

Science-Policy Panel for Chemicals, Waste, and Pollution OEWG-3 Highlights: Monday, 17 June 2024

The final meeting of the Open-Ended Working Group (OEWG) opened with an announcement that the World Health Organization (WHO) stands ready to co-host the Secretariat of the future panel, delivered by the Director-General. The OEWG established four contact groups that will take up detailed work throughout the week to finalize the recommendations and process moving forward.

Opening Plenary

OEWG Chair Gudi Alkemade (the Netherlands) opened the meeting, welcoming the 124 Member States and 54 observer organizations registered. She emphasized the need for focused, constructive, and flexible discussions to finalize the proposals, based on which the intergovernmental meeting will consider the establishment of the science-policy panel (SPP).

Katrin Schneeberger, Director of the Federal Office for the Environment, Switzerland, said establishing the SPP would be a key contribution to work under relevant conventions and frameworks. She stressed the need to draw from best existing practices and underscored that the proposal for a joint Secretariat brings many advantages.

Sheila Aggarwal-Khan, Director, Economy Division, UN Environment Programme (UNEP), stressed the need for an inclusive, interdisciplinary approach that considers various knowledge sources and addresses chemicals' full life cycle. She noted that a transformational panel should address social, economic, environmental, and health issues.

Tedros Adhanom Ghebreyesus, Director-General, WHO, highlighted the links between health, chemicals, waste, and pollution and the potential of the SPP to promote informed decision making. He emphasized the need for a multisectoral approach to reverse current trends and implement evidence-based solutions. He reiterated that the WHO could co-host the Secretariat and said a proposal had been developed with UNEP.

Election of Officers: Chair Alkemade recalled the composition of the OEWG Bureau, noting that Linda Kosgei (Kenya) was elected by a silence procedure during the intersessional period to replace Cyrus Mageria (Kenya) as Rapporteur.

Adoption of the Agenda and Other Organizational Matters: Chair Alkemade presented the provisional agenda (UNEP/SPP-CWP/OEWG.3/1), annotated provisional agenda (Add.1), and scenario note (INF/1). Delegates agreed to the agenda and proposed organization of work.

Preparation of Proposals for the Establishment of the SPP: The Secretariat introduced the compilation of proposals for establishing an SPP (UNEP/SPP-CWP/OEWG.3/2), highlighting its sections on the panel's: scope, objective and functions; operating principles; institutional arrangements; and evaluation of operational effectiveness and impact. She presented the main elements of documents containing draft rules of procedure (Add.1), including a draft policy for admission of observers; draft financial procedures (Add.2); a draft process for determining the work programme, including prioritization (Add.3/Rev.1); draft procedures for the preparation and clearance of panel deliverables (Add.4), including an overview of panel deliverables, an error protocol, and a procedure for safeguarding commercially sensitive information; and a draft conflict of interest (CoI) disclosure form (Add.5).

Chair Alkemade provided an overview of discussions to date and focused on specific issues to be discussed during OEWG-3.

Honduras, for the GROUP OF LATIN AMERICA AND THE CARIBBEAN (GRULAC), stressed the importance of capacity building, especially through activities that enhance institutional capacity in developing countries and called for a strong secretariat to coordinate these activities. He stressed the necessity of a financial mechanism to enable equitable participation from all states. He further suggested that respect for human rights, intergenerational equity, geographical balance, and inclusive participation should guide the SPP.

Kenya, for the AFRICAN REGION, called for finalizing the foundational document and highlighted the capacity-building function as a key priority for the region. He noted that the panel should have "leaner" institutional structure and multidisciplinary membership, proposing the name "Intergovernmental Science-Policy Panel on Chemicals and Waste to Prevent Pollution."

The EU, also for UKRAINE, MONTENEGRO, and SERBIA, supported a broad scope, noting a willingness to discuss the capacity-building function further. She called for clean, concise, and stand-alone principles and asked the Secretariat to present an overview of the proposed institutional structure and connections between bodies. Underscoring the engagement of stakeholders and relevant sectors, she supported WHO's full involvement and integration of health considerations.

China, for ASIA-PACIFIC REGION, called the draft foundational document a good starting point and underscored that the operational principles and scope should be based on UN Environment Assembly (UNEA) Resolution 5/8. He underlined the importance of capacity building to engage scientists from developing countries and ensure equal participation. He further underscored the need to establish links to multilateral environmental agreements (MEAs) and multilateral bodies.

For all Major Groups, BUSINESS AND INDUSTRY cautioned against establishing a separate policy committee and urged for a strong, transparent, and ongoing CoI policy supported by a relevant committee.

CHILDREN AND YOUTH highlighted the need for including intergenerational equity in the operating principles "not just as a technical requirement but as a moral imperative." She called for a youth expert advisory group, a human rights-based approach, and a robust CoI policy.

The OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) emphasized that the SPP should include: a clear commitment to respect and protect human rights; a robust CoI policy; the principle of full disclosure; the right to participation operationalized through different modalities; a system to prevent and address intimidation and reprisals; and an obligation for international cooperation.

Marcos Orellana, SPECIAL RAPPORTEUR ON TOXICS AND HUMAN RIGHTS, said the gap between scientific evidence and regulatory responses results from "concerted disinformation tactics" and "inappropriate" claims to information confidentiality. He urged a stronger CoI disclosure form, capacity-building activities, integration of other forms of knowledge, and human rights principles with an explicit reference to the human right to science.

The NGO MAJOR GROUP stressed that a strong CoI policy is crucial and that data related to human health and the environment should not be confidential. They called for information submitted to the panel and its subsidiary bodies to be publicly available,

following established practice under the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the Intergovernmental Panel on Climate Change (IPCC).

A second speaker from the NGO MAJOR GROUP highlighted the dangers that e-wastes pose to the environment and called for behavioral approaches to addressing this challenge.

The OEWG established three contact groups. The first contact group will address the foundational document. It will be co-facilitated by Sofia Tingstorp (Sweden) and Judith Torres (Uruguay), with a mandate to finalize the draft proposals for:

- the foundational elements of the panel, including scope, objective and functions of the panel;
- the operating principles of the panel;
- its institutional arrangements;
- the evaluation of the operational effectiveness and impact of the panel; and
- a name for the panel.

The second contact group, co-facilitated by Katerina Sebková (Czechia) and Moleboheng Juliet Petlane (Lesotho), will develop proposals related to determining the work programme and draft procedures for preparing and clearing panel deliverables.

The third contact group, co-facilitated by Sam Adu-Kumi (Ghana) and Itsuki Kuroda (Japan), will work on the draft rules of procedure, draft financial procedures, and the draft CoI policy and disclosure form.

Recommendations to the UNEP Executive Director for the Preparation of the Intergovernmental Meeting to establish the SPP:

The Secretariat presented proposals on the establishment of the panel to be considered by the intergovernmental meeting (UNEP/SPP-CWP/OEWG.3/3) and proposals to give effect to arrangements to be considered by the intergovernmental meeting (UNEP/SPP-CWP/OEWG.3/4). They presented a proposed timeline, where the intergovernmental meeting and first (or enabling) session of the governing body take place back-to-back in February 2025. The intergovernmental meeting would establish the panel and transmit procedures, policies and guidance, administrative and financial arrangements and an indicative budget for adoption at the governing body's first session, which would also elect officers, establish the secretariat, and start preparations for the first work programme.

The EU, also for UKRAINE, MONTENEGRO, and SERBIA, called for finalizing the foundational document and progressing on the CoI policy and other documents establishing the process ahead. They also supported establishing a joint UNEP/WHO Secretariat.

The OEWG established a contact group, co-facilitated by Toks Akinseye (UK) and Safiya Sawney (Grenada), to finalize the draft decisions. The Secretariat also presented an update on the current financial situation, including available funds to bring the process to the intergovernmental meeting. With some countries interested in participating, Chair Alkemade established an informal group on the financial situation, facilitated by Jinhui Li (China) as Facilitator.

Contact Groups

Foundational Document: Co-Facilitators Tingstorp and Torres invited delegates to first provide views on scope, objectives and functions of the panel, including the capacity-building function.

On the objective, "to strengthen the science-policy interface to contribute to the sound management of chemicals and waste and to prevent pollution for the protection of human health and the environment," one delegate opposed lifting the brackets.

On capacity building, several delegates reminded others of the ongoing informal discussions aiming to bridge the two proposals, while one delegate proposed a third option. Lengthy procedural discussions ensued, with some urging informal consultations, and others insisting that the proponents of the two proposals should be first given time to produce consolidated text for the contact group. Some voiced concern that adding new text is counterproductive. The Co-Facilitators proposed to resume discussions at the contact group's next meeting, clarifying that "no delegation can be prohibited to take part in informals."

On operating principles, delegates suggested streamlining the compilation of principles, including by addressing one principle per paragraph, changing the title to "operating principles and approaches," and moving some elements from the section on

operating principles to the preambular text. Delegates discussed whether the panel "shall" or "will" be guided by the operating principles, with some arguing that a legally-binding "shall" is inappropriate. On scientific independence and deliverables, delegates agreed that deliverables should be accessible, but views diverged on different elements including "accountability," "consensus," "prevention focused," and "ethics." The Co-Facilitators proposed retaining brackets in the text and continuing discussions on the set of principles.

Deliberations continued in the evening on the remaining operating principles and institutional arrangements.

Recommendations to UNEP Executive Director: The Contact Group, co-facilitated by Akinseye and Sawney exchanged initial views on draft decisions (UNEP/SPP-CWP/OEWG.3/3 and /4) on:

- establishing the panel as specified in the foundational document;
- forwarding draft rules, procedures, policies, and guidelines to the governing body for consideration at its first session; and
- establishing the panel, including recommendations to give effect to arrangements in the foundational document.

On the draft decision on establishing the panel as specified in the foundational document, a delegate suggested adding language recognizing that air pollution is the single greatest environmental risk to human health with a disproportionate impact on women, children, and the elderly. Further textual suggestions for amendments met opposition as some delegates noted that language in the preambular paragraphs reflect UNEA Resolution 5/8 and urged not reopening negotiations on agreed text. A delegate suggested recalling in the preamble Resolution 5/8 without detailed references.

On a paragraph inviting UNEA, the World Health Assembly (WHA), and governing bodies of other agreements to consider the decision, a delegate suggested bracketing the reference to the WHA. Another preferred to specify relevant multilateral "environmental" agreements and other "relevant" international instruments to consider the decision. Several delegates supported the original formulation to include the WHA and a broader reference to multilateral agreements.

On the draft decision forwarding draft rules, procedures, policies, and guidelines to the governing body, a group of countries suggested adding a timeline for the governing body to convene within six months after the intergovernmental meeting. A delegate suggested deleting reference to "guidelines."

On the draft decision establishing the panel, including recommendations to give effect to arrangements in the foundational document, some delegates suggested reflecting WHO's involvement and one emphasized the need for a decision on the physical location of the Secretariat. Expressing caution with including the WHO, a couple of delegates asked for clarification on the modalities of the envisaged collaboration between UNEP and WHO. The proposal for a joint Secretariat will be shared in due course. Informal consultations convened in the evening.

In the Corridors

Starting off by saying "we're at a pivotal moment" raised expectations for this meeting. Some could be forgiven for thinking it is a technical meeting tasked with setting up a body that will allow scientists of all types to meet, synthesize information, and develop policy-relevant (not prescriptive) recommendations. As the negotiations have shown thus far, it's far from a mere technical exercise. As the IPCC and IPBES have demonstrated, science carries sway and shapes public and policy discussions. As one observer said, he has "long hoped" that the new science-policy panel discussed here could have a similar effect to raising the profile of "often-neglected" chemicals and waste issues.

It was indeed an optimistic start, with the Major Groups offering a unified statement on difficult issues, including conflict of interest. Even the Director-General of the WHO arrived in person to assure delegates of the WHO's interest in co-hosting the Secretariat and furnishing the panel with experts as required. It was a sign of political momentum, which later was somewhat bogged down as two member states questioned the WHO's involvement. Perhaps, one observer wondered, these member states were worried about the WHO's stricter conflict of interest policies.

Delegates briefly refilled their hopes at a reception hosted by Switzerland before returning to negotiations late in the evening.