

Science-Policy Panel for Chemicals, Waste, and Pollution OEWG 2 Highlights: Wednesday, 13 December 2023

Deliberations in contact groups dominated the third day of work of 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. Delegates met in plenary in the morning to hear progress reports on contact groups' work on Tuesday. They devoted the rest of the day to contact group discussions on, among other issues: operating principles, a conflict of interest (CoI) policy, and institutional arrangements.

Preparation of Proposals for the Establishment of a Science-Policy Panel

In a stocktaking plenary, Chair Gudi Alkemade (the Netherlands) noted the need to focus on substantive discussions to develop proposals for the SPP's establishment. She invited reports from contact groups' Co-Facilitators on Tuesday's sessions.

Itsuki Kuroda (Japan), Co-Facilitator of Contact Group 1 on scope, objectives, functions, operating principles, and CoI, noted that, on operating principles, the group had considered a clustered list of proposed elements, and reported that delegates had agreed to streamline the list. On CoI, she reported that the group continued a first reading and suggested amendments to the proposal for a CoI policy ([UNEP/SPP-CWP/OEWG.2/INF/10/Add.1](#)). The group also noted that it would be useful to separate financial and non-financial CoI elements. She reported that the group would need more time to make additional progress, pointing to pending discussions on capacity building.

Contact Group 2 Co-Facilitator Judith Torres (Uruguay) reported on work on institutional arrangements. She noted that the Secretariat had presented a diagram that allowed better understanding of the envisaged bodies under the SPP. She added that discussions focused on plenary and bureau functions as well as on provisions on membership. She requested more time to finalize discussions and suggested a joint session with Contact Group 3, mandated to address work-related processes and procedures, to develop a common understanding on deliverables and institutional arrangements.

Contact Group 3 Co-Facilitator Katerina Sebková (Czechia) welcomed the proposal for a joint session, noting that it would be useful to address both the type of deliverables the SPP will produce and the required expertise. ANTIGUA AND BARBUDA suggested inviting Contact Group 3 co-facilitators to the Contact Group 2 session and devote some time to discussing SPP's deliverables that will inform the discussions in both contact groups.

Pakistan, for the ASIA-PACIFIC GROUP, and SAUDI ARABIA stressed that their group's views have not been adequately reflected in the working documents produced by Contact Group 2, expressing concerns about engaging in textual negotiations, which may slow down progress or delay the formulation of solid proposals. Chair Alkemade highlighted the

general exchange of views as an important step in the process to "better understand differences in points of departure," to facilitate textual negotiations, confirming that all views should be captured.

The US suggested reflecting that textual negotiations are without prejudice to additional views and proposals that could be made at the third meeting of the OEWG, whether the text is bracketed or not, noting that this flexible approach can help deliberations move forward.

Chair Alkemade confirmed that the session's outcome "is not cast in stone," and does not preclude that member states can evolve their thoughts during the intersessional period. She added that this understanding will be reflected in the meeting's report.

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

Co-Facilitator Sam Adu-Kumi (Ghana) opened the session, inviting contributions on CoI by the Ozone and the Intergovernmental Panel on Climate Change (IPCC) Secretariats.

The Ozone Secretariat said its Technological and Economic Assessment Panel (TEAP) terms of reference (ToRs) require panel and sub-committee members to submit annual Declarations of Interest (DoIs), which are posted on the website. The IPCC Secretariat said its CoI policy applies to authors, Panel and Technical Support Unit (TSU) leadership, and Secretariat, and is managed by the CoI Committee.

Responding to questions, the Ozone Secretariat said an identified CoI normally is resolved through consultations between the relevant member and the Panel co-chairs. However, the ToRs provide for a conflict resolution advisory body, which assists with resolving issues. The IPCC Secretariat said its CoI policy applies to authors, and Panel and Technical Support Unit (TSU) leadership, and is managed by the CoI Committee.

On where and how to give guidance, the IPCC cited induction training for each assessment cycle's new officers. The Ozone Secretariat said TEAP's ToRs evolved into a 2012 Decision and require disclosure of immediate family members' CoIs. The IPCC Secretariat noted that any issues regarding leadership nominations are flagged in the CoI Committee's report prior to elections.

A delegate suggested exploring CoI policies of other chemicals bodies. On temporal scope, one participant noted the Rotterdam Convention mandates disclosure of four years' activities. Co-Facilitator Adu-Kumi said the Stockholm Convention's Persistent Organic Pollutants Review Committee (POPRC) requires a DoI before each meeting and recusal of the individual concerned from discussion on it.

The Secretariat then presented a draft Annex B table listing CoIs, noting duplicative text on financial disclosures to ensure full coverage.

Delegates then opened a second reading of the proposal for a CoI policy, addressing its purpose, specifically how to reflect the fact that the panel should review peer-reviewed and non-peer-reviewed literature, "alongside other sources," in conducting its assessments. They also considered whether the Panel "may need to deal objectively" with scientific, technical, and socio-economic factors relevant to the application of particular policies, with some

noting that this is agreed language from the IPCC. They discussed the need for the CoI policy to ensure that the representativeness and geographic balance of the Panel is not impaired.

The group also discussed scope and, briefly, purpose and definitions related to CoI policy. On scope, most interventions supported reference to experts and review editors disclosing CoI although one delegate preferred deleting both.

Returning to discussions on operating principles, delegates addressed a Co-Facilitators' non-paper presenting a table clustering 24 proposed elements into five areas. In order to streamline the list of new elements, Co-Facilitator Kuroda requested delegates to discuss whether the new elements could be incorporated into existing principles contained in the draft text for proposals to establish an SPP (UNEP/SPP-CWP/OEWG.2/INF/10/Rev.1), or be considered standalone principles.

Regarding the newly proposed elements, delegates agreed that transparency in work and decision making is already addressed in the element on scientific independence and ensuring credibility, relevance, and legitimacy. They agreed to delete reference to good governance given it will be discussed under institutional arrangements, and to defer discussions on "information and chemicals/materials" until later. They agreed that an element on "balance between developed and developing countries" could fit under the existing principle on geographical, regional, and gender balance. Many supported prioritizing racial, social, and intergenerational equity either as standalone principles or incorporated into existing ones. Several called to prioritize capacity building as a standalone principle. They also discussed Co-Facilitator Kuroda's suggestion to park a number of new proposals under a yet to be developed or agreed "conceptual framework," eventually agreeing to consider these elements as "future work." Co-Facilitator Kuroda said a new document would be circulated to reflect discussions.

In the evening, Co-Facilitator Kuroda opened the first reading on two competing proposals on capacity building submitted at OEWG-1.2, one following other panels' traditional models, aimed towards concise comprehensiveness, and the other intended to also address gaps in country- and region-specific environmental data by building scientists' capacity for coverage of all regions. Discussions continued into the night.

Contact Group 2 on Institutional Arrangements

Co-Facilitator Torres invited views and textual proposals on the functions of the SPP's secretariat.

Discussions centered on the function to provide scientific, technical, organizational, communication, and capacity-building support. Several delegates opined that the secretariat should not provide scientific and technical services. Others highlighted that it is common practice that secretariats in the chemicals sector provide scientific and technical support. One delegate suggested that the description of the secretariat's functions should be kept general and simply cover the provision of support to all SPP functions.

Delegates strove to ensure that all their suggestions were reflected in the draft negotiating text. Some highlighted the importance of ensuring interactions between stakeholders and different SPP bodies.

They exchanged views on a suggested secretariat function of assisting in the mobilization of financial resources based on the UN voluntary indicative scale of contributions. A delegate cautioned against mandatory funding requirements. Others clarified that the envisaged contributions are indeed voluntary, distinguishing them from the mandatory scale of contributions which applies to environmental conventions and the UN General Assembly, and stressing the usefulness of voluntary contributions in expanding the donor base. Yet others called to continue these discussions under those related to financial arrangements.

In the afternoon, Co-Facilitator Sofia Tingstorp (Sweden) invited comments on a section of the draft text addressing evaluation of the operational effectiveness and impact of the SPP. Bob Watson, former Chair of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), shared

lessons learnt from the IPBES effectiveness evaluation. Several delegates underscored the importance of independent review. One delegate suggested a specific process, while others preferred fewer details.

Co-Facilitator Tingstorp invited Contact Group 3 Co-Facilitator Sebková to jointly discuss the interrelationships between the SPP's deliverables and institutional arrangements.

Some delegates stressed the need to work "towards being maximally flexible and minimally prescriptive" regarding deliverables. Many highlighted the need to include capacity building among deliverables. Delegates further discussed high-impact deliverables, drawing from lessons learned under IPBES.

On the expertise needed in the subsidiary bodies of the panel, views converged on the need for an interdisciplinary body providing scientific advice, with one delegate urging inclusion of social scientists. One delegate proposed a small policy body to steer prioritization of inputs to the work programme, opposed by others who preferred expanding the composition of the interdisciplinary expert committee or involving the bureau to ensure policy relevance. The IPCC Secretariat provided input on the structure of its subsidiary bodies.

On committees and subsidiary bodies, delegates addressed the functions of an envisaged interdisciplinary expert committee. A participant emphasized the need to ensure inclusivity in the nomination of experts. One delegate called for taking into account different disciplines and types of knowledge, gender balance, and effective contribution and participation by experts from developing countries.

Delegates discussed whether "providing advice" to the SPP's plenary and bureau on scientific and technical aspects of its programme of work is sufficient. One participant suggested "overseeing the scientific and technical aspects of the work programme." Many delegates urged addressing the work programme's capacity-building aspects.

On the expert committee's membership, delegates considered whether non-governmental participants should be eligible to participate as *ex officio* members in the committee's meetings. Several observers called for allowing stakeholder engagement; one delegate stressed the need to ensure scientific integrity.

On the intersection between the interdisciplinarity of experts and ensuring geographical, regional, and gender balance, one delegate suggested clearer language, noting this issue falls short in other SPPs. Another cautioned that a constrained selection process may hinder reaching consensus on the selection of experts at the regional level.

In the evening, discussions on subsidiary bodies continued. Delegates suggested additional committees beyond the ones in the draft text for proposals, including a policy committee and a prospective error analysis committee, further discussing, among other things, TSUs. Discussions continued into the night.

In the Breezeways

With only two days remaining for discussions at OEWG-2, delegates were eager to see their work reflected in new working texts, with a regional group expressing concerns that their ideas were not adequately captured. They spent the remainder of the day in contact groups, powering through non-papers and texts, determined to make headway.

In their CoI discussions, the existing differences among international assessment bodies in how they address CoI were clear, along with the desire to improve on existing models. Delegates also raised the issue of possibly non-objective influence of individuals associated with chemicals producers.

In discussions on institutional arrangements, delegates touched upon a sensitive issue for the state-driven work of the panel: participation of stakeholders in the scientific oversight body of the panel. While most delegates did not support the idea of representatives appointed by non-governmental participants, observers called for gathering the "full range of expertise" noting that "very good scientists exist besides the ones appointed by governments."