

ICCM5 Highlights: Tuesday, 26 September 2023

Delegates got down to the fundamentals of the week's work, seeking to forge a compromise on two key portions—finance and targets—of the draft text of the new framework expected to guide international work on the sound management of chemicals and waste for years to come. They also focused on vetting the numerous draft resolutions and the draft High-level Declaration proposed for adoption by the Fifth International Conference on Chemicals Management (ICCM5).

Recommendations from the Intersessional Process Considering the Strategic Approach and Sound Management of Chemicals and Waste Beyond 2020

Committee of the Whole: Financial Aspects: The Committee of the Whole (CoW) opened with a general discussion of dedicated external financing for chemicals and waste management focused on the supply side. CHINA, INDIA, PAKISTAN, SAUDI ARABIA, BANGLADESH, and the RUSSIAN FEDERATION stressed that any funding should be voluntary. CHINA also urged reaching out to international and regional financial institutions, especially multilateral development banks, to provide more sustainable financing for chemicals and waste management.

INDIA, PAKISTAN, SAUDI ARABIA, BANGLADESH, IRAN, the US, and the RUSSIAN FEDERATION opposed any language on a globally coordinated tax or fee on chemicals production as a source of funds.

The AFRICAN GROUP said given the voluntary nature of the future framework, all stakeholders, including industry, should commit to funding its implementation. He defended the idea of a globally coordinated tax or fee as a way for industry to make a meaningful contribution.

ANGOLA said those opposing the proposal for a globally coordinated tax or fee should propose a viable alternative solution.

While acknowledging that a globally coordinated tax or fee is not the only way to fund chemicals and waste management, the CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) explained the rationale behind the proposal: current national cost recovery efforts have fallen short and industry has moved to wherever fees are lower or do not exist, promoting a “race to the bottom.”

The INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA) said while it understood the issues governments are facing and is willing to look into solutions to problems caused by chemicals—legacy or new—industry preferred working on a project basis rather than setting up a general fund.

The GLOBAL ALLIANCE ON HEALTH AND POLLUTION (GAHP) recalled its proposal for an industry “coalition of the willing,” perhaps launched by the CEOs who will attend the High-level Segment, to take the lead on funding in exchange for a “we’re contributing to solutions” badge that gives them a competitive advantage in a conscientious market over other suppliers.

NIGERIA, SOUTH AFRICA, TANZANIA, MADAGASCAR, and BASEL AND STOCKHOLM CONVENTION REGIONAL CENTER SENEGAL (BCRC-SCRC SENEGAL) recalled that the Independent Evaluation of the Strategic Approach to International Chemicals Management (SAICM) (SAICM/ICCM.5/INF/1) suggested that SAICM failed to achieve the 2020 goal of sound management of chemicals because of lack of funding.

NIGERIA welcomed ICCA's willingness to consider solutions but said a project basis was impractical “because we can't run to industry for each and every problem we identify.” He said to negotiate and adopt a framework without adequate means of implementation is “an exercise in futility.”

CENTRE DE RECHERCHE ET D'EDUCATION POUR LE DÉVELOPPEMENT noted the chemical production regime is global, and therefore solutions should be global.

JORDAN underscored a sustainable financial mechanism is vital to support an international framework on chemicals and waste. ZDHC FOUNDATION stressed the need for a dedicated fund and long-term financing to “keep the engine running.”

Saying the Global Environment Facility (GEF) has been ineffective in tackling the chemicals and waste agenda, BRAZIL, with ARGENTINA and COLOMBIA, called for addressing the need for a dedicated financial mechanism and urged the CoW to address the proposal submitted by the African Group and Latin American and Caribbean Group (SAICM/ICCM.5/CRP.9).

The CoW then examined text on dedicated external financing in the draft framework (SAICM/ICCM.5/L.1), starting with a paragraph on the development of a mechanism for a globally

coordinated fee on the sale of basic chemicals to create a fund to mainstream the sound management of chemicals and waste at the national level. The AFRICAN GROUP reiterated its support for the concept, while INDIA, SAUDI ARABIA, the RUSSIAN FEDERATION, IRAN, BANGLADESH, and CHINA underscored their opposition.

Turning to language on establishment of a fund which would be accessible to all stakeholders and be comprised of financial resources from the private sector, including through globally coordinated levies, INDIA, PAKISTAN, SAUDI ARABIA, IRAN, and the RUSSIAN FEDERATION stated they could support the text without the inclusion of “globally coordinated levies,” although SAUDI ARABIA also sought to add “voluntary” before “international fund.”

The EU, supported by the US, the UK, SWITZERLAND, JAPAN, CANADA, and AUSTRALIA, proposed retaining the brackets and continuing the discussion while considering the relevant draft resolutions. INDONESIA and CAMBODIA expressed their support for the paragraph. A concern was raised by the US over the implications of “all stakeholders,” when the current definition of a “stakeholder” includes any individual.

CoW Co-Chair Reggie Hernaes (Netherlands) stated the text will be revisited in a subsequent session alongside the relevant draft resolutions.

The CoW then held a short exchange of views on a paragraph on the provision of resources by the GEF and other multilateral, regional, and bilateral sources of financing. Many participants requested that the paragraph be rewritten for clarity, with COLOMBIA, supported by EL SALVADOR, NORTH MACEDONIA, KENYA and CUBA, expressing endorsement for language on these sources supporting a new international fund.

In the afternoon, CoW Co-Chair Keima Gardiner (Trinidad and Tobago) informed participants that CRP.9 will be introduced at the evening session of the Resolutions Contact Group, followed by the establishment of an informal open-ended working group to tackle the entire finance section of the draft framework throughout the evening, with the goal of presenting clean text to the CoW on Wednesday.

Targets: In the afternoon, the CoW reviewed most draft targets:

- A7 (highly hazardous pesticides): delegates could not agree if the target mandates stakeholders to “make available and promote” safer alternatives to highly hazardous pesticides in agriculture, or if these should be “available and promoted”;
- B2 (information on chemicals in materials and products): delegates could not agree if stakeholders should “make available” reliable information on chemicals in materials and products, or “endeavor to ensure that” this information is available;
- B3 (data on chemicals production, emissions, and releases): delegates could not agree about whether data on the production of chemicals: should include their properties; be generated “in a harmonized way”; or should be made available either “in an agreed form” or “in a consistent manner”;

- B4 (guidelines, best available practices and standardized tools for hazard and risk assessments): delegates could not agree whether to retain the phrase “standardized tools”;
- B5 (gender responsive educational, training and public awareness programmes): delegates agreed to language on awareness programmes on chemical safety, sustainability, safer alternatives and benefit of “reducing chemicals and waste risks,” but did not finalize the text because of a reservation by the RUSSIAN FEDERATION, SAUDI ARABIA and PAKISTAN about the phrase “gender responsive”;
- B6 (Globally Harmonized System of Classification and Labelling of Chemicals - GHS): delegates agreed the GHS should be implemented in a way that is “appropriate for national circumstances,” but delegates could not decide on whether countries “should adopt” or “have legally” implemented the GHS;
- C1 (Issues of Concern - IOCs): delegates could not agree, with the RUSSIAN FEDERATION urging deleting it altogether, the US seeking to limit it to IOCs “of this instrument or its predecessor,” and others suggesting textual changes;
- D2 (sustainable alternatives): although delegates were able to remove some brackets, they did not achieve an agreement on the rest of a heavily bracketed text about implementing policies that encourage using or producing sustainable alternatives to chemical products;
- D4 (private sector strategies and approaches to sound chemicals management): delegates could not agree to a proposal to replace “the investment sector” with “the finance sector”;
- D5 (policies and programmes on safer and more sustainable alternatives): the CoW agreed to delete this target;
- D6 (sectoral chemical and waste management strategies): delegates agreed on a clean text on this target about major economic sectors developing sustainable and waste management strategies.

Co-Chair Gardiner also tested the group’s appetite for addressing the fully-bracketed target BX on surveillance data on concentrations of and exposure to chemicals in humans. Numerous delegates expressed support for collecting data on the human impacts of chemicals. However, the RUSSIAN FEDERATION and INTERNATIONAL TRADE UNION CONFEDERATION rejected language on disaggregation by sex, gender, age, and other relevant health determinants as feasible. INDIA rejected target BX, claiming the target overlapped with other targets. The group did converge on adding “region” to the list of potential disaggregation categories.

Resolutions Contact Group: Initial Exchange of Views on CRPs: In the morning, the group continued its initial exchange of views on the six resolution clusters, starting with the grouping of texts addressing Emerging Policy Issues (EPis) and IOCs. Following the Inter-Organization Programme for the Sound Management of Chemicals’ (IOMC) presentation of a new negotiating text merging two documents developed during the intersessional period, many delegations favored working based

on this new text. However, some expressed concern about the omission of several operative paragraphs from this version, while others were against an open-ended mandate for dealing with existing EPIs. The Co-Chairs invited all concerned to liaise with the IOMC and the Secretariat to update the negotiating text accordingly.

The group then considered the cluster of three resolutions addressing implementation arrangements and international cooperation. Introducing the draft resolutions, the Secretariat stated the aim is to ensure that a future framework can be effectively implemented and maximize synergies with relevant initiatives. In this vein, the UN ENVIRONMENT PROGRAMME (UNEP) introduced the draft resolution calling for coordination between the post-2020 framework on chemicals and waste management and the Kunming-Montreal Global Biodiversity Framework. Several delegates called for exploring consolidation of the two resolutions touching on international cooperation.

With several delegations revisiting the issue of overlaps in an operative paragraph relating to finance and other means of implementation (MoI) across several resolution texts, the Co-Chairs noted that the contact group would not take up any negotiations touching on MoI before they have been addressed in the CoW. It was also agreed to move any paragraphs relating to finance and MoI to the relevant sections of the draft framework document, and to take up the resolution on financial considerations later.

The Secretariat then introduced five resolution texts touching on operational arrangements, monitoring and evaluation—with a related annex on measurability—and capacity building. Several delegates raised questions regarding a proposal to establish an *ad hoc* working group in Bonn to provide advice on modalities and arrangements, including its relationship to a future open ended working group. Noting many proposed actions were developed during the Intersessional Period (IP), the Secretariat clarified that work was underway to align them to language agreed at the final IP session.

Most delegates welcomed the resolution on capacity building for national focal points, but divergent views were expressed on a proposed capacity building hub to link stakeholders requiring capacity building support with those providing such expertise. Noting the link to the chemical industry, several stakeholders expressed reservations about possible conflict of interest, while one speaker highlighted the need for capacity building for the industry itself.

Other questions touched on the link between the hub and the Secretariat, which has been proposed as host of the hub. Many expressed concerns about limited capacities as well as possible overlaps in funding sources. Considering the divergent views, the Co-Facilitators proposed establishing an informal working group to explore compromise language.

Finally, the Secretariat briefly introduced the two “placeholder” resolutions welcoming adoption of the framework and ICCM5 high-level declaration.

Mainstreaming Gender Perspective: In the afternoon, the contact group examined a revision of the draft resolution developed by a small group and offered further amendments. As revised, the draft resolution would call for the Secretariat to produce a gender action plan for approval by the Conference and all stakeholders to implement interim actions towards mainstreaming a gender perspective in the implementation of the framework.

EPIs and IOCs: In the afternoon, the contact group revisited text proposals developed by an informal group, quickly agreeing to continue work on EPIs and issues of concern on an “interim basis.” A long discussion then ensued around an operative paragraph detailing the process for submitting progress reports to future sessions of the Conference, with some delegates cautioning against “automatically” adopting existing EPIs and IOCs in the new framework.

The group managed to reach agreement on an expanded operative paragraph inviting the responsible IOMC organizations, in consultation with stakeholders, and taking into account the global consultation and the related IOMC Report on EPIs and Other IOCs ([SAICM/ICCM.5/INF/16](#)), to submit reports to the next conference addressing:

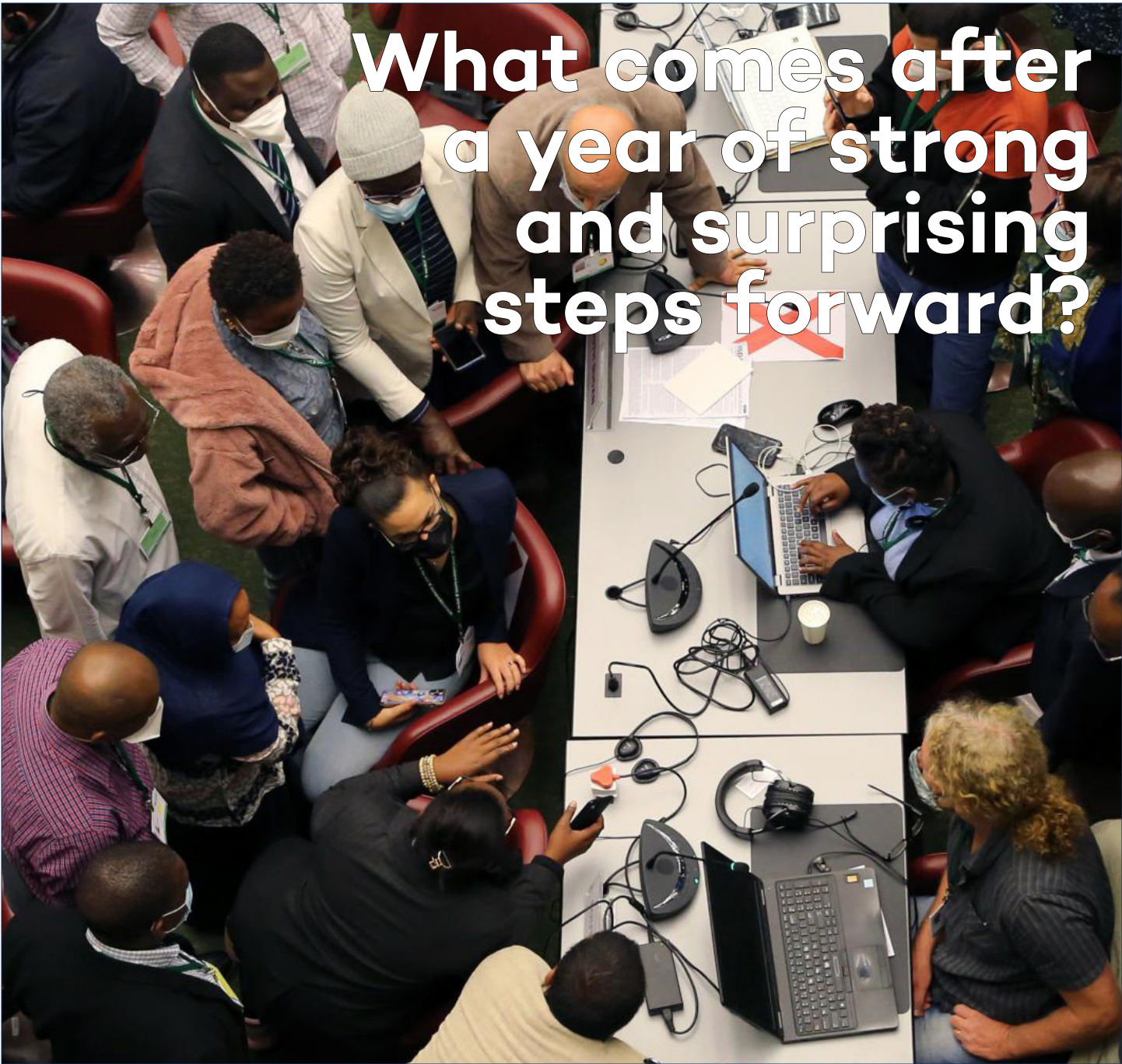
- progress achieved in relation to the existing EPIs and other IOCs adopted before ICCM5 indicating how the work done contributes to achieving the Strategic Objective(s) and Targets under the new framework; and
- an analysis of opportunities to further address the EPIs and other IOCs adopted before ICCM5.

The group did not reach agreement on a final sub-paragraph on possible follow up actions related to existing EPIs and other IOCs, including potential targets, indicators and timelines. A small group was tasked with exploring compromise language on this sub-paragraph in the evening.

Monitoring and Evaluation: The contact group invited delegates interested in further discussing new proposals on the measurability index developed by an informal group to continue negotiations in the evening.

In the Corridors

As another day packed with working and contact group meetings progressed, some participants noted the slow pace of Tuesday’s proceedings and began to seriously reconsider their chances of reaching an agreement on an ambitious framework by the end of the week. With negotiations on substantial issues such as finance stalling, and other important issues not yet seeing the light of day, a seasoned delegate suggested we could be witnessing a hardline, risky negotiating strategy by some parties. “Someone took notes during the negotiations on the Global Biodiversity Framework,” another joked, hinting that a take-it-or-leave-it outcome document might be presented at the last minute. With just one day of negotiations left before the High-level Segment, the jury is out on whether this process can bring a similarly successful outcome.



What comes after
a year of strong
and surprising
steps forward?

The State of Global Environmental Governance 2022

