

Dear Ms. Ismawati, Ms. Miller,

I would like to thank you for your letter dated 17 January 2025 with respect to Observer participation in the process under the Intergovernmental Negotiating Committee on Plastic Pollution.

As you point out in your letter, Resolution 5/14 of UNEA stressed the need to ensure the widest and most effective participation possible in the work of the Committee. I am very pleased that, in addition to 1208 delegates from 171 Members of the Committee, over 1241 participants from 443 organizations participated in the first part of the fifth session of the INC. Since the first session two years ago, there has been an over 200% increase in the number of individual Observers attending INC sessions in-person, from 412 at INC-1 to 1241 at INC-5.

I am grateful for the interest from a wide range of organizations and institutions and for their contributions in the context of the INC sessions, as well as for their engagement with their respective governments and communities, through scientific research and publications and numerous events organized in the course of the past several years. I am confident that these contributions will continue to play an important role in informing the negotiations and helping the INC reach a robust and effective outcome.

It is general knowledge that, the INC being an intergovernmental process, there are certain limitations for Observer participation under some modalities of work. This does not represent a new precedent and is very consistent with well-established practices under global MEA processes where Presidency consultations, Heads of Delegations meetings, legal drafting groups and some informal consultations are open to the participation of Member State delegations only. In this regard, I invite you to refer to the meetings of the governing bodies of the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and other MEAs.

While, in consultation with the Bureau of the Committee, some of the referred modalities were used to conduct negotiations on the Friday and Saturday of the fifth INC session last November, I am pleased that Observers actively attended meetings of the plenary and contact groups, with a duration of approximately 80 negotiating hours over course of the other five days of the session. This estimate accounts for some meetings taking place in parallel.

With respect to Observer interventions in meetings under the INC, as you note in your letter, there are hundreds of Observers wishing to take the floor. While I am very encouraged by this strong demonstration of interest, it is not possible to accommodate all the individual Observer requests for interventions within the timeframe of one session. As I stated in my remarks during the opening plenary of INC-5, I encourage Observers to coordinate among themselves and to make interventions on behalf of constituencies rather than speaking as individual organizations. This is the approach taken by Observers in many MEA processes, as well as in UNEA, so as to provide information benefitting from views and inputs of multiple Observers instead of those from a selected few organizations. I am pleased that some Observer constituencies have progressively relied on this approach in the INC process, and hope that this will also be the case in the second part of the fifth session.

I would also like to address your request concerning adequate seating space in all meeting rooms for the growing number of Observers. Firstly, let me assure you that all possible efforts are being made in advance of each session to obtain rooms with as large a capacity as possible. At the same time, given that the total number of Observer participants now exceeds 1241, there are no venues within the available resources that could provide multiple rooms accommodating every potentially interested Observer. Therefore, the INC Secretariat relies on the same approach as other MEA processes, where a maximum number of seats within each room's capacity is set aside for Observers and Member delegates not seated at the negotiating table. The seating is allocated on a first come, first served basis and is determined by the room capacity and by the fire and safety regulations applicable to all UN conferences in the interest of the safety of all participants. The Bureau and I, together with the Secretariat, will continue working with any future host country to ensure that the meeting rooms for contact groups are as large as possible. Nevertheless, the possibility that there will be some limits on the total number of seats available, depending on the available venues and resources, cannot be excluded.

As has been my disposition and view from the beginning and throughout this process, I stand ready to engage with Observers and Observer constituencies, both during the intersessional period and in session. The Bureau and I, together with the Secretariat will continue to work on identifying the appropriate modalities of work and specific opportunities for engagement with a wide range of Observers. In this respect, please be certain that your letter was made available to the Bureau of the INC and consistent with the previous practice, will also be made available on the INC website along with this response.

Sincerely,

[Signed]

Luis Vayas Valdivieso
Chair of the Intergovernmental Negotiating Committee on Plastic Pollution

Cc:

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

INC Secretariat:

Ms. Jyoti Mathur-Filipp, Executive Secretary of the INC on Plastic Pollution and Head of the Secretariat