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**The Strategic Approach and the sound management of
chemicals and waste beyond 2020**

A submission from the German Environment Agency – Paper on Global Governance of Chemicals and Waste

Note by the secretariat

The secretariat has the honour to circulate, in the annex to the present note, a report received from the German Environment Agency on the global governance of chemicals and waste. The report is presented in the annex as received from the German Environment Agency and has not been edited by the secretariat.

* SAICM/OEWG.3/1.

Annex

On Global Governance of Chemicals and Waste

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Preamble

At the 4th International Conference on Chemicals Management (ICCM4) held in 2015, delegates established an intersessional process (IP) to prepare recommendations regarding the Strategic Approach to International Chemicals Management (SAICM) and the sound management of chemicals and waste (SMCW) beyond 2020.

The Co-chairs of the IP were mandated to draft a paper to serve as the basis for discussion at the 3rd Open-ended Working Group (OEWG3) to be held in Montevideo, Uruguay on 2-4 April 2019. This paper proposes that the OEWG3 reflects on two elements of work:

First, preparing “recommendations for a voluntary multi-sectoral, multi-stakeholder instrument that would be forwarded for consideration and decision at ICCM5”. In line with discussion in the IP to date, this element is the substantive focus of the Co-Chairs’ Paper, and is often referred to as “SAICM 2.0”.

Second, considering “a possible broader platform to address the fragmented nature of initiatives and agreements to promote international chemicals and waste management”². Since the Co-chairs’ Paper predominantly deals with the first element, there is a need for further input on this second element. This paper was commissioned by the German Environment Agency to further elaborate on the second element of work, i.e. a possible broader platform for SMCW governance beyond 2020.³ The authors were supported by an Ad Hoc Advisory Committee with representatives from governments and intergovernmental organisations. Their insights and comments were highly appreciated in the process of preparing this paper.⁴

1. The context of international chemicals and waste governance

The sound management of chemicals and waste is an indispensable contribution to the implementation of the 2030 Agenda and the Sustainable Development Goals (SDGs). Chemicals are essential for producing pharmaceuticals, providing clean drinking water, producing food and for manufacturing goods, such as electronic equipment, to name just a few examples. As such, chemicals are an increasingly important part of the world’s economies, and global chemicals sales are projected to almost double by 2030 compared to 2017, according to the second edition of the Global Chemicals Outlook (GCO-II).⁵

Consequently, there is a trend of growing chemicals pollution and exposures from multiple sources, posing severe risks to public health and the environment, and thus to sustainable development. Many countries still have insufficient capacities for the sound management of chemicals and waste, particularly developing countries. Implementing the chemicals- and waste- related SDGs is therefore a considerable challenge that needs to be addressed much more forcefully now and in future. This

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² SAICM/OEWG.3/4 Sound management of chemicals and waste beyond 2020, paper prepared by the co-chairs; see also SAICM/OEWG.3/INF/2 Annotations to the paper by the Co-Chairs of the intersessional process on the Strategic Approach to International Chemicals Management and the sound management of chemicals and waste beyond 2020.

³ Funding was provided by the German Environment Agency under FKZ 3717654010.

⁴ The views expressed in this paper are those of the authors and do not necessarily imply endorsement by the German government, or by any member of the Ad Hoc Advisory Committee.

⁵ SAICM/OEWG.3/INF/3 Global Chemicals Outlook II Summary for Policymakers: From Legacies to Innovative Solutions – Implementing the 2030 Agenda for Sustainable Development.

requires the engagement of all relevant sectors and stakeholders towards the common goal: to drive progress towards sustainability in chemicals and waste management throughout the life-cycle.

1.1 Fragmentation in the governance landscape on chemicals and waste

A wide diversity of international, regional and national responses to the complex set of challenges associated with SMCW has been developed, including:

- **Legal instruments**, typically dealing with a limited, and specifically targeted, number of chemicals- and waste-related issues, such as the multilateral environmental agreements of Basel, Rotterdam, Stockholm, and Minamata Conventions; the Vienna Convention and its Montreal Protocol; as well as other relevant treaties, regulations and standards on international, regional, and national levels;
- **Voluntary guidelines and standards**, such as the Code of Conduct on Pesticide Management or the Globally Harmonized System of Classification and Labelling of Chemicals (GHS); the Chemicals in Products Programme (CiP); or those established through efforts like Zero Discharge of Hazardous Chemicals (ZDHC) in the textiles sector;
- **Intergovernmental organizations** (IGOs) have established work programs and initiatives on SMCW within their respective mandates, such as the WHO Chemicals Safety Programme, or established best practice standards like the OECD Guidelines for the Testing of Chemicals;
- **Support instruments or programmes**, including finance; knowledge exchange; capacity building and technology support, such as the Quick Start Programme (QSP), which will end in 2019, and the Special Programme on Institutional Strengthening under UNEP as elements of an integrated approach to long-term funding of the chemicals and waste agenda, including funds allocated under GEF and the Specific International Programme for Minamata; and
- **Voluntary initiatives** such as the Strategic Approach to International Chemicals Management (SAICM), collaborative efforts such as the UN Global Compact, private sector initiatives such as Responsible Care; and **multi-stakeholder partnerships** including the Global Alliance to Eliminate Lead Paint (GAELP) or the Household Waste Partnership.

Despite efforts to foster effective coordinated collaboration and cooperation, the multi-sector and multi-stakeholder character of the chemicals and waste cluster has resulted in its global governance landscape remaining fragmented. It is marked by uneven engagement of diverse stakeholders from multiple sectors. This appears to have hampered the potential overall impact and effectiveness of existing organisations, programmes and initiatives in the field.

Nine intergovernmental organisations are coordinating their chemicals and waste-related activities through the Inter-Organization Programme for the Sound Management of Chemicals (IOMC). These include the UN Environment Programme (UNEP), the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the United Nations Development Programme (UNDP), the World Bank and others, with some MEA secretariats attending as observers. However, the IOMC is not fully representative and, for example, does not include the chemicals and waste related work of the transport sector (International Maritime Organisation and International Civil Aviation Organisation); or environmental goods and services trade sector (World Trade Organisation). While the IOMC does help to coordinate ongoing and upcoming activities, it has never been an instrument for system-wide planning and programming of chemicals and waste.

The “synergies process” within the Basel, Rotterdam and Stockholm Conventions (BRS) was similarly intended to facilitate coordination and led to the establishment of a joint Secretariat. However, the Minamata Convention may have its own secretariat, adding to the existing fragmentation. With the Ozone Secretariat, cooperation has mostly been of a sporadic nature. There is even less coordination with other binding frameworks or conventions, including the International Health Regulations, ILO Conventions, IMO London Convention or frameworks and institutions dealing with climate change,

biodiversity loss, or plastic pollution.

SAICM was founded as an encompassing forum to promote multi-sector and multi-stakeholder collaboration, cooperation and joint strategic planning, with the ICCM as its governing body. It has launched programs that foster multi-stakeholder coordinated collaboration and engagement across some sectors on identified emerging policy issues (EPs) and other issues of global concern. However, existing progress reports as well as the draft independent evaluation of SAICM⁶ reveal that it has only been partially successful in achieving multi-sector and multi-stakeholder participation, engagement and consequent implementation. The majority of stakeholders are from the environment sector, with less participation from the health and labour stakeholders, and very limited participation by stakeholders from other sectors. Furthermore, budget constraints limit financial support to one participant per developing country at its meetings (or two in the case of an ICCM), which mostly fund the participation of national focal points (NFP), thus adding to the predominance of participants from the environment sector. Finally, to date, SAICM and ICCM have not been a significant incubator of multi-stakeholder SMCW partnerships, nor have they established a broadly used mechanism for effective information exchange or a means to evaluate the effectiveness of partnerships.

SAICM and the ICCM have likewise not been fully effective in fostering coordinated collaboration and cooperation. Each organisation taking part in the Strategic Approach participates within the parameters of their respective legal mandate. Every decision taken at the ICCM with relevance for an organisation needs to be internalized with a similar mirroring decision taken by its governing body, particularly when it has budgetary implications. This needs engaged governments or members willing to table ICCM decisions for consideration and champion their adoption by those governing bodies. Such a bottom-up approach has worked well in some instances, e.g. in the health sector where committed governments and other stakeholders championed the adoption of the WHO Chemicals Road Map, but there has not been a comparative uptake in other areas presumably due to a lower prioritization of chemicals issues there.

Further fragmentation results from policy developments under way that are not closely linked with existing chemicals and waste institutions. For example, plastic pollution is but one of the several unresolved chemicals and waste issues that has recently gained high profile and is being dealt with separately. Other issues with strong links between environment, health, and other sectors include highly hazardous pesticides; antimicrobial resistance, including from pharmaceutical and metal pollution; or electronic waste.

Nevertheless, there is considerable potential to further strengthen and improve coordinated collaboration and cooperation, including among SMCW related MEAs like the BRS Conventions, the Montreal Protocol, and the Minamata Convention. Furthermore, there is much potential for more coherence and mutually supportive action with legal instruments of non-environmental sectors that address chemicals and waste, such as the ILO Conventions, the International Health Regulations, the IMO London Convention on marine pollution, and others.

Moreover, there is a potential for synergies across the numerous partnerships dealing with SMCW-related issues, especially in the agriculture and food; textiles; mining; and water management sectors. These partnerships could benefit from higher visibility and sharing of experience, challenges and best practices for replication and scaling up, as well as for finding new partners and donors or investors. To date, there is no common space that could fulfil these functions.

1.2 Insufficient progress towards the 2020 goal and the SDGs

SAICM was founded in 2006 in light of accelerating growth in the volume and number of chemicals and waste produced, various unresolved and emerging issues, and a persistent lack of capacity in many developing countries. It adopted the overarching goal to, by 2020, minimize significant adverse effects from chemicals throughout their life cycle on human health and the environment.

The 2030 Agenda for Sustainable Development and the SDGs make numerous references to chemicals

⁶ SAICM/IP.2/4 Independent evaluation of the Strategic Approach from 2006-2015: Draft Report.

and waste management; most prominently in SDG 12.4 calling for, by 2020, to “achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment”. SDG areas with relevance for chemicals and waste include urbanization, mobility, construction, health, agriculture, and others. These are all integrated into the 2030 Agenda. However, thus far, many stakeholders have not adequately taken their responsibility to ensure the implementation of SMCW-related SDGs.

In assessing progress towards achieving the 2020 goal, the reports on SAICM implementation for the periods 2011-2013 and 2014-2016 indicate that some progress has been made in terms of hazardous waste management; implementation of chemicals-related multilateral agreements; exchange of knowledge and information; and regional cooperation. However, there was less progress in providing financial support and mainstreaming, and there was a significant variation in progress between countries and regions. Furthermore, the reports showed that at the current rates, efforts would be insufficient to meet the 2020 goal.⁷ The GCO-II corroborates this and finds that the 2020 goal will not be achieved.

A comparable conclusion was drawn in the draft independent evaluation of SAICM for the period from 2006-2015. It indicates that some progress has been made, *inter alia* in areas of information sharing; enabling multi-sector and multi-stakeholder collaboration and awareness; improving capacity through the Quick Start Programme and technical cooperation; as well as in the identification of emerging policy issues. It also points to lessons and areas for improvement, including raising political priority; finance; standards; domestic legislation and capacity for many countries; secretariat capacity; data, indicators and reporting; as well as the need to mobilise broader and more comprehensive sector and stakeholder participation.

The slow pace of progress, seen in contrast with the highly dynamic chemical sector and its strongly growing output, as well as an observable shift in production towards Asia, shows that much more needs to be done to facilitate, enable and support further action at all levels. Since it is apparent that the 2020 goal will not be met, there is urgent need for enhanced action towards a coherent, synergistic and strengthened approach to enable and support significant progress towards realising the 2030 Agenda and the SDGs.

2. A broader chemicals and waste governance dimension

Key to achieving scaled-up action on the ground are governance arrangements that facilitate coherence of policies and coordinated collaborative and cooperative implementation towards the agreed goals by relevant sectors and stakeholders.

Governance arrangements need to be able to keep pace with the chemical sector’s rapid innovation and development. Given the limitations of the current governance landscape, it is suggested that the intent of any changes to achieve the chemicals and waste related SDGs would need to encompass:

1. Raising the profile and priority of an ambitious chemicals and waste agenda to increase commitment;
2. Enhancing strategy and policy coherence and coordination to maximise synergies, efficiency and effectiveness;
3. Strengthening the comprehensiveness of multi-sector and multi-stakeholder engagement, cooperation and action;
4. Mobilizing resources for capacity building to support implementation and institutional strengthening.

⁷ SAICM/OEWG.2/INF/4 Progress in Strategic Approach implementation for 2011-2013; SAICM/OEWG.3/5 Summary report on progress in the implementation of the Strategic Approach for the period 2014-2016 and analysis of the 20 indicators of progress (advance version).

5. Sharing relevant information, lessons and best practices; and
6. Assessing progress to facilitate improvements in policy, systems and coherent accountable implementation.

In order to achieve this set of requirements for SMCW, the governance arrangements need to be comprehensive; flexible; responsive; and complementary across multiple sectors, driven by a shared vision and linked with universal objectives and targets. As part of this effort, it will also be important to strengthen and improve existing instruments and initiatives contributing to the sound management of chemicals and waste.

In the context of current geo-political dynamics, the international community is unlikely to establish sizable new bodies or major legally binding treaties in the near future. This suggests that the best prospect for success would be to build on existing governance arrangements to develop the capability to guide, enable and support complementary, collaborative and cooperative implementation by existing institutions and stakeholders across multiple sectors in a lean and effective manner.

In view of shortfalls of the abovementioned bottom-up approaches to translating decisions at the ICCM into resolutions adopted by IGOs and other relevant governing bodies, an additional more top-down governance dimension seems necessary. This broader governance dimension would complement such bottom-up efforts by articulating agreed common priorities and direction; agreeing on and tracking the implementation of a common strategy; and facilitating and coordinating mutually supportive measures to implement SMCW across all sectors. Whether such more top-down and complementary governance arrangements (e.g. an encompassing platform) are included as one dimension of the SAICM successor framework or as separate governance arrangements is a matter open for debate.

2.1 Key elements

A broader, more top-down, complementary SMCW governance dimension (possibly in the form of an encompassing platform) that facilitates, enables and supports coordinated collaborative and cooperative commitment and action across multiple sectors could encompass the following elements:

1. A clear commitment at the highest possible level to a sound chemicals and waste management agenda that is informed by the best available science and addresses existing needs;
2. Newly developed, or an endorsement of updated existing, overarching vision, goals, targets, and indicators that triggers, guides and brings together commitments from all sectors and stakeholders;
3. Improved multi-sector policy coherence and coordination to maximise the benefits of joint action by multiple stakeholders, including through participatory priority setting and joint program development;
4. Measures to strengthen the capacity to plan, regulate and implement SMCW action across sectors that changes consumer and producer practices and behaviour;
5. Means to disseminate and share experience and lessons from projects and programs, including best practices, and failed or challenging projects and approaches;
6. Enhanced measures for broader coordination and joint planning of intergovernmental organization SMCW programmes within their respective mandates, building on existing arrangements;
7. Appropriate means to incentivise and finance implementation efforts across multiple sectors by stakeholders, for example building on the GEFs approach for cross-focal area projects, but amplifying it to a cross-sectoral level;
8. An enhanced process for agreeing on priorities, responsibilities and tasks that could be undertaken by organisations, stakeholders, instruments and initiatives within their respective mandates, as well as any other governance arrangements or processes to encourage adoption by the relevant governing bodies;

9. An efficient process for reporting and/or collating relevant information on progress, implementation and challenges by all relevant actors, including countries, UN organisations, partnerships, initiatives and other relevant stakeholders, with a view to supporting and enhancing implementation efforts at all levels and enabling the assessment and evaluation process mentioned below; and
10. A follow-up process to assess and evaluate progress, readjust approaches or policies, recommit to the shared vision, goals, objectives and targets; including the possibility of convening in an appropriate form or forum.

2.2 Pathway towards an encompassing governance dimension for SMCW

In the context of the current fragmented chemicals and waste governance landscape, a strong commitment to the SMCW agenda and related SDGs at a level that has the authority to direct system-wide action would legitimise, enable and support its prioritisation and adoption by governments, organisations and stakeholders across multiple sectors. Therefore, a commitment made at the highest possible level is recommended as an initiating step towards broader, encompassing, coherent, complementary and effective SMCW governance.

It is proposed that an initiating resolution be adopted at the highest possible political level, such as the United Nations General Assembly (UNGA), the UN Economic and Social Council (ECOSOC) or the High-level Political Forum on Sustainable Development (HLPF).

a. Ministerial conference and declaration in 2020

The proposed high level initiating resolution could be prepared through an overarching strategic ministerial-level declaration adopted at a high-level segment of ICCM5, or at another high-level conference possibly held back-to-back with ICCM5. The aim would be to invite ministers and other high level actors from multiple sectors to agree on a joint declaration that either:

- Contains the agreed functions and key elements of broader, complementary SMCW governance dimension; or that at the very least
- Provides a mandate for the international community to further elaborate the broader SMCW governance dimension and finalize its design by 2021 or 2022.

In order to make as much progress as possible by October 2020, a group or alliance of interested countries could advance the debate on the broader SMCW governance dimension. Its members could engage in discussions of the possible institutional arrangements for e.g. an encompassing platform. They could also, possibly through the intersessional process, address the division of labour between the various dimensions of SMCW. These include the voluntary multi-sector, multi-stakeholder partnership and implementing dimension; the science/policy interface dimension; and the mobilising finance, technology and capacity building support dimension of a follow-up SAICM 2.0 on the one hand, and a broader, more top-down, complementary SMCW governance dimension on the other.

b. Possible process for a resolution at the highest possible level in 2021/2022

As outlined above, a commitment made at the highest possible level is recommended as an initiating step towards broader, encompassing and complementary SMCW governance. It is proposed that this high level initiating resolution be prepared by adopting a Ministerial Declaration at either a High Level Segment of ICCM5 or another multi-sector Ministerial Conference.

This Ministerial declaration could be introduced for endorsement and mandate by any country or group of countries to a selected body at the highest possible political level, such as UNGA or the ECOSOC or the HLPF.

Such a resolution for a broader platform taken at the highest possible political level would contribute to mainstreaming the agenda across the entire chemicals and waste governance landscape. By enhancing cross-sector synergies and coherence, as well as fostering system-wide coordinated

collaboration, it offers opportunities to reduce transaction costs. This has the advantage of increasing the profile, political priority and ownership of the SMCW agenda. It would maximise leverage for ambitious cross-sector and multi-stakeholder domestic action and accountable reporting, assessment and evaluation. Moreover, it enables agreement on strong coherent guidance among other UN bodies, including the specialised UN agencies such as WHO, FAO, UNEP, ILO, IMO and others. It can also create momentum that guides chemicals or waste related bodies or organisations from outside the UN system (such as OECD, Bretton Woods Institutions), as well as partnerships, initiatives, private sector and civil society organisations operating independently of SAICM.

The proposed high-level initiating resolution might therefore include:

1. The elements of broader, encompassing and complementary SMCW governance and other aspects, as agreed upon in the ministerial declaration, and ideally endorsed by further stakeholders from all relevant sectors;
2. A request to the governing bodies of IGOs, MEAs and initiatives within the UN system to fully participate in the broader governance arrangement and commit to its goal and purpose, within their respective mandates.
3. A call for multi-sector governmental participation and an invitation for multi-stakeholder participation.

Once the consideration of the overarching governance platform for SMCW has been finalised, a further step to ensure commitment and engagement by relevant sectors and stakeholders would be for the MEAs and other legal instruments, as well as the IGOs, to adopt the final agreement (i.e. the high-level initiating resolution) within their respective governing bodies for inclusion in their programmes of work.

c. Possible timeline

