

**To:**

*INC Bureau Members:*

Ms. Juliet Kabera

Mr. Ndiaye Cheikh Sylla

Mr. Hiroshi Ono

Mr. Mohammed Albarrak

Mr. Harry Liiv

Ms. Irma Gurguliani

H.E. Gustavo Meza-Cuadra Velasquez

Ms. Asha Challenger

Ms. Johanna Lissinger-Peitz

Ms. Larke Williams

**CC:** Ambassador Vayas Valdivieso, INC Chair; Ms. Jyoti Mathur-Filipp, Executive Secretary of the INC Secretariat; Ms. Inger Andersen, Executive Director of UNEP; Ms. Daniela García; Mr. Andrés Gómez

11 Feb 2025

## **Call for protections and assurances for observer participation at INC 5.2**

Dear Bureau members,

Members of the Scientists' Coalition for an Effective Plastics Treaty have actively supported delegates at the Global Plastics Treaty Negotiations since the beginning of this important process. We have participated in all five INC meetings, as well as at the OEEG, and contributed actively during intersessional periods. The causes of plastic pollution are highly complex, highlighting the need for cutting-edge expertise, while applying systems thinking. For the successful drafting of an ambitious and effective treaty, the negotiation process must be grounded in the best available scientific evidence and knowledge. Independent scientific experts across disciplines are needed to help interpret, summarize and explain the evidence, to evaluate the appropriateness of potential solutions and control measures, and to help drive innovation, all while contributing to the avoidance of regrettable alternatives and substitutes. We are therefore contacting you requesting assurances that observer participation will be upheld in upcoming meetings. We request that the bureau discuss this issue in their next meeting and implement changes that protect observers' rights and increase transparency and trust in this process.

As scientists, we stress the importance of participation, in line with UNEP resolution 5/14 "*stressing the urgent need to strengthen the science-policy interface at all levels, improve understanding of the global impact of plastic pollution on the environment, and promote effective and progressive action at the local, regional and global levels.*" Resolution 5/14 also states that the INC, in its deliberations on the instrument, is to consider "*the best available science, traditional knowledge, knowledge of indigenous peoples and local knowledge systems*" and the "*possibility of a mechanism to provide policy-relevant scientific and socioeconomic information and assessment related to plastic pollution.*" Our scientists recognized the absence of an independent body of scientific experts in the treaty negotiations; consequently, we have been volunteering our time and expertise to support member states with independent science-based evidence since INC-1.

Participation of scientists at this interface also aligns with the Universal Declaration of Human Rights. Article 27.1 states, *“Everyone has the right freely to...share in scientific advancement and its benefits”* and Agenda 21 (31.4.d) which calls for strengthening science and technology at the highest levels of the UN to ensure that policy and developmental strategies are aligned with the best available science. Numerous other UN agreements, declarations and conventions set the precedent for the critical role of observers, including rightful knowledge holders, Indigenous Peoples, scientists, and civil society and their freedom to share scientific evidence and to benefit from it. This includes the Escazú Agreement and the Aarhus Convention, requiring meaningful public participation in decision-making regarding the environment, including in international fora. Article 9 of the Rio Declaration on Environment and Development calls for *“improving scientific understanding through exchanges of scientific and technological knowledge”* and Principle 10 states that *“environmental issues are best handled with participation of all concerned citizens, at the relevant level (...) understood as necessary to promoting transparent, inclusive and accountable environmental governance.”*

Further, we stress the central importance of the integration of human rights with environmental matters, including the rights to life, to health, to a clean, healthy, and sustainable environment, the rights of children and Indigenous Peoples, and the rights to information and knowledge, and to science. This is supported by statements made by the OHCHR and the Special Rapporteur for Human Rights and Toxics during the INC proceedings. Both the current Chair of the INC and Executive Director of UNEP have acknowledged the key role of science and evidence-based decision making in this process.

Yet, at INC-4 and INC-5, observers, including scientists and other knowledge holders, were effectively excluded from much of the proceedings and there were scant opportunities for observer interventions in plenaries. Observer access in Busan was either limited due to space issues in contact groups or to ‘closed room’ informal negotiations. Procedural decisions to hold these closed meetings lacked transparency, as did subsequent deliberations in the rooms. The approach left observers with little time to properly prepare and support delegates, particularly when they were not allowed access to negotiating spaces. The lack of transparency is particularly concerning and undermines the above-mentioned calls for reliance on science and meaningful participation.

Consequently, our scientists’ ability to follow the negotiations was severely limited. This substantially undermined our ability to organize and effectively support negotiations with robust, independent scientific evidence. When denied access to negotiations, we are unable to identify the knowledge gaps, misunderstandings or misinformation that require clarification and evidence from the best available independent science, often spread by actors with conflicts of interest. Failure to enable independent scientists to support member states in the treaty negotiations will result in potentially regrettable substitutions, inadequate actions or partial solutions.

We are also concerned that closed-room informal negotiations will continue to favor large, well-resourced delegations, while potentially undermining participation and contributions from smaller delegations whose negotiators lack adequate support from a wide range of crucial expertise, potentially introducing power imbalances and biases.

We note that, unlike many industry representatives, independent observers, including scientists, face immense personal and financial costs of engaging in the treaty process, including their attendance at

INC meetings. Therefore, when they are denied access at negotiating sessions, the personal and financial risks for them are disproportionately higher.

We bring these concerns to you, as members of the Bureau, and seek your assurance that our rights as observers will be properly recognized and granted in all meetings and gatherings between now and INC5.2. We must bear witness to the full breadth of the discussion to adequately support member state negotiators, as many have approached us to do, and stress that our requests are in line with numerous UN principles, conventions and agreements. We express our hopes for the organization of work at INC 5.2 to avoid further delay, and to ensure progress, transparency, evidence-based decision making firmly grounded in scientific knowledge, and a successful conclusion to the negotiations. We sincerely hope that you take these matters seriously, as we all wish to see INC 5.2 culminating in an ambitious and effective treaty to end plastics pollution.

Sincerely,

the co-coordinators, on behalf of the members of The Scientists' Coalition for an Effective Plastics Treaty



Bethanie Carney Almroth



Richard Thompson



Trisia Farrelly

*Steering committee members of the Scientists' Coalition for an Effective Plastics Treaty:*

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