

GAHP's Pre-Session Comments on the Documents prepared for the December 2023
2nd Session of the OEWG for the Science Policy Panel
to contribute further to the sound management of chemicals and waste and to
prevent pollution.

GAHP thanks the Secretariat for the documents which provide a fruitful basis for our deliberations.

General Approach

GAHP is a network of international and national level agencies committed to a collaborative, multi-sectoral approach, to address the global pollution crisis and its health and economic impacts. GAHP undertakes advocacy, research, and projects to identify actions developing countries can take.

In 2021 GAHP undertook a peer-reviewed up-date to the 2017 Lancet Commission Report on Pollution and Health. The up-date used 2019 Global Burden of Disease figures from WHO and the Institute of Health Metrics and Evaluation. This showed that **9 million deaths a year, 16% of total global deaths, were caused by pollution**, including unsound chemicals and waste management. Recent figures from the **World Bank suggests the 2019 data is an understatement**. The Bank **estimates that 5 million deaths a year may be caused by lead (Pb) alone**. 90% of these deaths happen in Lower- and Middle-Income Countries. However, lack of awareness means tackling this scourge hardly features in national budgets or international aid programmes.

This background means that GAHP will be concentrating at the meeting on work the OEWG can do to:

- Outline a hierarchy for priority setting by the SPP. Can we agree that the impacts on human and ecosystem health should be the primary measure to set priorities? How should we frame our output text to make this clear?
- Sketch a methodology for the SPP to identify major knowledge gaps that are likely to have large impacts on human health and biodiversity. Could we agree to use our third meeting to explore this further and commission papers now to help us?
- Suggest a work programme to allow the Panel to agree on progress indicators at its first session.
- Identify types of expertise that will be needed. For example, to deal with lead, we may not need more studies of the chemical interactions with humans and eco-systems. These have been recognised for centuries. Instead, we need socio-economic research to explore why many developing countries are still unable to effectively recycle what is a valuable, but risky, element. Can we write our output text so that it makes sure the Panel is about practical advice for cash-strapped governments, not ivory-tower thinking aimed at a Nobel prize?
- Agree cost-effective means to enable researchers from developing countries to participate fully in the work of the Panel. Such experts have lived experience of the pollution factors which most affect global health and ecosystems now. The capacity-building function of the Panel must concentrate on encouraging an inclusive approach bringing in all the brains. The Panel will not be a source of finance for new laboratories or law enforcement.

Comments on the Documents

UNEP/SPP-CWP/OEWG.2/2 Skeleton outline for proposals for the establishment of a science-policy panel.

GAHP welcomes the fact that the skeleton outline has been supplemented by document UNEP/SPP-CWP/OEWG.2/INF/10- Draft text for proposals to establish a science-policy panel - and accepts that the latter will probably be the basis for negotiations in Nairobi. However, since the crucial INF document was only posted on the deadline date for comments, what follows is based on OEWG.2/2 alone. During OEWG.2, GAHP will, where appropriate, suggest text amendments on the elements in INF/10 while understanding that these will need to be taken up by a UN Member State to be incorporated in the outcome text.

In response to the question in **paragraph 6** of the OEWG.2/2 **GAHP considers below which parts of the proposed text need to be finalised by the end of OEWG.3**. We believe that it will not be possible or desirable to decide on every aspect of the Panel's work in the OEWG, but **Governments should come to the inter-governmental meeting equipped with enough details to give them confidence they can make an informed decision on the establishment of the Panel:**

- **Scope, objective, and functions of the Panel.** GAHP sees these elements as fundamental and, as explained in Sections II and III of UNEP/SPP-CWP/OEWG.2/3, the OEWG is already working on the assumption that they should be fully drafted by the end of OEWG.3. Fortunately there is already a lot of agreed text in UNEA Res.5.8.
- **Principles and Institutional Arrangements of the Panel** These both need to be finalised in advance as they are fundamental to governance and therefore to the willingness of Governments to participate. The experience of other panels should be used as a basis.
- **Rules of Procedure** While the Panel could draw up its own RoPs from scratch, this would cause practical difficulties at the first session and is unnecessary since Rules usually follow a standard format. The OEWG should provide a draft inspired by other science policy interface bodies.
- **Financial Arrangements** will need to be agreed in advance to give Governments the confidence to participate. However, there should be a clause allowing the arrangements to be reviewed at a later stage in the light of experience, and this should specify that any changes must be agreed by at least a substantial qualified majority.
- **Relationship with key stakeholders** GAHP recognises that UNEA Res.5.8 is based on establishing the Panel as an intergovernmental body. However, as several of the documents show, the active participation of non-governmental organisations and civil society will be essential. Their basic rights need to be agreed in advance to ensure their whole-hearted participation. As a minimum, these basic rights should build on stakeholder's rights in UNEA but go further as the science policy interfaces mostly do. The outcome document of the OEWG should provide for the relationship to evolve over time as experience and confidence grow.
- **Process for determining and executing the work programme including the prioritization criteria** GAHP considers that the Panel will need considerable flexibility to determine many of these issues for itself once it knows how much money and other resources are available. However, OEWG should offer the intergovernmental meeting an **agreed set of prioritization criteria** so that these get the political approval needed to give the Panel an authoritative voice.

- **Procedures for the review and adoption of reports** GAHP hopes that the experience of the other panels can be used so that the OEWG does not need to spend much time on this element.
- **Arrangements for identifying and engaging with experts** Here again GAHP hopes that the experience of other panels will provide useful models and recognises that this element will need to evolve over time. However, to ensure full political buy-in when the Panel is established, **GAHP thinks the OEWG should propose concrete means to link these arrangements to capacity-building.** The latter should concentrate on equipping experts from developing countries to play a full part, especially in identifying topics with the greatest impact on the health of the vulnerable. OEWG should also propose robust arrangements to ensure that the Panel has access to social and well as natural scientists.
- **Conflict of Interest Policy** GAHP considers that the policies of other panels should provide a basis but recognises that having a robust policy proposal from OEWG will attract strong stakeholder participation in the Panel.

UNEP/SPP-CWP/OEWG.2/3 Scope and objectives, functions, and operating principles

GAHP supports the proposed way forward set out in paragraph 9 and calls on all participants to seek compromises to finalise the debate on scope at OEWG.2.

- **Scope.** GAHP recalls that some participants at earlier meetings wanted to avoid a very wide scope. However, as we pointed out at OEWG.1.2, UNEA has agreed that pollution is the third planetary crisis alongside climate change and biodiversity. Since there will not be another opportunity to establish a further SPP for many years, the scope must be wide enough to cover most aspects of pollution and not just confined to pollution from chemical substances and their wastes. **In line with UNEA's definition of the planetary crises, GAHP sees pollution as the over-riding scope of the Panel's work, with chemicals and wastes being elements within that.** Thus, **scope should be defined in terms of pollution in different environmental media, namely land, air, soil, freshwater, and the marine environment which all have an impact on human and ecosystem health.** GAHP recognises that this will mean bringing in experts in air pollution who are not part of the usual constituency for chemicals and wastes negotiations. GAHP also recognises that biological water pollution is being effectively tackled through the WASH process and may not need to be a priority in the work of the Panel. However, industrial pollution of water is affecting the quality of water bodies and the SDG target on this issue is ill-defined and progress is slow, so it will require consideration by the Panel. Priorities for action on marine pollution will need to take account of current agreements on regional seas, oil spills and the future plastics treaty but the marine environment should be included in scope. GAHP would support excluding noise pollution which might not be suitable for a global approach intended to provide relevant practical advice.
The scope of waste should exclude nuclear waste which has its own international arrangements but should go beyond the specific hazardous waste streams listed in the Basel Convention. Some developing countries have suggested excluding food waste and GAHP could support that, since the causes and solutions vary enormously between countries and a global panel might not be able to offer meaningful advice, cost effectively.
- **Objective.** GAHP considers that the currently bracketed text should be acceptable to all at OEWG.2, as it is long-agreed UN language.
- **Functions.** GAHP agrees that the first four functions were well defined at OEWG.1.2. **The capacity-building function needs to be agreed as soon as possible so that Governments have a clear idea of the financial costs of membership of the Panel before agreeing to its establishment.** While recognising that two alternative texts have been carried forward from OEWG1.2, it will be difficult to reconcile these, and **GAHP respectfully suggests that it might**

be more productive to start from the agreed IPBES definition of its capacity building function. This reads:

(e) The Platform prioritizes key capacity-building needs to improve the science-policy interface at appropriate levels and then provides and calls for financial and other support for the highest-priority needs related directly to its activities, as decided by the Plenary, and catalyses financing for such capacity-building activities by providing a forum with conventional and potential sources of funding.

- **Operating principles.** GAHP hopes that all the potential elements of operating principles mentioned in UNEA Res. 5.8 are included. In response to the **proposal in paragraph 29(a), GAHP thinks it would be useful for the OEWG to set out a full text on operating principles.** We think it would be too complicated and time-consuming to attempt to insert some of the principles in other elements of the outcome text, although once agreed as a package, they could be repeated elsewhere if appropriate.

In view of the relatively low scores given by some other stakeholders, GAHP would like to record that it supports robustness/rigour, flexibility, coordination/complementarity and cost effectiveness as operating principles. We interpret flexibility in accordance with our understanding of the agreed paragraph 5(g) of UNEA Res.5.8 which states that the Panel should *be flexible, so as to respond to the extent possible, to the needs identified by stakeholders.....* In our view “flexibility” is the reassurance to stakeholders that they can influence the work programme of what will be an inter-governmental Panel. Our support for cost effectiveness is based in on the understanding this does not mean a structure that lacks the means to deliver timely and credible work. Final acceptance of this principle should depend on the robustness of the financial arrangements put in place for the Panel and GAHP is disappointed it has already been agreed that these arrangements should be entirely voluntary and not based, at least in part, on ability to pay.

GAHP supports “providing accessible outputs” in the suggestions for further operating principles and would be grateful for views on why this received relatively low scores. GAHP would welcome further development of the Secretariat’s proposals for dealing with the principle of a consensus-based approach, recognising that publishing reports that are not based on consensus could jeopardise the authoritative nature of the Panel, but at the same time being aware that waiting for consensus can delay outcomes indefinitely.

UNEP/SPP-CWP/OEWG.2/4 Institutional arrangements and rules of procedure for sessions of the Plenary

- **Decision-making body.** While fully understanding that UNEA agreed that the SPP was to be intergovernmental, **GAHP attaches paramount importance to stakeholders being able to participate as active observers in the work of the Panel.** Knowledge is not the exclusive property of governments and important research is undertaken by a wide range of stakeholders, often without government funding. **In response to the proposals in paragraphs 11(b) and (c) on the modalities for decision-making and functions of the plenary, GAHP urges that the text should state explicitly that stakeholders have the right to speak in decision-making bodies and to propose text for inclusion in decisions while accepting that governments will ultimately decide on those texts.** GAHP accepts that stakeholders will not have voting rights or the ability to block consensus.
- **Bodies providing administrative and technical oversight.** GAHP welcomes the proposals in **paragraph 18 for a separate intergovernmental Bureau responsible for administrative oversight, and a wider interdisciplinary expert committee, also involving stakeholders, responsible for scientific oversight.** While the four person SAICM model has shown the value of stakeholder participation in oversight, **GAHP considers that a representative from**

academia should be added to the list of stakeholder groups. This would fill an obvious gap and bring the number of stakeholders into balance with those per regional group. GAHP welcomes the proposal to include the Chair of the UN Environmental Management Group as a member, but considers the Chair to belong to a different class of membership which should also include a representative from WHO given the importance of health impacts in setting priorities. With regard to allowing observers from other organisations to participate in the meetings of the interdisciplinary expert committee, GAHP suggests that the list of MEAs should include not just the chemicals and wastes MEAs, but also regional agreements dealing with air, freshwater and marine pollution.

- **Other bodies of the Panel.** While welcoming the explanations provided in this section, GAHP is concerned that the list of proposals to be drafted under paragraph 24, may not be feasible in the remaining time. It seems particularly unlikely that the OEWG will be able to draft Terms of Reference for other bodies given that this can only be done once an initial firm list of priorities for the Panel's work programme as well as its operating budget is known. It might be better to concentrate on some generic text providing for the establishment of other bodies leaving the rest to the Panel itself.
- **Secretariat arrangements.** In response to paragraph 30, GAHP would support a co-hosting arrangement involving UNEP and WHO providing both could offer long-term commitment and expert back-up to the work of the Secretariat. Commitment does not necessarily mean financial commitment from their own operating budgets since that depends on decisions of Governments in different fora. However, the weakening of the SAICM Secretariat after the withdrawal of the initial WHO staff support, points to the importance of political commitment from the top of any hosting organisation.
- **Financial arrangements.** UNEA.Res.5.8 specified that the work of the Panel was to be financed by voluntary contributions, which means that it will be difficult to ensure that the required resources are available to tackle the third planetary crisis. GAHP notes that a voluntary approach does not preclude establishing an indicative scale of contributions and publishing actual contributions against that scale on the Panel website as is done for UNEP's Environment Fund, although in that case the list of States is incomplete. GAHP urges such an approach to encourage sharing the burden fairly. In response to paragraph 36, GAHP notes that establishing a Trust Fund, at least in the case of UNEP, cannot be done by the Panel itself but requires an invitation to the governing body of the host organisation which must administer the Trust Fund in accordance with its own financial rules. This does not prevent co-hosting arrangements as shown by the early years of SAICM and by the Rotterdam Convention which is co-hosted by UNEP and FAO. GAHP welcomes the proposal to allow contributions by Foundations and others and the steps envisaged to ensure these do not influence the work programme.

Rules of Procedure. GAHP welcomes the proposals in paragraph 38 and requests the Secretariat to provide draft RoP for OEWG.3. These should be very clear on the importance of active participation by stakeholders.

UNEP/SPP-CWP/OEWG.2/5 Relationships with relevant key stakeholders

GAHP welcomes the positive view of stakeholders in the document and the Secretariat's understanding that they have a vital role to play which needs to be fostered and can be promoted by different approaches. GAHP agrees with the definition of stakeholders proposed in paragraph 33(a). Due to lack of time, GAHP thinks it will only be possible to pursue the first approach to stakeholder relationships set out in paragraph 14. This would mean that references to stakeholders in the key outputs of OEWG should stress active, inclusive participation. GAHP suggests that other sections of document 2/5 are forwarded to the Panel for guidance.

UNEP/SPP-CWP/OEWG.2/6 Overview of work-related processes and procedures

GAHP considers that the list of issues in paragraph 35 to be addressed by the OEWG at its remaining sessions is rather ambitious. **GAHP considers that the most important task for the contact group considering work-related processes and procedures at OEWG.2 will be to determine criteria for choosing priorities for the Panel's work. GAHP strongly recommends framing priorities in terms of impacts of a type of pollution or group of chemicals or wastes on human and ecosystem health.** GAHP would support a rolling work programme for the Panel, at least initially, as it becomes familiar with its complex task. GAHP would welcome a discussion at OEWG.2 of the process for making requests for work as set out in 35(b). GAHP welcomes the Bureau's proposal to give conflicts of interest to the contact group on scope.

UNEP/SPP-CWP/OEWG.2/7/Rev1 Update from the Secretariat on work undertaken in the period between the first and second sessions, budget and expenditure and the provisional workplan.

GAHP welcomes the generous funding provided by a number of Governments and others. We note that Switzerland has provided 33% of all the finance so far and the EU and its Member States 26%, while Norway, the UK and UNEP itself have each given over 10% of total resources and USA and Japan have also contributed. We hope that others will help to share the burden so that the work of the OEWG can be completed in line with the timetable agreed by all Governments at UNEA 5.

GAHP finds it difficult to understand Table 2 on expenditure and thinks that the Year headings (2022 – 2024) may be out of alignment with the figures shown. The figures in Table 3 summarising income, expenditure and the budget would tend to confirm this. It is suggested revised Tables are produced to clarify matters before the budget discussion.

GAHP welcomes the structure of the Proposed Programme of Work between OEWG 2 and OEWG 3 which seems to provide the best option for arriving at a final text. However, GAHP would appreciate information on when the Secretariat needs to complete its fund-raising if the Programme is to be completed in time for the June dates set for OEWG 3, especially given the need to have all Working Documents in all languages 6 weeks before the meeting, in accordance with UNEP rules.

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