

BY EMAIL AND POST

Mr Rolph Payet
Executive Secretary
Secretariat of the Rotterdam Convention

Montreal, 25 May 2021

Subject: **Online regional preparatory meetings for the online segment of the tenth meeting of the Conference of the Parties to the Rotterdam Convention.
Your letter of 18 May answering ICA's of 12 May**

Dear Mr Payet,

We appreciate your prompt response to my last letter and we want to express our surprise by some of the statements therein.

Firstly, we understand the informal nature of the regional preparatory meetings, despite being organised by the Secretariat under the guidance of the Parties in each region, through their corresponding representatives in the Bureaux of the Conference of the Parties.

Logically, due to this informal nature, the rules of procedure for meetings of the Conference of the Parties do not apply to them. However, we are astounded to learn that the Parties can apply some of the rules during the meeting at their will. This approach creates an undesirable level of legal uncertainty to the norms to which one shall abide for these important meetings.

As we are convinced of this Secretariat's aversion to any kind of legal quagmire which could lead to unfair practices and acknowledging the particular status of the regional preparatory meetings, the rules regulating their functioning should be known beforehand by all potential participants and stakeholders, and not left at the Parties' free will on each occasion. Otherwise, we are at risk of creating dangerous precedents on the Parties lack of accountability when organising these meetings.

Secondly, we understand, albeit not share, the decision by the members of the bureaux from the Easter European region of limiting the presence at their regional preparatory meeting to Government representatives that are a Party to at least one of the conventions and representatives from the regional centres in the region. Equally, despite not agreeing with the argument, we recognise that the matters that are expected to be considered in the meeting will only cover procedural topics and thus they do not necessarily directly apply to us. Nonetheless, our protest was based on more reasonings than our stake in the topics.

Particularly, we expressed our concern on the lack of transparency, approachability and accountability of the bodies, even when informal, of the Rotterdam Convention. It is thus a matter of principles rather than stakes: if meetings are organised behind closed doors, the impression given to those left outside, especially if they used to participate, is that they are now being excluded or some information is hidden from them. We do not affirm that these are the cases, but it does not help that the decision was not made public or any explanation given directly to observers (only upon our request of participation) or on Rotterdam Convention's or BRSMEAS' websites.

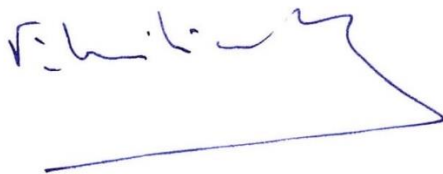
Thirdly, the denial to our participation was also justified due to “the limitation in the capacity of the online meeting platform”. This matter has not been addressed in your reply, and we are certain that any weight on this argument could have been counteracted by either using a different platform, or by using high-capacity platforms previously used by the Secretariat, e.g. online 12th Meeting of the Basel Convention's Open-Ended Working Group, or which will potentially be used in the near future, e.g. the 2021 online segment of COP-10.

Finally, regarding the recently celebrated and upcoming regional preparatory meetings, we want to highlight that we did not receive any invitation to the regional preparatory meeting for the African region which, apparently, was open in part to observers invited by the region. We would appreciate if the criteria used in determining the observers who were invited is made public, in order to better understand the reason why an internationally present association, with presence in Africa, such as us, was not invited to it.

We would also appreciate that the decisions of the corresponding members of the bureaux of the Asia and Pacific region and the GRULAC region of closing their regional preparatory meetings to observers are made public. This movement would not only be supported -even demanded- by the directly affected parties, such as ICA, but by all citizens and stakeholders aiming at a more transparent and accountable organisation.

We want to reiterate our wish to cooperating with this Secretariat and we hence remain at your disposal for any further exchange.

Yours faithfully,



Emiliano Alonso