

## IP4.3 Highlights: Saturday, 23 September 2023

Delegates toiled on the first day to provide Intersessional Process (IP) recommendations to the Fifth International Conference on Chemicals Management (ICCM5) for a global framework instrument on sustainable management of chemicals and waste, reaching consensus on text regarding institutional arrangements, but dividing over vision, scope, financial aspects and principles.

### Opening

Strategic Approach to International Chemicals Management (SAICM) Coordinator Pierre Quiblier opened the twice resumed session of the Fourth Meeting of the Intersessional Process (IP4) on Saturday, 23 September 2023.

In welcoming remarks to plenary, Bettina Hoffmann, State Secretary for Environment, Nature Protection, Nuclear Safety and Consumer Protection, Germany, said she was convinced that achieving sustainable management of the production and use of chemicals requires international cooperation. She urged delegates to produce meaningful recommendations to ICCM5 for a future global framework instrument.

Co-Chair Judith Torres (Uruguay) stressed the resumed session's objective is to finalize discussions on the consolidated document ([SAICM/IP.4/12](#)) to forward it to ICCM5 in the form of recommendations for a framework. She explained that as a resumed session, the agenda adopted at the first IP4 session in Bucharest, Romania in 2022 still stands.

Co-Chair Kay Williams explained that the package of recommendations to ICCM5 would include resolutions for implementing the framework, prepared by the Secretariat under guidance by the Co-Chairs. She further noted that the discussions would incorporate elements suggested in document [SAICM/IP.4.13](#), as well as resolutions from Conference Room Papers (CRPs) submitted previously, with all such resolutions to be submitted to ICCM5 without IP discussion.

### **Development of Recommendations for Consideration by ICCM5 for the Strategic Approach and the Sound Management of Chemicals and Waste Beyond 2020**

**Introduction:** The US, opposed by many delegates, reserved on adoption of the opening paragraph calling for decisive and immediate action on a post-2020 framework, objecting to its

reference to waste, whose treatment throughout the consolidated text has not yet been agreed.

The Co-Chairs' proposed revisions to a paragraph highlighting the benefits of responsible management of chemicals was broadly accepted, with the EU preferring to keep a reference to "when not managed properly" in brackets.

Delegates also accepted the Co-Chairs' proposal to remove references to planetary boundaries and the triple planetary crisis in subsequent paragraphs, recognizing that "sustainable" is the more broadly recognized and inclusive language.

Language calling for multistakeholder collaboration and strengthening countries' capacity to manage chemicals and waste across the entire lifecycle was accepted.

Regarding a final introductory paragraph on alignment with the Sustainable Development Goals (SDGs) and need to ensure complementarity between the proposed framework and other international agreements, the US proposed specifying that the framework "is not intended to duplicate their implementation," while CHINA favored reordering the reference to the three pillars of sustainable development to match language in the 2030 Agenda on Sustainable Development.

Closing the discussion, Co-Chair Williams noted that no paragraph was adopted *ad referendum* and said new text taking account of views expressed would be prepared. Delegates, however, agreed to lift the brackets around the entire introductory section.

**Vision:** Co-Chair Williams tabled a short text calling for "a planet free of chemicals and waste harm and that promotes innovation for a sustainable future."

The EU and CANADA, asked for more time to consult. INDIA, supported by many delegates, including PAKISTAN, JAPAN, VIETNAM, SWITZERLAND, PARAGUAY and INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA) suggested modifying to "free of harm from chemicals and their waste." While concurring, the US reiterated that discussion on how to reference waste throughout the framework is ongoing.

IRAN proposed adding a reference to "chemical safety for all," while the INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN) favored revisiting an earlier proposal referring to a toxics-free planet.

**Scope:** Co-Chair Williams noted the text remains unchanged since the first IP session in Bucharest. She invited delegates to

consider a shorter text noting the framework covers chemicals “throughout the lifecycle across production and use as well as chemicals in products and waste,” and takes into account existing agreements.

AUSTRALIA, INDIA, ZIMBABWE, UK, the AFRICAN GROUP, COLOMBIA, CHILE, PAKISTAN, SWITZERLAND, URUGUAY, and ICCA agreed with the proposal. The US, with BRAZIL, said it could agree if the scope instead referred to “chemicals and associated waste.”

The INTER-ORGANIZATION PROGRAMME FOR THE SOUND MANAGEMENT OF CHEMICALS (IOMC), CANADA and others called for reference to the multistakeholder and multisectoral nature of the framework. SOUTH AFRICA, GLOBAL ALLIANCE ON HEALTH AND POLLUTION (GAHP), the EU, NIGERIA and KENYA, stressed the need to include the entire lifecycle of chemicals and waste.

Noting the divergence of views, Co-Chair Williams said these would be reflected in the subsequent text.

**Principles and Approaches:** The Co-Chairs, supported by JAPAN, proposed to change the section title “Considerations and Approaches.” SOUTH AFRICA, INDIA, MEXICO, PAKISTAN and IPEN rejected the change and called to keep the original title.

Co-Chairs proposed new introductory text referencing specific documents and agreements. INDIA, ARGENTINA, BRAZIL, MEXICO, PAKISTAN, EL SALVADOR, INDONESIA, CHINA, and BANGLADESH called for the explicit mention of the principle of common but differentiated responsibilities (CBDR) in this paragraph. The US, supported by the UK, AUSTRALIA, GHANA, and CANADA, was not in favor of singling out CBDR and suggested instead to eliminate the mention of particular documents and agreements and instead include them in Annex B. COLOMBIA suggested mentioning CBDR in the Annex. CHINA requested to create a contact group to discuss this issue. INDONESIA objected, stating their personnel capacity at the meeting would be challenged. The UNIVERSITY OF CAPE TOWN suggested creating a working group to work on Annex B. GAHP suggested reviewing the documents contained in Annex B.

The Co-Chairs suggested new text for the section’s reference to knowledge and information. COLOMBIA, supported by INDONESIA, URUGUAY, the US, ICCA, BRAZIL, MEXICO, IRAN, LESOTHO, CHILE, and the EU, proposed to keep the consolidate document’s text. The RUSSIAN FEDERATION, supported by PAKISTAN, INDIA and LESOTHO, made a suggestion on the language to state “chemicals and their waste.”

Paragraphs on transparency and hierarchical preventive approaches were agreed to *ad referendum*.

On human rights, the EU, supported by URUGUAY and MEXICO, suggested including a reference to General Assembly resolution 76/300 on the human right to a clean, healthy, and sustainable environment. COLOMBIA, supported by AUSTRALIA and the INTERNATIONAL SOCIETY OF DOCTORS FOR THE ENVIRONMENT (ISDE), suggested deleting the mention to chemicals and waste and recalled that human rights should guide the path of the post-2020 instrument.

The RUSSIAN FEDERATION, supported by PAKISTAN, suggested to refer to “chemicals and their waste.”

Regarding vulnerable or particularly impacted groups, the Co-Chairs reminded delegates there are two proposals for the title and suggested keeping “groups in vulnerable situations” and deleting “particularly impacted groups.” MEXICO, GHANA, PAKISTAN, BANGLADESH, MALDIVES, and CHILE supported the proposal. The RUSSIAN FEDERATION opposed, suggesting using language contained in the Dubai Declaration on International Chemicals Management. ISDE suggested to include a mention to “at risk population.”

On gender equality, the Co-Chairs proposed to lift brackets and include the mention to the implementation of the Gender Action Plan, which was only opposed by the RUSSIAN FEDERATION. URUGUAY, supported by COLOMBIA, PERU, and others, suggested referencing “gender responsive” instead of “gender inclusive” approaches.

Regarding a preventive approach, the Co-Chairs proposed, and most participants – with the exception of the EU – agreed to retain mention to “exposure to,” instead of “use of,” hazardous chemicals.

On precautionary approach, most participants urged maintaining this paragraph, stating it is of exceptional importance and relevant to chemicals management. The US, with the RUSSIAN FEDERATION and JAPAN, called for the deletion of this paragraph.

On collaboration and participation, the Co-Chairs proposed alternative text referencing strengthened North-South and South-South cooperation, with technology transfer “on mutually agreed terms.” INDIA, supported by IRAN, INDONESIA, CHILE, CAMBODIA, GHANA, PAKISTAN, BRAZIL, and SOUTH AFRICA, urged retaining the original text, specifically the mention of access to financing. The US, supported by AUSTRALIA and the UK, suggested to streamline the text, deleting the mention of international cooperation, technology transfer and access to financing. The EU suggested deleting the whole paragraph.

#### **Strategic Objectives and Targets: *Strategic Objectives:***

Several delegates requested the short paragraph on sustainable finance to be combined with the opening sentence introducing the strategic objectives. On the strategic objectives, many delegates urged including language on the lifecycle of chemicals and waste. Many delegates also supported the reformulation of the final objective of transparently integrating the sound management of chemicals and waste in decision making across all sectors, suggesting the identification of elements that enhance the implementation of the framework.

**Mechanisms to Support Implementation:** In the afternoon, the thematic group on institutional arrangements co-facilitated by Karissa Kovner (United States) and Noluzuko Gwayi (South Africa) began consideration of this section, cleaning up remaining brackets in paragraphs addressing enhanced sectoral and stakeholder engagement. After some discussion, they agreed not to specify “an international code of conduct of chemicals and waste

management” or “financial resources” in reference to proposed commitments.

**Issues of Concern:** The thematic group on institutional arrangements worked quickly through several sections setting out the process for nomination, selection, and adoption of issues of concern. Turning to a related annex on the process of submission, while some called for more generic language, the group agreed to retain a reference to “available toxicological, ecotoxicological, environmental fate and behavior, and exposure data” under criteria for submission. They further debated whether the secretariat “should” or “will” invite further comments on the revised nominations, as well as how to determine the timing for this. They agreed to request the Secretariat to make final nominations to be made available “as soon as possible” and for any comments on nominations to be made available by the Secretariat six weeks in advance of the international conference.

Revisiting the paragraph on the definition of “issues of concern,” delegates considered whether the significance of perceived threats and/or the need for international action should be mentioned as criteria for identifying new issues. The group finally agreed to remove the reference to “significant” noting difficulties with quantifying it, with many underscoring the importance of the precautionary principle. Additional language referring to the benefits of accelerating uptake of innovative and sustainable solutions was removed in the understanding that it would be captured elsewhere in the text.

Delegates then engaged in a debate on four alternative titles for the section, finally agreeing to delete various formulations incorporating “international or global action” or “priority issues” and refer simply to “Issues of Concern.”

In the evening, the co-facilitators invited the group to begin an exchange of views on resolution text on the implementation and focus of programmes to be taken into consideration for the agenda at ICCM5.

**Financial Considerations:** The Co-Chairs created a thematic group co-facilitated by Jonah Ormond (Antigua and Barbuda) and Přemysl Štěpánek (Czechia). The plenary exchanged views on both keeping and deleting the chapeau, with discussions to continue in the thematic group. Delegates continued with a discussion on whether to proceed based on the consolidated document as agreed in the resumed IP4 in Nairobi, Kenya in March 2023 or the Co-Chairs’ proposal presented in a [non-paper](#). The Co-Chairs reminded participants that although views are being invited on the non-paper, all IP4 deliberation is based on the consolidated document, with the non-paper text to be used as a reference in forthcoming discussions.

The Co-Chairs then proposed to replace paragraphs on mainstreaming with an alternate text. No delegation took the floor. On private sector involvement, they also proposed alternative text, but two regional groups made a proposal based on the consolidated document and insisted that this subsection be discussed in the thematic group.

The thematic group returned to the text on mainstreaming and agreed to add the Co-Chairs’ proposal highlighting mainstreaming

to ensure needs are met nationally and to support implementation through the mobilization of national budgets, bilateral development assistance plans, and multilateral assistance.

The subsection on private sector involvement sparked a renewed debate in the thematic group about whether to focus just on the consolidated text or to also discuss the Co-Chairs’ non-paper. In the end, delegates reverted to the consolidated document and the proposal by two regional groups to clean this text. While some bracketed text was removed, differences remain on such issues as how to reflect internalization of costs, whether the private sector should mitigate risks or impacts, and references to private sector liability for pollution.

On dedicated external financing, delegates in the thematic group inconclusively debated whether to exhort stakeholders to “seek to” or “strive to” secure funding.

**Institutional Arrangements:** The thematic group on institutional arrangements agreed on sections regarding the International Conference, the Bureau and the Secretariat. Regarding the functions of the Conference, delegates revised text on its relationship with the proposed science policy panel on chemicals and wastes, changed promote “cooperation and synergies” to “cooperation and coordination,” and added a sentence regarding the Conference’s role in considering possible revisions or updates of the framework.

On the Bureau, the group opted for text including reference to the need to reflect due regard to the principle of equitable geographical representation, gender balance and representation from different sectors among government representatives.

**Taking Stock of Progress:** The thematic group on institutional arrangements cleaned and made minor amendments to this text, while leaving the final paragraph on measurability structure for an informal working group created by the Co-Chairs during plenary.

### *In the Corridors*

Tasked with clearing a mountain of bracketed text in just two days, delegates arriving for the IP4 weekend marathon were understandably nervous. As one delegate joked, Lorelei, the siren of the Rhine, is hovering over us “and we must avoid getting pulled into dangerous waters.” As many facilitators repeatedly stressed, these discussions have been years in the making and agreement on a framework for the sound management of chemicals and waste beyond 2020 is now long overdue.

Under pressure to wrap up the twice resumed fourth intersessional process, several working groups seem to have taken this to heart, quickly cleaning up the remaining brackets around text initially considered to be full of potential sticking points. To the dismay of some small delegations, the Co-Chairs went back on their own proposals for the work schedule, establishing multiple thematic and informal groups meeting in parallel with plenary and reverting to non-negotiated compromise language rather than the heavily bracketed consolidated text to move things forward. As a result, some delegates scrambled to be everywhere, with a regional group threatening to walk out of thematic group discussions if the co-facilitators did not follow agreed procedures.

