
HIGH-LEVEL DECLARATION INFORMAL DRAFTING GROUP

Co-facilitators' final report

1. Introduction

The President of the fifth session of the International Conference on Chemicals Management (ICCM5) initiated a process to develop recommendations on essential elements of a possible High-level Declaration (HLD) component of a SAICM successor, similar to the Dubai Declaration from 2006 as part of the “beyond 2020” ICCM5 outcome. In July 2020, the President decided to convene, under her auspices, an informal drafting group, working virtually to compile views of the participants of the intersessional process (IP) on a possible HLD component.

It is important to highlight that the Fourth Meeting of the Intersessional Process (IP4) on the Strategic Approach and sound management of chemicals and waste beyond 2020, as well as the Fifth Session of the International Conference on Chemicals Management (ICCM5) have been postponed due to the COVID-19 pandemic.

The recommendations on elements of a ICCM5 High-level Declaration, as presented in Annex I to this report, will form the basis of the ICCM5 President’s proposal for the continued discussion of the HLD when face-to-face meetings are feasible.

2. Co-Facilitators and Terms of Reference of the HLD informal drafting group

The HLD informal drafting group was co-facilitated by Ms. Kay Williams (United Kingdom) and Ms. Angela Patricia Rivera Galvis (Colombia). The terms of reference of the informal drafting group can be found [here](#). The objectives, assumptions and principles of the HLD informal drafting group are as follows:

Objective of the informal group

To compile, organize and synthesize input, views and proposals from SAICM stakeholders that could inform the scope, structure and content of a possible High-level Declaration on the sound management of chemicals and waste beyond 2020. These proposals would inform (among other proposals) the work of an envisaged drafting group formally established at the rescheduled IP4 (or ICCM5, as the case may be) for consideration by the envisioned ICCM5 High-level Segment.

Assumptions

Although the following questions have not been finalized yet, as a starting point the informal drafting group will proceed on the assumption that:

- A High-level Segment will take place at ICCM5; and

- A decision will be taken that a HLD component of the “beyond 2020” instrument is a desired outcome of the conference.

Principles

The work of the informal drafting group was guided by the following principles, that:

- The work of the group is informal and therefore does not replace any negotiation to be undertaken at rescheduled IP4 and/or ICCM5, as the case may be.
- It should be small enough to enable efficient work but be representative of the multiple sector and stakeholder participants in the process, taking into account regional, sectoral and gender balance.
- The group should operate in a consultative and transparent manner in order to comprehensively compile, organize and synthesize input, views and proposals from IP participants and take into account the range of interests and respective legal mandates reflected in the IP participant inputs.

Composition

Discussions of the informal drafting group were guided, managed and facilitated by two co-facilitators, appointed by the President, taking into account the need for regional, sectoral and gender balance. In addition, a member of the SAICM Secretariat has been appointed to support the work. Bureau members were invited to propose three representatives to be members of the informal drafting group, taking into account the above-mentioned principles and balance criteria. The composition of the informal drafting group was finalized by the President, taking into account the balance between regions, sectors, civil society, industry, governments, international organizations and gender.

3. Process

The call for nominations for the HLD informal drafting group on the preparation of a possible ICCM5 High-level Declaration was sent out together with the terms of reference on 10 July 2020. The informal drafting group was officially established in early October 2020. The list of members of the informal drafting group can be found [here](#). To start the process, members of the informal drafting group were requested to provide written submissions on inputs and views on key elements of a possible ICCM5 HLD.

Since October 2020, the HLD informal drafting group has convened six times. The co-facilitators requested electronic feedback from the informal drafting group on three occasions, including on the first draft of the HLD in December 2020 where all SAICM stakeholders were invited to submit [written inputs](#). In total, the co-facilitators received and worked through 55 submissions from governments, intergovernmental organizations, civil society and academia.

4. Reflections by the Co-facilitators

The members of the HLD informal drafting group agreed on the following principles for any future High-level Declaration:

1. That it should follow the basic structure of the Dubai Declaration and build upon it;
2. Avoid repetition;
3. Continue to discuss whether the focus is only on the beyond 2020 instrument/framework;
4. Be short, concise, clear, forward-looking and ambitious with a view to raising the political profile of chemicals and waste globally.

The co-facilitators would like to stress that in the final text of the High-level Declaration there are a number of issues such as funding, peer review, the Science-Policy Interface, and capacity building, that need to be reviewed in the light of the discussions of the Virtual Working Groups. There should also be further consideration of the need for tracking progress of the implementation of the High-level Declaration and the accountability of those signed up.

ANNEX I: Recommendations on elements of a ICCM5 High-level Declaration

The following table reflects the elements that have been discussed by the informal drafting group tasked with generating inputs for the High-level Declaration to be adopted at ICCM5.

The work of the HLD informal drafting group was guided by the following:

- The discussions were **informal** and aimed to facilitate an exchange of views whilst not replacing formal future negotiations ahead of and including at ICCM5.
- The group was **small** but regionally balanced and composed through a nomination process to allow for efficient work; it was sufficiently representative to ensure a wide range of views.
- The objective of the group was to develop **elements** that would help form a draft High-level Declaration for the negotiations ahead of and including ICCM5.
- This table has been prepared by the co-facilitators taking on board the interventions and written inputs provided. The elements outlined in this table are not exhaustive and should not be considered final in any way. They intend to assist stakeholders in advancing discussions on the High-level Declaration and do not prejudge further work.

The information below is intended to contribute to the work of the ICCM5 President in the development of the Declaration text for ICCM5. These elements do not preclude other elements that could be discussed later in the process of negotiation.

| | Element (text) | Element (keywords) | Co-facilitators' comments |
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| INTRODUCTORY / OVERARCHING STATEMENT | | | |
| 1 | The political leaders, representatives of civil society, the private sector, academia and international organizations participating in the United Nations International Conference on Chemicals Management send a united and urgent call for increased global ambition and accelerated action to deal with the serious and immediate threats to the environment and human health posed by the misuse and mismanagement of chemicals and waste. In agreeing to this new and inspiring beyond 2020 framework, the challenge has been set and stakeholders should rise to it with alacrity to protect our future. | (Commitment to the beyond 2020 framework/instrument) | Text has been strengthened to press for a call to action and stakeholders have included academia. Retained a reference to pollution for communication purposes as the ultimate aim of all activities is to reduce the unwanted presence in or introduction into the environment of substances or materials that has harmful or poisonous effects i.e. pollution. Deleted pollution and instead inserted the misuse and mismanagement of chemicals and waste. Kept the term stakeholders in its broadest sense as it could include the general public. |

| | Element (text) | Element (keywords) | Co-facilitators' comments |
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| 2 | Science clearly shows that the earth's environmental, agricultural, labor and human health challenges should be addressed together to achieve sustainability. Pollution together with the loss of biodiversity, and climate change undermines our efforts on 80 per cent of assessed Sustainable Development Goal targets. ¹ Safely managing chemicals at all levels in addition to reducing and managing waste better, including by mainstreaming at the country level is a pre-requisite to achieve the 2030 Agenda and more specifically SDG 12. | Links to other environmental challenges (climate change, biodiversity) Scientific evidence (climate / biodiversity / SDGs) | Strengthened focus on the 2030 Agenda. Added the notion that safely managing chemicals at all levels is a prerequisite to achieve the SDGs. Added reference to SDG12 (sustainable consumption and production). Broadened to include agriculture and labor and replaced emergencies with challenges. |
| 3 | Acknowledge the progress and the valuable information already generated through the Strategic Approach to International Chemicals Management whilst recognizing that efforts have not been enough and that the global goal has not been reached. The multi-stakeholder and multisectoral community has the joint and combined responsibility to continue to lead, contribute and collaborate to make sure that chemicals and waste are managed soundly to the highest standards possible. | Acknowledge SAICM progress so far. Multisector / multi-stakeholder approach. | Deleted the emphasis on issues of concern. Amended text and reverted to "sound management". |
| ADVANCES AND GAPS | | | |
| 4 | The projected doubling of the global chemical industry by 2030 ² with its cutting-edge creativity will continue to provide society with benefits. Chemicals are the building blocks of resource efficient technologies, materials and products and help us manage global disease threats such as COVID-19. These advancements, however, must not come at a price that results in a turning point from which planetary and human health cannot recover. The capacity of industry, the private | Scientific evidence (GCO-II, need for change, benefits of chemicals, safe and sustainable chemicals, circular economy) | Explicit mention of "by 2030" as the projected date (and reference to the GCO-II). Kept the emphasis on benefits, since chemicals are the building block of 21 st century living. Reduced the focus on innovation and on the chemicals industry. Instead, added the private sector. |

¹ UNEP Executive Director Inger Anderson – Making Peace with Nature Report, Executive summary, p.5, https://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/34949/MPN_ESEN.pdf

² Global Chemicals Outlook-II, Summary for Policy Makers, p.2, <https://wedocs.unep.org/xmlui/bitstream/handle/20.500.11822/35969/k1900123e.pdf>

| | Element (text) | Element (keywords) | Co-facilitators' comments |
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| | sector and of respected academics to provide safe, innovative, and sustainable chemicals and safer, including non-chemical alternatives is vital to offer new solutions, new business models and support both the green and the digital transformations of the global economy and society. Business as usual is not an option. | | <p>“planetary” was kept, in order to provide a more holistic dimension than “environmental”.</p> <p>Retained a reference to COVID-19 to make it relevant to current situation.</p> <p>Clarified “irremediable cost” and suggested alternative words to “tipping point”.</p> |
| 5 | Acknowledge and voice concern regarding the unacceptable and widening gap between developed and developing countries and their capacity to detect and analyze hazardous chemicals, protect the rights of workers, women, children, indigenous peoples and other vulnerable groups through managing chemicals and waste safely. Recognize the critical importance of human rights relating to the enjoyment of a safe, clean, healthy, and sustainable environment. Improving access to knowledge, science and technology including traditional, indigenous and citizen knowledge, is essential to protect all populations and understand the dimensions of chemical use and exposure on the vulnerable groups. Scientific uncertainty should not prevent precautionary measures being adopted quickly and decisively when the potential environmental or human health risk is high. | Widening capacity gap; access to knowledge, science and technology; improving access to knowledge, science, technology; precaution | <p>This element previously contained mentioning of illegal traffic and judicial mechanisms, which was deleted.</p> <p>Instead, the acknowledgement of human rights was added as well as text on improving access to knowledge, science and technology, which was presented and discussed at the fourth meeting of the informal drafting group.</p> <p>This text also explicitly contains the notion of precaution.</p> |
| COMMITMENT / ACTIONS | | | |
| 6 | Recognize the crisis we face from polluting our planet and the role that chemicals and waste play. Announce focused action both immediately and over the next decades to protect our planet and human health: | Commitment to act | Specified what crisis was meant and deleted the notion of a “planetary emergency”. |

| | Element (text) | Element (keywords) | Co-facilitators' comments |
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| (i) | Implement the transformational Beyond 2020 framework fully in developing countries and countries with economies of transition, by addressing the lack of national legal chemicals and waste frameworks urgently and re-doubling efforts to deliver on the suite of ambitious targets. This should be done through mainstreaming chemicals and waste management into national plans and budgets, implementing relevant international and regional agreements and supporting each other with technical assistance and capacity building at all levels as necessary. | Implementing the Beyond 2020 framework/instrument; national legal frameworks; mainstreaming into national plans and budgets; implementation of international/regional agreements; capacity building) | Made the notion of “national development plans” less specific by deleting “development”. Added relevant international and regional agreements. Added technical assistance and capacity building. |
| (ii) | Stress the responsibility of all, including industry, to make available, accessible and in an understandable format, data and information on health, risks and environmental effects of chemicals. This includes through the production, use, re-use or recycling and/or disposal stages and any products made from chemicals, the implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), whilst respecting the confidential business information not related to health and the environment. | Responsibility of industry; accessible, understandable data; confidential business information | This additional element evolved out of the group’s wish to mention the responsibility (now: all stakeholders, including industry) to make data available, accessible and understandable, while also taking note of confidential business information. Made clearer that Confidential Business Information does not relate to information related to health and environmental effects. GHS reference added. |
| (iii) | Strengthen the coherence and synergies between the chemicals and waste and other relevant multilateral agreements, standards and activities in health, agriculture, labor as well as biodiversity, oceans and climate change to address the interrelated and interdependent challenges and accelerate implementation action. | Connection with the MEAs and other fora/ sectors | Specified action to mean action on implementation. Deleted “regulatory” in front of coherence as we are dealing with a mix of legally binding and voluntary frameworks and introduced “relevant” to reduce the scope on the MEAs. |
| (iv) | Raise the visibility and communicate widely the opportunities and challenges that chemicals and waste afford to providing solutions to environmental and | Communicate benefits; move away from hazardous chemicals | The issue of illegal traffic/trade was detached from this element, that now focuses on the communication |

| | Element (text) | Element (keywords) | Co-facilitators' comments |
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| | health threats, creating an environment in which companies that develop safer alternatives and innovative practices thrive whilst moving rapidly from the production, use, non-essential import and export of hazardous chemicals and wastes. | | <p>of benefits and the move away from hazardous chemicals.</p> <p>Added “health” to “environmental threats”.</p> <p>Deleted the notion of “chemicals and waste crimes”.</p> <p>Included “export” here for those legally traded products.</p> <p>Further consideration is required on the text, for example some countries do not have the facilities for treating hazardous wastes and have to export them.</p> |
| (v) | Intensify efforts to tackle all illegal traffic of hazardous chemicals and waste by strengthening laws, judicial mechanisms and the capacity of customs administration and national authorities, striving to make available and harnessing the best technology to enforce the law in exporting, transit and recipient countries. | Illegal traffic in hazardous chemicals; capacity of customs; best technology to enforce law | <p>Detached the issue of illegal traffic and law enforcement from elements 6(ii) and (iv) into one separate element.</p> <p>Retained the word “harnessing” the best technology to make sure everyone invests in the enforcing the law.</p> |
| (vi) | Commit to equal and effective participation of all sectors of civil society, particularly women and vulnerable groups in decision-making on chemicals and waste policy and management to minimize or prevent the adverse effects and risks from exposure to hazardous chemicals and waste pollution on the environment and human health, in particular children and the unborn child, and indigenous peoples, where chemicals exposure impairs their future lives. | Gender (equal and effective participation; women and vulnerable groups; (unborn) children) | <p>Added particular mention of “children and the unborn child”, in addition to indigenous peoples.</p> <p>Changed from indigenous “populations” to “groups”.</p> |
| (vii) | Promote green and sustainable chemistry and thereby developing effective, safe, and more environmentally benign products and processes, and generating safe and | Green and sustainable chemistry | Merged the previous two elements on green and sustainable chemistry into one. They also decided to elaborate on the different steps of the lifecycle. |

| | Element (text) | Element (keywords) | Co-facilitators' comments |
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| | sustainable secondary raw materials in a circular economy, including nonchemical alternatives. By integrating green and sustainable chemistry in education, research and innovation policies and programmes, companies should be encouraged to mainstream sustainable product design based on innovation and address hazardous substances in products at production, through use, re-use and/or recycling to disposal to reduce exposure. | (non-chemical alternatives; G&SC in education; mainstream sustainable product design; lifecycle) | Decided to mention both green and sustainable chemistry, thereby following the outcome of VWG1 on targets, indicators and milestones (among others). Further consideration is needed on whether to use the term “circular economy” or “resource efficient economy” to understand which is the more widely understood and accepted term. |
| (viii) | Strengthen links between science and policy at all levels to promote science based local, regional and global actions. Facilitate the academic community and multidisciplinary experts to assist us through their institutions and societies by calling for the creation of an independent platform through which they can analyze and provide policy relevant recommendations to close existing gaps and help us target resources to the most immediate challenges and find the best solutions. | Scientific evidence, science policy interface/platform | Merged previous elements 6(vii) and 6(ix) into one element and clarified what is meant by “at all levels”. Followed the group’s note of caution that ICCM cannot establish but call for an independent platform. There was broad support to go further in the text on the type of platform being called for to strengthen the science-policy interface and include “intergovernmental platform” as had been done at the World Health Assembly. Further discussion will be needed on the exact formulation of this element, pending discussions during the intersessional process and developments in other fora such as UNEA and World Health Assembly. |
| (ix) | The lack of full scientific certainty may not be used as a reason for postponing measures to prevent environmental degradation and adverse health effects whilst making all efforts that chemicals are used and produced in ways that lead to negligible adverse effects on human health and environment in line with the precautionary principle. | Precautionary principle | Removed the term “cost effective” and introduced “adverse health effects” to strengthen the intention behind the precautionary principle and explicitly inserted the words “precautionary principle”. |

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| (x) | Promote gender mainstreaming as a component of all policies, strategies and plans for the safe and sustainable management of chemicals and waste, taking into account gender differences in exposure to hazardous chemicals and their effects on health. | Gender mainstreaming; gender differences in exposure and effects | No significant changes to this element. |
| (xi) | Strengthen the mobilization and provision of all financial and non-financial means of implementation from all sources domestically and internationally, both public and private, to transform our approach to resourcing the strengthening of capacities of developing countries and emerging economies and close the gap. This includes, inter alia, the development of finance standards to support improved disclosures and accountability and other incentives to attract green investment, mainstreaming and extended producer responsibility frameworks, as appropriate. | Capacity building (closing the gap) | <p>Have reduced the financial considerations to a single paragraph due to finance negotiations that are on-going. Have tried to emphasize the need to innovative and new ways of financing in addition to the Integrated Approach to Financing the SMCW.</p> <p>Inserted emerging economies in addition to developing countries.</p> <p>The group was unable to find agreement whether the term “Low and Middle Income Countries” (LMIC) should be kept or exchanged for “developing countries” and a more detailed discussion is required on whether incorporate language used by the financial community such as LMIC.</p> |
| | Incentivize the financial system, nationally and internationally, to align financial flows to environmental commitments and the Sustainable Development Goals, to take into account the value of promoting green and sustainable chemical solutions and safer alternatives. | Incentive measures for the financial system | There was a suggestion to retain this text. |
| STRENGTHENED COLLABORATION AND CONTRIBUTION | | | |
| 7 | Strengthen the co-ordination between sectors and stakeholders and work more urgently with downstream users through an inclusive and participatory approach to achieve the transformational success required. Call for an endorsement by UNGA of the Beyond 2020 framework in support of broad multisectoral | Strengthened coordination and cooperation (Coordination and cooperation with the MEAs; downstream | <p>Deleted a reference to “planetary threats”. Added a call for endorsement by UNGA.</p> <p>Further discussion is required on whether to include a call for endorsement to UNGA.</p> |

| | Element (text) | Element (keywords) | Co-facilitators' comments |
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| | commitment and secure the necessary ownership along with enhanced co-ordination of priorities and direction between UN bodies, agencies and frameworks. Work more closely with international health regulations, relevant labor and other standards reaching out beyond our traditional alliances to mobilize all actors and levers in support of a shared ambition. | users; health regulations, labor standards) | |
| 8 | Broaden the partnerships between Governments, the private sector, civil society and intergovernmental organizations, both within and outside of the chemicals and waste community, to reflect synergies. New partnerships should focus on the needs of the poorest and most vulnerable and be transparent, have dedicated tasks and clear and measurable goals, involving and fostering ownership amongst all relevant sectors and stakeholders. | Partnerships (government, private sector, civil society, intergovernmental organizations; guidelines for new partnerships) | Shortened the element by deleting “between a broad community of stakeholders and create a spirit of solidarity”. It was considered that the partnerships could be based on UN agencies guidelines for partnerships. For example, UNDP has rules of engagement between the UN and private actors. There was support for a strong statement here. |
| 9 | In endorsing this Declaration, promise to take meaningful action together and be mutually accountable for our deeds. | Final statement / Endorsing of Declaration; mutual accountability | This element remained unchanged. There was a call for a stronger commitment and accountability. |