

Comment



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Artist Benjamin Von Wong's installation sat outside the United Nations building in Geneva during negotiations for the plastics treaty in August.

Environmental treaties are paralysed – here's how we can do better

Rakhyun E. Kim & Peter Bridgewater

The collapse of talks about a UN plastics treaty is the wake-up call we didn't need. It's time to study what is going wrong and why.

On 15 August in Geneva, Switzerland, a fifth round of negotiations towards a multilateral treaty on reducing plastic pollution collapsed. The chair announced that the committee had concluded its work – without producing a draft treaty. Governments had failed to agree on the proposed articles of the convention; no further negotiations were being suggested.

This failure reveals a weakness in all

environmental treaty negotiations, whether new or existing ones: a consensus-driven process waters down action to the lowest common denominator. Only symptoms get addressed, not causes.

The result is much action without impact. Yet this ineffective method continues – a situation we characterize as 'institutional paralysis'. What's needed is to make international organizations capable of imagining and

doing things differently. That requires more research on politics and governance, and that institutions make better use of the knowledge generated by that research.

To overcome this paralysis, at least in the environmental arena, we propose establishing a standing process, mandated by governments, to evaluate the state of global environmental treaties and related bodies. Its role would be to assess their fitness, both individually and collectively; identify what is and is not working and why; and provide actionable recommendations to the United Nations for reforming them.

Frozen institutions

International environmental institutions resemble deer frozen in headlights: acutely aware of an impending crisis, yet incapable of meaningful movement. The UN Framework Convention on Climate Change elevates urgency, but even implementing its current pledges fully would fall short of avoiding dangerous climate change¹. The Convention on Biological Diversity sets ambitious conservation targets for protected areas, yet expanding the zones offers little defence against an intensifying local and global extinction of species caused by climate change².

These are not merely failures of ambition. They are design flaws. The implementation of existing policies, however robust, is insufficient to confront the scale and complexity of today's polycrisis³.

The result is institutional paralysis: a persistent incapacity of environmental institutions to act, adapt or achieve stated objectives despite sustained procedural activity. Like the Red Queen in *Alice through the Looking Glass*, paralysed institutions run in place just to stay put. Trapped in cycles of action without impact, movement persists but purpose dissolves.

The rational response to paralysis would be to acknowledge it and seek support. Yet most institutions resort to symbolic gestures to maintain the appearance of relevance. In July in Zimbabwe, after months of discussions, the Ramsar Convention on Wetlands agreed on a strategic plan that mostly reaffirmed 20-year-old decisions. The International Whaling Commission projects the illusion of progress, framing resolved issues such as widespread whaling as ongoing to justify the body's continued activity⁴.

Others choose to gamble. The London Convention and its 1996 Protocol on marine pollution have opened the door to marine

geoengineering, including fertilization of the ocean with iron to stimulate phytoplankton growth and, increasingly, measures to enhance ocean alkalinity to increase carbon dioxide absorption⁵. Although such interventions would carry huge, clearly identified risks to the marine environment, they are still being considered as potential responses to climate change.

This reflects a broader dynamic: institutions are navigating trade-offs between various risks, in ways that endanger the very object that they seek to conserve, and undermine their own effectiveness in saving it.

Diagnosing institutional paralysis

Institutional paralysis arises when organizations are confronted with circumstances that exceed their original purpose, authority or capability. Take, for example, climate change. Today's climate is in much worse shape than when the UN Framework Convention on Climate Change was adopted in 1992, arguably exceeding the body's capacity to manage responses. Scientific knowledge about our planet is abundant and expanding and institutions are increasingly overloaded with information.

“Most international environmental institutions are chronically under-resourced.”

Groups of scientists have tried to issue ‘warnings to humanity’⁶, but after initial brief attention, the warnings go unheeded. And concerns are spiralling faster than UN conventions can keep up with. For example, the study of climate change involves not only the natural sciences, but also, increasingly, social sciences – adding further angles, such as justice, to the discussions⁷. Yet deteriorating social issues are an outcome of the acceleration of global warming, which further stretches the climate agenda. Ineffectiveness then breeds more problems, while resources remain stagnant. As a result, public confidence in the climate convention erodes, reinforcing the sense of paralysis.

Already-overburdened institutions are also strained by accelerating anthropogenic pressures that fall outside their mandates. Today, much of this spillover stems from climate change⁸. For example, the World Heritage Convention lists 51 marine sites in its protected areas, including 29 coral reefs – which looks good on paper. However, it lacks

the authority to address climate-driven threats to coral reefs, such as ocean warming and acidification. Although there is a great deal of science available to assist with evaluating impacts on heritage, geopolitical realities hold more sway on which sites are accepted and added to the list⁹.

The complex reasons why institutions tread water are revealing. Limited capacity is one factor. Most international environmental institutions are chronically under-resourced¹⁰. Climate change is often more politically salient than biodiversity and tends to receive most of the funding¹¹. For example, the Cali Fund for supporting the sharing of genetic resources, which was launched amid excitement in February at the resumed 16th biodiversity Conference of the Parties (COP16) in Rome, is struggling to reach its targets.

Geopolitical dynamics further exacerbate the problem of fundraising for the conventions, and tend to favour climate over biodiversity, despite the nexus between them. The behaviours of major powers such as the United States, Russia, China and the European Union shape outcomes of multilateral negotiations. Sometimes, countries with economies that rely heavily on oil and natural gas act as deliberate blockers. Contestation between countries with different socio-economic and political circumstances also deepens institutional paralysis.

Even when they lack capacity and resources, most institutions continue to project an image of progress and preserve the appearance of hope rather than acknowledge failure and close. Like all entities composed of people, they are inherently political. Admitting the failure of institutions into which so much has been invested, without viable replacements, is seen as carrying too great a political (and psychological) risk.

Many institutions are also entrenched in the ecomodernist paradigm¹²; they often choose to pursue technological fixes, such as carbon capture or extensive monoculture afforestation, as the path of least resistance. Yet such fixes often lead to more problems.

Call for international assessment

The challenge is not simply translating science into policy and action but also addressing the politics of institutions themselves. Reform of these institutions – and of the UN more broadly – cannot be achieved through piecemeal fixes with the same logic with which they have always been run.

This is why periodic reviews of implementation have not worked well. For example, the

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Global Stocktake revealed that the world has not yet met the goals of the Paris Agreement, but led to little action. It is also why the dozens of global environmental assessments – on climate change, biodiversity, the environment, oceans, water, land, resources, waste, ozone, forest resources, wetlands and so on – remain poorly used. They touch on questions of policy and institutional effectiveness only to reinforce the same message: more resources, more implementation and more coordination. In doing so, they leave institutions where they are, reinforcing paralysis.

What is crucially missing is scientific authority on this overall matter. Scientists need an independent expert body, mandated by governments, to produce authoritative and binding recommendations for environmental bodies and treaties, required at the level of the UN Environment Assembly. Its scope should go beyond reforming individual institutions in isolation. Overcoming paralysis requires systematic mapping and evaluation of institutions as interconnected components of a broader governance landscape. The UN's proposed reforms for a modernized 'UN 2.0' system go some way towards this by promoting a data-driven systems approach that integrates innovation, foresight and insights from the social sciences.

These recommendations would include whether to transform, merge or retire institutions. The guiding question is this: is the whole greater than the sum of its parts?¹³ Is each institution, and its interactions, contributing to overarching goals such as the integrity of Earth's life-support systems?¹⁴ If not, what should change?

For example, consensus decision-making

might no longer be the most appropriate approach, as shown by the plastics-treaty negotiations failure. Voting for or pursuing more arrangements between only a subset of countries could enable urgently needed action.

The assessment should also guide inter-institutional relations, including decisions on redirecting resources and redrawing boundaries to better align mandates with problems and their interactions. When impacts spill over, overburdened institutions should be empowered to intervene and address underlying causes rather than remain passive.

The body should assess whether resources

“When institutions are no longer fit for purpose, retiring them should be normalized.”

are distributed optimally across institutions and, where they are not, promote resource-sharing and diversion to those in urgent need. Earlier reform proposals should be revisited, such as establishing a law of the atmosphere to regulate activities affecting it¹⁵. Conversely, when a problem has grown too large, breaking it up for several organizations to tackle might be the better option.

When institutions are no longer fit for purpose, retiring them should be normalized. Of the thousands of treaties in existence, few have been formally ended, leaving many as ‘zombies’¹⁶. Closure should not be seen as failure, but as a necessary step in maintaining an effective overall system, creating space and

freeing up resources for new institutions to emerge.

To ensure the assessment's findings translate into action, parties to the relevant treaties, both individually and collectively, should be required to issue a formal ‘consider-or-comply’ response, specifying either how recommendations will be implemented or why they will not be adopted. The UN Environment Assembly would then conduct a system-wide stocktake at each assessment cycle to monitor follow-up and identify persistent gaps. The body itself should comprise a regionally balanced group of experts and practitioners, supported by an independent secretariat.

Sounds utopian? Perhaps. But it is the only way forwards, just as cutting emissions is the only way to address climate change. The obstacles in the way of reform are clear. The principle of sovereignty often serves as a barrier to institutional cooperation. Geopolitics and the decline of multilateralism are others, and are less easy to address, because they represent human frailty and our global inability to address it. These challenges need to be identified and spelt out. They must be confronted directly, through institutional overhaul and innovation, as the UN80 Initiative seeks to do for the United Nations.

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Ministers met in May to set directions for negotiations at COP30 in Brazil in November.