VIRTUAL WORKING GROUP ON ISSUES OF CONCERN

Japan’s feedback on a proposal on the EPIs and other issues of concern

The co-facilitators have released a proposal on how to address the existing emerging policy issues and other issues of concern (30 November 2020) based on the submissions received.

Please submit your feedback and proposals to the SAICM Secretariat at saicm.chemicals@un.org, with a copy to delfina.cuglievan@un.org by 21 December 2020.

1) General comments and considerations

- Stakeholders may wish to re-acknowledge that the SAICM Independent Evaluation (2006-2015) identified that several activities were delayed because of lack of funds and/or capacity of the lead organizations. Therefore, Japan seeks rigorous selection processes even for the existing EPIs and other issues of concern, taking into account different progress on planned achievements that have been made to-date to enable focused and concerted actions.

- In this context, Japan thinks the existing EPIs and other issues of concern should not be automatically succeeded as they are since the progress is significantly different across issues. The existing EPIs and other issues of concern should be equally dealt with future Issues of Concern, and any of the existing EPIs and other issues of concern should go through the same selection processes for future Issues of Concern under the beyond 2020 instrument.

- We, however, also note that there is a need to continue efforts on the existing EPIs and other issues of concern in moving forward. Therefore, Japan proposes that the International Conference requests leading organizations of each EPI to develop a proposal on further work based on the review of its progress and achievement and submit it to the International Conference.

- GCO-II identified 11 issues of concern, which could potentially be addressed under the beyond 2020 instrument. An assessment report on Issues of Concern developed by UNEP (2020) notes potential interlinkages between the existing EPIs and issues of concern and additional issues of concern identified by GCO-II. Such interlinkage could be elaborated or mainstreamed in the proposal by leading organization, where appropriate, to shape the scope of future Issues of Concern under the beyond 2020 instrument.
2) Section IV - Co-facilitators’ proposal on the way forward for consideration by the VWG

*please try to insert comments in revisions mode below

Section IV - Co-facilitators’ proposal on the way forward for consideration by the VWG

A. Key general considerations in moving forward

i. The emerging policy issues process has been useful in raising profile of issues on the international stage.

ii. There is a need to continue many of the efforts on emerging policy issues and other issues of concern in moving forward and assess current status.

iii. Progress to date has been variable across the issues. There is a need to be flexible so that a decision may be taken on an issue by issue basis (i.e. no blanket decision).

iv. The path forward must stimulate ownership for implementation and action in moving forward for the particular emerging policy issue and/or other issue of concern.

v. The decision-making on the future of the emerging policy issues and other issues of concern will be transparent.

vi. The International Conference is the appropriate body to take decisions on the future of the current emerging policy issues and other issues of concern.

B. Proposed approach

i. At ICCM5: The ICCM5 should agree to an omnibus resolution on the emerging policy issues and other issues of concern that:

   (a) Recognizes the progress on the emerging policy issues and other issues of concern under SAICM to date;

   (b) Highlights any immediate and specific priority actions, as appropriate, to ensure that efforts and momentum continue where necessary and appropriate;

   (c) Sets out a process to determine next steps on the existing emerging policy issues and issues of concern under the beyond 2020 instrument (see possible options set out in (ii) below).

   (d) Requests the next session of the International Conference [ICCM6] to deliberate on and determine the path forward on the emerging policy issues and other issues of concern in the beyond 2020 instrument.
ii. Options for the process to determine next steps (see B.i.(c)):

- Japan generally supports the approach of Option 1 to simplify the processes in conjunction with the selection processes for future Issues of Concern that we have been discussing, but we propose following modification.

**OPTION 1**

1. The existing working group for each EPI, led by the responsible IOMC organization, [SAICM stakeholders] will be invited to submit proposals on an emerging policy issue or issue of concern to the secretariat in accordance with the selection process for future Issues of Concern set out in the new OPS six months before the following session of the International Conference [ICCM6] for consideration at the International Conference that meeting. The secretariat will make the submissions available on the SAICM web-site.

2. The proposals will include: (i) workplans; (ii) proposal for issue-specific goals and indicator(s) in the new instrument; and / or (iii) review of the emerging policy issue or issue of concern according to the modalities established for the new beyond 2020 instrument.

3. Should no proposal be submitted, intention of discontinuation is expressed, the next International Conference [ICCM6] may decide to discontinue the Emerging Policy Issue or other issues of concern automatically. Should a submitted proposal be deemed insufficient, [ICCM6] may postpone further consideration of the future of the emerging policy issue or other issue of concern to [ICCM7].

- The existing working group for each EPI or its responsible agency, should be invited to submit proposals since they are familiar with the progress to-date and remaining gaps to be addressed in the future. They may wish to consider interlinkage between the existing EPIs and other issues of concern and additional issues of concern identified by GCO-II, as appropriate. This is not to exclude other stakeholders to submit proposals, which means any stakeholders can submit proposals on the existing EPIs and other issues of concern whenever they wish to do so (even after ICCM6).

- No distinction shall be made between the existing EPIs and other issues of concern and future Issues of Concern. Therefore, any elements related to sun-setting of the existing EPIs and other issues of concern do not need to be specified. Any of the existing EPIs and other issues of concern should go through the same selection processes for future Issues of Concern under the beyond 2020 instrument.

- Proponents may not be able to submit a proposal on the existing EPIs and other issues of concern in line with new Information Requirements or Criteria by the specific timeframe due to the lack of information. Therefore, intention of discontinuation should be expressed on the existing EPIs and
other issues of concern should be expressed at the International Conference in order to be discontinued.

- **Following comments are on the overall selection processes of future Issues of Concern:**
  - Japan thinks that proposals should be submitted minimum six months prior to the ICCM with sufficient time to allow for a thorough scientific assessment of the nomination with the view to providing a recommendation. The Secretariat should call for comments on the proposals, and received comments shall be submitted to the ICCM for its consideration;
  - All processes should be carried out as quickly as possible in order not to delay any actions. To make it possible, a proponent should include comprehensive information in its proposal, including background, workplan, target, indicators, methodology for the evaluation and leading institutions. Japan is of the view that any future Issues of Concern (including the existing EPs and other issues if adopted) should have a specific target and indicators and leading institutions as custodian.

**OPTION 2**

(1) Establish a time-bound group for each of the current Emerging Policy Issues and other issues of concern and agree on and submit work plans at least 6 months prior to the following session of the International Conference [ICCM6] (e.g. in the form of a task force or an ad hoc working group) with the purpose of defining relevant objectives and milestones and laying out actions. The main functions would be:

- developing and coordinating the implementation of a workplan, including propose indicators for relevant targets under different Strategic Objectives of the Beyond 2020 instrument;
- coordinating with other subsidiary bodies, IOMC organizations and beyond (e.g. the convention secretariats);
- monitoring and evaluating the progress against the indicators; and
- making recommendations to the ICCM (e.g. completion of the IoC, extension of the time frame of the subsidiary body, elevation of the IoC to other fora).

- It is essential to avoid significant burden on financial and human resources, which could undermine resources to implement future Issues of Concern. We would like to know more about a step-up procedure some of the stakeholders introduced during the last meeting on 14th of December. We believe that in order to start considering, we have to have a mutual understanding of the hybrid procedure.