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Plastic Pollution and International Law: Towards a Global Treaty?

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ABSTRACT
Plastic pollution is rapidly becoming the most ecological pollution that the earth has seen in recent times. There is no place on the earth that is left unpolluted with plastic waste. This waste had penetrated the ecosystems and is now endangering biodiversity, human health, and sustainable development. Public concern has been expanding and is strongly supported by scientific evidence, but when it comes to international legal responses, the condition remains fragmented and insufficient. Current frameworks, like those which are dealing with maritime pollution, hazardous waste, and the movement of materials, are only partial to the problem and do not have the cohesive enforcement mechanisms.As the world is dealing with how big the problem with plastic pollution is and how complicated it is, a wave of energy gathers for a new dedicated, legally binding global agreement to be formed. The call for this treaty is coming from the realization that voluntary actions and national efforts are not enough to deal with the problem that is inherently transboundary and systemic. Such a global treaty can be the force that brings together different legal efforts, can secure accountability, and can create a common vision on how to manage plastics along their life cycle, starting with the production and design, continuing with the use, and finally with the pollution and remediation.This paper explores the gaps in existing international environmental law and evaluates recent developments, including negotiations at the United Nations Environment Assembly (UNEA), that signal the emergence of a new global governance regime. It also considers key principles that should guide the treaty's formulation, such as common but differentiated responsibilities, equity, and scientific adaptability. Ultimately, the paper argues that a global treaty is not just a legal necessity but a moral imperative, capable of aligning international cooperation with planetary health and intergenerational justice.

Key words: Plastic Pollution, International Environmental Law, Legally Binding Treaty, Life-Cycle Approach, Global Governance, Environmental Justice, Treaty

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Introduction

Plastic has now its place in modern life and has transformed the world of industries, starting with the medical industry, packaging industry, and so on, because of its plasticity, robustness, and the cost. But it is the same attributes that make plastics commercially viable that made it a hazard to the environment over a long term. About 11 million metric tons of plastic waste reaches the ocean every year, a figure that is expected to triple by 2040 as it goes on the present trend.[1] Nowadays, plastic pollution can be found in virtually all ecosystems on the Earth: fresh waters, soil systems, the atmosphere, and even food chains of people.

Legal response has largely been uncoordinated, responsive and inadequate, although the problem is global in nature. The International legislation like the United Nations Convention on the Law of the Sea (UNCLOS), the Basel Convention, or MARPOL deal with the issues of marine and hazardous waste but fail to directly challenge the entire life cycle of plastic creation, use, and discard.[2] Furthermore, there are no appropriate enforcement procedures and there still exist loopholes especially on land sources of plastic wastes which makes almost 80 percent of marine plastic pollution.[3]

An increasing, scientifically supported note of caution has been raised regarding the health and ecological hazards posed by plastics, which in turn have led to demands of a worldwide coordinated action. In March 2022 the United Nations Environment Assembly (UNEA) made a major step by approving a resolution to establish a legally binding treaty, on plastic pollution, and aiming to flesh out the instrument by in 2024.[4] It is a landmark of the global environmental regime that there is a movement towards binding obligations instead of relaxed guidelines.

This paper will analyze the existing situation with the international legal work, define the crucial gaps, and find the proper legal, political, and environmental reasoning about the necessity of a global comprehensive treaty on plastic pollution.

Gaps in Existing International Legal Frameworks

The fragmented international legal regime with narrow scope and ineffective enforcement system that is being currently used to deal with plastic pollution is characterized by weak enforcement structures. Although a variety of multilateral environmental agreements (MEAs) mention plastic or associated waste, they all lack the approach of comprehensive regulation of plastics across their life cycle.

The United Nations Convention on the Law of the Sea (UNCLOS) requires states to curb the problem of marine pollution by land-based sources but proposes no

[1] "BreakingThePlasticWave_Report," n.d.

[2] Jim Puckett, "Global and National Instruments to Stop the Export and Dumping of Plastic Wastes," in *Plastic Waste Trade: A New Colonialist Means of Pollution Transfer*, ed. Sedat Gündoğdu (Cham: Springer Nature Switzerland, 2024), 67–103, https://doi.org/10.1007/978-3-031-51358-9_4.

[3] F. A. Samiul Islam, "The Effects of Plastic and Microplastic Waste on the Marine Environment and the Ocean," *European Journal of Environment and Earth Sciences* 6, no. 3 (May 8, 2025): 1–9, https://doi.org/10.24018/ejgeo.2025.6.3.508.

[4] Megan Deeney et al., "Ending Pollution and Health Harms from Plastics," *BMJ* 388 (January 20, 2025): r71, https://doi.org/10.1136/bmj.r71.

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particular binding obligations to plastic waste.[5] In a similar way MARPOL Annex V has banned the disposal of plastic by ships but failed to control the immense amount of plastic of land origin which forms the bulk of the marine plastic pollution.[6] These systems were not planned to handle the confusing and rapidly evolving nature of the current plastic production that has seen the exponential increase of single-use plastics.

Basel Convention, which was initially used to regulate transboundary transports of dangerous materials, and was amended in 2019 so as to include some types of plastic wastes. The weakness of this amendment however is that it has loopholes, poor enforcement and there is no agreement among parties in definitions and monitoring.[7] Already, a large amount of plastic waste that is harmful to the environment is not viewed as a hazardous item under the Convention hence not subjected to regulatory requirements.

The other major gap exists in the Stockholm Convention that regulates persistent organic pollutants (POPs). Although plastics are frequently used as the carriers of POPs, plastic is not considered as POPs in the treaty. Accordingly, it can never control the micro plastics or other chemical additives incorporated into plastic products.[8] In combination, those tools are not enough because they lack a comprehensive, binding, and universally agreed framework to deal with the entirety of the plastic pollution. The non-existence of unified standards, obligation to report, and accountability systems contribute to the possibility of evasion of regulations and applying the latter inconsistently in different jurisdictions.

Recent Global Initiatives and Treaty Negotiations

In response to growing international concern, the past decade has witnessed a surge in global initiatives aimed at addressing plastic pollution. Among the most significant is the United Nations Environment Assembly's (UNEA) historic resolution in March 2022 to begin negotiations on a legally binding international treaty to end plastic pollution by 2024.[9] This resolution marked a turning point, signaling a shift from fragmented national and regional efforts toward a coordinated global response.

The resolution authorized the formation of an Intergovernmental Negotiating Committee (INC), tasked with developing a legally binding instrument that considers the full life cycle of plastics, from production and design to disposal.[10] This approach reflects a growing recognition that upstream activities—such as plastic manufacturing and product design—are as critical to regulation as downstream waste management. The treaty's life-cycle scope is intended to avoid

[5] "PREAMBLE TO THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA," accessed July 6, 2025, https://www.un.org/depts/los/convention_agreements/texts/unclos/part12.htm.

[6] "Prevention of Pollution by Garbage from Ships," accessed July 6, 2025, https://www.imo.org/en/ourwork/environment/pages/garbage-default.aspx.

[7] "Overview," accessed July 6, 2025, https://www.basel.int/Implementation/Plasticwaste/Overview/tabid/6068/Default.aspx.

[8] "Plastic Pollution, Waste Management Issues, and Circular Economy Opportunities in Rural Communities," accessed July 6, 2025, https://www.mdpi.com/2071-1050/14/1/20.

[9] "Historic Day in the Campaign to Beat Plastic Pollution: Nations Commit to Develop a Legally Binding Agreement," March 2, 2022, https://www.unep.org/news-and-stories/press-release/historic-day-campaign-beat-plastic-pollution-nations-commit-develop.

[10] "About | UNEP - UN Environment Programme," accessed July 6, 2025, https://www.unep.org/inc-plastic-pollution/about.

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merely shifting the burden from one stage to another.

A number of states and regional blocs have advanced strong positions in the early negotiations. For instance, the High Ambition Coalition to End Plastic Pollution, led by countries such as Norway and Rwanda, advocates for a treaty that includes global reduction targets, bans on problematic plastics, and strong compliance mechanisms.[11] On the other hand, some high plastic-producing countries have pushed for more flexible, voluntary measures, potentially undermining the treaty's enforceability.

In parallel with state-led efforts, international civil society organizations, scientists, and indigenous groups have actively engaged in the negotiation process, demanding transparency, equity, and environmental justice.[12] Their participation underscores the treaty's potential not only as a legal instrument but also as a platform for inclusive global environmental governance.

The path to a treaty is complex, yet the progress at UNEA and the INC demonstrates growing consensus that voluntary initiatives are no longer sufficient. A binding legal instrument, if properly constructed, could become a cornerstone in the global effort to address plastic pollution.

Core Legal Elements for a Global Plastics Treaty

A successful global treaty on plastic pollution must incorporate clear, enforceable legal elements that address the root causes of the problem across the entire plastic life cycle. In contrast to the previous environmental agreements which concentrated on addressing mainly the waste management, the foreseen treaty should employ comprehensive and upstream-to-downstream strategy. These come with binding commitments starting with the production of plastics up to the design, use, end of life and clean-up.

To begin with, the controls on production will be needed. The treaty must incorporate limits or cut-down levels regarding the production of virgin plastic, especially, one-use plastics. At least until such preventive actions are taken upstream, any attempt to control waste are simply outpaced by raw numbers.[13] Besides, the treaty is also supposed to support the concept of sustainable product design by promoting substitution, recyclability, and avoiding use of toxic chemical additions.[14]

Second, the concept of waste management and extended produce responsibility (EPR) have to be established. This can be encouraged by having producers pay binding fees to sort and recycle the waste they produce. EPR schemes have been successful on the regional situations, and might be implemented globally, within

[11] "'Zero Draft' Negotiations for UN Plastics Treaty," Unilever, November 8, 2023, https://www.unilever.com/news/news-search/2023/zero-draft-negotiations-un-plastics-treaty-process-enters-pivotal-stage/.

[12] "Leading Groups From Civil Society, Indigenous People, Workers and Trade Unions and Members of Governments Speak on the Need For a Global Treaty on Plastics - Center for International Environmental Law," accessed July 6, 2025, https://www.ciel.org/news/600-civil-society-groups-call-for-a-global-plastics-treaty/.

[13] "Global Plastics Treaty | Pages | WWF," World Wildlife Fund, accessed July 6, 2025, https://www.worldwildlife.org/pages/global-plastics-treaty.

[14] U. N. Environment, "Chemicals in Plastics - A Technical Report | UNEP - UN Environment Programme," May 3, 2023, https://www.unep.org/resources/report/chemicals-plastics-technical-report.

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the treaty.[15]
Third, important is compliance and enforcement mechanisms. The treaty must overcome the deficiencies of the earlier instruments by creating autonomous acts of observation, transparency and non-compliance penalties. The accountability could be enhanced further through a review mechanism that takes on board the civil society and scientific expertise.
Last of all, the treaty should include equity and capacity building. Developing nations which in most cases end up with discarded plastic wastes must be provided with funds and technical aid to be able to honor treaty compliance. This is an embodiment of the principle of the common but differentiated responsibilities, it is a guarantee of fairness yet it ensures the wider participants.[16]
By incorporating these legal elements, the treaty can move beyond aspirational declarations and become a powerful legal tool in the global effort to stem plastic pollution.

Challenges to Implementation and Global Cooperation
While a global plastics treaty holds transformative potential, its successful implementation faces significant legal, political, and economic challenges. One of the foremost obstacles is the divergence of national interests. Plastic-producing countries often prioritize economic growth and industrial competitiveness, resisting binding reduction targets or bans on specific polymers and products.[17] The obtained resistance can lead to a weakened treaty dependent on the voluntary decisions or the diffuse language that undercuts enforceability.
he second problem is the developed and the developing nations gap of capacity. Most of the low- and middle-income nations do not have infrastructure and institutional systems to install sophisticated waste management or monitoring processes. In the absence of the sufficient funds and transfer of technology, treaty duties might be merely wishful and augment inequalities worldwide.[18] Such challenge poses also questions of environmental justice because frequently countries of Global South manage to take the burden of plastic waste being exported by rich countries.
Also, the petrochemical industry, which plays a structural barrier. Since the demand of fossil fuel is reducing, the oil companies have progressively been investing in the production of plastics. Such economic entrenchment generates formidable lobbying agencies that affect the domestic and international policymaking processes with treaty provisions that may also be undermined.[19] To counter this, there is a need to change not only legally, but the change in political will and administrative support of the civil society and the scientific community.

[15] "Extended Producer Responsibility | OECD," accessed July 6, 2025, https://www.oecd.org/en/publications/extended-producer-responsibility_9789264256385-en.html.
[16] "Plastic Global Law & Policy," *Center for International Environmental Law* (blog), accessed July 6, 2025, https://www.ciel.org/issue/plastic-global-law-policy/.
[17] Jessica Vandenberg, "Plastic Politics of Delay: How Political Corporate Social Responsibility Discourses Produce and Reinforce Inequality in Plastic Waste Governance," *Global Environmental Politics* 24, no. 2 (May 1, 2024): 122–45, https://doi.org/10.1162/glep_a_00745.
[18] Mohamad K. Khawaja et al., "Waste-to-Energy Barriers and Solutions for Developing Countries with Limited Water and Energy Resources," *Science of The Total Environment* 926 (May 20, 2024): 172096, https://doi.org/10.1016/j.scitotenv.2024.172096.
[19] Fredric Bauer et al., "Plastics and Climate Change—Breaking Carbon Lock-Ins through Three Mitigation Pathways," *One Earth* 5, no. 4 (April 15, 2022): 361–76, https://doi.org/10.1016/j.oneear.2022.03.007.

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Lastly, there is also a failure of strong international enforcement tools to match the general ineffectiveness of international law on the environment. Self-reporting and peer review forms the basis of many treaties, and have been inadequate in the establishment of compliance. Provided the plastics treaty does not imply independent verification, restrictive sanctions, and ease of dispute resolutions mechanisms, it will be just another sign of good intentions and not a legal instrument.[20]

To get around such obstacles, it will be important to adhere to strong beliefs in equity, science-based regulation, and reaffirm faith in real international collaboration, not only at the time of negotiation of the treaty, but also during the lifetime period of a treaty.

The Case for a Legally Binding Treaty: Beyond Voluntary Action

Although the idea behind voluntary initiatives may be good in nature, they have not been effective enough in preventing the plastic pollution crisis. The mix of national regulations, corporate commitment statements and regional treaties has proven to produce uneven standards and those without enforcement. Legally binding treaty is argued because of singularity, responsibility and inter-jurisdiction of coordination of the long-run.

Among the main weaknesses of voluntary approaches is that they are based on non-binding commitments and self-reporting which are susceptible to political changes and are not enforceable. In research, it has been indicated that corporate sustainability commitments have in most cases failed to meet their objectives because of the ambiguity of the language and poor third-party monitoring.[21] Conversely, binding agreements with enforcement mechanisms like reporting and penalty of non-earned commitments and dispute resolutions leave greater incentives of taking actions.

The other important factor is necessity of global harmonized standards. Lack of harmonized definitions in the types of plastics, recyclability, and microplastic limits the collection of data and collaboration. A binding agreement may also normalize important terminologies and approaches such that the activities of the countries can be compared and transparent.[22] There should be standardized definitions, which shall help in monitoring of progress levels and also see to it that countries are treated strictly by keeping on the same standards of their environment.

Moreover, the efficacy of the binding multilateral environmental agreements has a historical precedent. Good, scientifically-based agreements have shown to have the power to effect global change, Evidence of this is the Montreal Protocol has achieved success in ridding the world of the usage of ozone-depleting substances.[23] Like a plastics treaty, in a similar structure, will inject creativity and investment in

[20] Daniel Bodansky and Harro van Asselt, *The Art and Craft of International Environmental Law* (Oxford University Press, 2024).

[21] "Frontiers | The Global Governance of Marine Plastic Pollution: Rethinking the Extended Producer Responsibility System," accessed July 6, 2025, https://www.frontiersin.org/journals/marine-science/articles/10.3389/fmars.2024.1363269/full.

[22] "Remediation of Marine Pollutants for Biorefinery Innovations | SpringerLink," accessed July 6, 2025, https://link.springer.com/chapter/10.1007/978-3-031-68911-6_19.

[23] "Plastics in the Environment in the Context of UV Radiation, Climate Change and the Montreal Protocol: UNEP Environmental Effects Assessment Panel, Update 2023 | Photochemical & Photobiological Sciences," accessed July 6, 2025, https://link.springer.com/article/10.1007/s43630-024-00552-3.

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circular economy solutions and focus on the accountability of polluters.
Lastly, due to binding treaties, legal assurance and confidence are created. Environmentalists and ordinary people tend not to trust voluntary systems which rely on goodwill as opposed to duty. Global treaty would not only make commitments formal but also indicate the seriousness of international community intent to take a firm stand.[24]
In that sense, the voluntary activity can supplement, but on no account substitute, a binding legal framework enforceable, equitable, globally coordinated.

Recommendations for Treaty Design and Implementation

The development of an effective international treaty on plastic pollution is a finely balanced procedure involving the need to find a legal accuracy, environmental aspiration, and political practicality. Based on the experience of what ails the current international environmental agreements and the current process of negotiation of environmental treaties, it is possible to deduce that there are important recommendations that can be formulated in order to design both the contents and implementation procedures of the proposed treaty.
To begin with, the treaty ought to have a life-cycle approach to control plastic pollution at all stages, including production to disposal. This implies that they should have provisions on material design, toxic chemical additives, consumption patterns and end-of-life waste management. Downstream solutions that have a piece-meal focus such as concentrating on waste collection, alone is not adequate since it does not stem the cause of pollution.[25]
Second, the treaty should have unequal responsibilities based on the history of the emissions, production capacity and economic condition of a country. This principle, which was also echoed in many environmental agreements would go a long way in winning the concerned of developing states without turning all financial burdens to their backs as well as leaving a larger responsibility to wealthier states and large producers of plastic.[26]
Third, it is important to have effective monitoring, reporting, and verification (MRV) mechanism. The system must be transparent and follow up the nationwide adherence by using uniform measures and reporting. NGOs and civil society observers should be given the power to give input in the treaty monitoring.[27]
Fourth, the treaty should implement a financial program that would alleviate capacity development, transferring technologies and infrastructure development, especially in the low and middle-income countries. This would contribute in closing the implementation gap and offer a more balanced playfield in terms of the

[24] "Plastics in the Environment in the Context of UV Radiation, Climate Change and the Montreal Protocol: UNEP Environmental Effects Assessment Panel, Update 2023 | Photochemical & Photobiological Sciences."
[25] "Plastic Waste Management Strategies toward Zero Waste: Status, Perspectives and Recommendations for Ethiopia | Cambridge Prisms: Plastics | Cambridge Core," accessed July 6, 2025, https://www.cambridge.org/core/journals/cambridge-prisms-plastics/article/plastic-waste-management-strategies-towards-zero-waste-status-perspective-and-recommendation-for-ethiopia/3424461CCCCE56B44FB2909093BA4239.
[26] Neil Tangri, "POLICY BRIEF: Common But Differentiated Responsibility in the Global Plastics Treaty," n.d.
[27] "The Role of Technology in Environmental Governance: Science & Engineering Book Chapter | IGI Global Scientific Publishing," accessed July 6, 2025, https://www.igi-global.com/chapter/the-role-of-technology-in-environmental-governance/363225.

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treaties.[28]

Lastly, the tool must also be dynamic to scientific changes where it can be adjusted and updated after every period in order to add new plastic types, new additives and new methods of pollution as science advances. An inflexible way of thinking would be a danger to become obsolete due to the fast-paced knowledge acquisition. Such design characteristics as life-cycle control, fairness, transparency, financial equity, flexibility have the power to convert the treaty into a legally and environmentally powerful regime as it is currently presented as more of a symbolic tool.

Conclusion

The multiple and extensive threat of plastic pollution must be addressed in terms of environmental sustainability, human health, and social-economic equity. Although much has been learnt about this crisis, its response is not enough in the international legal domain. The international treaties in place are, at best, half-baked and voluntary efforts to change individual behaviors, however helpful in building awareness and encouraging responsible certifications, have failed to induce the systemic change necessary to turn the tide of plastic waste.

Increasing international momentum toward, a legally binding global treaty can be seen as a critical chance to step out of the disjointed work and for the international community to build a unified, legally binding and science-based framework. An effective treaty has to look at the life cycle of plastics including their production and design, disposal and remediation, and the gears to be used to monitor and enforce and capacity building. It should also be in terms of equity where developing countries should be supported and differentiated responsibility to be given acknowledgement.

The experience of earlier multilateral environmental agreements, including Montreal Protocol, shows that a coordinated global effort can be both successful and feasible in case it is supported by binding agreements and interdepartmental competence, as well as a sufficient budget. By transferring these lessons to the issue of plastic pollution, it is possible to establish a legal framework that would be able to lead to long-term change.

Finally, it can be said that plastic pollution will not be combated only with the help of tools that will be used legally, but this process will also need a maintained political ambition, the participation of its residents, and the Originality of the commercial world. Such a worldwide agreement is like a foundation stone to this cooperative endeavor the stone on which international collaboration rests, and which national measures will follow in the years to come. It is not only a question of law to make the future planet a cleaner, safer and more just planet, but one of morality.

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