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**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

Draft report of the second session of the 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

Introduction

1. On 2 March 2022, the United Nations Environment Assembly of the United Nations Environment Programme, in resolution 5/8, decided that a science-policy panel should be established to contribute further to the sound management of chemicals and waste and to prevent pollution. The Environment Assembly also decided to convene, subject to the availability of resources, an ad hoc open-ended working group that would begin its work in 2022, with the ambition of completing it by the end of 2024.
2. The second session of the ad hoc open-ended working group was held at the headquarters of UNEP in Nairobi from 11 to 15 December 2023.

I. Opening of the session

3. The meeting was opened at 10.20 a.m. by Gudi Alkemade (Kingdom of the Netherlands), Chair of the 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.
4. Opening statements were delivered by Mohammed Khashashneh, Secretary-General of the Ministry of Environment, Jordan, on behalf of the host government; Sheila Aggarwal-Khan, Director, Industry and Economy Division, UNEP; and Lesley Onyon, Head, Chemical Safety and Health Unit, World Health Organization (WHO).
5. In his opening statement, Mr. Khashashneh, noting that current events had prevented the second session of the ad hoc open-ended working group from being held in Jordan, said that the science-policy panel was urgently needed. Science served as the basis for technical decision-making to protect people's health and the environment from the hazards of chemicals and waste. Notwithstanding the existence of several relevant international conventions, millions of deaths reportedly occurred owing to the mismanagement or misuse of hazardous chemicals and pesticides or the illegal trade in such materials. A science-policy panel would therefore contribute to addressing gaps and challenges at the international level, play an effective role in reducing pollution associated with the unsound management of chemicals and aid in the development of policies and legislation at the local, regional and international levels.
6. The work that had been carried out to date and the documents that had been prepared by the secretariat constituted a good starting point for discussions. The accumulated experience of a broad range of actors, including States, international organizations and research institutions, as well as

international conventions, such as the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change, would also facilitate the work of the ad hoc open-ended working group. While it was not necessary to reinvent the wheel, it was essential to leverage new science and technology. Members of the ad hoc open-ended working group must work together to create a strong science-policy panel on the basis of resolution 5/8 of the United Nations Environment Assembly of the United Nations Environment Programme.

7. Ms. Aggarwal-Khan said that the world was facing a triple planetary crisis of climate change, nature and biodiversity loss, and pollution. The latter had recently been receiving greater attention: chemical exposure and waste were intensifying, leading to deaths, economic losses and damage to nature and the climate. Over the past year, frameworks for addressing chemicals, waste and pollution had been strengthened. For example, the Global Framework on Chemicals – For a Planet Free of Harm from Chemicals and Waste, had been adopted; progress had been made by the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment; and a specific target on curbing pollution had been included in the Kunming-Montreal Global Biodiversity Framework. To build a greener future, however, a stronger science-policy interface was needed to identify chemical-related issues, provide solutions and guide policy action and investment.

8. The establishment of a new science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution would serve to create a triple scientific-panel response – with the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services – to the triple planetary crisis. The ad hoc open-ended working group was encouraged to set up the panel in such a way that it leveraged science but also built strong links to policy, thus delivering a big policy impact. In addition, the panel should be broad – integrating perspectives from not only the natural sciences but also economics and social and behavioural sciences – focused on solutions and inclusive of local communities and Indigenous Peoples, who were so often on the receiving end of pollution. Industry, which produced pollution upstream, must also be involved, albeit with the requisite measures in place to prevent conflicts of interest and lobbying.

9. Ms. Onyon said that known avoidable environmental risks to health caused more than 13 million deaths a year and accounted for a quarter of the global disease burden. Greater efforts and innovations were needed to prevent those impacts, address gaps in capacity and attend to the specific concerns of countries at different stages of development. The proposed science-policy panel could tackle some of the broader interdisciplinary questions, such as how to speed up the implementation of evidence-based solutions at the country level. A strategic approach that added value and avoided duplication of existing processes was needed.

10. WHO carried out various science-policy activities of relevance to the proposed panel, such as establishing evidence-based scientific guidelines, including on chemicals of key public health concern, carrying out chemical risk assessments, synthesizing emerging science and evidence and addressing cross-cutting issues, such as microplastics in drinking water and hazardous chemicals used in health care. Its work was underpinned by high standards of transparency and integrity and strict and well-established procedures, including for identifying and managing potential conflicts of interest. WHO had already begun a process of engagement and outreach with its constituents on the important work of the ad hoc open-ended working group. It had also been requested by the World Health Assembly to report on possible roles for WHO in the proposed panel at its meeting in May 2024. Members of the ad hoc open-ended working group were therefore encouraged to coordinate with their health ministries on a possible WHO role, including at the 154th session of the WHO Executive Board in January 2024.

II. Election of officers

11. The Chair recalled that, at its first session, the ad hoc open-ended working group had elected her to serve as Chair and the following individuals to serve as Vice-Chairs of the Bureau: Linroy Christian (Antigua and Barbuda); Jinhui Li (China); Oumar Diaouré Cisse (Mali); Saqlain Syedah (Pakistan); Michel Tschirren (Switzerland); and Valentina Sierra (Uruguay). In addition, Cyrus Mageria (Kenya) had been elected to serve as Rapporteur. In the intersessional period, Ms. Sierra had been replaced by Judith Torres (Uruguay), who had been elected by means of a silence procedure, in accordance with rule 19 of the rules of procedure of the United Nations Environment Assembly.

12. The Chair also recalled that two seats for the Eastern European States remained vacant in the Bureau and that four Member States from among those States had presented individual nominees, none of whom had been endorsed by the Eastern European States. At the regional group's request, the

ad hoc open-ended working group had decided to postpone the election of the Bureau members from the Eastern European States to its second session to allow for further regional consultations. One individual nominee had subsequently withdrawn their candidature, leaving three candidates, namely: Alexandru Roznov (Romania); Vladimir Lenev (Russian Federation); and Roman Filonenko (Ukraine).

13. A representative speaking on behalf of the Eastern European States said that, despite intense consultations during the intersessional period, the regional group had failed to reach consensus on the matter. A lengthy discussion ensued.

14. At the third plenary meeting, one representative, speaking on behalf of a group of countries, said that he wished to place on record that his region had been deeply affected by a statement that had been made during the discussion on the agenda item. The ad hoc open-ended working group was supposed to be a forum for collegiality, respect, equality and the free exchange of views. Participants must not be judged on the basis of race, colour, sex, ethnic or social origin or any other grounds. Minimum ethical standards must be respected; the sessions of the ad hoc open-ended working group must be free of political interference and manipulation. Another representative, expressing full support for the previous statement, said that interventions that were injurious or offensive to another delegation must not be tolerated.

15. The ad hoc open-ended working group agreed to hold a secret ballot. The Chair outlined the procedure for the secret ballot, which was being held in accordance with rules 56 and 58 of the rules of procedure of the United Nations Environment Assembly. She clarified that no proxies had been approved.

16. Subsequently, the Chair invited participants to resume their consideration of agenda item 2, election of officers, in order to elect two members of the Bureau of the ad hoc open-ended working group from the Eastern European States by secret ballot.

17. The Chair confirmed that 109 representatives of members of the open-end working group were present and that a quorum was therefore confirmed.

18. At the request of one delegation, the Chair confirmed the verification and acceptance of the letters of accreditation and representation of representatives as adopted by the Bureau and presented to the ad hoc open-ended working group.

19. At the invitation of the Chair, the representatives of Japan, Trinidad and Tobago and South Africa acted as tellers.

20. A vote was taken by secret ballot.

Number of ballot papers: 106

Number of valid ballots: 106

Abstentions: 16

Number of members present and voting: 90

Required majority: 46

Number of votes obtained:

Alexandru Roznov (Romania) 54

Vladimir Lenev (Russian Federation) 42

Roman Filonenko (Ukraine) 60

21. Having obtained the required majority, Mr. Roznov and Mr. Filonenko were elected Vice-Chairs of the Bureau of the ad hoc open-ended working group.

22. The Chair congratulated Mr. Roznov and Mr. Filonenko on their election and confirmed that the Bureau of the ad hoc open-ended working group had been fully constituted.

23. Speaking in exercise of the right of reply, one representative said that the remarks referred to earlier in the discussion had been deeply regrettable. Upon being informed of the incident, the relevant authorities had immediately taken the necessary measures.

III. Adoption of the agenda and other organizational matters

A. Adoption of the agenda

24. The Chair recalled that, at its resumed first session, the ad hoc open-ended working group had adopted the following agenda on the basis of the provisional agenda and the draft annotated agenda (UNEP/SPP-CWP/OEWG.2/1 and UNEP/SPP-CWP/OEWG.2/1/Add.1):

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda and other organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organizational matters.
4. Preparation of proposals for the establishment of a science-policy panel.
5. Options for the timetable and organization of the future work of the ad hoc open-ended working group.
6. Provisional agenda of the third session.
7. Other matters.
8. Adoption of the report of the session.
9. Closure of the session.

B. Organizational matters

25. The ad hoc open-ended working group agreed to organize the work of its second session in accordance with the draft annotated agenda and the scenario note (UNEP/SPP-CWP/OEWG.2/INF/1/Rev.1), on the understanding that the tentative schedule for the session, including for the contact groups, would be updated on a daily basis in the light of the progress achieved in plenary and contact group meetings.

26. It was agreed that, should contact groups be established, the following clusters of topics should be addressed: (a) scope, functions, operating principles and conflicts of interests; (b) institutional arrangements and relationships with relevant key stakeholders; (c) work-related processes and procedures of the panel; and (d) intersessional work and budget in advance of the third session and beyond. It was also agreed that no more than two such groups would be scheduled to meet at the same time, thereby ensuring that smaller delegations could participate in all the deliberations. It was also agreed that the ad hoc open-ended working group would establish additional contact or informal groups as it deemed necessary.

C. Attendance

27. The meeting was attended by representatives of the following Member States: [to be completed]

28. [to be completed] were represented as observers.

29. Representatives of the following United Nations agencies, funds and programmes, secretariats of other intergovernmental organizations, and secretariats of multilateral environmental agreements attended: [to be completed]

30. Representatives of the following other international organizations attended: [to be completed]

31. Representatives of the following non-governmental, industry, academic and other entities attended: [to be completed]

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

32. Introducing the item, the Chair invited regional and political groups to deliver statements expressing general views on the substantive issues to be considered at the current session.

33. The representative speaking on behalf of the group of African States thanked the secretariat for the documentation provided and expressed strong support for basing discussions at the current session on the draft text for proposals to establish a science-policy panel, as set out in document UNEP/SPP-CWP/OEWG.2/INF/10. He noted that it was also important to learn from the structures and operating modalities of other science-policy bodies, building on their strengths and learning from their weaknesses. With regard to institutional arrangements, he underlined the need for broader participation by observers in the panel, while at the same time giving due regard to the rules of procedures for admittance and participation. Furthermore, he proposed that the number of experts from developing countries involved in reviewing and evaluating the technical reports to be issued by the new panel should be increased and that there should be equal representation of experts from the health and environmental sectors. With regard to capacity-building, he expressed a preference for the first of the two options forwarded from the resumed first session (UNEP/SPP-CWP/OEWG.1/7, annex II), as it would promote and support inclusivity, local content, Indigenous knowledge, adaptive technology transfer and the continuity of capacity-building measures. Regarding operating principles, he proposed the inclusion of ethical considerations, and of disciplinary measures within the policy on conflict of interest. Furthermore, he expressed the view that, in order to avoid duplication of effort and enhance resource efficiency, the work programmes and financial rules of the new panel should be independent and aligned with its scope, as well as with the objectives of the Global Framework on Chemicals – For a Planet Free of Harm from Chemicals and Waste. Although it would have been preferable to finalize the scope and functions of the new panel before addressing institutional arrangements, it was acceptable, for the sake of expediency, to run the discussions concurrently.

34. The representative speaking on behalf of the group of Latin American and Caribbean States expressed his gratitude to the secretariat for the documentation provided. He said that the new panel should have a broad scope and that its work should be guided by overarching principles, including a human-rights-based approach; gender equality; inclusive participation; and the use of traditional knowledge, the knowledge of Indigenous Peoples and systems of local knowledge; and that the panel itself should be balanced in terms of geographical, regional and gender representation. Capacity-building and a robust financing mechanism would also be critical for the new panel, as its effectiveness would depend on the integration of people and institutions from developing countries, which were facing the greatest challenges in relation to chemicals, waste and pollution. The panel should be independent, robust and interdisciplinary in nature, with effective policies to prevent conflict of interest.

35. The representative speaking on behalf of the group of Eastern European States, thanking the secretariat for the documentation provided, expressed strong support for basing discussions at the current session on the draft text for proposals to establish a science-policy panel set out in document UNEP/SPP-CWP/OEWG.2/INF/10 and the draft procedure for receiving and prioritizing requests put to the panel set out in document UNEP/SPP-CWP/OEWG.2/INF/10/Add.2. She noted the urgency of bridging the gap between scientific knowledge and policy implementation in order to address the growing threats posed by pollution and hazardous substances, as well as the importance of international cooperation, the sharing of expertise and the promotion of transparency in order to harness the wealth of knowledge that already existed within countries and regions in order to devise global solutions. She underlined the importance of providing capacity-building through all the functions of the panel, with a particular emphasis on facilitating technology transfer to developing countries. It was also vital to ensure that the participation of scientists in the assessments of the new panel would be effective, gender-responsive and geographically balanced. Furthermore, she noted the importance of capacity-building in the areas of data generation and the knowledge and skills of human resources, in particular so that countries in the region could contribute to scientific assessments and policy formulation.

36. The representative speaking on behalf of the European Union, thanking the secretariat for the documentation provided, expressed support for basing discussions at the current session on the draft text for proposals to establish a science-policy panel set out in document UNEP/SPP-CWP/OEWG.2/INF/10. He noted that the proposed objective for the new panel had reached a good level of consensus and that further discussions regarding capacity-building were required when considering the functions of the new panel. He said that he looked forward to discussions on relationships with relevant stakeholders and noted the importance of a clear policy on conflicts of interest for the credibility of the new panel. He expressed support for beginning discussions on work-related processes and procedures for the panel at the current session and said that he looked forward to reaching agreement on the intersessional work to be carried out before the third session of the ad hoc open-ended working group.

37. The representative speaking on behalf of the group of Asia-Pacific States, thanking the secretariat for the documentation provided, said that the region was open to basing discussions at the

current session on the skeleton outline for proposals for the establishment of a science-policy panel set out in document UNEP/SPP-CWP/OEWG.2/2 and the draft text for proposals to establish a science-policy panel set out in document UNEP/SPP-CWP/OEWG.2/INF/10. He expressed the view that the scope of the new panel should be broad in order to effectively address the mandate set out in Environment Assembly resolution 5/8, and that the panel should have operating principles rooted in scientific principles, clear institutional arrangements and a structure that would allow implementation of all the required functions. Furthermore, he stressed that the governance of the panel should be driven by Member States and was critical for providing the mandate for, and prioritizing the work of, the panel. The new panel should be neutral, transparent, inclusive and based on good governance, transcending political considerations and territorial disputes and not generating any legal implications. The main objective of the panel should be the provision of policy-relevant evaluation of scientific evidence, with a focus on inclusive, science-based solutions for the sound management of chemicals, waste and pollution that took into consideration the capacity and circumstances of developing countries, and that would ultimately lead to the enhancement of human well-being and contribute to the prosperity of all. In addition, the panel should build the capacity of scientists across all relevant areas, as well as supporting and integrating relevant international and regional bodies and mechanisms in order to avoid duplication and encourage complementarity. The provision of the necessary capacity-building, including through financial assistance, technical assistance and technology transfer, would be critical for developing countries in particular. In conclusion, he underlined the importance of a consensus-based approach to decision-making during the current process.

A. Skeleton outline and draft text proposals for the establishment of a science-policy panel

38. The Chair drew attention to the skeleton outline for proposals for the establishment of a science-policy panel set out in document UNEP/SPP-CWP/OEWG.2/2, and the draft text for proposals to establish a science-policy panel set out in document UNEP/SPP-CWP/OEWG.2/INF/10, which had been prepared by the secretariat at the request of the Bureau, and it was suggested that they be used as the starting point for the development of the text of the proposals for the establishment of the new panel, without prejudice to the outcome of the discussions.

39. Introducing the documents, the representative of the secretariat said that, under the guidance of the Bureau, the secretariat had prepared the skeleton outline for proposals for the establishment of the new panel, and that examples and lessons learned from existing science-policy interfaces, as well as the structure of those interfaces, had been taken into account when developing the outline. The first part of the skeleton outline was intended to cover the foundational elements for establishing the panel, namely scope, objectives and functions; operating principles; and institutional arrangements. The second part, in the form of annexes, covered additional elements intended to guide the new panel. A number of working and information documents (UNEP/SPP-CWP/OEWG.2/3–UNEP/SPP-CWP/OEWG.2/6 and UNEP/SPP-CWP/OEWG.2/INF/2–UNEP/SPP-CWP/OEWG.2/INF/8) had been prepared by the secretariat, each covering one or more of the outline elements.

40. She noted that there were some differences between the skeleton outline and the structure used for the draft text for proposals to establish a science-policy panel. Firstly, the distinct section on the relationship with relevant key stakeholders in the skeleton outline had been integrated in the draft text into the sections on institutional arrangements, including in a new subsection on strategic partnerships, and work-related processes and procedures. Secondly, a technical correction had been made in the draft text to rename the annex on “financial arrangements” as “financial rules and procedures”, as the financial arrangements were covered under the section on institutional arrangements. Finally, a fourth section, on the evaluation of the operational effectiveness and impact of the panel, had been added to the foundational elements, in line with the structure of other science-policy interfaces.

41. In the ensuing discussion, a number of representatives speaking on behalf of groups of countries reiterated their support for using the two documents as the basis for further negotiations, in the contact groups, to develop the proposals for the establishment of a science-policy panel. One representative expressed the view that the section on the evaluation of the operational effectiveness and impact of the panel should not be one of the foundational elements but should instead become an annex, as only the panel itself would be in a position to decide on suitable evaluation of its activities and processes and it was currently unknown what those activities and processes would be.

42. The ad hoc open-ended working group agreed to base further consideration of the draft text for proposals for the establishment of a science-policy panel on the outline set out in document UNEP/SPP-CWP/OEWG.2/INF/10, on the understanding that the ad hoc open-ended working group

would consider whether the current section on the evaluation of the operational effectiveness and impact of the panel might be better set out in an annex, once discussed.

43. [to be completed]

B. Scope, functions, operating principles and conflict of interest

44. The Chair drew attention to document UNEP/SPP-CWP/OEWG.2/3 and related information documents UNEP/SPP-CWP/OEWG.2/INF/2, UNEP/SPP-CWP/OEWG.2/INF/3, UNEP/SPP-CWP/OEWG.2/INF/9, as well as sections A and B of document UNEP/SPP-CWP/OEWG.2/INF/10. She also drew attention to section V of document UNEP/SPP-CWP/OEWG.2/6, as well as related information documents UNEP/SPP-CWP/OEWG.2/INF/8 and UNEP/SPP-CWP/OEWG.2/INF/10/Add.1.

45. Providing further information on the documents, the representative of the secretariat noted that the background document on operating principles had been informed by written submissions from Member States and stakeholders and that specific text proposals for the scope, objective and functions of the panel had been provided in section A of the draft text for proposals to establish a science-policy panel and text proposals on the operating principles of the panel had been provided in section B of the same document. Furthermore, she noted that two of the key issues identified for consideration at the current session were the capacity-building function, for which two text proposals emanating from the resumed first session had been provided, and the operating principles. With regard to the latter, she noted that annex 1 to the document on scope and objective, functions and operating principles contained a list of the principles drawn from Environment Assembly resolution 5/8, and that annex 2 to the same document contained principles from other interfaces, which had been identified through the written submissions received.

46. In the ensuing discussion, one representative, speaking on behalf of a group of countries, recalling that a preference for a short yet broad objective for the panel had been identified at the resumed first session and that agreement had been reached to include the functions for the new panel as set out in resolution 5/8, emphasized that it would be preferable not to reopen the discussion on those agreed functions. He said that he looked forward, however, to negotiations regarding the fifth function, which had been proposed at the resumed first session. Regarding operating principles, he expressed the view that they should be concise, clear and stand-alone, as they should guide all facets of the panel's work.

47. One observer, speaking on behalf of several groups of observers, said that the scope of the new panel needed to be broad and inclusive, as the panel would be required to consider thousands of chemicals. Regarding the research that would be undertaken by the new panel, it remained unclear whether it would be based on primary data or on peer-reviewed research, as was the case for the Intergovernmental Panel on Climate Change. Another observer underlined the importance for the panel of adopting an iterative approach for continuous learning and adaptation, as well as updating recommendations in the light of new evidence, rapid technological advances and changing circumstances.

48. With regard to capacity-building, one observer, speaking on behalf of several groups of observers, said that it seemed as though the process was envisioned as a one-way exercise and it was unclear who was the intended recipient of capacity-building. It would be important for the new panel to understand the challenges and issues faced by farmers, women, grassroots communities and the science and technology communities, as well as the perspective of those groups on possible solutions.

49. Regarding the proposed operating principles, one observer, speaking on behalf of several groups of observers, suggested adding "integrity" to scientific independence and referring to the polluter pays principle. In addition, a number of observers, including one speaking on behalf of several groups of observers, requested that other knowledge systems, such as those of Indigenous Peoples, women, young people, local communities, and vulnerable and marginalized groups, be respected and recognized under the principle of generating a truly inter-scientific dialogue. One observer noted in particular the different knowledge and skill sets, as well as the local data sources, that such groups could contribute to the new panel. Another observer, recalling the proposal from his group for the establishment of a multidisciplinary youth expert group for the panel, requested the addition of the principle of intergenerational inclusivity and underlined the importance of a human-rights-based approach for the panel. The observer speaking on behalf of several groups of observers requested clarification regarding any precedence for the use of the term "the right to science" in intergovernmental agreements, questioned the necessity of "informed" as a qualifier for "participation", and sought clarity regarding the statement on the participation of non-governmental organizations in plenary meetings "being qualified in the matters covered by the panel".

50. With regard to functions, a number of observers, including one speaking on behalf of several groups of observers, noted the need for effective stakeholder engagement, with the observer speaking on behalf of several groups of observers requesting that the active, efficient participation of civil society as observers be extended to include the nine major groups under the United Nations Environment Assembly.

51. The ad hoc open-ended working group agreed to establish a contact group on the scope, functions and operating principles of the science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution. The contact group was mandated to finalize the draft proposal on scope and functions, including to develop, on the basis of previous considerations and further consultations, a proposed text on capacity-building that complemented the agreed functions and the text on the objective for the panel, as well as to develop a draft proposal on operating principles on the basis of the text provided in the draft text for proposals to establish a science-policy panel (UNEP/SPP-CWP/OEWG.2/INF/10), and possibly to identify which principles should be added. In addition, the contact group was mandated to consider how to address conflict of interest, using the proposal for a conflict-of-interest policy for the science-policy panel (UNEP/SPP-CWP/OEWG.2/INF/10/Add.1) as a basis for its discussions. The co-facilitators of the contact group would be Sam Adu-Kumi (Ghana) and Itsuki Kuroda (Japan). Subsequently, the contact group was also mandated to identify and consider possible intersessional work to forward to a contact group, once established, that would consider future intersessional work and budget.

52. Later in the session, one representative reiterated the importance of considering how to address conflict of interest in relation to the new panel and expressed support for discussing the issue in the contact group.

53. [to be completed]

C. Institutional arrangements

54. The Chair drew attention to the documents UNEP/SPP-CWP/OEWG.2/4 and UNEP/SPP-CWP/OEWG.2/5, and related information documents UNEP/SPP-CWP/OEWG.2/INF/4 and UNEP/SPP-CWP/OEWG.2/INF/5, as well as section C of document UNEP/SPP-CWP/OEWG.2/INF/10.

55. Introducing the documents, the representative of the secretariat said that the institutional arrangements would set out the key characteristics as to how the panel would operate, including a decision-making body (plenary), oversight body (bureau), an interdisciplinary committee of experts to provide scientific advice, other possible subsidiary bodies, and a secretariat. It would also serve as the basis for elements in the rules of procedure to be adopted by the panel. In considering the institutional arrangements and, subsequently, the rules of procedure, it would also be important to develop a common understanding of the relationships of the various bodies of the panel with key stakeholders.

56. A number of representatives, including one speaking on behalf of a group of countries, said that the institutional arrangements of the Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services should be considered as models so as not to “reinvent the wheel” and others expressed the view that lessons learned from existing panels should be properly reflected in the new panel to allow for a stronger science-policy interface. One representative noted that lessons could also be learned from the scientific bodies under the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, as well as the scientific mechanism under the Stockholm Convention on Persistent Organic Pollutants, and that regional knowledge should be harnessed through the regional centres of organizations such as WHO and the Food and Agriculture Organization of the United Nations. With regard to the proposed establishment of an interdisciplinary expert committee, one observer suggested that, using the Stockholm Convention as an example, text should be added to that section of the institutional arrangements to the effect that lack of full scientific certainty should not prevent the development of policies to protect human health and the environment.

57. A number of representatives said that it was important for Member States to develop a common understanding at the current session regarding the type of subsidiary bodies required under the decision-making body and how scientists and policymakers would be involved in such bodies. In addition to the plenary, the bureau and the interdisciplinary committee of experts to provide scientific advice, an additional structure should be considered to strengthen the involvement of policymakers in order to promote effective communication between science and policy, and the composition of all the bodies of the panel should be considered in terms of the inclusion of policymakers, scientists or both. One representative, noting the importance of the transparent and impartial nature of the work of the new panel, said that it would be vital that the structure of the panel separate policy from science but

also provided for a bridge between the two, and underlined the importance of a robust policy on conflict of interest.

58. One representative noted that, to some extent, consideration of the institutional arrangements would only be possible in the light of agreements reached in the contact group on scope and objective, functions and operating principles.

59. One representative, speaking on behalf of a group of countries, noted that the mandate in resolution 5/8 referred to the rules of procedure for the panel and not exclusively to rules of procedure for the plenary of the panel.

60. A number of representatives said that it would be preferable to develop a common understanding of the institutional arrangements that would be needed before considering how stakeholders would be involved in each body of the panel.

61. A number of observers, including one speaking on behalf of several groups of observers, underlined the importance of the recognition and involvement of major groups and other stakeholders in order to ensure the inclusion of those most vulnerable to chemical and waste pollution, as well as wider engagement, collaboration and mutual learning.

62. One observer speaking on behalf of several groups of observers expressed the view that major groups and other stakeholders should have input into all nomination processes, including in bureaux and committees, as well as those for the experts conducting assessments. There should be an open call for nominations and those nominations should meet criteria for inclusion, diversity and other systems of knowledge. In addition, all major groups and other stakeholders should be represented in the governance of the panel and a multidisciplinary youth expert group should be established. Another observer drew attention to the successful model used by the Strategic Approach to International Chemicals Management that would continue to be used under the Global Framework on Chemicals – For a Planet Free of Harm from Chemicals and Waste, where stakeholders played a role in governance.

63. One observer speaking on behalf of several groups of observers advocated responsible engagement with the private sector, noting that organizations with potential conflicts of interest should not be granted accreditation, and another observer recalled the need for a robust policy on conflict of interest in that regard.

64. One observer, noting the provision on the transparency of decision-making processes, requested that Member States consider explicitly mentioning transparency in relation to the working processes set out under institutional arrangements. Another observer sought clarification from the secretariat regarding the proposal on stakeholders, highlighting that the proposal contained in document UNEP/SPP-CWP/OEWG.2/INF/10 differed slightly from that contained in document UNEP/SPP-CWP/OEWG.2/4.

65. The ad hoc open-ended working group agreed to establish a contact group on institutional arrangements for the new panel. The contact group was mandated to finalize the proposals for institutional arrangements on the basis of the text provided in the draft text for proposals to establish a science-policy panel (UNEP/SPP-CWP/OEWG.2/INF/10) and to consider whether the section on the evaluation of the operational effectiveness and impact of the panel should be contained in an annex. The contact group was also mandated to consider the ways that stakeholders would be engaged in the panel, as well as possible strategic partnerships. The co-facilitators of the contact group would be Sofia Tingstorp (Sweden) and Judith Torres (Uruguay). Subsequently, the contact group was mandated to identify and consider possible intersessional work to forward to a contact group that, once established, would consider future intersessional work and budget.

66. Subsequently, the co-facilitator of the contact group requested the secretariat to present at the next meeting of the contact group a graphical representation, produced on the basis of the descriptions provided in the draft text for proposals to establish a science-policy panel (UNEP/SPP-CWP/OEWG.2/INF/10), depicting the various elements, namely the main and subsidiary bodies, that would together form the institutional arrangements for the panel. Furthermore, she suggested that the discussion on potential subsidiary bodies for the new panel should be held in a plenary meeting of the ad hoc open-ended working group.

67. Responding to questions from a number of representatives, including one speaking on behalf of a group of countries, regarding the proposed working methods of the contact group, the Chair confirmed that the draft text for proposals to establish a science-policy panel (UNEP/SPP-CWP/OEWG.2/INF/10) was only intended as a means to focus discussions. The relevant sections could be deleted, added to or altered by the contact group. Furthermore, the co-facilitator

clarified that the contact group would first gather the views of the Member States, then populate the skeleton outline with text based on those views before using the texts as the basis for further discussion. After seeking general views, the contact group would seek views on the bureau and the plenary, and then on the subsidiary bodies.

68. One representative noted that many of the discussions mandated to the contact group on institutional arrangements would need to be informed by the outcomes of discussions being held in the contact group on scope and objective, functions and operating principles. There was therefore a need to ensure that suitable arrangements were in place for bridging the discussions of the two contact groups. In response, the Chair said that the issue was being taken into account when setting the meeting times of the contact groups. Once the contact group on scope and objective, functions and operating principles produced outcomes that would be taken into account in the work of the contact group on institutional arrangements, those outcomes would be made available and time would be allowed for Member States to consider them before discussing institutional arrangements further. She also suggested that the contact group on institutional arrangements begin working on standard arrangements to the extent possible in order to make the most of the time available.

69. One representative underlined the importance of the involvement of policymakers in the institutional arrangements of the new panel in order to ensure that science could be turned into action.

70. [to be completed]

D. Work-related processes and procedures of the panel

71. The Chair drew attention to document UNEP/SPP-CWP/OEWG.2/6 and related information documents UNEP/SPP-CWP/OEWG.2/INF/6, UNEP/SPP-CWP/OEWG.2/INF/7, UNEP/SPP-CWP/OEWG.2/INF/9, UNEP/SPP-CWP/OEWG.2/INF/10, and UNEP/SPP-CWP/OEWG.2/INF/10/Add.2.

72. She expressed the hope that greater clarity would emerge over the course of the current session with regard to the scope and functions of the panel and how it would operate, including an outline of the required institutional arrangements. The open-ended working group might wish to consider providing further guidance on the Panel's work-related processes and procedures, including on processes for determining the work programme of the panel and its deliverables, such as a prioritization mechanism, arrangements for identifying and engaging with experts to contribute to the work of the panel and procedures for the review and adoption of the deliverables of the panel. She invited the representative of the secretariat to present the relevant documents.

73. In introducing the documentation, the representative of the secretariat said that, the secretariat had set out several key considerations in work-related processes and procedures. Examples of relevant processes and procedures from existing science-policy interfaces had been taken into account in drafting the document. The draft text in document UNEP/SPP-CWP/OEWG.2/INF/10 included two annexes in which text on work-related processes and procedures could be added, namely annex 3, on the process for determining the work programme, including prioritization, and annex 4, on the procedures for the preparation and clearance of panel deliverables.

74. Key considerations in the development of work-related processes and procedures included whether there should be a fixed time frame or a rolling work programme, the process for receiving and prioritizing requests or submissions for the work programme, the criteria for the prioritization of requests and submissions, the criteria for the nomination and selection of experts, the process for the review and adoption of reports and assessments, and the financial rules and procedures.

75. One representative, speaking on behalf of a group of countries, said that the tables of content in document UNEP/SPP-CWP/OEWG.2/INF/10 provided a starting point for the discussion on work-related processes and procedures. She expressed the view that the processes and procedures established by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and by the Intergovernmental Panel on Climate Change could also guide efforts to develop the processes and procedures of the panel. Certain processes and procedures, such as the conflict-of-interest policy, should be developed prior to the establishment of the panel, while others could be finalized once the panel had been established.

76. The ad hoc open-ended working group agreed to establish a contact group on work-related processes and procedures of the panel. The contact group was mandated to start developing proposals on how to address the work-related processes and procedures of the panel, using document UNEP/SPP-CWP/OEWG.2/INF/10 as the starting point for its consideration and taking into account the discussion in plenary. Subsequently, the contact group was mandated to identify and consider possible intersessional work to forward to a contact group that, once established, would consider the

budget and future intersessional work. The contact group would be co-facilitated by Kateřina Šebková (Czechia) and Moleboheng Petlane (Lesotho).

77. [to be completed]

V. Options for the timetable and organization of the future work of the ad hoc open-ended working group

78. Introducing the item, the Chair drew attention to document UNEP/SPP-CWP/OEWG.2/7/Rev.1, which contained an update from the secretariat on work undertaken in the period between the first and second sessions of the working group, budget and expenditure and the provisional workplan.

79. A representative of the secretariat introduced the document, thanking the Governments of Austria, Belgium, Finland, France, Germany, Japan, the Kingdom of the Netherlands, Norway, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as the European Commission, for their financial contributions and pledges. She said that a further \$2,597,699 would need to be raised in order to enable the ad hoc open-ended working group to complete its work. The ad hoc open-ended working group might wish to consider the budget and expenditure of the open-ended working group; the intersessional process for the preparation of proposals for the establishment of the panel, including the development of relevant resolutions; the cost estimates for the intersessional period leading up to the third session and the period between the third session and the intergovernmental meeting; and ways of securing the additional funding needed for the working group to conclude its work within the time frame established in resolution 5/8. As part of a discussion on the provisional workplan in the lead-up to the third session, Member States might wish to consider the proposals made by the contact groups during the second session and the possibility of holding regional meetings, bearing in mind the short period between the second and third sessions.

80. In the ensuing discussion, one representative, speaking on behalf of a group of countries, said that greater transparency regarding the programme of work and budget would be beneficial, and work in the lead-up to the third session should address the knowledge gaps and needs identified during the current session. The Chair proposed that an informal consultation be held between the secretariat and Member States and other stakeholders to allow a better understanding of the proposed budget, thus improving transparency, and that the contact group, once established, would consider future intersessional work and budget, based on inputs from the other contact groups. Several representatives expressed support for the Chair's proposals, with two noting that the contact groups were well placed to identify issues to be addressed in the intersessional period, which would facilitate preparations for the third session and help ensure that the budget was used effectively. Responding to a question raised by one representative regarding the scheduling of the contact group meetings, the Chair said that priority would be given to the discussions of the contact groups addressing scope, functions, operating principles and conflicts of interest, and institutional arrangements to allow them to inform subsequent discussions on work-related processes, intersessional work and the budget and vice versa to enable an iterative process.

81. The ad hoc open-ended working group agreed to establish a contact group on intersessional work and budget in advance of the third session, including based on inputs of the other contact groups, and beyond, and to convene an informal consultation with the secretariat on the budget for interested representatives of Member States. Ana Berejiani (Georgia) and Toks Akinseye (United Kingdom) would serve as co-facilitators of the contact group, and the informal consultation would be facilitated by Jinhui Li (China).

82. Noting that all the clarifications requested by Member States regarding the budget as set out in the document entitled "Update from the secretariat on work undertaken in the period between the first and second sessions, budget and expenditure and the provisional workplan" (UNEP/SPP-CWP/OEWG.2/7/Rev.1) had been provided by the secretariat during informal consultations, the Chair said that the budget as provided in the document would be used as the basis for discussions on the budget in the contact group on intersessional work and budget.

83. [to be completed]

VI. Provisional agenda of the third session

84. [to be completed]

VII. Other matters

85. [to be completed]

VIII. Adoption of the report of the session

86. [to be completed]

IX. Closure of the session

87. [to be completed]
