UNITED NATIONS

UNEP/SPP-CWP/OEWG.2/INF/10

United Nations Environment Programme

Distr.: General
30 November 2023

English only

Ad hoc open-ended working group on a science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution
Second session
Nairobi, 11–15 December 2023
Item 4 of the provisional agenda*

Preparation of proposals for the establishment of a science-policy panel

Draft text for proposals to establish a science-policy panel

Note by the secretariat

At its resumed fifth session, held in Nairobi from 28 February to 2 March 2022, the United Nations Environment Assembly decided, by its resolution 5/8 of 2 March 2022, to establish a science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution, with details to be further specified according to the resolution. The Assembly considered that the panel should be an independent intergovernmental body with a programme of work approved by its member Governments to deliver policy-relevant scientific evidence without being policy prescriptive.

In the same resolution, the Assembly decided to convene, subject to the availability of resources, an ad hoc open-ended working group that would begin work in 2022 to prepare proposals on issues for the science-policy panel to consider (paragraph 5 of resolution 5/8), with the ambition of completing its work by the end of 2024. The Assembly requested the Executive Director of the United Nations Environment Programme to provide a secretariat for the ad hoc open-ended working group and to prepare the analytical and summary reports necessary for the group's work. The Assembly also requested the Executive Director to convene, upon completion of proposals prepared by the ad hoc open-ended working group, an intergovernmental meeting for the purpose of considering the establishment of a science-policy panel.

At its meeting held on 14 November 2023, the OEWG Bureau requested the secretariat to prepare draft text to serve as a starting point for developing proposals to establish a science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution. The draft text as presented in the annex to this document is based on elements in UNEA resolution 5/8 and has been informed by the review of examples from existing science-policy interfaces that formed the basis of the working documents for OEWG 2, further analysis by the secretariat and feedback received from Member States and stakeholders during regional meetings and briefings.

The draft text as presented in the annex follows the general structure introduced in document UNEP/SPP-CWP/OEWG.2/2 "Skeleton outline for proposals for the establishment of a science-policy panel," that sets out the key substantive proposals for which it is envisioned that texts will be developed by the OEWG, with some amendments.[1]

* UNEP/SPP-CWP/OEWG.2/1.

[1] Key changes from skeleton outline circulated in UNEP/SPP-CWP/OEWG.2/2: addition of section on strategic partnerships under C. "Institutional arrangements for the Panel"; addition of D. "Evaluation of the operational effectiveness and impact of the Panel"; reordering of annexes; renaming of Annex 2 for clarity to "Financial rules

It outlines the key elements describing the panel as well as its procedures and work processes in line with UNEA resolution 5/8. Sections A-D (A. Scope, objective and functions of the Panel; B. Operating principles of the Panel; C. Institutional arrangements for the Panel; and D. Evaluation of the operational effectiveness and impact of the Panel) contain proposals that may be submitted by the OEWG to the intergovernmental meeting convened to consider the establishment of the panel following the conclusion of the work of OEWG as provided in UNEA resolution 5/8.

The document furthermore includes in its annexes the elements to be recommended for consideration by the science-policy panel, once established, to be adopted at its first meeting or alternatively to guide the further work of the panel on the related issues. These include: Annex 1. Rules of procedure; Annex 2. Financial rules and procedures; Annex 3. Process for determining the work programme, including prioritization; Annex 4. Procedures for the preparation and clearance of panel deliverables, and Annex 5. Conflict of interest policy. For ease of review, this compilation includes only the table of contents of each of these annexes being proposed.

Member States may wish to consider that the outcome document of the ad hoc open-ended working group as set out in the proposed skeleton outline would be recommended to the intergovernmental meeting for its consideration.

In order to organize the work of the OEWG as efficiently as possible, it is suggested that OEWG 2 will focus its discussions on the substantive outcomes, and that the recommendation of the OEWG to the intergovernmental meeting in the form of a draft decision for consideration by the intergovernmental meeting will be discussed at OEWG 3.

and procedures" and combining Annexes 5 and 6 into a single Annex 4 "Procedures for the preparation and clearance of panel deliverables".

Annex*

Draft text for proposals to establish a science-policy panel

Preamble

[placeholder]

A. Scope, objective and functions of the Panel

1. The objective of the Panel is to strengthen the science-policy interface to contribute to the sound management of chemicals and waste and to prevent pollution for the protection of human health and the environment, with the following functions:

(a) Undertaking "horizon scanning" to identify issues of relevance to policymakers and, where possible, proposing evidence-based options to address them;

(b) Conducting assessments of current issues and identifying potential evidence-based options to address, where possible, those issues, in particular those relevant to developing countries;

(c) Providing up-to-date and relevant information, identifying key gaps in scientific research, encouraging and supporting communication between scientists and policymakers, explaining and disseminating findings for different audiences, and raising public awareness;

(d) Facilitating information-sharing with countries, in particular developing countries seeking relevant scientific information;

(e) Capacity-building[2]

Proposal 1: Provide capacity-building through all the functions of the panel and facilitate technology transfer, in particular to developing countries, to improve the science-policy interface at appropriate levels, including activities to ensure effective, geographically balanced and gender-responsive participation of scientists in the assessments of the panel, strengthen data generation capacity, enhance knowledge and skills that will support country infrastructure and human capacity, and facilitate connection and matchmaking of capacity-related needs and potential solutions

Proposal 2: Build capacity to support the functions and work of the panel in order to strengthen the science-policy interface for sound management of chemicals and waste and to prevent pollution.

B. Operating principles of the Panel

2. In carrying out its work, the science-policy Panel shall be guided by the following operating principles:

(a) Scientific independence and ensuring credibility, relevance and legitimacy including through peer review of its work, transparency in its decision-making processes, and addressing potential conflicts of interest;

(b) Producing deliverables that are credible and scientifically robust;

(c) Interdisciplinarity, ensuring contributions from experts with a broad range of disciplinary and sectoral expertise;

* The annex has not been formally edited.

[2] Two text proposals were developed at OEWG-1 by (1) Group of African States and GRULAC, and (2) European Union.

(d) Inclusivity of participation and forms of knowledge shared, including by indigenous peoples, indigenous and traditional knowledge, and local knowledge;

(e) Having geographical, regional and gender balance;

(f) Delivering outputs that are policy relevant without being policy prescriptive, avoiding overlap and duplication of work, and promoting coordination and cooperation;

(g) Flexibility, so as to be responsive to member Governments' needs, in particular needs of developing countries, while still preserving the scientific and policy bases upon which it operates;

(h) Incorporating the precautionary approach, as stated in Principle 15 of the 1992 Rio Declaration;

(i) Incorporating a human rights-based approach, including by recognizing the right to a clean, healthy, and sustainable environment, the right to science, the importance of informed participation, and the need to give special attention to those populations most vulnerable to adverse impacts from chemicals, waste and pollution;

(j) Addressing all forms of pollution, including pollution related to chemicals and waste and pollution released into the air, water (including oceans) and soil.

C. Institutional arrangements for the Panel

I. [Plenary][Governing Body]

3. A [Plenary][Governing Body] is the Panel's decision-making body.

~~3.~~ 3 alt The Panel is a decision making body sitting in a Plenary session

Membership

4. The [[Plenary][Governing Body] is composed of National Focal Points and Scientists of] ~~Panel~~ [Plenary is open to] States Members of the United Nations [and regional economic integration organizations] [that are members of the Panel][who may become members by expressing their intent to do so].

Participation of States not members of the Panel, United Nations bodies and other intergovernmental and non-governmental organizations

5. The [Panel] [Plenary] is open to participation as observers to any State not a member of the Panel, any United Nations entity and any other body, organization or agency, whether national or international, governmental, intergovernmental or non-governmental, indigenous peoples and local communities qualified in matters covered by the Panel, and which has informed the Secretariat of the Panel of its wish to be represented at sessions of the Plenary, subject to the rules of procedure.

6. [The [Panel] [Plenary] is open to participation by regional economic integration organizations as observers. The European Union is allowed enhanced participation in sessions of the plenary, including the right to speak in turn; the right of reply; the right to introduce proposals; the right to provide views; and the ability to support the implementation of the work programme of the Panel through financial support, among other means. [These rights do not grant the ability to be elected to the Bureau of the Panel].]

Functions

7. The functions of the Plenary include:

(a) Acting as the Panel's decision-making body;

~~(b)~~ [Adopting the Panel's work programme to deliver on each of the functions of the Panel move down];

(b)

(c) Soliciting, via the Secretariat, [inputs][submissions] for work programme development from Governments, [including through the governing bodies of] relevant multilateral agreements [,GFC], [and input on these submissions from]

related United Nations bodies, and relevant stakeholders, such as other intergovernmental organizations, international and regional scientific organizations, environmental trust funds, non-governmental organizations, indigenous peoples, local communities and the private sector;

b/c alt Responding to requests from Governments, including those conveyed to it by multilateral environmental agreements related to biodiversity and ecosystem services as determined by their respective governing bodies; Welcoming inputs and suggestions from, and the participation of, United Nations bodies related to biodiversity and ecosystem services as determined by their respective governing bodies; Encouraging and taking into account, as appropriate, inputs and suggestions made by relevant stakeholders, such as other intergovernmental organizations, international and regional scientific organizations, environmental trust funds, non-governmental organizations, indigenous peoples and local communities and the private sector;

~~(c)~~

(d) Responding to requests [from governments, [including those from REIOs] and those transmitted by relevant multilateral environmental agreements, [GCF] as determined by their respective governing bodies][put to the Panel as appropriate, including on the basis of the application of an agreed prioritization framework];

~~(d)~~ d bis Adopting the Panel's work programme to deliver on each of the functions of the Panel[, including on knowledge generation, assessments, policy support and capacity building].

(e) Ensuring the active and efficient participation of civil society as observers in the Plenary;

(f) Electing [the Bureau [and members of any subsidiary bodies] in accordance with the rules of procedure] [officers of the Plenary [from among the members of the Bureau], taking due account of the principles of geographical, regional and gender balance, based on criteria, a nomination [and selection] process[es] and length of service to be set out in the rules of procedure];

(g) In accordance with the rules of procedure, establishing [committees and] subsidiary bodies as appropriate[, including through, inter alia, committees, working groups and task forces,];

(h) [For main deliverables, approving the scoping document, endorsing the selection of experts, and accepting, adopting, or approving the deliverable as appropriate];

~~(h)~~ h alt [Defining the scope of [and taking decisions on the] deliverables as agreed in the work programme [and taking decision on deliverables][and approving on all the outcomes of the Panel] as appropriate]

(i) Approving a budget and overseeing the allocation of the Trust Fund [that follows the UN voluntary indicative scale of contributions];

(j) Deciding on an evaluation process [and its terms of reference] for the periodic and independent reviewing of the Panel's efficiency, effectiveness and impact;

(k) Adopting and amending rules of procedure and financial rules and procedures.

~~(k)~~ k bis Setting up a transparent peer review process for the production of reports and assessments by the Panel

II. Bureau

8. A Bureau is established [to provide oversight of the Panel][oversee the implementation of decisions of the Plenary] .

Membership

9. The Bureau comprises two members [nominated] from [each of the regions of the institution hosting the Secretariat][each of the 5 UN regional groups [and elected by the

governing body, including one chair and 9 vice chairs, one of whom shall act as rapporteur, as provided for in the rules of procedure, along with the co-chairs of the subsidiary bodies]].

10. [Members of the Bureau are nominated by their regional groups and elected by Plenary, keeping in mind the need for the Bureau's membership to have [sector,] geographical, regional and gender balance.[3]]

11. Members of the Bureau are selected for their [subject matter][relevant scientific and technical] expertise [and demonstrated experience with relevant intergovernmental processes].

Functions

12. The functions of the Bureau include:

(a) [Organizing- and helping][Assisting] to conduct the sessions of the Plenary;

a bis [providing oversight of and guidance to the Governing Body's work during the intersessional period]

~~(a)~~a bis alt [supporting the Governing Body, including through managing implementation of the work programme]

(b) [Reviewing the observance of the Panel's rules and procedures;]

(c) [Addressing requests related to the Panel's programme of work and other intersessional matters that require attention by the Panel between sessions of the Plenary;]

(d) [Reviewing the management of resources and observance of financial rules and reporting thereon to the Plenary;]

(e) [Reviewing progress in the implementation of decisions of the Plenary, if so directed by the Plenary;]

(f) [Advising the Plenary on coordination between the Panel and other relevant institutions;]

(g) [Identifying donors and developing partnership arrangements for the implementation of the Panel's activities.][Adhering to the due diligence procedures also restricting earmarking and encouraging contributions to the trust fund]

~~(g)~~ g bis Participating in the conflict of interest committee

III. Committees and subsidiary bodies

Interdisciplinary Expert Committee

13. An Interdisciplinary Expert Committee is established to provide scientific advice to the Panel.

Membership of the Interdisciplinary Expert Committee

14. The Interdisciplinary Expert Committee comprises an equal number of members from each of the regions of the institution hosting the Secretariat.[4]

15. Members of the Interdisciplinary Expert Committee are nominated by regions and elected by Plenary, taking into account the need to ensure the committee is interdisciplinary, ensuring contributions from experts with a broad range of disciplinary expertise; has inclusive participation, including by indigenous peoples; and has geographical, regional and gender balance.[5]

[3] Guidelines covering the nomination process, length of service and any rotation of the Chair of the Plenary among the regions will be provided for in the rules of procedure.

[4] The rules of procedure will specify the number from each region. The ad hoc open-ended working group may wish to consider an Interdisciplinary Expert Committee with five members from each of region.

[5] Guidelines covering the nomination process, length of service, and any rotation of the Chair or Co-Chairs of the Interdisciplinary Expert Committee among the range of its members at regular intervals, will be provided for in the rules of procedure. The ad hoc open-ended working group may wish to consider an Interdisciplinary Expert Committee with staggered three-year terms, renewable once.

16. Interdisciplinary Expert Committee members are selected for their scientific, technical or policy expertise and knowledge of the main elements of the work of the Panel.

17. Representatives of non-governmental participants as well as the Chair of the United Nations Environment Management Group may participate as ex officio members in Interdisciplinary Expert Committee meetings. The representatives of non-governmental participants are elected by and from non-governmental participants engaged in the work of the Panel.[6]

18. Members of the Bureau, representatives of other relevant science-policy interfaces (including the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services) or international organizations, and representatives of relevant multilateral agreements may be invited to participate as observers in meetings of the Interdisciplinary Expert Committee.

Functions of the Interdisciplinary Expert Committee

19. The functions of the Interdisciplinary Expert Committee include:

(a) Providing advice to the Plenary and the Bureau on scientific and technical aspects of the Panel's programme of work;

(b) Providing advice and assistance on technical and/or scientific communication matters;

(c) Providing advice to the Secretariat in setting up and managing a transparent peer review process as necessary for the production of deliverables of the Panel, helping to ensure the highest levels of scientific quality, independence, integrity and credibility at all stages of Panel processes;

(d) Advising on a process, and overseeing the process, for defining the scope of reports following agreement on the work programme;

(e) Selection and endorsement of experts for Panel activities as agreed in the work programme based on advice from the Secretariat; experts are selected from government and non-government nominations, taking into account the need for different disciplines and types of knowledge, gender balance and effective contribution and participation by experts from developing countries;

(f) Engaging the scientific community and other knowledge holders with the work programme;

(g) Assuring scientific and technical coordination among other bodies set up under the Panel and facilitating coordination between the Panel and related processes to build upon existing efforts.

Other subsidiary bodies

20. The Plenary, including upon advice from the Bureau and Interdisciplinary Expert Committee, may establish other subsidiary bodies under the Panel, whether to aid in delivering panel functions or in meeting the panel's cross-cutting needs. These other subsidiary bodies may include:

(a) Expert groups to deliver on the horizon scanning and assessment functions of the panel;

(b) Task forces to deliver on other functions of the panel, such as capacity building;

(c) A conflict of interest committee to support the implementation of a conflict of interest policy.

[6] Guidelines covering the nomination process and length of service of these representatives will be provided for in the rules of procedure. The ad hoc open-ended working group may wish to consider electing five representatives to serve in this role, one each from health, environment, industry, trade union and public interest groups.

21. In establishing these subsidiary bodies, Plenary shall ensure their composition, modalities of work and functions align with the Panel's agreed operating principles.

IV. Secretariat

22. The Plenary shall be supported by a Secretariat for the Panel with the following functions:

(a) Providing scientific, technical, organisational, communication and capacity building support;

(b) Organizing meetings and providing administrative and scientific, technical, organisational and communication support for meetings, including the preparation of documents and reports to the Plenary, and for the work of the Panel's other bodies as needed;

(c) Assisting members of the Plenary, Bureau, Interdisciplinary Expert Committee and other subsidiary bodies, to undertake their respective functions as decided by the Plenary, including participation in their meetings and facilitating communication between the various stakeholders of the Panel;

(d) Facilitating communication among any other bodies that might be established by the Panel;

(e) Disseminating the Panel's deliverables;

(f) Assisting in outreach activities and in the production of relevant communication materials;

(g) Preparing the Panel's draft budget for submission to Plenary, managing the financial arrangements and preparing any necessary financial reports;

(h) Assisting in the mobilization of financial resources;

(i) Assisting in the facilitation of monitoring and evaluation of the Panel's work;

(j) Proposing potential strategic partnerships to Plenary, and coordinating and implementing any strategic partnerships as needed.

23. The Panel, at its first Plenary session, will secure secretariat services from one or more Intergovernmental Organizations, based on solicited proposals to host the Secretariat. The Secretariat will be hosted in a single location.

V. Financial Arrangements

24. A Trust Fund is established, to be hosted by an institution agreed by Plenary, to:

(a) be allocated by Plenary in an open and transparent manner;

(b) collect voluntary financing to support the work of the Panel;

(c) be governed by financial rules and procedures adopted by the Plenary.

25. Contributions to the Trust Fund are welcomed from Governments, as well as from United Nations bodies, the Global Environment Facility, other intergovernmental organizations and stakeholders such as the private sector and foundations, on the understanding that such funding:

(a) will come without conditionalities;

(b) will not orient the work of the panel;

(c) cannot be earmarked for specific activities.

26. Exceptions to paragraph 25 may be provided to allow additional contributions for specific activities approved by the Plenary.

27. The Plenary regularly reviews Panel expenditures and budget proposals, and adopts budgets for the Panel.

28. The Bureau regularly reviews budget information prepared by the Secretariat.

29. The Secretariat prepares the Panel's draft budget for submission to Plenary, managing the financial arrangements and preparing any necessary financial reports.

VI. Strategic Partnerships

30. The Panel may decide to pursue formal strategic partnerships with United Nations entities, multilateral agreements and other selected stakeholders that are active and qualified in the topics covered by the panel. Formal strategic partnerships can be a means of achieving the operating principle that includes "avoiding overlap and duplication of work, and promoting coordination and cooperation" while delivering on any of the panel's functions.

31. The Secretariat may propose for consideration of the Plenary the establishment of possible strategic partnerships, including their contribution to the work of the Panel.

32. The Secretariat shall regularly inform the Bureau and the Plenary about the formal strategic partnerships and their contribution. Strategic partnerships are subject to periodic review.

33. In order to encourage and facilitate formal strategic partnerships, Plenary may decide to mandate the development, and periodic updating, of:

(a) guidance for entities wishing to apply to enter in a formal strategic partnership with the Panel, and

(b) guidelines for formalizing partnerships that the Plenary agrees to pursue, including, as appropriate, through the preparation of memoranda of understanding or contracts.

34. Considerations in formalizing strategic partnerships may include:

(a) the function(s) the formal strategic partnership will support;

(b) alignment with the Panel's scope, objective, and operating principles;

(c) complementarity with the Panel's work programme;

(d) opportunities for synergies.

D. Evaluation of the operational effectiveness and impact of the Panel

35. The Panel's efficiency, effectiveness and impact shall be independently and externally reviewed and evaluated on a periodic basis as decided by the Plenary, with adjustments to be made as necessary.

Annexes[7]

Annex 1. Rules of procedure[8]

1. Scope
2. Definitions
3. Venues, dates and notice of sessions
4. Members and observers
5. Admission of observers
6. Agenda
7. Representation, credentials and accreditation
8. Members and operation of the Bureau
9. Election of members of the Bureau
10. Nominations
11. Subsidiary bodies (members, operation, election of members, etc.)
12. Conduct of business
13. Decision-making

[7] The following "Annexes" need to be considered in terms of substance and their placement in the context of the ongoing OEWG process, including in relation to the intergovernmental meeting and potentially the panel's plenary sessions.

[8] This table of contents is also introduced in UNEP/SPP-CWP/OEWG.2/4

14. Languages
15. Modifications to the rules of procedure

Annex 2. Financial rules and procedures

1. Scope
2. Financial year and budgeting period
3. Panel Trust Fund
4. Currency
5. Budget
6. Contributions
7. Working capital reserve
8. Accounts and audit
9. General provisions

Annex 3. Process for determining the work programme, including prioritization

1. Solicitation and submission of issues for inclusion in the work programme
2. Prioritization criteria for setting the work programme
3. Process for applying the prioritization criteria
4. Process for finalizing the work programme

Annex 4. Procedures for the preparation and clearance of panel deliverables[9]

1. Definitions
2. Procedures for the preparation of panel deliverables
   (a) horizon scanning deliverables
      (i) general approach
      (ii) tasks and responsibilities of key roles
      (iii) identification and selection of experts
      (iv) means of ensuring robustness and credibility
   (b) assessments
      (i) general approach
      (ii) tasks and responsibilities of key roles
      (iii) identification and selection of experts
      (iv) means of ensuring robustness and credibility
   (c) knowledge management deliverables
      (i) general approach
      (ii) tasks and responsibilities of key roles
      (iii) identification and selection of experts
      (iv) means of ensuring robustness and credibility
   (d) information-sharing deliverables
      (i) general approach
      (ii) tasks and responsibilities of key roles

[9] Further information on procedures for the preparation and clearance of panel deliverables is available in UNEP/SPP-CWP/OEWG.2/6

(iii) identification and selection of experts

(iv) means of ensuring robustness and credibility

(e) capacity building deliverables

(i) general approach

(ii) tasks and responsibilities of key roles

(iii) identification and selection of experts

(iv) means of ensuring robustness and credibility

3. Procedures for the clearance[10] of panel deliverables

4. Error protocol

5. Procedure on the use of sources

6. Procedure on data management and use of digital tools and intelligence

7. Procedure for safeguarding commercially sensitive information

Annex 5. Conflict of interest policy

1. Purpose of the policy

2. Scope of the policy

3. Conflict of Interest (definition)

Appendix A: Implementation Procedures, including Conflict of Interest Committee
Appendix B: Conflict of Interest Disclosure Form (COI Form)

[10] For assessments, clearance includes acceptance, adoption and approval.