

## Science-Policy Panel for Chemicals, Waste, and Pollution OEWG 1.2 Highlights: Thursday, 2 February 2023

There was considerable focus on the intersessional work required to help realize a successful Open-Ended Working Group (OEWG) process in 2024. Work proceeded in contact groups throughout the day, before delegates came together to hear updates in the late afternoon.

### Contact Groups

**Scope and Functions:** In the morning, co-chaired by Marine Collignon, a lengthy discussion ensued regarding a statement in the circulated text, that “the contact group agreed that the proposed objective and functions of the panel should be further complemented by operating principles to be further developed during the intersessional period.” Noting that there were differing views expressed, the document listed elements to consider when developing operating principles, such as: the delivery of policy-relevant scientific evidence without being policy prescriptive; the contribution of Indigenous and traditional knowledge; a human rights approach; and the promotion of innovation, transparency, inclusivity, and complementarity.

Some member states emphasized that such elements and their interlinkages with operating principles had been discussed but not agreed upon, further stressing that this discussion would be beyond the contact group’s mandate to focus on scope and functions. The group decided to park these elements.

Delegates focused on the panel’s objective, which, albeit bracketed, reflected members states’ common understanding on strengthening 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, and then listing several functions.

One delegate reiterated the desire to refer either to “all forms of pollution” or further clarify pollution by adding “including pollution related to chemicals, waste, and releases to air, water, soil, and the oceans.” Some member states expressed a preference for retaining the language from Resolution 5/8. Following discussion, the contact group agreed to park the proposed language alongside the other elements that require further discussion. The objective remained bracketed, with Co-Chair Collignon saying that the current formulation offers “a strong basis for consensus.”

On intersessional work, Co-Chair David Kapindula encouraged delegates to put forward suggestions that would be passed on to the contact group dealing with the organization of work. Delegates called for preparatory work during the intersessional period on the panel’s: horizon scanning and potential capacity-

building functions; institutional design and governance structures; and operating principles, focusing on elements identified by the contact group. One delegate suggested the intersessional work could address establishing a possible support mechanism related to the Strategic Approach to International Chemicals Management (SAICM).

**Organization of Work:** Co-Chair Ana Berejiani opened the session in the morning, stating that, following requests by member states, the Secretariat had prepared and circulated a draft outline of a zero draft, indicating all relevant elements and documents to be considered at OEWG 2 and 3.

Bob Watson, former Chair of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the Intergovernmental Panel on Climate Change (IPCC), offered insights on the draft outline. He emphasized that some elements, such as institutional design and governance, rules of procedure, and operating principles, are interrelated and should be considered together. He underscored key elements in the structures of several science-policy bodies, focusing particularly on the functions of plenaries, subsidiary bodies, and bureaus. Watson then presented the procedures for completing the panel’s functions, highlighting:

- procedures for receiving and prioritizing requests, suggesting that they could be assisted by a priority-setting framework and a conceptual framework;
- procedures for the preparation of panel deliverables, including engagement with experts, review, acceptance, and approval of assessments, and ensuring transparency and impartiality;
- procedures for horizon scanning, suggesting they need to be agile;
- policy on conflict of interest, drawing attention to the fact that, regarding chemicals, waste, and pollution, the private sector holds much of the data and information;
- procedures to safeguard commercially sensitive information; and
- financial procedures for the panel.

The Secretariat introduced the outline of the zero draft, noting its purpose to list the documents that the OEWG needs to present to the intergovernmental meeting at the end of the process. He emphasized that the document drew from relevant IPBES and IPCC documents, saying the outcomes of the contact group on scope and functions would also be used to populate the document. He invited member states to discuss: what the OEWG should develop and what could be left for the panel to finalize; what elements should be discussed at OEWG 2 and 3; and the type of outputs envisaged.

Several delegates asked for clarification on which items listed in the draft outline would be prerequisites to establishing the new

science-policy panel and would therefore require proposals from the OEWG. The Secretariat referred to UNEA Resolution 5/8, which specifies the mandate for the OEWG, suggesting that the OEWG should at least start discussions on all listed items. One delegate called for keeping the work programme of the OEWG focused on the items listed in the Resolution.

Delegates suggested ways forward to transform the draft outline to an “actionable level.” One delegate proposed specifying the status of documents, such as “working document,” “draft text,” and “final text,” and laying out the progress to be achieved at future OEWG meetings. The Secretariat welcomed the suggestions, and, recalling its facilitative role, stressed the value of having a clear set of tasks for the intersessional period.

Another delegate urged a decision on the specific intersessional work needed, noting 10 or 11 months remaining before OEWG 2, which should provide ample time to cover many issues, and saying the bulk of OEWG’s work should be addressed at OEWG 2.

One member state presented a proposal that built on the Secretariat’s outline of the zero draft. After some discussion, delegates agreed to adjourn the contact group and consider whether to work with the submitted proposal.

In the afternoon, a member outlined this proposal, as amended by the Secretariat. She characterized the document as a “natural calendar,” showing elements needing discussion and the workflow for finalizing the constitutive text by OEWG 3. She suggested that the Resolution contains twelve “must have” elements, while others might be developed by the panel itself.

The Secretariat then detailed its amendments to the member state’s proposal, including adding space for member states to note: the documents required, and when; the activities for intersessional work; and the relationship of the elements to specific Resolution paragraphs. She noted possible additional elements, including: horizon scanning procedures; policies on conflict of interest, safeguarding commercially sensitive information, and gender; a communications strategy; an indicative budget; and an implementation plan.

One delegate requested: documents containing options from the Secretariat rather than working documents; illustrations from IPCC and IPBES processes, or, in the absence of such, from other bodies; links to reference documents; and OEWG development of procedures for horizon scanning and conflicts of interest.

Delegates accepted the document as a basis for discussion and initiated discussions section-by-section. Some suggested addressing separately the rules of procedure of the panel and operating principles governing its work. A group of countries proposed discussing the panel’s name at OEWG 3 and further stressed that both operating principles and the rules of procedure need to be addressed intersessionally.

Following a discussion on what the rules of procedure could entail, delegates agreed to request draft text with a view to finalizing it at OEWG 2. Two delegates suggested using the rules of procedure from other science-policy bodies as working documents. Regarding the operating principles, a working document including examples/options will be discussed at OEWG 2, and draft text will be developed to be considered at OEWG 3. One delegate, supported by several others, called for a process of national submissions as an intersessional activity on the kind of questions member states would like the panel to be able to handle.

On institutional design and governance, delegates agreed to keep the items as they appear in Resolution 5/8 and remove a list of sub-items contained in the document. One regional group suggested webinars and informal consultations. Another group

called for taking written submissions into account. A member state reiterated that some of the items under discussion can be decided upon by the panel once it is operational.

On an indicative budget and voluntary financing of the work of the panel, some member states suggested they be discussed at OEWG 3, while others preferred addressing voluntary financing at OEWG 2.

On possible annexes to be developed, a member state reiterated that some of them, such as horizon scanning, can be finalized by the panel once established and requested adding the development of a conceptual framework. Another delegate suggested bracketing the whole list of items suggested to be developed by the panel, saying that they are not included in Resolution 5/8.

### **Plenary**

In plenary, contact group Co-Chairs provided updates. Co-Chair Collignon reported constructive discussion on the objective, resulting in bracketed text which may be informed by further discussions. She reported that discussions on a potential capacity-building function were still required, pending bilateral consultations. BRAZIL reported that GRULAC and the African Region had agreed on a draft single paragraph on capacity building as a starting point for further discussions.

Co-Chair Berejiani reported progress on the organization of work, noting that some member states had expressed interest in hosting OEWG 2, and Switzerland had confirmed it will host OEWG 3 in June 2024. On the format of future sessions, delegates expressed a preference for in-person meetings with web streaming. She said discussions on a zero draft outline were ongoing.

OEWG Chair Alkemade reported that contact groups and informal consultations would continue during the evening and on Friday morning.

### **In the Corridors**

Perhaps inspired by Bangkok’s famous night markets, delegates spent much of the day marking out what a Co-Chair called the “shopping list” of intersessional work. What to include and, crucially, when and how to complete all the various documents to establish the panel occupied most of the day. While disagreement, and perhaps at times confusion, continued, it became clear that the future workload may be heavy and won’t be borne solely by the Secretariat. There were several calls for submissions and other party-driven inputs.

One item on the list is the panel’s objective, on which “interesting conclusions were drawn, both positive and negative,” as a participant noted. Significant progress hinted that consensus may not be out of reach. Member states agreed, at least in principle, that the panel’s objective is 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.

But discussions on the term “pollution” uncovered divergent understandings. For some delegates, “pollution” is pollution linked to chemicals and waste, which could narrow the panel’s focus to chemical and waste pollution. Other delegates insisted that also other forms of pollution should be addressed. Air pollution became the apple of discord. It isn’t necessarily chemical or waste pollution, but for some, it is necessary for the panel to address. With one day left, some were still wondering what outcomes are possible today, to lead to future successes.

The summary and analysis of OEWG 1-2 will be available Monday, 6 February 2023, at: [enb.iisd.org/oewg1-2-science-policy-panel-contribute-further-sound-management-chemicals-waste-prevent-pollution](https://enb.iisd.org/oewg1-2-science-policy-panel-contribute-further-sound-management-chemicals-waste-prevent-pollution)