

CLIMATE CHANGE LAW NETWORK BLOG POST #7

(2023)

INTERSECTIONS BETWEEN PLASTIC POLLUTION AND CLIMATE CHANGE: THE PLASTICS TREATY NEGOTIATIONS

In this blog post, [Alexandra Harrington](#), a member of the IUCN WCEL Climate Change Law Specialist Group and Chair of the IUCN WCEL Agreement on Plastic Pollution Task Force, sheds light on the substantive and procedural issues under discussion by the International Negotiating Committee of a legally binding instrument to address plastic pollution, and in connection with the climate change regime.

This blog is written for the [Climate Change Law Network](#), WCEL IUCN, as part of a series that aims to map the different conferences, events, and panels related to Climate Change Law around the year.

The realities of the triple planetary crisis continue to unfold before us on a daily basis, whether in the form of new scientific data and finds or personal experiences in local communities around the world. Over the past weeks, the international community has come together in a variety of fora for Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions in Geneva and the UNFCCC intersessional meetings in Bonn. These COPs have been the site of advances – for example the listing of several new chemicals under the Basel Convention’s procedure – as well as much contestation over procedural and substantive issues. At the same time, the Second Session of the Intergovernmental Negotiating Committee (INC2) for the global Plastics Treaty met in Paris for a week of intense work to advance toward the ambitious target of generating a treaty by the end of 2024. Each of these meetings has a direct connection to the triple planetary crisis, and the connections between the BRS Conventions and the proposed Plastic Treaty are clearly recognized as a general matter as well as a means of addressing the pollution aspects of the triple planetary crisis. However, the nexus between climate change and plastic pollution is not as frequently discussed and yet has the ability to impact each aspect of the triple planetary crisis.

Fundamentally, there are direct ties between fossil fuels in the climate change and plastics context, with fossil fuels being a core driver in each area. Indeed, several States have highlighted these connections in their pre-INC2 statements, placing an emphasis on the need to regulate fossil fuels as a bridge between issues. This is a clear and undeniable link, however, should not detract from other connections that have the potential to generate mutually supporting methods of implementing the UNFCCC regime – especially the Paris Agreement – as well as emerging areas of importance for the proposed Plastics Treaty.

Perhaps most obviously given that emissions from plastic production play a role in global and national emissions, the use of a target date for banning single use plastics could connect to the 2050 net zero targets of the Paris Agreement as well as many national plans. At INC2, there were divergent views as to the use of a specific target date as an element of the objectives, although many States voiced support for including one in the terms of the treaty *per se*. The High Ambition Coalition (HAC) and other States have voiced support for establishing 2040 as the target date, while others – including the IUCN – have called for a target date of 2030. In any of these situations, the establishment of a target date in the proposed Plastics Treaty will have an impact of the ability of States and the global community to achieve the Paris Agreement commitments.



An area of emerging convergence between the Paris Agreement and subsequent UNFCCC decisions and the proposed Plastics Treaty is the inclusion of just transitions as a vital element. In the climate context, this is often thought of in terms of transitions away from fossil fuel and carbon-intensive industries, while in the plastics context the bulk of the discussion has focused on informal workers and especially waste pickers. In both settings, there is arguably an issue of overly narrow scope of assessment for the affected sectors and workers. Even more fundamentally, the use of just transitions across climate and plastic treaties necessarily raises the issue of coordination of national and international policies to ensure that transitions are just across all sectors and areas of concern.

Circularity and the role of the circular economy are themes that have developed in parallel as part of the plastics and climate change discussions. In the plastics context, much of the concern centres

on the need to ensure that the full life cycle of plastics – from upstream to mid-stream to downstream – is included in the Treaty’s main terms. Thus, circularity is discussed as not only a necessary reality for implementation but also a critical core element of the treaty regime itself. In the climate change context, there is an increasing realisation that the transition to a circular economy is necessary to facilitate reductions in emissions and fossil fuel consumption, promote the green economy, generate opportunities for those workers who are transitioning away from impacted industries, and promote sustainable development. Each of these reasons are impactful for addressing climate change and, beyond this, they have direct connections to circularity in the plastics sector. These connections can be seen in the discussion of shifts in consumption and production during INC2 and the Bonn intersessional meetings.

Reporting and efforts to implement a global stocktake are other areas of overlap between the climate change and plastics dialogues. Thus far, discussions of reporting requirements in the proposed Plastics Treaty negotiations have largely included reference to National Action Plans (NAPs), although these can be seen as placeholders in a sense and INC2 featured debates on the benefits of National Implementation Plans (NIPs) versus NAPs or other forms of reporting. General references were made to the potential for parallels with the Paris Agreement in terms of national action plans as well as Nationally Determined Contributions. At the same time, throughout INC2 concerns regarding duplication of existing reporting requirements between Multilateral Environmental Agreements (MEAs) and any system adopted under the proposed Plastics Treaty were raised. The impacts of duplication were brought primarily out of concern for the potential financial impacts, especially for developing States and SIDS, as well as potential overburdening of governmental departments and ministries. Given the connections between many aspects of climate change-associated reporting and plastics reporting, the need to develop a reporting system that can be used to fulfil these requirements in a complementary manner is pressing. Similarly, there have been calls for a periodic reporting assessment in the proposed Plastics Treaty that could be based on the Global Stocktake under the Paris Agreement. This year will serve as the first test of the Global Stocktake under the Paris Agreement and, in addition to the lessons that are generated through its conduct as well as contents, there will be valuable insights for the process of designing a parallel system for the proposed Plastics Treaty.

Additional mention should also be made of the potential overlaps and impacts of the inclusion of maritime fuels as within the ambit of climate change discussions because of the connection to circular economy efforts and plastic transportation. On one hand, bringing maritime fuel into the UNFCCC and Paris Agreement parameters has the potential to make maritime transport more expensive, at least in the short-term, which could discourage some aspects of illegal trafficking in plastics. On the other hand, without careful planning and regulation, the same increased prices for maritime fuel could hinder the viability of legitimate transportation of plastics as part of circular manufacturing and reuse.

In summary, the UNFCCC system and the proposed Plastics Treaty are at opposite ends of the historical spectrum yet are inherently connected in many ways. As such, they have the ability to act as reinforcing entities to address the triple planetary crisis in terms of climate and pollution threats – threats that are fundamentally linked to biodiversity loss. This nexus is an essential one for the coming months and years, when quintessential issues in implementing international climate law and concretizing international plastics law will crystalize.