VIRTUAL WORKING GROUP ON GOVERNANCE AND MECHANISMS TO SUPPORT IMPLEMENTATION

REQUEST FOR ELECTRONIC FEEDBACK
TOPIC: ENHANCED SECTORAL AND STAKEHOLDER ENGAGEMENT

Co-facilitators: Karissa Kovner, USA and Teeraporn Wiriwutikorn, Thailand

Mandate: Make proposals that progress work in lead-up to IP4.

DEADLINE FOR COMMENTS: FRIDAY, 11 DECEMBER 2020

Instructions for Electronic Input on Remaining Parts of Section D

• This section was considered extensively at IP-3; there are only a few outstanding issues for which the VWG will hopefully be able to find a path forward.

• There were 22 stakeholder organizations that provided electronic input related to Sections B, C, and D during the requested comment period. As requested, not everyone provided comment on all paragraphs.

• Input was requested only on outstanding issues in order to ensure that, together, the VWG has enough time to meet the mandate from the Bureau. Although the co-facilitators did read the entirety of all submissions, our focus remains on the views that were requested and that are responsive to the remaining issues for discussion. In this submission, please limit your views to such issues, which we have done our best to clearly identify below to save your organization and the Secretariat time.

• There are a number of outstanding policy views that we do not think, as your co-facilitators, will be able to resolve at this time. We highlighted a number of those issues in our VWG meeting on 19 November 2020 and they remain in brackets in this proposed response to the electronic input received. Please do not provide comments on those brackets, which will also be clearly identified.

• With respect to the issues presented below, which are those that the VWG did not have time to discuss on 19 November 2020, please provide views only in areas where your organization does not feel that the proposed path forward, based on the electronic submissions received and taking into account our collective mandate to make progress, is acceptable to your organization.

• As co-facilitators, we are committed to providing proposals for the consideration of the VWG that represent the overall general direction and agreement of the group and provide an opportunity to progress. With 22 submissions, the co-facilitators acknowledge that there will be occasion where an organization’s view may not be representative of or consistent with the overall agreement of the rest of the VWG. It is our hope that in such instances, where possible, flexibility can be found.

• As requested by President Sahler, we are looking forward to a collaborative spirit where we can, together, make progress. So we would ask that your organization not simply repeat your written
submissions. Please be assured that the co-facilitators have read them, they have been compiled, and carefully considered in light of the submissions by others stakeholders.

- Should you find a proposal satisfactory, please do not submit views; your silence will be appreciated!

D. AREAS OF ELECTRONIC INPUT REQUESTED ON ENHANCED SECTORAL AND STAKEHOLDER ENGAGEMENT

19 NOVEMBER 2020

(Pages 10-11, Section VI.D)

This section was considered extensively at IP-3. Views are requested only on the existing language in the remaining brackets.

Paragraph 1. [and commitment]

Paragraph 2. At the national level, governments, as appropriate, should [undertake][pursue], in accordance with their laws, regulations and policies, [taking into account their national circumstances.] actions to build or improve regulatory and non-regulatory frameworks and institutional structures and capacities for multi-sectoral coherence [for the sound management of chemicals and wastes][in the implementation of the beyond 2020 instrument], as well as [promote][encourage] complementary action by relevant stakeholders.

Paragraph 3. [conventions.]

Paragraph 4. It is also essential that at the international level, relevant international organizations and bodies, in particular the IOMC organizations [and the chemicals and waste-related conventions,] also support national and regional efforts to enable and enhance the participation of stakeholders and sectors and to promote awareness regarding the crosscutting nature of the sound management of chemicals and waste as [an essential element] [a contribution] to achieve the sustainable development goals.

Paragraph 5. In addition, mindful of the need to avoid duplication and taking into account their respective mandates [and constituencies], [such][relevant] international organizations and bodies [should be][are] invited to [endorse and adopt][formally recognize] [the beyond 2020 instrument] and strengthen their own engagement on [and ownership of] policies and actions for the sound management of chemicals and waste [through establishing a mechanism to coordinate activities and further include them in their programmes of work and budgets], [including coordinating relevant activities and programmes of work] relating to the implementation of the 2030 Agenda and its sustainable development goals and targets.

Paragraph 6. [the sound management of chemicals throughout their life cycle and waste] [the implementation of the beyond 2020 instrument]

Paragraph 7. [throughout the value chain of chemicals and waste]

Paragraphs 8-10. Comments not requested (no existing brackets)

Paragraph 11. The second half of the sentence contains a single bracket related to the assessment of the levels of achievement [resulted in progress]. The co-facilitators recommend the removal of the brackets on this paragraph.
**Paragraph 12.** All efforts to enhance sectoral and stakeholder engagement should be expected to lead to strengthened cooperation and coordination with respect to the [sound management of chemicals and waste][implementation of the beyond 2020 instrument], following a common and shared [and timeless] vision to be adopted by ICCM-5 [, [taking into account any engagement] [and endorsed] [and formally recognized] by the UN General Assembly (UNGA), other relevant international bodies such as the governing bodies of the IOMC members, and relevant MEAs [to secure the necessary ownership]].

**Paragraph 13.** Paragraph 13 is currently in brackets. Based on the discussion at IP-3 and the importance placed on the existing role of the IOMC Organizations, the co-facilitators recommend the removal of the brackets on this paragraph.

**D. ENHANCED SECTORAL AND STAKEHOLDER ENGAGEMENT**

(Pages 10-11, Section VI.D)

**Paragraph 3** [conventions.]

3. Relevant regional [conventions], programmes, bodies and processes, such as health and environmental ministerial forums, should support and augment such national efforts, fostering coordination and cooperation.

- There were 13 submissions on this bracket, without a clear path forward as a group.
- There were two suggestions to add additional text, which are not being considered at this time given that there is only one bracket in this paragraph and it is very focused.
- It is our understanding that for those who do not want to remove the brackets, the concern is related to the view that conventions are legally distinct instruments that cannot be given direction by anyone other than their Parties. So it’s the word choice itself that is of concern. That same concern would be true for a reference to “agreements” or “MEAs.”
- However, the co-facilitators are wondering if the word “arrangements,” instead of conventions, could be a possible path forward for the VWG. In our view, substituting “arrangements” for “conventions” could address the concerns that have been raised while allowing the same general idea to remain in the paragraph.
- Please provide your views only if your organization does not feel that the proposed path forward is acceptable. A short sentence explaining your opposition would be welcomed.
- Should you find the proposal satisfactory, please do not submit views; your silence will be appreciated!

The co-facilitators’ proposed recommendation would read as follows:

3. Relevant regional arrangements, programmes, bodies and processes, such as health and environmental ministerial forums, should support and augment such national efforts, fostering coordination and cooperation.
EU/MS proposal:

3. Relevant regional conventions, programmes, bodies and processes, such as health and environmental ministerial forums, are invited to support and augment such national efforts, fostering coordination and cooperation.

Explanation: The argument put forward that conventions “are legally distinct instruments that cannot be given direction by anyone other than their Parties” may also hold true for other bodies or programmes. Replacing conventions with arrangements does not solve that issue. Instead of “giving direction” to them, they should thus “be invited” to support relevant efforts.

Paragraph 4

4. It is also essential that at the international level, relevant international organizations and bodies, in particular the IOMC organizations [and the chemicals and waste-related conventions,] also support national and regional efforts to enable and enhance the participation of stakeholders and sectors and to promote awareness regarding the crosscutting nature of the sound management of chemicals and waste as [an essential element] [a contribution] to achieve the sustainable development goals.

[and the chemicals and waste-related conventions,]

- We had 16 submissions on this bracket. The co-facilitators do not see an opportunity to find a path forward at this time and are not requesting comment.

[an essential element] [a contribution]

- There were 12 submissions on this bracket, with some flexibility provided by many stakeholders but no clear preference of the VWG.
- The co-facilitators found, upon reflection, the views of two stakeholders, Colombia and the United Kingdom, particularly compelling in that both suggested that the VWG recommend deleting both of the phrases and move forward without them.
- Given that the outcome of the paragraph would remain unchanged in this instance, we strongly encourage you to accept the suggestions of your colleagues, as provided below.
- Please provide your views only if your organization does not feel that the proposed path forward is acceptable. A short sentence explaining your opposition would be welcomed.
- Should you find the proposal satisfactory, please do not submit views; your silence will be appreciated!

The co-facilitators’ proposed recommendation would read as follows:

4. It is also essential that at the international level, relevant international organizations and bodies, in particular the IOMC organizations [and the chemicals and waste-related conventions,] also support national and regional efforts to enable and enhance the participation of stakeholders and sectors and to promote awareness regarding the crosscutting nature of the sound management of chemicals and waste to achieve the sustainable development goals.
Paragraph 5

5. In addition, mindful of the need to avoid duplication and taking into account their respective mandates [and constituencies], [such][relevant] international organizations and bodies [should be][are] invited to [endorse and adopt][formally recognize] [the beyond 2020 instrument] and strengthen their own engagement on [and ownership of] policies and actions for the sound management of chemicals and waste [through establishing a mechanism to coordinate activities and further include them in their programmes of work and budgets], [including coordinating relevant activities and programmes of work] relating to the implementation of the 2030 Agenda and its sustainable development goals and targets.

• The co-facilitators would like to return to further consideration of this paragraph after completing the review of the outstanding issues in paragraphs 1-13.

Paragraph 6

6. The enhanced efforts of all relevant sectors and stakeholders involved in [the sound management of chemicals throughout their life-cycle and waste][the implementation of the beyond 2020 instrument] should include increased or improved: (1) actions by members of individual sectors and stakeholders, (2) collaboration between and among key sectoral and stakeholder groups, and (3) multi-stakeholder and multi-sector dialogue throughout the implementation of the beyond 2020 instrument.

• There were 16 submissions on this bracket. The co-facilitators do not see an opportunity to find a path forward at this time and are not requesting comment.

Paragraph 7

7. All relevant sectors and stakeholders [throughout the value chain of chemicals and waste] are invited and encouraged to enhance their contributions, as appropriate, to achieve the shared vision, the objectives and targets of the beyond 2020 instrument.

• There were 14 submissions on this bracket, with only one submission that suggested the brackets should remain. The Secretariat has reached out to that stakeholder on behalf of the co-facilitators and they have graciously agreed to support the will of the group.

• There were, however, a few questions about the definition of “throughout the value chain” or suggestions for trying to further define it, perhaps with the terms “life-cycle,” “and its waste stage,” or with an understanding that “throughout the value chain” includes waste. The co-facilitators note that in the overall text agreed to at IP-3, paragraph 8 also contains the same phrase (“throughout the value chain”) twice, although unbracketed.
• In addition, one stakeholder questioned whether the content of this paragraph, as well as paragraphs 8-11, duplicate context found elsewhere in the text.

• To address the comments received, the co-facilitators will include a footnote noting that IP-4 may want revisit this phrase throughout the section to determine whether it needs further definition or clarity or is duplicative of other paragraphs.

The co-facilitators will therefore send this paragraph forward with a recommendation to include a proposed footnote as follows:

7. All relevant sectors and stakeholders throughout the value chain of chemicals and waste\(^1\) are invited and encouraged to enhance their contributions, as appropriate, to achieve the shared vision, the objectives and targets of the beyond 2020 instrument.

\(^1\) IP-4 may want revisit the phrase “throughout the value chain of chemicals and waste” in this section to determine whether further definition or clarity is needed and to consider whether there is duplication of content with, for example, paragraph 1 or other paragraphs.

**Paragraphs 8-10**

*Stakeholder views were not requested (no existing brackets), please do not provide comments.*

**Paragraph 11**  [resulted in progress]

11. The international conference may decide to request periodic updates on the implementation of the contributions from the relevant sectors and stakeholders to consider and assess whether enhanced levels of sectoral and stakeholder engagement have [resulted in progress] toward the achievement of the common objectives and targets or whether particular actions within the beyond 2020 instrument require additional enhancement or engagement.

• There were 14 submissions on this bracket.

• There seems to be very clear agreement to support the proposal of the co-facilitators to have the VWG recommend the deletion of the brackets.

• One stakeholder did note a potential gap in the relationship between this paragraph in general with text from Section B that the VWG moved to Section G on Taking Stock during the 19 November 2020 meeting of the VWG. The co-facilitators believe that gap was addressed by the movement of the paragraph from Section B to Section G, but has requested the Secretariat to reach out to that stakeholder to confirm.

• Finally, we had a question from GAHP regarding whether this paragraph duplicates element in Part V Section A on the ICCM and Section G on Taking Stock of Progress. For Section A, the co-facilitators are of the view that the answer is likely to be yes; on Section G, the answer is less clear. The co-facilitators will include another footnote noting that IP-4 may want revisit this section to determine whether it is duplicative of Sections A and/or G.
The co-facilitators will therefore send this paragraph forward with a recommendation to include a proposed footnote as follows:

11. The international conference may decide to request periodic updates on the implementation of the contributions from the relevant sectors and stakeholders to consider and assess whether enhanced levels of sectoral and stakeholder engagement have resulted in progress toward the achievement of the common objectives and targets or whether particular actions within the beyond 2020 instrument require additional enhancement or engagement.²

²  IP-4 may want to consider whether this paragraph is duplicative of content in Sections A and/or G.

Paragraph 12

12. All efforts to enhance sectoral and stakeholder engagement should be expected to lead to strengthened cooperation and coordination with respect to the [sound management of chemicals and waste][implementation of the beyond 2020 instrument], following a common and shared [and timeless] vision to be adopted by ICCM-5 [, [taking into account any engagement] [and endorsed] [and formally recognized] by the UN General Assembly (UNGA), other relevant international bodies such as the governing bodies of the IOMC members, and relevant MEAs [to secure the necessary ownership]].

[sound management of chemicals and waste] implementation of the beyond 2020 instrument]

• The co-facilitators do not see an opportunity to find a path forward at this time and are not requesting comment.

[and timeless]

• There were 10 responses on this bracket.
• In general, there is agreement within the VWG group that this text does not work well here for several reasons, some procedural and some substantive.
• On the procedural side, stakeholders noted that they did not want to create any inconsistencies or difficulties for Part I of the text, which is where the vision is laid out and described, so the logical output is to let Part I provide the parameters for the vision and delete it here.
• On the substantive side, Canada expressed that it found it unclear how [timeless] fits the context of a ‘renewed OPS’, which would be operational post-ICCM 5 as well.
• Japan pointed out the importance of establishing a time-bound and long-term vision for all stakeholders to design practical and feasible measures to strategically achieve that vision.
• Consistent with the general agreement within the submissions, the co-facilitators propose that the VWG recommend deleting “and timeless.”
The EU/MS understand that “and timeless” may not be needed in this section. We would like to ask the co-facilitators to include a footnote for consideration of the IP4 to ensure that the placement of “timeless” in an appropriate part of the recommendations has to be further discussed.

[taking into account any engagement] [and endorsed] [and formally recognized]

• There were 13 submissions with a very wide range of views represented, including that all of the brackets should remain in place, all text in brackets be deleted, as well as support for: “and formally recognized,” “endorsed and formally recognized,” “and endorsed,” and “taking into account any engagement.”

• The initial inclination of the co-facilitators was to note that we do not see an opportunity to find a path forward at this time and to not request comment given the broad range of views with no clear direction.

• Japan, however, in its written submission prior to the 19 November 2020 meeting of the VWG, provided the following comment, which we found compelling and believe may be able to garner the agreement of the group. We are therefore asking your organization to consider Japan’s comments at this time.

Japan

Any endorsement or formal recognition by UNGA are dependent on resolutions at UNGA. The beyond 2020 instrument could call upon such actions from UNGA, as appropriate, as a resolution of the International Conference, but pressing UNGA and other relevant bodies to endorse or recognize the beyond 2020 instruments in the new OPS is out of its scope. This kind of call should be delivered through the resolution at the International Conference and/or high-level declaration.

• One of the other stakeholders also called attention in another part of the text to the fact that the OPS cannot be used to call for other political bodies to take action. We have also taken note of the presentation by Ms. Gal Buyanover, Department for General Assembly and Conference Management at the United Nations, from the Frankfurt meeting on governance last January.

• If, upon reflection, your organization agrees that these two comments accurately reflect procedural constraints, then the co-facilitators request your organization’s support for the co-facilitators’ proposal below.

The co-facilitators’ proposed recommendation would read as follows: [taking into account any engagement] [and endorsed] [and formally recognized] by the UN General Assembly (UNGA), other relevant international bodies such as the governing bodies of the IOMC members, and relevant MEAs ... “.

[to secure the necessary ownership]
There were 12 submissions on this bracket, with only one submission that suggested the brackets should be removed. The remaining submissions expressly indicated a preference to delete the text in the bracket or indicated a lack of agreement with the text.

The Secretariat has reached out to that stakeholder on behalf of the co-facilitators and it has graciously agreed to support the will of the group.

The co-facilitators will therefore send this paragraph forward with a recommendation that supports the deletion of this final phrase.

Overall final bracket: [], taking into account any engagement] [and endorsed] [and formally recognized] by the UN General Assembly (UNGA), other relevant international bodies such as the governing bodies of the IOMC members, and relevant MEAs [to secure the necessary ownership].

Given that there is already general agreement to provide recommendations to address at least one, if not more, of the brackets within this paragraph, the co-facilitators will remove the overall bracket and adjust any remaining needed brackets based on the electronic input received by December 13.

Please provide your views only if your organization does not feel that the proposed path forward is acceptable. A short sentence explaining your opposition would be welcomed.

Should you find the proposal satisfactory, please do not submit views; your silence will be appreciated!

The co-facilitators’ proposed recommendation for this paragraph would read as follows:

12. All efforts to enhance sectoral and stakeholder engagement should be expected to lead to strengthened cooperation and coordination with respect to the [sound management of chemicals and waste][implementation of the beyond 2020 instrument], following a common and shared vision to be adopted by ICCM-5, taking into account any engagement by the UN General Assembly (UNGA), other relevant international bodies such as the governing bodies of the IOMC members, and relevant MEAs.

The EU/MS do not support a deletion of [and endorsed] [and formally recognized] at this stage. We are convinced that these are important elements for strengthening the engagement of sectors and stakeholders in an improved enabling framework for the sound management of chemicals and waste and their discussion should be maintained in the ongoing intersessional process. Apart from this, we recognise that the High-level Declaration and possibly an accompanying resolution by the ICCM may provide further options for addressing them.
Paragraph 13

[13. To improve the multi-sectoral cooperation and coordinating structure focused on chemicals and waste, the IOMC should promote broad membership and participation of relevant intergovernmental bodies, including international organizations and secretariats of chemicals and waste related conventions, and seek guidance from governmental representation from their respective governing bodies to strengthen their sound management of chemicals and waste prioritization, coordination, engagement and support for national implementation, within their respective mandates.]

- There were 19 submissions on this bracket. The original suggestion of the co-facilitators was to remove the brackets around the paragraph and recommend it move forward as a proposal from the VWG. Approximately ten submissions agreed with that proposal.

- Four or five submissions, however, proposed different text to address points on this paragraph and two submissions, including from the EU and its Member States, noted that this text was brought in from OEWG 3 and needs to be operationalized or made more concrete. One NGO submission also noted that paragraphs 4 and 5 touch on many of the same issues as this paragraph.

- The co-facilitators agree with these observations. Paragraph 4 in particular calls for support from the international level – especially the IOMC organizations – for national and regional efforts to enhance and enable the participation of stakeholders and sectors, noting that one other responsibility is to promote awareness about the crosscutting nature of the sound management of chemicals and waste.

- Taking these views into account, Canada, in its written submission prior to the 19 November 2020 meeting of the VWG, provided the following suggested text, which we found compelling and believe may be able to garner the agreement of the group. We are therefore asking your organization to consider Canada’s suggestion at this time.

- Please provide your views only if your organization does not feel that the proposed path forward is acceptable. A short sentence explaining your opposition would be welcomed.

- Should you find the proposal satisfactory, please do not submit views; your silence will be appreciated!

The co-facilitators’ proposed recommendation for this paragraph is to replace the existing paragraph 13, which is entirely in brackets, with the following suggestion from Canada:

Canada

13. To improve multi-sectoral cooperation and coordination on the sound management of chemicals and waste, the IOMC should promote broad participation, and coordination of policies and activities, of relevant intergovernmental bodies and their members to contribute to the achievement of the beyond 2020 framework.
Paragraph 5

• We are returning to Paragraph 5, which we skipped earlier in the text. Paragraph 5 currently reads as follows:

5. In addition, mindful of the need to avoid duplication and taking into account their respective mandates [and constituencies], [such][relevant] international organizations and bodies [should be][are] invited to [endorse and adopt][formally recognize] [the beyond 2020 instrument] and strengthen their own engagement on [and ownership of] policies and actions for the sound management of chemicals and waste [through establishing a mechanism to coordinate activities and further include them in their programmes of work and budgets], [including coordinating relevant activities and programmes of work] relating to the implementation of the 2030 Agenda and its sustainable development goals and targets.

• There were a significant number of comments on each of the brackets within this paragraph.

• For each of the brackets, there were divergent views expressed, as well as suggestions for deletions of certain phrases and issues, as well as the addition of new ones.

• It was also noted that many, if not all, of the issues raised within this paragraph can be found in other paragraphs of this Section, particularly in paragraphs 4, 12, and 13.

• The co-facilitators’ proposal at this time is to delete this paragraph in its entirety given both its duplicative nature and the lack of agreement expressed in the stakeholder submissions? It seems clear, given the large number of brackets present in the paragraph that Thematic Group B also struggled with the content at IP-3.

• Please provide your views only if your organization does not feel that the proposed path forward is acceptable. A short sentence explaining your opposition would be welcomed.

• Should you find the proposal satisfactory, please do not submit views; your silence will be appreciated!

The co-facilitators’ proposed recommendation is to delete the entirety of existing paragraph 5.

The EU/MS are hesitant to accept deletion of para 5 at this stage, because some important elements, which are not covered in other parts of this Section would be missing, i.a. the invitation to international organizations and bodies to endorse the framework.