

To:
Jyoti Mathur-Filipp
Executive Secretary
Secretariat of the INC on Plastic Pollution

Aug 2 2024

CC:
Secretariat to the Aarhus Convention
United Nations Economic Commission for Europe (UNECE)

Secretariat to the Escazú Convention
Economic Commission for Latin America and the Caribbean (ECLAC)

Dear Ms. Mathur-Filipp,

We are writing in response to your letter dated [5 July 2024](#), regarding the participation of Observers in the ad hoc intersessional open-ended expert groups. While we appreciate the acknowledgment of our contributions to the Intergovernmental Negotiating Committee (INC) on plastic pollution, we must express our disappointment with and objections to the explanations provided for limiting Observer participation – the same answer which was provided to the sign-on letter on behalf of [133 organizations](#), the [Latin American and Caribbean Network](#), and the [International Pollutants Elimination Network](#).

The exclusion of Observers undermines the principles of transparency and inclusiveness that are vital to the success of all environmental negotiations. Even if these meetings are not formal negotiating sessions, intersessional work is expressly intended to move this process forward and to provide foundational information for the next INC and, thus, should be open to all stakeholders and rights holders, including Observers. With only one scheduled INC session remaining, the decision on intersessional work is designated 'for consideration by the Committee at its fifth session,' so both the outcome documents from the intersessional work and the associated process and discussions are critical.

Many Member States that form part of the committee have also expressed their unequivocal support for the participation of Observers, specifically Civil Society Organisations.¹

Furthermore, the ad-hoc open ended expert groups are subsidiary organs of the INC,² and ***under Rule 54 meetings of subsidiary organs “shall be held in public, unless the organ concerned decides otherwise.”***³ As such, it is the responsibility of the ad-hoc open ended expert groups to decide if they would not like to hold their meetings in public; this decision cannot be made by the Secretariat.

¹ INC-4 report, para 87, https://wedocs.unep.org/bitstream/handle/20.500.11822/45872/INC4_Report.pdf.

² Draft Rules of Procedure, Rule 49, <https://wedocs.unep.org/bitstream/handle/20.500.11822/44807/DraftRulesofProcedures.pdf>.

³ Draft Rules of Procedure, Rule 54.

The exclusion of Observers from these expert group meetings contradicts these established international norms. We expect UNEP to lead the way in pushing the boundaries of the given mandate towards supporting civil society and rights holders and enhancing public participation and achieving an inclusive and transparent process.

The repeated distinction between “experts” and civil society and Observers is rooted in the problematic assumption that frontline and fenceline communities and Indigenous Peoples are not experts in any of the intersessional work topics – ignoring and disrespecting their experience, knowledge, expertise, and distinct perspectives. Indigenous Peoples are not only experts, but are Rights-holders who have the right to participate in decision making in matters which would affect their rights.⁴ The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) specifies that UN bodies shall promote the “full application of the provisions of this Declaration,” including ensuring participation of Indigenous Peoples on issues that would affect them.⁵ Subjecting the participation of Indigenous Peoples to nomination by Member States violates the UNDRIP.

Public participation is a key principle of international human rights law and numerous international instruments, including in environmental governance. Both the Aarhus Convention⁶ and the Escazú Agreement⁷ elaborate on the legal obligation to ensure and promote public participation and right to information in international decision-making in environmental matters. Member states who are party to these international agreements have a duty towards participation in these forums.

The responsibility of UNEP and the INC Secretariat is not merely to follow the letter of the mandates, but to uphold the principles of transparency, access to information, and public participation in environmental governance as envisaged under UNEP’s Guiding Principles of its Handbook for Stakeholder Engagement.⁸

We call upon UNEP and the INC Secretariat to reconsider its current approach and suggest strongly the following remedy:

1. Ensure all meetings of the ad-hoc intersessional expert groups are public going forward to fulfill the requirements of the provisionally applied **Rules of Procedure**, unless each of the ad-hoc intersessional expert groups makes a decision to the contrary. Webcast

⁴ UNDRIP Articles 18, 19 https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf.

⁵ UNDRIP Article 41.

⁶ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XXVII-13&chapter=27.

⁷ Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XXVII-18&chapter=27&clang=en.

⁸ UNEP Handbook for Stakeholder Engagement, page 15, https://wedocs.unep.org/bitstream/handle/20.500.11822/32831/stakeholder_handbook_EN.pdf?sequence=11.

the in-person session in Bangkok, through the Interactio platform, to ensure that the meeting is “held in public” and to facilitate viewing for registered Observers and INC Member delegates unable to attend the meetings in-person.

2. Ensure full application of the Rules of Procedure to all intersessional work, virtual and in-person, to be transparent to the greatest extent possible and strengthen participation of Indigenous Peoples in the process, as stipulated in UNDRIP, inter alia, articles 18, 19 and 41.
3. In the interest of inclusive and fair participation, we also urge the Secretariat to offer translations at a minimum in French, English and Spanish for all sessions of the ad hoc intersessional open-ended expert groups.

Thank you for your attention to this matter. We look forward to a constructive response and to continuing our collaborative efforts toward addressing the multidimensional challenge of plastic pollution.

Signed,

1. Grambangla Unnayan committee
2. Women Engage for a Common Future, WECF
3. Health and Environment Justice Support (HEJSupport)
4. Zero Waste Himalaya
5. Gallifrey Foundation, Switzerland
6. Society of Native Nations
7. Basel Action Network
8. Pacific Environment Vietnam
9. Vietnam Zero Waste Alliance
10. Trash Hero World
11. Wahana Lingkungan Hidup Indonesia (WALHI)
12. Association de l'Education Environnementale pour les Futures Générations, Tunisie
13. OceanCare
14. Korea Federation for Environmental Movements (KFEM)
15. Center for International Environmental Law (CIEL)
16. Break Free From Plastic (Global)
17. Global Alliance for Incinerator Alternatives (GAIA), Global
18. Eco-justice Ethiopia
19. No Plastic In My Sea (France)
20. ParyavaranMitra, India
21. Plastic Free Seas (Hong Kong)
22. Race for Water Foundation
23. Eco Circular India Foundation
24. Environment and Social Development Organization (ESDO)
25. Almang Market
26. Plastic Change (Denmark)
27. Sustainable Research and Action for Environmental Development (SRADeV Nigeria)
28. Citizen consumer and civic Action Group (CAG)
29. Dietplastik Indonesia
30. Wonjin Institute for Occupational and Environmental Health (WIOEH)
31. ECO-Accord
32. Sustainable Environment Development Initiative (SEDI)
33. Irrigation Training and Economic Empowerment Organization - IRTECO, Tanzania

34. Armenian Women for Health and Healthy Environment (AWHHE)
35. Consumers' Association of Penang, Malaysia
36. Sahabat Alam Malaysia (Friends of the Earth)
37. Center to Combat Corruption and Cronyism (C4 Center), Malaysia
38. Action on Smoking and Health ASH, USA
39. Trash Free Trails, United Kingdom
40. Between the Waters, USA
41. Nipe Fagio, Tanzania
42. Aliança Resíduo Zero Brasil
43. Ecological Observation and Wetlands Conservation / ECOTON (Indonesia)
44. River Warrior Indonesia
45. Brantas River Waterkeeper Indonesia
46. Solo River Waterkeeper Indonesia
47. Alliance for Community Actions in Brantas Basin / AKSIBRANTAS (Indonesia)
48. AGENDA Tanzania
49. adansonia.green (Senegal)
50. Kuala Langat Environmental Action Association, Malaysia
51. Humusz Waste Prevention Alliance, Hungary
52. Environmental Investigation Agency
53. Zero Waste France
54. The Scarab Trust
55. Green Heritage Fund Suriname
56. Fenceline Watch (US-EJ)
57. Center for Coalfield Justice (United States)
58. End Plastic Pollution - Uganda
59. PlastiCo. Project Foundation (Ecuador)
60. MarViva Foundation (Costa Rica, Panama and Colombia)
61. Red Mexicana de Acción Ecológica, México
62. Academia Mexicana de Derecho Ambiental, México
63. IndyAct-Lebanon
64. Oceana, Brazil
65. Congo Basin Youth for climate, The Democratic Republic of Congo
66. The Center for Oceanic Awareness, Research, and Education (COARE)
67. Taller Ecologista, Argentina
68. Pacific Environment
69. The Ocean Foundation
70. Centre for Science and Environment (CSE), New Delhi, India
71. Plastic Oceans International
72. Plastic Free Future (United States)
73. The Descendants Project (United States)
74. Tangaroa Blue Foundation (Australia)
75. Breathe Free Detroit (United States)
76. Foundation for Environment and Development (FEDEV), Cameroon
77. Health Care Without Harm Southeast Asia
78. Australian Marine Conservation Society (AMCS), Australia
79. Port Arthur Community Action Network (PACAN) (USA)
80. Centre for Chronic Disease Control, New Delhi, India
81. Appui Solidarité Pour Le Renforcement De L' Aide Au Développement - Mali
82. Nexus3 Foundation, Indonesia
83. EcoWaste Coalition, Philippines
84. Plastic Soup Foundation (the Netherlands)
85. Retorna.org
86. Solidarité pour la Protection des Droits de l'Enfant(SOPRODE), RDC.

87. Pacific Islands Climate Action Network (PICAN), [Pacific Region]
88. Environmental Justice Foundation
89. Center for Renewable Energy and Sustainable Technology (CREST) Philippines
90. Mother Earth Foundation, Philippines
91. California Communities Against Toxics
92. Eco-Dahab, Egypt
93. Dayma, Egypt
94. Sustainable Network Egypt, Egypt
95. Occidental Arts and Ecology Center, USA
96. Plastic Pollution Coalition, USA
97. Earth Day Network dba. EARTHDAY.ORG
98. Red de Acción por los Derechos Ambientales RADA, Chile
99. India Institute for Critical Action Centre in Movement (CACIM), India
100. Centre for Financial Accountability (CFA), India
101. Solid Waste Management Roundtable (SWMRT), India
102. Center for Biological Diversity
103. Toxisphera, Brasil
104. Association For Promotion Sustainable Development from India
105. Fundación El Árbol, Chile
106. Colectivo Vientosur, Chile
107. Greeners Action, Hong Kong
108. Fundación Títeres En Red
109. Zero Waste Society, Ukraine
110. REACHOUT SALONE - Sierra Leone
111. Greenpeace (which signifies the global network of Greenpeace organizations)
112. Surfrider Foundation Europe
113. Ecojustice Canada
114. Azul, USA
115. Center for Earth Ethics
116. Greenish Foundation, Egypt
117. Ohio Valley Allies, USA
118. Community Action Against Plastic Waste (CAPws)
119. RAPAL Uruguay
120. Integrative Strategies Forum (ISF), USA
121. Ecology Center, USA
122. BAN Toxics (Philippines)
123. International Pollutants Elimination Network (IPEN)
124. Environmental Coalition on Standards (ECOS)
125. Sciaena, Portugal
126. Just Transition Alliance (JTA)
127. Alianza Basura Cero, Chile
128. Fundación Lengua, Chile
129. Aotearoa Plastic Pollution Alliance, New Zealand
130. Environmental Protection Society Malaysia (EPSM)
131. Friends of the Earth US
132. CESTA, Friends of The Earth El Salvador
133. Centre for Environment Justice and Development (CEJAD), Kenya
134. Marine Ecosystems Protected Areas (MEPA) Trust, Antigua and Barbuda
135. Ocean. Now!, Germany
136. Reacción Climática - Bolivia
137. Environmental Defence Canada
138. We Yone Child Foundation
139. Red Dominicana de Estudios y Empoderamiento Afrodescendiente (RedAfros),

República Dominicana

- 140. Inuit Circumpolar Council
- 141. EARTHCARE, The Bahamas
- 142. Bali Waste Platform
- 143. Fundación de Acción Social por Panamá, Panamá