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How to incorporate the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in the Global Plastics Treaty

Max Liboiron

Department of Geography, Memorial University of Newfoundland and Labrador, St. John's, NL, Canada

Letter to the Editor

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Corresponding author:
Max Liboiron;
Email: mliboiron@mun.ca

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Since the 1980s, international governance documents have acknowledged the importance of recognizing, incorporating, and protecting Indigenous Peoples' rights and knowledge related to environmental governance. This trend continues, albeit unevenly, in the draft Global Plastics Treaty (UNEP, 2024). The primary issue with the current draft is that while Indigenous knowledge is referenced, Indigenous Peoples are absent.

Indigenous Peoples are rightsholders, not stakeholders (IIPFP, 2024a, 2024b). Indigenous Peoples and Nations possess sovereignty, legal rights and intergenerational responsibilities for their ancestral lands and waters that are distinct from and beyond the interests of stakeholders. The International Indigenous Peoples' Forum on Plastics (IIPFP) has emphasized that the Treaty must "recognize that Indigenous Peoples have distinct status and inherent collective rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)" (UN, 2007; IIPFP, 2024a). The Declaration and the Treaty – both authored by United Nations bodies – have the potential to reinforce one another (IIPFP, 2024a, 2024b), but this alignment has not yet materialized, even in the most robust Treaty drafts.

The draft Treaty offers three sets of "Principles and Approaches" (Article 1). Only one includes "The use of relevant traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems" (UNEP, 2024,1.2.f). Even within that version, the emphasis is on Indigenous knowledge rather than on Indigenous Peoples themselves (UNEP, 2024,1.2.f, 3.5, 3.6.e, 5.1.b, 9.2.b, 17.1.c and 18.3.b). This reflects a common pattern of extracting value from Indigenous communities for non-Indigenous goals without upholding Indigenous *rights*: to self-determination, to governance of Indigenous lands and waters and to free, prior and informed consent.

The IIPFP makes clear that "the knowledge and science of Indigenous Peoples [must] only [be] considered in conjunction with protections and safeguards that guarantee the full and effective participation of Indigenous Peoples holding that knowledge" (UN, 2007; IIPFP, 2024a). There remains a significant opportunity to integrate Indigenous rights into the Treaty, especially when such inclusion is guided by UNDRIP (see Table 1 and IIPFP, 2024a). Central to these rights is the participation of Indigenous representatives in decision-making bodies (Table 1, Row 1; Ecojustice, 2024).

This argument stems from an approach that begins with Indigenous rights and then turns to the Global Plastics Treaty, rather than framing Indigenous Peoples as resources that can enrich the Treaty. Several imperatives support this approach. First, Indigenous Peoples are not value-added assets to be leveraged by Parties or Committees outlined in the Treaty (Liboiron, 2021). Second, under international human rights law, all rights are inalienable and immutable – they cannot be subordinated to the desires of other stakeholders (Liljeblad, 2023). Third, while the Treaty references Indigenous knowledge, without the broader socio-epistemological frameworks from which that knowledge arises, it will often be misinterpreted or misapplied, weakening the reason for its inclusion in the first place (UNEP, 2024; IIPFP, 2024a, Principle 6; Liboiron and Cotter, 2023).

For example, when a state Ministry for the Environment compared its 8 indicators of freshwater health with the 29 developed by Māori, only 4 overlapped. The Māori indicators included "fitness for cultural usage" and "the number of species of traditional significance that are still present" (Tipa and Teirney, 2006, p. 2). Indigenous knowledge is not simply a dataset – it is a system of understanding that is intergenerational, place-based, relational and grounded in responsibilities to land and water. It cannot be separated from the Peoples who hold and maintain it.

A core barrier to aligning the Treaty and the Declaration remains that "this treaty is being negotiated in rooms where Indigenous Peoples have been excluded" (Elliott, 2024; Jacobs, 2024; IIPFP, 2024b, 2025). Even if the Treaty begins to integrate UNDRIP (see Table 1), two critical issues persist.

First, the Treaty assigns authority to "The Parties" – the state actors bound by the convention (UNEP 2024, Article 2.a). These states often fail to recognize the legal personality and sovereignty of Indigenous Peoples (Brown, 2024). This structural exclusion underscores the need to incorporate Indigenous Peoples into the Treaty's Committees and Secretariat (Table 1, Row 1; IIPFP, Point 12).

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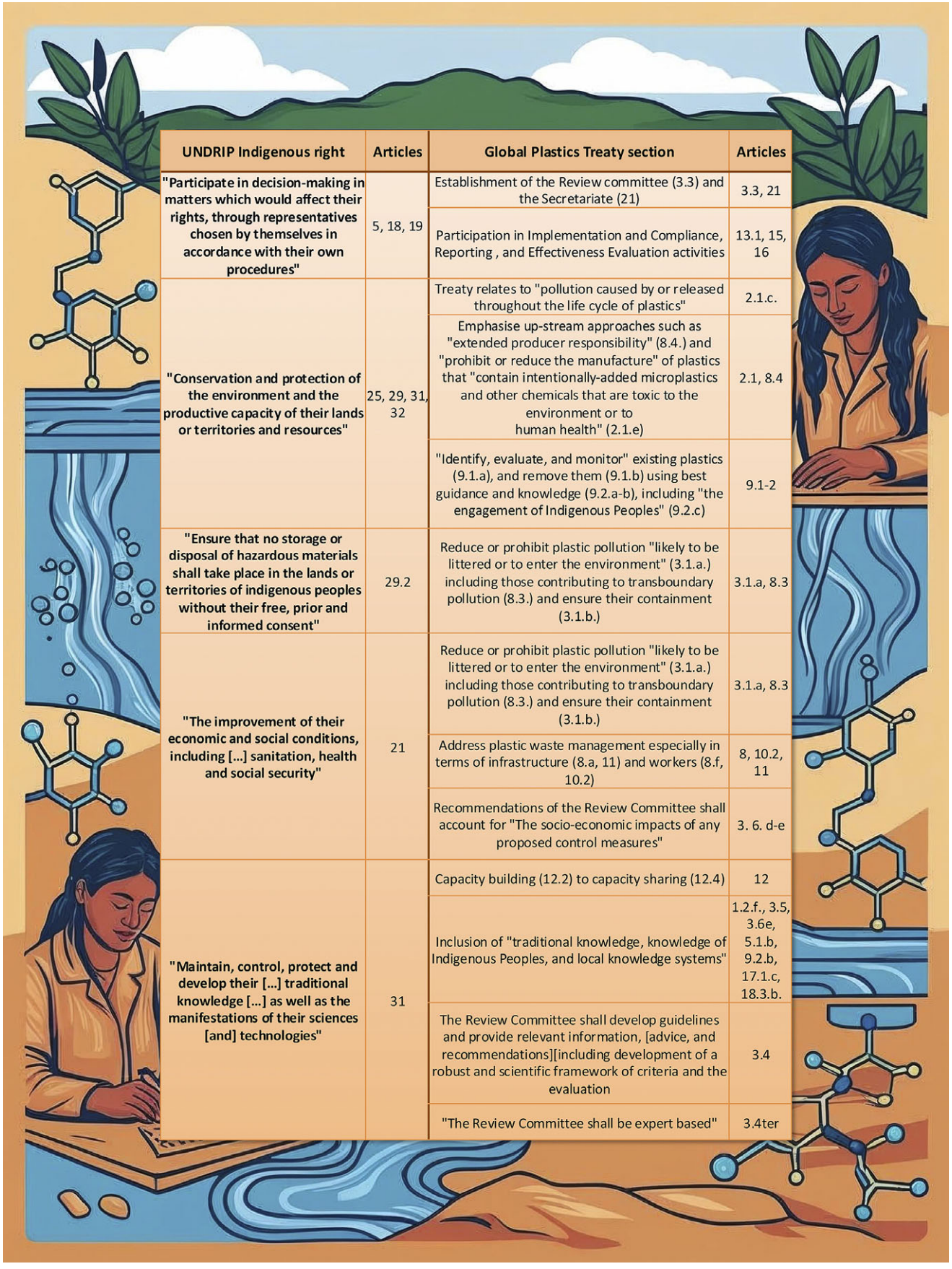
Table 1. Points of conversion of articles in the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and articles in the draft Global Plastics Treaty (UNEP/PP/INC.5/8)



UNDRIP Indigenous right	Articles	Global Plastics Treaty section	Articles
"Participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures"	5, 18, 19	Establishment of the Review committee (3.3) and the Secretariate (21)	3.3, 21
		Participation in Implementation and Compliance, Reporting , and Effectiveness Evaluation activities	13.1, 15, 16
"Conservation and protection of the environment and the productive capacity of their lands or territories and resources"	25, 29, 31, 32	Treaty relates to "pollution caused by or released throughout the life cycle of plastics"	2.1.c.
		Emphasise up-stream approaches such as "extended producer responsibility" (8.4.) and "prohibit or reduce the manufacture" of plastics that "contain intentionally-added microplastics and other chemicals that are toxic to the environment or to human health" (2.1.e)	2.1, 8.4
		"Identify, evaluate, and monitor" existing plastics (9.1.a), and remove them (9.1.b) using best guidance and knowledge (9.2.a-b), including "the engagement of Indigenous Peoples" (9.2.c)	9.1-2
"Ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent"	29.2	Reduce or prohibit plastic pollution "likely to be littered or to enter the environment" (3.1.a.) including those contributing to transboundary pollution (8.3.) and ensure their containment (3.1.b.)	3.1.a, 8.3
"The improvement of their economic and social conditions, including [...] sanitation, health and social security"	21	Reduce or prohibit plastic pollution "likely to be littered or to enter the environment" (3.1.a.) including those contributing to transboundary pollution (8.3.) and ensure their containment (3.1.b.)	3.1.a, 8.3
		Address plastic waste management especially in terms of infrastructure (8.a, 11) and workers (8.f, 10.2)	8, 10.2, 11
		Recommendations of the Review Committee shall account for "The socio-economic impacts of any proposed control measures"	3. 6. d-e
"Maintain, control, protect and develop their [...] traditional knowledge [...] as well as the manifestations of their sciences [and] technologies"	31	Capacity building (12.2) to capacity sharing (12.4)	12
		Inclusion of "traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems"	1.2.f., 3.5, 3.6e, 5.1.b, 9.2.b, 17.1.c, 18.3.b.
		The Review Committee shall develop guidelines and provide relevant information, [advice, and recommendations][including development of a robust and scientific framework of criteria and the evaluation	3.4
		"The Review Committee shall be expert based"	3.4ter

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Second, the Treaty may allow for the inclusion of Indigenous knowledge without the Peoples or rights that contextualize and protect that knowledge. For instance, Article 3.6.e states that the Review Committee should consider "[where relevant] the incorporation of [relevant] traditional knowledge, [knowledge of] Indigenous Peoples" (UNEP, 2024). The determination of what is "relevant" must be made by Indigenous Peoples themselves, which requires their presence in governance structures, a place where they are currently absent. While well-intentioned, the draft Treaty is part of an inherited trend of the extraction, misuse, theft, misunderstanding and misattribution of Indigenous knowledge by outside users, often on behalf of Indigenous Peoples and lands without them (see GIDA, 2022).

The only way to safeguard Indigenous rights is through Indigenous governance and decision-making authority (Liboiron and Cotter, 2023; IIPFP, 2024b). The current draft of the Global Plastics Treaty falls short by excluding Indigenous Peoples from decision-making roles while incorporating their knowledge in ways that are disconnected from their rights. This is not simply a call for "inclusion"; it is a call for governance infrastructure.

The IIPFP has already provided clear definitions, principles and structures that can guide the Treaty toward a rights-based and Indigenous-led framework (2024a). Aligning the Declaration and the Treaty would strengthen both. Without this alignment, the Treaty risks replicating historical patterns of appropriation and exclusion.

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