Response from the Global Alliance on Health and Pollution to the request from the Co-Facilitators of the SAICM Inter-sessional Process Virtual Working Group II for comments on the text of SAICM/IP.4.2 on

NATIONAL IMPLEMENTATION; SUB-REGIONAL, REGIONAL AND INTERNATIONAL COOPERATION AND COORDINATION; AND ENHANCED SECTORAL AND STAKEHOLDER ENGAGEMENT

The Global Alliance on Health and Pollution (GAHP) is a Swiss foundation and network of 65+ governments, UN and other international organizations, academia and civil society that promotes greater awareness of the fact that although pollution is responsible for 16% of deaths worldwide, almost entirely in low and middle income countries (LMICs), it receives relatively little policy attention and only a tiny fraction of international development assistance. GAHP (www.gahp.net) researches the links between particular pollutants and the global burden of disease and partners with others to help governments prioritize cost effective actions to address problems at source. GAHP’s sister organization, Pure Earth has taken a lead in several well received research partnerships including The Lancet Commission Report on Pollution and Health\(^1\) and The Toxic Truth with UNICEF\(^2\).

As an organization formed principally to address the global pollution and health crisis, GAHP lauds SAICM’s recognition of the importance of the links between pollution prevention and mitigation and human health and of the fundamental contribution both make to ensuring sustainable development. GAHP welcomes SAICM’s recognition of the undue burden of pollution on vulnerable citizens, especially children and the poor.

In GAHP’s commentary on the Section B, C and D texts set out below, section headings and numbering are taken from the Co-facilitators’ request for electronic feedback. *The questions and comments from the Co-facilitators are shown in italics.* To make it easier for GAHP colleagues to understand the exercise, the full text of the paragraphs from SAICM/IP.4/2 has been copied into this document. *GAHP’s general observations and responses to the co-facilitators are shown in bold next to the questions and any resulting proposed textual changes are inserted as tracked changes into the copied IP.4/2 text, while explanations for the individual amendments are shown below the tracked changed text.*

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\(^{1}\) 2017 Available at [https://gahp.net/the-lancet-report-2/](https://gahp.net/the-lancet-report-2/)

Paragraph 1. Comments not requested (no existing brackets)
   To sustain an integrated approach for the sound management of chemicals and waste, each Government should establish arrangements such as national plans of action for implementation on an inter-ministerial or inter-institutional basis, in consultation with stakeholders, so that concerned national department and stakeholder interests are represented and all relevant substantive areas are addressed.

Paragraph 2. Based on the first sentence of the compilation text, please explain in no more than two sentences your organization’s view on the government focal point(s) and the primary role of the focal point(s). GAHP considers that full multi-sectoral, multi-stakeholder participation is essential for effective and inclusive national implementation and therefore supports clearly identified focal points. GAHP does not understand the need for separate political and technical focal points and is concerned that the distinction might become controversial or be used to prevent some stakeholders from commenting on issues that were deemed by national authorities to be political rather than technical. GAHP suggests the following amendments to the text including two editorial ones (retention of “designate” and deletion of “the” before SAICM).

To facilitate communication, nationally and internationally, each Government should [designate or develop a network of] a political and a technical national focal point to communicate on the SAICM matters and develop a network at the national level of coordinators that represent the multi-stakeholder and multisectoral nature of [SAICM] the instrument to communicate on the sound management of chemicals and waste matters]. This would include invitations to participate in meetings and disseminate information. The national focal points should be representative of the country’s inter-ministerial or inter-institutional arrangements, where such arrangements exist.

*GAHP considers that the name of the future instrument affects text being dealt with in different VWGs and should be resolved in a single separate process. It appears from the footnote to the co-facilitators’ text for paragraph 4 that this is indeed the intention. However, GAHP suggests that the inclusion of “to communicate” in the second version of the name may be a typo and should be deleted now.

Paragraph 3. It has been noted that the parenthetical should include the environmental sector. Given the environmental nature of this instrument, the co-facilitators intend to remove the brackets in the parenthesis in further iterations of this section. GAHP agrees

To support effective implementation, stronger efforts are required to ensure that national implementation involves the engagement of the appropriate range of stakeholders and sectors (e.g., the health, environmental, agriculture and labour sectors) to address national priorities.

Paragraph 4. There is no existing text on “reporting back on national plans.” Therefore, the co-facilitators, noting that there is no requirement for any stakeholder to have a national plan, propose and request views on the following text for the consideration of this Virtual Working Group on Nov. 19: GAHP wonders whether paragraph 4 is necessary as paragraphs 2 – 12 of Section G on Taking Stock of Progress go into much more detail about the use of national reporting by the Secretariat and the future ICCM (however named). If a paragraph 4 is retained here for completeness, then it should probably be explicitly linked to Section G and possibly also to Part V on future Institutional Arrangements because, as discussed by VWG 2 on 5th November, some of the current Section G might be better placed in Part V Section A on the future ‘ICCM’.
GAHP notes that the co-facilitators’ text for paragraph 4 stresses that creating a national plan is an individual choice for stakeholders. GAHP supports this approach, while urging governments, in particular, to respond positively and prepare such plans through an inclusive process.

Following the discussion on 5th November on the need for coherence of tone between Sections, GAHP welcomes the rather more open approach taken in the co-facilitators’ text and more generally in Sections B, C and D, compared to the prescriptive approach in Sections G and H. GAHP suggests that a permissive tone would be more attractive to stakeholders, especially those experiencing difficulty in the sustainable management of chemicals and waste.

If this paragraph is retained, GAHP suggests the following amendments to the current text, but has not attempted a comprehensive redraft to take account of the points made above.

Any stakeholder that chooses to create a national plan of action or program of implementation for itself may, when appropriate, report back to the [International Conference on Chemicals Management].

Since each stakeholder has a choice about whether or not to prepare a national plan, and may, or may not, report back to the future framework, GAHP considers “where appropriate” to be redundant and possibly inhibiting. It could imply that national authorities could decide whether it was appropriate for other stakeholders to report. To be consistent with the IP.4/2 approach on the name, GAHP suggests that the reference to ICCM be bracketed.

Paragraph 5. Paragraph 5 is currently in brackets. Based on the progress of the Virtual Working Group on Targets and Indicators and the importance placed on the implementation of the targets at IP-3, the co-facilitators recommend the removal of the brackets on this paragraph. GAHP agrees but suggests that the inclusion of “All actors”, which is not used elsewhere, is confusing.

[All actors/all stakeholders should undertake actions to ensure progress on implementation of targets at the national and subnational level.]

C. [INTERNATIONAL,] REGIONAL AND [SUBREGIONAL] SECTORAL COOPERATION AND COORDINATION (Page 9, Section VLC)

Paragraphs 1, 2, 3, and 4 contain a very limited set of brackets with respect the levels of geographic engagement. Based on the understanding that the engagement of all stakeholders, regardless of their geographic level, has been highlighted as important throughout the IP process, the co-facilitators propose that the text reflect all of the geographic levels proposed by removing the limited brackets in paragraphs 1-4 and correcting the punctuation in further iterations of this section. GAHP agrees but suggests one or two further editorial changes so that the resulting text would read as follows:

Paragraph 1.
Priorities and capacities for implementation vary among regions, [and] subregions [and countries] according to their different economic and other circumstances.

Paragraph 2.
[International,] Regional, interregional and sectoral collaboration play integral important roles in supporting the sound management of chemicals and waste at all levels, including among trading partners and other regional organizations.

GAHP does not understand the meaning of “integral” in this context.

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1 Subject to further discussions regarding the name
Paragraph 3.

Regional meetings and coordination mechanisms play an important role in enabling stakeholders in each region to exchange experience and identify priority needs in relation to implementation, as well as to develop regional positions on key issues.

Paragraph 4.

Regions and subregions are encouraged, where appropriate:

a. To identify common priorities;

b. To develop regional implementation plans for the sound management of chemicals and waste, and to consider regional or subregional approaches and projects;

c. To appoint a regional focal point.

Paragraph 5.

Regional focal points should play a facilitative role within their regions, including undertaking activities determined at the regional level, such as chairing regional meetings, disseminating information of interest to focal points within their region, collecting views from national focal points on matters of interest to the region, identifying opportunities for regional cooperation, assisting in the flow of information and views from the region to its Bureau member, as appropriate, and reporting periodically on the outcomes of their regional meetings and other regional activities.

While the co-facilitators did not seek changes to this clean text, GAHP would respectfully suggest that “are to” is not consistent with the rest of the language in this Section.

D. ENHANCED SECTORAL AND STAKEHOLDER ENGAGEMENT

(Pages 10-11, Section VI.D)

This section was considered extensively at IP-3. Views are requested only on the existing language in the remaining brackets.

Paragraph 1. GAHP supports positive language and hence the inclusion of “commitment”.

The involvement of all relevant sectors and stakeholders at the local, national, regional and international levels is important for the sound management of chemicals throughout their lifecycle and waste.

Paragraph 2.

At the national level, governments, as appropriate, should undertake, in accordance with their laws, regulations and policies, actions to build or improve regulatory and non-regulatory frameworks and institutional structures and capacities for multi-sectoral coherence for the sound management of chemicals and wastes in the implementation of the beyond 2020 instrument*, as well as promote complementary action by relevant stakeholders.

GAHP favours positive language throughout the text. GAHP considers that the caveat on taking account of national circumstances is unnecessary given that it is preceded by both “as appropriate” and a reference to national policies. Indeed, while recognising that “as appropriate” is clean text, GAHP would be grateful for its deletion. *As noted above, GAHP considers that the name of the future instrument affects text being dealt with in different VWGs and should be resolved in a single separate process.
Paragraph 3.
Relevant regional conventions, programmes, bodies and processes, such as health and environmental ministerial forums, should be invited to support and augment such national efforts, fostering coordination and cooperation.

GAHP welcomes the support that the Multilateral Environmental Agreements have given to SAICM through multi-stakeholder processes and hopes that the Parties of Regional Conventions would wish to do the same. While it is clean text, GAHP respectfully suggests that “should” is replaced with standard language to respect the independence of the Governing Bodies of other organizations.

Paragraph 4.
It is also essential that at the international level, relevant international organizations and bodies, in particular the IOMC organizations and the chemicals and waste-related conventions, are also invited to give their essential support to national and regional efforts to enable and enhance the participation of stakeholders and sectors and to promote awareness regarding the crosscutting nature of the sound management of chemicals and waste as an essential element to achieving the sustainable development goals.

GAHP welcomes the support that the Multilateral Environmental Agreements have already given to SAICM through multi-stakeholder processes and hopes this will continue. As for paragraph 4 GAHP respectfully suggests amending the clean text to respect the independence of the Governing Bodies of international organizations and MEAs. The concept that the support of IOMC and other bodies is essential to success has been retained in the proposed changes. GAHP would also be grateful if the co-facilitators could take account of paragraph 13 in further considering this text.

Paragraph 5.
In the light of the co-facilitators’ wishes GAHP has concentrated on the brackets and has not suggested other amendments to this text (except for one editorial clarification). However, GAHP would respectfully submit that the paragraph is difficult to understand. It appears to contain two distinct invitations to other organizations:

- to endorse or recognize the future instrument
- to strengthen and coordinate, including with respect to budgets, their policies and actions on SMCW relating to the implementation of Agenda 2030. In this context is the coordination expected to be between international organizations independent of the future SAICM process or would it take place with in the future framework?

GAHP welcomes both invitations but considers that further discussion is needed to see if others share our understanding and, if so, whether the text should be revised to clarify the two components. GAHP suggests that the co-facilitators might want to look at this paragraph in conjunction with paragraph 13 which has cleaner text on some of the same elements.

In addition, mindful of the need to avoid duplication and taking into account their respective mandates and constituencies, international organizations and bodies should be invited to endorse and adopt the beyond 2020 instrument* and to strengthen their own engagement on [and ownership of] policies and actions for the sound management of chemicals and waste including coordinating relevant activities and programmes of work relating to the implementation of the 2030 Agenda and its sustainable development goals and targets.

GAHP is not familiar with the concept of constituencies relating to international organizations and thinks that their mandates already indicate eligibility for
participating in their work. GAHP would strongly welcome the endorsement of the beyond 2020 instrument (however named) by other organisations and considers this to be stronger than formal recognition which might not imply consequential action by those organizations. However, GAHP would welcome clarification of “and adopt” since it might imply that other organizations could re-negotiate the text of the instrument in their own governance structures. Endorsement would seem sufficient engagement on its own and would not allow re-negotiation.

*As noted above, GAHP considers that the name of the future instrument affects text being dealt with in different VWGs and should be resolved in a single separate process.

**Paragraph 6.** The brackets are part of the set about the name and GAHP considers that this should be dealt with in a horizontal group looking at the whole text. It may be that the final 3 words would also need to go to that group.

The enhanced efforts of all relevant sectors and stakeholders involved in [the sound management of chemicals throughout their life-cycle and waste] should include increased or improved: (1) actions by members of individual sectors and stakeholders, (2) collaboration between and among key sectoral and stakeholder groups, and (3) multi-stakeholder and multi-sector dialogue throughout [the implementation of the beyond 2020 instrument].

**Paragraph 7.**

All relevant sectors and stakeholders are invited and encouraged to enhance their contributions, as appropriate, to achieve the shared vision, the objectives and targets of the beyond 2020 instrument. Given that references to value chains are clean text in paragraph 8, GAHP supports its inclusion here. It would also be possible to substitute “value chains” with “life-cycles”.

GAHP welcomes the fact that paragraphs 8 to 10 are all clean text but notes that along with paragraph 7 they all refer to “the beyond 2020 instrument” and wonders whether this phrase is definitive text or depends on the name of the instrument.

**Paragraph 8.**

The involvement of industry and the private sector throughout the value chain needs to be significantly enhanced in the beyond 2020 instrument at all levels. The roles and responsibilities of industry and the private sector throughout the value chain in implementing the sound management of chemicals and waste offer a strong basis for enhanced involvement and action and should be clearly identified and developed.

**Paragraph 9.**

Contributions to the implementation of the beyond 2020 instrument are expected to be in the form of workplans, road maps, action items, milestones, pledges, or other appropriate commitments and should contain a clear definition of the roles and responsibilities of the sector and/or stakeholder, and the intended mechanism for implementation that contributes to the achievement of the objectives and targets, as well as opportunities for joint collaboration or actions.

**Paragraph 10.**

The secretariat is requested to compile the contributions from the relevant stakeholders and sectors and, taking into account the objectives and targets of the beyond 2020 instrument, identify any potential engagement gaps, in consultation with other stakeholders. The secretariat is also requested to prepare an analysis using input from stakeholders and others.
to identify any additional coordination and collaboration necessary to enhance the multi-sectoral and multi-stakeholder engagement within the framework of the beyond 2020 instrument.²

Paragraph 11. GAHP agrees with the co-facilitators’ recommendation that the brackets should be removed. However, in the light of the discussion on 5th November GAHP wonders whether this paragraph is well placed or whether it duplicates elements in Part V Section A on the ICCM and Section G on Taking Stock of Progress.

The international conference may decide to request periodic updates on the implementation of the contributions from the relevant sectors and stakeholders to consider and assess whether enhanced levels of sectoral and stakeholder engagement have [resulted in progress] toward the achievement of the common objectives and targets or whether particular actions within the beyond 2020 instrument require additional enhancement or engagement.

Paragraph 12. While respecting that some is apparently clean text, GAHP is puzzled by this paragraph which seems to encompass very different concepts and wonders whether it adds value. The clean text is a normative statement which does not ask anyone to take action and is already captured well in paragraph 1 of this section where it has greater prominence. As mentioned repeatedly, GAHP does not think that the name can be settled in VWG 2 as it is a horizontal issue across the whole text. Inserting “and timeless” here could cause difficulties for Part I of SAICM/IP.4/2 which describes the nature of the Vision. Issues surrounding endorsement of formal recognition by other bodies are already the subject of paragraph 5 and seem to fit better there. Perhaps a reference to UNGA could be discussed in the context of that paragraph.

Paragraph 13. Paragraph 13 is currently in brackets. Based on the discussion at IP-3 and the importance placed on the existing role of the IOMC Organizations, the co-facilitators recommend the removal of the brackets on this paragraph.

GAHP notes that this text and paragraphs 4 and 5 cover some of the same ground and would be grateful if the co-facilitators could disentangle the different concepts in all three. Since IOMC member organisations have their own governing bodies it may be more appropriate to replace “should” as shown. GAHP finds it difficult to understand the rest of the paragraph from “and seek guidance” onwards. Is the concept that each IOMC organization, within its own mandate, should seek guidance of governmental representatives from their own governing body to strengthen their own work and support given to national implementation on sound management of chemicals and wastes? From GAHP’s perspective if this is indeed the concept then it would be better to separate out this element in a revised version of 4, 5, and 13. Moreover, we do not understand why IOMC organizations should seek guidance from “governmental representation” which is not standard language. We consider that it would be more usual for the organizations to seek approval from the governing body as a whole.

[All efforts to enhance sectoral and stakeholder engagement should be expected to lead to strengthened cooperation and coordination with respect to the [sound management of chemicals and waste][implementation of the beyond 2020 instrument]], following a common and shared [and timeless] vision to be adopted by ICCM-5 [taking into account any engagement][and endorsed][and formally recognized] by the UN General Assembly (UNGA), other relevant international bodies such as the governing bodies of the IOMC members, and relevant MEAs [to secure the necessary ownership].

Paragraph 13 is currently in brackets. Based on the discussion at IP-3 and the importance placed on the existing role of the IOMC Organizations, the co-facilitators recommend the removal of the brackets on this paragraph. GAHP notes that this text and paragraphs 4 and 5 cover some of the same ground and would be grateful if the co-facilitators could disentangle the different concepts in all three. Since IOMC member organisations have their own governing bodies it may be more appropriate to replace “should” as shown. GAHP finds it difficult to understand the rest of the paragraph from “and seek guidance” onwards. Is the concept that each IOMC organization, within its own mandate, should seek guidance of governmental representatives from their own governing body to strengthen their own work and support given to national implementation on sound management of chemicals and wastes? From GAHP’s perspective if this is indeed the concept then it would be better to separate out this element in a revised version of 4, 5, and 13. Moreover, we do not understand why IOMC organizations should seek guidance from “governmental representation” which is not standard language. We consider that it would be more usual for the organizations to seek approval from the governing body as a whole.

[To improve the multi-sectoral cooperation and coordinating structure focused on chemicals and waste, the IOMC should is invited to promote broad membership and participation of

² The secretariat is currently compiling information related to the paragraph. The secretariat seeks clarity on this paragraph in the beyond 2020 context. Is this an activity for beyond 2020 or to take place before ICCM5?
relevant intergovernmental bodies, including international organizations and secretariats of chemicals and waste related conventions, [and seek guidance from governmental representation, approval] from their respective governing bodies to strengthen their sound management of chemicals and waste prioritization, coordination, engagement and support for national implementation, within their respective mandates].

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On behalf of GAHP