falkner, R. (2016). The Paris Agreement and the New Logic of International Climate Politics. International Affairs, 92(5), 1107–1125.

[xxxiii] UNEP. (2023). Global Assessment of Progress under the Paris Agreement: Lessons for Other Multilateral Environmental Agreements. Nairobi: United Nations Environment Programme.

trust and momentum when negotiations reach an impasse.[xxxiv] This may only be possible with the concerted engagement of the new Chair, which may take considerable time to achieve.

7.1 Establishing a Formal and Transparent Intersessional Process (and/or Further Informal Efforts)

To move the negotiations forward constructively, every effort should be made to establish a formal, properly designed, and transparent intersessional process—even if this requires postponing the next session (often referenced as "INC-5.3") to allow for adequate preparation. A well-structured intersessional phase could bridge key differences, explore technical and legal options, and allow informal convergence on sensitive issues before resuming plenary work.

Such a process should combine formal expert and regional meetings with informal consultations organised by the Secretariat under the Bureau's guidance, and it should report regularly and publicly to all INC participants. Experience from the Montreal Protocol and Minamata Convention shows that intersessional working groups and technical panels can generate consensus text elements and identify compromise formulas before formal sessions[xxxv] . If political obstacles persist, engagement at the level of the UN Secretary-General or senior envoys could help catalyse compromise, as occurred during the lead-up to the Paris Agreement.[xxxvi]

7.2 Lessons-Learned Debriefs and Secretariat–Chair Coordination

The Secretariat's logistical and technical performance throughout the INC process has been widely recognised. However, systematic "lessons-learned" and "debrief" sessions—bringing together the Secretariat, Bureau, and selected participants from both government and observer delegations—would help expand its strengths into more facilitative roles. Such sessions should focus on enhancing the Secretariat's capacity for bridge-building among delegations and supporting informal problem-solving in intersessional periods.

Following these debriefs, a dedicated internal retreat or facilitated workshop could be organised for the Secretariat, the new Chair, and Bureau members. With the assistance of a trusted external facilitator, this process could rebuild mutual trust, clarify expectations, and identify more effective modalities of collaboration. Similar trust-building exercises have proven vital in other forums—such as the Cartagena Protocol on Biosafety negotiations (which had collapsed) and early sessions of the Stockholm Convention.[xxxvii]

7.3 Enhancing Transparency and Confidence through Regular Updates

Finally, at the next formal session (e.g., INC-5.3), the process could benefit from allocating additional plenary time for short, regular updates on the progress of parallel working groups. Such updates would enhance transparency and confidence in the process, particularly benefiting small delegations unable to cover multiple contact groups

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[xxxiv] Najam, A., Papa, M., & Taiyab, N. (2006). Global Environmental Governance: A Reform Agenda. IISD/UNEP; Chasek, P., & Wagner, L. M. (2012). The Road from Rio: Lessons Learned from Twenty Years of Multilateral Environmental Negotiations. Routledge. And: Bodansky, D. (2011). The Art and Craft of International Environmental Law. Harvard University Press.

[xxxv] Andersen, S. O., & Sarma, K. M. (2002). Protecting the Ozone Layer: The United Nations History. UNEP/Earthscan. And: Selin, H. (2010). Global Environmental Law and the Minamata Convention on Mercury. Environmental Politics, 19(3), 377–398.

[xxxvi] UNFCCC (2015). Report of the Conference of the Parties on its Twenty-First Session (Paris Agreement).

[xxxvii] Gupta, A. (2000). Governing Trade and the Environment: The Cartagena Biosafety Protocol. Environment, 42(10), 23–33. And: Jinnah, S. (2014). Post-Treaty Politics: Secretariat Influence in Global Environmental Governance. MIT Press.

simultaneously. Regular plenary reporting was a key factor in maintaining inclusiveness and legitimacy in the Minamata and Basel Conventions negotiations.[xxxviii]

8. EU and California Actions: The "train has already left the station" despite inconsistent achievements at the global level[xxxix]

Measures addressing plastics pollution have been taken in a variety of countries/jurisdictions (for example, China's import restrictions, mentioned above). The European Union and California have both recently passed significant, legally binding measures to address plastic pollution. While the EU's regulations are broad, affecting all member states, California's new law is the first of its kind in the United States. These two examples can further illustrate what the future of plastics production and use may look like.

8.1 European Union

The EU has two key pieces of legislation:

1. *The Single-Use Plastics (SUP) Directive (2019):* This directive, which took effect in stages, targets the 10 single-use plastic products most often found on Europe's beaches.
    - Bans: Since July 2021, the EU has banned certain items for which sustainable alternatives are readily available, including plastic cutlery, plates, straws, and balloon sticks, as well as products made from oxo-degradable plastics.
    - Design and Recycled Content: The directive requires that caps and lids for single-use beverage containers remain attached to the bottles by July 2024 to ensure they are collected and recycled together. It also sets targets for recycled content, mandating that all plastic beverage bottles contain at least 30% recycled plastic by 2030.
    - Extended Producer Responsibility (EPR): It requires producers of certain single-use plastic products to cover the costs of waste management, litter clean-up, and public awareness campaigns.
2. *The Packaging and Packaging Waste Regulation (PPWR) (2025):* This regulation, which entered into force in February 2025, sets ambitious new standards for all packaging materials.
    - Recyclability and Reuse: The PPWR's goal is to make all packaging on the EU market recyclable in an economically viable way by 2030. It also establishes mandatory reuse and refill targets for certain packaging types, such as transport and e-commerce packaging, with deadlines starting in 2030.
    - Single-Use Bans: The regulation bans specific single-use plastic packaging, such as hotel toiletry bottles and packaging for fresh produce under 1.5kg, from 2030.

[xxxviii] Clapp, J., & Swanston, L. (2009). Doing Good, Doing Better? The Minamata Process and Lessons for Global Chemicals Governance. Global Environmental Politics, 9(1), 1–25. And: UNEP (2013). Final Act of the Conference of Plenipotentiaries on the Minamata Convention on Mercury. Kumamoto, Japan.
[xxxix] Also, See: https://www.forbes.com/sites/trondarneundheim/2025/08/16/plastics-manufacturing-at-crossroads-pivot-to-lead-or-lose/

- Chemicals: The regulation also prohibits the use of the "forever chemicals" PFAS in food-contact packaging above certain thresholds, starting in August 2026.

8.2 California

California's law, known as Senate Bill 54 (SB 54) or the Plastic Pollution Prevention and Packaging Producer Responsibility Act, is the first state-wide law of its kind in the US. It establishes a comprehensive Extended Producer Responsibility (EPR) program for single-use plastic packaging and food ware.

Recyclability and Compostability: By 2032, 100% of single-use packaging and plastic food service ware in the state must be recyclable or compostable.

Waste Reduction and Recycling Targets: The law requires a 25% reduction in single-use plastic packaging and food service ware by 2032, with a minimum of 4% of that reduction coming from reuse and refill systems. It also sets a recycling rate target of 65% for single-use plastics by 2032, with a separate schedule for expanded polystyrene (EPS) food service ware to meet a 25% recycling rate by 2025.

Producer Responsibility: The law shifts the financial burden of managing plastic waste from consumers and local governments to the producers. Producers are required to join a "Producer Responsibility Organisation" (PRO) to fund and manage these efforts. The law also stipulates that producers must contribute a total of $5 billion over 10 years to a mitigation fund to help communities disproportionately affected by plastic pollution.

9. Recommended Actions Within the Current Process

This paper has explored several options and approaches to breaking the logjam in the current global plastics negotiations. In that vein, some key recommended actions can be discerned. These include:

Recommendation 1: With the imminent advent of a new Chair for the process, significant intersessional work, including confidence- and transparency-building measures by the Secretariat, involving all UN member states and Civil Society Organisations, would provide myriad benefits (while recognising the myriad efforts that have been made to date).

Recommendation 2: Taking advantage of the imminent leadership reset to strengthen participation of the Bureau and Civil Society participants - UNEP can appoint interim co-facilitators from different regions, provide further clarification of the Chair/Bureau/Secretariat roles, and perhaps adopt a formal communications plan that can be circulated to all interested participants.

Recommendation 3: Further strengthen transparency and inclusion - During the next negotiation session, the Secretariat and new Chair can ensure that daily contact-group summaries are provided to all participants; a public text-comparison portal could also be developed and supported; and concrete support for small delegations' participation can be provided through regular convening of full plenary sessions.

Recommendation 4: High-level political mediation can be reconstituted by requesting the direct engagement of the UN Secretary-General, perhaps by his convening of ministerial consultations among all interested UN member states to attempt to broker concrete compromises aimed at breaking the present impasse in the negotiations.

10. Options Both Inside and Outside of the Current Process

As stated above, several options can be considered for a path forward to break the current impasse:

Option 1: *Placing the Negotiations Outside the Present UN Process à la the Ottawa Convention* - The present negotiations under the auspices of UNEP have led nowhere, and, in fact, have been deliberately undermined by a minority grouping of UN member states through procedural blockages and the clear circumvention of the original UNEA mandate. This has clearly led to a level of frustration by, but not exclusively limited to, the High Ambition Coalition of countries. Forging ahead, outside of UNEP and strictly outside the UN system to negotiate an Ottawa Convention-like entity is a very attractive option for many countries, and should be actively considered (if not pursued), should, regrettably, the present process continue to be blocked.

Option 2: *Plastics Protocol under the Basel Convention* - Building on the Basel Convention's established framework for transboundary waste movements and the 2019 Plastic Waste Amendments, Parties could consider negotiating a dedicated protocol addressing the entire lifecycle of plastic waste, including design, trade, and recovery. Such a protocol would complement, not duplicate, the future global plastics treaty—anchoring immediate obligations within an existing legal regime and supporting early implementation through regional centres and technical assistance. This option is, perhaps, more attractive than Option 1, since it can be pursued within the framework of the UN. Barriers, however, could also appear within this Basel Convention-centred process, particularly since many Parties to the Convention are active participants within the Like-Minded Group of countries.

Option 3: *Paris Agreement-style Outcome* - Remaining within the current process, particularly with the advent of a new Chair possibly providing a "new start" to the negotiations, would, given the present impasse, result in a framework agreement that, to many would be acceptable, but would probably be seen as a poor compromise by the majority of participating countries and organizations. It may, however, be the best way forward, particularly if the negotiations continue with a future INC 5.3.

11. Conclusions

The visibility of plastic pollution and the mounting evidence of health risks make delaying agreement for a global convention increasingly untenable. The Chair's resignation highlights governance strains but also creates space for a procedural reset. Combining a UN-anchored process with Ottawa-style momentum—through clear leadership arrangements, intersessional work, and radical transparency—can still deliver an ambitious, equitable treaty that fulfils the UNEA 5/14 mandate. At the same time, exploring synergies with existing frameworks, such as a Basel Convention Plastics Protocol, would provide an immediate[xl], practical track for implementation, ensuring that progress continues even as the global treaty is finalised. A Paris Agreement-style framework agreement is the likeliest (and most heavily compromised result) should the negotiations continue within the present process.

Failing that, taking the entire process outside of the UN may be the only possible way to achieve success in addressing plastics issues at the global level in a holistic manner, consistent with the UNEA Resolution. Nevertheless, if all attempts fail at the global level, decisive supranational (EU) and sub-national (e.g., California) efforts comprising highly

[xl] A significant part of the work on such a Protocol can start immediately, without waiting for the conclusion of the main Plastics Treaty INC negotiations and entry into force of the instrument, which normally takes a number of years.

influential economies may result in global success in addressing the clearly detrimental impacts of plastics production and consumption worldwide, despite all attempts to block such a scenario.

The Author

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This paper is an expanded version of a blog entry that was first published in September 2025. The opinions set forth below are his own.

ABOUT STAKEHOLDER FORUM

Stakeholder Forum for a Sustainable Future (SF) is a not-for-profit international organisation working to advance sustainable development at all levels. For more than 25 years, SF has been a bridge between stakeholders of all kinds and the international intergovernmental forums where sustainable development, and in particular the environment and issues related to its good governance, are debated, global goals are established, and strategies are mapped out. Our work aims to enhance open, accountable, and participatory decision-making and good governance for sustainable development through the continuous involvement and participation of stakeholders in these forums, and in the action that flows from their work.

To this end, we work with a diversity of stakeholders globally on international policy development and advocacy; stakeholder engagement and consultation; media and communications, and capacity building – all with the ultimate objective of promoting progressive outcomes on sustainable development through an open and participatory approach. In consultative status with the United Nations Economic and Social Council (ECOSOC) since 1996, SF also works with the United Nations Environment Programme (UNEP) under an MOU to expand the engagement and participation of the Major Groups and other Stakeholders in the United Nations Environment Assembly (UNEA) and HLPF processes.