

The Global Plastics Treaty INC-4 Negotiations

An ambition for a legally-binding approach to reduce global plastics production

From 23 to 29 April, government representatives from across the world will gather in Canada for the next round of negotiations of the Global Plastics Treaty (the “Treaty”). This is a vital opportunity to put the world on a path towards ending plastic pollution: protecting human health, the natural environment and the climate from the damage caused by the extraction and processing of the raw materials, the production of dangerous waste and microplastics, and the release of harmful chemicals and greenhouse gases that are all associated with the production and use of plastic.

Robust, legally-binding commitments at a global level will be crucial for delivering comprehensive and coordinated long-term solutions to stop plastic pollution. It is imperative that the Treaty at the very least **is built on solid legal foundations** and that more time is provided to develop the Treaty text through **formal intersessional work conducted on a transparent and inclusive basis**.

Overall, **the Treaty must reduce the global production of plastics**. As part of this it should:

- Cover the full life cycle of plastics, from extraction of raw materials to waste management;
- Deliver a global, legally-binding target to reduce plastics production;
- Require the protection of the health of people and the environment, as well as human rights;
- Halt the construction of new or expanded plastics production facilities; and
- Require financial flows to be aligned with its objectives.

The world needs more than just a plastics recycling treaty — we must reduce the global production of plastic.

Plastics production and fossil fuels: two sides of the same coin

“Plastic has polluted every corner of our planet, from the deepest ocean to the Arctic tundra. This pollution worsens climate change and harms wildlife, human health and local economies. That’s why we are using the power of the law to turn off the tap of needless plastics.”

Tatiana Luján, Lead Plastics Lawyer, Europe

Plastics are a slow-motion disaster for people and the environment. The sheer magnitude of the world’s production and consumption of plastic, and especially single-use plastic, has serious negative impacts on the environment, climate and human health.

Plastic, which is over 99% derived from fossil fuels, has a significant carbon footprint and prevents us from meeting climate targets. The process of extracting these fossil fuels and converting them into plastic generates huge amounts of climate-harming emissions at each stage of plastics’ life cycle.

Plastics refineries take a ‘feedstock’ – like oil or shale gas – and apply a huge amount of heat and pressure to ‘crack’ the hydrocarbons down into smaller hydrocarbons – eventually producing the building blocks needed to create plastic. It is highly carbon-intensive, not only because of the energy required to break down the gas, but also because of the climate impacts of extracting and transporting the fossil fuels that serve as feedstock.

The carbon embedded in the petrochemicals and subsequent plastics also ends up being released to the atmosphere after the plastic becomes waste. Recycling cannot keep pace with current rates of production. In 2019, only 9% of global plastic waste was recycled, of the remaining 91% (estimated at 320 million tonnes (megatonnes (Mt)), 19% was incinerated, 50% went to landfill and the remaining 22% disposed of in uncontrolled dumpsite, burned in open pits or leaked into the environment.¹

The harm is caused right across the life cycle. In 2019, plastics generated 1.8 thousand million tonnes (gigatonnes (Gt)) of greenhouse gas (“GHG”) emissions (3.4% of global emissions), 90% of which was generated by production and conversion from fossil fuels.² A 2024 study found that under business as usual growth scenarios, GHG emissions from primary plastic production would increase more than three times to 6.78 Gt of carbon dioxide equivalent by 2050, accounting for 26-31% of the remaining global carbon budget for limiting global warming to 1.5 degrees Celsius (°C).³ Even if plastic production remains constant from 2025 onwards, primary plastic production could account for up to 19% of this budget.⁴ Another 2024 study found that meeting global climate targets requires an immediate 50% reduction in demand for plastic.⁵

Yet, as global leaders talk of the need to transition away from fossil fuels and limit warming to 1.5°C,⁶ global plastic production has accelerated significantly in recent decades, soaring from 234 Mt per year in

¹ OECD (2022), *Global Plastics Outlook: Economic Drivers, Environmental Impacts and Policy Options*, OECD Publishing, Paris, <https://doi.org/10.1787/de747aef-en>, page 14

² OECD (2022), *Global Plastics Outlook: Economic Drivers, Environmental Impacts and Policy Options*, OECD Publishing, Paris, <https://doi.org/10.1787/de747aef-en>, page 14

³ Karali, N., Khanna, N., & Shah, N. (2024). Climate Impact of Primary Plastic Production. *Lawrence Berkeley National Laboratory*. Report #: LBNL-2001585. Retrieved from <https://escholarship.org/uc/item/12s624vf>

⁴ Ibid.

⁵ Vidal, F., van der Marel, E.R., Kerr, R.W.F. et al. (2024). Designing a circular carbon and plastics economy for a sustainable future. *Nature* 626, 45–57. <https://doi.org/10.1038/s41586-023-06939-z>

⁶ <https://www.clientearth.org/latest/news/celebrate-with-caution-cop28-s-final-deal/>

2000 to 460 Mt in 2019,⁷ and the World Economic Forum predicts that plastic production will double again in the next 20 years.⁸

It is clear: a future for plastics means a future for fossil fuels.

INC-4: the need to ensure a robust legally-binding approach

In March 2022, 175 countries participating in the United Nations Environment Assembly (UNEA-5.2) adopted the Resolution 5/14: “*End plastic pollution: towards an international legally binding instrument.*”⁹ This mandated the convening of an International Negotiating Committee (“INC”) to develop and adopt a legally binding instrument on plastic pollution based on a comprehensive approach that addresses the full life cycle of plastics, with the ambition of completing its work by the end of 2024.

The INC has now met three times and the next round of negotiations (INC-4) will be held between 23 and 29 April 2024 in Canada.

These negotiations will try to deliver a draft text of the instrument sufficiently advanced for finalisation at the fifth session (INC-5) in November 2024. Delegates will base their discussions on a Revised Zero Draft of the future instrument, compiled by the secretariat.

It is vital that the Treaty has a robust legal framework that will drive unequivocal action at all levels. However, there are currently some key concerns with the Revised Zero Draft and the current INC process. We therefore join partners in urging negotiators to ensure that the Treaty is:

- **Legally binding, which means using “shall”, not “should”;**
- **Based on robust and clear definitions and principles;** and
- **Clear on the ‘what, how, when and who’ of each obligation.**

The original ambition of Resolution 5/14 was for the Treaty to be finalised by the end of 2024. However, with less than nine months to go, there still remains a lot to be done to get the Treaty text into shape. On the one hand, the Revised Zero Draft is awash with numerous options and sub-options, some of which seem to vary only in style, and on the other hand core components such as the scope, definitions and key annexes remain undrafted. It is, therefore, clear that an urgent programme of work is needed to help the parties move towards a common understanding and develop a robust text for the Treaty.

However, the INC is yet to require any formal work that could help to advance progress in between the negotiating sessions. **Formal intersessional work must be agreed at INC-4 on an open and inclusive basis.**

⁷ OECD (2022), Global Outlook: Economic Drivers, Environmental Impacts and Policy Options, OECD Publishing, Paris, <https://doi.org/10.1787/de747aef-en>, page 14

⁸ World Economic Forum (2016), The New Plastics Economy Rethinking the future of plastics, page 6, available [here](#).

⁹ UNEA Resolution 5/14. End plastic pollution: towards an international legally binding instrument: resolution / adopted by the United Nations Environment Assembly, available [here](#).

Reducing the global production of plastics: our five key asks for the Treaty

ClientEarth, alongside many of our partners, has long argued that the negative impact of plastics on the environment, human health and the climate cannot be tackled without reducing global plastic production. Therefore, whilst the Revised Zero Draft rightly seeks to address both upstream and downstream issues around plastics pollution, our focus is on the upstream aspects of the proposed Treaty.

This is not only because it will allow the Treaty to directly tackle the root cause of the problem, but also because upstream restrictions are most at risk of being undermined by less ambitious governments and industry stakeholders, including fossil fuel, petrochemical and plastics producers.

A study published by Lund University earlier this year,¹⁰ which followed the negotiations on the Treaty so far, concluded that *“the lack of upstream measures, and the near-complete absence of them in the like-minded group’s¹¹ member state submissions, does not bode well for the potential effectiveness of the treaty. There is a risk that the treaty ends up being overwhelmingly focused on the practicalities of coordinating plastic recycling, not least because this is emerging as an area where the most agreement can be found.”*

ClientEarth is, therefore, joining our NGO partners and many other plastic experts in calling on all governments to work together to ensure that the Treaty does deliver on reducing the production of plastic at a global level. As part of this, the Treaty should:

1. Ensure that ‘full life cycle’ means ‘full life cycle’

UNEA Resolution 5/14 mandated a comprehensive approach that addresses the “full life cycle”¹² of plastics. However, in the negotiations that have followed, some countries participating in the INC process have tried to narrow down the scope of ‘full life cycle approach’ to exclude the production of plastic. This would mean ignoring the impacts caused by the extraction of the raw materials and by their processing into plastic.

It is critical that the Treaty adheres to the scope mandated in Resolution 5/14 and makes no exclusions for stages of the life cycle or specific sectors. We join the call by the Center for International Environmental Law (“CIEL”)¹³ and others for INC-4 to embrace a science-based definition of a full life cycle approach, such as the one put forth by the Scientists’ Coalition for an Effective Plastics Treaty.¹⁴

¹⁰ Dreyer, E., Hansen, T., Holmberg, K., Olsen, T., & Stripple, J. (2024). *Towards a Global Plastics Treaty: Tracing the UN Negotiations*. Lund University, available [here](#).

¹¹ *“a loose alliance that has recently formed between Iran, Saudi Arabia, Russia, Bahrain, China, and Cuba.”*

¹² UNEA Resolution 5/14. End plastic pollution: towards an international legally binding instrument: resolution / adopted by the United Nations Environment Assembly, available [here](#).

¹³ CIEL, March 2024, Plastic Polymers under the Full Life Cycle Approach: Key Considerations on the Scope of the Future Plastics Treaty, available [here](#)

¹⁴ *“The Scientists’ Coalition envisions a comprehensive global plastics treaty that acknowledges the intricate, interconnected relationships within the entire lifecycle of plastics, starting from the extraction of feedstocks for their production, passing through the synthetic production, formulation with additives, product development, manufacture, consumption, function and service modalities, and ending with ensuring that unavoidable waste materials and additive chemicals are not released to the environment in unsafe and unsustainable ways.”*

2. Deliver a global, legally-binding target to reduce plastics production

Despite being a significant and increasing source of global GHG emissions, plastics is not addressed by the existing global climate change agreements.

In the years since the world committed to reduce emissions to limit global warming to 1.5 °C above pre-industrial levels, plastic production has spiralled out of control, polluting our atmosphere with GHG and choking our planet with waste.

The Treaty must include an obligation to require a phase down of global levels of plastic production, and its precursors, to an agreed target.

As outlined in a letter to INC-4 negotiators signed by civil society organisations including ClientEarth, this requires “*setting a global target, implemented through internationally agreed national targets and reductions. There will need to be a strong definition of primary plastic polymers, an ambitious baseline, an effective licensing scheme, and mandatory national reporting. A dedicated independent body established by the treaty should oversee reduction, and be empowered to implement compulsory monitoring and reporting obligations.*”¹⁵

3. Require the protection of the health of people and the environment, as well as human rights

As has already been discussed, the production, as well as the use and disposal of plastics, has harmful impacts on the health of people and the environment.

Every stage of plastics’ life cycle, from fossil fuel extraction to its disposal, adversely impacts the health of people and the environment. These in turn have associated human rights impacts, including the human rights to life, health, a healthy environment, food, water, sanitation, cultural rights, and access to information.¹⁶

The Treaty must oblige parties to prevent and mitigate the potential for adverse impacts on human health, the environment and climate stemming from the production of plastics.

It is vital that these are all properly considered in the Treaty, in particular, so that the full impact of plastic is accounted for in setting a global, legally-binding target for reducing plastics production.

4. Halt the construction of new or expanded plastics production facilities

According to the Scientists’ Coalition for an Effective Plastics Treaty,¹⁷ estimates indicate that plastics and other petrochemicals industries will drive half of the growth in demand of fossil fuel production by 2050.

¹⁵ See <https://www.inc-letter.com/#TheLetter>

¹⁶ United Nations Office of the High Commissioner of Human Rights Information Note to INC-4 on Aligning States Duties and Business Responsibilities Related to Plastics with the Guiding Principles on Business and Human Rights, available [here](#)

¹⁷ See <https://ikhapp.org/material/policy-brief-climate-change-impacts-of-plastics/>

As ClientEarth's fight against INEOS is highlighting, the plastics industry is making huge investments in new or expanded infrastructure for plastic production, as well as for precursors. This expansion will lock-in fossil fuel-dependent infrastructure and undermine global efforts to urgently transition away from a fossil fuel-based economy.

We support the call by CIEL for the Treaty to include provisions requiring parties to implement national measures to prohibit the construction or expansion of plastic production facilities.¹⁸ The Treaty must also oblige parties to divert subsidies and other fiscal incentives away from plastic production.

5. Aligning financial flows to deliver the objectives of the Treaty

How financial flows are mobilised is a crucial element of any international instrument. Article 2.1(c) of the Paris Agreement¹⁹, for example, requires financial flows to be “*consistent with a pathway towards low greenhouse gas emissions and climate-resilient development*”. The Treaty needs equivalent provisions to ensure that public and private financing contribute to delivering its objectives across the full life cycle of plastic, both upstream and downstream.

Conclusion

ClientEarth asks the Parties at INC-4 to ensure that they contribute positively towards shaping a **robust, legally-binding global treaty on plastic pollution that addresses the full life cycle of plastics**.

Overall, the Treaty must deliver a **legally-binding commitment to reduce the global production of plastics**. To support this, governments must ensure that the Treaty is **built on sound legal foundations** according to clear and strong definitions, principles, roles and responsibilities, and that more time is provided to develop the Treaty text through **formal intersessional work**, which should be conducted **on a transparent and inclusive basis**.

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¹⁸ CIEL 2023 report Reducing Plastic Production to Achieve Climate Goals: Key Considerations for the Plastics Treaty Negotiations, available [here](#).p8

¹⁹ See https://unfccc.int/sites/default/files/english_paris_agreement.pdf and <https://unctad.org/publication/making-sense-article-21c-what-role-private-finance-achieving-climate-goals>