

In 2022, the **IUCN World Commission on Environmental Law (WCEL)** created the Plastic Pollution Task Force to provide insights and support to the Treaty negotiation process. The following briefing is one in a series of six targeted legal briefs that are part of the present IUCN Submission for the second Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

**Contact:**

Karine Siegwart, IUCN Head of Delegation, IUCN Senior Policy Advisor, International Policy Centre, [karine.siegwart@iucn.org](mailto:karine.siegwart@iucn.org)

Alexandra R. Harrington, Lancaster University Law School and Chair, IUCN WCEL Agreement on Plastic Pollution Task Force, [a.harrington1@lancaster.ac.uk](mailto:a.harrington1@lancaster.ac.uk)

**IUCN WCEL Briefings for Negotiators for INC-2**

These are updated briefings of the INC-1 submissions, please note, and are considered version 2.

- BRIEFING 2 of 6: Glossary of Key Terms

**IUCN BRIEFING FOR NEGOTIATORS  
Plastic Treaty INC-2 Session**

**BRIEFING 2 of 6: Glossary of Key Terms**

**Key Messages:**

In United Nations Environment Assembly (UNEA) resolution 5/14 one of the critical areas designated for early negotiation in the Plastic Pollution Treaty is the generation of a glossary of key terms. One of the initial topics selected for discussion during INC-1 was the glossary of key terms to be used in the Plastic Pollution Treaty. At the end of INC-1, no clear set of key terms emerged, although States did provide insights into many topics that will require them moving forward in the negotiation process. The generation of a holistic and meaningful glossary of key terms that reflects the need to combine legal and technical realities relating to plastics is essential to framing the Plastic Pollution Treaty. This briefing addresses and follows the format of the briefing note generated by the UNEP Secretariat in advance of INC-1, highlighting areas of importance for INC-2.

**1. Terms used in Environment Assembly resolution 5/14 that have definitions adopted or endorsed by an intergovernmental process**

**What?** *Environmentally sound waste management* – at present, the proffered definition reflects the definition used in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. As the UNEP Secretariat has noted, this definition was intended to apply in the specific context of hazardous waste.

**How?** Refinement and tailoring of the definition to reflect the scientific realities of plastic pollution and plastic waste management, building upon scientific knowledge and leaving open the option for this to be an expansive definition based on future advances in knowledge and technology.



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**What?** *Microplastics* – at present, the proffered definition reflects the terms of United Nations Environment Assembly resolution 2/11. Since the adoption of this resolution, States and regional organisations have enacted laws and rules regarding plastics that have created more concrete definitions which are at the forefront of technical knowledge. Examples include the European Union and the United Kingdom

**How?** Refinement of the UNEA resolution definition to reflect the changes in these legal and regulatory measures that have been enacted to allow for specificity in the proposed Treaty's parameters.

**What?** *Resource efficiency* – at present, the proffered definition is framed on the International Resource Panel glossary. Given the number of resources implicated by plastic pollution and its impacts, this definition could be seen as creating uncertainty regarding what constitutes a covered resource under the proposed Treaty.

**How?** Incorporate a definition of 'resource' to be covered by the proposed Treaty as part of the glossary of key terms similar to those contained in the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea.

**What?** *Sustainable production and consumption* – at present, the proffered definition reflects the progression from the 1972 Stockholm Declaration to Principle 8 of the Rio Declaration to the terms of Sustainable Development Goal 12. Sustainable production and consumption, however, is about doing more with less impact. It thus depends on decoupling human well-being and economic growth on the one hand, and resource use and environmental degradation on the other hand.

**How?** Optimizing production and consumption patterns has thus far not achieved to bring about sustainable production and consumption. Furthermore, pursuing greater resource efficiency often, in practice, leads to an increase in consumption, something which is called the rebound effect, and which needs to be avoided. This is particularly important in the context of plastics. A distinction might therefore be made between 'sustainable production and consumption patterns', and 'sustainable production and consumption volumes.'

**What and how?** To give full effect to the intent of the Plastic Pollution Treaty and reflect the nexus between UNEA resolution 5/14 and existing international instruments, the inclusion of definitions for 'sustainable development' and 'climate change' could be valuable. Similarly, by making an inclusive reference to the Rio Declaration Principles, UNEA resolution 5/14 would include terms such as national capabilities and circumstances, the precautionary approach, prevention and the polluter pays principle.

## **2. Terms used in Environment Assembly resolution 5/14 that do not have definitions adopted or endorsed by an intergovernmental process but that may be relevant to the development of the instrument**

**What?** The provisions of UNEA resolution 5/14 offer many critical terms that should be considered in the glossary of key terms because they are at the core of framing the Plastic Pollution Treaty and means for implementation. These terms include:

1. Best available science
2. Economies in transition
3. National action plans
4. Recycling
5. Sustainable alternatives
6. Sustainable design



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7. Circular economy
8. Circularity

**How?** Incorporate these terms into the negotiations along with the terms suggested by the UNEP Secretariat.

### **3. Terms not used in Environment Assembly resolution 5/14 that may be related to those used in the resolution and that have definitions adopted or endorsed by an intergovernmental process**

**What?** Throughout the legal, policy and scientific literature on plastic pollution there are several terms that often occur and could play an interpretative role in the Plastic Pollution Treaty. This is reflected in the other briefing documents authored by the UNEP Secretariat in advance of INC-1.

**How?** Consider the incorporation of these terms into the negotiations along with the terms suggested by the UNEP Secretariat. Such terms include:

1. Adverse effects
2. Airborne pollution
3. Alternative substances
4. Best available techniques
5. Biological diversity
6. Capacity-building
7. Chemical/banned chemical/severely restricted chemical
8. Cultural heritage
9. Cryosphere
10. Disposer
11. Dumping
12. Environmental effect
13. Environmental Impact Assessment
14. Environmental information
15. Fishing
16. Fishing related activities
17. Generator
18. Groundwater
19. Harmful substance
20. Hazardous substances
21. Intangible cultural heritage
22. Just transition
23. Land-based pollution
24. Land-based sources
25. Marine debris
26. Marine environment
27. Marine litter
28. Natural heritage
29. Non-point-source of water pollution
30. Point-source of water pollution
31. Pollution
32. Ship
33. Small Island Developing States
34. State of export
35. State of import
36. State of transition



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37. Transboundary impact
38. Transboundary movement
39. Transboundary waters
40. Underwater cultural heritage

#### **4. Other relevant terms not used in Environment Assembly resolution 5/14 or having definitions adopted or endorsed by an intergovernmental process**

**What?** Plastic pollution is a scientific issue requiring the bridging of technical and legal knowledge to generate a comprehensive treaty regime. Thus, there are a number of terms that will need to be defined to reflect the current and future state of scientific capacity in the plastics industry. A number of these terms are referenced in the UNEP Secretariat in its briefing note on Plastic Science.

**How?** Consider the incorporation of these terms into the negotiations along with the terms suggested by the UNEP Secretariat. Such terms include:

1. Agricultural plastics
2. Best practices
3. Bio-degradable plastic
4. Bioplastics
5. Chemical additives
6. Chemical recycling
7. Chemicals used in manufacturing
8. Commercial/industrial plastics use
9. Compostable
10. Consumer plastics use
11. Forms of plastic
12. Global carbon cycle
13. Greenhouse gases (GHGs)
14. Harmful additives
15. Macroplastics
16. Mechanical recycling
17. Micropollutants
18. Necessary plastic products
19. New forms of plastic
20. Non-recyclable plastic
21. Open burning
22. Plastic additives
23. Plastic leakage
24. Post-consumer use
25. Primary microplastics
26. Recyclable plastic
27. Secondary microplastics
28. Sensitive ecosystems
29. Short-lives plastics
30. Single-use plastic
31. Terrestrial environment
32. Virgin plastics