

Fifteenth meeting and seventh teleconference of the Bureau of the International Conference on Chemicals Management for its fifth session
Wednesday, 24 March 2021, from 14:00 – 16:00 CET

REPORT OF THE FIFTEENTH MEETING OF THE ICCM5 BUREAU

1) Opening and welcome

The President of the Fifth International Conference on Chemicals Management (ICCM5), Ms. Gertrud Sahler, welcomed the participants to the fifteenth meeting and seventh teleconference of the ICCM5 Bureau. In her introductory remarks, Ms. Sahler recognized the goodwill of all Bureau members to continue meeting virtually and encouraged the Bureau to find a way to turn the pandemic into an opportunity for the sound management of chemicals and waste.

The President expressed her satisfaction for the work and efforts undertaken by the co-facilitators' over the past months resulting in the co-facilitators' final reports for each of the four Virtual Working Groups (VWGs), which are now available on the SAICM website.

2) Adoption of the agenda

In opening this agenda item, the President highlighted that the primary focus of the teleconference would be to discuss possible elements of a survey on experiences with the SAICM VWG process (agenda item 4) and to review the recommendations for continuing SAICM and its preparatory process for the postponed IP4 and ICCM5 meetings (agenda item 5). The meeting agenda was adopted without any changes.

3) Adoption of fourteenth meeting report of the ICCM5 Bureau, held on 27 January 2021

The Bureau members adopted the report of the fourteenth ICCM5 Bureau meeting, held on 27 January 2021, without any changes.

4) Presentation of the survey to review the SAICM virtual working group process held between October 2020 and February 2021

The President introduced document SAICM/ICCM.5/Bureau.TC.7/3, which outlined elements of an online survey to be circulated to all SAICM stakeholders to review the SAICM virtual working group process held between October 2020 and February 2021. She noted that the objectives of the survey include to: (i) gather information to inform the design of future work; and (ii) increase ownership and shared responsibility by SAICM stakeholders. Ms. Sahler explained that the SAICM Secretariat would disseminate the survey following this meeting. Following the completion of the survey, the SAICM Secretariat will analyze the survey responses and share the results with the Bureau. Subsequently, the President opened the floor for comments on the draft survey.

Ms. Manal Azzi (IOMC) presented comments from WHO on the way forward in general but also on the survey itself. On the survey, she mentioned the following issues: open questions should be avoided; some questions don't fit under the section and a number are repetitive; on technology – the questions should be simplified and may be difficult to answer; a number of questions would require seeking information from regions; the

questions whether meeting objectives suit virtual work were not considered adequate; and the multi-sectoral aspects should be made more prominent. She confirmed that the comments on the draft survey would be shared in writing with the Secretariat after the meeting. She also relayed a number of comments on the general way forward. Firstly, if there was a need for the survey and whether regional meetings might be a better way forward to ensure useful feedback as well and be more effective than a survey. Secondly, if there was a need for an OEWG4, noting that it would delay ICCM5 further, whereas virtual regional meetings in 2021 may be more effective. Thirdly, she noted that, given the current COVID-19 situation, the proposed virtual high-level meeting should be prepared carefully to ensure the participation of high-level delegates. Finally, Ms. Azzi outlined that smaller, more targeted regional meetings should be set up to report back to the larger group and consider the opinions of all its stakeholders.

Ms. Sarah Brosché (IPEN) agreed with Ms. Azzi's comments on the draft survey, such as that it was too long and too detailed. She further asked if the survey would be translated in all UN languages and through which channels it would be shared.

Mr. Mohsen Naziri Asl (Asia Pacific) announced that he would seek views from the Asia Pacific region following this discussion. He noted that for developing countries it would be important to measure the success of the VWGs and whether all stakeholders could present their views. In his view, existing gaps in some regions had been widened through the VWG process. He proposed to give the Bureau members more time to consult with their constituencies to provide feedback on the survey before distributing it.

Ms. Valentina Sierra (GRULAC) pointed out that she received many comments on the elements of survey and would share those with the Secretariat in writing. In general, GRULAC supports the survey and acknowledges the importance of the information to be gathered. In addition, the GRULAC region would like to understand how the analysis of the results will be used and shared and what the timeline for this to take place. She pointed out that in order to respond to some questions in the survey, stakeholders would need to consult on their respective constituents' position. This would make it difficult for stakeholders to respond the survey individually and may lead to a lower response rate.

Ms. Suzanne Leppinen (JUSCANNZ) explained that her region would be supportive of the concept, however when continuing to work virtually, a new process would need to be set up to enhance engagement of all stakeholders, including the sectors. In their view, it would be very unfortunate if results of the virtual work process would not build on strong multi-stakeholder and multi-sectoral engagement.

The President, Ms. Sahler, reported that Mr. Szymon Domagalski and herself received comments from the EU and its Member States. She proposed to send the written submissions to the SAICM Secretariat. Mr. Szymon Domagalski (CEE) pointed out that while the survey was generally well received, it did not respond to the question why some countries did not participate in any of the meetings. He suggested that the first question "How many VWGs did you engage in" includes an option to indicate "none" and describe the reasons that made participation difficult or impossible.

Ms. Servet Goren (Industry) supported Ms. Leppinen's comments. They would support the idea of a survey, but the angle missing would be what is defined as "successful". In her opinion, it would not be about whether people had their voice heard but rather if the group was able to advance. Also, the ownership of participants would be missing (What was your role? What was "successful" for you? What was your ownership?).

The President, Ms. Sahler, reminded the Bureau that they had requested such a survey at the last Bureau meeting. She noted that given the uncertainty of when face-to-face meetings will take place that progress has to be made by working virtually. It would therefore be very important to get a wide range of views on the survey, so that the virtual work can be improved in the future. She announced that a revised survey taking on board the comments received from Bureau would be circulated in 3 to 4 weeks and will then be discussed again at the next Bureau meeting. The deadline for submitting written comments to the Secretariat was 14 April 2021.

5) Recommendations for continuing SAICM and a preparatory process for the postponed IP4 and ICCM5 meetings

The ICCM5 President presented document SAICM/ICCM.5/Bureau.TC.7/2 - Recommendations for continuing SAICM and a preparatory process for the postponed IP4 and ICCM5 meetings. She elaborated on the current situation highlighting that the Bureau decided to postpone IP4 and ICCM5 indefinitely and that a number of challenges were faced during the virtual meetings and online consultations. The objectives of the ongoing Intersessional Process would be to i) secure and support continued implementation of SAICM; and ii) finalize the ICCM4 mandate on the development of recommended future SAICM successor. The recommendations presented in the document include i) develop and approve a Programme of Work and budget through silent procedure by mid-2021; ii) reconfirm the convening of the IP4 and discuss the merits of convening an OEWG4 meeting, and iii) convene a virtual high-level meeting to discuss and provide political profile and commitment.

Ms. Sahler announced that Germany will host a virtual high-level meeting on chemicals and waste on 7 and 8 July 2021. A save the date would be sent out soon. The objective of this meeting would be to highlight the need for the sound management of chemicals and waste as a priority issue. She stated that this event will not be connected to the United Nations. Participants will include Ministers from the High Ambition Alliance and like-minded countries, as well as other chemical producing countries, heads of International Organizations, CEOs, NGOs and academics. The President noted that she will provide an update on the organization of this event at the next Bureau meeting and then opened floor for comments.

Ms. Valentina Sierra (GRULAC) shared GRULAC's regional position on the document and noted that that she would send the comments in writing to the Secretariat following the meeting. She mentioned that the region proposes to have briefings on the results of the VWGs in both English and Spanish to be organized by the SAICM Secretariat. She noted that GRULAC proposes to hold ICCM5 in two parts, the first part convened virtually, the second part as a face-to-face meeting. For the face-to-face ICCM5, GRULAC would prefer the last semester of 2022, however if it only takes place in 2023, Ms. Sierra highlighted the need for an in-person OEWG4 as soon as face-to-face meetings can be held. She also noted that the proposed way forward presented in SAICM/ICCM.5/Bureau.TC.7/2 is acceptable for the region. In addition, the GRULAC region agrees to maintain/extend the current SAICM format, until effective discussions and decision-making can be undertaken, to ensure continuity of the work that has been done so far. GRULAC also supports the planned high-level meeting in order to foster political commitment and increase visibility for the sound management of chemicals and waste. Furthermore, small and regional working groups are welcomed, but more information would be needed on how these will be run. Mr. Rory O'Neill (Labour NGOs) agreed with GRULAC on retaining the format at this time as well as on the importance of the High-level meeting and the call for greater attention to regional participation.

Ms. Sahler noted that some stakeholders, including the EU and its member states were not keen to have smaller VWGs. From her point of view, the best option would be to increase engagement of developing countries by addressing issues such as connectivity, time zones and language barriers.

Ms. Sarah Brosché (IPEN) noted that IPEN would support the proposed way forward. However, she requested for more information on how the Programme of Work would be developed, what the mandate to continue for beyond 2020 would entail, etc. She also supported the GRULAC proposal of convening an OEWG4 noting that the VWGs cannot address all issues that can be done in a face-to-face setting. Lastly, she noted that IPEN will send their comments in writing.

Mr. Mohsen Naziri Asl (Asia Pacific) highlighted the importance of such a paper but noted that it needs further elaboration. He requested that the Bureau members are provided an opportunity to engage in the development of this paper and be given more time to consult and develop their position on these issues. In addition, he noted that the current proposal would exclude the opportunity for regions to exchange views and to collaborate more closely. Lastly, he asked for more information and the rationale on the proposed inclusion of an OEWG4. Mr. Naziri noted that he will send the Asia Pacific comments in writing.

Ms. Suzanne Leppinen (JUSCANNZ) reminded the Bureau members that the most important goal must be to achieve buy-in from all stakeholders on the virtual process and its outcomes. She confirmed that her region would support the way forward proposed by the group to first address procedural issues via online means and

then wait for feedback from the survey to agree on a way forward for any virtual work. She welcomed the proposal to hold regional meetings to explain the outcomes of discussions to date, also to get a sense of the open issues and those that need continued dialogue before the next meeting. Ms. Leppinen supported the idea of an OEWG4 in order to avoid going directly into ICCM5, as official negotiations cannot take place at an IP4.

Mr. Szymon Domagalski (CEE) raised the issue that the term “force majeure” used in the document is a legally defined term possibly implying legal consequences. He proposed to use the expression “unforeseen or unprecedented circumstances” instead. He pointed out that from his understanding after consultation with colleagues, the SAICM mandate did not expire at the end of 2020. Even though there was the objective to achieve the sound management of chemicals and waste by 2020, which is now obsolete, the structure of SAICM was not time limited. SAICM could just be prolonged as long as the Bureau can agree on a Programme of Work and core budget to be adopted through the silence procedure, which has proven to be effective.

The ICCM5 President pointed out that there are differing opinions on whether SAICM can be continued or not and therefore asked the UNEP legal officer to clarify. With regards to the proposal to hold an ICCM5 Part 1 online, Ms. Sahler reminded the Bureau that they had discussed this option at length at previous Bureau meetings in the context of whether negotiations can take place virtually, but it was the view of the Bureau that this option was not feasible as well as the idea of a two-part IP4, virtually and face-to-face. She further noted that it could not be compared to UNEA5 as there was a preparatory meeting of the Committee of Permanent Representatives, which ICCM5 does not have. Therefore, her proposal would be to decide on procedural decisions by mid-2021 through the silence procedure and then have a full face-to-face ICCM5, with the possibility of convening an IP4 and/or OEWG4 prior to ICCM5. Ms. Sahler pointed out that while she observed a lot of support for an additional OEWG, she would like to remind the Bureau that an OEWG would have additional financial implications. From her point of view, it would be good to have an OEWG and the decision would depend on if the necessary financial resources could be secured.

Mr. Mohsen Naziri Asl (Asia Pacific) agreed to the point made by Mr. Domagalski on avoiding the usage of the term “force majeure”. He questioned the need to have a high-level meeting in the middle of the process whilst many issues were still to be decided and asked about the objective of this group. With regards to the silence procedure, Mr. Naziri stated that any decision that is organizational and administrative in nature should be taken exceptionally and should not become a precedent.

Ms. Sahler agreed to replace the term “force majeure” with an expression such as “due to the current situation of the pandemic” to address the concerns raised. On the silence procedure, she explained that this would be necessary to agree on the continuity of the ICCM5 mandate. However, she assured the Bureau that drafts of any administrative decisions would be discussed by the Bureau and adequate time to consult with the respective constituencies or regions would be provided. In terms of next steps, the President proposed to prepare the draft decisions and the draft Programme of Work and budget for the next two years for consideration by the Bureau. Secondly, the Bureau is invited to provide written feedback on the document SAICM/ICCM.5/Bureau.TC.7/2 by 14 April 2021.

Mr. Kasten (UNEP) took the floor to remind the Bureau that the world is facing unprecedented times. He therefore urged the Bureau to be as open as possible even though he considers the comments made by previous Bureau members very valid. He highlighted that the first part of UNEA was a success and explained that UNEP is currently evaluating its experiences with virtual meetings undertaken over the last year. He noted that the virtual platforms are evolving very quickly to meet the clients’ needs. Lastly, he mentioned although there are views expressed that there is no legal requirement to renew the SAICM mandate, SAICM needs to be lifted into the new global thinking on the global planetary crises we are facing. UNEP’s recently adopted Medium Term Strategy aims to address the triple planetary crisis, putting pollution, i.e. the sound management of chemicals and waste, on same level with climate change and biodiversity loss by the world’s highest environmental decision body (UNEA). Given the uncertainties we face for things to get back to normal, he encouraged the Bureau to explore ways to raise the profile and importance of chemicals and waste within the global agenda.

Mr. Morin (IP Co-chair) thanked the Bureau for the comments provided. He recognized that the situation is not ideal. Nevertheless, based on the comments he senses that there is agreement on the need for a second phase of the virtual work, on extending the current VWG mandates and convening of regional and topical

meetings to minimize time zone issues. He noted that he is looking forward to receiving comments on the survey, which would be a key ingredient for the design of successful virtual discussions in the future. Beyond that, he pointed out that momentum needs to be maintained and agreed with Mr. Kasten that chemicals issues continue to affect people, so we cannot afford to lose time until we reconvene in person. The dialogue needs to be advanced as much as possible. To conclude, he encouraged Bureau members to focus on solutions, rather than on the process. The approach can be adjusted to address the issues that were faced in the first phase of the virtual work through the survey.

In follow-up to Mr. Kasten's interventions, Mr. Trengove (UNEP Legal Officer) took the floor and echoed that UNEA5.1 had been successful including the preparatory meeting of the Committee of Permanent Representatives. He noted that the triple BRS COPs will also take the UNEA5 route and will have a virtual session followed by a face-to-face meeting. Currently, lessons learned from past meetings held across UNEP are being evaluated. Additionally, a study on compliance with rules of procedure in convening virtual meetings was undertaken for UNEA. Mr. Trengove offered to share the revised guidelines on virtual meetings once finalised.

Ms. Sahler requested for clarification on the interpretation of the ICCM4 resolution setting up an intersessional process to advance on the Strategic Approach and the sound management of chemicals and waste beyond 2020, and whether this means that SAICM automatically ends in 2020 or if SAICM automatically continues until ICCM5 convenes.

Mr. Trengove (UNEP) informed the President that he will submit his response to her request in writing and requested Ms. Sharna from the SAICM Secretariat to send the question by email.

Ms. Sahler agreed and explained that in the meantime preparations on the draft administrative decisions and work on the draft Programme of Work would start so that the process can advance.

Mr. Mohsen Naziri Asl (Asia Pacific) sought clarification on the high-level meeting noting that the Bureau had not agreed on this point. In response, Ms. Sahler clarified that this high-level meeting is not be an UN/SAICM meeting. It is being convened by the German government with the aim to keep momentum regarding the importance of the sound management of chemicals and waste. The meeting would follow the model of the 'Petersberg meetings on climate change' that take place annually in Germany.

6) SAICM secretariat budget

The President introduced this agenda item and invited Ms. Nalini Sharma from the SAICM Secretariat to update the Bureau members on pledges and contributions received since the last Bureau meeting. Ms. Sharma noted that the Secretariat had received the annual contribution from the Government of Germany and thanked Ms. Sahler for Germany's continued support to the SAICM Secretariat. In addition, Ms. Sharma noted that there are a number of other donors who have requested information on the 2021 budget, and hopefully additional contributions will be forthcoming. She explained that with the postponement of ICCM5, the budget will be revised. In addition, she noted that the Secretariat will need funding to support regional engagement virtually, e.g. for online interpretation.

Ms. Sahler raised a point made by the civil society organisations at a recent meeting held with the President, that in addition to the Intersessional Process for beyond 2020, there is a need for focus on implementing projects on the ground and continue to work towards the current SAICM objectives. She announced that she would like to include this as an agenda item for consideration at the next Bureau meeting.

7) Next teleconference of the Bureau

The President proposed the week of 12 or 19 May 2021 as a suitable time to hold the eighth and next teleconference of the ICCM5 Bureau. She requested the SAICM Secretariat to circulate a poll to agree on one of the two dates for the next meeting.

8) Any Other Matters

Ms. Sahler asked the Bureau members if they would like to raise a point under Any Other Matters. No other matters were raised.

9) Closure of the meeting

The President thanked the SAICM Secretariat for organizing the fifteenth meeting and seventh teleconference of the ICCM5 Bureau. She also thanked all Bureau members for their active participation. The meeting closed at 3:45pm.

FINAL

Annex

Participants

Bureau Members: Ms. Gertrud Sahler (Germany, ICCM5 President and Bureau Member Western Europe and Others Group), Mr. Szymon Domagalski (Poland, ICCM5 Bureau Member Central and Eastern Europe) and Ms. Valentina Sierra (Uruguay, ICCM5 Bureau Member Latin America and the Caribbean) and Dr. Dharmendra Kumar Gupta (India, ICCM5 Bureau Member Asia Pacific Region, alternate).

Regional Focal Points: Mr. Mohsen Naziri Asl (Iran representing Asia-Pacific), Ms. Suzanne Leppinen (Canada representing Western Europe and Others), and Mr. Kouame Georges Kouadio (Cote D'Ivoire for Africa).

Representatives of non-governmental participants and the IOMC: Ms. Sarah Brosché (Public Interest Organizations), Mr. Rory O'Neill (Labour NGOs), Ms. Servet Goren (Industry), Ms. Manal Azzi (Chair of the IOMC) and Susan Wilburn (Health).

SAICM Secretariat: Ms. Nalini Sharma (SAICM Coordinator), Mrs. Brenda Koekkoek, Mr. Jose de Mesa, Mr. Eduardo Caldera Petit, Ms. Delfina Cuglievan Wiese, Mr. Oleksandr Nazarenko, Mr. Ricardo Dunn and Ms. Marijana Todorovic.

Observers: Mr. David Morin (Co-chair of the intersessional process), Ms. Judith Torres (Co-chair of the intersessional process), Mr. Vassilios Karavezyris (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety, Germany), Ms. Monika MacDevette (Chief of the Chemicals and Health Branch, UNEP), Tim Kasten (Acting Director, Policy and Programme Division, UN Environment) and Mr. Stadler Trengove (Principal Legal Officer, Law Division, UNEP).

Regrets: Mr. David Kapindula (Zambia, ICCM5 Bureau Member Africa), Mr. Vladimir Lenev (Russian Federation, Regional Focal Point representing Central and Eastern Europe) and Ms. Ana Fernandez Blanco (Argentina, Regional Focal Point representing Latin America and the Caribbean).