



## SAICM PREPCOM3 HIGHLIGHTS FRIDAY, 23 SEPTEMBER 2005

On the fifth day of SAICM PrepCom-3, discussions continued in morning and evening plenary sessions on the draft overarching policy strategy (OPS) and the draft global plan of action (GPA). Contact groups on financial considerations, implementation, and principles and approaches, and several small drafting groups, met throughout the day.

### PLENARY

KIRIBATI, for a group of small low-lying island nations, highlighted their need for financial and technical assistance, and urged countries to find alternatives to using chemicals. The UN SPECIAL RAPporteur ON TOXIC WASTES suggested the high-level declaration (HLD) acknowledge the importance of sound chemicals management to human rights, and stressed public participation as a right.

**GLOBAL PLAN OF ACTION:** Chair Jamidu Katima (Tanzania) submitted the contact group's report to plenary, containing its suggestion to replace "concrete measures" with "work areas." He noted that some activities were footnoted, pending the outcome of other discussions, while others had asterisks indicating the need for further discussion.

**Executive Summary:** Chair Katima introduced the draft executive summary of the GPA (SAICM/PREPCOM.3/CRP.29 and 33), prepared by the contact group and the Secretariat respectively. He said the text was intended to be a living document, and that further discussion on the outstanding issues contained in footnotes could be held in the implementation phase of SAICM. President Bohn said issues in the footnotes should be resolved in plenary. The UK, for the EU, indicated it could not accept insertion of the word "voluntary." The US said it could not accept inclusion of "targets and timeframes."

On science-based knowledge on health and environmental risks for chemicals, the US suggested deleting reference to "sharing" knowledge. The Committee accepted the text as modified by the US.

On promoting alternatives to reduce and phase out highly toxic pesticides, the US supported including "where necessary." The INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA) and JAPAN supported retaining a reference to Responsible Care, while the EU, the INTERNATIONAL POPELIMINATION NETWORK (IPEN) and the INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU) opposed.

**OVERARCHING POLICY STRATEGY: Principles and Approaches:** A contact group chaired by Donald Hannah (New Zealand) was formed to consider principles and approaches in the

OPS, taking into account the draft text (SAICM/PREPCOM.3/3) and submissions from a number of delegations.

**Governance:** Matthew Gubb, Secretariat, introduced revised text on governance (SAICM/PREPCOM.3/CRP.25).

On achieving the sound management of chemicals, the EU said there were too many references to "appropriate" in the draft. AUSTRALIA, with the US, said they could support replacing one "where appropriate" if language indicating mechanisms "as needed" were retained. MOROCCO, with IPEN and ICFTU, suggested specifying development of "less harmful" chemicals, while KENYA and NIGERIA preferred "not harmful." The US, with MYANMAR and ANGOLA, said it could not accept "not harmful." IPEN suggested "safer," which the US indicated it could support, but CROATIA opposed. The Committee asked a small group, facilitated by Morocco, to re-draft the section.

On institutional frameworks for chemicals management, CROATIA proposed deleting a reference to illegal international traffic. The EU stressed some overlap between this and other paragraphs referring to "multi-sectoral" frameworks, and agreed to work on a draft with the small group facilitated by Morocco. After consultations, the EU introduced amendments to a paragraph on promoting the sound management of chemicals, including: insertion of the word "multi-sectoral"; use of language from the draft OPS submitted by the Secretariat; deletion of the phrase "procedures for prevention of illegal international traffic"; and deletion of a later paragraph on the issue. While the US supported the EU proposal, CROATIA, ARGENTINA and COTE D'IVOIRE said the later paragraph on illegal international traffic should be kept.

On implementation of national laws and regulations, the EU, supported by AUSTRALIA, CANADA and the US, called for reintroducing references to enforcement of national regulations and compliance with chemicals-related international agreements. The EU said "harmonization" in this context appeared to imply that everyone should have the same chemicals management law. The US proposed text on "strengthening" enforcement and "encouraging" harmonization and implementation of national chemicals laws and regulations, and promoting relevant codes of conduct, including those on global environmental and social responsibility. The paragraph was sent for review by the small group facilitated by Morocco.

On international cooperation, CANADA proposed, and the Committee accepted, a reference to "customs officers."

On participation, IPEN, supported by many others, proposed, and the Committee accepted, a reference to indigenous communities. Instead of deleting a reference to "women," the Committee agreed to replace the phrase "including women" with "particularly women".



On equal participation of women in decision making, the UK and CHILE proposed deletion of the paragraph, citing its redundancy with the previous paragraph. ALGERIA clarified her earlier intervention, saying she preferred the paragraph be retained. EGYPT, the PESTICIDE ACTION NETWORK and INTERNATIONAL COUNCIL OF WOMEN opposed deletion. The paragraph was bracketed.

**Capacity building and technical cooperation:** President Bohn introduced the revised section (SAICM/PREPCOM3/CRP.26), and suggested changes to paragraphs on: increasing capacity; narrowing the widening gap; promoting coordination; encouraging and facilitating use of work already done and chemicals management models; and promoting awareness of chemical safety. The Committee agreed to the proposed changes.

On the objective to provide and transfer appropriate and clean technology, the US said it could not accept the word "transfer," while NAMIBIA and EGYPT supported retaining it. The text was bracketed.

On developing and implementing sustainable capacity-building strategies, President Bohn suggested deleting the reference to development of practical training programmes. The EU suggested replacing a reference to "developed countries and countries with economies in transition" (CEITs) with "all countries." The Committee agreed on the text with these suggested amendments.

On social and economic development strategies, MOROCCO and EGYPT supported including a reference to scientific research programmes. The Committee decided not to include the reference in this paragraph, but rather included it in the following paragraph on encouraging stakeholders.

On encouraging stakeholders, INDIA said it preferred maintaining a specific reference to developing countries and CEITs. The EU suggested deleting a reference to stakeholders' "own" programmes, to make it clear that stakeholders included governments and intergovernmental organizations. The Committee agreed to those amendments, and the inclusion of the reference to scientific research.

On establishing an adequate financial mechanism for implementation of SAICM, President Bohn suggested merging this paragraph with another on mobilizing adequate voluntary financial resources, proposing language to facilitate adequate financial support for capacity building in developing countries and CEITs. The Committee agreed to replace the two paragraphs with the language suggested by the President, which remains in brackets.

**Introduction:** President Bohn introduced the revised section (SAICM/PREPCOM3/CRP.18). On the strategy's structure, the Committee could not agree on a proposal to delete the phrases "targets and timeframes" and "achieving objectives." On involvement of relevant sectors and stakeholders, the Committee agreed to keep a text on "main" and "individual" stakeholders bracketed.

**Statement of needs:** President Bohn introduced the revised section (SAICM/PREPCOM3/CRP.19/Rev.1). On gaps between the capacities of different countries and the need to improve synergies between existing instruments and processes, the US, opposed by the EU, proposed inserting the word "national" before "instruments and processes." The word "national" was bracketed.

## CONTACT GROUPS

**FINANCIAL CONSIDERATIONS:** The contact group agreed on text on industry partnerships and technical participation. Following informal consultations, a new preamble was drafted substituting "donors" for "developed countries," but left bracketed pending regional consultations. Discussions addressed the sub-paragraphs on national actions and on integration of SAICM into development assistance cooperation. One particularly controversial area of debate was "internalization of costs." In addition, there was

discussion of: existing global funding programmes, with questions on replenishment and focal areas in the Global Environment Facility; establishment of a global partnership fund, with questions on oversight and funding; and resources for enabling national focal points to participate in international meetings. Discussions continued past midnight.

**IMPLEMENTATION:** Delegates could not agree on how to refer to the international institutional arrangement throughout the text. Some suggested calling it an oversight body, others a periodic review process. Following the proposal to have the International Conference on Chemicals Management take the lead in this process, many delegates questioned what this meant for the future of the Intergovernmental Forum on Chemical Safety (IFCS). A number of developed country representatives responded that the IFCS had a role as a brainstorming forum but could not lead the implementation of SAICM. Several representatives said this would either lead to duplication or the eventual demise of the forum and insisted the IFCS be listed as the alternative leader for the international oversight body or process. It was decided to convey this debate to plenary.

Delegates also discussed and bracketed sections of paragraphs on: programming priorities for the international entity; functions of the bureau; regional meetings and their functions; and functions of the secretariat. Regarding the composition of the secretariat, delegates worked on finding common ground between two proposals, one pointing to the Inter-Organization Programme for the Sound Management of Chemicals and another to UNEP and the World Health Organization as hosts for the secretariat.

**PRINCIPLES AND APPROACHES:** Participants were divided on virtually every issue, including on whether to base discussions on the original draft OPS or on the new proposal by Australia and others (SAICM/PREPCOM3/CRP.30). After heated debate, the group decided to consider the section on general principles and approaches in the draft OPS, while taking into consideration the new proposal. One of the main points of contention was that while some delegates preferred specific definitions of principles and approaches, pointing to the need to avoid "nickname" lists, the second wanted to have a list of specific principles and approaches that would guide the implementation of SAICM. While there was some flexibility on the idea of having two sections, one on those relevant principles and approaches already internationally recognized, and another on approaches developed, or further developed, within the context of chemicals management, others made it clear that they could not compromise on including certain recognized approaches in the second section, including precaution.

## IN THE CORRIDORS

While an atmosphere of camaraderie and humor ran throughout the contact group discussion on principles and approaches, many were frustrated at the "inflexible" position of a few participants, who made it clear they would not compromise on certain issues such as precaution. Some feel that this might significantly weaken a very important part of the OPS, while others argue that if certain approaches applicable specifically to chemicals which differ from already internationally-agreed principles and approaches are to guide SAICM's implementation, they must be clearly defined so that there is a common understanding on what they mean.

Heated discussions in the implementation contact group had some delegates fearing for the future of the IFCS, going as far as saying that SAICM could "kill" the Forum. Some predicted an emotional debate on the role of the IFCS in Saturday's plenary session.

**ENB SUMMARY AND ANALYSIS:** The *Earth Negotiations Bulletin* summary and analysis of SAICM PrepCom-3 will be available on Tuesday, 27 September 2005 online at: <http://www.iisd.ca/chemical/saicm/prepcom3>