IPEN Submission on Governance and Mechanisms to Support Implementation
5 November 2020

Key points

- The roles of government focal points are clearly captured in guidelines proposed by the African region at ICCM2 in Annex IV of SAICM/ICCM.2/15.
- It would be preferable to have funded national implementation plans, using a similar procedure to the one in place for the Stockholm Convention. In the absence of a funded plan, the language around national implementation should be strengthened – especially for an agreement that is not legally binding.
- One way to increase the political priority of SAICM and chemicals management within countries would be to formalize coordination of the inter-ministerial committee recommended in paragraph 23 of the SAICM agreement by broadening the mandate of existing national ozone units and funding them to serve as focal points for implementation of SAICM, and the Basel, Rotterdam, Stockholm, and Minamata Conventions.
- The Secretariat of the new agreement should be a jointly operated by UNEP and WHO as outlined in paragraph 29 of the SAICM agreement.
- Note that as the VWG process is not a negotiation, the co-facilitators do not have the mandate to remove or add brackets.

Introduction

This submission is in response to a call for stakeholder submissions governance and mechanisms to support implementation as part of the Virtual Working Group (VWG) on this topic in the Beyond 2020 process.

The Co-facilitators of the Governance and Implementation VWG requested comments on the following issues:
National implementation: paragraphs 2, 3, 4, 5
Sectoral cooperation and coordination: paragraphs 1, 2, 3, 4
Sectoral and stakeholder engagement: paragraphs 1, 2, 3, 4, 5, 6, 7, 11, 12, 13,

In addition, IPEN would like to introduce two other important governance issues: chemical safety units and a multi-sectoral SAICM secretariat. These both represent gaps in the governance area and identifying them is consistent with the overall objectives of the VWGs which is to, 1) address identified gaps; 2) develop possible compromise text; and 3) propose new or alternative text.

National implementation

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). The first sentence reads as follows:
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].

IPEN input: The roles of government focal points are clearly captured in guidelines proposed by the African region at ICCM2 in Annex IV of SAICM/ICCM.2/15.

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.

IPEN input: The VWG output should propose removal of the brackets around “environmental”. As the VWG process is not a negotiation, the co-facilitators do not have the mandate to remove or add brackets.

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. 19th:

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.¹

IPEN input: Reporting back on the national plan is very critical to measure the progress of implementation and national plans should be made public for all stakeholders to review. It would be preferable to have funded national implementation plans, using a similar procedure to the one in place for the Stockholm Convention. In the absence of a funded plan, the language should be stronger – especially for an agreement that is not legally binding.

Proposed text: Any stakeholder that chooses to create a national plan of action or program of implementation for itself, should report back to the International Conference on Chemicals Management.

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.

¹ Subject to further discussions regarding the name of the Beyond 2020 Instrument.
IPEN input: The VWG output should propose removal of the brackets in paragraph 5. As the VWG process is not a negotiation, the co-facilitators do not have the mandate to remove or add brackets.

**Sectoral cooperation and coordination**

**Paragraph 1.** regions [and] subregions [and countries]

*Proposed by co-facilitators:* regions, subregions, and countries

IPEN input: The VWG output should propose “regions, subregions, and countries” in paragraph 1. As the VWG process is not a negotiation, the co-facilitators do not have the mandate to remove or add brackets.

**Paragraph 2.** [International,]

*Proposed by co-facilitators:* International

IPEN input: The VWG output should propose “International,” in paragraph 2. As the VWG process is not a negotiation, the co-facilitators do not have the mandate to remove or add brackets.

**Paragraph 3.** [International and]

*Proposed by co-facilitators:* International and

IPEN input: The VWG output should propose “International and” in paragraph 3. As the VWG process is not a negotiation, the co-facilitators do not have the mandate to remove or add brackets.

**Paragraph 4.** Regions and subregions [and countries]

*Proposed by co-facilitators:* Regions, subregions, and countries

IPEN input: The VWG output should propose “Regions, subregions, and countries” in paragraph 4. As the VWG process is not a negotiation, the co-facilitators do not have the mandate to remove or add brackets.

**Sectoral and stakeholder engagement**
Paragraph 1. [and commitment]

IPEN input: The VWG output should propose removing the brackets around “commitment”. Commitment and political will are essential components of sound chemicals management. As the VWG process is not a negotiation, the co-facilitators do not have the mandate to remove or add brackets.

Paragraph 2. At the national level, governments, as appropriate, should [undertake][pursue], in accordance with their laws, regulations and policies, [taking into account their national circumstances,] 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][encourage] complementary action by relevant stakeholders.

IPEN input:

Suggested text: At the national level, governments, as appropriate, should [undertake][pursue], in accordance with their laws, regulations and policies, [taking into account their national circumstances,] 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][encourage] complementary action by relevant stakeholders.

Paragraph 3. [conventions,]

IPEN input: This text would be stronger if the text read, “conventions and agreements”. It would be appropriate to include “agreements” since SAICM and its replacement are not conventions.

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,] also support 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] [a contribution] to achieve the sustainable development goals.

IPEN input:

Suggested text: 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,] also support 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 achieve the sustainable development goals.

Paragraph 5. In addition, mindful of the need to avoid duplication and taking into account their respective mandates and constituencies, relevant international organizations and bodies should be invited to endorse and adopt the beyond 2020 instrument and strengthen their own engagement on policies and actions for the sound management of chemicals and waste through establishing a mechanism to coordinate activities and further include them in their programmes of work and budgets, including coordinating relevant activities and programmes of work relating to the implementation of the 2030 Agenda and its sustainable development goals and targets.

IPEN input:
Suggested text: In addition, mindful of the need to avoid duplication and taking into account their respective mandates and constituencies, relevant international organizations and bodies should be invited to endorse and adopt the beyond 2020 instrument and strengthen their own engagement on policies and actions for the sound management of chemicals and waste through establishing a mechanism to coordinate activities and further include them in their programmes of work and budgets, including coordinating relevant activities and programmes of work relating to the implementation of the 2030 Agenda and its sustainable development goals and targets.

Paragraph 6. [the sound management of chemicals throughout their life cycle and waste] [the implementation of the beyond 2020 instrument]

IPEN input:
Suggested text: The enhanced efforts of all relevant sectors and stakeholders involved in the sound management of chemicals throughout their life-cycle and waste through establishing a mechanism to coordinate activities and further include them in their programmes of work and budgets, including coordinating relevant activities and programmes of work relating to the implementation of the beyond 2020 instrument, 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. [throughout the value chain of chemicals and waste]

IPEN input:
Suggested text: 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.
Paragraph 11. The second half of the sentence contains a single bracket related to the assessment of the levels of achievement [resulted in progress]. The co-facilitators recommend the removal of the brackets on this paragraph.

IPEN input:

Suggested text: 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. 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]].

IPEN input:

Suggested text: 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. 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.

IPEN input:

Suggested text: [To improve the multi-sectoral cooperation and coordinating structure focused on chemicals and waste, the IOMC should promote broad membership and participation of relevant intergovernmental bodies, including international organizations and secretariats of chemicals and waste related conventions, and seek guidance from governmental representation from their respective governing bodies to strengthen their
Chemical safety units

One way to increase the political priority of SAICM and chemicals management within countries would be to formalize coordination of the inter-ministerial committee recommended in paragraph 23 of the SAICM agreement. One way to do this would be to utilize a pre-existing structure to assume this responsibility. The Montreal Protocol supported the development and operation of national ozone units in 147 countries, including a peer support system and regional networks. These units have been generally acknowledged to have played a key role in the successful implementation of the Protocol. These ozone units could be broadened and serve as focal points for implementation of SAICM, and the Basel, Rotterdam, Stockholm, and Minamata Conventions.

The idea of expanding the ozone units to serve as chemical units emerged during the consultative process on financing options for chemicals and wastes, launched by the UNEP Executive Director in 2009. It appeared again during discussions of the financing mechanism for the Minamata Convention, which concluded in 2012. At IP3, Colombia, with support of other governments, proposed the formation of chemical safety units in the finance working group.

Ideally, the chemical units would locate chemical safety responsibilities in a single effectively-operated institutional arrangement. The updated chemical units could have a multi-disciplinary nature, including a role in coordination, regulation, financing/mainstreaming, compliance, needs assessment, reporting and others. The units should interface with all stakeholders as well as the regional centers established by the Basel and Stockholm Conventions. The efforts to establish synergies in the chemicals conventions have primarily focused on the secretariats. This proposal focuses on synergies at the national level.

Text about the chemical units could appear under VIB National implementation or VIF Mechanisms to support capacity building. IPEN views these units as integral to effective national implementation of the current chemicals agreements.

Multi-sectoral secretariat

During the negotiation of SAICM, there was considerable intersessional debate about the implications of a SAICM Secretariat managed by UNEP alone. Many participants argued that if the SAICM Secretariat were to be managed only by UNEP, other national ministries – such as, for example, health, labour, agriculture, industry, etc. – would interpret this to mean that SAICM and its implementation is not their concern. The discussions concluded with a joint secretariat managed by UNEP and WHO as described in paragraph 29 of the SAICM agreement:

29. The Executive Director of UNEP will be requested to establish the Strategic Approach secretariat. UNEP and the World Health Organization (WHO) will take lead roles in the secretariat in their respective areas of expertise in relation to the Strategic Approach, with...
UNEP assuming overall administrative responsibility. The Strategic Approach secretariat will be co-located with the UNEP chemicals and waste cluster in Geneva, and take full advantage of existing synergies. In order to reflect the multi-sectoral nature of the Strategic Approach, the secretariat will work in coordination and/or cooperation with the participating organizations of IOMC and UNDP, as well as with other intergovernmental organizations, as appropriate. The secretariat will report to the Conference.

A similar text would be appropriate in the new agreement. While the Secretariat may not be able to accommodate all IOMC organizations, the health sector is particularly important for implementing an agreement on the sound management of chemicals and wastes.

The importance of health as a crosscutting issue is not limited to institutional arrangements in the Geneva-based Secretariat, but also important nationally. UNEP and WHO have exerted considerable efforts with national governments to strengthen the alliance of environment and health ministries through the Health and Environment Strategic Alliance initiative, which grew out of the Libreville Conference on Health and Environment in Africa. As noted by UNEP, the Alliance, “will help coordinate action by the health and environment sectors and engage in country-level development planning processes, to effectively utilize health and environment inter-linkages in the protection and promotion of public health and ecosystem integrity.”

A joint UNEP – WHO SAICM Secretariat is also directly linked to achievement of the Sustainable Development Goals (SDGs). As noted by UNEP, “Bringing health and environment jointly into the broader context of economic development provides a unique opportunity to stimulate and support synergistic strategies for sustainable development ensuring greater effectiveness of programmes, maximizing the use of limited or diminishing resources and increasing impacts on decision making - all of which are of critical importance in defining and ensuring a successful implementation of the post 2015 agenda for development.”