VIRTUAL WORKING GROUP ON GOVERNANCE AND MECHANISMS TO SUPPORT IMPLEMENTATION

REQUEST FOR ELECTRONIC FEEDBACK

TOPIC: SUBSIDIARY AND AD HOC BODIES

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

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

DEADLINE FOR COMMENTS: MONDAY, 30 NOVEMBER 2020

Note: Please submit your responses/feedback to the questions below to the SAICM Secretariat at saicm.chemicals@un.org, with a copy to jose.demesa@un.org and marijana.todorovic@un.org on or before Monday, 30 November 2020. You may use this word document to submit your inputs. Indicate your name and organization.

Using the compilation text of recommendations from the outcome of IP3 regarding SAICM (SAICM/IP.4/2), which can be found in the documents section of the website related to this Virtual Working Group at http://www.saicm.org/Beyond2020/IntersessionalProcess/VirtualWorkingGroups/tabid/8563/language/en-US/Default.aspx, the co-facilitators request electronic input on Section (E): Subsidiary and Ad Hoc Expert Bodies (please see page 11) with the following instructions:

Please provide your general views, not to exceed 1 page, on the discussion presented in SAICM/IP.4/2, page 11, Section VI.E, paragraphs 1 – 2. Please note that the co-facilitators are not requesting redline changes to the current compilation text, but rather seeking views on what issues this section should or could address. Based on the input received, further consideration of this section will take place at the 5th virtual meeting scheduled for 17 December 2020 meeting.

In your submission, please consider addressing:

- Whether there is a need for subsidiary and ad hoc expert bodies
- How such bodies would be established and by whom
- Who would participate in such bodies
- What role would such bodies play
- What responsibilities would such bodies have and to whom
- Other relevant issues raised in SAICM/IP.4/2, Section VI.E, paragraphs 1 – 2

As agreed by the Bureau, relevant documents for this Virtual Working Group may include:

- SAICM/IP.4/2 Compilation of recommendations regarding the Strategic Approach and the sound management of chemicals and waste beyond 2020, for consideration by the fifth session of the International Conference on Chemicals Management
- SAICM/IP.4/INF/4 Promoting multi-stakeholder and multi-sectoral participation – Summary of known obstacles and possible incentives
- SAICM/IP.4/INF/5 Stakeholder input on contributions to achieve enhanced sectoral and stakeholder engagement for beyond 2020
- SAICM/IP.4/INF/6/Rev.1 Stakeholder workshop on strengthening governance for the sound management of chemicals and waste beyond 2020: Summary Document
- SAICM/IP.3/5/Corr.1 Other mechanism to support implementation prepared by the co-chairs of the intersessional process – corrigendum
- SAICM/IP.3/INF/4 Submission from the German Environment Agency – Enhancing the sound management of chemicals and waste beyond 2020
Comments from Norway:

Subsidiary and ad hoc expert bodies may serve different purposes, as indicated in the current text in the Compilation Document. As under SAICM there has been a need for subsidiary bodies, the beyond 2020 instrument should clearly also have a mandate to establish subsidiary bodies.

Whether to establish such bodies should be the decision and prerogative of the highest decision-level of the beyond 2020 instrument, currently the ICCM.

Membership of such bodies could depend on the nature of the subsidiary bodies, but as a main rule they should be open to all groups of stakeholders. Depending on their size, groups of stakeholders and regional groups of government stakeholders may need to nominate representatives to keep membership limited.

Norway is of the opinion that the concrete role and functions of such bodies should be kept open to allow flexibility. They may be assigned functions including, but not limited to what is currently set out under section VII Financial Considerations, and in Annex B Issues of Concern.

We note that under the discussions on the Issues of [Concern], proposals include the establishment of one or several subsidiary bodies to manage the different Issues. These functions may also be filled by working groups or steering groups. Depending on their structure and mandate, these may fall under, or outside of, the scope of "subsidiary and ad-hoc expert bodies".

We would like to point out that according to Rule 23 of the Rules of procedure of the International Conference on Chemicals Management, the chair and vice-chair of such bodies shall be appointed from among governmental participants. In our view, this limitation is unnecessarily restrictive. We are of the opinion that other stakeholders could fill these functions, including for a subsidiary or ad hoc expert bodies set to manage issues of [concern]. We propose to consider Rule 23 of the Rules of procedure together with the text on subsidiary and ad-hoc expert bodies, and open up for chair and vice-chair for such bodies from any stakeholder groups. Suggested amendments can be found below:

Rule 23 of the Rules of procedure of the International Conference on Chemicals Management

1. The governmental participants may, after consulting the intergovernmental participants and non-governmental participants:
   a. establish subsidiary bodies to carry out such objectives as may be agreed upon at a session of the Conference;
   b. determine the matters to be considered by a subsidiary body; and
   c. establish its terms of reference.
2. Unless the Conference decides otherwise, the present rules of procedure shall apply mutatis mutandis to the proceedings of any subsidiary body, except that:
   a. the Bureau of a subsidiary body shall not exceed five in number;
   b. the chair of a subsidiary body shall be appointed by the governmental participants from among governmental participants all stakeholders to [the Beyond 2020 Instrument] after consultation with the intergovernmental participants and non-governmental participants;
   c. any vice-chair and rapporteur of a subsidiary body shall be appointed by the governmental participants from among governmental participants all stakeholders represented in the subsidiary body after consultation with the intergovernmental participants and non-governmental participants represented in the body; and
   d. a subsidiary body may opt for a chair or co-chair arrangement in lieu of a Bureau.
3. The Conference shall keep under review the composition, effectiveness and need for its subsidiary bodies, as part of the periodic reviews of the Strategic Approach, in accordance with paragraph 24 of the Overarching Policy Strategy.