

April 28, 2023

Dear Executive Director Andersen and Secretary Mathur-Filipp,

On behalf of the undersigned organizations, we are writing today with a set of suggestions and concerns for your consideration related to the ongoing work of the Intergovernmental Negotiating Committee (INC) on plastic pollution. We thank you both for your work toward ending the plastics crisis and for directing much-needed UNEP capacities to support the development of the legally binding instrument called for in Resolution 5/14.

Encouragingly, many UN Member States are demonstrating ambition in their submissions to the process, acknowledging the health, climate, biodiversity, and human rights harms that come from the full lifecycle of plastics – not just pollution at the end of life. Several Member States are supporting the discussion of controls on production volumes and the hazardous chemicals used to produce plastics, clearly indicating that the future treaty cannot merely be about the “circularity” of plastics, which is a questionable concept in itself, given that even plastic recycling is not truly circular.

These “upstream” approaches, inclusive of the full lifecycle of plastics all the way up to production and the sourcing of production feedstocks, in particular fossil fuel-based, have further been supported by the UN Secretary-General, the chair of the INC, the UN High Commissioner for Human Rights, the UN Development Programme, the UN Special Rapporteur on toxics and human rights, and other prominent figures in the global governance and human rights spaces. Yet the global policy community has not yet seen equally ambitious leadership from either of your offices. **This is creating a noticeable and inappropriate absence of ambition from the two most prominent policy leaders in the global plastics governance space.** We hope your offices will resolve this noticeable tension ahead of INC-2 by leveraging your positions of leadership to, at a minimum, support the level of ambition demonstrated by Member States and other prominent global environmental policy officials.

We are further concerned by the process of intersessional work to inform the framing and development of the ongoing negotiations. We would like to note the relative lack of transparency regarding who is advising the work of the UNEP Executive Director and the INC Secretariat, what their interests are, and under what terms of reference they are conducting this advisory work. Different entities, such as the UNEP Economic Division or the public-private-partnership called the Life Cycle Initiative, have had obvious (but not explicitly disclosed) influence over meeting agendas and work products of the Secretariat in ways that are not visible or accountable to Member States, stakeholders and rights holders participating in the negotiation process. Our colleagues in the Scientists’ Coalition for an Effective Plastics Treaty have already raised the issue of private entities with potentially questionable affiliations and influences being contracted to do the work of the Secretariat, and we reiterate those concerns.

We are also extremely concerned about the lack of a substantial meeting report produced after INC-1. This is a stark departure from common and agreed-upon practices in other international processes. It further hinders accountability and constructive and effective participation in the negotiation process. **We ask the Secretariat to be particularly mindful of possible conflicts of interest; and to ensure the process for (and terms of engagement of) all advice provided to the Secretariat must first and foremost be made transparent and widely visible.**

On another facet of full transparency, we also request that your offices make the following adjustments to the INC process:

- **We deem it essential that meeting reports from the INCs and preparatory meetings be substantive, rather than merely procedural, in order to accurately reflect the substantive discussions that took place and that inform future negotiations.**
- The list of stakeholder participants in all INCs and intersessional meetings should be made publicly available on the INC website.
- The process by which the Secretariat publicizes third-party events and webinars should be made transparent and allow fair access to all stakeholders and rights holders. Similarly, the rules governing the Secretariat's use of the official INC email list must be made transparent and guarantee fair and equal access to all members of the list to issue similar distributions and announcements.

Lastly and critically, we remain concerned about access to the INC-2 negotiations in Paris and our ability to participate meaningfully and equitably. We have heard repeatedly about access to the building being restricted and the need for floating badges. Yet there is no clear or transparent process for how such badges will be allocated, who will oversee this process in the Secretariat, and how civil society is expected to manage the sharing of such badges. Given the ever-growing interest in the process and the clear need for greater inclusion of under-represented constituencies from environmental justice organizations, Indigenous peoples, and waste pickers, we anticipate far greater numbers of observer participants will be attending. Therefore, INC-1 participation is not an accurate barometer for estimated numbers moving forward. Finally, given that contact or working group meetings are not currently planned to be streamed live into overflow rooms or online, we are concerned that many stakeholders and rights holders will travel to Paris at great cost and will be effectively denied participation.

In summary, we ask UNEP and the INC Secretariat for (1) greater ambition and leadership from your offices on the solutions to the plastics crisis; (2) greater transparency and commitment to avoiding conflicts of interest throughout the INC process, in relation to the activities undertaken by the Secretariat, to the full and substantive reporting on the INC meetings, to the access provided to the Secretariat and its resources; and (3) fair access to the negotiations in Paris, and future meetings, for all stakeholders and rights holders, including workers in informal and cooperative settings, and rightful holders of traditional, Indigenous knowledge, and local knowledge in line with the INC mandate.

We appreciate your prompt attention to these requests and your continued dedicated leadership on this issue.

Sincerely,

Alaska Community Action on Toxics, U.S.  
Alianza Basura Cero Chile, Chile  
Alliance for Zero Waste Indonesia (AZWI),  
Indonesia  
Asociación Ecológica Santo Tomás, México  
Association For Promotion Sustainable  
Development from India, India  
BAN Toxics, Phillippines  
Break Free From Plastic, international  
Bring Back Green Foundation, India  
Carrizo Comecrudo Tribal Nation of Texas,  
U.S.  
Center for Biological Diversity, U.S.  
Center for International Environmental Law,  
international  
Centre de Recherche et d'Education pour le  
Développement (CREPD), Cameroon  
Centre for Citizens Conserving Environment  
& Management (CECIC), Uganda  
Centre for Environment Justice and  
Development  
Centre for Environmental Justice, Sri Lanka  
Centre for Financial Accountability, India  
Colectivo Malditos Plásticos, México  
Community Action Against Plastic Waste  
(CAPws)  
Congo Basin Youth for Climate, Congo  
Consumers' Association of Penang, Malaysia  
Development Indian Ocean Network,  
Mauritius  
Don't Waste Durham, U.S.  
Eco-Accord, Russia  
Eco-justice Ethiopia, Ethiopia  
Ecoton Foundation, Indonesia  
Ecowaste Coalition, Philippines  
Environment and Social Development  
Organization-ESDO, Bangladesh  
Environmental Ambassadors for Sustainable  
Development, Serbia  
Environmental Defence Canada, Canada  
Environmental Investigation Agency, U.K.  
Fenceline Watch, U.S.

Friends of the Earth Canada, Canada  
Friends of the Earth Malaysia, Malaysia  
Fronteras Comunes, México  
Fundación Aguaclara, Venezuela  
Fundación MINGAS POR EL MAR, Ecuador  
Gallifrey Foundation, Switzerland  
Génération Maastricht - Federation of Young  
European Policymakers (GM-FYEP), France  
Global Alliance for Incinerator Alternatives  
(GAIA), international  
Green Heritage Fund, Suriname  
Health and Environment Justice Support  
(HEJSupport), international  
Greenpeace International, international  
IPEN, international  
Khangchendzonga Conservation Committee  
(KCC), India  
La Fondation Tara Océan, France  
Malaysian Nature Society, Selangor Branch –  
Green Living Special Interest Group,  
Malaysia  
Nexus3 Foundation, Indonesia  
Nipe Fagio, Tanzania  
No Plastic In My Sea, France  
Objectif Zéro Plastique, France  
Ocean Care, Switzerland  
Ocean Eye, Switzerland  
Ocean. Now!, Germany  
Pacific Environment, U.S., Vietnam, China  
ParyavaranMitra, India  
Plastic Change, Denmark  
Plastic Free Future, U.S.  
Plastic Pollution Coalition U.S.  
Plastic Soup Foundation, Netherlands  
Poovulagin Nanbargal, India  
Port Arthur Community Action Network,  
U.S.  
Projeto Hospitais Saudáveis (Healthy  
Hospitals Project), Brazil  
Race for Water Foundation, Switzerland  
Recycling Network Benelux, Netherlands

Red de Acción por los Derechos Ambientales, Chile  
Red de Desarrollo Sostenible Colnodo  
Red Mexicana de Acción Ecológica, México  
Sierra Leone School Green Club, Sierra Leone  
Society of Native Nations, U.S.  
Solid Waste Management Roundtable (SWMRT), India  
Stichting Mission Lanka, Netherlands  
Surfrider Foundation Europe, European Union  
Surfrider Foundation, U.S.  
Sustainable Research and Action for Environmental Development, Nigeria  
Taller Ecologista, Argentina  
TEAL Climate, Canada/International  
Tearfund, international  
Thant Myanmar, Myanmar  
The Aotearoa Plastic Pollution Alliance, New Zealand  
The Caribbean Poison Information Network, Jamaica

The Center for Oceanic Awareness, Research, and Education (COARE), U.S.  
The Indonesia Plastic Bag Diet Movement, Indonesia  
The Last Beach Cleanup, U.S.  
The Last Plastic Straw, U.S.  
The World is Home, Belgium  
Toxisphera Environmental Health Association, Brazil  
Trash Hero World, Indonesia  
Vietnam Zero Waste Alliance, Vietnam  
WALHI/Friends of The Earth (FoE) Indonesia, Indonesia  
Whale and Dolphin Conservation, United Kingdom  
Women Engage for a Common Future - WECF International, international  
Youth Advocacy and Development Network, Uganda  
Zero Waste Alliance Ukraine, Ukraine  
Zero Waste Europe, European Union  
Zero Waste Himalaya, India