

Twentieth meeting and Twelfth teleconference of the Bureau of the International Conference on Chemicals Management for its fifth session
Tuesday 15 March 2022, from 14:00 – 16:30 CET

REPORT OF THE TWENTIETH MEETING OF THE ICCM5 BUREAU

1) Opening and welcome

The President of the Fifth Session of the International Conference on Chemicals Management (ICCM5), Ms. Anita Breyer welcomed all participants to the twentieth meeting and twelfth teleconference of the ICCM5 Bureau. She expressed her solidarity with Ukraine and condemned the Russian military aggression, in line with the United Nations General Assembly statement on unfolding events in the region. She emphasized the need to strengthen multilateralism and encouraged the Bureau to make progress on the roadmap to IP4. She highlighted that the primary focus of the meeting is to continue discussions and approve the proposed SAICM Roadmap in the lead up to IP4 and ICCM5.

2) Adoption of the agenda

Ms. Breyer noted that the provisional agenda for the meeting had been circulated to the Bureau on 8 March 2022. She invited Bureau members to raise additional points they may have under AOB. The agenda was adopted without any requests from Bureau members. Mr. Domagalski (CEE Bureau member) requested to take the floor. He addressed the ongoing Russian aggression in Ukraine and asked about collaborating with the international community in applying sanctions against Russia. He noted that the conflict will have implications in running the upcoming CEE regional meeting, given Russia's presence as CEE regional focal point. Mr. Naziri (Asia Pacific regional focal point) noted that the Bureau should avoid politicizing Bureau meetings. Ms. Breyer acknowledged that her opening remarks were made in her own capacity and reflected Germany's position on the issue.

3) Adoption of nineteenth meeting report of the ICCM5 Bureau, held on 6 October 2021

The ICCM5 Bureau adopted the report of its nineteenth meeting and eleventh teleconference taking on board inputs and comments provided by Ms. Tunstall (WEOG regional focal point) and Mr. Domagalski (CEE Bureau member). The Secretariat noted that given the short period between the last Bureau meeting (15 February 2022) and this one, it was not possible to circulate the Bureau meeting report as per usual practice. In the future, the normal practice of circulating the Bureau meeting report to Bureau members for their review will be followed prior to posting the draft report on the SAICM website.

4) Discussion on the proposed SAICM Roadmap leading up to IP4

Ms. Breyer noted that the Bureau will continue its discussion on the roadmap towards IP4 and ICCM5, noting that the document was presented by Judith Torres and the SAICM Secretariat at the 15 February Bureau meeting. She mentioned that in addition to the views expressed by the Bureau at its last meeting, written inputs have been received from the Asia Pacific and WEOG regions. These comments were shared with the Bureau on 8 March 2022. The President summarized the lead-up process toward ICCM5, especially with regard to the request for inputs to SAICM/ICCM.5/Bureau.TC.11/2 Compilation of the outcomes of the Virtual Working Groups.

She acknowledged the concerns expressed and proposed to remove step 2 and instead proceeding with an open period for comments following the regional meetings, Step 3 in the road map.

Ms. Breyer noted that this Step 3 prior to IP4 would be the organization of face-to-face regional meetings. The aim of these meetings is to discuss and prepare for the IP4 meeting. The regional meetings will be an opportunity to raise awareness and build trust and ownership regarding the work done during the intersessional process since IP3. As such, the regional meetings will serve as an opportunity for all stakeholders to discuss the compilation of the VWGs outcomes document, further advance toward reaching a common understanding, and preparing for deliberations at IP4 on key issues.

Ms. Breyer noted that in addition to face-to-face meetings, virtual briefings and online discussions could still be considered. Such meetings could take place at any time in the lead-up to IP4, if requested, and subject to the availability of resources.

Finally, taking into consideration the additional comments from the Asia Pacific and WEOG regions, she noted that there are two points to be addressed: (i) how to handle the compilation of the outcomes of the VWGs; and (ii) timing and planning for the regional meetings.

The President opened the floor for discussion on the document SAICM/ICCM.5/Bureau.TC.11/3, emphasizing that the Bureau is in charge of ensuring progress is made for the intersessional process. She pointed to the recent fifth session of UNEA during which SAICM was encouraged to bring the intersessional process to a successful conclusion.

Mr. Naziri (Asia Pacific regional focal point) noted that not all stakeholders in the Asia Pacific region are aware of the VWGs outcomes and suggested that virtual briefings are held in advance of the regional meetings and IP4 to inform the region. This was supported by Mr. Kapindula (Africa Bureau member).

Mr. Domagalski (CEE Bureau member) supported retaining Step 2 to increase ownership of the VWGs outcomes. However, he noted that he could go along with the written proposal submitted by the Asia Pacific region. He recalled that at the regional briefings held in September 2021, a part of the discussion was dedicated to the outcomes of VWGs and noted that the videos and other relevant information are available on the SAICM website and accessible to all stakeholders. He was concerned that additional virtual briefings may further delay the process.

Mr. Naziri (Asia Pacific regional focal point) responded regarding the virtual briefings and noted the importance of having interaction during the virtual meeting, to pose questions and gain a common understanding. After additional interventions, it was agreed that virtual briefings can be held upon request.

Ms. Brosché (PIO) noted that being provided with an opportunity to provide comments is very important. She highlighted that some interventions made during the VWG process were not included in the outcome document.

Ms. Tunstall (WEOG regional focal point) responded to this point and stated that the task assigned to the virtual working groups by the co-chairs was to develop proposals on key issues for discussion at IP4. To complete this task, it was necessary for co-facilitators to focus on areas of convergence rather than record all views put forward. A variety of modalities were used throughout the VWGs to be as inclusive and transparent as possible – this included allowing for written comments throughout the process, posting recordings and summaries of discussions and progress made, as well as posting of the final outcome documents. The VWGs co-facilitators worked extremely hard to balance the various inputs received throughout the VWG process. She noted that many WEOG countries have indicated that they would not support any changes to the VWG outcome documents, but the region is willing to move forward with a comment period if it will allow us to move forward. Following this intervention, Mr. Naziri (Asia Pacific regional focal point) took the floor and recalled the mandate of the VWG which he explained was to promote better understanding but not to replace the outcome of IP3.

Mr. Domagalski requested the preparation of a comparison document that presents the text from the outcome of IP3 and the VWGs outcomes side-by-side. This document should be an information document for the regional meetings. This was supported by several others. Ms. Goren (industry representative) noted that given

the current instability vis-a-vis Ukraine, it would be good to have an alternative plan for the venue for the holding of IP4.

Following the first round of discussions, Ms. Breyer stressed the importance for the Bureau to determine a way forward to ensure that work undertaken by the VWGs is integrated and considered at IP4. She highlighted that there is a common understanding that the VWG outcomes are valuable and should be recognized as such. She added that to achieve good results at IP4 and ICCM5, there is a need to gather all ideas and contributions from IP3 and VWGs to develop a new mandate for ICCM5. She highlighted the need to develop language based on these two processes. While the commenting process following the regional meetings should be as open as possible, it should be clearly understood that the VWG outcome document will not be modified and will be presented to IP4 as it is. The virtual briefings and regional meetings will provide opportunities for discussion and comments.

In conclusion, she noted that the virtual briefings could also take place parallel to face-to-face meetings and these will be organized upon request by the regions and stakeholder groups

Ms. Tunstall (WEOG regional focal point) clarified that the proposal made by the President is aligned with the proposal put forward by the Asia Pacific region and supports the opportunity for stakeholders to provide comments that will feed into the process. Mr. Naziri (Asia Pacific regional focal point) did not agree with the President's proposal and restated that some stakeholders were not able to participate in the individual virtual working groups. He explained that without the ability to comment on the VWG outcomes, the Asia and the Pacific region did not see this as a pillar.

Ms. Breyer clarified that all participants are free to present their positions, but the VWG outcomes will not be open to change. It will be the outcome of IP4 that will be considered and negotiated at ICCM5. She noted that the VWG process included a significant number of stakeholders and is considered as input from members as decided by the Bureau. Ms. Breyer subsequently suggested that the comments sought after the regional meetings would be presented in an information document and this would serve as a basis of collecting views and provide a good overview on the topics in advance of IP4. This was supported by several participants.

Mr. Naziri (Asia Pacific regional focal point) did not support the proposal. Ms. Eigenmann (IOMC) recalled that the VWG process provides a framework for the preparation of negotiations. Ms. Torres (IP Co-Chair) mentioned that during IP4, all stakeholders are welcome to present conference room papers for consideration and through this, the transparency of the process would be assured. Ms. Sierra (GRULAC Bureau member) noted that she is supportive of the virtual briefings that would focus on providing clarification of the VWG outcomes and respond to questions with an aim of achieving greater ownership in the regions, especially for those that were not able to fully participate in the VWG process. She further noted that the regional meetings would be an opportunity to address these gaps and agree on the VWG outcomes. Mr. O'Neill (Labour) noted that the outcomes of the VWGs should be considered as 'advisory' information. In response to this, Ms. Breyer clarifies that indeed the idea is that the IP3 outcome would be the main document and the VWG outcomes would be considered advisory, and that the purpose is to build trust and ownership.

SAICM Coordinator, Ms. Nalini Sharma clarified that the regional meetings were originally proposed to take place back-to-back with the BRS COPs in June 2022. However, at the last Bureau meeting held on 15 February 2022, Regional Bureau members requested that the meetings take place in the regions. For the GRULAC and CEE regional meetings, these will be held back-to-back with the BRS COPs regional preparatory meetings in May 2022. For Africa and Asia Pacific regions, discussions are ongoing with the Regional Bureau members on the tentative dates and venues, and these will be held as stand-alone meetings, as the BRS COPs regional preparatory meetings for these regions have already been organized. She noted that interpretation will be provided. She also noted that there will be opportunities for regional and stakeholder consultations prior to IP4 in Bucharest, Romania.

Ms. Sharma presented the proposed objectives of the regional meetings, which were welcomed by the Bureau. She noted that detailed agendas for each of the regional meetings will be developed with the respective regional Bureau members.

Proposed objectives of the regional meetings:

1. Undertake strategic discussions to prepare for the Fourth Meeting of the Intersessional Process considering SAICM and the sound management of chemicals and waste beyond 2020, including on:
 - a. the outcomes of the Virtual Working Groups held between October 2020 – February 2021;
 - b. IP3 outcome text not considered during the Virtual Working Groups on vision, scope, principles and approaches, and strategic objectives.
2. Facilitate the exchange of regional information and knowledge, reviewing progress towards the current SAICM objectives.

Mr. Naziri (Asia Pacific regional focal point) noted that Asia Pacific would prefer for the regions to set their own agenda so appreciate this as a starting point but note that it is not prescriptive. Mr. Kapindula (Africa bureau member) supported the presentation made by the Secretariat on the objectives of the regional meetings and noted that the agenda of the meetings will be agreed within individual regions.

Ms. Breyer suggested to close the discussion and considered that agreement had been reached on the following proposal: delete step 2, convene regional meetings, the reports of which would be presented as information documents to IP4, include the commenting period after the regional meetings, prepare an information document presenting all the comments received, which will provide a good overview of all the views and positions, organize virtual briefings upon request from now up to IP4 upon request. Mr. Naziri noted that he would share the President's proposal with the Asia Pacific region and would provide feedback within a week. Ms. Breyer requested the Secretariat to revise the Road Map and circulate a revised version together with the draft Bureau meeting report. Ms. Breyer noted that once the comments from the regions were received, the revised version of the roadmap would be circulated, and if no comments received within a defined time period, the Road map would be considered as approved. This silence procedure was accepted by Mr. Naziri.

Upon request, the Secretariat clarified that funds were available to convene the proposed regional meetings in accordance with the approved budget 2022 – 2023. The Secretariat also noted that the fund-raising letter to support the implementation of the SAICM Programme of Work and budget for the period 2022-2023 has been circulated and welcomed additional contributions.

Ms. Breyer then closed the agenda item and thanked all participants for their willingness to cooperate and find consensus.

5) Next teleconference of the Bureau

Following a brief discussion on the date for the next teleconference of the Bureau, it was agreed that it will be held once all the regional meetings have taken place, around middle of July 2022. The Secretariat will circulate a doodle poll once the dates of the Africa and Asia Pacific regional meetings have been confirmed.

6) Any Other Business

Mr. Domagalski (CEE Bureau member) took the floor and addressed the Russian aggression in Ukraine. He noted that given the current situation there was a lack of internet access for the Ukrainian focal point. He proposed a way to suspend the CEE regional focal point and nominate a temporary regional focal point to support the intersessional process. He also pointed out that some countries are boycotting Russian involvement in bilateral and multilateral fora. He proposed to use this approach for the ICCM5 Bureau. In response, the President sought legal advice from UNEP. She further stressed the UN rules must be respected.

Ms. Sharma noted that based on the recent UNEA5 meeting that had universal membership, a Member State cannot be excluded from participation. She further noted that the regional focal points were established by a resolution at ICCM2, and it is the region that selects the regional focal point representative. Mr. Kapindula (Africa Bureau member) noted the sensitivity of the topic and stated that the decision of replacing a regional focal point lay within the region. Others intervened to support this point of view.

Ms. Breyer reiterated her earlier request for legal advice from the Secretariat and encouraged the CEE Bureau member to contact the SAICM secretariat in this regard. Finally, she mentioned that she will continue to arrange bilateral meetings with all Bureau members.

7) Closure of the meeting

The ICCM5 President thanked the SAICM Secretariat for organizing and participating in the Twentieth meeting and Twelfth teleconference of the ICCM5 Bureau.

Annex

Participants

Bureau Members: Ms. Anita Breyer (Germany, ICCM5 Bureau Member Western Europe and Others Group), Mr. Szymon Domagalski (Poland, ICCM5 Bureau Member Central and Eastern Europe), Mr. David Kapindula (Zambia, ICCM5 Bureau Member Africa), Ms. Valentina Sierra (Uruguay, ICCM5 Bureau Member Latin America and the Caribbean) and Mr. Ved Prakash Mishra (India, ICCM5 Bureau member Asia and the Pacific).

Regional Focal Points: Mr. Francisco Barbieri (Argentina representing Latin America and the Caribbean), Mr. Mohsen Naziri Asl (Iran representing Asia-Pacific), Mr. Kouame Georges Kouadio (Cote D'Ivoire representing Africa) and Ms. Victoria Tunstall (Canada representing Western Europe and Others).

Representatives of non-governmental participants and the IOMC: Ms. Sara Brosché (Public Interest Organizations), Mr. Rory O'Neill (Labor), Ms. Servet Goren (Industry), Ms. Susan Wilburn (Health), and Ms. Gabi Eigenmann (IOMC).

SAICM Secretariat: Ms. Nalini Sharma (Coordinator), Mr. Jose de Mesa, Mr. Eduardo Caldera Petit, Mr. Oleksandr Nazarenko, and Mr. Ricardo Dunn.

Observers: Mr. Dinesh Runiwal (India), Ms. Judith Torres (Co-chair of the Intersessional Process), Mr. Matthias Wolf (German Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection), Ms. Sheila Aggarwal-Khan (Director, Economy Division, UNEP), Ms. Monika G. MacDevette (Chief, Chemical and Health Branch, Economy Division, UNEP), and Ms. Catalina Pizarro (representing the Principal Legal Officer, Law Division, UNEP).