

# PLAN FOR THE BAN: GLOBAL PLASTICS POLLUTION TREATY NEGOTIATIONS ON PAUSE

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The United Nations' efforts towards establishing a legally binding global plastics treaty have encountered an obstacle resulting in recent negotiations coming to an end on December 1, 2024 without reaching an agreement. This bulletin, part of our ongoing "Plan for the Ban" series, provides a brief background on the treaty, the current challenges hindering its progress, and the next steps towards ratification. As the global community continues to seek solutions to the mounting plastic pollution crisis, the outcome of these negotiations will have implications on Canadian businesses.

## Global Commitment to Tackle Plastic Pollution

On March 2, 2022, all UN Member States, including Canada, committed to creating a legally binding global treaty to control and reduce plastics pollution and waste.<sup>[1]</sup> The commitment was made by way of a resolution entitled "[End plastic pollution: Towards an international legally binding instrument](#)" (the "**Resolution**"). The Resolution was adopted during an annual assembly meeting of the United Nations Environment Programme ("**UNEP**").<sup>[2]</sup> The Resolution tasks an Intergovernmental Negotiating Committee (the "**Negotiating Committee**") with undertaking negotiations to develop a legally binding instrument by 2024.<sup>[3]</sup> For more information on the Resolution, please read our bulletin [here](#).

Following the Member States' commitment, UNEP released a report entitled [Turning off the Tap, How the world can end plastic pollution and create a circular economy](#) (the "**UN Plastics Report**"). The UN Plastics Report was issued to inform negotiations in the international community and examine the economic and business models needed leading up to the agreement proposed to be finalized by the end of 2024. Our previous bulletin on the UN Plastics Report can be found [here](#).

## Status of Negotiations

The fifth session of the United Nations Intergovernmental Negotiating Committee on the Global Plastics Treaty ("**INC-5.1**") was held from November 25 to December 1, 2024 in Busan, South Korea.<sup>[4]</sup> The meeting was attended by over 3,300 delegates representing more than 170 nations and observers from more than 440 organizations.<sup>[5]</sup>

The negotiations covered several key issues, including topics related to the production and supply of plastics, the management of plastic waste on land and in the marine environment, financial mechanisms to enforce the treaty, and implementation and compliance.<sup>[6]</sup>

On December 1, 2024, after two years of negotiations, INC-5.1 concluded without a binding global plastics treaty.

### *Areas of Contention*

Notable areas of contention in the negotiations included the regulation of primary plastic polymers and chemicals of concern, the management of plastic waste, and the establishment of a financial mechanism to enforce the treaty.<sup>[7]</sup>

The Member States failed to come to a consensus on the measures that should be used to address primary plastic polymers and chemicals of concern.<sup>[8]</sup> Some members called for stringent measures and legally binding obligations, while others suggested deleting all references in the treaty text to both plastic polymers and chemicals of concern.<sup>[9]</sup>

Member States continued to disagree on the best approach to the management of plastic waste. Some member states advocated for a cap on plastic production. See for example a [proposal](#) led by Panama that pushed for the global treaty to reduce plastic production to sustainable levels. Others suggested that such a cap would adversely affect economic stability and ignores crucial differences in the conditions and capacities of various countries' economies.<sup>[10]</sup> These countries suggested focusing efforts on addressing plastic pollution, rather than production.<sup>[11]</sup>

There was also disagreement on the financial mechanism that should be used to implement the agreement. Some Member States highlighted the need for any financial mechanism to be independent, while others stressed that it needs to be innovative.<sup>[12]</sup> Several Member States emphasized the importance of additional, predictable financial support for developing countries, without which developing countries would not be able to implement any financial mechanism.<sup>[13]</sup> And others noted that it is critical for an effective financial mechanism to consider the particular needs of countries with economies in transition.<sup>[14]</sup>

### *Canada's Position*

Canada, as a member of the High Ambition Coalition, being a coalition of countries committed to develop an ambitious international legally binding instrument based on a comprehensive and circular approach that ensures urgent action and effective interventions along the full lifecycle of plastics, recognized the need for timely, accessible, predictable and adequate financing for developing states; encouraged the use of extended producer responsibility schemes; and advocated for reductions in plastic production and consumption of

primary plastic polymers.<sup>[15]</sup> The High Ambition Coalition also advocated for the phasing out or restricting of plastic polymers and chemicals of concern and stressed the importance of developing a treaty that can be added to and amended over time to address changing needs.<sup>[16]</sup>

## Looking Forward

Although the INC-5.1 session did not result in a finalized treaty, the discussions were not without progress. The session helped the Negotiating Committee come closer to an agreement on the structure and elements of the treaty text.<sup>[17]</sup> The Negotiating Committee also agreed on a Chair's Text that will serve as the basis for negotiations at the next meeting, which can be found [here](#). The next negotiation session (INC-5.2) has been scheduled for August 5 to 14, 2025 in Geneva, Switzerland.

We will continue to monitor the progress of this comprehensive global agreement and other Canadian regulatory developments with respect to plastics and plastic products that will affect many Canadian businesses and economies. Companies potentially impacted by such regulatory developments may wish to consider making submissions to the UNEP and/or Canadian regulators to ensure that their voice is heard as these developments progress.

If you have questions on how these changes may impact your business, whether directly or indirectly through your supply chains and global trade, please contact the authors of this bulletin.

[1] [Historic day in the campaign to beat plastic pollution: Nations commit to develop a legally binding agreement](#), United Nations Environment Programme (March 2, 2022).

[2] [United Nations Environment Assembly of the United Nations Environment Programme](#), Fifth session, Nairobi (hybrid), 22-26 February 2021 and 28 February-2 March 2022.

[3] *Supra*, note 1.

[4] [Intergovernmental Negotiating Committee to Develop an International Legally Binding Instrument on Plastic Pollution, Including in the Marine Environment](#), Fifth session, Busan, 25 November-1 December 2024.

[5] [Plastic Pollution negotiations adjourn with new text and a follow-up session planned](#) (December 2, 2024).

[6] *Supra*, note 4.

[7] *Ibid.*

[8] *Ibid.*

[9] *Ibid.*

[10] *Ibid.*

[11] *Ibid.*

[12] *Ibid.*

[13] *Ibid.*

[14] *Ibid.*

[15] [\*High Ambition Coalition to End Plastic Pollution, HAC Member States Ministerial Joint Statement for INC-5.\*](#)

[16] *Ibid.*

[17] *Supra*, note [5](#).

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### **A Cautionary Note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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