Fourth virtual meeting of the Virtual Working Group on Governance and Mechanisms to Support Implementation
Thursday, 03 December 2020, from 14:00 – 16:00 CET

VIRTUAL WORKING GROUP ON GOVERNANCE AND MECHANISMS TO SUPPORT IMPLEMENTATION

Summary of the 4th Virtual Meeting: Review specified text on Sections G and H

1) Welcoming remarks

The two co-facilitators of the Virtual Working Group on Governance and Mechanisms to Support Implementation (VWG2), Ms. Karissa Kovner and Ms. Teeraporn Wiriutikorn, welcomed all participants to the fourth virtual meeting of this VWG and introduced the agenda to review specified text proposed by the co-facilitators in accordance with the agreed schedule on Sections G and H of the IP3 compilation document (SAICM/IP.4/2).

The purpose of the meeting was to seek input on the recommendations developed and shared by the co-facilitators prior to the meeting on Sections G and H, based on the open discussion on 5 November 2020 and the inputs received from stakeholders during the electronic feedback period that ended on 15 November 2020. The recommendations focused on outstanding issues, with the goal to make progress on the groups’ mandate. Those recommendations are provided below.

2) Review specified text on Section G

Consider forthcoming suggestions from the co-facilitators based on stakeholder submissions received on 15 November 2020 to make progress on Section G: Mechanisms for Taking Stock of Progress (in SAICM/IP.4/2, page 12-13).

Before seeking comments on the content of the new proposals, Ms. Karissa Kovner took the group through the paragraphs to explain how the existing content of Section G of the compilation document SAICM/IP.4/2 had been consolidated and organized by the co-facilitators to ensure that the time of the VWG was best utilized. Section G of the compilation text was not reviewed at IP3 and much of the content had not been discussed since OEWG3. Therefore, the co-facilitators put together in their proposal a detailed explanation of the specific paragraphs that contained like-content that would be helpful to be reviewed together and presented those moves, additions, and deletions to the VWG. Those moves, additions, and deletions included:

- Moving the content of paragraphs 9, 10, and 11 of the compilation text to a new paragraph 3bis, thereby deleting paragraphs 9, 10, and 11;
- Moving the content of paragraph 4 to paragraphs 2 and 3, thereby deleting paragraph 4;
- Moving the content of paragraph 12(b) to 5bis, thereby deleting 12(b); and
- Moving the content of 12(d) to paragraph 2, thereby deleting 12(d).

Stakeholders generally supported the restructuring of the paragraphs in order to ensure a cohesive discussion but asked that the full text of the co-facilitators be available in order to review the restructuring more carefully. That text was provided after the meeting and is available on the website under pre-session documents for the December 17 meeting where the discussion of Section G will be continued.

One stakeholder thanked the co-facilitators for the hard work it took to provide the recommendations for consolidation, additions, and deletions based on the November 5 discussion and the submissions, as well as thanking them for the transparency and explanations of the changes, and for providing the text in advance. Those sentiments were then echoed by many. That stakeholder also noted that perhaps paragraph 12 could also be a place where the content of 3bis might be considered, and it might prefer it in paragraph 12 as the discussion continues. The co-facilitators took note.

With regard to old 12(b)/new 5bis, one stakeholder noted that not all stakeholders are parties to all relevant agreements and may not be in the position to provide reports based on these agreements. The co-facilitators noted that this issue should be discussed during the substantive part of the discussions.

The co-facilitators then opened paragraph 1 for substantive discussion.

UNEP pointed out that the paragraph does not imply any methodology for the reporting. Providing a format would make the assessment easier. A large number of other participants agreed that such a format was essential for successful reporting mechanism. The co-facilitators noted that perhaps paragraph 2 in the co-facilitators’ proposal would provide an opportunity for that sentiment to be captured. Another intergovernmental organization suggested to include into paragraph 1 a reference to the inclusion of all relevant sectors into the reporting process. Stakeholders also highlighted the importance of including a reference to scaling-up reporting efforts and contributions in order to raise awareness of potential donors to enhance implementation as well as noting that shortcomings and gaps should be included into the text in line 6 of paragraph 1. The comments from the VWG were incorporated into the co-facilitators’ proposal and are included in red at the end of the summary as part of the recommendations for Section G.

The co-facilitators then opened discussion on paragraph 2. In doing so, the co-facilitators noted that paragraphs 2 and 3 should be taken together as they were closely related and had some redundancies that would need further attention.

Pursuant to a note from the co-facilitators on a potential disagreement amongst the stakeholders with respect to whom should receive stakeholder reporting, there was general agreement that the Secretariat, and not the international conference, should receive the reports. There was also general agreement that the text needed to be clarified as the terms “development/dissemination” was confusing. There was also more than general agreement that although the term “uniform manner” was generally understood -- and that it was highly desirable to find a way to ensure that the reporting was provided by the stakeholders either in a consistent way or in accordance with an agreed template or guidance -- a better word or phrase needs to be found to convey the sentiment. The co-facilitators therefore have provided additional text in paragraph 2 to provide further clarity based on the comments of the VWG and have added further consideration of such a template or guidance to the Parking Lot document.

The WHO also pointed out that a reference to sectoral input was missing in paragraph 2 and a government stakeholder noted concern with referring to “voluntary targets” given the use of “targets” in the overall instrument. Another government stakeholder suggested replacing “voluntary targets” with “voluntary
commitments.” Several stakeholders expressed discomfort with the term “analysis” and “assessed” in the context of the work to be done by the Secretariat while others indicated the need to ensure that there was some form of assessment to allow the international conference to have a clear picture of the status of the efforts by stakeholders. As a compromise, the co-facilitators have proposed “consideration” as a replacement for “analysis” for the VWG to further reflection in a future meeting. Another governmental representative reiterated the point that while reporting was important and needed to be done, it should not create additional burden on countries.

Although the VWG did not have time to engage significantly on paragraph 3, Canada supported the observation of the co-facilitators that there were some redundancies and noted that the content could be much shorter and straightforward and provided some suggestions. The revisions proposed by the co-facilitators after the meeting based on the December 3 comments from the VWG attempted to capture such suggestions and to remove the redundancies between the two paragraphs, in particular with respect to the need to focus on efforts to implement the agreed strategic objectives and targets, taking into account the indicators, milestones, and contributions from all relevant sectors.

Brazil noted that for all the recommendations of the VWG, there is not yet agreement on the name or form of the new instrument. Therefore, it will be important to ensure that once such a decision is made, the terminology currently noted as “the beyond 2020 instrument” will need to be revised.

Co-facilitators’ Recommendations for Section G: Mechanisms for Taking Stock of Progress

1. All stakeholders are encouraged to contribute to the assessment of the progress of the beyond 2020 instrument in meeting the vision statement by providing information on their implementation efforts to meet the strategic objectives and their associated targets, taking into account the indicators, milestones, and contributions of all relevant sectors. By doing so, stakeholders can identify successful outcomes, as well as any gaps or shortcomings, and drive opportunities for improvement, share information, scaling-up, and assess the need for enhanced implementation efforts, and, if necessary, further prioritize their engagement and activities.

2. All stakeholders should provide information related to their implementation efforts to the Secretariat for its compilation, analysis, consideration, and development of the report for the international conference. Stakeholders should provide such information in an organized and transparent manner, consistent with any guidance or template provided by the international conference and uniform manner in accordance with the agreed strategic objectives and targets, taking into account the indicators and milestones, to ensure that information from all relevant sectors and stakeholders can be included and assessed. Such information may also include reporting on voluntary targets or milestones commitments as well as pledges or similar activities from civil society organizations, industry, and other stakeholders.

---

1 In the OEWG submission to the IP from which this text was taken, the following task was assigned in this section to the international conference. The co-facilitators, however, believe this responsibility should be assigned in Section C to the Secretariat and propose that this footnote be included with a reference to Section C. The VWG is requested to be prepared to agree on whether “Receive reports from all relevant stakeholders on progress in implementation and to disseminate information as appropriate” is a duty of the Secretariat or the international conference.

2 The VWG notes the need to ensure in Section C that the Secretariat is tasked with reporting to the international conference on the progress of the instrument in attaining the strategic objectives and targets. That task would include the compilation [analysis] and development, as well as dissemination, of a report for the international conference.

3 The co-facilitators have added an additional note under Section G of the Parking Lot document on such a template or guidance for further consideration by the IP process at a later date.
3. The information provided by stakeholders should focus on efforts to implement the agreed strategic objectives and targets, taking into account the indicators, and milestones, and contributions from all relevant sectors to allow the international conference to assess the progress in fulfilling the vision in a comprehensive manner. Stakeholder data and information should be made available and be able to be shared publicly to allow for a comprehensive and cooperative review of the overall progress in achieving the vision, strategic objectives, and targets, as well as to propose recommendations to address any identified gaps.

3bis. (Newly created to consolidate comments and submissions related to periodic reviews)

(a) Institutional arrangements for taking stock of progress on the sound management of chemicals and waste should include a periodic review process facilitated by the secretariat.

(b) [An outcome report should be prepared by a periodic review working group in cooperation with the secretariat which summarizes the discussion including responses from the country under review along with recommendations for implementation. (moved from paragraph 9)] [The review committee should consist of representatives from governments and other stakeholders to review progress reports and, in cooperation with the Secretariat, create an outcome document that summarizes implementation progress, comments from countries under review, and outline recommendations.]

(c) These reports should be made publicly available to facilitate discussion, review, evaluation and further implementation of the approach. (moved from paragraph 10)

(d) [Each country should be reviewed once every three or four years. (moved from paragraph 11)] [Every third year evaluate each country for its progress in fulfilling the national implementation plan. Countries are grouped and reviewed according to reporting cycles, and recommendations are formulated for the next three-year cycle of work.]

(e) Every third year evaluate progress on Issues of Concern and recommend changes to the programmes of work if necessary.

4. Stakeholders should make available data and information that allows for a review of progress toward achieving the overall vision and the objectives and targets. (moved to paragraphs 2 and 3)

[5. (Paragraph not discussed on 12/3/2020) Data and information from stakeholders should be compiled, analyzed and reports developed by the Secretariat, with assistance from a panel or body of experts (to be created if deemed needed), and tabled to the international conference.]

5bis. (Paragraph not discussed on 12/3/2020) Reports could In order to take into consideration and linkages with other relevant agreements and initiatives, as well as to minimize the burden for all stakeholders, data and information obtained through complementary reporting processes, such as those in

---

4 The VWG notes the need to ensure in Section A that the international conference is tasked with evaluating and reporting on the implementation of programmes that are fulfilling the vision with a view to reviewing progress on the strategic objectives and targets, and updating the programme of work as necessary.

5 As this issue is considered, it is important to note that the timeframes for the reporting and the assessment of information and data provided in Section G and updating process in Section H will need to be harmonized and therefore should be discussed together.
other relevant agreements and initiatives and by IOMC organizations, as appropriate, should be incorporated into the reporting process for this instrument. for the purpose of complementing chemicals and waste multilateral treaties and other relevant instruments and initiatives.)

6. (Paragraph not discussed on 12/3/2020) These reports should also be made available to stakeholders in a timely fashion to facilitate discussion and allow for adaptation and response to any issues of concern, and for effective review, evaluation or updating of the approach.

7. (Paragraph not discussed on 12/3/2020) Government stakeholders should prepare a national implementation report which describes progress on a national implementation plan and work on achieving the overall vision and the objectives and targets.

8. (Paragraph not discussed on 12/3/2020) Discussion of the national report on country implementation of the agreement should include information from UN agencies and stakeholders.

9. An outcome report should be prepared by a periodic review working group in cooperation with the secretariat which summarizes the discussion including responses from the country under review along with recommendations for implementation. (moved to paragraph 3bis)

10. These reports should be made publicly available to facilitate discussion, review, evaluation and further implementation of the approach. (moved to paragraph 3bis)

11. Each country should be reviewed once every three or four years. (moved to paragraph 3bis)

12. Reporting processes must:

a. (Sub-paragraph not discussed on 12/3/2020) Occur regularly and at such a frequency to ensure collected data may be analyzed and useful reports delivered to facilitate trend identification, evaluation against targets and milestones, and to assess overall programmatic performance (for example, every 4 years).
   (i) Progress against key targets should be measured every [X] years and presented in a report to the international conference as should any reports on activities, staffing and budget of the Secretariat.
   (ii) Progress against targets should be measured every [x] years and presented in a report to the international conference along with any suggested recommendations to address identified gaps
   (iii) All strategic objectives could be reviewed on a rotational basis so that the entirety of the Approach is reviewed within a [x] year period (10 years?).

b. Minimize reporting burden through leveraging data and information obtained through complementary processes, for example reporting required for Basel, and Stockholm Conventions, by relevant agreements and/or IOMC organizations. (moved to paragraph 5bis, minus references to specific conventions)

c. (Paragraph not discussed on 12/3/2020) Be useful and allowing for ad hoc review of activities, particularly for the purpose of amending or updating to better align with global chemicals and waste management trends and advancements or to respond to emerging policy issues.

As this issue is considered, it is important to note that the timeframes for the reporting and the assessment of information and data provided in Section G and updating process in Section H will need to be harmonized and therefore should be discussed together.
d. Be inclusive of all identified sectors and stakeholders, including reporting against voluntarily established targets, milestones or pledges from civil society organizations (CSOs) and industry (and or other stakeholder reporting processes)–(moved to paragraph 2)

13. (Paragraph not discussed on 12/3/2020) Taking into account the reports compiled and developed/disseminated by the Secretariat and evaluated by the international conference, the international conference may decide to carry out reviews as needed of the effectiveness of specific areas of action.

14. (Paragraph not discussed on 12/3/2020) The overall effectiveness of the instrument should also be evaluated, taking into account the reports compiled and developed/disseminated by the Secretariat and evaluated by the international conference. This overall effectiveness evaluation should take place [after sufficient time has elapsed] [linked to a timeline for overall renewal or strategic review] [possibly [in conjunction with] [at the same time as] the review of the 2030 Agenda for Sustainable Development.]

3) Review specified text on Section H

Consider forthcoming suggestions from the co-facilitators based on stakeholder submissions received on 15 November 2020 to make progress on Section H: Mechanism for Updating the Framework (in SAICM/IP.4/2, page 13-14).

As was done for Section G above, before seeking comments on the content of the proposed Section H, Ms. Teeraporn Wiriutikorn took the group through the paragraphs to explain how the existing content of Section H of the IP3 text had been consolidated and taken into account by the co-facilitators in their proposal. Section H of the document SAICM/IP.4/2 was not reviewed at IP3 and much of the content had not been discussed since OEWG3 (the co-facilitators therefore had provided a context section with detailed explanations of the specific paragraphs in their proposal which was made available in advance).

The co-facilitators then opened paragraphs 1 and 2 for substantive discussion.

A Group of NGOs noted it would give further consideration to the use of the term “update” over “amendment.” A number of other participants, including a co-facilitator, noted “amendment” is typically used in legally binding instruments while “update” would express the voluntary nature of SAICM. GAHP highlighted the importance of bringing international agencies from different sectors into the process of updating and implementing the framework and wondered if this Section would be the right place to refer to it. The importance of such additional participation was echoed by many stakeholders, although some noted that this particular location in the text may not be the most conducive to such an outcome. No recommendations for the addition of explicit text were provided; the co-facilitators have provided a recommendation to address this issue below for consideration by the VWG.

On paragraph 2, one non-governmental stakeholder expressed the need for stakeholders other than governments to be able to make proposals for updating the instrument. Two government stakeholders responded affirmatively in their interventions and no opposition was recorded.

Regarding the language in both paragraphs, Canada, echoed by several others, noted that the language was too strong for a non-legally binding framework and requested “shall” to be softened to “should” or “could”. A number of stakeholders also pointed out that it is premature to provide “updating” dates, including as linked to process reporting or to an assessment of the “pace of change.” One stakeholder suggested further “timing” conversations might be able to occur in Section G. Similarly, Switzerland mentioned that the competence of the ICCM should not be limited through the language and that more generic language could be used for the ICCM to decide when the framework should be updated. The EU expressed its contentment
with the co-facilitators’ proposal and agreed to use it as a basis for further discussions, but noted, among other comments, that an alignment with the 2030Agenda/SDGs seemed to be missing. The University of Cape Town called attention to the need to ensure that the rules of procedure (RoP) were reviewed/considered/taken into account on this Section. The co-facilitators added a sentence to the existing footnote to capture the RoP concern.

Brazil noted that for all the recommendations of the VWG, there is not yet agreement on the name or form of the new instrument. Therefore, it will be important to ensure that once such a decision is made, the terminology currently noted as “the beyond 2020 instrument” will need to be revised.

**Co-facilitators’ Recommendations for Section H: Mechanism for Updating the Framework**

1. A process for updating the Beyond 2020 framework shall be initiated by The international conference may initiate an update of the beyond 2020 instrument after. This shall occur when there is a need to keep pace with changes and needs in global chemicals and waste management, taking into account: the assessment of the information and data called for from all stakeholders under Section G (Mechanisms for Taking Stock of Progress), the engagement of relevant intergovernmental organizations and other international efforts relevant to the beyond 2020 instrument, and the results of the periodic evaluations called for by the international conference to review the overall effectiveness of the beyond 2020 instrument [every [10][5] years].

2. Such updates may be proposed by any [government] stakeholder and will require formal adoption by the international conference. The text of any proposed update shall be communicated to all stakeholders and focal points by the Secretariat at least six months in advance of the international conference. The budget for the process to update the instrument will be provided for via the operational budget adopted by the international conference.

4) **Additional “big” ideas for potential consideration by the VWG**

Finally, in the electronic submissions, there were a number of different ideas that were presented that did not correspond directly to document SAICM/IP.4/2. The co-facilitators therefore noted those ideas at the end of their proposal, including an approach for both Sections G and H presented by the Government of Japan.

- Identifying a limited number of key ‘headline’ indicators which can be measured by all countries starting from the adoption of the new framework;
- Initially focusing on globally available data for indicators as many countries will not be able to report against a number of the targets due to lack of data;
- Considering using a model similar to the Biodiversity Indicators Partnerships to show progress and engagement with other frameworks (two requests for considering this dashboard idea);

---

*If this section impacts the work and mandates of the international conference under Section V. Institutional arrangements and its rule of procedures, those should be updated accordingly. One member of the VWG also called attention in general under this section to the need to ensure consideration of, and potentially consistency with, the rules of procedure.*
• Designing an agreed “Reporting Format” for all stakeholders or with identified essential reporting elements for national governments (both with accompanying guidance from the secretariat);

• Taking stock of progress consists of “process monitoring” and “impact evaluation” -- each should be considered separately. Consider hiring a third party to conduct the evaluation as it minimizes burden on stakeholders while ensuring the equitability of the evaluation. Process monitoring would monitor the degree of achievement of targets through indicators toward the strategic objectives, and the impact evaluation would evaluate the overall impacts of the beyond 2020 instrument. Custodians could be designated on an indicator by indicator basis to enable the monitoring within areas of responsibility (e.g., WHO serves as a custodian for health-related indicators, etc.).