

DECISION ADOPTED BY THE GOVERNING COUNCIL AT ITS TWENTY-THIRD SESSION/GLOBAL MINISTERIAL ENVIRONMENT FORUM

Decision 23/9: Chemicals Management, adopted on 25 February 2005

The Governing Council,

Recalling chapter 19 of Agenda 21¹ and Governing Council decisions 18/12 of 26 May 1995, 18/32 of 25 May 1995, 19/13 of 7 February 1997, SS.V/5 of 22 May 1998, 20/22 of 4 February 1999, 20/23 and 20/24 of 4 February 1999, 21/3, 21/4, 21/5 and 21/6 of 9 February 2001, SS.VII/3 of 15 February 2002 and 22/4 of 7 February 2003 concerning global policies related to chemicals management,

Welcoming the entry into force of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and of the Stockholm Convention on Persistent Organic Pollutants,

Welcoming also the continuing good cooperation between the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention, the Stockholm Convention, the Chemicals Branch of the United Nations Environment Programme and the World Customs Organization in addressing international illegal trafficking of hazardous chemicals and hazardous wastes,

Noting the existing good cooperation and the potential for further enhancing coherence and synergies between the Montreal Protocol, the Basel Convention, the Rotterdam Convention, the Stockholm Convention and the Chemicals Branch of the United Nations Environment Programme,

Recalling paragraph 23 of the Johannesburg Plan of Implementation,² adopted by the World Summit on Sustainable Development on 4 September 2002, concerning the renewed commitment on the sound management of chemicals throughout their life cycle and of hazardous wastes for sustainable development and for the protection of human health and the environment, as well as the aim of achieving, by 2020, that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, using transparent, science-based risk assessment procedures and science-based risk management procedures, taking into account the precautionary approach, as set forth in principle 15 of the Rio Declaration on Environment and Development,³ and the call for support to developing countries in strengthening their capacity for the sound management of chemicals and hazardous waste by providing technical and financial assistance,

Recalling also paragraph 23 (b) of the Johannesburg Plan of Implementation, in which the World Summit endorsed the further development of a strategic approach to international chemicals management,

Recalling further paragraph 23 (d) of the Johannesburg Plan of Implementation, in which the World Summit encouraged partnerships to promote activities aimed at enhancing the environmentally sound management of chemicals and hazardous wastes, implementing multilateral environmental agreements, raising awareness of issues relating to chemicals and hazardous waste and encouraging the collection and use of additional scientific data,

Recalling paragraph 23 (g) of the Johannesburg Plan of Implementation, which called for action at all levels to promote the reduction of the risks posed by heavy metals which are harmful to human health

¹ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol I: *Resolutions adopted by the Conference*, resolution 1, annex II.

² *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August–4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

³ *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol I: *Resolutions adopted by the Conference*, resolution 1, annex I.

and the environment, including through a review of relevant studies, such as the United Nations Environment Programme global assessment of mercury and its compounds,⁴

Welcoming the participation of Governments, non-governmental organizations and intergovernmental organizations from multiple sectors such as agriculture, environment, foreign affairs, health, industry, labour and science at the first session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management, held in Bangkok from 9 to 13 November 2003, and at its second session, held in Nairobi from 4 to 8 October 2004,

Noting the Sirte Declaration on the Environment for Development⁵ adopted by the African Ministerial Conference on the Environment at its tenth session, held in Sirte, Libyan Arab Jamahiriya, from 26 to 30 June 2004, in which ministers committed themselves further to prioritizing and drawing synergies from, among other things, the strategic approach to international chemicals management process, and decision 5 of the same session⁶ in which ministers endorsed and encouraged the development of a strategic approach to international chemicals management,

Noting with appreciation those Governments which have made financial contributions to the activities of the United Nations Environment Programme relating to sound chemicals management,

Having considered the progress report of the Executive Director on chemicals management,⁷

I

Cooperation between the United Nations Environment Programme, relevant multilateral environmental agreements and other organizations

1. *Requests* the Executive Director to strengthen support, within available resources, for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants;

2. *Requests* the Executive Director further to promote cooperation between the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention, the Rotterdam Convention and the Stockholm Convention, the Chemicals Branch of the United Nations Environment Programme and the World Customs Organization in addressing international illegal trafficking of hazardous chemicals and hazardous wastes;

3. *Requests* the Executive Director further to promote cooperation with the Basel Convention regional training centres in the implementation of activities, as appropriate, of other multilateral environmental agreements and institutions related to hazardous wastes and chemicals;

4. *Requests* the Executive Director to promote full cooperation and synergies between the secretariats of the Basel Convention, the Rotterdam Convention, the Stockholm Convention and the Chemicals Branch of the United Nations Environment Programme;

5. *Requests* the Executive Director to report on the implementation of the present decision, as it relates to cooperation between the United Nations Environment Programme, relevant multilateral environmental agreements and other organizations, to the Governing Council at its twenty-fourth session;

⁴ Governing Council decision 22/4.

⁵ Report of the tenth session of the African Ministerial Conference on the Environment, Sirte, Libyan Arab Jamahiriya, 26–30 June, 2004, (UNEP/AMCEN/10/8, annex I).

⁶ Ibid., annex II.

⁷ UNEP/GC.23/3/Add.1.

II

Strategic approach to international chemicals management

6. *Urges* governmental, intergovernmental and non-governmental participants as defined in the rules of procedure⁸ adopted by the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management, to continue to participate actively in the development of a strategic approach to international chemicals management;

7. *Requests* the Executive Director to provide funding to support the further development of the strategic approach to international chemicals management;

8. *Also requests* Governments in a position to do so and other stakeholders to contribute the extrabudgetary resources needed to support the further development of the strategic approach to international chemicals management with participation by stakeholders from diverse sectors;

9. *Further requests* the Executive Director to make the necessary preparations, including intersessional work and preparation of documents, for a third and final meeting of the Preparatory Committee, to be held in September 2005 in Vienna, and, in cooperation with the other co-conveners, for the International Conference on Chemicals Management, which is envisaged to take place in conjunction with the ninth special session of the Governing Council/Global Ministerial Environment Forum, in 2006;

10. *Welcomes* the concurrence of the Inter-Organization Programme for the Sound Management of Chemicals and the Intergovernmental Forum on Chemical Safety, as co-conveners along with the United Nations Environment Programme, that the International Conference on Chemicals Management, at which the adoption of the strategic approach to international chemicals management is to be considered, should be held in conjunction with the ninth special session of the Governing Council/Global Ministerial Environment Forum in early 2006;

11. *Invites* the participants at the International Conference on Chemicals Management to refer the adopted document to the governing bodies of relevant intergovernmental organizations for consideration;

12. *Requests* the Executive Director to report to the Governing Council/Global Ministerial Environment Forum at its ninth special session on the outcomes of the process for developing the strategic approach to international chemicals management, with a view to the Governing Council considering its endorsement on behalf of the United Nations Environment Programme;

13. *Also requests* the Executive Director, as a matter of high priority, to make appropriate provision for the implementation of the United Nations Environment Programme's responsibilities under the strategic approach to international chemicals management, once adopted;

14. *Further requests* the Executive Director to make provision for activities to support developing countries and countries with economies in transition in implementing the strategic approach to international chemicals management, taking into account the Bali Strategic Plan for Technology Support and Capacity-building,⁹ the effective implementation of which is a matter of high priority, and to report on the provision of such support to the Governing Council/Global Ministerial Environment Forum at its twenty-fourth session;

⁸ *Report of the first session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management, Bangkok, 9–13 November 2003* (SAICM/PREPCOM.1/7. annex I).

⁹ UNEP/IEG/IGSP/3/4, annex.

III

Lead and cadmium

15. *Reaffirms* its decision 22/4 III of 7 February 2003 on lead;

16. *Requests* the Executive Director to undertake a review of scientific information, focusing especially on long-range environmental transport, to inform future discussions on the need for global action in relation to lead and cadmium;

17. *Encourages* Governments and other stakeholders to increase contributions in order to facilitate the timely implementation of the work required by the present decision;

18. *Requests* the Executive Director to report on implementation of the present decision as it relates to lead and cadmium to the Governing Council at its twenty-fourth session;

IV

Mercury programme

19. *Reiterates* the conclusion of the UNEP Global Mercury Assessment that there is sufficient evidence of significant global adverse impacts from mercury and its compounds to warrant further international action to reduce the risks to human health and the environment from the release of mercury and its compounds into the environment;

20. *Also reiterates* its decision that national, regional and global actions, both immediate and long-term, should be initiated as soon as possible to protect human health and the environment through measures which will reduce or eliminate releases of mercury and its compounds into the environment;

21. *Continues to urge* all countries to adopt goals and to take national actions, as appropriate, with the objective of identifying exposed populations and ecosystems and reducing anthropogenic mercury releases which affect human health and the environment;

22. *Requests* the Executive Director to develop further the mercury programme of the United Nations Environment Programme established under decision 22/4 V of 7 February 2003 by initiating, preparing and making public a report summarizing supply, trade and demand information for mercury, including in artisanal and small-scale gold mining, and, based on a consideration of the life-cycle approach, to submit a document forming a basis for consideration of possible further actions in those areas for the consideration of the Governing Council at its twenty-fourth session;

23. *Also requests* the Executive Director to develop further the mercury programme of the United Nations Environment Programme, established under decision 22/4 V, with the aim of facilitating and conducting technical assistance and capacity-building activities through, among other things, the Bali Strategic Plan for Technology Support and Capacity-building,¹⁰ in order to support the efforts of countries to take action regarding mercury pollution;

24. *Encourages* Governments to promote and improve evaluation and risk communication methods, based on, among other things, guidance from the World Health Organization and the Food and Agriculture Organization of the United Nations, which enable citizens to make health-protective dietary choices, considering risk and benefit information, primarily concerning fish consumption;

25. *Requests* Governments, the private sector and international organizations to take immediate actions to reduce the risks to human health and the environment posed on a global scale by mercury in products and production processes, such as:

(a) Considering the application and sharing of information on best available techniques and measures to reduce mercury emissions from point sources;

¹⁰

UNEP/IEG/IGSP/3/4, annex.

(b) Taking action on reducing the risk of exposure related to mercury in products such as batteries, and to production processes such as chlor-alkali facilities, through, for example, when warranted, introduction of bans or restrictions on uses;

(c) Considering curbing primary production and the introduction into commerce of excess mercury supply;

26. *Requests* Governments in a position to do so to assist developing countries, as well as countries with economies in transition, through technology transfer, capacity-building and access to financial resources in order to achieve the goals listed in paragraph 7 of the present decision;

27. *Urges* Governments, intergovernmental and non-governmental organizations and the private sector to develop and implement partnerships, in a clear, transparent and accountable manner, as one approach to reducing the risks to human health and the environment from the release of mercury and its compounds to the environment and thereby achieving the objectives set forth in the annex to decision 22/4 V;

28. *Requests* the Executive Director, building upon decision 22/4 V, which addresses the issue of further measures for addressing the significant global adverse impacts of mercury and its compounds:

(a) To invite Governments, particularly of developing countries and countries with economies in transition, to identify, in consultation with stakeholders, priority partnership areas as soon as possible, with the goal of identifying a set of pilot partnerships by 1 September 2005, posting that information on the website of the mercury programme of the United Nations Environment Programme and keeping the website current as additional partnerships are proposed and developed;

(b) To work with Governments and relevant stakeholders to compile and report needs identified to execute the partnerships and assist in the mobilization of resources in support of the partnerships;

(c) To share and disseminate information submitted by partnerships on progress, lessons learned and emerging best practices via the website of the mercury programme of the United Nations Environment Programme and other methods of communication, and report on the results of those partnerships;

(d) To report at the third session of the Preparatory Committee for the Development of a Strategic Approach to International Chemicals Management and the International Conference on Chemicals Management about the partnership programme;

(e) To report on the progress of implementation of the partnerships to the Governing Council at its twenty-fourth session;

29. *Requests* that, for each partnership established under the present decision, at least the following be identified:

(a) The goals of the partnership;

(b) The process and timeline according to which the partnership will be developed and implemented;

(c) The roles and responsibilities of the partners, including identification of lead countries in particular areas (for example, both a developing and a developed country might share the lead role);

(d) A mechanism to implement effective monitoring and evaluation procedures to assess and report on the progress of the partnership;

30. *Encourages* Governments, intergovernmental and non-governmental organizations and the private sector to form a partnership to assist the Executive Director in the mobilization of resources;

31. *Also encourages* the development of pilot partnerships to demonstrate early success, including by using, as appropriate, existing structures such as regional centres, and fostering collaboration by countries in and between regions;

32. *Requests* the Executive Director to facilitate work between the mercury programme of the United Nations Environment Programme and Governments, other international organizations, non-governmental organizations, the private sector and the partnerships, as appropriate:

- (a) To improve global understanding of international mercury emission sources, fate and transport;
- (b) To promote the development of inventories of mercury uses and releases;
- (c) To promote the development of environmentally sound disposal and remediation practices;
- (d) To increase awareness of environmentally sound recycling practices;

33. *Encourages* Governments and stakeholders, especially in developed countries, and relevant international organizations within their respective mandates, to mobilize technical and financial resources to work towards successful partnerships; that assistance could include, among other things, identification of best practices and transfer of appropriate technology;

34. *Concludes* that further long-term international action is required to reduce the risks to human health and the environment arising from releases of mercury;

35. *Notes* the strengthened actions to be taken to address global mercury issues in the present decision;

36. *Requests* the Executive Director to present a report on progress in the implementation of the present decision as it relates to mercury to the Governing Council at its twenty-fourth session;

37. *Decides* to assess at the twenty-fourth session of the Governing Council, on the basis of the aforementioned progress report, the need for further action on mercury, considering a full range of options, including the possibility of a legally binding instrument, partnerships and other actions;

38. *Urges* Governments in a position to do so and other stakeholders to make contributions in order to support the implementation of the mercury programme.