

## Science-Policy Panel for Chemicals, Waste, and Pollution OEWG-2 Highlights: Thursday, 14 December 2023

Delegates at the second meeting of the *Ad Hoc* Open-ended Working Group on a science-policy panel (OEWG-2 SPP) to contribute further to the sound management of chemicals and waste and to prevent pollution met in plenary in the morning to hear progress reports on contact groups' work on Wednesday and discuss future work. They devoted the rest of the day to contact group discussions on: conflict of interest (CoI); operating principles; institutional arrangements, including strategic partnerships; work-related processes and procedures; and intersessional work.

### Plenary

**Preparation of proposals for the establishment of an SPP:** Chair Gudi Alkemade (the Netherlands) opened the stocktaking plenary, inviting reports from contact groups' Co-Facilitators on Wednesday's sessions.

Co-Facilitator Sam Adu-Kumi (Ghana) reported discussions on the conflict of interest (CoI) policy, including a Q&A session with the Ozone and Intergovernmental Panel on Climate Change (IPCC) Secretariats. On operating principles, he said the group had added five new proposed principles to the list contained in the draft text for proposals to establish an SPP ([UNEP/SPP-CWP/OEWG.2/INF/10/Rev.1](https://www.unep.org/oewg/2/INF/10/Rev.1)). He also noted that the group opened discussions on capacity building and would hear a report from bilateral consultations on this issue. He called for more time to finalize the group's work.

Chair Alkemade reiterated that the outcomes of OEWG-2 would be the basis for discussions at OEWG-3, and would fill in the skeleton outline for proposals for the establishment of an SPP ([UNEP/SPP-CWP/OEWG.2/2](https://www.unep.org/oewg/2/INF/10/Rev.1)).

Contact Group 2 Co-Facilitator Judith Torres (Uruguay) reported on progress in discussions on institutional arrangements, specifically concerning the SPP secretariat; a process for evaluation of the SPP's operational effectiveness and impact; committees and subsidiary bodies; strategic partnerships; and financial arrangements. She noted several subsidiary bodies have been proposed, with some delegates suggesting listing key subsidiary bodies and allowing the SPP to decide on the details.

On work-related processes and procedures, Contact Group 3 Co-Facilitator Moleboheng Juliet Petlane (Lesotho) reported on the joint meeting with Contact Group 2, noting views were sought on the panel's deliverables and type of expertise required, and that discussions shifted to the functions of the subsidiary bodies.

Chair Alkemade commended progress and suggested further work, including for Contact Group 3.

Nigeria, for the AFRICAN GROUP, expressed concern about some "states' positions being watered down" during the contact group discussion. CHINA expressed disappointment about his suggestions not being properly considered in CoI discussions.

ANGOLA strongly urged a timely conclusion of deliberations on Friday. SUDAN called for increased focus on training and technology transfer, given the importance of capacity building.

Responding to concerns raised, Chair Alkemade encouraged further informal consultations on capacity building; underscored the importance of considering all views; and highlighted efforts for

the timely conclusion of the meeting. She welcomed a proposal by SWITZERLAND on intersessional work on the annexes to the skeleton outline, suggesting this be reflected in the outcome of Contact Group 4 on intersessional work and budget.

**Options for the timetable and organization of future work:** Chair Alkemade reminded delegates that Contact Group 4 will address intersessional work and budgetary considerations. She said the OEWG should consider intersessional work towards: the finalization of proposals towards the establishment of the SPP; preparing all required documents for adoption by the SPP's governing body; and, arranging for the SPP's first meeting. SAUDI ARABIA preferred addressing only OEWG-3 priorities.

**Provisional agenda for the third session:** Delegates adopted the provisional agenda for OEWG-3 (UNEP/SPP-CWP/OEWG.2/CRP.1) without comment.

### Contact Group 1 on Scope, Objectives, Functions, Operating Principles, and CoI

Co-Facilitator Adu-Kumi opened discussions on definitional issues related to CoI. The group discussed whether to delete reference to timeframes to be considered in defining CoI. Some preferred addressing timeframes in the proposed CoI form. Others preferred reflecting them in the definition of CoI.

Delegates agreed in principle on text making the distinction between "CoI" and "bias," and discussed how best to manage instances of bias. They agreed that believing a view to be correct, without standing to gain from it, does not necessarily constitute a CoI, but it may reflect a bias.

They also debated whether "all" professional and other non-financial interests need to be disclosed, or only "significant and relevant" ones. On the disclosure of significant and relevant interests, one delegation opposed disclosing senior editorial roles as CoI. Others objected, highlighting that senior editorial roles can have a strong influence on the review process. They also discussed whether the proposed CoI Committee could have a standard set of rules/rubric to assist them in making CoI determinations.

The group also carried out a second reading of Annex A, containing the CoI policy implementation procedures.

Several delegates supported, in principle, new text that, where a CoI cannot be resolved the CoI committee shall make a recommendation to protect the credibility of the panel and its deliverables, and public confidence in its outputs and processes, to the appropriate decision-making committee.

The group also addressed the disclosure form in Annex B, including a table separating financial, non-financial, and other interests. Delegates debated its use as a basis for further work and the need for intersessional work. Some delegates proposed "homework" on the disclosure form for OEWG-3, and one delegate suggested including information on publicly available and confidential information. One delegation preferred no intersessional work on this issue.

Co-Facilitator Adu-Kumi said the Secretariat would prepare background information, including additional questions on the CoI policy, and circulate it for inputs in early January 2024.

On **operating principles**, Co-Facilitator Kuroda opened the first reading of principles not yet introduced. Delegates discussed "policy relevance but not policy prescriptiveness," its application to outputs at different levels, and possible reference to a "prevention" focus.

Some delegates called for deleting a principle highlighting responsiveness to developing countries' needs. One cautioned that qualifying this provision with "while still preserving the scientific and policy bases upon which it operates" implies that these two elements are contradictory.

There was lengthy discussion on whether the precautionary approach is compatible with scientific robustness. One delegate proposed mentioning "all Rio principles, including the" precautionary approach.

Delegates suggested a variety of changes to a principle on incorporating a human rights-based approach, while others preferred replacing or deleting it. Co-Facilitator Kuroda said the Secretariat will provide alternative texts at OEWG-3.

On addressing all forms of pollution, one delegate suggested deleting reference to "oceans." There was lengthy discussion on conflicting proposals to address either "prevention" or "existing and legacy forms" of pollution.

Delegates also considered proposals for five new principles. Suggestions included: integrating "equity" and a "prevention focus" into SPP's work; clarifying "socio-economic contributions" of workers; and deleting mention of ethical deliverables and experts and of "a bottom-up approach." No intersessional work needs were identified.

In the evening, delegates addressed capacity building, hearing presentations from the Ozone, IPCC and the Basel, Rotterdam and Stockholm Conventions (BRS) Secretariats. A regional group responded to questions about their envisioned capacity-building proposal. The contact group also considered the scope and functions of the SPP.

A conference room paper (CRP) reflecting the group's outcomes will be produced for further deliberation by plenary on Friday.

### **Contact Group 2 on Institutional Arrangements**

Co-Facilitator Torres opened the session, inviting delegates to focus on **strategic partnerships**.

Delegates debated over referring to "selected" or "relevant" stakeholders, with many supporting the latter. One delegate urged reference to regional entities.

A delegate proposed that the panel may mandate the Secretariat to engage in potential strategic partnerships related to the identified work programme and suggested a review process for assessment of their effectiveness. Others preferred that plenary consider secretariat, bureau, or subsidiary body proposals on establishing strategic partnerships. Yet others stressed avoiding overlaps and ensuring the absence of CoI.

A group of countries suggested referring to joint project documents, work programmes, or contracts in guidelines for formalizing partnerships through memoranda of understanding.

On formalizing strategic partnerships, one delegate suggested drawing from the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), and stressed regional or thematic balance in delivery of the work programme and experience and capacity of the potential strategic partner.

On **intersessional work**, delegates considered future work on annexes for the skeleton outline, comprising rules of procedure (RoP); financial rules and procedures; a process for determining the work programme, including prioritization; and procedures for preparation and clearance of panel deliverables. Delegates discussed whether the plenary's RoP would apply, *mutatis mutandis*, to the subsidiary bodies. The group agreed to task the Secretariat with drafting the envisaged annexes, including for the panel's RoP, taking into account examples from IPCC, IPBES, and the UN Environment Assembly (UNEA).

In the afternoon, delegates engaged in a second reading of institutional arrangements. On membership to the plenary/governing body/panel, a regional group suggested simply referring to state members of the UN. Delegates suggested referring to regional economic integration organizations (REIOs) and members of specialized agencies "who may become members by expressing their intent to do so."

Delegates improved previously tabled suggestions, offered editorial amendments, and requested bracketing various parts of the document pending further discussions. On financial arrangements, a group of countries suggested reference to international financial institutions and development banks.

A delegate suggested that the envisaged trust fund be hosted by an institution agreed by plenary and managed according to the host institution's financial rules, regulations and due diligence standards. Others emphasized the trust fund's, voluntary nature. Following discussion on the annexes, delegates bracketed them pending further discussions.

Co-Facilitator Tingstorp thanked all delegates for their constructive engagement and closed the contact group meeting, noting that a CRP will be developed for further consideration in plenary.

### **Contact Group 3 on Work-Related Processes and Procedures**

The contact group started its deliberation in the afternoon. Co-Facilitator Katerina Sebková (Czechia) and Moleboheng Juliet Petlane (Lesotho) recapped outcomes from the joint session with Contact Group 2. For initiating a general exchange of views, the Secretariat provided input on procedures for preparation and clearance of panel deliverables, presenting a diagram visualizing a potential workflow for an assessment based on UNEP/SPP-CWP/OEWG.2/6.

Seeking clarification on such a workflow, several delegates noted that important steps were missing in the overview, such as processes for scoping, prioritization, and communication related to each deliverable. Several delegates expressed support for a rolling work programme, allowing flexibility and promoting policy relevance. One delegate underscored the importance of involving governments at every stage of the process to increase ownership and uptake.

Upon invitation from Co-Facilitator Sebková, the group commented on draft text in Annex 4 of the proposals to establish an SPP, containing procedures for preparation and clearance of SPP deliverables. One delegate suggested reference to a procedure for translating draft assessments and deliverables, to enhance participation of non-English speakers. Others cautioned against populating the skeleton list with text at OEWG-3, preferring to discuss which elements require intersessional work.

In the evening, the group continued work on identification and engagement of experts, work programme considerations, and collecting ideas for intersessional work. Discussions continued into the night.

### **Contact Group 4 on Intersessional Work**

The Contact Group, facilitated by Ana Berejiani (Georgia), and Toks Akinseye (UK), met in the evening to discuss intersessional work, on the basis of suggestions from the other contact groups.

### **In the Breezeways**

Thursday was a taxing day for delegates, who attended contact group sessions for over eight hours. Managing to amicably address some delegations' concerns that their voices were being stifled, OEWG-2 dug deep into the substance of its work. The long hours may be starting to pay off, as delegates began converging on some of the lower-hanging fruit for elements to populate the skeleton outline for proposals for the establishment of the SPP. For instance, no opposition was heard to referring to five new operating principles, including on gender equality. Delegates also agreed to task the Secretariat with drafting provisions, such as the panel's Rules of Procedure.

Disagreements remain on modalities for the CoI policy; the SPP's capacity-building mandate, with two competing proposals still on the table; and roles and functions of subsidiary bodies. Many believe these elements will be key for a robust SPP, with some highlighting the need to address capacity gaps, including on data generation. As a developing country delegate noted, there is a need to also focus on those "who are simply consumers and not producers of hazardous substances."

The *Earth Negotiations Bulletin* summary and analysis of OEWG-2 will be available on Monday, 18 December 2023 at [bit.ly/oewg2-sp](https://www.unep.org/earthnegotiationsbulletin/oewg2-sp)