



# **IPEN Submission on Elements of an ICCM5 High-Level Declaration July 2023**

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The Strategic Approach to International Chemicals Management (SAICM) covers significant health and environmental issues caused by chemicals and it is the only global political framework that governs how chemicals are produced and used to minimize their harms. While SAICM is not legally binding, its original texts represent a consensus of governments and stakeholders from more than one hundred countries who attended the first International Conference on Chemicals Management. IPEN has been committed to its implementation in order to achieve the 2020 goal. The IPEN network reaffirms its commitment to the intersessional process and resulting Beyond 2020 instrument strong enough to fulfill the vision of the sound management of chemicals throughout their life cycle. IPEN’s vision is for a world where chemicals and wastes are no longer a source of harm, where all people have the right to a safe and healthy environment that will be sustained to protect



future generation. IPEN welcomes the opportunity to provide further input in the drafting of the High-Level Declaration.

## **Introduction**

This submission is in response to a call for stakeholder submissions on essential elements for a possible ICCM5 High-Level Declaration (HLD) on the sound management of chemicals and wastes beyond 2020. The call highlights 3 fundamental goals for the beyond 2020 instrument:

- need to protect human health and people.
- need to protect our environment.
- need research, including by industry, to identify and scale-up solutions.

The SAICM President, Dr Anita Breyer, suggested responding to the following questions in the submissions:

- the most important contextual aspects needed as a foundation for a possible ICCM5 HLD
- In the light of the overall objective to increase the willingness of all stakeholders to assume responsibility including government, private sector and civil society leaders and encourage their strengthened commitment, what should the scope and key elements of the possible ICCM5 HLD messages cover?
- How could a possible ICCM5 HLD be best structured to convey the above-mentioned messages and commitments most effectively?

This submission responds to the above question in reverse order, first on the structure of the HLD, second on what key elements and commitments should be considered in the HLD, third on some contextual elements that should be taken into account.



## **How could a possible ICCM5 HLD be best structured to convey the above-mentioned messages and commitments most effectively?**

The High-Level Declaration (HLD) could use the same basic three-part format as the Dubai Declaration:

- 1) Overarching statements;
- 2) Advances and gaps; and
- 3) Commitments

### Structure of the HLD

The structure of the ICCM5 High-Level Declaration could be a series of numbered paragraphs and follow a similar three-part format as the Dubai Declaration.

#### ***Part 1: Overarching statement***

First, an updated overarching statement would be useful that should reaffirm the commitments already made in the Dubai Declaration by explicitly referring to it and state the need to move forward from this to a renewed ambition given the increased threat posed by chemicals and wastes. It could build on the first paragraph of the Dubai Declaration, which is still as relevant today as it was in 2006: “The sound management of chemicals is essential if we are to achieve sustainable development, including the eradication of poverty and disease, the improvement of human health and the environment and the elevation and maintenance of the standard of living in countries at all levels of development.” In addition, the importance of the sound management of chemicals for the enjoyment of human rights, as recognized by UNGA resolution A/76/L.75 of July 2022 and for the enjoyment of the Fundamental principles of right at work as recognized in 2022 by ILO resolution [ILC.110/Resolution I](#) and for mitigating the effects of climate change on human health and environment; and for biodiversity lost should be stressed as well.



## **Part 2: Advances and gaps**

This section should update the Dubai Declaration. Several ministerial declarations, UNEP reports and other sources provide an ample number of items for this section as referred below in this submission. In particular this section could highlight the findings from UNEP’s independent SAICM evaluation ([SAICM/IP.3/INF/3](#)) in particular the following quotes from this evaluation could be reflected:

- *“...the gap between countries in different development categories... was widening rather than narrowing...”*
- *“The potential of SAICM to deliver its outcomes has been limited by insufficient external donor funding.”*
- *“The SAICM process has been hampered by both uncertainty and shortfalls in planned financing.”*
- *“The low level of awareness within Government and among end-users of chemicals posed serious risks to public health and the environment.”*
- *“...many countries did not have laws governing chemicals management, and for those that did, enforcement mechanisms for implementation remained weak.”*

## **Part 3: Commitments**

This heading makes up more than two-thirds of the Dubai Declaration. The commitment section is extremely important to raise the political profile of chemicals management and to lay the political foundation for achieving the agreement’s objectives and targets.

## **Scope and key elements of the possible ICCM5 HLD**



1. The Bonn High Level Declaration should demonstrate key ministerial support for the role of SAICM in implementing relevant already agreed texts at the international level. The following agreed texts are relevant to SAICM’s scope of work:
  - **The human right to a clean, healthy and sustainable environment, UNGA Resolution [A/76/L.75](#)**, The resolution calls upon States, international organizations, businesses, and other stakeholders to “scale up efforts” to ensure a clean, healthy, and sustainable environment for all. The resolution affirms that its promotion “requires the full implementation” of the multilateral environmental agreements (MEAs) “under the principles of international environmental law” and recognizes the negative implications, both direct and indirect of the unsound management of chemicals and wastes on the effective enjoyment of all human rights.
  - **Resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work ([ILC.110/Resolution I](#))**: The resolution, included the right to a safe and healthy working environment as a fundamental principle and right at work. As a consequence, the International Labour Conference decided to designate the [Occupational Safety and Health Convention, 1981 \(No. 155\)](#) and the [Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#) as fundamental Conventions.
  - **Resolution on the impact of chemicals, waste and pollution on human health by the World Health Assembly ([A76/A/CONF.2](#))** which further recognizes that the linkages between the health impacts of chemicals, waste and pollution and other priority global health issues including inequity and vulnerability, maternal and



child health, antimicrobial resistance and the meaningful achievement of Universal Health Coverage, and that inaction on these linkages limits our collective capacity to strengthen our health systems, including in the context of health emergencies

- **Decision 15/4 Kunming-Montreal Global Biodiversity Framework ([CBD/COP/DEC/15/4](#)):** The Conference of the Parties of the Global Biodiversity Framework adopted 23 global targets to reduce threats for biodiversity including Target 7 which includes the reduction of pollution risks and the negative impact of pollution from all sources by 2030, to levels that are not harmful to biodiversity and ecosystem functions and services, considering cumulative effects, including: (a) by reducing excess nutrients lost to the environment by at least half, including through more efficient nutrient cycling and use; (b) by reducing the overall risk from pesticides and highly hazardous chemicals by at least half, including through integrated pest management, based on science, taking into account food security and livelihoods; and (c) by preventing, reducing, and working towards eliminating plastic pollution.
- **UNEA4 Ministerial Declaration, ([UNEP/EA.4/HLS.1](#)):** We will promote innovation and knowledge sharing in chemicals and wastes management to achieve safer and less toxic material flows in order to protect human health and the environment.”
- **UNEA5 Ministerial Declaration, ([UNEP/EA.5/HLS.1](#)):** The declaration notes with grave concern that the 2020 goal on sound management of chemicals, agreed under the Strategic Approach to International Chemicals Management, has not been achieved. “The unsound management of chemicals and wastes remains a threat to the environment and our health and is further aggravated by the COVID-19 pandemic through widespread use of single-use



plastics and disinfectant chemicals, as well as by economic challenges.”

- **UNEA Resolution 5/7. Sound management of chemicals and waste ([UNEP/EA.5/Res.7](#)):** Reaffirms the relevance and importance of the integrated approach to financing of the sound management of chemicals and waste, and underscores that the three components of an integrated approach – mainstreaming, industry involvement and dedicated external financing – are mutually reinforcing and are all important for the financing of the sound management of chemicals and waste at all levels. The resolution also commits to continue efforts to act to protect nature and human health from adverse impacts from chemicals and waste and support an ambitious framework for the sound management of chemicals and waste beyond 2020 at the fifth meeting of the International Conference on Chemicals Management, recognizing pollution as one of the major drivers of climate change and biodiversity loss, which in turn requires us to prevent pollution that toxifies land, air, ocean and fresh water.
- **UNEA Resolution 5/14 End plastic pollution: towards an international legally binding instrument ([UNEP/EA.5/Res.14](#)).** The Resolution reaffirms the importance of cooperation, coordination and complementarity among relevant regional and international conventions and instruments, with due respect for their respective mandates, to prevent plastic pollution and its related risks to human health and adverse effects on human well-being and the environment, including, among other instruments, the Strategic Approach to International Chemicals Management
- **UN Guiding Principles on Business and Human Rights (UN Human Rights Council by [Resolution 17/4](#) on 16 June 2011):** the guiding principles adopted in 2011 designed to ensure that companies do not violate human rights in the course of their



transactions and that they provide redress when infringements occur. The Guiding Principles for Business and Human Rights outline how States and businesses should implement the UN “Protect, Respect and Remedy” Framework in order to better manage business and human rights challenges.

2. The Dubai Declaration adopted by Ministers from more than 100 governments in 2006 provides many important elements and commitments that would be useful to include and reaffirm in the new HLD:
  - The sound management of chemicals is essential if we are to achieve sustainable development, including the eradication of poverty and disease, the improvement of human health and the environment and the elevation and maintenance of the standard of living in countries at all levels of development.
  - The need to take concerted action is accentuated by a wide range of chemical safety concerns at the international level, including a lack of capacity for managing chemicals in developing countries and countries with economies in transition, dependency on pesticides in agriculture, exposure of workers to harmful chemicals and concern about the long-term effects of chemicals on both human health and the environment.
  - We commit ourselves in a spirit of solidarity and partnership to achieving chemical safety and thereby assisting in fighting poverty, protecting vulnerable groups and advancing public health and human security.
  - We will work towards effective and efficient governance of chemicals management by means of transparency, public participation and accountability involving all sectors of society, in





particular striving for the equal participation of women in chemicals management.

- We recognize the need to make special efforts to protect those groups in society that are particularly vulnerable to risks from hazardous chemicals or are highly exposed to them;
  - We are determined to protect children and the unborn child from chemical exposures that impair their future lives;
  - We will strive to integrate the Strategic Approach into the work programmes of all relevant United Nations organizations, specialized agencies, funds and programmes consistent with their mandates as accorded by their respective governing bodies
  - We are determined to cooperate fully in an open, inclusive, participatory and transparent manner in the implementation of the Strategic Approach
3. The HLD provides an opportunity for ministers to declare commitments to some key chemical safety actions. This will set the ICCM5 HLD apart from the more general declarations issued by UNEA. They are also key for raising the political priority of the chemicals agenda and helping the public to understand the objectives of the global community. These commitments should include:
- **Right to know:** Data relevant to the health and environmental impacts of chemicals will be made available not only to the government but will also be made available to the public. Reveal pollution and chemicals in products and processes and uphold and implement the right to information about emissions of chemicals and wastes and full disclosure about their presence in products. (SDG12, Rio Principle 10).



- **No data, no market:** To place a substance on the market, a comprehensive set of data and information about the chemical must be provided to regulators and users. (SDG12).
- **Substitution principle:** Progressive substitution of the most dangerous chemicals should occur when suitable alternatives have been identified. (SDG12).
- **Precautionary principle:** Take preventive action in the face of uncertainty; shift the burden of proof to the proponents of the activity; explore alternatives; increase public participation in decision-making. (Rio Principle 15).
- **Polluter pays principle:** Promoting the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution (Rio principle 16). In this respect the HLD could highlight the need to strengthen Extended Producers Responsibility laws to ensure producers minimise life-cycle environmental impacts and become accountable for environmental impacts that they cannot eliminate by design.
- **Gender equality:** Advance equal participation of women in decision-making, work to obtain gender disaggregated data, and promote policies that protect women from harmful chemicals and wastes. Rio Principle 20 states, “Women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.” (SDG5).
- **Sustainable Development Goals (SDGs):** The HLD should emphasise the importance of the sound management of chemicals and wastes in achieving several of the [UN Sustainable Development Goals](#).
- **Broad participation in decision making processes:** acknowledge systems to address hazardous chemicals and wastes must involve



active collaboration between all stakeholders, including civil society organizations and trade unions, and should respect existing consultative and tripartite procedures.

- **End double standards:** Only few hazardous chemicals have been banned or severely restricted under international law. Developed countries have taken more stringent action to eliminate the use of many hazardous chemicals, including pesticides (e.g. Chlorpyrifos, Paraquat). However, even where bans have been placed on the use of these chemicals, manufacturing has continued to export banned chemicals or unapproved pesticides for use in other parts of the world, particularly to countries that are unable to thoroughly manage the risks posed by these chemicals. The HLD should ensure a common commitment to end this practice as well as to eliminate the most hazardous chemicals.

### **The most important contextual aspects needed as a foundation for a possible ICCM5 HLD**

**This section could include references to scientific advances, Covid-19, economic recovery interventions and the need to make significant progress on the sound management of chemicals and wastes. The elements below may be useful as is, or slightly modified to focus more directly on chemical safety.**

- The size of the global chemical industry exceeded United States dollars 5 trillion in 2017. It is projected to double by 2030. Consumption and production are rapidly increasing in emerging economies. Global supply chains, and the trade of chemicals and products, are becoming increasingly complex (Global chemicals outlook II)



- Exceeding the planetary boundaries: A landmark study by a team of researchers showed that the safe operating space of the planetary boundary of novel entities (i.e. chemicals and plastics) is exceeded since annual production and releases are increasing at a pace that outstrips the global capacity for assessment and monitoring<sup>1</sup>
- Illegal traffic of hazardous chemicals and wastes continues to be reported in large volumes as documented by developing countries ([UNEP/EA.5/Res.7](#) para.3) and by independent researchers<sup>2</sup>
- Slow and limited action in addressing issues of concern at the global level, including issues known for a very long time (e.g. lead) and issues emerging more recently (e.g. PFAS) ([An Assessment Report on Issues of Concern: Chemicals and Waste Issues Posing Risks to Human Health and the Environment](#)).

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<sup>1</sup> Linn Persson, Bethanie M. Carney Almroth, Christopher D. Collins, Sarah Cornell, Cynthia A. de Wit, Miriam L. Diamond, Peter Fantke, Martin Hassellöv, Matthew MacLeod, Morten W. Ryberg, Peter Sjøgaard Jørgensen, Patricia Villarrubia-Gómez, Zhanyun Wang, and Michael Zwicky Hauschild *Environmental Science & Technology* 2022 56 (3), 1510-1521 DOI: 10.1021/acs.est.1c04158

<sup>2</sup> Zou, H., Wang, T., Wang, ZL. et al. Continuing large-scale global trade and illegal trade of highly hazardous chemicals. *Nat Sustain* (2023). <https://doi.org/10.1038/s41893-023-01158-w>