An offshore oil rig is visible in the middle ground, situated in the deep blue ocean. In the foreground, a beach is completely covered with a dense layer of plastic waste, including numerous clear and colored plastic bottles, fragments, and other debris. The sky is clear and blue, with some distant land visible on the horizon.

Promotion of the principles of the Aarhus Convention & the **Plastics Treaty** Negotiations

Andrés Del Castillo
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CIEL/European ECO Forum
Geneva, June 23th 2022



United Nations

UN News
Global perspective Human stories

**Historic day in the campaign to beat plastic pollution:
Nations commit to develop a legally binding agreement**

Nairobi, 02 March 2022 – Heads of State, Ministers of environment and other representatives from UN Member States endorsed a historic resolution at the UN Environment Assembly (UNEA-5) today in Nairobi to End...

**'Most significant environmental deal since Paris':
UN agrees on landmark plastic pollution treaty**

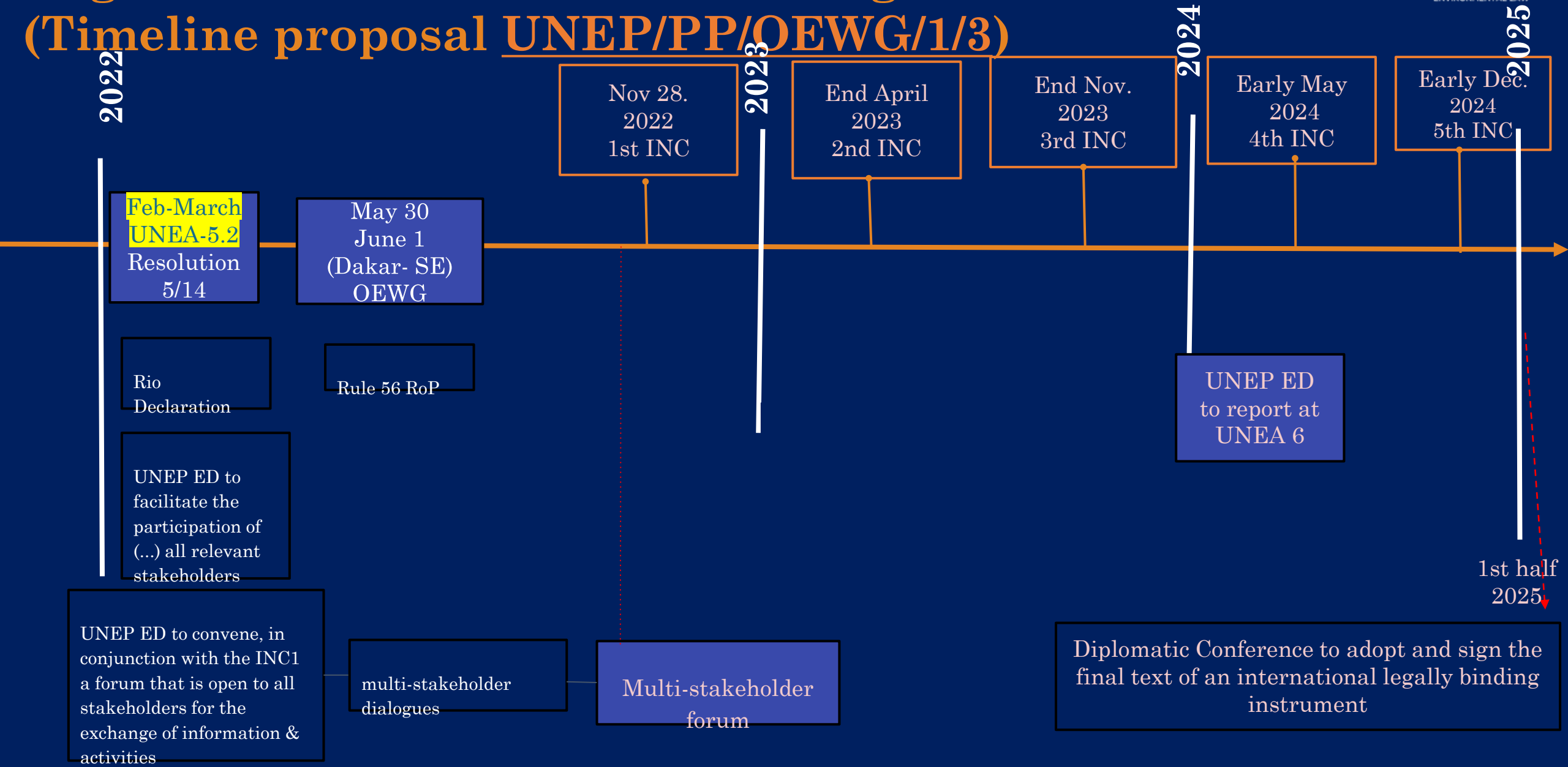


**'Biggest green deal since Paris':
UN to approve plastic treaty
roadmap**

Delegates hug at the Fifth session of the United Nations Environment Assembly (UNEA 5) after negotiating a global plastic treaty. - Copyright AFP

- **Public Participation**
- **Rules of Procedure**
- **Recommendations**

Negotiation of an International Legal Instrument (Timeline proposal UNEP/PP/OEWG/1/3)



Public Participation & Plastic Governance

- The SR on Human Rights & Toxics affirmed that public participation has been **minimal or non-existent** in the decision-making process of plastics policies. ([A/76/207](#))
- **Some peoples, groups and persons are particularly exposed** to the hazards, risk and harm of environmental pollution and degradation caused by plastics at all stages of its' full life cycle, from extraction, to production, to end-of-life.
- Given the UNEA's Res. 5/14 call for "the **widest and most effective** participation possible," it will be necessary to ensure that negotiations are inclusive and effective for all stakeholders.
- There are specific environmental democracy obligations for a total of 59 Parties of the **Aarhus Convention (Art 3.7)** & Escazu Agreement ([Art. 7.10](#))



CIEL

Towards a Global Treaty to End Plastic Pollution

Ensuring Meaningful and Effective Stakeholder Involvement in the Intergovernmental Environmental Negotiations

Summary

This policy brief reviews the legal aspects of public participation and the role it has played and continues to play in the negotiation and adoption of past Multilateral Environmental Agreements. It is developed in the context of and to inform the future negotiations for a new global instrument to end plastic pollution. The brief proposes concrete steps for UN Member States and institutions to take during the upcoming negotiations for the global treaty on plastic pollution. Given the United Nations Environmental Assembly's call for "the widest and most effective participation possible,"¹ it will be necessary to ensure negotiations are inclusive of all stakeholders.²

Plastics treaty & Environmental Democracy

Information

“Require businesses to disclose the full chemical composition of plastic products, including additives;”
SR on Toxics ([A/76/207](#))

A global minimum transparency standard for hazardous chemicals

Experience of Pollutant Release and Transfer Registries (Kyiv Protocol)

Participation

Early involvement on Policy design, including NAP and EPR schemes

Alternatives national reporting,

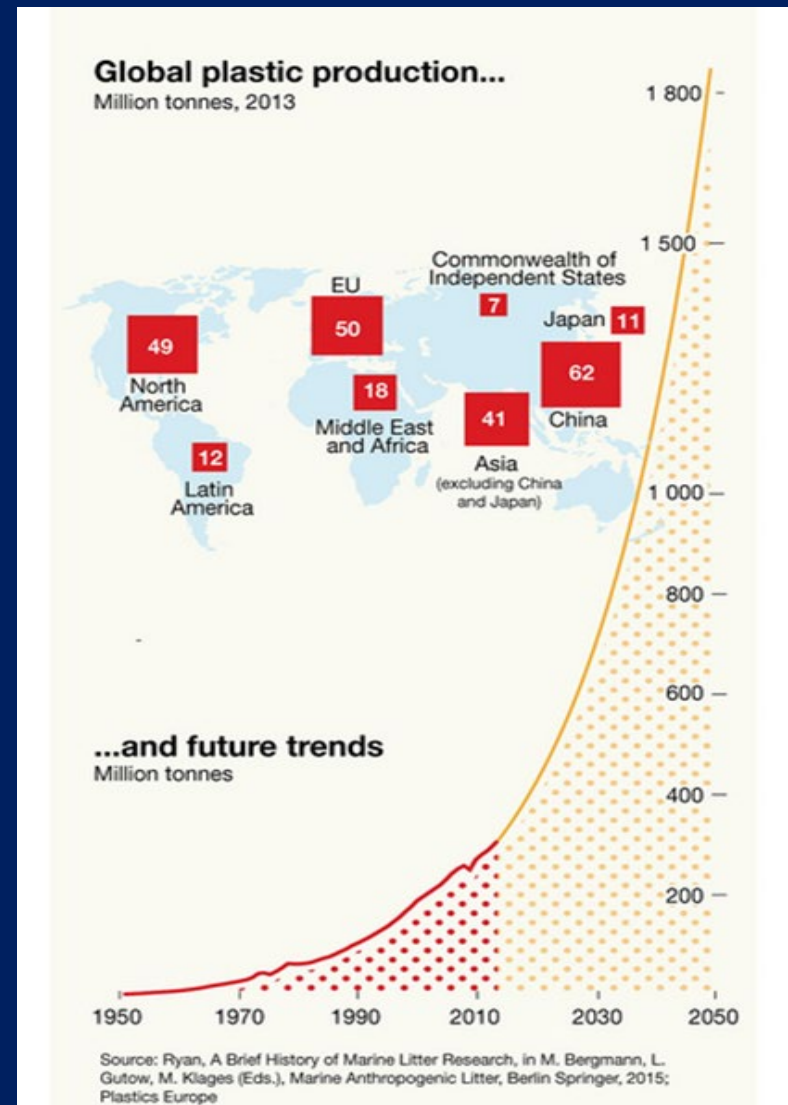
To provide inputs and be part of scientific and socioeconomic bodies dealing with assessments related to plastic pollution;

Remedy

Secures effective reparations for harms from plastics;

“Global liability and compensation mechanisms for pollution from plastics.” ([A/76/207](#))

universalisation of “No data no market” Principle



Rules of Procedures

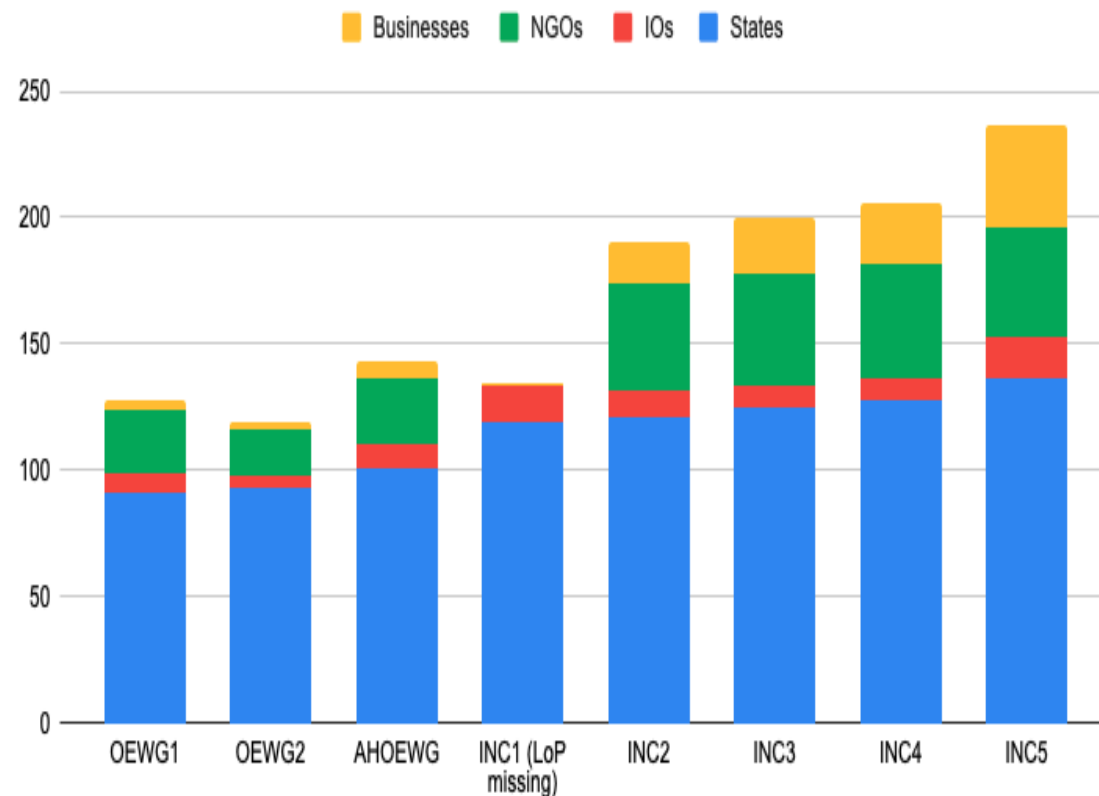
UNEP Zero Draft:

Rule 56: Non-governmental organizations, including business sector entities having an interest in the field of the environment, referred to in section IV, paragraph 5, of General Assembly resolution 2997 (XXVII), may designate representatives to sit as observers at public meetings of the Committee and its subsidiary organs, if any.(...)

Current Draft:

Rule 56: Relevant non-governmental organizations participating in the session as observers may make their contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process and taking into account decisions 1/1 and 2/1, adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first and second sessions, concerning the participation of non-governmental organizations.

N° of org. participants during Negotiation for the Minamata Convention



Source: CIEL

Participation Negotiation for Minamata Convention

- Resolution 5/14, the instrument should include provisions:
 - (i) To provide scientific and socioeconomic assessments related to plastic pollution;
 - “(l) To encourage action by all stakeholders, including the private sector (...);”
 - (m) To initiate a multi-stakeholder action agenda;”
 - “The best available science, traditional knowledge, knowledge of **indigenous peoples** and local knowledge systems;”
 - Lessons learned and best practices, including those from informal and cooperative settings;

- OEWG requested the secretariat to prepare, for the INC1 relevant to public participation:
 - An overview of **stakeholder engagement frameworks** under other instruments, and potential approaches for this instrument.
 - Plastics science – monitoring, sources of plastic pollution, **chemicals used in manufacturing**, flows across the life cycle, pathways in the environment, **health and other impacts**, solutions, technologies and costs.
 - Kenya called for a report on how to enhance participation of waste pickers during the negotiations.

Recommendations (1)

- The accreditation process must be open and as simple as possible. Parties to the Aarhus Convention, in particular donor countries and members of the Bureau should guarantee simplified accreditation processes and facilitate the input into formal processes by stakeholders. (p. 31 Almaty Guidelines).
- States should include civil society and public representatives in government delegations.
- Stakeholders should be granted speaking slots between or after statements made by Member States for any agenda item under consideration. (p.34. almaty Guidelines). If sponsored by at least one State participating in the INC, stakeholders must be allowed to propose text and amendments.
- The COVID-19 pandemic measures imposed to control the spread of the virus must not be used as a pretext to limit public participation, which is best ensured by guaranteeing as much physical participation as possible. (p.31 Almaty Guidelines).
- At a minimum, members of the elected Bureau should engage in regular dialogue with members of the public. This should include dedicated meetings between the public and INC chairs before, during, and after each INC meeting. (p.33 Almaty Guidelines)
- Civil Society Organizations and other relevant group such as women, children, youth, workers should participate from an early stage of the negotiation, including in the substantive preparation of INC and related events. (p.15, 28, 30 & 32 Almaty Guidelines).

Recommendations (2)

- The involvement of **Indigenous Peoples**, including participation, consultations, and free, prior, and informed consent, should reflect and recognize their respective governance systems. Implement recommendations by the UN Permanent Forum on Indigenous peoples concerning Indigenous Peoples, in particular from the Arctic. (UNPFII [E/2021/43](#), par [E/2022/43](#), par. 56)
- Stakeholders should have access to funding to participate in all related meetings, and host States should facilitate entry for all participants, especially members of the public, (p.18 Almaty Guidelines).
- Mechanisms to **support the online participation** of certain groups in vulnerable situations should include access to data packages, facilitate access to reliable electricity and necessary hardware, and in-country travel to access a stable internet connection. (p.21, 33 Almaty Guidelines).
- To program future thematic meetings on aspects related to public participation and implementation of the future treaty, access to justice and mechanisms for compensation for plastic pollution and the experience of the Kiev Protocol on Pollutant Release and Transfer Registries (Kyiv Protocol).



THANK YOU
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