



Corporate interests and the UN treaty on plastic pollution: neglecting lessons from the WHO Framework Convention on Tobacco Control

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The political commitment of UN member states to negotiate an international treaty on plastic pollution offers a chance to tackle the global plastics crisis and the harmful impacts of unsustainable plastics production on climate change, biodiversity, health, and human rights.^{1,2} The escalation of this crisis is alarming, with plastic production expected to increase to 34 billion tonnes by 2050, fuelled by US\$400 billion of oil and petrochemical industry investment to increase the supply of virgin (fossil-fuel based) plastic.³ In this context, the resolution of the UN Environment Assembly to develop a legally binding

instrument by the end of 2024 has the potential to be transformative for global environmental governance.⁴ Yet there is the risk of this opportunity being wasted, amid concerns about the active involvement in this process of businesses (such as petrochemical industries and consumer goods and beverage corporations) whose economic activities and interests conflict with treaty objectives, as their business models rely on expanding the production and use of plastics.^{5,6}

The global governance of plastics to date has been characterised by fragmented authority and little coherence, involving piecemeal demand-side restrictions and relying on industry self-regulation and voluntary corporate social responsibility initiatives that are insufficient—and even counter-productive—to address this crisis.⁷ In this context, the treaty is an opportunity to catalyse global action through its objective to “end plastic pollution”.⁴ Although many member states recognise the need to reduce the production of plastics, concerns have been raised by civil society organisations, rights-holders (ie, Indigenous peoples, women, children and young people, and workers),⁸ and UN bodies about tensions between the policy objectives of the proposed treaty and corporate interests. The UN Human Rights Office noted a “fundamental and irreconcilable conflict between the interests of the plastics industry and businesses deeply implicated throughout its supply chain”.⁹ An open letter from Greenpeace to the UN Environment Programme and the Intergovernmental Negotiating Committee (the body tasked with developing this legally binding instrument), signed by over 170 civil society organisations and scientists, noted that the fossil fuel lobby is actively working to prevent the treaty on plastic pollution from containing essential controls on plastic production and adopting a conflict of interest policy and guidelines on industry participation in treaty negotiations.¹⁰

Beyond the conflicts with the petrochemical industry, there are comparable tensions between treaty objectives and consumer goods companies that rely on single-use plastics for packaging. The vision statement of the Business Coalition for a Global Plastics Treaty¹¹ has been

Relevance to a UN treaty on plastic pollution	
WHO FCTC norms	
Fundamental and irreconcilable conflict of interest between public health interests and the interests of the tobacco industry	Identify corporate actors whose interests fundamentally conflict with treaty objectives, notably those associated with the petrochemical and fossil fuel industries; and recognise and articulate the potential for conflicting interests between treaty objectives and corporations across the plastics value chain, such as petrochemical companies and food and beverage manufacturers (eg, the Coca-Cola Company, Unilever, Nestlé, and Mars)
Public health policies should be protected from the interests of the tobacco industry	Negotiations should be insulated from corporate actors with fundamental conflicts of interest with treaty objectives; and interactions and engagement with corporate actors across the plastics value chain should be actively managed to prevent disproportionate political influence over policies that conflict with economic interests
WHO FCTC procedures and practices	
Screening and accreditation of delegates, requiring declarations of interests regarding affiliations with, or funding from, the tobacco industry	Adopt similar procedures for Intergovernmental Negotiating Committees and Conference of the Parties of the UN treaty on plastic pollution, requiring declarations of affiliations and funding from corporations across the plastics supply chain
Ensure interactions with the tobacco industry are transparent, legitimate, and accountable	Create a public register of government interactions with the fossil fuel and petrochemical industry in negotiating and implementing the treaty on plastic pollution; and develop guidance for policy officials on identifying and managing necessary interactions with corporate actors
Avoid conflicts of interest for government officials and employees	Adopt conflict of interest guidelines, including the revolving door between regulators and industry
Reject partnerships and non-binding or non-enforceable agreements with the tobacco industry	Recognise the limits of approaches based on extended producer responsibility, voluntary commitments, and industry self-regulation and corporate social responsibility
FCTC=Framework Convention on Tobacco Control.	
Table: The applicability of guidelines for managing conflicts of interest in the WHO FCTC¹⁴ to the development and implementation of a UN treaty on plastic pollution	

endorsed by some of the world's leading plastic polluters (including the Coca-Cola Company, PepsiCo, Nestlé, Unilever, and Mondelez International),¹² highlighting the risk that statements made by the Business Coalition in support of this treaty might simply serve as greenwashing tactics for companies whose wider business and lobbying practices undermine environmental policies.^{12,13}

In seeking to address these concerns, the WHO Framework Convention on Tobacco Control (FCTC) is cited as a model¹⁰ for minimising or preventing the exercising of disproportionate political influence by the plastic industry. The FCTC is the only international treaty that explicitly addresses the potential for corporate actors to subvert its objectives, a concern that has defined both the process of the treaty's development and its implementation efforts.¹⁴ WHO sought to actively restrict the tobacco industry's engagement in FCTC negotiations given its demonstrable track record of undermining international tobacco control efforts, confining industry input to public hearings with non-state actors.¹⁵ This commitment to protecting policy making from the interests of the tobacco industry is codified in Article 5.3—a general obligation of the FCTC that requires parties to protect public health policy making from tobacco industry interference.¹⁴

The implementation guidelines for FCTC Article 5.3 offer procedures with direct relevance to the proposed plastics treaty (table), including codes of conduct, transparency of public-private interactions, and the disclosure of conflicts of interest. Yet arguably more important are the norms that shaped the FCTC process. From the outset, it was clear that engagement with industry should be carefully managed and structured around a governance norm of protecting policy making from undue influence. Although this might seem like a simple and obvious step, a reluctance to acknowledge conflicting interests¹⁶ has been an enduring political challenge for global environmental governance. The UN Framework Convention on Climate Change (UNFCCC) has maintained a logic of collaboration and a multistakeholder partnership with fossil fuel and petrochemical industries,¹⁷ epitomised by the Coca-Cola Company's sponsorship of the 27th Conference of the Parties (also known as COP27) despite its status as one of the worst plastic polluters.¹²

However, there are promising indications that such practices could shift. In an unprecedented step, the Annual Meeting of the Aarhus Convention—an

international agreement on access to information and environmental decision making—urged parties to “increase their efforts to avoid the exercise of undue economic or political influence”,¹⁸ making explicit reference to the negotiations of the plastics treaty. The challenge will be to translate these statements into norms and formal rules that manage the terms of engagement between governments, international organisations, and the plastics industry. This process will require shifting the perception that industries that depend on increasing the production and use of plastics can be part of the solution. With the release of the zero draft text of the plastics treaty¹⁹ ahead of the third session of the Intergovernmental Negotiating Committee in Nairobi, Kenya, in November, 2023, there is an opportunity for FCTC Article 5.3 to serve as a crucially important tool in shaping negotiations and enhancing democratic legitimacy and wider participation in the UN treaty on plastic pollution by preventing the disproportionate influence of vested interests.

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The global plastics treaty: why is it needed?

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On March 2, 2022, the UN Environment Assembly adopted a historic resolution to develop a global plastics treaty.¹ The goal is to reduce plastic pollution, including ocean pollution and microplastics, across the entire plastic life-cycle. Treaty negotiations are on a fast track. An intergovernmental negotiating committee has met twice. A third meeting is scheduled for November, 2023, in Nairobi, Kenya. The intent is to draft the treaty by the end of 2024.

Plastic pollution is a global threat. It has grown insidiously while the focus has been on climate. Because plastic is persistent and less than 10% is recycled, nearly 6 billion tonnes now pollute the planet.² This waste contains more than 10 500 chemicals incorporated into plastic, including carcinogens, neurotoxicants, endocrine disruptors, and many others of unknown toxicity.³ These chemicals leach out from plastic and plastic waste. In the USA alone, they are responsible for more than 85 000 premature deaths each year, 1.5 million cases of cardiovascular disease, and health-related costs of US\$675 billion.⁴

Chemical-laden plastic waste accumulates on beaches and clogs landfills. Much is exported to low-income countries. When burned, it releases toxic pollutants into the air, including benzene and dioxins. Each year, an estimated 10–12 million tonnes of plastic pollution enter the ocean,^{2,5} where they entangle whales, kills

seabirds, and breaks down into microplastic and nanoplastic particles that disrupt ecosystems, enter food webs, and are consumed by people.⁶

Relentless increases in production are the main driver of plastic pollution.⁴ Global output has grown 200-fold—from 2 million tonnes in 1950 to more than 400 million tonnes today. It is on track to double again by 2040 and treble by 2060.⁷ Single-use plastic accounts for 35–40% of current production, and year by year this fraction increases. More than 98% of plastic is made from coal, oil, and gas.^{8,9} Production is energy-intensive and generates nearly 2 billion tonnes of CO₂ annually.⁸

Endless increases in plastic production, use, and disposal endanger health and create social injustices. The disease and premature death caused by plastics result in health-care costs and productivity losses totalling at least US\$1.2 trillion annually.⁴ They reflect the increasing conversion of coal, oil, and gas into plastics in response to diminishing market demand for fossil fuels, as the world turns increasingly to renewable energy.^{7,9} These increases are not sustainable.¹⁰

Because plastic production and pollution are transnational and the harms from plastics fall disproportionately on the world's poorest nations, a global treaty is an appropriate remedy.⁴ To be effective, a treaty should be legally binding, while also encouraging voluntary approaches. The treaty's overarching goals