

Terms of reference for the Technical Advisory Group to the Executive Director

A. Background

The United Nations Environment Assembly (UNEA) through Resolution 4/8 on the sound management of chemicals and waste stressed in its preamble “the urgent need to strengthen the science-policy interface at all levels to support and promote science-based local, national, regional and global action on sound management of chemicals and waste beyond 2020; the use of science in monitoring progress...; and priority setting and policymaking throughout the life cycle of chemicals and waste, taking into account the gaps and scientific information in developing countries.”

UNEA through the resolution also requested the Executive Director of the United Nations Environment Programme (UNEP), “subject to the availability of resources and, where appropriate, in cooperation with the member organizations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC)” to “prepare ... an assessment of options for strengthening the science-policy interface at the international level for the sound management of chemicals and waste, taking into account existing mechanisms, including under [UNEP], and relevant examples in other areas, in order to maximize cost-effectiveness, make best use of new technologies, track progress and improve implementation of relevant multilateral environmental agreements at the national level, and [to] make the assessment available for consideration by all stakeholders prior to the fifth meeting of the International Conference on Chemicals Management [ICCM-5].”

In implementing Resolution 4/8, the Executive Director prepared a report entitled “Assessment of options for strengthening the science-policy interface at the international level for the sound management of chemicals and waste”. The report provided background information on the purpose and design of science policy interfaces as well as a review of existing science-policy interface platforms. In addition, the Executive Director provided an assessment of the need for a strengthened science policy interface for the sound management of chemicals and waste, and an assessment of institutional options on a way forward.

At its resumed fifth session held in Nairobi, Kenya, from 21 to 23 February 2022, UNEA through resolution 5/8 took note of the report of the Executive Director. The Assembly 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 Assembly also decided to convene, subject to the availability of resources, an ad hoc open-ended working group that will commence in 2022 with the ambition of completing its work by the end of 2024. The Assembly further requested the Executive Director to provide a secretariat for the ad hoc open-ended working group and to prepare the analytical and summary reports necessary for its work.

B. Purpose

1. With the view to facilitating implementation, the UNEP Executive Director decided to establish an informal Technical Advisory Group to advise her in carrying out her responsibilities under Resolution 5/8. The purpose of the Group is to advise the Executive Director on technical, institutional and governance matters using scientific and evidence-based reasoning to inform decision making, to produce the deliverables set out under the resolution (Annex 1).

C. Mandate of the Technical Advisory Group

2. The Technical Advisory Group will be established as a UNEP internal structure aimed at supporting the Executive Director to deliver the mandate provided in UNEA Resolution 5/8. As such the Advisory Group remains under the supervision and direction of the Executive Director. The Advisory Group will provide technical advice from a broad spectrum of technical disciplines and stakeholder groups. The aim of establishing the Advisory Group is to provide a thinking space from across all relevant sectors resulting in the development of contributions to key documents for consideration by the ad hoc open-ended working group (OEWG).

3. The responsibilities of the Technical Advisory Group are as follows:

- a. Provide advice to the Executive Director on technical, institutional and governance matters in the following areas:
 - strategic and expert advice on options papers to be developed for consideration by the OEWG covering issues such as the potential name, structure and scope of the Science-Policy Panel, using scientific evidence with the view to addressing the potential goals and needs of the Panel.
 - Inputs into options papers for future consideration by the OEWG on elements of the processes and the future work of the Panel, including guidance on the Panel's potential principal functions, operating principles, and institutional arrangements.
- b. Develop, in collaboration with the Executive Director, a series of questionnaires for Member States, and Major Groups and stakeholders, to establish a baseline on their capacity in the fields of chemicals, waste, and preventing pollution, as well as to identify gaps in the science policy interface in these areas that could be potentially addressed by the Panel.
- c. Synthesize the results of the questionnaires in (b) above into a meeting report to be submitted to the OEWG for its consideration at its resumed first session. The report will consist of an Executive Summary as well as a detailed analysis of the results and options on the way forward.
- d. Draft a report on options for potential operational definitions of the terms “chemicals”, “waste” and “pollution” with the view to facilitating the discussions on the scope of the Panel by the OEWG.
- e. Advise on managing data and information that may be deemed as confidential business information or may be subject to antitrust considerations.
- f. Advise on key scientific issues including impacts of chemicals, wastes, and pollution, as they relate to both assessment and management.
- g. Advise the Executive Director on the identification of new strategic partners and collaborative supporters that could contribute to the effective delivery of the resolution and facilitate other activities that have the same effect.
- h. Provide guidance on the scope of the relationship of the Science Policy Panel with existing panels or platforms including the Intergovernmental Panel on Climate Change (IPCC) and Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), multilateral environmental agreements, intergovernmental organizations, international instruments and other relevant assessment bodies. The advisory group will also:

- Ensure that all its activities draw effectively on existing experience, complementing and building upon existing initiatives.
- Encourage the direct involvement of its members, and of other relevant bodies, in activities that will contribute to the delivery of the resolution.

4. The mandate of the Advisory Group will be updated as needed by the Executive Director following the convening of each meeting of the OEWG, with the view to facilitating the implementation of requests made by the OEWG.

D. Membership of the Technical Advisory Group

5. The Executive Director will initially appoint 15 - 20 members to the Technical Advisory Group.

6. Members are appointed in their professional capacity, and act as representatives of their wider constituencies, technical fields, or stakeholder groups.

7. Members will be required to act as a bridge to wider constituencies from their respective technical fields and stakeholder groups, thus allowing for inputs from a wide range of stakeholders with a diverse set of views and experience.

8. In appointing members of the Advisory Group, the Executive Director will take into account:

- Demonstrable and internationally or regionally recognized scientific and technical expertise in a relevant field. (i.e., natural and social sciences, economics, humanities, technology, policy), taking into consideration, as appropriate, the need for transdisciplinary expertise.
- Recognition of their convening and stakeholder engagement potential in order to ensure wide stakeholder outreach to as broad a cross section of stakeholder groups as possible during the OEWG process.
- Considerations of geographical, gender, and stakeholder group balance.
- Practical international, regional or national experience in issues related to addressing the sound management of chemicals, waste and pollution, preferably at a range of different levels.

9. Members must agree to abide by a code of conduct (section G below) and conflict of interest policy (section H below) for the Advisory Group.

10. The Technical Advisory Group will be chaired by a member nominated by the Executive Director taking into account the nominee's scientific and technical expertise, as well as expertise in the establishment and operation of an intergovernmental body, or science policy panel or platform.

11. The initial membership of the TAG will comprise:

- One Chair with scientific and technical expertise in a relevant field, as well as expertise in the establishment and operation of an intergovernmental body, or science policy panel or platform

- An expert in the field of chemicals, waste, and pollution, from each relevant international organization such as UNEP, the World Health Organization, International Labour Organization, World Bank, the Organisation for Economic Co-operation and Development (OECD) and other agencies as identified by the Executive Director.
- Six members from academia, with relevant scientific and technical expertise: two members from each of the fields of (1) chemicals and chemicals management, (2) waste and waste management, and (3) pollution and prevention of pollution.(six members)
- Three representatives from civil society organisations with a global outreach in the areas of chemicals and chemical management, waste and waste management, and pollution and prevention of pollution.
- Four Representatives from global associations representing the industry or private sector in the field of chemicals manufacture, minerals and mining, materials management, hazardous waste management and pollution management.

12. The Technical Advisory Group will designate an Executive Committee, which will be responsible for overseeing the operation of the Advisory Group. The Executive Committee will be comprised of five members of the Advisory Group: the Chair, a Vice-Chair, and three representatives. Membership of the Executive Committee shall be with a view to ensuring a balance in representation of expertise in each of the three core thematic areas of the resolution linked to chemicals, waste, and pollution. This multisectoral Executive Committee will be tasked with providing advice on overarching and cross-cutting issues, ensuring coherence of advice across the three pillars of the resolution.

13. The Advisory Group shall not admit any non-members or observers to participate in its work without prior approval by the Executive Director. The Advisory Group may invite technical experts on an ad-hoc basis to contribute to its work on a time bound basis upon approval by the Executive Director.

14. If a member resigns or is unable to exercise functions, the Executive Director shall appoint a replacement for the remainder of the term, and inform all members of the Advisory Group of the appointment in writing.

E. Duration and meeting arrangements

15. The working language of the Technical Advisory Group will be English.

16. The Advisory Group will work through face-to-face meetings, web-based meetings, hybrid meetings and other electronic interaction, as appropriate. Informal technical consultations may be undertaken as needed.

17. The Advisory Group will meet as necessary and agreed by its members to give technical input as per an agreed work plan and timetable of milestones which will be developed once the Group is constituted.

18. The tenure of the Advisory Group is limited to the duration required to establish the Science Policy Panel, as outlined in the resolution.

19. The Chair of the Advisory Group will moderate discussions among the members. The Advisory Group shall make every effort to take its decisions by consensus. If consensus cannot be reached, the Chair will present the diverging views in the meeting report for consideration by the Executive Director.

20. Reports and outputs of the Advisory Group will be developed in consultation with the Executive Director, prior to use as part of the OEWG deliberations, as appropriate.

21. The written reports of the meetings and activities of the Advisory Group should, to the extent possible, include detailed information on the work undertaken.

22. The Advisory Group will be supported by the Secretariat of the OEWG. The Secretariat will facilitate the interactions between the Advisory Group and the OEWG as well as provide secretariat support to the meetings of the Advisory Group.

23. The outputs from the Advisory Group will be incorporated into the papers developed by the Secretariat for consideration by the OEWG. The process is aimed at ensuring the incorporation of a wide range of views from as wide a cross section of stakeholders from as wide a set of disciplines as possible.

F. Budget

24. The members, including the Chair, of the Technical Advisory Group will serve on a voluntary basis and will not be compensated for their participation in the work of the advisory group.

25. Travel and other costs associated with the face-to-face meetings of the advisory group will be covered by UNEP in accordance with UN rules.

G. Code of conduct

26. The members of the Technical Advisory Group will abide by the UN rules and regulations addressing discrimination, harassment, including sexual harassment, and abuse of authority.¹

27. Any Advisory Group meetings and events are professional, respectful, and harassment-free environments for all participants. Members are expected to conduct themselves with integrity and in a manner that is professional, respectful, tolerant and responsible. A zero-tolerance approach will be applied to any form of discrimination or harassment, including sexual harassment, and abuse of authority.

28. If a member experiences behavior pointing to discrimination or harassment, including sexual harassment, and abuse of authority, the participant is encouraged to speak to the Chair of the Advisory Group or the Secretariat, in confidence.

29. All reports and allegations of discrimination or harassment, including sexual harassment, and abuse of authority will be handled sensitively and in confidence, while protecting the privacy of the plaintiff. The need for further action will be assessed carefully on a case-by-case basis.

30. This code of conduct applies to all interactions between members of the Advisory Group, including but not limited to, in-person meetings, teleconferences and e-mail exchanges.

H. Items to consider for inclusion/specification in conflict-of-interest policy

31. The role of the Technical Advisory Group requires that it pay special attention to issues of independence and bias to maintain the integrity of, and public confidence in, its processes and outputs. It is essential that the work of the Advisory Group is not compromised by any conflict of interest (or appearance of such) on the part of its members.

¹ United Nations, Secretary-General's bulletin, Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority, 11 February 2008 <https://undocs.org/ST/SGB/2008/5>.

32. The purpose of this policy is to protect the legitimacy, integrity, and credibility of the Advisory Group and its deliverables, as well as maintain confidence in its activities and in the individuals who are directly involved in its work.

33. For the purposes of this policy, any circumstances that could lead a reasonable person to question either an individual's objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest. A "conflict of interest" refers to any current interest of an individual that could:

- Significantly impair the individual's objectivity in carrying out his or her duties and responsibilities for the Advisory Group;
- Create an unfair advantage for any person or organization.

34. The conflict-of-interest policy is designed to ensure that potential conflicts of interest are identified, communicated to the Executive Director, and managed in order to avoid any adverse impact on the Advisory Group's independence, deliverables and processes, to protect the person or persons concerned, the Advisory group, and the public interest. Any duly reasoned request relating to a potential conflict of interest may be sent to the Executive Director for consideration.

35. The conflict-of-interest requirements in this policy are not designed to include an assessment of one's behavior or character or one's ability to act objectively despite the conflict of interest.

36. This policy applies only to current conflicts of interest. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behavior. Nor does it apply to possible interests that may arise in the future but that do not currently exist, as such interests are inherently speculative and uncertain. For example, a pending application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest.

37. The policy does not provide an exhaustive list of criteria for the identification of conflicts of interest.

38. Upon appointment and every year thereafter, or within a month of a change in circumstance, members will complete/update and sign a conflict-of-interest declaration form and submit it to the Executive Director. Should potential conflicts become evident during the Advisory Group's work, the member concerned will inform the Chair of the Advisory Group as soon as practicable.

39. Members' declarations will be reviewed by the Executive Director to identify how best to manage any apparent conflict-of-interests.