

To: H.E. Luis Vayas Valdivieso  
INC Secretary Jyoti Mathur-Filipp  
CC: INC Bureau Members

**Subject:** Fair & Balanced Participation Pending for the Ad Hoc Intersessional Open-ended Expert Groups

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Dear Ambassador Vayas Valdivieso,  
Dear INC Executive Secretary Jyoti Mathur-Filipp,

We are writing as Co-Chairs of IPEN, an international network of over 600 organizations in 129 countries working for a toxic-free future. As an observer, IPEN has participated and actively contributed to many international policy processes on chemicals and waste, starting in 1998 with the first INC to develop the Stockholm Convention. We also participate in expert groups and scientific committees operating between sessions of the Conferences of Parties of the Basel, Rotterdam, Stockholm and Minamata Conventions.

We recognize and commend the progress of INC-4 to move forward with intersessional work. However, we would like clarification on the proposal for participation in the intersessional work, as the current scenario breaks precedent with previous UN INC and MEA Expert Meetings by severely restricting participation. By excluding meaningful and necessary participation of independent scientists, vulnerable groups, and others from civil society, the Secretariat and INC Chair are risking creating an unfair and unbalanced process.

Specifically, we have the following concerns regarding the INC Secretariat's concept note regarding the ad hoc intersessional open-ended expert groups:

- **Observer participation:** In calling for intersessional work, INC-4 decided the work would be open to all members and did not exclude the participation of observers. In fact, several countries requested that observers be included in the work of the expert groups and no Member objected. Further, the provisionally approved rules of procedure for the INC process allow for observers "...to make contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process."
- **Limitations on the number of technical resource persons:** the Secretariat, in consultation with the Chair, has decided to invite selected technical resource persons to help inform the work of the expert groups, but has limited this pool of experts to 12 members. This is exceptionally limited and without justification. Given the scope and complexity of the work of each expert group, it is not possible for such a small number of experts to have the deep knowledge and expertise needed to manage all of the challenging global issues on the agenda. The participation of independent scientific and technical experts from a wide range of disciplines will be critical for informing the intersessional work. Moreover, this limitation is certain to lead to the exclusion of Indigenous Peoples (in contradiction to the UN 2017 call for more inclusion of Indigenous Peoples in all deliberations) and other vulnerable groups such as workers, women, children, and youth.

It is also critical to have civil society organisations (CSOs) acting as observers at the intersessional sessions to safeguard transparency, scientific integrity, and public participation. Proceedings of the

expert groups should be made public, to protect the credibility of the proceedings and outcomes. It will also be important for any invited expert to provide a conflict-of-interest statement; these statements should be publicly available and should be developed with an intent to promote the avoidance and not merely the disclosure of conflicts.

Participation of civil society is important for the realisation of the human right to a clean, healthy and sustainable environment. IPEN and other CSOs are experts in the field and bring a broad range of evidence, scientific assessments, and innovative solutions that otherwise would not be included in the deliberations. Importantly, IPEN participants are primarily experts from low- and middle-income countries, who often bring unique research and perspectives from communities most impacted by plastics. Without the participation of those who are most harmed by plastic pollution, the deliberations would likely be inadequate and compromise the outcome of the treaty.

There is still time to enable an open, transparent, and participatory intersessional process. While reaffirming IPEN's commitment to a successful Plastics Treaty, we are requesting an online meeting as soon as possible to discuss these concerns and offer suggestions for opening the intersessional process.

We recognize the world is watching and need a successful process to secure a meaningful and successful outcome.

Appreciating the June 24<sup>th</sup> registration process, we are keen to engage with you immediately, to help support both the INC Chair and Secretariat in preparing for the upcoming Ad Hoc Intersessional Open-ended Expert Group in Thailand.

We would like to propose a zooms meeting with you both on June 17<sup>th</sup> or June 18<sup>th</sup> at either 17:00 or 18:00 Nairobi time (15:00 or 16:00 London time).

Kind Regards,



Dr. Tadesse Amera  
IPEN Co-Chair



Pamela Miller  
IPEN Co-Chair

CC: INC Bureau Members:

Ms. Juliet Kabera  
Mr. Ndiaye Cheikh Sylla  
Mr. Hiroshi Ono  
Mr. Mohammad Al-Khashashneh  
Mr. Harry Liiv  
Ms. Irma Gurguliani  
H.E. Gustavo Meza-Cuadra Velasquez  
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