

ICCM5 Highlights: Wednesday, 27 September 2023

On the eve of the High-level Segment (HLS) delegates worked feverishly to complete negotiations on the draft framework text and finalize the resolutions expected to be adopted by the Fifth International Conference on Chemicals Management (ICCM5) on Friday. They managed to largely finish work on four resolutions, agree on the framework's vision, and revise the framework provisions on capacity building. Consensus on other matters, however, continued to elude them.

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

Committee of the Whole (CoW): Introduction: The CoW started with the introductory paragraph on the role of chemicals and their potential adverse impacts. JAPAN, CHILE, the RUSSIAN FEDERATION, INDONESIA, INDIA, PAKISTAN, NORWAY, CHINA, and the US preferred to keep the reference to “when not managed properly” with some stating the idea of this instrument is to minimize adverse effects of chemicals through proper or sound management. INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN), WOMEN ENGAGE FOR A COMMON FUTURE, SWITZERLAND, EU, EL SALVADOR, PESTICIDE ACTION NETWORK (PAN), INTERNATIONAL SOCIETY OF DOCTORS FOR THE ENVIRONMENT opposed its inclusion.

The EU, supported by CHILE, MAURITIUS and HEALTH CARE WITHOUT HARM, proposed to adjust the language to “even when managed properly” chemicals can result in adverse impacts; the US, CHINA, NORWAY, INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS opposed this proposal. The UK suggested the EU's proposal changes the meaning from one of management to one of prohibition, undermining the instrument.

Ultimately CoW Co-Chair Reggie Hernaus (Netherlands) requested proponents to meet along the margins and present an agreed text before the lunch break. After parties consulted, the EU proposed “...However, proper management is crucial to prevent or, where not feasible, minimize their adverse impacts on human health and the environment.” PAKISTAN objected.

On a paragraph on the foundations of the new instrument and its multi-sectoral and multistakeholder approach, the group was unable to agree on whether to include language referencing the “triple planetary crisis.” They also could not come to a consensus on whether the framework should catalyze a transformational shift to “green and” sustainable chemistry, “sustainable, including green” chemistry, or simply “sustainable chemistry.”

Vision: Delegations discussed the text on vision and agreed to exclude the mention of innovation. They decided on a clean text for the vision as follows: “Our vision is a planet free of harm from chemicals and waste for a safe, healthy and sustainable future.”

Co-Chair Hernaus noted the request by the RUSSIAN FEDERATION to consider their suggestion to refer to “chemicals and their waste” throughout the text of the document.

Principles and Approaches: In the morning, the CoW discussed a proposal to lift the brackets on the whole of Annex B, which references a list of instruments, declarations, and documents relevant to the principles and approaches section of the framework (Part IV). PAN opposed to lifting the brackets, stating its content requires further discussion. Delegates then worked on the respective article under Part IV which serves as the chapeau of the annex.

CHINA, opposed by PERU, suggested changing the title of the Annex to “relevant documents.”

Some delegations, including the US, JAPAN, UK, EU, PAKISTAN, SWITZERLAND, CANADA, OMAN and AUSTRALIA opposed including references to specific principles in the chapeau to avoid hierarchy and duplication of principles that would guide the new framework.

Others, including INDIA, MEXICO, CHILE, COLOMBIA, VENEZUELA, PERU, IRAN, MALDIVES, EL SALVADOR, CHINA, BRAZIL, CUBA, ARGENTINA, and the AFRICAN GROUP urged highlighting the Rio Declaration on Environment and Development, particularly the principle of common but differentiated responsibilities (CBDR). PERU, CUBA, COLOMBIA, BRAZIL, CHILE, and the AFRICAN GROUP suggested deleting CBDR from the Annex and keeping it in the chapeau as a compromise to avoid duplication.

The CoW decided to establish a breakout group to achieve an understanding on principles and approaches, working based on the proposal to delete those references in the annex that are mentioned in the chapeau. CHILE reported in the afternoon that the breakout group had been unable to bridge differences.

Delegates then worked unsuccessfully to reorganize other parts of the text.

Capacity Building: The GLOBAL ALLIANCE ON HEALTH AND POLLUTION (GAHP) introduced the amended version of their proposal (SAICM/ICCM.5/CRP.10) to replace the capacity-building section of the draft framework with a more balanced version of what was proposed originally in the Intersessional Process (IP) Co-Chairs' [non-paper](#) on the same topic. GAHP's proposal was met with general acceptance from delegates, although sticking points remained such as how to refer to technology transfer and whether to add language about the “establishment of a data bank.” As with other elements of the draft framework, some text will remain in brackets until agreements are

reached on relevant resolutions, including the one proposing an online capacity building hub (SAICM/ICCM.5/CRP.7).

Open-ended Working Group (OEWG) on Financial

Considerations: The OEWG co-facilitated by Jonah Ormond (Antigua and Barbuda) and Marie-Soleil Fecteau (Canada) continued work on dedicated external finance started on Tuesday evening. They began by considering a two-paragraph proposal by the Co-Facilitators for “clean text” on: the “ever increasing” need of developing countries and countries with economies in transition for strengthened financing; and the role of the Global Environment Facility (GEF) and the UN Environment Programme’s (UNEP) Special Programme to Support Institutional Strengthening at the National Level for the Implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (SAICM). Delegates agreed to use the co-facilitators’ proposal as the basis for negotiation.

Several delegates objected to “ever increasing” but generally supported a compromise suggested by one delegate, “recognizing the needs of developing countries and countries with economies in transition and that existing sources for financing the sound management of chemicals and waste are not sufficient.” Two delegates, however, objected to retaining the reference to developing countries and countries with economies in transition, saying it reflected a binary view of the world that no longer fit current global realities.

After the objection by one delegate to the reference to “innovative donor sources,” the group agreed to change this to “innovative finance sources.”

The group also failed to make progress on highly contested language calling for increased financing from the private sector, including through a new globally coordinated fee or levy on the sales of a limited number of basic chemicals. A newly drafted paragraph calling on governments to promote further mainstreaming of the sound management of chemicals and waste “in accordance with their national circumstances and priorities,” was rejected by some on the basis that this qualification is inappropriate for a voluntary framework.

Describing the text as too prescriptive, many delegates also rejected a paragraph proposed by a civil society stakeholder calling for legislative measures to define the responsibilities of the public and private sectors and “enforce and monitor compliance as well as ensure cost recovery measures at the national level” in line with the precautionary and the polluter pays principles. Instead, several delegates favored more general language encouraging governments to operationalize the private sector component of the integrated approach to financing of the sound management of chemicals and waste.

Resolutions Contact Group: Framework Approval: In the afternoon, the group reviewed and provisionally approved a resolution on the adoption of the framework and the ICCM5 High-level Declaration. They also approved a related resolution thanking all host governments, donors, intergovernmental agencies and other stakeholders who contributed to the IP and ICCM5.

Implementation Arrangements: The group reviewed the draft resolution on implementation arrangements for the transitional period before the new framework commences its work. The text merges elements from an annex proposed by the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) with the relevant section of the consolidated text forwarded from IP4.1 and calls, *inter alia*, for the Conference to continue efforts across all areas of work to maintain momentum

in the next intersessional period before formal programmes under the new framework are set up.

Negotiations on five operative paragraphs relating to the establishment of an *ad hoc* working group to develop recommendations on modalities and other arrangements required to operationalize the new framework continued in an informal group.

International Cooperation: The group resolved bracketed text in the resolution on international cooperation, agreeing to welcome the adoption of the Kunming-Montreal Global Biodiversity Framework. They also agreed to refine language in one paragraph to match the High-level Declaration, which notes the need to ensure synergies with ongoing processes to establish a science-policy panel on chemicals and waste, as well as the negotiation process towards an international legally binding agreement on plastic pollution.

Measurability Framework: The small group working on this resolution reported its recommendations for a revised text that would: include a set of 13 existing indicators in Annex C of the framework; establish an open-ended *ad hoc* group on measurability and indicators to work by electronic means to prepare recommendations for finalizing the measurability framework and the revised set of indicators for Annex C; invite the UN Statistical Commission and IOMC participating organizations to participate in the working group; and request the Secretariat to report to the Conference on progress related to the measurability structure.

Several delegations had concerns about singling out 13 indicators. One delegation objected to creating another group under the framework. Another objected to specifying that the group would operate electronically, although the Secretariat explained that not doing so would have budgetary implications.

Other Resolutions: The group agreed to review in their evening session the resolutions regarding guidelines for national focal points, highly hazardous pesticides, and the proposal for an international code of conduct on chemicals and waste management.

In the Corridors

“If things were going according to plan, we should have finished every outstanding item of the instrument and resolutions before the High-Level Segment begins tomorrow.” This sentiment was echoed by ICCM5 President Breyer at an evening stocktaking session, when she, once more, urged all delegates to demonstrate the Bonn Spirit of “live and let live” since “we have a way to go.”

Clearly warned that negotiations would not be extended beyond this evening, delegates prepared for a long night of meetings to finalize at least nine resolution texts, substantial portions of the overall framework agreement text, and key political decisions, such as how waste will be referenced throughout the framework text, not to mention what the new framework will be called. “We’re crowding an awful lot into a limited time,” many delegates fretted. “I’m not sure it can be done,” said several. One suggested there might out of necessity have to be another “last ditch” round of negotiations after the HLS concludes.

Some expressed concern that in the mad shuffle of multiple parallel meetings, a key matter or two will get lost. Delegates from the trade union sector point to one possible casualty already: their proposed resolution on labor-related chemicals and waste management issues has yet to be assigned for discussion in any of the existing ICCM5 forums. “It’s a shame, really, since workplace health and safety is important for a just transition and there’s so little in the framework text for us to celebrate.”