



**SUMMARY OF THE THIRD SESSION OF
THE PREPARATORY COMMITTEE FOR
THE DEVELOPMENT OF A STRATEGIC
APPROACH TO INTERNATIONAL
CHEMICALS MANAGEMENT:
19-24 SEPTEMBER 2005**

The third session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management (SAICM PrepCom-3) was held from 19-24 September 2005 in Vienna, Austria. Over 595 participants, representing more than 185 governments, intergovernmental and non-governmental organizations, and United Nations agencies, attended the session. During the week, delegates discussed the SAICM high-level declaration, overarching policy strategy, and global plan of action. The primary objective of PrepCom-3 was to produce final text to be forwarded to the "International Conference on Chemicals Management," to be held from 4-6 February 2006, in Dubai, however delegates did not reach agreement on many elements in the three documents under consideration. Areas of disagreement remain in all three documents, including: principles and approaches; description of the SAICM as "voluntary"; financial considerations; and the timing and frequency of International Conference on Chemicals Management (ICCM) meetings. PrepCom-3 did make significant progress in the GPA, such as in some sections of the executive summary and a number of work areas, and in sections of the OPS, including international illegal traffic, governance, and key parts of the implementation section. However, there are still many politically sensitive issues that remain unresolved, and will have to be taken up by the ICCM in Dubai.

A BRIEF HISTORY OF SAICM

The concept of SAICM has been discussed by the Governing Council (GC) of the United Nations Environment Programme (UNEP), and reflected in various forms since 1995, including in:

- UNEP GC Decision 18/12 of May 1995, which invites UNEP's Executive Director to convene an expert group to consider and recommend further measures to reduce risks from a limited number of chemicals;

- an expert group meeting in April 1996, which made recommendations in four areas, namely: inadequate capacity of developing countries to handle hazardous chemicals and pesticides; disposal of unwanted stocks of pesticides and other chemicals; insufficient information for chemicals management decision making and action; and the possible need to ban and phase out certain chemicals; and
- UNEP GC Decision 19/13 of February 1997, which requests a report on options for enhanced coherence and efficiency among international activities related to chemicals.

21ST UNEP GOVERNING COUNCIL: At its 21st session in 2001, the UNEP GC adopted Decision 21/7, which requests UNEP's Executive Director, in consultation with governments, the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), the Intergovernmental Forum on Chemical Safety (IFCS) and others, to examine the need for a SAICM.

SEVENTH SPECIAL SESSION OF THE GOVERNING COUNCIL: In February 2002, at its seventh special session, the UNEP GC agreed in Decision SS.VII/3 that the further development of a SAICM was needed, and requested UNEP's Executive Director to develop such an approach, based on the *Bahia Declaration on Chemical Safety and Priorities for Action Beyond 2000* adopted by the IFCS Forum at its third session.

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This process was to entail an “open-ended consultative meeting involving representatives of all stakeholder groups,” jointly convened by UNEP, IFCS and the IOMC.

WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (WSSD): The WSSD convened from 26 August - 4 September 2002, in Johannesburg, South Africa, and adopted, among other instruments, the Johannesburg Plan of Implementation (JPOI). The JPOI is a framework for action to implement the commitments made at the 1992 UN Conference on Environment and Development, and includes a number of new commitments. The issue of chemicals management in the JPOI is addressed primarily in Chapter III, on Changing Unsustainable Patterns of Production and Consumption. The JPOI's chemicals-related targets include:

- the aim to achieve, by 2020, the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment;
- the development, by 2005, of SAICM based on the IFCS Bahia Declaration and Priorities for Action Beyond 2000; and
- the national implementation of the new Globally Harmonized System for classification and labeling of chemicals (GHS), with a view to having the system fully operational by 2008.

22ND UNEP GOVERNING COUNCIL: The 22nd session of the UNEP GC, held in February 2003, adopted Decision 22/4 endorsing the concept of an international conference, with preparatory meetings, as the basis for developing SAICM. In its decision, the UNEP GC also recognized the need for an open, transparent and inclusive process for developing the approach. The decision further requested UNEP to compile possible draft elements of SAICM for consideration by PrepCom-1, and invited governments, relevant international organizations and other stakeholders to contribute.

SAICM INFORMATION MEETING: A stakeholder information and consultation meeting took place on 29 April 2003, in Geneva, Switzerland. Delegates heard a briefing on the background of the SAICM process, an outline of the preparatory process, and perspectives from organizations in the SAICM Steering Committee, comprising: IFCS, UN Food and Agriculture Organization (FAO), International Labor Organization (ILO), Organization for Economic Cooperation and Development (OECD), UNEP, United Nations Industrial Development Organization (UNIDO), United Nations Institute for Training and Research (UNITAR), World Health Organization (WHO), United Nations Development Programme (UNDP) and World Bank. Participants also heard an update by UNEP on PrepCom-1 documents, and a presentation on progress achieved in the compilation of possible draft elements for SAICM.

56TH WORLD HEALTH ASSEMBLY: At its 56th session in May 2003, the WHO's World Health Assembly adopted Resolution 56.22, which supported UNEP GC Decision 22/4 and recognized the need for health interests at the country level to be reflected in, and addressed by, SAICM. The resolution urges member states to take full account of the health aspects of chemical safety in the development of SAICM and requests the WHO Director-General to, *inter alia*, contribute to SAICM

through submission of possible health-focused elements, and submit a progress report to the Assembly before the SAICM process is concluded.

91ST SESSION OF THE INTERNATIONAL LABOR CONFERENCE: At its 91st session in June 2003, the ILO's International Labor Conference adopted conclusions calling on ILO to contribute to the further development of SAICM, to ensure the full participation of employers' and workers' organizations, and to present the final outcome of the SAICM process to ILO decision-making bodies for their consideration.

IFCS FORUM IV: The fourth session of the IFCS (Forum IV) took place from 1-7 November 2003, in Bangkok, Thailand, under the theme “Chemical Safety in a Vulnerable World.” Forum IV took stock of progress achieved on the commitments and recommendations made at Forum III in 2000, and focused on topics relating to: children and chemical safety; occupational safety and health; hazard data generation and availability; acutely toxic pesticides; and capacity building. Participants also considered and took decisions on illegal traffic and the GHS.

In response to Decisions SS.VII/3 and 22/4 IV of the UNEP GC, Forum IV discussed the further development of SAICM, and forwarded the outcome to SAICM PrepCom-1 in the form of a *Report on SAICM-Related Work at IFCS Forum IV* (SAICM/PREPCOM.1/INF/3). This non-negotiated compilation report addressed:

- the centrality of chemicals in a modern world;
- life-cycle management of chemicals since Agenda 21;
- new and ongoing challenges;
- chemicals-management regimes;
- gaps in life-cycle chemicals management;
- resources for capacity building and implementation; and
- increased coordination and linkages.

It also contained an overview of the main discussion points raised in Forum IV, and an annex with tables that identify key themes in the IFCS *Bahia Declaration on Chemical Safety and Priorities for Action Beyond 2000*.

SAICM PREPCOM-1: PrepCom-1 took place from 9-13 November 2003, in Bangkok, Thailand. Participants provided initial comments on potential issues to be addressed during the development of SAICM, examined ways to structure discussions, and considered possible outcomes. There was agreement among participants that the overarching objective of SAICM should be to achieve, by 2020, the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment, as agreed in the JPOI.

There was also broad support for a three-tiered approach for SAICM, which would comprise: a high-level declaration (HLD) to adopt an overarching policy strategy (OPS), and a global plan of action (GPA) with targets and timetables. Discussions were structured around ten headings: i) statement of political strategic vision; ii) statement of needs; iii) goals and objectives; iv) principles and approaches; v) scope; vi) scientific activities in support of decision making; vii) concrete measures; viii) coordination; ix) capacity; x) resources and development; and implementation and taking stock of progress. Participants generated a preliminary list of action items, and considered using a matrix proposed by UNIDO to set out the action items and indicate interrelations among them.



SAICM PREPCOM-2: PrepCom-2 was held from 4-8 October 2004, in Nairobi, Kenya. PrepCom-2 discussed elements for the OPS, made progress in creating a matrix of possible concrete measures to promote chemical safety, and provided comments on an initial list of elements to be included in an HLD.

PREPCOM-3 REPORT

SAICM PrepCom President Viveka Bohn (Sweden) opened the meeting on Monday, 19 September 2005. Haruko Hirose, on behalf of UNIDO's Director-General Carlos Magariños, highlighted the integration of chemicals-related issues in UNIDO programmes.

Werner Wutscher, Secretary-General of Austria's Federal Ministry of Agriculture, Forestry, Environment and Water Management, welcomed participants to Vienna and stressed that a global management system for chemicals should be led by precaution and prevention.

UNEP Executive Director Klaus Töpfer reminded delegates of the political commitment made at the 2005 World Summit to promote the sound management of chemicals by adopting and implementing a voluntary SAICM. IFCS President Suwit Wibulpolprasert, stressed the need to improve the inclusive and participatory nature of SAICM. IOMC Chair Robert Visser pointed to the critical importance of priority setting and coordination in the implementation of SAICM. Shoji Nishimoto, UNDP, stressed that efforts required for SAICM's implementation should be integrated with endeavors to meet the Millennium Development Goals (MDGs). UNITAR Executive Director Marcel Boisard offered the Institute's services especially in the field of capacity building and education to further SAICM's implementation. Mario Molina, recipient of the 1995 Nobel Prize in Chemistry, gave examples of how international agreements and scientific cooperation can help develop innovative replacements for hazardous chemicals, ensuring both economic growth and protection of human health and the environment.

Delegates then adopted the agenda (SAICM/PREPCOM.3/1) without amendment, and elected Soodsakorn Putho (Thailand) and Jacqueline Alvarez (Uruguay) to fill vacancies as Vice-Presidents of the PrepCom Bureau. Bureau members continuing to serve from PrepCom-2 were: Viveka Bohn, President (Sweden); Abiola Olanipekun (Nigeria); and Ivana Halle (Croatia).

Matthew Gubb, Secretariat, summarized intersessional work, introducing the revised drafts of the high-level declaration (SAICM/PREPCOM.3/2), overarching policy strategy (SAICM/PREPCOM.3/3), and global plan of action, including concrete measures (SAICM/PREPCOM.3/4). President Bohn asked delegates whether these documents containing the draft HLD, OPS, and GPA could be accepted as a basis for discussion. Numerous delegates supported this proposal.

Croatia, on behalf of the Central and Eastern European Group, said that the documents reflected the comments raised during its regional consultations. The UK, on behalf of the European Union (EU), stressed the need for further work on: risk reduction; financial considerations; principles and approaches; and the global plan of action and its list of concrete measures, which he

said requires prioritization. He further supported the International Conference on Chemicals Management as a forum to oversee and review SAICM without creating a new body, and UNEP as SAICM's Secretariat.

Thailand, on behalf of the Asia-Pacific Group, called for the simplification, streamlining and prioritization of concrete measures. He noted that some parts of the three documents need some restructuring, but found them to be a good starting point for discussion.

Nigeria, on behalf of the African Group, stressed the need to establish a sustainable financial mechanism and enhance capacity building, and called for regional bodies to be fully integrated into SAICM implementation initiatives.

Mexico, for the Latin American and Caribbean Group (GRULAC), said SAICM should contribute to the MDGs. He called for open, transparent and reliable information sharing on chemicals and a new multilateral fund for SAICM's implementation.

Highlighting several guiding principles in finalizing the three documents during this meeting, the US stressed that SAICM should: use a voluntary approach that will work for all stakeholders; aim at developing a balance in meeting both national and international needs; and use a science-based approach and existing mechanisms for its implementation.

The International Council of Chemical Associations (ICCA) called for the recognition of the value of chemicals in eradicating disease and improving public health, and for harmonization according to internationally-accepted risk management principles. Norway suggested integrating efforts through different sectors and bridging the gap between developed and developing countries. The Pesticide Action Network (PAN) suggested focusing on vulnerable people and on risk reduction, and urged more people-centered agriculture.

Egypt, on behalf of the Arab Group, emphasized the role of the global plan of action in setting priorities, particularly for funding, and called for clearer criteria for measurement of the quality of chemicals management. The International Confederation of Free Trade Unions urged implementation of the World Summit on Sustainable Development (WSSD) goal on chemicals, particularly with regard to risk assessment and minimizing chemical exposure of workers and children.

Stressing that the transboundary nature of chemicals requires a global response, Algeria expressed hope that SAICM will result in improved financial and technical assistance to ensure the sound management of chemicals in developing countries. Iran urged consideration of the proposal by the IFCS meeting of experts (SAICM/PREPCOM.3/INF/9) to address the widening gap between developed and developing countries in chemicals management capacity, by establishing a process to facilitate strengthening country capacity for the sound management of chemicals, and by carrying out a pilot project between PrepCom-3 and the ICCM.

Switzerland said that the global plan of action is a toolkit for the implementation of SAICM and that concrete measures should not be further negotiated during this meeting. INDIA emphasized that the SAICM process should be entirely voluntary, and not involve monitoring and review. He called for financial



arrangements and capacity building for the implementation of SAICM, noting that actions taken by developing countries to implement SAICM depend on adequate funding.

The International POPs Elimination Network (IPEN) appealed to donor countries to provide substantial funding for SAICM, and proposed phase-outs of hazardous chemicals and substitution of chemicals that may pose unmanageable risks. The International Council on Mining and Metals noted the contribution of chemicals to poverty eradication and sustainable development, which has an economic and social, and not just an environmental, dimension. The International Chamber of Commerce recommended a risk management approach, and called for using the current definition of the precautionary approach.

The Russian Federation said that without incentives for better chemicals management, countries with economies in transition and developing countries could be further disadvantaged in their economic development. Stressing mercury-related issues, Iraq discussed chemical technology to reduce environmental impacts, regulation, disposal, and extraction. She recommended that production methods using mercury compounds be stopped. Haiti called for an inter-sectoral approach with increased funding, and called on countries to ratify chemicals-related conventions.

Ukraine suggested applying the Hippocratic principle, “do no harm,” in chemicals management, and criticized the pharmaceutical industry for putting profit above ethics.

GLOBAL PLAN OF ACTION

In plenary on Monday, Kaj Juhl Madsen, Secretariat, presented the draft GPA (SAICM/PREPCOM.3/4), incorporating the work carried out by regional groups during the intersessional period. Delegates underscored a number of concrete measures to be discussed at PrepCom-3. Egypt said the GPA should include fundamental principles, detailed objectives, and strategic considerations referring to implementation, coordination mechanisms at the national, regional, global levels, and financial mechanisms, as well as overall targets and priorities. A contact group, chaired by Jamidu Katima (Tanzania), was formed to consider the proposals put forward by regional groups and other delegations.

On Monday evening, the contact group compiled several subsets of concrete measures that might need to be amended with delegations’ submissions. On Tuesday, the contact group considered the executive summary of the GPA. Regarding the nature of the GPA, the group agreed to clarify that “activities” were voluntary.

The contact group agreed to add new text linking the draft OPS and the draft GPA, and agreed to a text stating that measures and activities contained in the GPA are designed to fulfill commitments expressed in the OPS and in the HLD. They also agreed to consider a proposed list of common global priorities. The group did not agree on one delegation’s proposal to delete the “targets/timeframes” column in the concrete measures table, because many delegations felt that activities should be tied into a timeframe. One delegation stressed that SAICM is not intended to modify existing domestic and international legal obligations.

On a proposal for providing financial and technological support for SAICM, participants debated whether this matter should be included in the draft GPA or in the draft OPS. On prioritization of actions, the group rejected a proposal to delete a list of specific chemicals targeted for minimizing or reducing risks, but agreed to a compromise text that leaves out “heavy metals” from the list.

At Wednesday’s contact group meeting, the Secretariat introduced six subsets of concrete areas and activities that might: require or imply concerted actions; be inconsistent with existing international policy; be too prescriptive; fall outside the scope of SAICM; need further drafting for clarity; and constitute new proposed activities. A small drafting group was formed to address the measures and activities needing further drafting for clarity.

The contact group addressed the subset of activities that might require concerted actions. Under occupational health and safety, participants debated a ban on asbestos, and agreed to a compromise whereby countries should consider a phase-out of uses of asbestos. Under a topic dealing with promoting the use of alternatives to hazardous substances, some delegations favored specifying the categories of hazardous substances under consideration, while others preferred a general note that alternatives should be promoted to substances posing unmanageable risks to human health and the environment.

Discussions on heavy metals focused on: the elimination, by 2020, of production and use of hazardous chemicals; an integrated approach to chemicals management through multilateral environmental agreements (MEAs); priorities for management of toxic chemicals and PBTs; and reduction of risks posed by heavy metals through environmentally sound management.

On Thursday, the contact group continued to discuss measures and activities on heavy metals posing serious risks to human health and the environment. Participants considered measures and activities relating to: the integrated approach to chemicals management; reduction of risks caused by lead, mercury and cadmium; further action on mercury, including a possible legally-binding instrument and a global partnership; and generation and sharing of information detailing the inherent hazards of all chemicals in commerce.

On the subset of measures and activities possibly falling outside the scope of SAICM, the contact group agreed to delete measures and activities on transport and air pollution. With several amendments, the group also agreed on the subset of measures and activities that might be inconsistent with existing international policies.

On the subset of measures and activities that might be too prescriptive, the group could not agree on whether to delete measures and activities on liability and compensation. They also revisited the GPA’s executive summary, considering a proposed list of common global priorities. Debates centered on issues relating to: minimization of risks from mercury and other “heavy metals” or “chemicals;” reduction of volume and toxicity of hazardous wastes; phasing out of highly toxic pesticides; and promotion of industry’s responsible care and product stewardship. The group also considered a subset of new proposed activities.



Chair Katima submitted the contact group's report to Friday's plenary, including the suggestion to replace "concrete measures" with "work areas," which was accepted by the Committee. He noted that some activities were footnoted, pending the outcome of other discussions, while others had asterisks indicating the need for further discussion.

On the revised executive summary (SAICM/PREPCOM.3/CRP.29 and 33), Chair Katima said the text was intended to be a living document, and that further discussion on outstanding issues could be held during the implementation phase of SAICM. President Bohn said the footnotes should be resolved in plenary. The EU indicated it could not accept insertion of the word "voluntary" before "activities." 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 a reference to the word "sharing" knowledge to ensure World Trade Organization provisions to protect confidential business information were not compromised. The Committee agreed to delete the word.

On promoting alternatives to reduce and phase out highly toxic pesticides, the US supported including "where necessary." The ICCA and Japan supported retaining a reference to Responsible Care, while the EU, IPEN and the International Confederation of Free Trade Unions (ICFTU) opposed.

On Saturday, the plenary continued to consider the executive summary of the GPA. The Committee agreed to delete the phrase "Responsible Care," since it is included elsewhere. The US reiterated its concern about reference to PBTs, CMRs, endocrine disruptors, heavy metals and highly toxic pesticides, and suggested the relevant text be deleted or bracketed. The EU stressed the value of the text. The US suggested including a "savings clause" in the executive summary of the GPA or in the HLD, which states that SAICM is not intended to affect existing international legal obligations. The EU opposed, noting such savings clauses should not be included in this context.

The Committee agreed to ask the Secretariat to refine the text and make sure it is in accordance with the agreed OPS. The Secretariat explained that issues lacking consensus were indicated with footnotes and asterisks, which will either be clarified by the Secretariat in accordance with the agreed OPS or further considered during the implementation phase of SAICM.

Final Outcome: The draft GPA contains more than 30 work areas that are supported by nearly 300 activities for the sound management of chemicals. Work areas include: assessing national chemicals management to identify gaps and prioritize actions; occupational health and safety; highly toxic pesticides; heavy metals posing serious risks for human health and the environment; stakeholder participation; and risk assessment, management and communication.

The executive summary indicates that the plan has been structured into work areas and activities that may be taken by stakeholders in order to fulfill the commitments expressed in the HLD and OPS. It is underscored that the plan should be regarded as a guidance document to all stakeholders, to help assess the current status of their actions in support of the sound management of chemicals, and to identify priorities to address

gaps in such management. The activities contained in the plan are to be implemented by stakeholders according to their applicability.

The executive summary further notes that various categories of objectives together with their corresponding work areas are closely interconnected, and therefore, numerous risk reduction actions are needed to protect human health and the environment from the unsound management of chemicals. It also stresses the need for meaningful and timely capacity building and technical assistance in support of the actions of developing countries and countries with economies in transition (CEITs) to make substantive improvements in reducing the risks to human health and the environment caused by the unsound management of chemicals.

The summary also sets out priorities for actions, including:

- narrowing the gap between developed countries and developing countries and CEITs in their capacities for sound chemicals management;
- assisting in the implementation of existing agreements and work areas;
- integrating chemicals issues into the broader development agenda;
- encouraging implementation of relevant existing international chemicals-related conventions;
- promoting reduction of risks from mercury and other chemicals; and
- promoting efforts to prevent illegal international traffic in chemicals and hazardous wastes.

Footnotes remained on: the word "voluntary" in relation to the activities contained in the GPA; "targets and timeframes" column in the activity table; and a "savings clause." Other outstanding issues are to be resolved pending the final outcome of the OPS. Delegations were asked to submit comments to the Secretariat within two weeks after the end of PrepCom-3.

OVERARCHING POLICY STRATEGY

INTRODUCTION: Delegates discussed the introduction to the OPS on Tuesday in plenary. Discussions centered on the role of the Strategic Approach in international chemicals management. The US, supported by India, South Africa and Iran, said the first introductory paragraph should: recognize existing international mechanisms; exclude explicit references to Strategic Approach implementation; and include language indicating that achieving goals is voluntary. Switzerland, supported by the EU, Nigeria and Kenya, suggested that although the Strategic Approach is voluntary, the 2020 chemicals management goal in the JPOI is binding. South Africa, with Egypt, suggested adding reference to the JPOI's 2020 goal.

On the term "implementation," Japan and the US said referring to the implementation of the Strategic Approach was too strong, while Egypt said the reference to the word implementation should be maintained.

On the second introductory paragraph, the EU suggested the list of stakeholders include "regional economic organizations" and references to economic activities and development cooperation. The EU, the Philippines and Croatia favored retaining the list of key stakeholders. A drafting group was formed to revise the text.



On Friday, President Bohn introduced the revised text (SAICM/PREPCOM3/CRP.18). On the strategy's structure, the Committee could not agree to remove reference to targets and timeframes of the Strategic Approach. On involvement of relevant sectors and stakeholders, the Committee agreed to keep a list of stakeholders in brackets.

On Saturday in plenary, the President asked if the committee could remove the brackets in the chapeau on "targets and timeframes." The US requested that the brackets be retained. In the subparagraph on taking stock of progress, the Committee agreed to remove brackets in referring to implementation of the Strategic Approach, rather than the US proposal to refer to achieving objectives.

Final Outcome: The Committee adopted the introduction, which states that the strategy flows from the Rio Declaration, Agenda 21 and the Johannesburg Plan of Action, and is voluntary. In a sentence stating that the Strategic Approach will be guided by a GPA with concrete measures and activities, reference to the GPA having targets and timetables is bracketed. The introduction refers to the implementation of the Strategic Approach with regard to taking stock of progress. The introduction also points out that the involvement of all relevant stakeholders is key.

SCOPE: On Tuesday in plenary, the US, opposed by Australia, Brazil, the EU, Japan and Norway, proposed revising the scope in the draft OPS by excluding chemicals covered by other regulatory regimes, and limiting SAICM to chemicals of greatest concern. IPEN reminded delegates that SAICM should not be modeled after national regulatory programmes. GRULAC and the African Group supported the current text in the draft OPS (SAICM/PREPCOM.3/3), with the African Group opposing its amendment.

On Saturday, delegates considered a US proposal on scope (SAICM/PREPCOM.3/CRP.23). Noting that this section of the draft OPS had been only provisionally adopted at PrepCom-2 with the plan to further address it at PrepCom-3, the US said this was in its view a "clarification" of the language, which recognized that SAICM was meant to deal with agricultural and industrial chemicals. He suggested including language that the SAICM did not cover drug and food additives, except where they are regulated by domestic chemicals management agencies, explaining that this clarification would allow each country to decide on its own whether to include food additives and pharmaceuticals in chemicals management. President Bohn suggested, and the committee agreed, to forward the original text on scope in the draft OPS for consideration of the ICCM, with a footnote noting that one delegation did not agree with the text of the document.

In plenary on Saturday evening, the EU presented a proposed "package deal" reflecting a compromise with the US and other delegations on scope, principles and approaches, timing for the frequency of the review meetings, and the precaution subsection in the risk reduction part of the OPS. He said the EU had significantly compromised to arrive at the new text, and it could only consider the changes if the entire package was accepted. In relation to scope, he said the proposed deal would accept the changes in the scope's chapeau as reflected in the US proposal, and add a footnote after "products," which would read:

"SAICM does not cover products to the extent that the products are regulated by a domestic food or pharmaceutical authority or arrangement."

Argentina said that many countries had been excluded from the "deal," and called for openness in the SAICM process until the very end. The Center for International Environmental Law (CIEL) noted that many developing countries were absent or did not understand the discussion given the absence of interpretation. The EU clarified it had not been their intention to present the package as a "take it or leave it" deal, but to look for a compromise in the form of a package so as to move the process forward. The Committee decided to include the "package deal" as a separate annex to the meeting's final report, with a clarification in the final report that the text had not been discussed by the Committee.

Final Outcome: The section on scope of the draft OPS (SAICM/PREPCOM.3/3) notes that the Strategic Approach has a "broad scope covering at least, but not limited to:" environmental, economic, social, health and labor aspects of chemical safety; and agricultural and industrial chemicals, with a view to promoting sustainable development and covering chemicals at all stages of their life-cycle, including in products. The section also notes that the Strategic Approach should take account of instruments and processes that have been developed, and be flexible enough to deal with new ones without duplicating efforts, in particular those dealing with military uses of chemicals.

The "package deal" proposed by the EU, the US and other delegations will be attached as a separate annex to the final report. On scope, the package proposal is to delete that SAICM "has a broad scope covering at least, but not limited to" in the chapeau, so that it simply refers to what SAICM covers. It also adds a footnote after "products" in the first paragraph, reading: "SAICM does not cover products to the extent that the products are regulated by a domestic food or pharmaceutical authority or arrangement."

STATEMENT OF NEEDS: On Tuesday, the plenary first considered the statement of needs section of the draft OPS. Some delegations, such as Australia and Japan, considered the section to be too negative and suggested adding a paragraph recognizing positive achievements in chemicals management. Canada pointed to the need for basing risk assessments and reduction measures on improved science. The Russian Federation wanted to refer to mitigating social consequences linked to the elimination of chemicals. There was ongoing discussion on whether to make a general reference to conditions caused by harmful chemicals, as suggested by the EU, Japan, Australia and others, or to list specific conditions, as suggested by IPEN, the African Group, and others. Concerns regarding science-based decision making, inappropriate uses of chemicals and whether risk elimination was achievable, were also raised. Delegates from the African and Arab regions called for technology transfer to developing countries and CEITs for the development of safer alternatives and support for increasing their capacity to deal with illegal international traffic in chemicals.

On Thursday, Gubb introduced the revised statement of needs section of the draft OPS (SAICM/PREPCOM.3/CRP.19). Following initial comments, the President asked a small drafting



group, facilitated by Argentina, to present the plenary with solutions on outstanding issues. Australia, supported by Japan and the US, suggested an opening paragraph addressing the progress achieved in chemicals management since the Rio Summit, to be followed by the paragraph on gaps, in which Canada, supported by Japan, wanted to point to the growing urgency for all countries to manage chemicals more effectively in order to achieve the JPOI's 2020 goal.

Delegates debated whether current synergies between existing processes were weak and whether to state that the current international policy framework on chemicals was inadequate, as suggested by Norway and the Seychelles, but agreed to wording emphasizing it needed to be further strengthened, as proposed by the US and Japan. The African Group raised concerns regarding lack of information and lack of access to existing information, but the US and Ukraine objected to a generalized statement that information was lacking or not readily available on all chemicals. The Committee agreed to specify that information was lacking on many chemicals, and that access was limited. In the paragraph on risk reduction, delegates agreed to replace the term "sound science" with "objective application of the scientific method" and the EU, Canada and the African Group discussed ways how to best stress the need for access to affordable and safer alternatives.

On Friday, President Bohn introduced the revised statement of needs section (SAICM/PREPCOM.3/CRP.19/Rev.1). The US, opposed by the EU, proposed qualifying the reference to instruments and processes by introducing the word "national" in the paragraph on major driving forces, the term was then bracketed.

On Saturday morning, plenary continued to discuss the revised statement of needs section (SAICM/PREPCOM.3/CRP.19/Rev.1) and agreed on new wording recognizing the need for countries to have more effective governance structures. Reference to financial considerations in the document was left pending the outcome of the discussions on the section on financial considerations.

Final Outcome: The statement of needs section, starts out recognizing the major driving forces for the establishment of the Strategic Approach. It recognizes achievements at the international, national, and industry level and the growing public awareness on the issue, but also points to shortcomings regarding: the international policy framework on chemicals; uneven implementation; limited information on many chemicals or limited access to the information; lack of capacity to manage chemicals; and inadequacy of resources to address chemicals issues.

In the following paragraph on risk reduction, it is described as key to pursuing sound management of chemicals, recognizing the need for: risk assessment and management strategies; risk reduction measures; development of safer alternatives; and access to affordable, safer technologies and alternatives for developing countries and CEITs. This section also deals with knowledge, information and public awareness; governance; capacity building and technical assistance; and illegal international traffic. The paragraph dealing with the need to obtain access to considerable financial resources to meet all those needs was left pending further negotiations on financial considerations.

OBJECTIVES: Risk Reduction: In plenary on Tuesday, delegates debated: the importance of a science-based, transparent approach to risk assessment; the best way to address emerging issues; and a reference to the precautionary approach. Switzerland and Norway proposed a paragraph to deal with substances that pose unmanageable risks (SAICM/PRECOM.3/CRP.15) that was opposed by Egypt and Japan, whereas IPEN and ICFTU suggested adding specific substances of concern. It was agreed to have informal discussions on the proposed additional paragraph.

On Thursday, the plenary asked a small drafting group, facilitated by Brazil, to address outstanding issues in the draft risk reduction subsection of the OPS (SAICM/PREPCOM.3/CRP.21).

On Saturday morning, the plenary discussed the revised risk reduction subsection (SAICM/PREPCOM.3/CRP.21.Rev.1), which contained a number of brackets following work in the drafting group. Brazil reported to plenary that the drafting group could find no middle ground between one formulation to "appropriately apply the precautionary approach set forth in Principle 15 of the Rio Declaration on Environment and Development where there are threats of serious or irreversible damage" and another "to apply precautionary measures when there are reasonable grounds for concern, even when there is a lack of full scientific certainty as to a chemical's environmental or health effects". When delegates suggested sending bracketed text containing both versions to the ICCM conference in Dubai, the President pointed to the possibility that, unless there was a compromise, no text would be included and indicated that the issue best be addressed by the contact group on principles and approaches (see the section on principles and approaches on page 10).

The President asked whether the Committee could accept deletion of "science-based" before risk reduction in the introductory paragraph. The US asked that it be retained, but following informal negotiations, agreed to delete it in the spirit of compromise. In order to make it clear that there should be a focus on vulnerable people and ecosystems, the Committee agreed to refer to both "especially vulnerable" and "especially subject to exposure" humans and ecosystems. On the implementation of risk management, delegates discussed how to best express their concern regarding human health and the environment, and agreed to wording that particular attention should be paid to it. Delegates also agreed to add references to: pollution prevention, risk reduction and risk elimination to the list of their aims.

On the control of chemicals that pose unmanageable risks, delegates agreed to include a reference to the minimization of risks from unintended releases. The Russian Federation, opposed by Egypt, asked to delete specific references to asbestos and mercury, the latter because other heavy metals were not separately listed. Delegates agreed to delete the reference to asbestos, but kept the one to mercury.

Regarding emerging concerns, delegates wanted to ensure that they "are" instead of "can be" addressed, and debated whether this should be done through appropriate "mechanisms," as suggested by Australia, or "instruments," as proposed by



the EU. The Committee agreed to use the term “mechanisms.” On recovery and recycling, delegates agreed to refer to both hazardous materials and wastes.

Final Outcome: The agreed objectives of the risk reduction subsection address:

- minimization of risks to human health;
- protection of especially vulnerable humans and ecosystems;
- implementation of risk management strategies;
- end of production or use of chemicals that pose an unreasonable risk;
- prioritization of preventive measures;
- mechanisms to address emerging issues;
- reduction of hazardous wastes generation, promotion of recovery and recycling of hazardous wastes and materials; and
- promotion of the development of alternatives.

The draft objective on precaution, containing two possible formulations, remains bracketed.

Knowledge and Information: On Tuesday, the US introduced a proposal to delete text on life-cycle management, introduce text on confidentiality, and make access to information “appropriate and consistent with national laws.” Canada, South Africa, and IPEN suggested that these provisions should be balanced with the public need for information. Many delegations suggested building on the Globally Harmonized System to identify the hazards of chemicals. On Thursday, the Committee asked a small drafting group, facilitated by Brazil, to address outstanding issues in this subsection (SAICM/PREPCOM.3/CRP.20).

On Saturday, the Committee debated the inclusion of text on product life-cycle information and on alternatives, and adopted text accepting both concepts. India objected to language on information on estimated current or projected financial and other impacts on sustainable development, calling it “cost-benefit analysis,” but later retracted its objection in the interest of agreement on the text.

Final Outcome: Delegates reached consensus on key issues, including life-cycle analysis of chemicals and financial analysis of the impacts of unsound management of chemicals. The agreed text promotes information exchange to ensure that scientific analysis is available to all stakeholders. Information on chemicals relating to health and safety of humans and the environment should not be confidential. IOMC organizations are invited to make their databases available. The text was adopted without brackets.

Governance: In Wednesday’s plenary, Canada proposed several amendments to the governance subsection to stress SAICM’s directive, rather than adjudicative, role. The African Group proposed text on less hazardous substitutes and improved products. Morocco emphasized the importance of institutional cooperation to combat illicit traffic.

On enforcement of national laws and regulations, Togo suggested adding a reference to harmonization of laws and regulations, while Canada proposed referring to coordination and cooperation rather than to harmonization.

During Thursday’s plenary session, the Central and Eastern European Group suggested adding reference to indigenous communities to a paragraph on participation by all sectors of

civil society in decision making. President Bohn convened a small drafting group, facilitated by Morocco and the EU, to revise the text.

In plenary on Friday, Matthew Gubb, Secretariat, introduced the revised text on governance (SAICM/PREPCOM.3/CRP.25). On development of chemicals, delegates disagreed on whether chemicals should be specified as “less harmful,” “not harmful,” or “safer.”

On promoting the sound management of chemicals and establishing institutional frameworks, the EU stressed some overlaps between this and other paragraphs referring to “multi-sectoral” frameworks.

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 US also proposed text on “strengthening” enforcement and “encouraging” harmonization and implementation of national laws and regulations, and promoting relevant codes of conduct, including those on global environmental and social responsibility. The EU said “harmonization” in this context appeared to imply that every country should have the same chemicals management law.

On participation by all sectors of civil society in decision making, the Committee accepted a reference to indigenous communities proposed by IPEN. On equal participation of women in decision making, the EU and Chile suggested, but Egypt, PAN, Algeria, and the International Council for Women opposed, deletion of the paragraph. The paragraph was bracketed. President Bohn asked the small drafting group, facilitated by Morocco and the EU, to try to resolve remaining issues in this section.

During Saturday’s plenary, President Bohn introduced a revised text (SAICM/PREPCOM.3/CRP.25/Rev.1) as a result of the discussions in the drafting group. The Committee adopted the text with a number of amendments.

Final Outcome: The final text (SAICM/PREPCOM.3/CRP.25/Rev.1) sets out the objectives of the Strategic Approach with regard to governance. They are to:

- achieve the sound management of chemicals throughout their life cycle by means of national, regional and international mechanisms, as needed;
- promote sound management of chemicals within each relevant sector and through integrated programmes for sound chemicals management across all sectors;
- provide guidance to stakeholders in identifying priorities for chemicals management activities;
- strengthen enforcement and encourage the implementation of national laws and regulations, and promote relevant codes of conduct;
- promote close international cooperation among the concerned institutions;
- promote and support meaningful and active participation by all sectors of civil society, particularly women and indigenous communities, in regulatory and other decision making processes;
- ensure equal participation of women in decision making;



- ensure that national institutional frameworks address the prevention of illegal international traffic in chemicals;
- support coordinated assistance activities at the international level;
- promote mutual supportiveness between trade and environment policies;
- provide and support enabling frameworks for businesses to develop and improve products that advance the objectives of the Strategic Approach;
- enhance synergies between the activities of governments, international institutions, multilateral organization secretariats and development agencies in pursuit of the sound management of chemicals; and
- enhance cooperation on the sound management of chemicals between governments, the private sector and civil society at the national, regional and global levels.

Capacity Building and Technical Cooperation: Discussion of capacity building commenced on Wednesday and focused on its role in the implementation of the Strategic Approach. On partnerships and technical cooperation, Togo, supported by the Central African Republic and Kenya, suggested creating a separate paragraph on technology transfer to highlight the importance of the issue. Iran, supported by Morocco, proposed text on technology transfer to developing countries and CEITs for the development of safer alternatives. On Friday, President Bohn introduced revised text. The Committee adopted the text without amendment.

Final Outcome: The final text (SAICM/PREPCOM3/CRP.26) sets out objectives on: increased capacity for sound management of chemicals; narrowing the widening gap between developed and developing countries; technology transfer; promoting cooperation between developed and developing countries; coordination among donors; safer alternatives; promotion of stakeholders' programmes; chemicals management models and pharmaceutical lists; financial mechanisms; and awareness of donors and others of the relevance of chemical safety for poverty reduction.

Illegal International Traffic: On Wednesday in plenary, the debate focused on a proposal by the US to prevent illegal traffic in "mixtures" rather than "chemical products." Croatia and Egypt said they accepted the US amendment as long as "compounds" was added to "mixtures," while IPEN suggested referring to "products which incorporate" hazardous chemicals. In a subsection that referred to MEAs containing provisions on illegal international traffic, the African Group proposed adding references to "bilateral" agreements, while the subsection on information sharing should add reference to information sharing at the "regional" level. On Thursday, President Bohn introduced the revised text (SAICM/PREPCOM.3/CRP.24/Rev.1), which was accepted by the Committee, with a minor grammatical clarification from the Secretariat.

Final Outcome: The final text (SAICM/PREPCOM.3/CRP.24/Rev.1) notes that the objectives of the Strategic Approach with regard to illegal international traffic are:

- to prevent international illegal traffic in toxic, hazardous, banned and severely restricted, chemicals, including products incorporating these chemicals, mixtures, compounds and wastes;

- to strengthen mechanisms and domestic and regional implementation supporting existing MEAs containing provisions on illegal traffic; and
- to promote information sharing and to strengthen the capacity of developing countries and CEITs at the national and regional levels for the prevention and control of illegal international traffic.

FINANCIAL CONSIDERATIONS: On Tuesday, the US suggested using voluntary funds for achieving SAICM's objectives. India said currently private sector contributions were unreliable, and recommended establishing a global partnership fund for projects and capacity building. Switzerland introduced its proposal on financing (SAICM/PREPCOM.3/CRP.11), developed with Norway and supported by Croatia, stressing that implementation will require both an initial enabling phase and subsequent implementation phases, with different support mechanisms. Canada and the US stressed the need to make efficient use of existing resources and mechanisms. The EU said national resource mobilization, bilateral aid and private sector contributions were important. Algeria proposed creating an international financial mechanism.

GRULAC called for the addition of a new focal area in the Global Environment Facility (GEF) and, with Cambodia, India, Iran, and Senegal, called for additional resources. Japan said current official development assistance and financial mechanisms are sufficient. The Arab Group called for clear, specific financial considerations to ensure implementation. China pointed to the success of multilateral funds, and Madagascar suggested mentioning it in the paragraph on the global partnership fund.

A contact group, co-chaired by S. Ali M. Mousavi (Iran) and Jean-Louis Wallace (Canada), was formed to continue deliberations. Throughout the week, the contact group debated the chapeau and subparagraphs at length. Debate centered on whether additional funding would be contributed, from whom, and the nature of the funds. Most of the debate centered on the drafting of chapeau text regarding obligations of developed countries to fund Strategic Approach implementation in developing countries and CEITs. Additional debate took place on phrases such as "taking account of costs of inaction" and "internalization of costs" that appeared in drafts of several provisions, including government actions, development assistance cooperation and programmatic proposals introduced but later withdrawn. There was also lengthy discussion on a proposed "quick start" fund that would provide an initial impetus to implementation of Strategic Approach goals, but this proposal remained bracketed.

In plenary on Friday, Chair Wallace presented the contact group's report (SAICM/PREPCOM.3/CRP.38). President Bohn opened discussion on the chapeau. The chapeau contained language referring to the Bali Strategic Plan for Technology Support and Capacity Building, calling for modification of financial resources, and suggesting that reaching the JPOI 2020 goal requires resources from international agencies or donors for developing countries. Delegates could not agree on adding the word "additional" resources. Bhutan, on behalf of the least developed countries, the African Group, GRULAC and others, opposed by the EU, the US and Japan, said that the chapeau was unacceptable. The EU and US pointed out that the text was



a delicate compromise, and Switzerland, Australia, Croatia and Canada said that it was not perfect but was the only text possible and any change could mean agreement would collapse. The President noted a lack of consensus, and the Committee accepted the document with brackets on the chapeau and parts or all of five subparagraphs.

Final Outcome: In the final text (SAICM/PREPCOM.3/CRP.38), the chapeau is bracketed. The provisions on governmental actions, integration of development assistance cooperation, existing global funding, new funding and resources for national focal points to attend international meetings remain bracketed in whole or in part. The only section without brackets is a provision on industry partnerships, which invites industry to strengthen voluntary initiatives, develop new ones, and provide resources to SAICM's implementation. The text will be forwarded to the ICCM with brackets on the chapeau and in five of six subparagraphs.

PRINCIPLES AND APPROACHES: On Wednesday, participants considered the section on principles and approaches (SAICM/PREPCOM.3/3), which contained a list of principles and approaches of general application, and a list of those developed, or further developed, specifically within the context of chemicals management. While the African Group and the Arab Group suggested merging the two lists, many other delegations, including the EU, Switzerland and Canada, supported the division of the section into two parts. Several delegations proposed adding new elements to the general section, including on business confidentiality, unsustainable patterns of production and consumption, and common but differentiated responsibilities. In the second part, Switzerland suggested adding the life-cycle approach, and Australia proposed adding concepts such as risk-based decision making. On precaution, Australia supported the JPOI formulation, while CIEL and the EU argued that the concept of precaution in the Stockholm Convention covered both environment and health.

On Friday, a contact group chaired by Donald Hannah (New Zealand) was formed to consider the principles and approaches, taking into account the draft text and submissions from a number of delegations, in particular a proposal by Australia, Canada, Japan and the US (SAICM/PREPCOM3/CRP.30). One of the main points of contention was that while some delegates wanted to avoid "nicknames" such as "precaution" and "substitution," preferring a list of instruments and agreements, others wanted to have a list with specific principles and approaches that would guide SAICM, as included in the draft OPS. The two groups could not reach agreement.

In plenary on Saturday, several delegations warned against a suggestion by the President that the issue of precaution again be taken up by the contact group on principles and approaches, since, they noted, their positions could not be readily brought together, since their mandates did not seem to overlap. Participants then considered a proposal by Canada with new text for the principles and approaches section, and the subsection on precaution on the risk reduction section (SAICM/PREPCOM.3/CRP.41). Japan and others supported the proposal. The ILO and others called for inclusion of relevant ILO Conventions. After a small group met informally to reflect on the text, the EU presented a "package deal" (see section on scope on page

6), which proposed, among others, some amendments to the Canadian proposal (SAICM/PREPCOM.3/CRP.41). A number of delegations said many countries had been excluded from the consultations leading to the new proposal, with the EU clarifying that the intention was not to prevent debate, but to look for a compromise so as to move the process forward. The Committee decided to include the "package deal" as a separate annex to the meeting's final report, with a clarification in the report that the text had not been discussed by the Committee.

Final Outcome: The original section on principles and approaches was left in brackets (SAICM/PREPCOM.3/3). The section divides principles and approaches into two parts. The first part includes principles and approaches "originally developed for general application," including: inter-generational equity, precaution, proportionality, internalization of costs, right to know and public participation, as set out in the Rio Declaration. The second part includes principles and approaches "developed, or further developed, specifically within the context of chemicals management," including: integrated chemicals management, prevention, substitution and right to know, as set out in Agenda 21. The second part also includes precaution, "as further elaborated and defined in multilateral chemicals and wastes conventions and agreements."

IMPLEMENTATION: On Wednesday, the plenary took up the first review of the section of the draft OPS on implementation. Regarding the international institutional arrangements, many governments called for the ICCM to head the review process, while others stressed the central role of the IFCS. India opposed the establishment of an oversight body. The EU, the US, and others supported giving a central role to UNEP in the secretariat. GRULAC and the African Group called for the implementation body and the secretariat to be within the existing UN structure. Many called for the institutional arrangements to preserve SAICM's intersectoral and inclusive nature. Switzerland, together with a number of other countries, tabled a detailed proposal for a phased approach to implementation, and continued informal negotiations on the issue throughout the week. A contact group was created, chaired by Chris Vanden Bilcke (Belgium), to deal with this section.

On Thursday, the contact group started its discussions on the institutional arrangements, discussing how to ensure implementation: nationally through a central arrangement and focal points; regionally through regional conferences; and internationally through either an oversight body or a review process. Delegations expressed various positions on the requirement and powers of an oversight body. The majority expressed a preference for the ICCM, while others preferred the IFCS to lead the international arrangement. Discussions also touched on the frequency of review conferences, and delegates could not agree if the interval between the conferences should be five or two-three years. Delegates finally discussed intersessional activities, and the questions of the bureau and secretariat.

On Friday, the contact group considered text to have the ICCM take the lead in this process. Many delegates questioned what this meant for the future of the IFCS, fearing that it could either lead to duplication or the eventual demise of the Forum. Some delegations insisted that IFCS be listed as an alternative to ICCM. Delegates also discussed specific wording



for paragraphs on: the phased implementation of SAICM; 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 IOMC and another to UNEP and the WHO as hosts for the secretariat.

On Saturday morning, the plenary took up discussions of the revised implementation section (SAICM/PREPCOM.3/CRP.37), especially the controversial issues of the international institutional arrangement for oversight and the frequency of meetings. Recalling the IFCS' involvement in the process that developed SAICM, Argentina stressed its work dealing with vulnerable parts of the population and identifying emerging issue. Supported by the US, he reiterated the need to avoid duplication of efforts and to recognize the IFCS' continuing role. Japan said that the majority of the Asia-Pacific Group preferred the IFCS model, but expressed readiness to support the ICCM alternative, as long as there was a consideration for IFCS joining the review process or having its own function in the SAICM process. Australia agreed, and proposed considering ways to combine the functions and ensure concerted work on chemicals management. The EU, the Central and Eastern European Group, Switzerland and Norway asked to appoint the ICCM as the leading body, endorsed by Tanzania, Pakistan and Senegal, who stressed the need for a strong link to the UN system. Argentina proposed a paragraph to recognize the past contributions of the IFCS to the SAICM process and to endorse its future role, but agreed to the suggestion of the President not to add this to the draft OPS, but to have this request reflected in the report of the meeting, and to ask the ICCM to adopt a resolution to that effect. Following the decision to designate the ICCM, other brackets in the text related to this issue were also deleted.

Discussions continued on how to refer to the international arrangement, starting with the introductory sentence on the paragraph of the functions of what was referred to as an "oversight body." The US, supported by India, asked to instead adopt the wording "periodic review process," and the President suggested "review body" as a compromise. The Committee agreed to refer to a "periodic review process." Delegates also agreed to hold future ICCM meetings back-to-back with the meetings of governing bodies of relevant intergovernmental organizations. A separate paragraph setting out a phased approach to implementation was adopted, maintaining reference to an "enabling phase" to build necessary capacity. The Committee further agreed on the functions of the secretariat, and adopted a compromise text on organizational arrangements for the secretariat (SAICM/PREPCOM.3/CRP.40).

Regarding the frequency of ICCM meetings, the EU advocated removing brackets around 2008 and 2011, whereas the US and Canada supported meeting only in 2011. Iran suggested having the ICCM itself decide on the frequency of the meetings. As part of a suggested last-minute package dealing with a number of controversial issues (see the section on scope on page 6) the EU, the US and others proposed holding meetings in 2009, 2012, 2015 and 2020, with a provision for the ICCM to alter this

arrangement by consensus. With brackets around the possible dates, the package deal was included in the annex to the final report of the meeting.

Final Outcome: The section on implementation (SAICM/PREPCOM.3/CRP.37) starts off with an overall description of the structure of the process at the national, regional and international level, continues with a paragraph setting out the phased approach to implementation, and is followed by a paragraph on national implementation, referring to inter-institutional and inter-ministerial arrangements and focal points. The functions of the periodic overview process include:

- reporting from and to all relevant stakeholders on implementation;
- evaluating the implementation of the Strategic Approach with a view to the JPOI 2020 goal;
- providing guidance on the implementation of the Strategic Approach;
- promoting implementation, coherence among international chemicals management instruments, exchange of information, participation of stakeholders, and stronger national chemicals management capacities;
- ensuring availability of necessary financial and technical resources;
- evaluating the financing of the Strategic Approach;
- focusing attention on emerging policy issues; and
- providing a high-level international forum for multi-stakeholder and multi-sectoral discussion on chemicals management.

The ICCM was appointed to head a periodic review process, with references to the frequency of the meetings remaining in brackets.

Other paragraphs deal with: intersessional work, regional meetings, the functions and activities of intergovernmental organizations; the establishment of a bureau; and the functions of the secretariat, which include facilitation of meetings, reporting on implementation, preparation of guidance materials, and promotion of information exchange.

The final text on organizational arrangements of the secretariat (SAICM/PREPCOM.3/CRP.40) states that: UNEP and the WHO will take lead roles in the secretariat according to their respective areas of expertise; UNEP will assume the overall administrative responsibility; the SAICM secretariat will be located with the UNEP Chemicals and Wastes cluster in Geneva; UNEP and WHO will work in coordination and cooperation with the IOMC participating organizations, which are specifically listed; and the Secretariat will report to ICCM.

HIGH-LEVEL DECLARATION

On Wednesday, President Bohn introduced the draft HLD (SAICM/PREPCOM.3/2). Several delegations, including Brazil, spoke in favor of the need for the HLD to convey a strong political statement. IPEN and others suggested modifications to the text.

Regarding the preamble, Canada proposed mentioning chemicals management activities, including the Stockholm and Rotterdam Conventions. On the operative paragraphs, Switzerland, the US, Japan, and the ICCA supported including language reflecting the benefits of chemicals. The African Group said the HLD should refer to illegal international traffic.



A BRIEF ANALYSIS OF PREPCOM-3

GETTING SAICM ON THE RIGHT TRACK

The stated goal of PrepCom-3 was to finalize the three main documents that would constitute the SAICM namely: a high-level declaration (HLD), an overarching policy strategy (OPS), and a global plan of action (GPA) with “work areas” for chemical safety. PrepCom-3 made progress on all these documents, as well as important achievements in the area of institutional arrangements. Yet after an arduous week of negotiations, several elements remain unresolved. In particular, controversy remains around a number of politically-sensitive matters, including financial considerations, principles and approaches, and the scope of SAICM, as well as activities in the GPA relating to heavy metals, and the mutual supportiveness of trade and the environment. As a result, these issues will need to be negotiated at the International Conference on Chemicals Management (ICCM) in February 2006, before the SAICM can be adopted as scheduled.

Despite a proliferation of contact and drafting groups, and numerous bilateral efforts at compromise, a “package deal” negotiated between the EU and the US came too late to be considered by all delegates and accepted by the Committee, since interpretation had ended and many delegations had already departed. Indeed, the final plenary literally ran out of time, as President Viveka Bohn noted that delegates needed to catch the final train to central Vienna at 12:19 am. This analysis will look at some of the key outcomes of PrepCom-3 in relation to the overall SAICM process and the larger issue of international chemicals management, highlighting the main outstanding issues to be resolved in Dubai.

LAYING THE TRACKS: THE GLOBAL PLAN OF ACTION

The substance of SAICM lies in the GPA. At PrepCom-3, delegates engaged in the time-consuming process of reviewing the nearly 300 activities that will contribute to achieving SAICM’s objectives. Some delegates said they would have liked to have agreed on the complete text at PrepCom-3, noting that the GPA was meant to be a “toolkit for action” with a wide range of national actions from which countries could choose those they would want to implement, and not a negotiated text of the same level as, for instance, Agenda 21 or the Johannesburg Plan of Implementation, in which all actions should be implemented by all relevant actors. In the view of these participants, the only parts of the GPA that required careful negotiation were those measures that would require internationally-coordinated action, and those national, regional and international actions that could be problematic, for instance, by contradicting existing international law, such as the Rotterdam Convention. Others, in turn, suggested that any such action plan constitutes, as a whole, negotiated text, and government delegates could not adopt a global plan of action containing aspects they found to be inappropriate or “problematic.”

Delegates did manage to reach agreement on parts of the GPA, including some sections in the executive summary containing important guiding themes, including the structure and common priorities. However, the draft GPA is far from complete or “cleaned up,” and a number of activities that many see as vital

On Saturday, President Bohn introduced a revised draft HLD (SAICM/PREPCOM.3/CRP.39), which she explained was revised to take into account comments by governments, and to remove preambular language, in order to capture the HLD’s status as a declaration and not a decision. She invited brief comments on the HLD, noting that the text would not be negotiated but that the draft would be forwarded to the ICCM for its consideration.

On language citing SAICM as a voluntary initiative, IPEN, supported by Croatia, Kenya, the EU and others, and opposed by the US, argued that reference to SAICM’s voluntary nature should be deleted. The US clarified that the word “voluntary” indicated that the HLD should not supersede, modify or misinterpret the Stockholm and Rotterdam Conventions and the Montreal Protocol. The EU questioned whether the position of the clause on the role of the chemical industry should be moved later in the document. ICCA proposed that “changes may be needed in the way that some societies manage chemicals,” replacing “fundamental changes are needed.” The ILO, with Nigeria, suggested references to ILO Convention 170, concerning safety in the use of chemicals at work. The Committee decided to forward the draft HLD to the ICCM.

Final Outcome: The draft HLD (SAICM/PREPCOM.3/CRP.39) includes paragraphs declaring that: the sound management of chemicals is essential to sustainable development; significant progress, though not enough, has been made in international chemicals management; and progress in chemicals management has not been sufficient and the global environment continues to suffer from pollution. It further declares that ministers, heads of delegation and representatives of civil society and the private sector: commit themselves in a spirit of solidarity and partnership to achieving chemical safety; are committed to strengthening capacities of all concerned to ensure the sound management of chemicals; and will promote the sound management of chemicals and hazardous wastes as a priority in national, regional and international policy frameworks, including strategies for sustainable development, development assistance and poverty reduction.

Countries were asked to submit further suggested modifications to the Secretariat. The document will be redrafted taking into account these suggestions, and will be submitted for consideration by ministers at the ICCM.

CLOSING PLENARY

Delegates agreed to extend the mandate of the President and the Bureau up to the ICCM, in order to facilitate intersessional work. Matthew Gubb, Secretariat, acknowledged the financial support of a number of countries and intergovernmental organizations.

Delegates adopted the report of the meeting (SAICM/PREPCOM.3/L.1 and L.1/Add.1). Austria thanked participants for coming to Vienna for PrepCom-3. President Bohn gavelled the meeting to a close at 12:08 am, Sunday, 25 September 2005, thanking delegates and the Secretariat for their work.



for achieving the 2020 goal, such as activities on heavy metals and endocrine disruptors, have to be forwarded to the ICCM for further discussion.

For those who see in SAICM a chance to address serious gaps in chemicals management, particularly in relation to chemicals that pose serious risks to human health and the environment and are not adequately or sufficiently regulated, the outcome of these concrete actions and their potential to fill existing gaps will prove how worthy it was to engage in the SAICM process. For a number of participants, the key to a successful SAICM consists not only in filling existing gaps in international chemicals policy, but also on prompting a shift to non-chemical alternatives. These actors see in SAICM the chance to build solutions from the “bottom up,” rather than from the top down, so that the people directly affected by chemicals, i.e., farmers and workers, formulate solutions and receive governmental support for their activities.

DRIVING THE TRAIN: INSTITUTIONAL ARRANGEMENTS

Another of the key objectives of PrepCom-3 was to determine the institutional or structural aspects to enable SAICM to operate at the international level. Apart from the differences in opinion as to the future role of the IFCS and its possible relationship with SAICM, institutional issues proved less controversial than expected. There was near unanimous agreement on the need for both a secretariat, and an oversight body or “review process” to evaluate progress and keep SAICM “on track.” There was also general agreement that, whatever its institutional form, the implementation of SAICM will need to embrace a multi-stakeholder and multi-sectoral approach, ensuring the open, transparent and inclusive participation of all relevant stakeholders. Some delegates emphasized the significance of the rules of procedure that have guided the PrepCom to ensure the effective involvement and participation of all stakeholders at future review meetings. To achieve this in the implementation phase, however, will require a working mechanism for stakeholder participation in all relevant activities of the GPA. In particular, some are of the view that the coordination among intergovernmental organizations dealing with chemicals management issues has much room for improvement and, as many had expressed in PrepCom-2, it may be required for these organizations to revise their terms of reference.

The decision to have UNEP continue to function as the Secretariat while also giving a major role to WHO left many participants happy, since this will ensure that both human health and the environment constitute priorities for SAICM. Most participants agreed that the ICCM could serve as an oversight or review body. A small number of delegates wanted the IFCS to play a significant role in the SAICM, stressing the uniqueness of the forum as a truly participatory space where issues could be discussed frankly. The general feeling, however, as it was at PrepCom-2, was that the Forum could not take on a core role, or it would lose the characteristics that have made it unique and useful. The concern of many governments is that by giving equal weight to governments and other actors, the Forum lacks the political leverage and commitment that are required for the successful implementation of SAICM. In their view, policy guidance should come principally from governments, since it

is governments that are accountable to their constituencies, and to the international community. After much discussion, the role of the Forum remains unresolved. Forum supporters, however, were content with a decision by PrepCom-3 to ask the ICCM for a resolution on the IFCS, keeping the Forum discussion “alive.” Nevertheless, whatever the relationship between SAICM and the IFCS turns out to be, the real question will be whether there will be enough funding for either of them. Some delegates noted the IFCS’ work to date had been slowed by a chronic lack of funding, and SAICM PrepCom-3 demonstrated that there is no firm and operable commitment for the funding of SAICM either.

THE ENGINE OF SAICM: FINANCING

Since PrepCom-1, it has been clear to virtually all participants, including donors, that SAICM can only become a reality if enough funds are available to support activities to enhance the capacity of developing countries and countries with economies in transition to safely manage chemicals. In the words of one participant, “if there is no funding, there is no SAICM.” The recognition that SAICM will need significant resources, however, did not result in a commitment by donors to provide funding, which came as no surprise to many delegates, given the trend in other fora, including the Basel and Rotterdam Conventions.

While the study on financial considerations prepared by the Secretariat greatly facilitated the consideration of possible sources of funding, it was clear to many participants that no matter how innovative the solutions, funding from governments will be required to cover at least part of the activities required to implement SAICM in developing countries and CEITs. Given the importance of the issue, a few delegates remain hopeful that some kind of commitment will be forthcoming at the ICCM, at least to set SAICM on track for its initial implementation phase. Others are less optimistic, given the reluctance of government donors to commit to “additional” resources for SAICM, including for the establishment of a “quick start programme” to support initial capacity-building activities for the implementation of Strategic Approach objectives.

NEXT STOP: DUBAI

As PrepCom-3 drew to a close, several participants expressed disappointment, noting that the outcome did not reflect the urgency of chemicals-related problems, and constituted a setback from previous sessions. Some delegates even referred to an apparent “philosophical shift” between PrepCom-2 and PrepCom 3. In the mind of these delegates, PrepCom-3 lost sight of SAICM’s original purpose, i.e., to achieve increased efficiency and coherence in international chemicals management, and to fill existing gaps in chemicals management at the national, regional and global levels, covering all aspects of chemical safety. As a large number of issues remain unresolved, including the very scope of SAICM and the principles and approaches that will guide its implementation, some fear that the ICCM will resolve these issues in favor of the lowest common denominator. For instance, some fear that the interpretation of precaution within SAICM will refer exclusively to Principle 15 of the Rio Declaration, given the strong opposition of a number of participants to understand it as having evolved within chemicals management conventions to also encompass a health component.



With the significant number of issues left unresolved, and little time provided for the ICCM to sort them out, some fear that the resulting SAICM will be mediocre. Many participants remain hopeful, however, that with the extension of the mandate of the President and the Bureau up to the ICCM, delegates will be able to engage in extensive intersessional consultations, which are needed to resolve the remaining contentious issues. Further, at the end of PrepCom-3, some participants believed that there is still hope that the ICCM will provide a basis to put SAICM into operation. For these delegates, the real test for SAICM lies in its implementation phase, and its success will depend on what is achieved on the ground. They believe that the three instruments constituting the approach do not need to be highly aspirational or ambitious, but to provide a good enough basis to set SAICM in motion. Further, these participants expressed hope that, as a "living document," there is opportunity to improve and adjust SAICM, including both its structure and the activities it will prompt and/or support at the national, regional and international levels, to set it on the right track.

UPCOMING MEETINGS

SECOND CONFERENCE OF THE PARTIES TO THE ROTTERDAM CONVENTION (PIC COP-2): PIC COP-2 will be held from 26-30 September 2005, in Rome, Italy. For more information, contact: Rotterdam Convention Secretariat; tel: +41-22- 917-8296; fax: +41-22-797-3460; e-mail: pic@unep.ch; internet: <http://www.pic.int>

FIRST MEETING OF THE STOCKHOLM CONVENTION PERSISTENT ORGANIC POLLUTANTS REVIEW COMMITTEE (POPRC): The first meeting of the Stockholm Convention POPs Review Committee will be held in Geneva, Switzerland, from 7-11 November 2005. For more information, contact: Stockholm Convention Secretariat; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@pops.int; internet: <http://www.pops.int>

47TH MEETING OF THE MONTREAL PROTOCOL'S MULTILATERAL FUND EXECUTIVE COMMITTEE: The 47th Meeting of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol will be held from 21-25 November 2005, in Montreal, Canada. For more information, contact: Julia Anne Dearing, Multilateral Fund Secretariat; tel: +1-514-282-7862; fax: +1-514-282-0068; e-mail: secretariat@unmfs.org; internet: <http://www.multilateralfund.org>

FIRST MEETING OF THE STOCKHOLM CONVENTION EXPERT GROUP ON BEST AVAILABLE TECHNOLOGIES AND BEST ENVIRONMENTAL PRACTICES (BAT/BEP): The first meeting of the BAT/BEP Expert Group will be held from 28 November 2005 - 2 December 2005, in Geneva. For more information, contact: Secretariat of the Stockholm Convention; tel: +41-22-917-8191; fax: +41-22-797-3460; e-mail: ssc@pops.int; internet: <http://www.pops.int>

SEVENTEENTH MEETING OF THE PARTIES TO THE MONTREAL PROTOCOL: This meeting will be held from 12-16 December 2005, in Dakar, Senegal. For more information, contact: Ozone Secretariat; tel: +254-20-62-3851; fax: +254-20-62-4691/92/93; e-mail: ozoneinfo@unep.org; internet: <http://www.unep.org/ozone>

INTERNATIONAL CONFERENCE ON CHEMICALS MANAGEMENT: The International Conference on Chemicals Management (ICCM) to adopt the completed Strategic Approach for International Chemicals Management (SAICM) will be held in Dubai, United Arab Emirates, from 4 to 6 February 2006, immediately before the 9th Special Session of the UNEP Governing Council and Global Ministerial Environment Forum. For more information, contact: UNEP Chemicals; tel: +41-22-917-8111; fax: +41-22-797-3460; e-mail: chemicals@unep.ch; internet: <http://www.chem.unep.ch/ICCM/ICCM.htm>

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