

Transcript of 'A Global Plastics Treaty'

Season 2, Episode 19, Transforming Tomorrow

[Theme music]

Paul: In today's episode, we're talking international law, the regulation of plastic pollution and what's going on with the UN Global Plastics Treaty. Plus, a zombie hunt in Busan. Of course!

Here's our conversation with Dr. Alexandra Harrington of Lancaster University Law School. She's an environmental law specialist and chair of the I-U-C-N-W-C-E-L task force on plastic pollution.

We'll get to the meanings of all those acronyms very shortly, but I'm not saying that full title more than once.

[Theme music]

Paul: Hello and welcome to Transforming Tomorrow, the podcast from the Pentland Centre for Sustainability in Business here at Lancaster University Management School. I'm Paul Turner.

Jan: And I'm Professor Jan Bebbington.

Paul: Jan, last episode, you promised me we didn't have to leave plastics behind entirely.

Jan: And we are not going to, because one of the heads up we got from one of our, our podcasters from the last few weeks is that there's more expertise at the university in plastics than you'd find in the PPIPL project. And we're gonna go and find out about that additional bit of information.

Paul: Yeah, 'cause we had six weeks on looking at the Plastic Packaging in People's Lives, project, PPIPL. And now we're gonna expand beyond that for our look at plastics. So we're gonna start to look at plastics legislation.

Jan: And it's not the first time we're strayed into the legal field and we've had some really good guests from the, the Department of Law here. And we're going to add another one to it.

Paul: We are, 'cause we've previously had Rafael Savva and Camilo Cornejo Martínez, whose name flows off the tongue when you can eventually get round to saying it properly. Yeah.

And now we've got a third guest. Shall I introduce her?

Jan: Yes, please.

Paul: Yes. Today we're joined by Alex Harrington, who is a lecturer in environmental law in Lancaster Law School and is also Jan, now, this title is gonna need me to take a big breath before I say it.

Jan: Okay. Gear yourself up. Gear yourself up.

[comedic breathing in large amounts of air]

Paul: Chair of the International Union for Conservation of Nature, the World Commission on Environmental Law Agreement on Plastic Pollution Task Force.

Jan: [giggles] I think that sounds like a very important job.

Paul: I think it sounds like someone just had too many words and threw them all together in one go. Alex, hello, welcome to the show.

Alexandra: Hello. Thank you very much for having me, and I apologise for the title length. It matches the length of my full name. Anyway...

[general laughter]

Paul: It's a cracking title, I'll, I'll tell you that. Do, do you have to shorten that title, if ever you have to give it to people...

Alexandra: ...yes...

Paul: ...because even in the footer of an email that's taking up more than half the rest of the email...

Alexandra: ... oh no, easily. So usually it's IUCN, which is what most of the, the environmental world knows this as. Um, and then WCL for World Commission on Environmental Law. And then I've just found other ways to shorten it to task force, plastics, task force, something of that nature at this point. Covers all sins, anyway...[laughs]

Jan: And one thing that we really found from the previous podcast is the realisation that there are many different types of lawyers and many branches of law. So, um, you've already given us a bit of a clue with that, that super title

as to what kind of branches it are. But for our listeners, I wonder if you could place your study of law into the context of law more generally.

Alexandra: Of course, because law is very big and often very intimidating. But there are many different pieces. So, um, I know your other guests, your previous guests quite well, and I know they've, they've talked about different topics. I work in environmental law specifically, uh, in climate change, but now much more in pollution.

So, uh, at the international level, and also then at the national level, regulating pollution. Plastics is, obviously, this is a topic that I'm quite involved in, but also many other forms of pollution. So mercury with, uh, the Minamata Convention, various forms of hazardous waste and uh, transportation of hazardous waste with the Basel, Rotterdam and Stockholm conventions, the newly created global framework on chemicals, which I was actually involved in the final negotiations of, um, and a number of other different topics in that area.

I also, um, relatedly, or not, depending on how you see it, work on human rights law, armed conflict and the law of armed conflict. Related to particularly Camilo, just transition, so how do we basically take that and apply it across multiple sectors, not only the climate sector,

Jan: And I think particularly for our listeners that are interested in sustainability and business, several times we've talked about sort of like the transnational challenge of having corporations that are headquartered in one place and operate everywhere else.

And the way that governance has to be stitched together and novel governance, um, solutions have to be arrived at. And I did some work with an international environmental lawyer once because we kind of realised that corporations, if you like, are on a horizontal plane. They are going to be dealing with each other and they've got the same status.

The same happens in international law where countries are on equal footing with each other and have to come to some kind of conclusion for co-ordinated action for global benefit. So there's some really nice conceptual theoretical crossovers between how we think about transnational corporations and how they operate, but also how states operate in this context as well.

Alexandra: Absolutely. No, definitely. And, uh, it is often complex to think about states, um, as actors and we think about the global power dynamics and certainly those come into it. But certainly from a legal perspective, an international law perspective, every state is theoretically equal on that plane. And at the end of the day, they all have one vote in whatever we're working on.

Now often they form associations, they form groups, they form various types of, um, committees, et cetera, or their own whatever they want to call the groupings to have more power, to have more presence, depending on the negotiation, um, or the treaty implementation. But at the end of the day, each one is its own entity, and that's, I think, something that people find difficult if you're not used to the international law world because we don't necessarily think of states, uh, for example, Guinea Bissau as having the same status as, for example, the UK in terms of power dynamic. But they certainly do in terms of voting capacity in any negotiation.

Paul: And I can only imagine it's as smooth as that as well, that every nation just agrees with each other...

Alexandra: [sarcastically] ...oh yes!

Paul: ...all the time on everything...

Alexandra: [sarcastically] ...I mean, my job is so easy. Really, it's, it's just so easy, and they all come together and we have a great time and just, you know, enjoy about five to seven days of sightseeing in whatever place we are. And then, you know, one day of seriousness. Oh yes, clearly... [laughs]

Paul: Do countries try to use maybe influence from other areas to sway people to their votes, which, you know, you'd imagine would happen. Some countries might have the greater economic power, and while you say Guinea Bissau and the UK have the same number of votes, the UK might have more influence and say, you need to vote with us on this, and then we'll let you have X, Y, and Z.

Alexandra: Absolutely, definitely. And so, you know, the, the power dynamics do come into play, although what we've seen, interestingly in the plastics negotiation in particular, and we'll, we'll get to hopefully that, you know, the background on this a bit more.

Uh, but we've seen coalitions forming. Some of them have made life much more challenging, um, in terms of treaty progress than others, but coalitions

forming to try to counteract some of that. So coalitions of countries that might be, for example, from Latin America or the African region that typically wouldn't have that much power now coming together to say we are combined a block of say 60 to 70 countries.

Um, so we do represent a significant amount of votes and that's how they're trying to counter that, you know, that one-on-one power dynamic that is often very much skewed and very much unbalanced.

Paul: I guess you see that more publicly in things like the COP that have gone on recently...

Alexandra: ...yeah....

Paul: ...with the low-lying nations, those that who are gonna be more affected by sea level rise...

Alexandra: ...exactly....

Paul: ...and you see them coming together, and that's a similar thing to what you're saying with plastics.

Alexandra: Absolutely. And, and those same nations actually are quite active in the plastics context because not only are they, uh, facing the sea level rises, they're also facing a great deal of challenge from having plastics, particularly in the marine environment, coming onto their shores, washing up when they've not had anything to do with their use or generation and then having to, to figure out how to deal with them from a waste management perspective.

And also what's actually in them, which is something that I think we, we all recognise, most of us have been on a beach at some point in our lives and seen plastic. But what we don't necessarily think about when we see things like beach cleans, et cetera, which are wonderful in global commitments in many communities, is that what we're cleaning is something that we might not necessarily know the contents of.

And so one of the issues that the small island states in particular are having, as well as developing countries that have coastlines that are affected by this, is trying to figure out what is in these products so they can then figure out what they need for waste management development and how to prevent toxic exposure, et cetera, for people who are there picking, either as volunteers or as waste pickers, which is their, their job, picking the waste and trying to recycle the plastic or otherwise use the plastic.

Which has actually caused a really interesting tension with many of the producing countries because intellectual property laws, for example, protect what may be in a, a recognised, uh, protected compound of plastic or form of plastic. And yet the knowledge of what is in it is necessary to figure out how to clean it.

So there are many issues faced by, uh, by the communities that you talked about in, in the small island, developing context, um, as well as many others.

Jan: That's horrendous to think that a whole bunch of stuff's washing up on New Shore and actually there's, there's no data on, on how to deal with that well and safely, et cetera.

Before we get onto the plastics treaty itself and its background, I was wondering if you could tell us about these sort of, these are intergovernmental, um, agreements and frameworks that people are trying to put together, but we have the Paris Agreement, which focuses on climate change and the global biodiversity framework, which surprisingly enough, it focuses on biodiversity. Okay. What are, what's the legal status of these things? What are they?

Alexandra: Of course, I'm, I'm really glad that you asked. Because it is very confusing, even to many lawyers. It is very confusing. It is its own realm of kind of language. So the Paris Agreement was adopted in 2015 as part of the UN Framework Convention on Climate Change.

So in 1992, there, uh, were three different instruments adopted. One was the, uh, UN Framework Convention on Climate Change. Affectionately known as U-N-F-C-C-C because in international law we love acronyms [Jan laughs] we just do, we just need them. And you know, you've heard the Task Force title. This is why we need the acronyms.

And we had the Convention on Biodiversity Biological Diversity, also known as the CBD and the Convention on Desertification and Drought, which I always mention because it gets very little attention. So that was the third and somewhat less-loved triplet, I would say in terms of attention.

What the, the U-N-F-C-C-C did was create the ability to then have subsequent, uh, agreements, subsequent protocols to reflect the current state of knowledge on plastic, oops...I always say plastics... on climate change.

Um, and so this is something that the Paris Agreement, uh, is the latest iteration of. We had the Kyoto Protocol, which technically has largely expired. And now we have the Paris Agreement.

The Paris Agreement is considered largely binding law, so states have adopted it. Um, there are both binding and voluntary provisions in it, so there are some things that say a state should or may, in which case that is voluntary. There are some things that say a state must or shall, which is very boring legal speak for requiring a state to do so.

The Global Biodiversity Framework is slightly different. So that was adopted, uh, actually in Montreal in the, the wake of the pandemic. It was intended to have been adopted in 2020, but then everything that happened with the pandemic pushed it back a bit further, so this didn't happen until 2022.

And it is a very serious set of commitments, but it is not legally binding, which can cause a great deal of confusion, uh, especially for lawyers as well. But it also can cause a great deal of confusion in terms of what needs to be put into national planning, what needs to be put into national priorities, um, and also if there are failings of countries to implement it, what the potential ramifications are, where you would take complaints, et cetera.

It's still, that said, is considered to be very important in a lot of funding decisions. So for example, while it is not legally binding, there is actually a significant pot of money that exists in, uh, in the context of the Global Environment Facility, the GEF, the 'Jeff' as we affectionately call it, which is a, a separate international organisation that exists to provide, uh, oversight and funding implementation for a number of different treaties.

So aspects of U-N-F-C-C-C and Paris, CBD, uh, the newly created Biodiversity Beyond National Jurisdictions Treaty, the High Seas Treaty, several others, um, the Minamata Convention for example, all are funded by that. Um, so there is a funding mechanism for GBF, although it is considered non-binding, which I know is very technical, and, and somewhat difficult.

Jan: But, but that complexity I think is really important to understand, 'cause I've certainly been trying to head off, um, some, you know, non-legal, non-organisational scholars who looked at the Global Biodiversity Framework and say 'now all companies have to report' and try to get, get across [inaudible] that they've got is, and you know, if you don't know why would you know that these aren't binding on companies..?

Alexandra: ...exactly...

Jan: ...that even if it was an action about companies, it's binding on states, should they wish to implement it in law and then it becomes binding in in companies...

Alexandra: ...exactly...

Jan: ...so there's these, all of these steps and stages.

Paul: Is there the potential then for things that are not binding now, to become binding in the future, do these agreements, these intergovernmental agreements that have been signed, evolve over time to become different in terms of how they're enacted?

Alexandra: Yeah, they can. They certainly can. Um, and I think it's also important to throw in another aspect that is very different in, in international law, and that is the idea of custom. So customary and international law.

And so over time what we see is that a number of states will agree on something as being either a prohibited practice or an allowed practice, an encouraged practice.

And so we might not necessarily have a, a binding piece of legislation that says this is allowed or it isn't, but it still in practice becomes what we would call custom, and then it can be enforced. There can be cases at the International Court of Justice, et cetera, or domestic courts where that is argued to be custom. So that is certainly one way where we see this happening.

So previously, these are rather dramatic examples, but previously, before we had a convention on genocide, before we had a convention on torture or slavery, outlawing it at the international level, these were all considered to be customary international law norms, that we did not engage in genocide or torturer or slavery, um, after a certain point and so those then became enshrined in a binding document.

It is interesting, I think, to note that especially in the environmental realm and particularly biodiversity, but now also in pollution, we are seeing a, a shift towards the use of a lot of non-binding, but yet very high level entities. So the Global Framework on Chemicals, which was adopted in 2023, is actually the outcome of over 16 years of negotiations.

And those negotiations were actually fascinating. So the last session went on, uh, there was a pre-session that was over a weekend. So I spent a lovely weekend in Bonn when everyone else was out enjoying the weather and beautiful, like, you know, summer, like September days.

But anyway, um, the conference centre is equally charming and their coffee's fantastic [general laughter] I just, you know, ringing endorsement there. Um, but that took well over a week to, to get a final negotiation on and actually went until 10:00 AM the day after it was scheduled to end, for something that is not legally binding, but still considered highly persuasive.

And then that can also be adopted into national legislation. It can be adopted by countries when they're doing, for example, foreign aid, uh, or overseas development assistance. And it also can then be used by companies. When we think about things like corporate social responsibility. We think about how they're engaging in their forward movement, uh, in that realm.

It's something that can be adopted and companies often are eager to say that they're trying to comply with the GBF or the Global Framework on Chemicals, et cetera, even if they're not binding. So that's another way to kind of sneakily get it in without it being illegal, mandatory requirement at least.

Jan: And this brings me back to the podcast we had with Carlos Larrinaga, who talked about how norms come into being.

And certainly we have, um, uh, academic ideas about norms and when they become binding, even if they're not mandatory, and sometimes legal norms don't bind. And so there's this real sort of mess in there.

I was also very struck, you were talking about 1992 and the, the triplets of processes that set off, um, plastics wasn't in that...

Alexandra: ...oh no...

Jan: ...so how did the, how did the idea of a plastics treaty actually come into, into being?

Alexandra: So, uh, no plastics certainly were not covered at the time. Um, and what we knew of plastics in 1992 was largely a good thing. Um, you know, and, and in, in many ways, they still are, you know, quite necessary at this point because we don't have substitutes.

But this is something that came, first of all, out of the, the discussions around climate. Um, and the realisation of the toxicity of plastics as well. And as we had emerging science coming out, telling us more about what the chemicals are that are in, and the polymers that are in plastics, and the realization of what this has done.

But really I think the, the final push came during the pandemic and afterwards when we started to see much more medical waste, certainly plastic medical waste, coming onto seashores, coming out into the open and really being considered uncontrolled in many areas. And that was when we finally had this push to, to do something at an international level.

There was an open-ended working group, established first that by the un, by the UN Environment Programme, UNEP, which is the entity that is in charge of kind of trying to administer the treaties that already exist, but then also trying to foster new ones when necessary.

And the suggestion of this was that we would need something along the lines of an actual treaty instrument to address plastic pollution.

As a result of this in, uh, in May, uh, well earlier than that, but in 2022 there was a decision made at the continued, what we call the continued, uh, UN Environment Assembly session, uh, number five, it was continued due to the pandemic to authorize the negotiation of a treaty.

And the language used is to authorise an international legally binding instrument on plastic pollution, including in the marine environment. We affectionately have shortened this to I-L-B-I or ILBI to make it a bit easier to use in written form and in verbal conversation. Um, but that was the mandate, uh, and then to address in, in the text, the mandate is to address the full life cycle of plastic.

So that would include everything from its production to its use, and then ultimately either reuse, uh, recycling, et cetera, or waste management in the final kind of end of life, if you will, phase of plastic. And that is how we got to, to actually having the negotiation.

It's still something that for many people is very novel. It doesn't necessarily get the same attention as climate change at this point. So certainly in the environmental community, we all, we are aware of its process, um, but outside

of it still is quite an education for many people, including for many lawyers who don't really realise that we're having these negotiations or why.

So, it's a constant good reminder to be [inaudible] remember why we're doing it, even as we're sitting there arguing about, you know, commas and [pause] semi-colons and all of the things that make lawyers very happy to argue about the rest of the world. Look at us like, why, why are you doing this? [laughs]

Paul: So, so far we've had GEF, which sounds like a middle aged man, and there's ILBI, which sounds like some kind of like child's toy...

[general laughter]

Paul: ...I've got, I've got an ILBI for Christmas...

Alexandra: Um, oh it's the latest thing...yes.

Paul: An, an ILBI, everyone wants an ILBI...

Alexandra: ...everyone wants an ILBI, why not?

Paul: Uh, so how did you personally become involved then, in these negotiations around the plastics treaty?

Alexandra: For many years I have been a member of the World Commission on Environmental Law for the IUCN.

And the IUCN, as the name suggests, is the International Union for Conservation of Nature. Um, it is one of the older environmental, uh, entities. It was formed right after World War 2, and it is a, itself, a very different structure. So we have a headquarters, but we also have a number of commissions.

And the commissions are, with the exception of my commission, the World Commission on Environmental Law, largely science-based and science focused, addressing various forms of environmental issues. So everything from the committee on citations to, uh, to climate, et cetera.

Uh, the World Commission on Environmental Law has always had the mandate to work in environmental issues, as the name suggests, and has become very involved in negotiations for other treaties. So the Paris Agreement, also the Biodiversity Beyond National Jurisdictions agreement, et cetera.

And when it became clear that there would be a plastics treaty negotiation, there was a decision made by the chair, uh, Dr. Christina Voigt, who's heavily

involved in, uh, in climate change as well, that we needed to have a task force and we needed to work on this. For reasons beyond my understanding, I was asked to, to chair this task force, and so I have been chairing it since mid 2022.

Again, I do have a number of background, kind of, I don't wanna call them insights, but areas of exposure that would be helpful to this. And from that point onwards, we, we kind of weren't sure if it would be an academic exercise or what it would be.

But, I've had the great good fortune to be part of the IUCN negotiating team as an observer, but a UN-recognised observer, uh, we do have the ability to participate, to speak, et cetera, uh, in the negotiations.

Additionally, because of, uh, work done with the government of Norway, so Norad, which is their, uh, foreign development assistance type of activity, an entity, um, I've had the true privilege and I continue to have this privilege to work with several countries in West Africa.

So five in particular. Um, Sierra Leone, Senegal, Guinea-Bissau, Cabo Verde, and São Tomé and Príncipe, as a legal advisor, as a legal, um, source of information and background throughout the negotiations process, so as a trainer, et cetera.

This is included during some intercessional work, so really specialised work between our negotiation sessions, being a representative and an expert for São Tomé and Príncipe on legal issues. And then, um, being part of, actually of the Guinea-Bissau delegation for the last negotiation session of the Intergovernmental Negotiating Committee process, the INC, let's throw in an INC to go with an ILBI, it's the latest thing...

[Jan laughs]

Alexandra: ...you need to go with your ILBI. Um, to represent Guinea-Bissau on, uh, actually the legal drafting group. Which didn't have a chance to do as much as it was intended to do, hopefully we will at the next session, but is really intended to be a high level legal entity that will clean the text of proposed treaty language and make sure it actually works in conjunction with international law, et cetera.

So I have several hats there. I also do a lot of work with, uh, the Quaker UN Office. So there is an office of the, the Quaker, um, faith that is very active in trade issues. Um, and so I was asked early on to work with them. Just because I

also work in international trade as another side topic. Um, so we do a lot of work on the issues of trade and plastics and, uh, subsidies, tariffs, et cetera.

Uh, so I run around all over during the negotiations. This is, this is what I do. It's better than sitting down for hours on end and feeling like you're on like an endless flight, you know, which is easily possible if you're in a negotiation session for too long.

Paul: [mock grumpy] I'm frankly getting fed up with having guests who make me seem lazy.

Alexandra: Oh, no, no...

Jan: [joking] yeah, I agree, I agree. But also, um, what what's really inspiring is how that expertise is buttressing, um, countries that need, need support...

Alexandra: ...exactly...

Jan: ...as well as technical expertise about drafting et cetera, through to, you know, bringing people together to try to hammer out, you know, principles and ideas...

Alexandra: ...exactly.

Jan: It's a really, I mean, fascinating world.

Alexandra: It is, and it's, again, it is such a privilege to be able to work with countries in particular is, is such a privilege. And to be able to help kind of craft that relationship and that response and bring them in, into something that is very foreign for many people. And it's such a, a really complex world. Um, that's something that's irreplaceable to me, really, it's quite special.

Jan: But also for a small country, to have the scientific and legal expertise to be able to participate fully and not be disadvantaged...

Alexandra: ...exactly...

Jan: ...by the outcomes is, is not so straightforward.

Alexandra: No. But it, it's also, you know, it's, it's what we fight for. It's what we do, why we do it, you know, really definitely.

Paul: Is there the danger of something like the saviour complex where you've got people from countries like the UK, Canada, the US going in and telling these five African countries how it all should work, how it's working, et cetera.

Alexandra: Of course. And it, you know, it really is something to be aware of.

I view my role as having expertise. And trying to see what the concerns are, what are the concerns? What are the priorities? What are the needs? And then okay, from understanding that, then I can explain from an international law perspective, this is what might be more advantageous for you. And also these are the impacts of the various negotiating texts.

Because what we've had throughout the negotiations is thus far a series of texts coming out of each negotiation round with potential draft. We had intended for it to be final, uh, in December, but that didn't happen. So potential draft text. Often quite convoluted, often very long. So we had two, one coming out of, uh, Kenya that was 70 pages, one coming out of the Ottawa round that was 77 pages. So trying to just explain what this means.

Paul: You've given us a really clear, good idea of what's going on during these negotiations there. Can you see similarities between what's happening now with plastics and maybe what's gone on in the past with things such as chemicals?

Alexandra: Yes, absolutely. Definitely. Um, and, and because chemicals are an integral part of plastics as well, or the, the dynamics and the discussions of plastics as well. It's actually interesting to see, to have been part of those negotiations and to see where the arguments that were perhaps not as successful there, are now being made in the plastics context.

And the same concerns that were voiced there come in, um, and how some of these things are just a constant thread between countries. Also, between, um, the, the corporate actors as well, because we do have, amongst the observers, we have a number of corporate entities. We have lobbying groups for chemicals and petrochemicals, et cetera, and plastics industry.

So seeing how those arguments come into, um, is, is I think very interesting. And then also seeing the cross between the biodiversity, uh, negotiations and COPs, and the, the climate change COPs and not as much desertification and drought. Again, that is the, the less loved or I think, you know, it's the Cinderella, if you will, of, of that particular set of triplets.

Um, but even there, there are some concerns that do come in and it's just very interesting to see how those arguments come, especially because of the timing. Um, so we've had a negotiation authorisation for, and I'll explain the

sneaky bit about this in a minute, but for technically for five sessions, uh, of negotiations, that was what the UN Environment Assembly authorised.

And so we've just concluded the five, we finished it the last one in December of 2024 without an agreement. So there's a sneaky way to, uh, to do this, and I'll explain how that goes in a minute, but. The timing is quite interesting in that at least two of these have been during the end of the year when we also typically have things like the U-N-F-C-C-C COPs.

And this year we actually exceptionally had the U-N-F-C-C-C COP, the biodiversity COP, and right after the climate, the plastics negotiation, the, uh, desertification and drought COP. So it's interesting to see how the momentum from that comes into negotiations and brings issues that might not necessarily have been as big or as important or divisive before, but as a residual from the other negotiations brings them in.

Just to explain to our listeners how we can go on when we've only had an authorisation for five sessions. There is a very different aspect of closing a meeting and saying, um, we are gaveling the meeting closed, which means the meeting is done, it's finished, it's over, which is the procedure used for the first through fourth sessions of the negotiations.

The fifth session did not end with a gavel close. It ended with an adjournment. And so as long as we are able to keep adjourning, we're able to continue on theoretically, the fifth session. So as of the time of recording, at least, we do not yet know the location and the date, but we do know that it will be what we call a 5.2.

Um, INC 5.2. Uh, certainly many people have asked me, can it go beyond a 5.2? And theoretically, yes, it could just be adjourned into a multiple number of meetings, we're going to hope that doesn't happen. But that is how we continue with the process, and that's how we're able to continue the negotiation.

Although technically we didn't actually have an agreement after the fifth session, leave it to lawyers to find a way, to do this. [laughs]

Paul: [joking] Not wishing to, you know, pull into stereotypes of giving lawyers bad names, et cetera, but they just keep adjourning to earn more money, don't they? It's like, we gotta get another session, get a few more hours, billable hours down here, that's fine, you know...

Alexandra: [joking] ...and go more fun places, I mean, it's...

Jan: ...but presumably only see the inside of a conference hall...

Alexandra: ...yes, oh yes...

Jan: ...possibly a, a hotel if you get a chance to sleep in, in the airport. It's not, not the best holiday plan.

Alexandra: Not really, no. I mean, if you enjoy a lovely conference centre and a lot of concrete, it's, it's the place for you. It is, definitely.

Paul: I'm assuming that all of these lawyers aren't, you know, just on the beach all the time [Jan laughs] Alex has joked about that, but in that joke, there was, there was a...

Jan: ...don't be so cynical...

Paul: ...hidden truth.

[People talking over each other]

Alexandra: Yeah...it's where I wanted to be as I was sitting there in absolutely studying Busan, South Korea, looking at, uh, looking at, I could see the ocean every morning when I woke up, and then I had to leave my hotel and go to the conference centre.

Paul: All I know about Busan in South Korea, is that there was a train that went there that was full of zombies.

Alexandra: I was actually on that train. It was not full of zombies when I was on it, but I was looking for them. [Paul laughs] It just looked, I was the zombie because I was sleep deprived. Anyway...

Jan: ...what happened? What happened?

Paul: It was a film, Jan...

Jan: ...[relieved] oh, OK...

Paul: ... it was a film. I thought the film was actually called Train to Busan...

Alexandra: ...it is, it is, I know. And I was eagerly looking, but really with the, the lack of sleep from the flights I, uh, I was probably the only zombie there.

Paul: Essentially, if you want to escape zombie apocalypse, go to Busan...

Jan: ...right...

Paul: ...but you have to get there first and not be eaten by zombies, on the train.

Alexandra: But once you're there, you're good...

Paul: ...yeah...

Alexandra: ...you know, that's fine.

Paul: In theory [Alexandra laughs] who knows what happens after that. I've not seen if there was a sequel.

Jan: Well, zombies who knew we're were gonna get to zombies.

I'm quite interested in terms of, quite often when people, because I'm not of this world, but people know I might know something about it, people go, oh, it takes for ages. What are they doing? It takes forever. You know, years and years and years.

And yet your description of the plastic one, this is a fast process compared to many of the others, so some treaties take a long time, others presumably are shorter.

What makes that distinction?

Alexandra: There are several things and, and having a short, there's an argument about having a short window and whether that actually is a good thing or whether it gets us to something like a framework, but then doesn't allow us to actually have a really detailed treaty. So one thing is the actual mandate for the negotiation process itself.

Um, we rather exceptionally had the mandate for the plastics treaty from the UN Environment Assembly. That this should have been done by the end of last year. So specifically had the ambition of being finished by the end of 2024.

That is quite rare, and I think it actually is a response to things like the Biodiversity Beyond National Jurisdiction example where you had a drag on for over 20 years, um, and the global framework on chemicals.

What happens often is that politics, perhaps not surprisingly, comes in, the geopolitical situation comes in, and really does kind of change national priorities. And when those national priorities change, then national negotiation position changes and we start to see a lack of coherence on issues that might

have been very clearly agreed on when we came into the negotiations. And that then continues the process on.

We will all hope, including myself because I, I, as fun as it is, I don't wanna spend 20 years negotiating this, that we are a bit more, um, brief in this negotiation process than the, the BBNJ, but it also, I think depends on the complexity of the topic.

And BBNJ was regarded out by many as being rather esoteric in the sense that it relates to, as the name suggests, biodiversity, that is outside of a national jurisdiction. So it's often hard to make, uh, domestic audiences understand why we need to spend time and money and energy on this.

Plastics is extremely complex. And I think that, as a topic, and I think that when the initial decision was made to have a treaty none of us really fully understood the complexity and the levels that would go into it because it's not just an environmental treaty. It will be a human rights treaty, it will be a trade treaty, it will be a health treaty, it will have all of these different aspects.

And that realisation is when you start to then expand. Exactly. Um, Jan is sitting here making an expanding motion and it is indeed the case. And that's where we have this concept of, you know, it's, it needs to be longer, the process needs to be a bit longer to really hammer out some of these details. So that's why it does tend to take as long as it does.

Paul: It sounds impossible to say precisely what are gonna be the key elements of this treaty 'cause it's still being hammered out. What would you hope...

Alexandra: ...oooooh...

Paul: ...are gonna be the major parts of it?

Alexandra: Um, so I would hope that, there is a significant argument about this. I would hope that this includes something on primary plastic polymers, plastic production, uh, chemicals of concern, plastic product design.

These are all quite contentious. Um, but they're also quite critical for us to actually be able to have a treaty that is really meaningful and that can evolve in a very substantial way over time. Um, I think it will be critical for us to use things like annexes so that we can update it, and not have something that becomes outdated as soon as it is adopted because science changes, and the technical composition of plastic changes, et cetera.

I also think it's critical that we have something that allows us to have a strong COP system, conference of the parties system, and that has a national reporting requirement, um, that can be used to support national legislation.

Because the, there's a question always of, if we make it a binding requirement for national reporting it costs more and it potentially can be used as a method of complaint, et cetera, if there is not a significant level of compliance.

However, if we don't have that, then it is very easy for the politics of plastics, in particular, to overwhelm countries that need legislation. And this is across the spectrum of development, so developed countries as well as developing countries, and have it become a sidetrack, um, and have it become something more like a nationally determined contribution in the climate change context where the countries decide what goes in.

And it's very difficult to police. And so we've spent years potentially, well, we haven't technically over two so years, um, negotiating something that then is very difficult to put into place in a meaningful way.

So that's why I think we really need that strong obligation. That would be my dream, that would be my hope. A set of definitions would be absolutely lovely. I should have done this before Christmas, I'm gonna ask Father Christmas definitions [Jan laughs] um, because we don't as of yet, uh, strangely we don't actually have a definition of plastic to be used in the treaty as of yet, and so that does make it a bit more difficult.

Paul: I know that that's something that actually the Plastic Packaging in People's Lives project people looked at, the fact that you had to define what a plastic was and how complicated it is just to define what a plastic is and how different people...

Alexandra: ...mm-hmm...

Paul: ...mentally have a different idea, and how there's a chemical definition, but there's also a more practical definition and a, a more esoteric definition. There's so many definitions of plastic.

Jan: And I, I think one of the things that I always find wondrous, and, and one of the reasons I really like working at, at a university, but also like working with you know governments and companies as well, is that everything that we take for granted that's around us, that's sitting on this table. We think, oh, there's a

bit of plastic. Actually, as soon as you, even a cursory look, oh, actually it's more complicated than that...

Alexandra: ...exactly....

Jan: ...and then more complicated, and then more complicated. And actually our, our modern world just works around us, but the amount of work that goes into it working around us is phenomenal.

Alexandra: Oh, it is. No, it really is. And I think we've just become accustomed to it, we see it every day.

Jan: Yeah, and I think we'd go crazy if we paid attention to it all...

Alexandra: ...oh, we would...

Jan: ...but, but somewhere, some people, and I'm really pleased it's you and some of your colleagues have to pay attention to it, for it to, to work well.

Alexandra: No, we do, and it, it does certainly change the way you view your everyday life, and I'm sure that I drive many people a bit up the wall with, you know, looking at things going, don't use that or don't use that, make sure that goes in the right bin and, you know. Or having a fit about it, even if you put it in the right bin, it doesn't really go where it should go and all of these things...

Jan: ...yeah, yeah.

Alexandra: ...um, but absolutely it changes the way you think about things.

Paul: I don't think there's a single guest we've had on this podcast who probably doesn't drive friends, family up the wall about their specific topic of interest because that, that's what expert researchers and academics are for, for driving everyone else around them insane.

[Jan and Alexandra laugh]

Alexandra: Well, we make everyone else around us also experts in their own way. You know, it's, it's what we do.

Paul: You've sounded quite optimistic at times. I want to know what's making you most optimistic and when do you think we can finally celebrate, um, this treaty?

Alexandra: Oh, when do I, when do I hope we can? Uh, realistically, I, I think by the end of this year, so by the end of 2025 or into 2026, I think we will celebrate the end of the negotiation process.

Uh, just to, to point out that the end of the negotiation process isn't really the end, in that being a good lawyer and just bringing in all the technicalities, if we have an agreement at 5.2 or whenever we may have the agreement, uh, we then have to have about a six month wait, uh, for, we call it the...it sounds like something outta a Star Trek movie, the Dip Con, which is to say the Diplomatic Conference.

Uh, it sounds like it should have its own Death Star. But anyway, the Diplomatic Conference and the Diplomatic Conference is where very high level people come, uh, so presidents, prime ministers, or high level ministers come and they officially sign for their countries saying, we would like to be part of this, we endorse this.

That is not however the end. So the end is when everyone goes home and they ratify it in their national procedures, uh, which can take a great deal of time. And then whatever the amount of countries that we agree on in the treaty text, typically it's 50, but we will see, that is required to have a ratification process go into place and have everything become effective, then, uh, occurs.

So it will take a bit of time, but my hope is that we can at least come back and celebrate the fact that we have a treaty text, um, by the end of this year or into next year.

And, I think I'm optimistic because you have to be, if you are, and if you're not optimistic that you can do something that at least will be valuable in some way, then it's probably the wrong space for you to be in, um, because you have to have hope.

And no matter what, you know, no matter what it is, if it's a framework text, if it's something that has to be updated in, in various annexes, et cetera, having a text, having an agreement on plastics, realising that from the international perspective we need to regulate plastics is, I think a win in and of itself.

It's just a question of how much of a win do we get, um, and how much do we celebrate?

Paul: And before this episode, I would've thought, oh, by the end of this year, seems like a long time away. But then hearing talk of 60 years to get other things sorted, seems like that's a brilliant win.

Jan: Uh, that does sound like a win. And I, and I think you are, you're right. A lack of optimism means you'd never, you'd never get, get in the, in the room and get going, but at the same time, it's, it's non-trivial work.

Alexandra: [in a modest voice] Thank you. [Jan laughs]

It's always good to hear that, you know? Well, and it's, you know, everyone always hears the exotic destinations and thinks, oh, it's great, it's lovely, you must be having a wonderful time.

Jan: It's hard, hard work.

Alexandra: You know? It's also hard when you drive by the exotic destinations and go, oh...look, you know...

Paul: ...here's what you could have won.

[Jan laughs]

Alexandra: Exactly. You could have won this, but instead you won the same grey conference room in another country. [laughs]

Paul: Alex, thank you very much, it's been a wonderful conversation.

Alexandra: Thank you very much.

[Theme music]

Paul: I can safely say Jan, that Alex must be one of the most impressive guests we've had on this show. The repertoire of things that she's involved with and her expertise is just amazing.

Jan: It is. And, um, I, I presume she doesn't need to sleep because what she's been describing in terms of these, you know, all night, um, sessions about flying to quite far flung places, but then working really hard and then flying home is, you know, just astonishing.

And as you say, really, really impressive, among a, a number of guests, none of whom are unimpressive. So she was certainly, um, it was super to get to chat to her.

Paul: And just hearing about all the complications and the frustrations, but also the optimism that comes from these negotiations and discussions that are taking place between nations, between organisations, between people, with so much difference in terms of mindset, geography, culture.

[Blows out] Wow.

Jan: I sometimes think the more you do, the more pragmatically optimistic you are. And so I suppose if you are only, you know, sitting on the edges of these things and worrying, you might not be as optimistic as being in the midst of it.

I saw a lot of hidden connections to the oceans and you know how much I like ocean thinking.

Paul: Yes, yes. I, I can see that in a future conversation we're gonna be having in a few weeks time with John Virdin about oceans and...That there's gonna be some similar areas surely going to come up about areas that are beyond national control and all of the, the laws that apply there.

Jan: Yeah, well certainly the BBNJ, so that's the Biodiversity Beyond National Jurisdictions, that was really important for some of the work that we've done with the Seafood Businesses for Ocean Stewardship Group in terms of, they're accessing biodiversity outside of national jurisdictions. And so I, I knew about that.

What I hadn't thought through so much is, um, plastic landing on beaches and affecting people's health. Uh, that was, that was quite an arresting realisation to come to.

Paul: Yeah. And oh, the fact that the same people who are affected by rising tides are affected by plastics washing up, and therefore the, they've come together as a group at one COP regarding climate.

The same nations are sticking together when it comes to plastics because they've got the same issue again, is uniting them.

Jan: And I hadn't heard about it, so it's very good to hear about it, the Global Framework on Chemicals. So I'm going to go and have a wee hunt around the university and see if we can find somebody for a future podcast, it might have to be series three, 'cause series two is sort of, you know, pretty well planned now.

But, um, we have people who specialise in, in chemicals, so it'd be really nice to hear from them about how it affects, you know, chemists and what they do.

Paul: And being able to compare the chemicals convention with what's going on with plastics at the minute and how you can be so optimistic about a plastics treaty being done in the space of five or six years since it was first conceived, compared to what happened with chemicals and 60 years of negotiation and talk and back and forth, and it's just crazy that it could take that long. And also then ridiculously optimistic that it could only take five or six years for plastics.

Jan: But I do sometimes think some of the ones that take the longest and, you know, climate would be a good example of that, is because we've built a, we've built a high carbon industry a whole basis of our, our economic organisation is around high carbon.

So actually to negotiate a difference is really quite difficult. Whereas maybe with plastics, you know, the, the realisation has come together that these are, this is a, an endemic harm that we want to sort out, so it might be much more straightforward.

And we have built our lives around plastics, but not in the same way as the whole of the world economy is built around a, a high carbon model.

So sometimes the physical nature of the feature that the, the treaties are being made about will undoubtedly affect the ability of nations to come together and do something about it.

Paul: And a lot is obviously gonna depend upon the politics of certain major nations in the world, I don't think we need to mention names, but there are certain nations that are going to have specific attitudes towards what should happen with plastics, based upon who is politically in charge at the time, and there's gonna be more elections this year in certain big economies as well that will affect that.

Jan: I think Alex must have a high level of patience, 'cause if everything was nailed down and there's a new government and everything then is sort of unnailed and it has to be redone, uh, you know, it would cause you to tear your hair out, I'm sure.

But it, but it's the reality of, of the world. That's the way the world does and has to work.

Paul: And as a bonus, Alex has obviously got to know the corridors of Bonn's conference centres ridiculously well over the years. [Jan laughs] And, you know, I, I've been past Bonn several times on the train. It doesn't look like the most exotic place to visit, I have to say. But you know, Alex obviously loves it.

Jan: [laughing] Well, she loves the view from her conference hotels...

Paul: ... and if nothing else that's what she's got. Well, next time Jan, we're not going to be in Bonn, but we are going to be in foreign climes 'cause we're going to speaking to two guests from Switzerland.

Jan: That's very good. And so these guests are, are people that we've, we've got to know who have, um, a really interesting book that they're gonna talk us through.

So might you say more about them then?

Paul: Yeah. We're gonna be speaking to Julia Binda and Knut Haanaes who are from IMD Business School in Lausanne all about their book 'Leading the Sustainable Business Transformation'. And their experience working around sustainability in business, and believe me, they've got a lot of experience.

[Theme music]

Jan: That sounds brilliant.

Paul: Until then, thank you very much for listening. I'm Paul Turner.

Jan: And I'm Professor Jan Bebbington.

[Theme music]