

Science-Policy Panel for Chemicals, Waste, and Pollution OEWG-3 Highlights: Tuesday, 18 June 2024

Delegates tackled central issues to the panel's design: how it will select issues to work on, undertake this work, and address conflicts of interest (CoI). By the end of the day, nearly all of the texts had had at least one reading, and delegates prepared for the next phase of streamlining and finding agreement.

Foundational Document

This contact group, co-facilitated by Sofia Tingstorp (Sweden) and Judith Torres (Uruguay), met throughout the day to discuss the panel's institutional arrangements, capacity-building function.

Institutional Arrangements: Delegates discussed language on the decision-making body of the panel, debating whether it should be the plenary, the governing body, or whether plenary is by nature a decision-making mechanism of the governing body. A sticky point for many was capturing that in some cases, the governing body does make decisions outside the plenary, which is the usual decision-making mechanism. One delegate, supported by many others, suggested addressing the plenary as part of the discussions on the governing body's functions. After lengthy debates, delegates agreed to park the issue until later.

On membership, the Secretariat highlighted links between the foundational document and the draft rules of procedure regarding definitions of "member" and "observer." Delegates discussed the participation of Regional Economic Integration Organizations (REIOs), UN non-member observer states, and members of UN specialized agencies. There was some convergence that governments are eligible for membership in the governing body of the panel, but there was considerable debate around the role of REIOs, including their participation and voting rights, on which a few proposed that all members of a REIO need to be present at a vote in case the REIO votes on behalf of all its member states.

On observer participation, many delegations stressed that the panel should be inclusive and open to observers. Debates revolved around keeping the words "qualified" and "with expertise" in relation to observers, with one delegate stressing that they should be kept as a threshold to ensure the meetings are not overwhelmed with non-governmental organizations potentially wishing to attend. Others were worried these specifiers might create participation barriers and additional burdens when evaluating which meet the threshold. An observer noted that the panel meetings should not be more restrictive than open-ended working group meetings and urged states not to limit accreditation requirements to those of the UN only.

Capacity-building Function: A delegate presented a bridging proposal stemming from informal consultations among proponents, which also took into account discussions at this meeting. The room welcomed the proposal, noting that it has "broad support from developed and developing countries," and accepted it as a basis of work. Further comments concerned

clarifying that "individual capacities" in the text relate to the capacities of individual scientists, not countries; replacing "shall" with "will" giving the non-legally binding nature of the panel; and refining text on gender when describing the panel's composition.

Work Programme and Deliverables

The contact group, co-facilitated by Kateřina Šebková (Czechia) and Moleboheng Juliet Petlane (Lesotho), focused on the development of proposals related to determining the work programme and draft procedures for preparing and clearing panel deliverables based on documents UNEP/SPP-CWP/OEWG.3/2/Add.3/Rev.1 and /Add.4. It met in the morning and evening, with informal consultations held during the afternoon.

Work Programme: There was a shared view that the document prepared by the Secretariat provides a good basis for deliberations. General views included that: the interdisciplinary expert committee (IEC) should prioritize proposals, with the bureau having a consultative role but some preferring its close involvement; the panel should not just focus on global assessments but also address national and regional priorities; an extended bureau should assess policy relevance; and information on the scope and cost of proposals should be provided.

On the entities that can make submissions, states discussed whether multilateral environmental agreements (MEAs), other international instruments and international bodies and processes could make submissions. Further disagreement ensued over the ability of observers to submit proposals. Several preferred a broad range of stakeholders, and one favored that governments suggest proposals to raise policy relevance.

Countries suggested adding text on information that should accompany submissions. These included suggestions to show how the issue is related to the panel, including relevance to the panel's scope, which deliverables could best address the issue raised, and national and regional priorities. A delegate suggested including information on "possible challenges in national or regional capacities to address the proposed issue, including the need for provision of assistance for capacity building and technology transfer."

Other additions related to information about the issue raised, such as: the availability of existing scientific literature, geographic scope, scale of potential impacts, potential beneficiaries, and evidence of remaining information or data gaps. Some delegates and observers expressed concerns that these requirements excessively burden developing countries, particularly given inequities in countries' ability to access information and data.

On the proposed submission timeline, one member state sought to add flexibility for the various MEAs, drawing from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) model, given their decision-making timelines. Another member state characterized the timeline as "picking up directly from the Intergovernmental Panel on Climate Change (IPCC)" and worried it would gear the process toward global assessments at the expense of other deliverables. There was

also a suggestion of adding a round of comments by states and observers to the proposals.

One member state asked to bracket the entire text.

Deliverables: Delegates shared general views on the procedures for the preparation and clearance of deliverables and then focused on the relevant section. There was a shared general concern that the panel will need different procedures to produce the various deliverables, while the current text reflects a “one size fits all” approach. One member state asked to bracket the entire text.

On the types of deliverables, a delegate suggested adding training materials and workshop proceedings, while a few others preferred a short list that ties in with the panel’s functions.

In response to a question on guidance documents, the Secretariat explained that this text was inspired by the IPCC’s Guidelines for National Greenhouse Gas Inventories. One delegate asked to specify that guidances would be for the panel’s activities, while another added that they are not policy prescriptive. Another country asked to bracket guidance documents and conceptual frameworks pending clarity on the definition of these deliverables. Additional comments sought to clarify the definition of deliverables, particularly assessment and synthesis reports.

One state asked to remove the paragraph specifying the periodicity of global assessments and, with another state, the conceptual framework. Additional comments sought flexibility for the Governing Body to review these procedures, apply them as necessary for deliverables, and ensure that the outputs are not policy prescriptive.

Rules and Policies

This contact group, co-facilitated by Sam Adu-Kumi (Ghana) and Itsuki Kuroda (Japan), focused on the rules of procedure (UNEP/SPP-CWP/OEWG.3/2/Add.1) and the CoI policy.

Rules of Procedure: In the first reading, delegates shared initial views on several sections.

On definitions, participants suggested adding definitions, including for Indigenous Peoples. Some noted that definitions of “member” and “observer” are relevant to inform discussion on institutional matters and urged detailed discussions to facilitate work on membership and functions of the panel’s bodies in the foundational document.

On membership and bureau engagement, one delegate raised concerns about proxy participation, and a few others touched on the role of the Chair in the bureau’s functioning. One delegate suggested reducing a member’s term to two years, bringing it in line with other fora, while another referred to the IPCC where members usually serve for seven years.

On the session modalities, delegates aimed to ensure that the rules of procedure aligned with the discussions in the contact group on the foundational document regarding the governing body’s decision making.

On the membership, operation, and election of members of subsidiary bodies, delegates shared views, including on: stakeholder representation on the IEC; linkages between the bureau and the IEC; reporting mechanisms between the subsidiary bodies and the governing body; and provisions for a CoI committee. Some delegates highlighted that the selection of IEC members should be based on expertise, not on regional representation.

On the conduct of business and decision making, several member states supported that the rules of procedure for the governing body apply *mutatis mutandis* to all subsidiary bodies. Delegates discussed modalities of bureau meetings; the use of electronic meetings of the governing body; and provisions on quorum.

Views diverged on decision-making procedures for substance and procedural matters. Several argued decisions on matters of substance should only be made by consensus, while others called

for voting if all efforts to achieve consensus have been exhausted. In addition, delegates put forward different suggestions to qualify the threshold for voting procedures, with several delegates proposing a 2/3 majority for matters of substance and a simple majority for matters of procedure.

Co-Facilitator Kuroda proposed deferring discussions on provisions on definitions, participation, membership, and decision-making until progress is made on institutional arrangements.

Conflict of Interest: Regarding the purpose of the CoI policy, many delegates supported a broad application that included all involved in the panel’s work.

On the scope, delegates shared the view that the policy applies to the development of all panel deliverables, keeping a list of examples in brackets. On a provision noting that all professional staff of the panel secretariat who are employees of the UN are subject to UN’s relevant rules, delegates discussed the distinction between UN and other specialized agencies’ staff, with some suggesting adding staff of the World Health Organization (WHO), noting that it has its own code of conduct.

A lengthy discussion took place on provisions noting that the CoI policy will be executed to reflect participants’ various roles, responsibilities, and levels of authority and that it should be applied accordingly. Some suggested deletion, while others queried how it will be implemented in practice. Other delegates suggested a combined alternative, noting that “the application of the CoI policy to staff and persons participating in the panel’s process should reflect their specific responsibilities, roles, and level of authority, whether individually or collectively.”

On defining CoI, delegates debated a paragraph noting that a CoI refers to any current or previous professional, financial, or other interest from the past four years. Some delegates preferred reflecting only the current status following IPBES practice. Others underscored that the four-year timeline aligns with WHO practice. Yet others suggested referring to “previous potential interest.” A delegate suggested defining “other interests.”

Some delegates questioned how and who would determine whether an interest had expired, referring to a paragraph noting that the CoI does not apply to past expired interests.

An informal group was established after disagreement on provisions calling for disclosure of all professional and other non-financial interests, as well as financial ones, only if they are significant and relevant. Some delegates questioned who will determine which interests are significant.

In the Corridors

On Tuesday, many fully grasped the complexity of the task ahead. The texts interlink, creating several calls to “not discuss this section until we hear from another group.” One delegate was heartened that they had finished a first reading of nearly everything by the end of the day, while another noted that they’d seen “more adding than deleting or consolidating.” A delegate was less worried, and while acknowledging that the pace was “slower than expected,” she characterized the discussions as constructive and positive. A participant wondered if delegates had lost the “big picture” of what needed to be finished at this meeting and what could wait for the panel to be up and running, worrying that countries were “micromanaging the panel already.”

A few were considering the implications of the decisions made here in Geneva. Some observers were surprised by how few countries from the Global North understood the extent of the struggle of countries in the Global South to access chemicals and waste data and information. “They understand the problems they experience but can’t undertake a systematic assessment of the data and its work to find the data gaps.” She wondered “how can the panel help all countries submit ideas for future work?” Perhaps in response, the proposal for the capacity-building function from various coalitions centred on “encouraging access” to various data and knowledge.