

IUCN WCEL BRIEFING FOR NEGOTIATORS

Plastic Treaty INC-1 Session

Glossary of Key Terms

Key Messages:

Through United Nations Environment Assembly (UNEA) resolution 5/14 and subsequent efforts by the Open-Ended Working Group, during INC-1, States and stakeholders have the opportunity to engage in the first steps toward the conclusion of a Plastic Pollution Treaty. One of the initial topics selected for discussion at INC-1 is that of a glossary of key terms to be used in the Plastic Pollution Treaty. 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, highlighting areas of importance for INC-1.

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.

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.¹

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

¹ Examples include the European Union and the United Kingdom.

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 (UNCLOS).

What? Sustainable production and consumption (SPC) – 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. SPC, however, is about doing more with less impact.² 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 SPC. 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.³ 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 common but differentiated responsibilities, the precautionary approach 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

² Christina Voigt, ‘Principle 8’ in Jorge E. Viñuales (ed.) *The Rio Declaration on Environment and Development: A Commentary* (OUP 2015), 247.

³ UNEP ‘Sustainable Consumption and Production: A Handbook for Policymakers’ (2015) <<https://sustainabledevelopment.un.org/content/documents/1951Sustainable%20Consumption.pdf>> last accessed 31 October 2022.

6. Sustainable design
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 for 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. Biological diversity
2. Capacity-building
3. Cryosphere
4. Just transition
5. Marine debris
6. Marine environment
7. Marine litter
8. Small Island Developing States
9. State of export
10. State of import
11. State of transition
12. Transboundary movement

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. Bio-degradable plastic
3. Bioplastics

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

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