28 August 2025

After U.N. Talks Collapse, a Narrow Path to a Global Plastics Treaty

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Negotiations on a treaty to limit global plastic waste ended during the week of August 11, not with a bang, but with a whimper. In the early hours of August 15, after two compromise draft texts were rejected by various groupings within the 183 negotiating countries, the chair of the United Nations' Intergovernmental Negotiating Committee simply adjourned the talks.

It was the end, at least for now, of a process that began three years ago to great fanfare and high expectations. Having attended five sessions of these negotiations as an observer, the ending was disappointing. Negotiators had worked many long days to reach a landmark agreement on *ending*, or at least *curbing*, or at the very least *managing*, the growing plastic pollution crisis. But their efforts were finally defeated by the geopolitics and geoeconomics of a world hooked on plastic.

For much of the recent second session of the fifth round in Geneva, negotiators again stuffed the draft with words and tripled the number of brackets used to signal unagreed text. With a day and half to go, more than 70 minister-level officials descended on the talks for a final push, and the committee chair put forward a compromise draft to get through the impasse.

That version was quickly condemned by the "high ambition" participants, the largest bloc at the talks and the most diverse, including small island states, Chile, the European Union, Canada, the United Kingdom, Kenya, Ghana, Mexico, Bangladesh, the Philippines, and others. Their complaints: the omission of a draft article on the production of primary plastic, the most basic building block from which plastic products are made; the lack of binding global obligations; the absence of references to Indigenous peoples; and the maintenance of a consensus requirement for future changes that would have limited the treaty's ability to evolve over time.

In response, the chair released a marginally stronger revised draft shortly before midnight on the last day. A stormy three-hour meeting between heads of delegations then confirmed that this

attempt at compromise was dead on arrival in the eyes of states that produce oil and/or plastic, like Saudi Arabia, Russia, Iran and Kuwait—but also the United States, China and India.

A successful outcome was always going to be difficult. There were simply too many divisive issues splitting too many states in too many ways. Questions like whether to limit the production and supply of primary plastic; how to effectively regulate plastic products and the chemicals of concern that go into them; how to promote the future uptake of more circular, reusable, recyclable products; how to manage end-of-life issues like plastic waste, microplastics, emissions and leakages; and how to handle legacy marine pollution like old fishing nets that afflict island states.

Beyond these substantive problems, there were thorny implementation and design issues: the voting threshold, scientific input, and other features needed to make the treaty's implementation mechanisms effective, and the financing mechanism.

It proved impossible to address all of these issues under a consensus requirement in the time given and in the manner in which the talks were conducted and chaired. Indeed, the process itself was onerous and chaotic. If better managed, the final 48 hours might have led to a different outcome.

During the final two rounds, ever-larger groups of delegations—each comprising between 90 to 120 states or more, primarily from the high-ambition coalition or those most affected by plastic pollution—coalesced around specific proposals for the different articles being considered for an effective treaty.

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On the other side, 20-25 states led by the Arab group and the so-called like-minded countries—effectively the oil-producing and plastic-producing states—remained staunchly opposed to global rules and believed the treaty should be limited to waste management alone. Based on its positions in Geneva, the U.S. revealed itself as a member of this latter group in all but name.

But when China—the world's largest producer of plastics—as well as India and Brazil put their thumbs on the scale in favor of a text with no global obligations and subject to a rigid consensus requirement at every future step, any remaining room for agreement evaporated.

There is no denying the ecological and human harm of plastics. But in retrospect, the original framing of the talks as negotiations to simply "end" plastic pollution probably failed to adequately

anticipate very sizeable and real geoeconomics dimensions like lost state revenue, the sunk costs of petrochemical investments, and the time that is needed for alternate industrial trajectories.

In any event, this failure will need to be reported back to the U.N. Environmental Assembly in December unless a third session is convened before then. This is unlikely but not out of the question. A fresh set of ministerial meetings—either on the margins of the U.N. General Assembly in September or at the annual U.N. Climate Conference in November—may be able to revive the talks or give them some direction.

Plastic-producing states and other opponents of a meaningful treaty are happy for now, but they risk winning the battle only to lose the war. That is, they may stamp out the possibility of a treaty so thoroughly as to fuel greater and wider anti-plastic resistance while forsaking their ability to keep a hand in globally managing it.

Such an outcome would take years, perhaps decades. Still, celebration is premature—whether in Riyadh, Beijing, Washington or fossil fuel boardrooms around the world. Amid rising global awareness of harmful plastics and their petrochemical building blocks, the ability of both countries and companies to churn out harmful plastics to shore up declining energy profits is on borrowed time.

Certainly, the countries most afflicted by plastics pollution have yet to figure out how to leverage the power of their numbers in a concerted fashion. They left Geneva feeling frustrated and betrayed that despite a universal agreement among U.N. member states in 2022 to address the full life cycle of plastics, they were left hanging.

What are the pathways to an agreement now? Treaty-making in this era of declining multilateral cooperation is hard but not impossible. Three global treaties have been adopted by consensus in the past two years: the Agreement on Marine Biodiversity of Areas beyond National Jurisdiction in 2023, the U.N. Convention against Cybercrime in 2024, and, after the U.S. delegation withdrew, the 2025 Pandemic Agreement. Negotiations on treaties to promote tax cooperation and to prevent crimes against humanity are also underway.

When it comes to a plastics treaty, the divisions among states are now likely too wide to bridge via consensus, but other pathways may be available. A majority of states could seek a new negotiating mandate through a vote at the U.N. General Assembly, as was done for the Treaty on the Prohibition of Nuclear Weapons in 2016-2017. Or the same group could go outside the U.N. entirely, which has precedent in the 1997 Ottawa Convention on land mines. In both of those cases, a coalition of states forged ahead on their own, trusting that more countries would sign on over time, as they eventually did.

Even here, there are obstacles. The plastics treaty negotiations until now have shown the difficulties of herding even well-intentioned cats. And those seeking to end plastic pollution will have to advance without, and perhaps against, a powerful coalition that includes China, India, the U.S., and many petrostates.

As a result, many states may resort to a more behavioral approach, utilizing tools like boycotts. More and more countries, including China, are simply refusing to absorb the plastic waste of others. Increasingly, consumers are concerned about the adverse effects of plastics on human health, including fertility. Future regional or continental bans on plastic—think Africa, Latin America, and Europe—are possible, in time.

The coming months will confirm whether the window has definitively closed on a consensus-based treaty. They will also reveal whether there is sufficient appetite for a coalition-based one.

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