Virtual Working Group – Process to Address Issues of Concern

I. Introduction

The proposal is prepared by the Virtual Working Group (VWG) co-facilitators for consideration by the Virtual Working Group and is based on inputs received through electronic feedback and the virtual meetings.

It responds to part (i) and (ii) of the mandate of this VWG:

(i) Review Annex B of SAICM/IP.4/2 and identify possibilities for compromise; or alternative text in areas of divergence; or identify gaps;

(ii) Develop proposals for draft procedures for the identification, nomination, selection, review and prioritization of the issues of concern; determining the need for further work on an issue of concern; and duration for considering issues of concern, drawing on experience.

Furthermore, a process for addressing the existing emerging policy issues (EPIs) and other issues of concern under the future instrument was discussed by the VWG on 14 December 2020 in addition to the for related written submissions. This discussion is linked to the present review of Annex B as a common view was expressed that the existing EPIs and other issues of concern should be reviewed for continued relevance and be integrated as ‘issues of concern’ under the new instrument.

II. Reflections and overview

a) General reflections

- Overall, the process should be simple, inclusive and transparent.
- In moving forward, the process needs greater ownership and enhanced implementation as well as its requirements especially accessible and economical alternatives.
- The process needs to include consideration of the 2030 Agenda for Sustainable Development.
- Consideration will still need to be given to the linkage to:
  i. any science policy interface
  ii. proposed Strategic Objective C on issues of concern and related targets and indicators. Stakeholders have also provided their inputs on Strategic Objective C on issues of concern via written submissions. These submissions are available on the VWG webpage.
  iii. Reporting under mechanisms to support implementation. Section G states ‘Every third year evaluate progress on Issues of International Concern and recommend changes to the programmes of work if necessary’. Any evaluation progress mechanism should identify challenges and gaps as well as the ways and needed resources to overcome them. Also any evaluation progress mechanism should take into account special circumstances of stakeholders in particular developing countries.

Commented [61]: The Virtual Working Groups could not replace the face to face negotiations in IP4 or ICCM-5 and it is not in the mandate of the VWs to negotiate on the language or text. We emphasize that bracket must remain throughout the entire original text and our current input is aimed to promote understanding on this issue to be discussed in IP4.

Commented [62]: It is necessary to delete “any”.
iv. The principle of common but differentiated responsibility is an essential consideration to ensure effective function of the process.

b) Co-facilitators’ proposal for the outline
• Based on the feedback received in the written submissions and the VWG meetings held to date, the co-facilitators have made a proposal to revise and realign the text for issues of concern, building on the text proposed in Document SAICM/IP.4/2 as well as ICCM Resolution II/4 and considering the discussions and submissions. The co-facilitators’ proposed outline is set out in Box 1.
• The outline of both the issues of concern text proposed in Document SAICM/IP.4/2 as well as ICCM Resolution II/4 on emerging policy issues are included in the Annex to the present document for ease of reference.

Box 1: Proposed outline

Title:

A. Definition
B. Submission of information
C. Nomination, selection and adoption process
   i. Nomination of issues
   ii. Initial review and publication of submissions
   iii. Decision-making and adoption
D. Mechanisms for implementation
   i. Workplans
   ii. Tracking progress
   iii. Determining the need for further work on an issue

• Section III below provides proposed text from the co-facilitators based on the proposed outline above.
• It is proposed that the focus of the 18 January 2021 discussion will be on Box 1 above and section III below.

III. Text proposal from the co-facilitators for ANNEX B

Issues of [international] concern

Rationale
The group expressed different views on the title. As the views expressed went in different directions, the co-facilitators have not proposed a new title, but kept the one from the compilation document
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(SAICM/IP.4/2).

The co-facilitators would like to note that it could be difficult to address an issue which is not of concern under this title and would seek stakeholders’ views on whether other issues than those of concern should be addressed, and if so, how this could be done under this title.
A. Definition

1. An issue of international concern is an issue identified at any phase in the life cycle of chemicals which may have significant adverse effects on human health and/or the environment and which has not yet been generally recognized, is insufficiently addressed, or arises from the current level of valid/certain scientific certainty information and which may have significant adverse effects on human health and/or the environment.

Rationale

Based on the discussions and feedback, the definition used in ICCM Resolution II/4 is proposed as it is already agreed, simpler and viewed as more inclusive.

B. Submission of Information

1. To nominate an issue, the following information should be provided:
   a. Adverse effects on human health and/or the environment, taking into account women, children and other vulnerable populations, biodiversity, ecosystems and any toxicological and exposure data;
   b. How the issues are integral to the vision of the Beyond 2020 Framework, are ongoing, and need to be addressed to enhance basic chemicals and waste management;¹
   c. Extent to which action is needed on the issue in order for countries to meet as appropriate the Sustainable Development Goals by 2030 should be considered;
   d. Extent to which the issue is being addressed by other bodies, at the regional or international level, and how the proposed action is related to, complements, or does not duplicate such effort;
   e. Extent to which the problem is relevant, particularly taking into account the needs of developing countries/countries with economies in transition on technical, technological and financial fields.
   f. Extent to which the issue is of a cross-cutting nature including at the sectoral level;
   g. Existing knowledge and perceived gaps in understanding about the issue;
   h. A list of priority actions and related timelines to guide implementation and the elaboration of a proposed workplan.
   i. Extent to which the problem is arising from lack of international cooperation.

Rationale

There was general support for the information requirements set out in Annex B in the compilation.

¹ Consideration should be given to how the proposed action will further basic chemicals management as per the 11 basic elements in the Overall Orientation and Guidance.
document, and this text proposal follows Annex B as a starting point. Some attempt has been made to simplify the text and identify possibilities for compromise or alternative text in areas of divergence as per the mandate of this virtual working group.

The title of this sub-section ‘Submission of Information’ has been revised to align more with the title from ICCM Resolution II/4. The information should be included in the submission and not necessarily viewed as an information requirement.

With respect to criteria, many participants noted that the criteria originally set out in Annex B of the compilation document (a. adverse effects; b. coverage of the issue under other bodies; c. relevance; and d. recognition) were duplicative of the text above and were generally captured under the information requirements. Furthermore, criteria would not be foreseen as prerequisites to be fulfilled for consideration as an issue. With this in mind, the criteria section has been removed from the co-facilitators’ proposal.

C. Nomination, selection and adoption process
   i. Nomination of issues

   1. The process for nominating issues is open to [any] stakeholder. The nomination procedure will be made available on the Strategic Approach website.

   2. To promote communication about the nomination:
      a. nominations should be officially communicated to all [National] Focal Points six months prior to the meeting of the ICCM.
      b. regions may wish to add the subject to relevant regional meeting agendas.

   3. Nominations must be submitted at least one year six months prior to a meeting of the Conference.

   ii. Initial review and publication of submissions

   1. The secretariat will check nominations for completeness with the aim of assisting proponents in completing their nominations. Proponents will be contacted to provide any missing information.

   2. The secretariat will compile a list of nominations, annotated with a summary of information from the submission. Similar nominations will be clustered so that similar issues can be considered in together, as appropriate and relevant. Comments received from stakeholders on the nominations will be made publicly available by the secretariat.

   3. The proponents of an issue will have an opportunity to revise their nomination to take into account comments or to clarify information provided and to work with other proponents to consolidate nominations that may be similar or complementary.

   4. The secretariat will consolidate a final list of nominations, annotated with a summary of information.

   For practical reason the Conference shall consider a limited number of nominations to be considered at the Conference.

Commented [66]: Eligible stakeholder for nominating an issue of international concern under SAICM’s framework beyond 2020 would be adjusted based on the final agreed provision of post 2020 SAICM regime.
iii. Decision-making and adoption

1. Issues should be selected and adopted by a resolution of the Conference. In adopting an issue, the Conference should:
   a. agree to a list of priority actions and related timelines;
   b. establish a multi-stakeholder committee to guide efforts and implementation on the issue.

2. The multi-stakeholder committees will undertake the following tasks:
   a. develop and implement a workplan, including propose indicators for relevant targets under different Strategic Objectives of the Framework Instrument;
   b. coordinate with other relevant bodies, such as the IOMC organizations and others (e.g. the convention secretariats);
   c. monitor and evaluate the progress against the indicators; and
   d. make recommendations to the Conference as appropriate.

Rationale

i. Nomination of issues
   • There was general support for the nomination procedure set out in Annex B in the compilation document while noting there is a significant amount of bracketed text.
   • Issues of concern will arise and evolve over time, and nominations will be allowed at any point. A six month deadline to submit nominations for consideration of the Conference would allow for sufficient time for thorough consideration of the nomination by stakeholders. The time-frame is identical to that of amendments to conventions.
   • Some attempts have been made to simplify the text and identify possibilities for compromise or alternative text in areas of divergence as per the mandate of this virtual working group.

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ii. Initial review and publication of submissions
   • It was noted in the submissions that there is some additional need to include a role for initial review and publication of the nomination, as was the case in Resolution II/4.
   • The basis of this text has been extracted from the agreed text in ICCM resolution II/4. Some attempt has been made to simplify the text and update it to align it with Annex B.

iii. Decision-making and adoption
   • Multi-stakeholder committees are proposed to guide efforts and implementation on the individual issues of concern.
   • If a decision is taken at a future Conference to continue the work of the current emerging policy issues or issues of concern under SAICM, it is proposed that efforts on these issues will also be guided by the process set out in section (iii).
   • Furthermore, proposed text within the main body of the future instrument discussed in the Governance group should be reviewed in consideration of the Virtual Working Group 3 discussion. Section VI. Mechanisms to support implementation, part E. Subsidiary and ad hoc expert bodies is also relevant.
D. Mechanisms for implementation

i. Workplans

1. Implementation of actions to address issues is guided by a work plan with clear timelines and milestones, responsible stakeholder and cost associated with the implementation;

2. All stakeholders [in a position to do so] are encouraged to take the necessary actions and/or provide [required] funding, and necessary technical and technological assistance towards the implementation of the workplan.

Any effective workplan should be developed in a comprehensive and realistic manner and include enabling and deliverable requirements. Establishing an international efficient and collaborative framework is highly essential in realization of goals and objectives of an international issues of concern.

It is also worth to be mentioned that a well-developed workplan should go beyond addressing timelines, milestone and monitoring processes, it should also address the cost needed to implement the actions.

Also, it is needed that the committee to consider challenges, restrictions and gaps and make recommendation on the necessary financial resources and capacities to address them.

ii. Tracking progress

1. The multi-stakeholder committees, with support of the secretariat, will oversee monitoring and reporting back from stakeholders, and guide progress towards implementation of the workplan, through:
   a) reports to meetings of the relevant body, and at regular intervals as identified in the proposed workplan prepared in accordance with section (i), above;
   b) periodic reviews within intersessional periods, and/or as requested by the Bureau; reporting on progress as outlined in the proposed workplan.

iii. Determining the need for further work on an issue

1. The Conference may decide to conclude work on a particular issue.

2. Determining the need for further work on an issue will be based on a full explanation of the rationale on a way forward, provided by the secretariat, in consultation with the multi-stakeholder committees, to the Conference following the progress evaluation of the activities carried out in accordance with the workplan.

Rationale

i. Workplans

The need to develop a work plan for concrete and time-bound implementation was highlighted in the discussions and is reflected in this proposal from the co-facilitators.
ii. Tracking progress

This text is drawn from Annex B. Some attempt has been made to simplify the text and identify possibilities for compromise or alternative text in areas of divergence as per the mandate of this virtual working group.

iii. Determining the need for further work on an issue

This text is drawn from Annex B. Some attempt has been made to simplify the text and identify possibilities for compromise or alternative text in areas of divergence as per the mandate of this virtual working group.

ANNEX

Comparison of the proposed text (compilation document) and current SAICM text (resolution II/4)

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