Summary of the 6th Virtual Meeting: Finalize VWG review of recommendations from the co-facilitators on remaining paragraphs 3bis and 12(a) of Section G, continued discussion of the Science-Policy Interface and conclude review of VWG progress on Section H

1) Welcoming remarks

The co-facilitator Ms. Teeraporn Wiriwutikorn provided welcoming remarks and reviewed the annotated agenda that had been circulated in advance, noting that the VWG would be: (1) considering the remaining two paragraphs, 3bis and 12(a), of Section G in the co-facilitators’ proposal that had not yet been discussed by the VWG, (2) reviewing the co-facilitators’ reflections of views expressed with respect to the Science-Policy Interface (SPI) during the 19 November 2020 VWG meeting and the input received by 18 December 2020, and (3) concluding the VWG’s assessment of Section H, as revised after its consideration at the 3 December 2020 meeting of the VWG. Ms. Wiriwutikorn announced that the meeting would close with a discussion about next steps for the remaining issues in the mandate of the VWG, including a review of all of Section G by the VWG.

The co-facilitators also provided one housekeeping note to respond to a request to clarify that, with respect to the future name and form of the beyond 2020 instrument, no decision has been taken yet. The co-facilitators informed the VWG that a point to address this request had already been added to the previous summary but indicated that the recommendations of the VWG back to the Intersessional Process would also include a footnote on this issue as well.

2) Co-facilitators recommendations on paragraph 3bis and 12(a) of Section G

The co-facilitator Ms. Karissa Kovner opened the agenda item on Section G, paragraph 3bis, by noting its OEWG3 origin and indicating that it represented the consolidation of proposed paragraphs and electronic stakeholder submissions relating to a potential periodic review group. Ms. Kovner added that in the electronic submission process, there were a number of questions regarding the function and nature of the proposed periodic review group, including whether it was needed.

Paragraph 3bis

To ensure that the VWG was on the same page, the co-facilitators clarified that the proposed review process is not the same as, nor a replacement for, the proposed independent evaluation. The paragraph 3bis review process is intended to review the reporting received from stakeholders and also contains the idea of country
reviews, as consolidated in sub-paragraph (d). Ms. Kovner also noted that there had been some interest expressed in considering a voluntary process for country reviews instead, and that further discussion on that idea could also be introduced.

The floor was then opened for discussion. The EU and its Member States indicated it saw more challenges in paragraph 3bis than in other agenda items for the day, noting its hesitation given that reporting and reviewing, the two key elements of Section G, were already addressed in a more consolidated way in paragraph (a), such that paragraph 3bis seems to be only an elaboration of paragraph 3a, with the addition of a country review process. This view was supported by all but one of the stakeholders who spoke. The EU generally also expressed concern with the strong, almost binding, nature of the text, which was supported by the United States, Canada, and Norway; highlighted its views on the need for Section G to take into account existing and ongoing work, such as what is done under the chemicals and waste conventions, within the work programs of the intergovernmental organization, and the review of the 2030 Agenda, which was supported by Switzerland; and called attention to the proposed evaluation of progress on issues of concern in paragraph (e), noting the parallel discussion in VWG3, which was also supported by Switzerland, the USA, Norway, UNEP, GAHP, and Canada.

There were also some questions raised by SDPI and UNEP with respect to the differences between the previously suggested “review” committee and the “periodic review” committee, as well as to the membership of such committees. The co-facilitator offered her understanding that they were intended by the proponents to be the same group, and as for membership in this group, that would up to the stakeholders to decide.

Switzerland, with strong support from GAHP, also raised the idea of a voluntary peer review process, which had been introduced in a previous session, and proposed to include it in the text as a tool to generate more impact-oriented action. The UK was also supportive of a process that was voluntary in nature. The United States and GAHP echoed the overall concerns raised by EU, underscoring their views that the text should not establish bodies to perform what it sees as core secretariat functions and that text related to issues of concerns should first be developed in VWG3. Canada expressed similar views, and also suggested that when taking a step back to assess what was desirable, in its view the answer was not a heavy administrative process, but rather: (1) an efficient periodic reporting process (through the building of a database) to know what countries are doing, (2) an updating of that data that includes information from other sources to avoid duplicative reporting in several places, and (3) a programmatic evaluation of the overall process of the instrument along the way. Canada also agreed that there is some merit in considering a voluntary peer review process or some form of support mechanisms that could support capacity-building, development of best practices, or perhaps perform a targeted review of certain aspects of chemicals management. The ITUC also mentioned that consideration could be given to a procedure similar to one used in the ILO where, for example, failure to meet central SAICM commitments could trigger a review of that stakeholder as an alternative to the “all stakeholder” review model to reduce the burden and number of reviews.

Japan, by quickly re-introducing its approach to Section G, noted that the main purpose of its proposal is to take stock of progress through an online consultation process that could be used to present the results in the form of a dash board to oversee the progress on process indicators. Japan also highlighted the opportunity to take a lesson from the SDG indicators’ “custodian agency” approach and develop indicators to assess progress within their responsibility. The UK and ICCA supported Japan’s approach, noting the need to taking into account the progress of VWG1 and that as the work develops, there will be more information on what is realistic and achievable under Section G. Japan’s view is the content of paragraph 3bis only adds to the stakeholder burden Japan is trying to reduce in its alternative approach to Section G. Brazil also does not support paragraph 3bis, as it prefers a flexible, inclusive, and transparent mechanism for taking stock of progress that is based on a spirit of cooperation, not a judgmental approach. Colombia and Iran also added that differences in capacity and national circumstances need to be able to be taken into account, one size does not fit all. UNEP supported Brazil’s point on the need for flexibility, as did the UK, Colombia, ICCA,
and Iran, and to give the international conference the ability to allow the beyond 2020 instrument to evolve and change.

The Group of NGOs, supported by IUTC, expressed support for any review committee to be a multi-stakeholder one to ensure that progress made by different stakeholders is well considered. Due to the voluntary nature of the instrument, it is particularly important to have some kind of format or periodic review in place to ensure that all stakeholders are working together towards the strategic objectives and their targets, indicators, and milestones and that could highlight not just technical needs but also financial needs for developing countries and countries in transition to help allocate limited financial and technical resources in a timely and efficient way.

In closing, Brazil asked for clarification between the previous text on paragraph 5 and whether that was also encompassed in paragraph 3bis. The co-facilitator, Ms. Kovner, provided her understanding that the difference was that in paragraph 5, the review group was to have worked with the Secretariat to compile the collected information and data and produce the report for the international conference, whereas the 3bis group would periodically review the report. However, from her recollection of the discussion of the previous meetings of the VWG, there did not seem to be support for such an approach in paragraph 5.

Ms. Karissa Kovner also reminded the VWG of the high level of support at the previous meeting for the views suggested by the Group of NGOs and Iran on the need for a template/guidance/collective way that information could come together so that some form of assessment of progress can be made and the incorporation of that idea into the Parking Lot.

Paragraph 12(a)

The VWG then turned to paragraph 12(a), which the co-facilitator noted contained a number of issues already discussed, including that reporting should occur regularly (she also noted that the Secretariat had confirmed that SAICM currently does not address “frequency”) and that it is difficult given that the frequency of the meetings of the international conference has not yet been decided. She also included the assessment by the international conference of the information and data submitted, the “usefulness” of reports, the evaluation against the objectives and targets, and the assessment of overall progress as issues having been discussed at the last meeting on Section G and therefore unlikely to need further discussions, absent revised views. She highlighted trend identification as perhaps a new issue and noted that there has been a general preference by the VWG for flexibility in the last meeting, and suggested some issues may need to remain open given the difficulty in talking about frequency of reporting without knowing how often the international conference might convene.

On the sub-paragraphs, the co-facilitator Ms. Kovner noted that much of the content in terms of ideas, such as “key targets” the timing of any reviews of targets, and the idea of reviewing the strategic objectives on a “rotational basis,” are all ideas that are likely to be best discussed in VWG1, if that is not being done so already, and suggested that the VWG refer those issues to VWG1. She also pointed to the staffing and budget references in sub-paragraph (i) as likely misplaced and that much of the remaining text has already been addressed in other paragraphs.

Before opening the floor, Ms. Kovner requested the Secretariat to offer its historical perspective on some of the details of the issues covered in paragraph 12(a). The Secretariat reported that based on the request to develop the previous report, the Secretariat received 50+ submissions for assessment, with administrative time and effort also dedicated to providing reminders and addressing process-related concerns. The Secretariat noted that some kind of template or online survey mechanism could definitely help to facilitate the reporting.

In the opening intervention on paragraph 12(a), GAHP answered the question of whether paragraph 12(a) is needed by saying no, calling attention to the fact that it would also awkward to have any important concepts not presented until so late in the Section. The United States supported this view. She also wondered, given that the Dubai Declaration text had such a different structure and yet was so much easier
to read, whether the VWG should give the cofacilitators a mandate to go back and see what might actually
need to be changed – with a “if it isn’t broke, then let’s not fix it” approach. One thing to fix, however,
from GAHP’s perspective would be to insert the idea of voluntary reviews and to support A Group of NGOs
interest in ensuring a strong, overall multi-stakeholder process.

The United States also added that sub-paragraphs 1-3 are confusing and supported the suggestion that many
of the issues raised would be best addressed by VWG1, especially the ideas in sub-paragraphs 1 and 2 about
identifying key targets and addressing gaps. The United States also expressed concern with different
reporting cycles as well as the possibility of constant reporting burdens.

UNEP, supported by A Group of NGO and ITUC, noted that any process needs to be assessed not only
against the agreed strategic objectives, targets, milestones, and indicators, but also the vision to see if we
are getting closer to meeting it – it’s not enough to just look at the objectives, targets, milestones, and
indicators as they are tools, it is the vision that is most important. UNEP also agreed with the United States
that sub-paragraphs 1-3 are confusing and may be best addressed by VWG1, particularly the ideas of key
targets and different reporting cycles, adding that separate reporting cycles sounds like it could lead to
potentially constant reporting. Don’t be too prescriptive, removing paragraph 12(a) would simplify and
streamline the Section.

A Group of NGOs suggested that having an online reporting platform is an interesting idea, and that it
should also include a possibility for others to provide comments as needed. The co-facilitator reminded the
VWG that the online proposal from Japan is up on the SAICM website under VWG2 in Japan’s submissions
under Section G of the electronic input from 15 November 2020 and that the slides from Japan’s presentation
on 17 December 2020 on its proposal will be posted with the summary from that meeting. Japan
emphasized the need to assess and evaluate progress, but such assessment does not need necessarily to
depend on traditional reporting; online survey options or more "modern" methods can also help reduce the
burden on the Secretariat.

3) Continued discussion of the Science-Policy Interface

Ms. Teeraporn Wiriwutikorn introduced a paper on the Co-facilitators’ Reflections on a Science-Policy
Interface, which was circulated prior to the meeting. The paper was based on stakeholder views provided
during the 19 November 2020 virtual meeting, the electronic input received from stakeholders, and the
UNEP paper (document SAICM/IP.4/4) presented at the VWG.

Ms. Wiriwutikorn opened the floor for views on these reflections, in particular the four points raised for
consideration by the co-facilitators’ paper to:

- Confirm a level of comfort within the VWG on the need for some form of a SPI;
- Confirm the views expressed by members of the VWG that the IP does not have the mandate to
  establish a SPI for the overall chemicals and waste cluster;
- Establish a short, but not exhaustive, list of priorities or functions for any form of SPI; and
- Establish a list of characteristics that the VWG would want any SPI to have.

Overall, all stakeholders confirmed a level of comfort on the need for some form of a SPI, while highlighting
that the scope and placement of a SPI are important factors. Canada, supported by ICCA, highlighted that
the challenge would be that it is not clear how, when and where such a body would be located, how it would
function, and how it would support the beyond 2020 framework. Canada also emphasized that it would be
important to ensure that any SPI mechanism involves ministries and organizations from all relevant sectors,
including health and labor. Switzerland, supported by the EU, noted of the need for a SPI to provide more
specific analysis to both policy- and decision-makers – including the private sector, addressing conflict of
interest, as well as, adding value and not duplicative of existing work or efforts.
All stakeholders noted that the Intersessional Process does not have a mandate to establish a SPI. However, there was discussion on the desired scope of any SPI, including whether it should focus on what is possible within the mandate of the Intersessional Process or be an intergovernmental body for the whole chemicals and waste cluster (comparable to IPCC or IPBES), which, as noted by GAHP and others, would need to be agreed to at a higher political level within the UN system. Switzerland, with support from others, expressed that the SPI should be an overall intergovernmental mechanism for the whole chemicals and waste cluster, making it a more credible, effective and durable solution. The EU, GAHP, and Uruguay echoed the views of others in noting that the absence of a mandate to establish an SPI does not prevent the Intersessional Process from being well-positioned to call for a broad or overarching SPI at the highest possible level. The UK expressed the need for a SPI that would be demand-driven and responsive to the needs, and more inclusive of academia, as called for by the independent evaluation. The United States offered its supports for a SPI that could provide the scientific information needed by stakeholders but expressed concern with introducing unnecessary levels of bureaucracy that intervene with implementation efforts.

Many stakeholders supported the view that the Intersessional Process could develop a list of possible functions and characteristics as a contribution to the SPI discussion, with some suggesting that a recommendation for an overall SPI for the chemicals and waste cluster would be appropriate and others disagreeing. The potential need for the UN General Assembly to pass a Resolution establishing an overall SPI for the whole chemicals and waste cluster, and then asking all the relevant governing bodies (WHA, UNEA, ILO, UNDP, FAO, MEA COPs, etc.) to participate was expressed. The UK noted that the Intersessional Process has the mandate to support and shape activities that have been initiated at UNEA4 in terms of priority setting and functions.

A number of stakeholders supported the intervention by the WHO on the issue of scope, noting that so far, the chemicals and waste cluster refers to UNEP instruments. However, if the SPI should be used by other agencies, a broader concept involving health should be considered. There was also discussion in the chat box emphasizing that if the international conference wanted to establish a SPI within the beyond 2020 instrument, it would have to partner with IOMC organizations, therefore a resolution may need to be passed at the highest UN political level that would support such a partnership. A Group of NGOs raised the point that the dialogue between scientists and all stakeholders should be encouraged, including through citizen science, and added that gender disaggregated data should be used to improve how protective and preventive measures are designed and implemented. SDPI highlighted the importance of transparency in any processes related to a SPI, including any nomination process.

In general, the stakeholders supported the two lists put forward by the co-facilitators on priorities and functions and on characteristics as good starting points for further elaboration. Uruguay noted its interest in taking advantage of the VWG to further explore the list of priorities and the Royal Society of Chemistry noted that a truly independent SPI would have, as part of its functions, the ability to be able to establish its own priorities. The RSC reported that other global and national chemical societies around the world have voiced their enthusiasm, support, and a willingness to engage if formal mechanisms and channels between scientists and policymakers can provide an effective two-way dialogue. MSP Institute also emphasized the need for any SPI to be gender-responsive and asked for that to be added to the list of characteristics under discussion. Brazil also requested to include that a SPI would be consultative in nature.

In terms of resources, the UK indicated that resources should be maximized, linkages to other platforms should be highlighted and the platform should be demand-driven and responding to needs. Credibility and authority would be the best way to attract the knowledge needed. Norway also pointed out that cost-effectiveness should be kept in mind and Uruguay highlighted the importance of access to evidence-based analysis for policymaking since some countries would not have the means to develop such scientific assessments. Uruguay also called attention to the importance of taking advantage of existing information.
Canada cautioned that a SPI may not have the capacity to undertake scientific assessments, so it may be better to use existing capacity (OECD, WHO risk assessment network, etc.).

In summary, stakeholders thanked the co-facilitators for their work in pulling together their reflections on a SPI and, in general, were supportive of the approach taken to capture the discussion to date. A number of stakeholders identified ICCM5 as a unique opportunity, given the momentum that will be in place, to, as a multi-stakeholder body, call for the establishment of a SPI and express the needed functions, as well as the desired characteristics, even in the absence of defining a specific form.

4) Conclude review of VWG progress on Section H

The co-facilitator Ms. Karissa Kovner opened the final substantive portion of the annotated agenda to conclude the VWG’s progress on Section H: Mechanisms for Updating the Framework. She began with a review of each of the redlined changes in the co-facilitators’ proposal in Annex B of the annotated agenda, noting the concerns that had been expressed in the 3 December 2020, VWG meeting and by whom, and highlighting the suggestions for making progress. Ms. Kovner then opened the floor for any further comments on Section H, which is now comprised of two paragraphs.

Brazil supported the proposal but noted its preference to delete the text in paragraph 1 related to the engagement of international organizations and other international efforts and to keep “governments” in paragraph 2, particularly in light of Rule 23 of the Rules of Procedure. Iran proposed those same changes and UNEP supported as well, in one instance speaking also for the other IOMC organizations. UNEP also proposed including the word “revise” along with “update” in order to capture the idea that not only should the international conference look forward, but it should also look backwards. Switzerland then proposed to delete the words “may initiate an” in paragraph 1, although Iran then requested the addition of “may consider a process.”

Therefore, the VWG’s recommendation for a revised Section H is as follows (with the changes from this meeting presented in redline/strikeout for purposes of ease of reading):

Section H (Mechanism for Updating and Revising the Framework)

1. The international conference [may update] [may consider initiating a process to update] or revise the beyond 2020 instrument after 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.

2. Such updates or revisions may be proposed by any [government] [stakeholder] and will require formal adoption by the international conference. The text of any proposed update or revision 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 or revise the instrument will be provided for via the operational budget adopted by the international conference.

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1 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.
Next steps

The co-facilitator indicated that the VWG would need to be pre prepared to discuss the remaining issues listed below, noting that the extra meetings in January 2021 listed on the agreed schedule appeared likely to be needed, and agreed to provide focused agendas for those meetings. She listed the remaining issues for the VWG as including:

- Section C: Review of the outcome of the discussion between Canada and the Group of NGOs on remaining brackets on international cooperation;
- Section G: Review all provisions resulting from comments from the VWG. The co-facilitators will lay out all of Section G for consideration, taking into account today’s discussion;
- Update by Japan on its proposal for Section G, which are also under discussion in VWG1 related to upcoming workshops, etc.;
- Finalize conversation from last session on Section E; and
- Summarize the results of the discussion on the SPI, we need to find a way to summarize.