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 ten targeted legal briefs that are part of the present IUCN Submission for the third Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment.

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IUCN WCEL Briefings for Negotiators for INC-3

These are updated briefings of the INC-1 and INC-1 submissions, please note, and are considered version 3 – for submission to INC-3 as annexes for Forms A and B from IUCN. Further information can be found on https://www.iucn.org/incplastics - or by searching https://www.iucn.org/search?key=plastics.

- **BRIEFING 2 of 10: Glossary of Key Terms**

IUCN WCEL BRIEFING FOR NEGOTIATORS
International Legally Binding Instrument INC-3 Session
Glossary of Key Terms

Key Messages:

In United Nations Environment Assembly (UNEA) resolution 5/14 one of the critical areas designated for negotiation in the International Legally Binding Instrument (ILBI) is the generation of a glossary of key terms. 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 same issues were experienced during INC-2, and thus the issue of definitions is among those highlighted for State and stakeholder submissions in advance of INC-3. 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 ILBI. This briefing addresses and follows the format of the briefing note generated by the INC Secretariat in advance of INC-1, highlighting areas of importance for INC-3 in addition to the discussions from INC-1 and 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.

What? *Microplastics* – at present, the proffered definition reflects the terms of UNEA resolution 2/11. Since the adoption of this resolution, States and regional organizations 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 ILBI'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 resourced under the ILBI.

How? Incorporate a definition of 'resource' to be covered by the ILBI 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 ILBI 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 ILBI 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
7. Circular plastics economy
8. Circularity

How? Incorporate these terms into the negotiations along with the terms suggested by the INC 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 ILBI. 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. Public Procurement
33. Ship

34. Small Island Developing States
35. State of export
36. State of import
37. State of transition
38. Transboundary impact
39. Transboundary movement
40. Transboundary waters
41. 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 INC 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 INC 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. Extended Producer Responsibility
12. Forms of plastic
13. Global carbon cycle
14. Greenhouse gases (GHGs)
15. Harmful additives
16. Macroplastics
17. Mechanical recycling
18. Microplastics
19. Micropollutants
20. Nanoplastics
21. Necessary plastic products
22. New forms of plastic
23. Non-recyclable plastic
24. Open burning
25. Packaging Material
26. Plastic additives
27. Plastic leakage
28. Post-consumer use
29. Primary microplastics
30. Public-Private Partnerships
31. Releases
32. Recyclable plastic

33. Repair
34. Reuse
35. Secondary microplastics
36. Sectors of circular plastics economy
37. Sensitive ecosystems
38. Short-lives plastics
39. Single-use plastic
40. Sustainable Substitutes
41. Terrestrial environment
42. Virgin plastics