



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

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

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

