



Standoff at the four-way stop sign: late-night diplomacy at the fourth session of negotiations (INC-4) on the global treaty to end plastic pollution

Rachel Tiller¹ · Emily Cowan¹ · Ina Helene Ahlquist¹ · Theodore Tiller¹

Accepted: 8 December 2024
© The Author(s) 2024

Abstract

Within the final session of negotiations inching forward, the United Nations (UN) Intergovernmental Negotiating Committee (INC) completed its fourth session of negotiations (out of five) on an international legally binding instrument (ILBI) to “end plastic pollution.” This paper examines the results of the fourth session of negotiations INC-4, which took place from April 23 to 29th, 2024, in Ottawa, Canada. In this perspective paper, we analyze the trends, barriers, and themes shaping the emerging treaty text. Progress towards consensus on financial mechanisms and waste management was prevalent. This paper is based on close participant observations and document analysis throughout the negotiations, it became apparent that nearly all of the core obligations of the treaty came into brackets, which means states do not agree on text. There was additional divergence when it came to the inclusion of the production side of plastics in the treaty. We conclude by looking towards the fifth and expected final session round of negotiations in Busan, South Korea, in December 2024 by discussing if and how the plastic treaty will be effective when the full life cycle starting from production is not taken into account.

Keywords Plastics · Governance · Treaty · UNEP · Global · INC · Agreement-making

Introduction

I can see and feel the goodwill and readiness of every state in this process to take us to the goal we all long for.—His Excellency Luis Vayas Valdivieso, of Ecua-

A standoff at a four-way intersections with individual stop signs refers to a traffic situation in which four cars reach an intersection with individual stop signs at the same time, complicating traffic patterns since neither driver knows who should take the right of way and all drivers are yielding to the right. Though this is not a situation that is common in Europe, where roundabouts are the norm, this is not unusual in North-America and South Africa. This is a stand-off, where all traffic is stopped until one of the drivers takes a chance and makes the first move by going through the stop sign. In doing this, the other cars are able to once more follow the traffic rules and go in the prescribed order. We use this as a metaphor for INC4 to signify that the negotiators are all stuck and somebody needs to make the first move (and concessions) to solve the standstill because of diverging opinions during negotiations.

✉ Rachel Tiller
Rachel.tiller@sintef.no

¹ SINTEF Ocean, Brattørkaia 17C, 7010 Trondheim, Norway

dor, Chair of INC4-5 at the opening session on April 23rd, 2024

The fourth session of the Intergovernmental Negotiating Committee (INC-4) to develop an *international legally binding instrument (ILBI) on plastic pollution, including in the marine environment*, took place from 23 to 29 April 2024 at the Shaw Center in Ottawa, Canada, only five months after the conclusion of the third meeting in Nairobi (Cowan et al. 2024b). The goals of the emerging treaty, which the text was being negotiated on for the fourth time, were broad—*end plastic pollution, including in the marine environment*. The question many asked themselves before this INC-4, however, was whether this in fact would be a possible goal to reach. For the first days of the negotiations though, optimism was high, and the end was within sight! The agenda of the week was on the pre-agreed list of key negotiating points resulting from INC-3, namely Part II of the draft treaty text, which listed the 13 core obligations that the treaty could potentially include (see Table 1). These obligations, well established and agreed upon prior to the start of INC-4 (UNEP 2024a), were still subject to divergent opinions from delegations during INC-4, and examples of standoffs at a four-way

Table 1 Themes of the different subgroups during INC-4 in Ottawa, Canada. The contact group was further divided into three subgroups, and contact group 2 was subdivided into two subgroups

Contact group 1		Contact group 2	
SG1.1	SG1.2	SG1.3	SG2.1
Part I: 1. Preamble 2. Objective 3. Definitions 4. Principles 5. Scope Part II: 12. Just transition 13bis. Overarching provisions related to Part II	Part II: 1. Primary Plastic Polymers 2. Chemicals 3. Problematic plastics 3bis. Micro- & nanoplastics 4. Exemptions 4bis. Dedicated programme of work 5. Product design 6. Non-plastic substitutes 10a. Trade – chemicals, polymers & products 13. Transparency, tracking, monitoring & labelling	Part II: 7. Extended Producer Responsibility EPR 8. Emissions and releases throughout the life cycle of plastics 9a. Plastics Waste mgmt 9b. <i>Waste mgmt.</i> – <i>Fishing Gear</i> 10b. Transboundary movement – trade in plastics 11. Existing plastic pollution, incl in the marine environment	Part III: 1. Financing 2. Capacity-building, technical assistance & technology transfer Part IV: 1. National Plans 2. Implementation & compliance 3. Reporting on progress 4. Periodic assessment 5. International cooperation 6. Information exchange 7. Awareness-raising, education & research 8. Stakeholder engagement 8bis. Health aspect Part V: 1. Governing body 2. Subsidiary body 3. Secretariat Part VI: 1. Possible annexes

At the start of the week fishing gear was to be taken up jointly by SG1.2 and SG1.3, by the middle of the week it was agreed to be taken up in SG1.3 solely as the work in SG1.2 proved demanding

intersection were looming even before negotiations commenced. The UNEP Executive Secretary, during the opening of the negotiations, stated that there still was hope that this fine needle could be threaded—and, she emphasized, that this was all within the power of the negotiators who had come to Ottawa for precisely this purpose.

The aim of the first day of negotiations, however, was to move swiftly from statements, congratulations and pleasantries into substantial matters, so that the negotiators could get started on massaging the text of the draft treaty text that they had received at the end of 2023. The plenary session was therefore adjourned in the afternoon, and the delegates moved into the contact groups for more substantial discussions that were to take place the rest of the week.

The current article is the fourth in a series in the *Journal of Environmental Studies and Sciences* series on the global plastic treaty (GPT) negotiations (Cowan 2024; Cowan et al. 2024a, b). The overarching research question for this series focuses on “What shaped the outcomes of the final plastic treaty?”, including both the design of the agreement and how many (and which) states choose to ratify it at the end if it is adopted. In each of the articles following the INCs, we examine the progress of negotiations, evaluate the changing draft text, and identify key areas of divergence, as well as patterns and trends in the negotiations that can shed light on what is influencing the emerging text of the plastic treaty.

Our research question for this specific article centers on the following: *What shaped the outcome of the plastics treaty and led to the disappointing result of “treaty hypertrophy”¹ during INC-4?* We consider this by first giving a brief description of the methodology used in this work (described in detail in (Cowan 2024)), followed by some contextual background on the negotiations and the challenges it faced. We then give an overview of the discussions towards the newest version of the draft treaty text to be used for further discussions during the intersessional work and discuss the three main parts that were circulated prior to the meeting and updated after the conclusion of INC-4.

Methods

Since the start of the negotiations, there has been a growing number of popular science and peer-reviewed scientific literature on the topic of the negotiations, primarily focusing on what elements the treaty should include in the end (Aanesen et al. 2024; Ambrose 2023; Bergmann et al. 2022; Brandon

et al. 2023; Dauvergne 2023; Dreyer et al. 2024; English 2023; Farrelly et al. 2024; Maes et al. 2023; Mendenhall 2023; O’Hare and Nøklebye 2024; Sousa 2024; Syberg et al. 2024; Walker 2022). The focus of our series of articles has been to move into the negotiations properly and assess precisely these elements, highlighting the negotiations from an observational research standpoint. Our first article on the negotiations from INC-1 (November 2022) included first and foremost detailed presentations of the methodology used to follow the negotiations, as well as an initial draft of the dataset from the first negotiating session (Cowan 2024). After this, there was a long road ahead towards negotiations on substantial matters in INC-2, as the first session of negotiations had only included plenary discussions and national statements reaffirming the need for a treaty based on the UNEA 5/14 mandate (Tiller et al. 2022; UNEA 2022). In the analysis of INC-2 (May 2023), we were able to dive deeper and explore among others how procedural matters, like the rules of procedures, stalled negotiations entirely—which continued into the third and fourth sessions of negotiations as well and is expected to be negotiated on again at INC-5. It was also this first real negotiation INC that countries firmly stated their diverging viewpoints of a future treaty. The dividing line was between those who wanted to focus on regulating the entire life-cycle of plastics—including their production—and those who considered the problem to be one that is best solved with proper waste management (Cowan et al. 2024a). During the third session of negotiations, INC-3 (November 2023), the first draft treaty text guided the negotiations more (UNEP 2023). This was the first INC where countries negotiated on the core obligations that the treaty could potentially include once it went into force. This negotiating session also further solidified the diverging viewpoints from earlier INCs on what part of the plastics lifecycle should be included in the future treaty (i.e., extraction, production, use, end-of-life, or a mixture of them) (see Cowan et al. 2024b for more details).

For the purposes of this fourth article, we utilize the same ethnographic research methods, which rely on researchers “being there” as participants in the event. This “...enables a researcher to embed themselves in a specific community in a way that can provide in-depth coverage and analysis of policy issues that are often rendered invisible if we use other methods...” (Pacheco-Vega 2020). Participating in each of the plastic treaty negotiation sessions and coding the narratives thereof also made us as researchers attentive to the non-textual aspects of the negotiations, such as the “...tone, mood, pauses, hunger, laughter, tears, and other elements that define the negotiations, but are not captured in a standard textual record.” (Mendenhall et al. 2023), which we also captured in the datasets with comments such as [laughter in the room] or [applause from the observers] or [chocolate is

¹ Treaty hypertrophy is a term describing the excessive expansion of treaty text, marked by numerous bracketed elements that signify disagreement and lack of consensus. Originally used in economics as “excessive growth or complexity” and in general as “excessive growth of any kind”.

being passed around and delegates are saying thank you, and the mood in the room feels lighter] and similar.

In this article, we share information about the progress of the GPT negotiations, though at the request of the INC secretariat from INC-2 onwards of no media coverage when the negotiations are not in plenary, our analysis is anonymized. This has led to identifying features of speakers such as their names, states, group affiliations, or observer status being removed when referencing the negotiations during contact and subgroup sessions (the latter during INC-4). It also makes it difficult to share the dataset for transparency reasons prior to proper anonymization. Where specific states or coalitions are mentioned by name in the article, this information is already publicly available on the INC website, were spoken in plenary, or are text proposals or statements voluntarily uploaded by delegations, or the oral reports of the facilitators.² Through the first four INCs, we coded the narratives from the negotiations by first collecting them in Microsoft Word or Google Docs, after which they were spell-checked and moved into Microsoft Excel (see Cowan (2024)) for data from INC1 as an example). During our analysis, the coded interventions by states, observers, and groups were examined and compared with previous positions as well as the context of the INC in progress. This suite of articles will allow us to, post-treaty adoption, give a thorough overview of the process that has underpinned the Plastic treaty negotiations, and assess key causal mechanisms and tensions that may have had an influence on the effectiveness of the ILBI post-implementation.

Due to the urgency of these negotiations being completed by the end of 2024, the chair of the negotiations Ambassador Luis Vayas Valdivieso of Ecuador provided a Scenario Note that was circulated prior to the meeting, describing both the objectives of the meeting and his suggestions for modalities to achieve these (Valdivieso 2024). As the negotiations were already running over schedule, and there was strong urgency to finalize an agreement, all seven days of INC-4 included two—and at one point three—parallel sessions, which required delegations (and the authors of this article) to split into different groups to be able to cover all topics. The author team of this article was able to have 1–2 persons at all parallel meetings during these seven days of INC-4 in Ottawa, Canada.

Challenges during INC-4

Like the other INCs, there were some challenges when so many participants are gathered at the same location for a short period of time, including in terms of the working environment for all participants, of which there were 1316 registered state delegates and more than 2600 registered observers at INC-4 (Tiller and Cowan 2024). Access to the premises and the de facto real participation by observers had also been a concern prior to INC-4. This was because, during the previous two INCs, there had been limited access to the plenary sessions to observers due to overcapacity, given the great interest in the topic by civil society. Because of the size of the venue in Ottawa, Canada, however, observers (including from IGOs or NGOs) were allowed in the venue without restrictions, increasing the possibilities for academic research, including ethnographic observations, and importantly, interventions from NGOs that hold governments accountable. However, verbal interventions by observers were still rarely allowed during the week of INC-4 given the time constraint of negotiation, and observer organizations were therefore encouraged to instead submit written statements or speak on behalf of larger groups if possible. By the end of the negotiating session and at the time of writing, groups of observers had submitted 23 statements (one statement representing the views of several observer organizations) and 91 statements had been submitted by individual observer organizations to the UNEP website (UNEP 2024b), providing delegates with critical input from experts in different areas touched upon by the treaty text for consideration. In addition to the lack of speaking time during the negotiations, observers were also challenged by limited seating arrangements with tables or power outlets, making working conditions difficult at times for this group of participants. Internet connectivity in the venue was also a challenge throughout the negotiations, though worse during the first two days, which affected all participants, including member states participants as well.

Through active participation, it became clear that an additional challenge that framed these negotiations was a combination of time—and resource constraints—specifically for the latter, in terms of number of delegates present at the negotiations. At the recorded plenary in the evening on the 26th of April (United Nations 2024), with three remaining days of negotiations ahead of them, the delegate from the United States made a suggestion to the chair and the members of the committee that “...moving forward...we could convene three of the subgroups in parallel should that be needed...” The European Union took this further and requested not only three sessions in parallel but also stated that “we need to make efforts to make as much, as fast and as intensive as possible...we also

² These resources can be found at <https://www.unep.org/inc-plastic-pollution/session-4> under “In-session Documents” and “Written Statements” and <https://www.unep.org/inc-plastic-pollution/webcast> for videos.

think that...we will have to work late hours and all nights if we actually will move our work forward...and include all-night sessions in our work”. This was echoed by many other high-income nations, such as Norway, Switzerland, Australia, New Zealand, and Canada as well. However, the suggestion was not well received by lower-income nations, whose delegations in many cases are significantly smaller and as such do not have the opportunity to rotate their delegates as often as large delegations with as many as 70 + registered delegates did. This displeasure was said out loud as well, by among others the African Group who stated that, in addition to rejecting the suggestion of three parallel sessions, and within the context of the sessions the night before lasting past midnight: “Tired minds do not effectively negotiate,” and asked the chair to not have sessions end later than 10 pm, referring to the resources available to small delegations, leading to frustration by many of the proponents of the idea.

Brazil then gave a strong statement in support of the African Group, pointing out the need to not ignore the obvious, stating that it was “...clear to see the dividing line between developed and developing countries...” The Brazilian delegate then, with a strong voice but with clear frustration, brought the attention of the room to the financing offered to developing nations by the United Nations, which only allowed for two delegates to be present—which was the background for the general UN rule to not have more than two meetings in parallel except under extraordinary circumstances. The delegate ended with a particularly strong statement, emphasizing that she felt obliged to say that “My delegation resents that working exhausting hours and dividing yourself in different groups is the test to show that you are serious...For bigger delegations, showing this seriousness is easier. It’s like asking two people to run a certain distance in a certain time, but one person you give a car, and the other person has to do it by running.” In closing, she put emphasis on the fact that for the smaller developing nations, just running this marathon showed their commitment and that they should be commended for this, which resonated well with many delegations present.

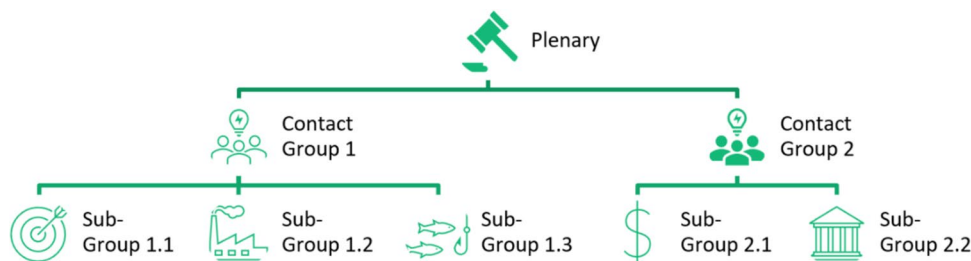
The negotiation landscape

[I am]...confident we can find ways to build shared understanding and identify areas of convergence...I am committed to do all I can to work with all of you to achieve that.—Chair of the Intergovernmental Negotiating Committee, Ambassador Luis Vayas Valdivieso during the Opening Plenary of INC-4 in Ottawa, Canada April 23rd 2024

On the first day of INC-4, close to 4000 state delegates and observers were seated and ready for the second to last negotiation week. There was a buzz in the air of excitement that the negotiations were about to start again, and the room was filled to capacity, with all observer tables already occupied by the time our research team made it through the lines of registration and security—an hour before the start of the meeting. The chair of the INC, Ambassador Luis Vayas Valdivieso, declared the INC-4 open and expressed a clear urgency for the negotiators to advance the draft text of the instrument sufficiently so that it could be finalized and adopted at the fifth session and last session of the committee, in accordance with the ambition that had been expressed in the UNEA resolution 5/14 (UNEA 2022). He presented his suggestion for modalities—or approach—of the negotiations, with a focus on further dividing the contact groups into more expertise-focused subgroups, that would then report back to the contact groups themselves again (see Fig. 1 and Table 1). This subdivision, however, led to some confusion among the delegates on the proposed process onwards, and questions were asked on why the subgroups were dividing the text even further, leading to many minutes of silence where the Secretariat and the chair discussed among themselves how to answer delegates. This was in the end solved by the chair asking the delegates to have this information discussed in the contact groups themselves instead of in plenary, presumably to not spend more time discussing matters of organization and instead move into substantial issues.

On the first day of negotiations, when the delegates moved away from plenary when the main aim was to have a first read-through of the draft treaty text and for the

Fig. 1 Contact groups and modalities for their work divided into sub-groups



facilitators of the respective subgroup to gain the permission of the member states to streamline the text further, some time was indeed spent discussing format in some of the groups. However, the discussion soon moved to substantive elements, and the chairs asked for mandates to start removing duplicate text and to the best extent, merge text that was similar—all with the purpose of reaching an agreement on a more condensed text by the end of the week. This was because, with only one more session of planned negotiations, a lot was riding on the delegates during this INC-4 to make significant progress on streamlining the text before the final session of negotiations in November. The goal of the chairs of the two contact groups, and the co-facilitators of the five subgroups, was therefore to move into actual textual negotiations line by line as soon as the text had been cleaned up and streamlined for the respective sections. In the original text, as it had come from INC-3, these sections were filled with options and brackets from delegations, many of which were similar or duplicative, and the thought had been that once streamlined, the textual negotiations would allow for the text to be more manageable before the last round of negotiations, which could then be entirely dedicated to line-by-line negotiations. The landscape of the negotiations was therefore to have discussions, often in parallel, on the different topics in the different sub-groups, which could then turn into more condensed text that could be the basis for the text to be negotiated in November.

Elements of the plastics treaty

Still, during these seven days of negotiations in Canada, there were still substantial amounts of divergent positions that were soon emphasized, even after the co-chairs had streamlined the text in each of the subgroups. There also did not end up being sufficient time for concrete line-by-line textual negotiations in all subsections. Table 2 gives an overview of the draft texts as they evolved from INC-3 to INC-4, and their differences in a strong legal language such as the use of the word “shall” as opposed to for example “may.” The text differences also demonstrated a divergence of opinions with the delegate’s suggestion of either “options” (OP1, OP2bis, etc.)³ that had been suggested during the negotiations, and the use of square brackets, which signifies that someone disagrees with a given word, sentence, or, in some cases, entire paragraphs or annexes. For the purposes of this study, we chose to focus on the parts of the treaty that were streamlined and, in some cases, also

underwent the first round of textual negotiations. We did not consider the annexes, where no changes had been made from the last INC.

When examining the shift in the tables documenting how the treaty text has been adapted during INC-4, we see that both the number of pages in total, as well as the number of options within the draft text, decreased from the initial 69-page content of the text from INC-3. On the other hand, the text in brackets (i.e., non-agreed upon text) significantly increased from the start until the end of INC-4. The brackets around the text options in parts I and II also demonstrate the challenges in reaching a consensus during INC-5 to have a treaty prepared by the end of 2024. A visual representation of this is found in Fig. 2 below.

Figure 2 provides insights into the dynamics within the negotiating room. Prior to INC-3, the volume of text produced was notably minimal, corresponding with a near-zero amount of bracketed or non-agreed text. This trend shifted markedly following INC-3, as detailed in Cowan et al. (2023). Countries presented numerous options for inclusion in the treaty during INC-3, but at INC-4, we saw a significant reduction in text, which, for this study, we refer to as a “positive” development towards achieving a treaty agreement. However, the increase in bracketed text indicated that ongoing challenges and disagreements persist within the text that is left, suggesting that efforts and compromises will be necessary in the lead-up to the final negotiating session in November 2024. For a treaty to be adopted all the text must be agreed upon and no brackets can remain. The following sections examine each of the sections of the treaty draft so readers can understand where diverging and converging views may emerge.

Part I: SG1.1 preamble, objective, definitions, principles, and scope

The following section briefly examines the negotiations from each part of the treaty text at INC-4 to better understand the final result of INC-4, followed by an overall conclusion and discussions on the final planned session of negotiations at INC-5. The negotiating group that covered Part I of the draft treaty text, SG1.1, made it through the first two discussion items on the preamble and objective fairly smoothly, in that they agreed to disagree on the main objective. Countries agreed to follow the UNEA 5/14 mandate as the main objective to “end plastic pollution,” but there was a clear divergence on what ending plastic pollution means. Some countries, for example, believed it only had to do with waste management at the end-of-life of plastics, whereas others considered that it referred to a societal transformation that would enable the treaty to cover the full life cycle of plastic starting from production. Definitions, similar to those discussed during INC-2 and 3 were quickly brushed off the

³ OP1 refers to the first new “option” of a draft treaty text provision. OP2bis and onwards refers to the multiple different options or alternatives of text to the draft treaty.

Table 2 Versions of the treaty text negotiated during INC-3 and INC-4. Red indicates that there is a “negative” trend and green that there is a “positive” trend (irrespective of arrows. An increase in “shall’s” for example may indicate stronger language—whereas an increase in “options” indicates divergence of opinions)

Version	Section	“Options”	“Shall’s”	Bracketed “shall’s”	Brackets (search “j”)	Word count (incl titles)
PRE INC-3 Zero Draft Text September 4 th 2023	Full draft	28	153	0	79	14520
	PART I	2	0	0	2	220
	PART II	22	85	0	51	7879
	PART III	2	18	0	0	912
	PART IV	2	50	0	26	2999
	PART V	Placeholder text only.				25
	PART VI	Placeholder text only.				28
Version	Section	“Options” ⁶ not including alternatives	“Shall’s”	Bracketed “shall’s”	Brackets (search “j”)	Word count (incl titles)
POST INC-3 Draft Treaty Text from CGs November 19 2023	Full draft	Not available post INC-3 only CG1 and CG2 finalised and agreed upon text into full compilations of the revised zero draft text				
	PART I (including input from CG3)	30 ↑	7 ↑	0 ↔	49 ↑	4 488 ↑
	PART II	111 ↑	480 ↑	0 ↔	247 ↑	37 831 ↑
	PART III	17 ↑	72 ↑	19 ↔	208 ↑	4 399 ↑
	PART IV	55 ↑	117 ↑	30 ↔	484 ↑	7 063 ↑
	PART V (not agreed upon draft text)	0 ↔	10 ↑	1 ↔	2 ↑	1 077 ↑ (No text previously)
	PART VI (not agreed upon text)	Not available – still a placeholder text only at time of publications of article.				
Version	Section	“Options” ⁶ not including alternatives	“Shall’s”	Bracketed “shall’s”	Brackets (search “j”)	Word count (incl titles)
POST INC-4 Draft Treaty Text from the CGs Date May 01 2024	Full draft ⁷	Not available post INC-4 at time of publications of article.				
	PART I	22 ↓	7 ↔	6 ↑	103 ↑	903 ↓
	PART II	30 ↓	293 ↓	149 ↑	2240 ↑	18 724 ↓
	PART III	17 ↔	10 ↓	3 ↓	13 ↑	701 ↓
	PART IV	43 ↓	18 ↓	52 ↑	105 ↑	1181 ↓
	PART V (not agreed upon draft text)	0 ↔	10 ↔	1 ↔	2 ↔	164 ↓
	PART VI (not agreed upon text)	0 ↔	48 ↑	3 ↑	26 ↑	1 782 ↑ (No text previously)

For the purposes of this table, an “option” is a place in the draft text with multiple options, not the number of options in total. Each “option” could actually contain two or more options, and/or include options under options. For example, article A may have option 1 and option 2. That is counted as one “option” because it is one place with options. If there are two options under option 2, that is one more place with option (Mendenhall et al. 2023)

The full draft text to start negotiations with at INC-5 was uploaded to the INC-5 website on July 1st, 2024 (UNEP/PP/INC.5/4). It does not include all the details as the individual ‘Parts’ of the negotiated text in Contact Groups during INC-4. “The compilation contained in the annex to the present note was prepared by the secretariat pursuant to the mandate described above. In accordance with this mandate, minimal adjustments have been made to the text with a view to standardizing the format of the document for consistency of presentation and ease of reading, without modifying the substance of the texts as contained in the respective outcome documents of the subgroups.”

Fig. 2 Combined visual representation of the word count and bracket count throughout three draft treaty text iterations

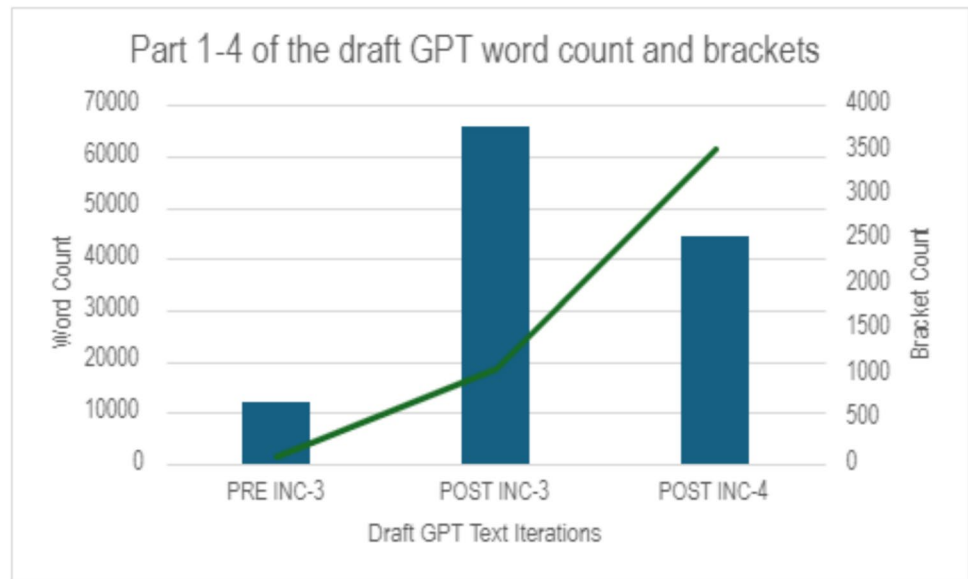
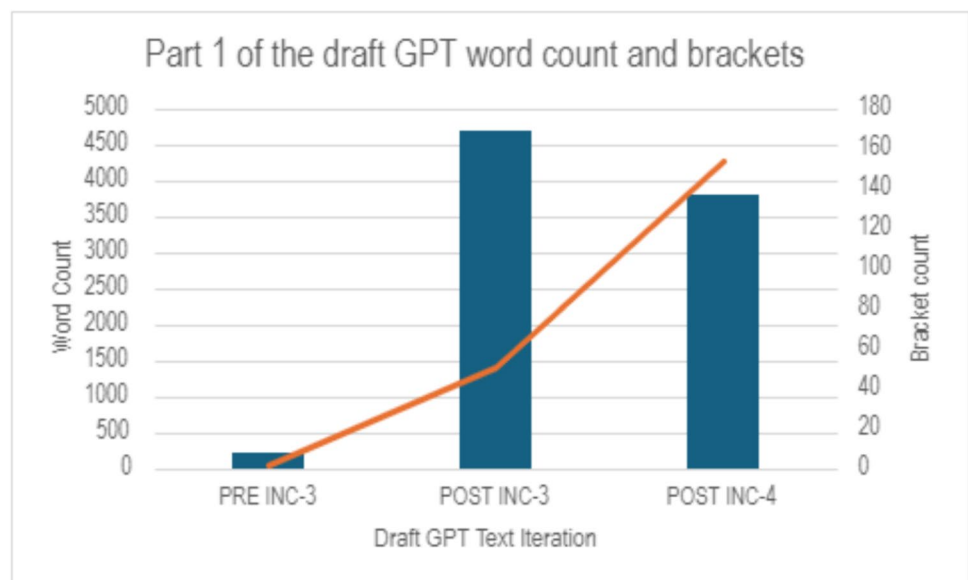


table as there was a wide convergence this should come later in the negotiating process, either during the intersessional period or INC-5. This was a tricky subject though, as similar to the issues with objectives, it is hard to negotiate for something when you are not speaking the same language and comparing apples to oranges.

As such, although SG1.1 initially was considered to be negotiating one of the “easier” parts of the draft treaty text, the discussions in Part I revealed a multitude of diverging views, leading to almost 200 interventions during the week of negotiations, and the introduction of new alternative options for both the objective and preamble in the new version of the treaty text. Figure 3 demonstrates

the drastic changes in forming this part of the treaty text since before INC-3 and during INC-1. As is apparent in the increase of bracketed text, the principles section of Part 1 elicited a divided view as well, with some countries advocating for their retention in the treaty, while others argued for their exclusion, citing redundancy with mentions in other parts of the draft text. However, amid these challenges, the co-chairs of SG1.1 asked the room for a mandate to streamline the text in a transparent way and with track changes, and with the delegates allowed to send in further comments to also be included in a streamlined text. There was a feeling, and worried statements made that many of the delegates were uncertain of the process

Fig. 3 Part 1 of the GPT draft text throughout INC3–4: word count and brackets



and reluctant to give a *carte blanche* without assurances that their input would not be ignored in a streamlining process. Many of the delegates asked for clarification, often of the same things, showing their uncertainty of the process itself.

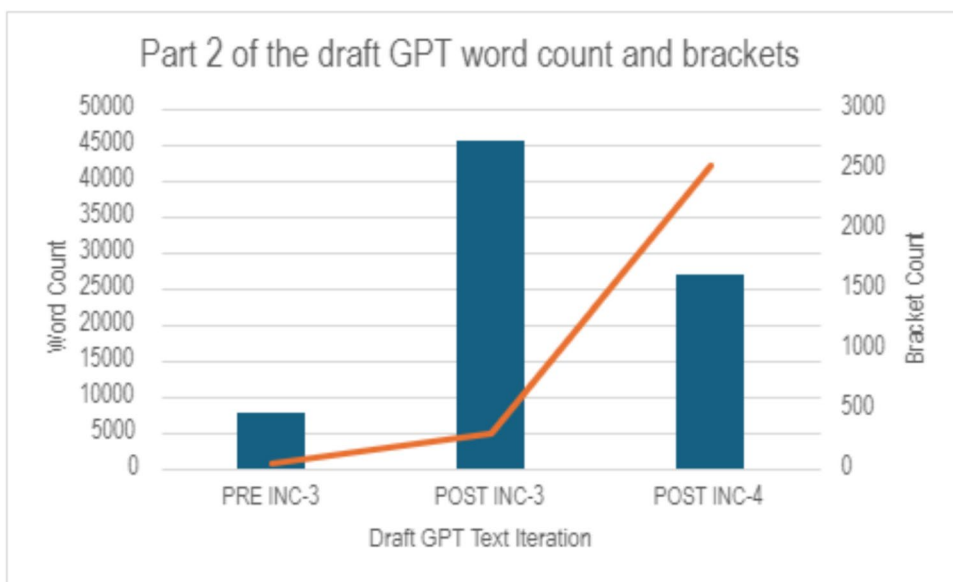
For example, one of the negotiators, in asking for clarification, emphasized that they were “...Not opposing, [but] trying to understand what the decision [to give the co-chairs the mandate to streamline text] refers to. Would the streamlined version be of the things we have gone through? What would be the steps? This would be important to understand before going forward.” Another asked “will we have the same approach to streamlining with track changes? I wish also to see this reflected in the streamlined text.”, referring to the text they wanted to make sure did not disappear in a process of streamlining. These were just two of many examples of delegates asking the co-chairs to assure them that they would not lose their text suggestions in a streamlining process. In the end, after five days of negotiations, and having met five times in total, the co-chairs of SG1.1 reported to the CG1 chairs that they had been able to complete a full readthrough of all elements of this part, and that they had been able to start technical negotiations based on the validated streamlined text, completing a first round of textual negotiations, though excluding definitions as the group had considered it premature. As can be seen in Fig. 3, though the streamlining of the text had its merits in the reduction of text, the number of brackets increased, showing that textual negotiations will be challenging with this much divergence in positions coming into INC-5.

Part II: SG1.2 options for inclusion into the plastic treaty

Part II of the draft treaty text, also known as the “Core Obligations,” is considered by some the most difficult and divided section to negotiate. This is visible in Fig. 4; the graphs show that nearly every 8th word in the version of the treaty text moving into INC-5 is bracketed. This is due to the fact it currently includes potential provisions to limit or ban the production of primary plastic polymers (PPPs), among others. The polarization on this topic was prevalent throughout INC-4 when negotiations were delayed nearly two hours at one point due to several countries—most notably those from oil-producing nations—disagreeing to hold any such negotiations on this provision. After back-and-forth discussions, the chairs of SG1.2 decided to allow negotiations to proceed, this also offered those countries who did not agree to include this text in the draft in brackets, combined with a “zero option” of no text at all included. With PPPs, chemicals of concern, and unavoidable and problematic plastic polymers at near non-negotiable standoffs, there is concern these provisions, which were championed by the high ambition coalition (HAC) and NGOs alike, may not make it into the official treaty text.

On the other hand, a provision that did not yet have its place in the text during INC-3, but was introduced in INC-4, was known as the fishing gear provision. This provision gained much traction at INC-4 and had numerous individual negotiating sessions on how to tackle fishing gear waste specifically. At first, lumped between SG1.2 and 1.3 because it fell under both emissions and waste management, the fishing gear provision was eventually moved to SG1.3 alone to be negotiated. There was broad support for having an

Fig. 4 Part 2 of the GPT draft text throughout INC3–4: word count and brackets



overarching obligation outside of the main 13 to specifically prevent abandoned, lost, or discarded fishing gear (ALDFG), and there was even a call to action for including specific measures to enhance end-of-life management, tracking, and reporting of gear, as well as educational and training sessions to ensure that gear is properly disposed of. Developing countries, however, emphasized their specific needs when this was brought up, stressing that developed countries needed to understand that there also had to be mechanisms in place for assessing the financial means of each nation, to ensure provisions would not hinder the livelihood of the fishing and aquaculture industries through these proposed measures, and that this should be reflected in national action plans as well. In the end, the negotiators were unable to complete a full round of negotiations, and as Fig. 4 visualizes, here too the streamlining led to fewer words—but more brackets, demonstrating strongly divergent opinions.

Part III: financing and capacity building

Financing and capacity building were topics that fell under SG2.1 during INC-4. Efforts to streamline the negotiation process commenced on night one of the negotiations for the groups addressing Parts III–VI (CG2). The co-chairs were assigned the task of eliminating redundancies and generating a revised working document. A crucial element of the CG2 negotiations focused on Part III of the draft treaty, particularly the financial mechanisms. The discussions involved restructuring this section and deliberating on the inclusion of specific references to the unique circumstances of small island developing states (SIDS), as well as other categories such as downstream states, least developed countries, and land-locked developing states. Consensus was not reached

on which specific references to include in the draft text, as there was divergence on whether to include a variety of references such as those mentioned above or having a simpler text separating only into groups of e.g., developed and developing countries. Consequently, several brackets were introduced to the text (Fig. 5). Financial mechanisms were, however, agreed upon as essential to be established for developing countries in particular to be able to fulfil the obligations of the treaty. Delegates also argued that additionally, for the financial mechanisms to work as intended, they would need to be accompanied by mechanisms for capacity building, technical assistance, and technology transfer, indicating the complexity of the topics up for negotiation.

Part IV: institutional matters and Part V: bodies of the instrument

Institutional matters were part of SG2.2 and addressed issues related to progress reporting, periodic assessments and monitoring, international cooperation, and information exchange (Fig. 6). Discussions also focused on the special circumstances of various groups of states, particularly regarding their capacity, revealing distinct preferences for the available options. While the debates were occasionally tense and emotional, moments of laughter provided observers with optimism for eventual consensus, contingent on achieving common ground in key areas. Many delegates proposed incorporating text from other recent agreements, such as the BBNJ and the Kunming-Montreal Global Biodiversity Framework, which had successfully navigated similar challenges.

Meanwhile, Part V of the draft treaty text included overarching provisions mainly related to deciding how

Fig. 5 Part 3 of the GPT draft text throughout INC3–4: word count and brackets

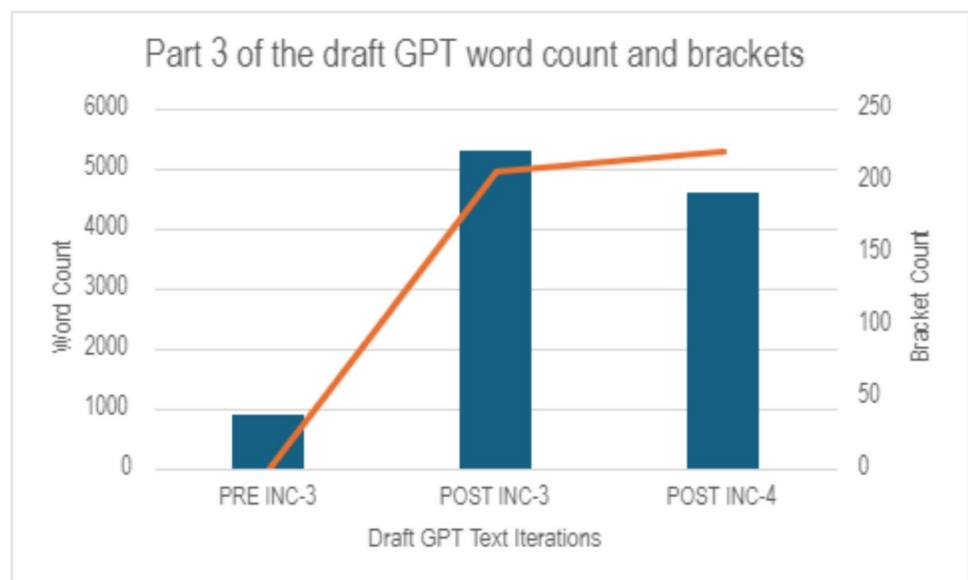
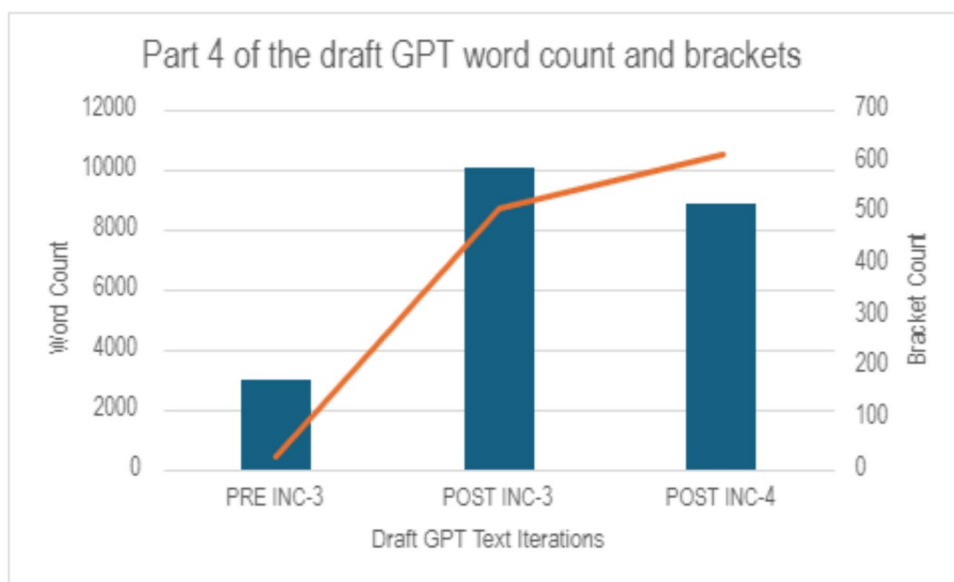


Fig. 6 Part 4 of the GPT draft text throughout INC3–4: word count and brackets



to implement, govern, and strengthen the treaty once it is signed and ratified. The discussions of Part V during INC-4 differed from the discussions of the other parts as the draft of Part V was provided as a basis for negotiation with relatively little need for streamlining from CG3 during INC-3, according to statements made in SG2.2. The discussions about part V involved whether and which explicit rules for the governing body to be included in the text, the frequency and mandate of COPs, and how to provide a functional treaty that will uphold cooperation—preferably including lessons learned from other agreements (e.g., the BBNJ and the Minamata convention). Discussions also involved the subsidiary bodies and their importance for the implementation of the treaty, however, often referred to as premature to discuss at this stage and in need of revision after other parts of the treaty have fallen more into place.

Can we recycle ourselves out of plastic pollution if primary plastic polymers are not part of the treaty?

We have an enormous task ahead of us, we have worked very hard this week to make sure that all our positions are clearly established and included in the draft [...] however the EU and its member states are still deeply concerned about the days left we have for negotiations at our disposal will not suffice to bring our work across the finish line in November.—Hugo Maria Schally, Adviser for international environmental negotiations, Directorate General for the Environment

during the closing Plenary of INC-4 in Ottawa, Canada April 30th, 2024

The week of negotiations in April of 2024 ended with late-night diplomacy and a final agreement on how to make progress towards the fifth and expected final negotiations later that year. Still, states with divergent opinions had not been able to extract themselves from their locked positions during this week—most notably around the topics of primary plastic polymers (PPP), which in the end led to this topic not being included in the agreed intersessional work to take place before the final negotiation session in Busan, Republic of Korea, scheduled for November 25th–December 1st, 2024. The decision to not include PPP in this work provoked palpable disappointment and interventions from some parties, including the delegate from Rwanda, who in reply to this proposal from the chair, expressed his “profound disappointment that the proposal for intersessional work has decided to ignore the elephant in the room.”

With only one planned negotiating session left, the question looms as to whether it will be in any case possible to recycle ourselves out of the plastic problem and truly end plastic pollution without a full life cycle approach. The High Ambition Coalition itself claims that the future treaty should include provisions covering up and mid-stream plastic usage. However, in the late night—or early morning—sessions of the last plenary, including primary plastic polymers in any upcoming version of the treaty is perceived as out of reach. Although this provision may not have a strong role in the future treaty, delegates did agree on some topics along the way to the “Bridge to Busan.” It was eventually agreed in the early hours of April 30th to convene intersessional work before INC-5. This intersessional work was to include measures to establish and maximize finances after the

treaty has been adopted, allowing lower-income nations to fully participate in the implementation of the treaty and gain access to new financial flows. The second agreed-upon task to take place between INC-4 and 5 was the establishment of criteria and non-criteria-based approaches regarding design and recyclability and chemicals within plastic products.

The question of additional negotiations between INC-4 and INC-5 was brought to the table by the EU. Similar to the reasons why lower-income nations could not negotiate in more than two parallel sessions or negotiate late into the evenings at INC-4, the argument against such sessions was that there was not nearly enough time or capacity for all member states to be heard if negotiations continued in between sessions. This is why the EU's haunting sentiment of not being able to fulfil the mandate of ending negotiations at INC-5 holds weight. In the end, it truly is a standoff at a four-way stop at INC-4, with all attention pointed towards Busan and INC-5 for any hope of achieving a strong legally binding agreement. By following the negotiations and hearing formal and informal talks during the week of INC-4, some negotiators argued during contact groups that the current plastic treaty negotiations could fall short if voluntary national targets became the primary mechanism. While such an outcome might mark a step towards global consensus, it could also delay more robust action throughout the full life cycle of plastics. At INC-5, countries will need to agree on what it means to "end plastic pollution" though—this will be crucial to shaping the final agreement and determining its effectiveness.

Author contribution Dr. Rachel Tiller originated the concept and design of the work; contributed to the data acquisition, analysis, or interpretation of data, drafted the work and revised it, and approved the version to be submitted. Emily Cowan contributed to the concept and design, data acquisition, analysis, and interpretation of data, drafting significant portions of the work and revisions of it, and approved the version to be submitted. Ina Helene Ahlquist and Theodore Tiller contributed to the data acquisition.

Funding Open access funding provided by SINTEF. This article has received funding from the Norwegian Research Council awards nr 318730 and 315402, as well as the Horizon Europe Framework Programme, award nos. 101060213 and 101094065.

Data availability Data is not available to share upon request until the end of the INCs, scheduled for the end of 2024, upon which they will be published.

Declarations

Conflict of interest The authors declare no competing interests.

Open Access This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are

included in the article's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

References

- Aanesen M, Ahi JC, Abate TG, Khan FR, de Vries FP, Kite-Powell H, Beaumont NJ (2024) Insights from international environmental legislation and protocols for the global plastic treaty. *Sci Rep* 14:2750. <https://doi.org/10.1038/s41598-024-53099-9>
- Ambrose K (2023) Assessing the need for harmonized marine debris monitoring and equity to support participation in the global plastics treaty negotiations by Caribbean SIDS. World Maritime University Ph.D. Dissertations.
- Bergmann M, Almroth BC, Brander SM, Dey T, Green DS, Gundogdu S, Krieger A, Wagner M, Walker TR (2022) A global plastic treaty must cap production. *Science* 376:469–470
- Brandon A, Vanapalli KR, Martin OV, Dijkstra H, la Torre GED, Hartmann NB, Meier MAR, Pathak G, Busch P-O, Ma D, Iacovidou E, Birkbeck CD, Pacini H (2023) Charting success for the plastics treaty. *One Earth* 6:575–581. <https://doi.org/10.1016/j.oneear.2023.05.022>
- Cowan E (2024) Event Ethnography to study the global negotiations on the treaty to end plastic pollution: dataset from the first session of negotiations (INC-1). *J Environ Stud Sci*. <https://doi.org/10.1007/s13412-024-00914-4>
- Cowan E, Holmberg K, Nøklebye E, Rognerud I, Tiller R (2024) It takes two to tango: the second session of negotiations (INC-2) for a global treaty to end plastic pollution. *J Environ Stud Sci*. <https://doi.org/10.1007/s13412-024-00906-4>
- Cowan E, Tiller R, Maes T (2024b) The rule of three: the third session of negotiations on the global treaty to end plastic pollution (In press). *JESS*.
- Dauvergne P (2023) The necessity of justice for a fair, legitimate, and effective treaty on plastic pollution. *Mar Policy* 155:105785. <https://doi.org/10.1016/j.marpol.2023.105785>
- Dreyer E, Hansen T, Holmberg K, Olsen T, Strippel J (2024) Towards a global plastics treaty: tracing the UN negotiations. Lund University.
- English C (2023) Pushing out plastic: lessons for the UNEA to consider in drafting its newest multilateral environmental agreement. *Vand J Transnat'l* 56:1131
- Farrelly T, Gammage T, Carney Almroth B, Thompson R (2024) Global plastics treaty needs trusted science. *Science* 384:281–281. <https://doi.org/10.1126/science.adp4264>
- Maes T, Wienrich N, Weiland L, Cowan E (2023) A little less conversation: how existing governance can strengthen the future global plastics treaty. *Camb Prisms Plast* 1:e22. <https://doi.org/10.1017/plc.2023.22>
- Mendenhall E (2023) Building a regime complex for marine plastic pollution. *Camb Prisms Plast* 1:e12. <https://doi.org/10.1017/plc.2023.12>
- Mendenhall E, Tiller R, Nyman E (2023) The ship has reached the shore: the final session of the 'Biodiversity Beyond National Jurisdiction' negotiations. *Mar Policy* 155:105686. <https://doi.org/10.1016/j.marpol.2023.105686>
- O'Hare P, Nøklebye E (2024) The human face of the UN plastics treaty? The role of waste pickers in intergovernmental negotiations to end plastic pollution and ensure a just transition. *Camb Prisms Plast* 1–24. <https://doi.org/10.1017/plc.2024.12>

- Pacheco-Vega R (2020) Using ethnography in comparative policy analysis: premises, promises and perils, in: Handbook of Research Methods and Applications in Comparative Policy Analysis. Edward Elgar Publishing, 312–332.
- Sousa de FDB (2024) Will the global plastics treaty break the plastic wave? The beginning of a long discussion road. *Camb Prisms Plast* 1–39. <https://doi.org/10.1017/plc.2024.14>
- Syberg K, Oturai NG, Hansen SF, Collins TJ, Gündoğdu S, Carney Almroth B, Palm E, Castillo Castillo A, Baztan J, de Miranda Grilli N, Ramos T, Farrelly T, Muncke J (2024) Link circular economy to waste hierarchy in treaty. *Science* 384:280–281. <https://doi.org/10.1126/science.adp4364>
- Tiller R, Booth AM, Cowan E (2022) Risk perception and risk realities in forming legally binding agreements: the governance of plastics. *Environ Sci Policy* 134:67–74
- Tiller R, Cowan E (2024) Recap of Day 3 INC-4: the one where we could see, but not hear, civil society. URL <https://www.linkedin.com/pulse/ Recap-day-3-inc-4-one-where-we-could-see-hear-civil-society-tiller-ut7wf/?trackingId=3w0kq7FtR8uomDr6f96rLg%3D%3D> (accessed 4.26.24).
- UNEA (2022) UNEA 5.14 - resolution adopted by the United Nations Environment Assembly on 2 March 2022 [WWW Document]. UN Environment Assembly 5 (UNEA 5.2) Resolutions. URL <https://wedocs.unep.org/bitstream/handle/20.500.11822/39764/END%20PLASTIC%20POLLUTION%20-%20TOWARDS%20AN%20INTERNATIONAL%20LEGALLY%20BINDING%20INSTRUMENT%20-%20English.pdf?sequence=1&isAllowed=y> (accessed 5.3.24).
- UNEP (2023) Zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment.
- UNEP (2024a) UNEP/PP/INC.4/3: revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment [WWW Document]. Fourth Session (INC-4): Official documents. URL <https://www.unep.org/inc-plastic-pollution/session-4/documents#WorkingDocuments> (accessed 5.3.24).
- UNEP (2024b) In-session documents platform: statements on behalf of groups of observers and observers [WWW Document]. Fourth Session (INC-4): Written statements. URL <https://www.unep.org/inc-plastic-pollution/session-4/statements#Observers> (accessed 5.3.24).
- United Nations (2024) INC-4 on plastic pollution: plenary (part 3) [WWW Document]. UN Web TV. URL <http://webtv.un.org/en/asset/k1b/k1bxfx78ot> (accessed 5.8.24).
- Valdivieso LV (2024) UNEP/PP/INC.4/4 advance: scenario note for the fourth session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment [WWW Document]. Fourth Session (INC-4): Official documents. URL <https://wedocs.unep.org/bitstream/handle/20.500.11822/45302/ScenarioNoteE.pdf> (accessed 5.3.24).
- Walker TR (2022) Calling for a decision to launch negotiations on a new global agreement on plastic pollution at UNEA5. 2. *Mar Pollut Bull* 176:113447–113447