



for a toxics-free future

December 2023

# IPEN VIEWS:

## SECOND SESSION OF THE AD HOC OPEN-ENDED WORKING GROUP ON A SCIENCE-POLICY PANEL

### Background

Access to a clean, healthy and sustainable environment, including a safe and healthy working environment, is a universal human right, as are science-based policies to protect the human rights of individuals and communities exposed to hazardous substances and wastes.

IPEN believes that sound, independent science should determine national, regional and international policies on chemicals and waste. The policies should be based on the precautionary principle, the industries' duty to disclose information, the polluter pays principle, and the right of access to information.

In 2022, governments at UNEA 5 decided that a science-policy panel should be established to contribute further to the sound management of chemicals and waste and to prevent pollution (see resolution 5/8). An ad hoc open-ended working group (OEWG) is being convened in 2023 and 2024, with the task of preparing proposals for this panel. These will be submitted for consideration and adoption at an inter-governmental meeting.

### Overview of the meeting documents

The meeting is expected to focus on the key aspects in the "Skeleton outline for proposals for the establishment of a science-policy panel" (UNEP/SPP-CWP/OEWG.2/2). The main text is proposed to include the following elements (INF10)

- Scope and objective, functions and operating principles (UNEP/SPP-CWP/OEWG.2/3; INF/2, INF/3, INF/9)
- Institutional arrangements (UNEP/SPP-CWP/OEWG.2/4; INF/4)

Elements that are expected to need updates and revisions are suggested to be placed in Annexes, that could be revised without opening the main text:

- Annex 1. Rules of procedure (UNEP/SPP-CWP/OEWG.2/4)
- Annex 2. Financial arrangements (UNEP/SPP-CWP/OEWG.2/4)
- Annex 3. Relationships with relevant key stakeholders (UNEP/SPP-CWP/OEWG.2/5; INF/5)
- Annex 4. Process for determining and executing the work programme, including the prioritization criteria (UNEP/SPP-CWP/OEWG.2/6; INF/6)
- Annex 5. Procedures for the review and adoption of reports (UNEP/SPP-CWP/OEWG.2/6)
- Annex 6. Arrangements for identifying and engaging with experts (UNEP/SPP-CWP/OEWG.2/6; INF/7)
- Annex 7. Conflict of interest policy (UNEP/SPP-CWP/OEWG.2/6; INF/8; INF10/Add.1)

IPEN views on each of these elements are provided below in this Views document.

### Scope, objective and functions of the panel

OEWG1.2 agreed to a draft text for the objective. It also agreed to four out of five proposed functions of the SPP (see text in Annex II of UNEP/SPP-CWP/OEWG.1/7). At OEWG2, the scope and the capacity-building function of the SPP will be discussed further.

### IPEN view:

Overall, IPEN supports the proposed objectives and functions. However, provisions must be made to ensure that the function on assessments of current issues does not lead to inertia and inaction. Similar provisions as under Article 8 of the Stockholm Convention would be suitable also for the SPP, that explicitly states, "Lack of full scientific certainty shall not prevent the proposal from proceeding."

IPEN believes that the emphasis of the work of the SPP should be on chemicals throughout their life-cycle, including pollutants directly linked to the use of chemicals, such as plastics and nanomaterials. This would allow the panel to address chemicals and prevent harm and pollution, as well as to identify and

hold producers of toxic chemicals accountable.

### Operating principles of the panel

A list of elements derived from the UNEA resolution combined with principles from other agreements is provided in [UNEP/SPP-CWP/OEWG.2/3](#) and [INF/2](#).

#### IPEN view:

IPEN believes that the panel should be independent, its work and decision-making transparent and impartial. Participation should be inclusive and interdisciplinary with regional and gender balance, and include active participation from Indigenous Peoples. Its reports must be credible and scientifically robust, incorporate Indigenous Knowledge Systems, Practices, and Innovations as a key element of its functioning, and have strong and effective policies preventing conflicts of interest.

### Institutional arrangements for the panel

Four types of entities are mentioned in [UNEP/SPP-CWP/OEWG.2/4](#):

a) A plenary as decision-making body: constituted by Member States of the United Nations that are members of the panel, with meeting participation open to observers.

b) Two bodies providing oversight over the SPP: A Bureau to provide administrative oversight, and an interdisciplinary expert committee to provide scientific oversight. The latter is proposed to include stakeholder representation similar to the successful model of the Strategic Approach to International Chemicals Management (SAICM).

c) Other bodies undertaking or supporting the science-policy interface's work, such as expert working groups, task forces, committees and author teams. These could be established by the plenary, and the administrative and scientific oversight bodies.

d) A secretariat that e.g., provides assistance, administrative and technical support, organizes meetings, and facilitates communication and information sharing.

#### IPEN view:

Overall, IPEN supports the proposed set-up, and welcomes the elements related to broad stakeholder participation.

Also, it is of the utmost importance that decisions in the plenary body are not paralyzed by a strict consensus-based decision-making procedure but allows for voting when all attempts at finding consensus have been exhausted.

### Financial arrangements

UNEA [resolution 5/8](#) mandates the OEWG to prepare proposals for voluntary financing of the work of the panel, as described in document [UNEP/SPP-CWP/OEWG.2/4](#), section E.

The document proposes the establishment of a trust fund that will be allocated by plenary in an open and transparent manner, and that will collect voluntary contributions to support the work of the panel from all types of stakeholders. The proposal is explicitly suggesting that the contributions will come without conditionalities, will not orient the work of the panel and cannot be earmarked for specific activities.

An exception is included in the proposed text for specific activities approved by the plenary, outlining that:

- Single contributions in excess of \$300,000 per contributor per activity require approval by the plenary;
- Single contributions not exceeding \$300,000 per contributor per activity require approval by the Bureau;

#### IPEN view:

New and additional resources to finance the work of the SPP will be crucial, noting the already significant lack of funding for the sound management of chemicals and waste. The lack of adequate, predictable, and sustainable funding is a key obstacle identified to moving forward towards sound management of chemicals and waste in Low- and Middle-Income Countries.

New funding initiatives like the one mentioned above should be built on the polluter-pays principle. As noted by the UNEP report on the cost of inaction on the sound management of chemicals, "The emerging data on the economic consequences of harmful chemicals related to negative health, environment, and development planning effects, clearly point to very high effects and associated costs." These effects are borne by the public, while the benefits are enjoyed by the chemicals industry. So far, the dedicated external funding to the integrated approach to financing has been insufficient, and industry involvement in financing the sound management of chemicals has been marginal at best.

The proposed new trust fund will be a suitable way forward, since it is allowed to accept contributions from the private sector. With strict transparency measures, and noting that "...contributions will come without conditionalities, will not orient the work of the panel and cannot be earmarked for specific activities", IPEN supports this approach.

In addition to the financial arrangements for the trust fund, clear rules, including relating to conflict of interests and possible orientation of the work of the panel, should also be established for all manners of in-kind support to the functioning of the panel.

### Relationship with relevant key stakeholders

Document [UNEP/SPP-CWP/OEWG.2/5](#) lists three approaches towards establishing relationships with relevant key stakeholders that could be considered by the OEWG:

1. Inclusion in the institutional arrangements, rules of procedure or work-related processes and procedures of provisions for certain roles that stakeholders may take;
2. Establishment of formal strategic partnerships; and
3. Promotion of stakeholder involvement through informal arrangements, including in delivery of the work programme.

#### IPEN view:

It is vital for the credibility that stakeholder engagement is transparent and with clear boundaries preventing influence from stakeholders with conflict of interests. The broadest possible engagement from stakeholders with no conflict of interest should be supported. This means that certain aspects under several of the listed approaches are likely to be relevant, making it possible to both effectively engage as accredited organizations, as well as through specific stakeholder groups.

Any partnerships must be fully transparent and based on agreed criteria, including measures preventing partnerships with entities that have conflict of interests.

### Determining and executing the work programme, including prioritization criteria

According to [UNEP/SPP-CWP/OEWG.2/6](#), the process for determining a work programme includes receiving submissions (i.e. requests), prioritizing these requests, allocating the prioritized requests to the appropriate functions, and adopting or approving the work programme.

#### IPEN view:

Request submissions should be open to any stakeholder without conflict of interest. It must be a transparent process, and provided submissions should be made publicly available online. Information requirements should include why the request is most appropriately handled by the Panel, how it relates to the functions

of the Panel, and how it will contribute further to the sound management of chemicals and waste and prevention of pollution. After an initial screening by the Secretariat, a review by the Bureau and Scientific Oversight Committee, the final prioritization decision should be made by the plenary.

### Procedures for the review and adoption of reports, arrangements for identifying and engaging with experts, and conflict of interest policy

Document [UNEP/SPP-CWP/OEWG.2/6](#) describes two steps: a first review conducted by experts, with a revised draft being produced; then a second review conducted by experts and Governments. Experts are typically nominated by Governments, observer organizations, institutions and relevant stakeholders.

The document also provides information that selection is based on type of expertise, in addition to regional and gender balance, representation from developed and developing countries and countries with economies in transition, as well as Indigenous and non-traditional knowledge holders.

#### IPEN view:

Processes for review and adoption of reports should be focused on scientific accuracy and developed to prevent delays for other reasons. People with a vested interest in the outcomes of the SPP work and evaluations must not be allowed as experts on the SPP, similar to the approach taken by the WHO Framework Convention on Tobacco Control where there's an explicit obligation protect public health policies from the "commercial and other vested interests [of the tobacco industry]."

The SPP therefore must have a clear, transparent, strict and enforced conflict of interest policy.<sup>1</sup> Nomination and selection must be conducted in a transparent manner, based on clear criteria that include, at a minimum, disclosure of any vested interests, including funding, benefits, and/or other associations with e.g., the chemicals industry, associated industry groups and trade associations.

<sup>1</sup> For further details:

Schäffer, A., Groh, K. J., Sigmund, G., Azoulay, D., Backhaus, T., Bertram, M. G., . . . Scheringer, M. (2023). Conflicts of Interest in the Assessment of Chemicals, Waste, and Pollution. *Environmental science & technology*. <https://pubs.acs.org/doi/10.1021/acs.est.3c04213#>