

Science-Policy Panel for Chemicals, Waste, and Pollution OEWG-3 Highlights: Wednesday, 19 June 2024

The proposal for a joint secretariat shared between World Health Organization (WHO) and UN Environment Programme (UNEP) generated discussion that intimated it could be a difficult negotiation, either at this meeting or during the intergovernmental meeting that will establish the new science-policy panel.

Plenary

Reports from Co-Facilitators: Foundational document:

Co-Facilitator Sofia Tingstorp (Sweden) highlighted the capacity-building function, on which three groups of countries developed a compromise proposal that was deliberated upon. She reported diverging views on institutional arrangements regarding decision-making and membership modalities for the panel's bodies.

Work programme and deliverables: Co-Facilitator Kateřina Šebková (Czechia) reported that some supported submissions only by governments, while others preferred a wider approach. She noted that newly suggested elements to be included in submissions raised concerns about capacity-building gaps and information availability. She highlighted that the group clarified the roles of the secretariat, bureau, interdisciplinary expert committee (IEC), and extended bureau to assess policy relevance.

Rules, procedures, policies: Co-Facilitator Itsuki Kuroda (Japan) noted that many brackets remain in the conflict of interest (CoI) policy. She highlighted that delegates provided high-level guidance on the draft rules of procedure, and the Secretariat, on group's request, prepared updated draft rules of procedure. She added that several sections of the rules of procedure were parked until progress was made in deliberations on the foundational document.

Recommendations to the UNEP Executive Director: Co-Facilitator Toks Akinseye (UK) reported that an informal group is expected to work on the preambular text of the draft decision of the intergovernmental meeting to establish the panel. She added that the group decided to wait for the proposal on the joint secretariat before dealing with the draft decision to give effect to arrangements to be considered by the intergovernmental meeting.

Proposal for a Joint UNEP/WHO Secretariat: Chair Alkamade reported that a conference room paper (CRP) outlining a potential model for the joint provision of secretariat services involving UNEP and WHO is available. In response to a question by SAUDI ARABIA for clarification on the introduction of the CRP, Chair Alkamade noted that anyone can submit a CRP, and plenary decides if and how to consider it.

WHO and UNEP introduced a joint document ([UNEP/SPP-CWP/OEWG.3/CRP.1](#)) that contains a proposal for UNEP and WHO to jointly provide secretariat services in accordance with their mandates.

Honduras for GRULAC, SAUDI ARABIA, Kenya for the AFRICAN REGION, the RUSSIAN FEDERATION, and IRAN asked for more time to evaluate the document and formulate positions.

The EU, SWITZERLAND, NORWAY, CANADA, and THAILAND welcomed the proposal and supported the

consideration of the CRP. SWITZERLAND suggested January 2025 as the deadline for offers to host the secretariat.

The RUSSIAN FEDERATION stated that its preliminary position would be for UNEP to provide the secretariat services and WHO to be involved as an observer, as a joint secretariat would be too difficult to set up and inefficient. He stressed that finalizing the foundational document and rules of procedure are the most important tasks, so discussing the CRP may delay progress and jeopardize the outcome of this meeting.

Chair Alkamade suggested that while countries take time to study the CRP and coordinate positions, the UNEP Secretariat and Legal Advisor make themselves available for parties that seek clarifications.

COLOMBIA requested that the WHO Secretariat and legal counsel be available as well. The WHO responded that their delegation does not include legal counsel, noting they would do their best to ensure relevant legal advice.

The RUSSIAN FEDERATION requested that the meeting with UNEP and WHO be open for all countries in a plenary format and suggested that the unavailability of WHO legal counsel already indicates potential challenges with a joint secretariat. SAUDI ARABIA stated that the mandate of the consultations with UNEP and WHO is unclear. Chair Alkamade responded that the meeting would be informal, characterizing it as a "service" provided by both Secretariats to the member states. She encouraged member states to speak to their Bureau members.

Foundational Document

Institutional Arrangements: The contact group, co-facilitated by Tingstorp and Judith Torres (Uruguay), spent the day on institutional arrangements. On functions of the governing body, delegates provided several suggestions to streamline the text, including deleting references to the rules of procedure for the bureau election modalities and pointing out redundant and additional functions. They further noted: the current sequence of the functions is "illogical," suggesting to list soliciting of inputs, followed by responding to requests, and then adopting the work programme; and the function of appointing and approving members of the IEC should be added.

On the relationship between the bureau, the IEC, and the governing body, many agreed that the bureau does not oversee the panel, with some suggesting the bureau oversee the IEC. Some delegates suggested the bureau oversee the implementation of panel decisions, with one observer noting that implementation of decisions is the responsibility of governments. Several participants voiced concern over assigning oversight functions to the bureau and proposed instead mandating only administrative and substantive tasks. One delegate noted the outlined tasks do not match the bureau functions in practice and suggested that the main purpose is to function as an advisory committee for the chair. Another delegate proposed a role in coordinating with other relevant international institutions, including other science-policy panels, and suggested extended participation in bureau meetings to avoid duplication of work.

On membership, views diverged on whether bureau members should have scientific expertise. Some favored the bureau's active

involvement in the panel's scientific work and others urged that science should not be politicized.

Some delegates referred to the Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) examples, noting that the current text is heavily influenced by IPBES, which mandates administrative and substantive functions to its Bureau and scientific functions to its Multidisciplinary Expert Panel. They also pointed at the structure of the IPCC Bureau, in which, as one delegate opined, the mixture of these responsibilities is "deficient."

On the IEC, delegates reviewed its membership and functions. On membership, they heavily debated the participation of experts elected by civil society, with many indicating that the panel is intergovernmental in nature, while two countries supported the idea. Observers preferred to engage as members, saying it could broaden the pool of experts and ensure disciplinary variety. On functions, views diverged on whether to remove or keep capacity building; a few delegates also suggested adding language on exploring alternative knowledge systems.

On the proposed policy committee, the proponent agreed to delete the section, noting that an "extended bureau" was introduced during deliberations on the bureau's membership and functions. The delegate detailed how such an extended bureau foresees extensive membership and may fulfil similar functions.

On other subsidiary bodies, some delegates proposed streamlining the list but retaining reference to CoI and supporting the functions of the panel. Observers called for an Indigenous advisory committee and a multidisciplinary expert group to ensure that the voices of younger generations are reflected in the work programme.

On financial arrangements, many delegates called for due diligence of private sector contributions to maintain output integrity and avoid earmarking. Several delegations suggested using the UN Voluntary Indicative Scale of Assessments, while others objected. Observers suggested using softer UNEP language of Voluntary Indicative Scale of Contributions. Delegates were also concerned about funding the panel through the Global Environment Facility and other financial institutions, stating that it is outside their mandate.

The group agreed to establish an informal group to streamline text on membership and functions of the governing body, bureau, including consideration of an extended bureau, and IEC; other subsidiary bodies; and the secretariat and financial arrangements.

Work Programme and Deliverables

Work programme: In the contact group, co-facilitated by Sebková and Moleboheng Juliet Petlane (Lesotho), the conversation centered on the primacy of governments in making submissions for work to the panel. There was general agreement that governments were the main leads. Member states did not agree on the role of multilateral environmental agreements (MEAs), UN entities, and observers due to the underlying issue of whether submissions will be provided by governments only or by a wider set of entities.

On information accompanying submissions, delegates agreed to split the list into elements that should accompany submissions and additional information that should be included "if possible." With a significant number of brackets remaining, Co-Facilitator Šebková invited informal discussions on the entities that can provide submissions and on information accompanying submissions.

Rules, Procedures, and Policies

This contact group, co-facilitated by Sam Adu-Kumi (Ghana) and Kuroda, discussed the rules of procedure and CoI policy.

Rules of Procedure: A delegate suggested amending the title to "rules of procedure for the governing body" of the panel. Delegates agreed that the heading for the first rule should be "scope" rather than "purpose."

On definitions, delegates agreed that "Chair means the Chair of the governing body of the Panel," with the reference to the

governing body remaining in brackets pending discussions in the contact group on the foundational document. Delegates further discussed whether the definition of "session" should also refer to subsidiary bodies' sessions.

On the venue, dates, and notification of sessions, delegates agreed that the venue and dates of ordinary sessions will be decided by the governing body at its preceding session. Divergent views arose regarding cases where this is not possible. Regarding extraordinary sessions, delegates agreed to include consideration of budgetary implications for the approved budget and language noting that the secretariat shall convene such a session, "not more than 90 days after a request has been approved" by a majority of members. Discussions continued into the evening.

Conflict of Interest: Delegates continued discussions on the procedures for implementing the CoI policy.

On implementation procedures, a group of countries suggested two additional provisions, noting that the CoI committee: should develop guidelines to support its work in identifying and managing CoIs; and, with the assistance of the Secretariat, shall develop a guidance on interests to be disclosed, annexed to the CoI form.

On the review process before the appointment of bureau and IEC members, a member suggested including the nominees' curriculum vitae (CVs) in addition to the CoI form. A delegate proposed, and delegates agreed, deleting a provision on the composition of the CoI committee, noting it is duplicative.

Regarding the review process after the appointment of bureau and IEC members, discussions focused on whether any changes in the CoI form will be provided annually or as such changes arise. A delegate suggested informing about changes "as they arise or at least once every calendar year." An observer proposed submitting a CoI form annually and inform the Secretariat of any changes in the information provided as they arise, with a delegate noting that this introduces an additional requirement. Co-Facilitator Kuroda invited informal consultations.

Regarding other roles subject to the CoI policy, some delegates asked for a reference to submitting CVs. A lengthy debate took place on a provision on tolerating a CoI in exceptional circumstances. Some suggested deletion, and others preferred defining relevant criteria.

On three alternative options on a provision on other roles subject to CoI policy following appointment, many delegates requested deleting options where individuals may decline to disclose information, noting that the exceptions are too broad.

In the Corridors

As the meeting hit what one called "the Wednesday slump," there seemed to be general worry that the necessary tasks would not be completed. A few seemed frustrated at the time taken in plenary during the morning to introduce and discuss the WHO/UNEP proposal to host the secretariat. One wondered why this one-pager was only provided now, and, for another, it's "potentially a serious spanner" that could derail discussions. It certainly has far-reaching implications, from the location of the panel's secretariat to the ability to bring together often-siloed scientific communities.

A marathon session then took place on institutional arrangements. This is a key part of the foundational document to be agreed to at this meeting and remains heavily bracketed. As that work slowly progressed, conversations on the CoI policy and work programme remained repetitive, which for a delegate was less of a concern: "we don't need to do everything here. How long after IPBES was established did it adopt its CoI policy?"

But for another, the work programme process is essential to finish in Geneva. He noted that most MEAs in the chemical and waste cluster meet every two years. Assuming governments must agree "through" the MEA as bracketed in the text, the COPs must identify topics and develop the proposal in one meeting. If the panel invites submissions in early 2025 and sets the work programme a year later (as proposed), the BRS and Minamata COPs would need to provide their submissions at their 2025 COPs or miss their opportunity.