



Fourth meeting of the intersessional process considering the Strategic Approach and sound management of chemicals and waste beyond 2020 (IP4)
Bucharest, Romania, 29 August – 2 September 2022

Proposal for Developing an International Code of Conduct on Chemicals and Waste Management

Note by the secretariat

1. The secretariat has the honour to circulate, in the annex to the present note, the document entitled “*Proposal for Developing an International Code of Conduct on Chemicals and Waste Management*”. The document presented in the annex has been developed and submitted by the Africa Group and has not been formally edited.

Annex: Proposal for Developing an International Code of Conduct on Chemicals and Waste Management

I. Introduction

The Africa Group proposes that an International Code of Conduct on Chemicals and Waste Management be developed to be presented at ICCM5.

Why a Code? Codes of Conduct are a normative instrument which outlines the best practices as well as roles and responsibilities of different stakeholders, predominately governments including National Focal Point, industry, international governmental organisations (IGOs) and civil society. A Code would provide a structure for incorporating the framework agreed to at IP4 and set out guidelines outlining the norms, rules, and responsibilities of stakeholders, and practices.

There is a precedent with the International Code of Conduct on Pesticides Management (FAO & WHO), the Code of Ethics on the International Trade in Chemicals (UNEP) and currently the development of a Code of Conduct on Plastics to support the UNEA resolution to develop a Plastics Treaty. The question is why has no Code been developed on Chemicals and Waste? It is believed that the opportunity is here now for developing the Code on Chemicals and Waste (hereon referred to as “the Code”) to operationalize and structure the Beyond 2020 Framework. The focus will be on the basic responsibilities needed for chemical and waste management. The Code lays out the minimum responsibilities and best practices for chemical and waste management. The Code is a guide for prioritization and ensuring that the basic and fundamental systems are in place and principles are adhered to. The goal is for the Code to foster sustainable and sound management of chemicals and waste with a view to supporting UNEP’s objective of a pollution-free future and other toxic-free initiatives. The Code will also assist with identifying and meeting the capacity-building needs in countries and among stakeholders.

The Code would outline the roles and responsibilities of the above stakeholders under relevant articles that have been structured to incorporate the Overall Orientation and Guidance (OOG), the new chemicals and waste framework and the IOMC integrated approach. Furthermore, the Code would indicate where existing documents, guidelines, and standards from previous frameworks and IOMC organizations (e.g., ILO standards, UNEP reports, WHO Chemical Roadmap, FAO guidelines, OECD documents). For example, the Code would assist with implementing the fundamental rights of people to live in a toxic-free and healthy environment adopted by the UN General Assembly in July 2022; the ILO guidelines on a just transition, human rights and due diligence and the ILO Declaration on Principles regarding Multinational Enterprises and Social Policy, the UN Guiding Principle on Business and Human Rights, and the OECD Guidelines on Multinational Enterprises.

This INF document presents a thought starter of what the Table of Contents (ToC) of the Code could look like and the work plan for developing a draft.

It is proposed that one of the IOMC organizations take the lead in the development of the Code to be endorsed by the other organizations. When the Code is further developed, the different articles will address stakeholder responsibilities and link agreed to targets and indicators that are currently being developed under the new chemicals and waste framework, as well as existing IOMC indicators for the OOG.

II. Proposed Process

An illustrative proposed work plan for the development of a draft Code for delivery by end of June 2023 to be considered at ICCM5 includes:

- By the end of IP4 a mandate is given for the IOMC partners to discuss who has the capacity to take the lead in overseeing the development of a draft Code.
- A Zero draft Code is developed by December 2022.
- The Zero draft is peer-reviewed by all IOMC partners and selected experts, and the first draft of the Code is developed by end of January 2023.
- The IOMC organization leading on the Code development circulates the first draft of the Code for all SAICM stakeholders to provide comments by the end of February 2023.
- During March 2023 stakeholder comments are incorporated and addressed in the second draft of the Code.
- The third draft of the Code is presented at a SAICM/University of Cape Town Community of Practice (CoP) in April 2023, which is part of the SAICM Knowledge Management Project.
- A fourth draft of the Code is developed incorporating the CoP comments by May 2023.
- A final review of the fourth draft by the IOMC partners and selected experts is conducted so that a fifth draft is ready for submission to the SAICM secretariat for inclusion in the ICCM 5 documents by the end of June 2023.

Appendix: Draft Outline for an International Code of Conduct on Chemicals and Waste Management

The five strategic objectives of the new chemicals and waste framework (SO) (see SAICM/IP.4/2/Rev.1) and the three dimensions of the IOMC integrated framework (D) could be incorporated into the Code (see SAICM/IP.4/INF/18). To illustrate where these could be incorporated, they are highlighted in the ToC with **SO** for Strategic Objective (e.g., SOA = Strategic Objective A) and **D** for Dimension (e.g., D1 = Dimension 1).

Proposed Code Table of Contents:

Article 1: Objectives of the Code

Article 2: Terms and definitions

Article 3: Legal frameworks (basic) [**SOA; D1**]

Article 4: Hazard and Risk assessment [**SOB; D1**]

Article 5: Enforcement and compliance mechanisms

Article 6: Implementation of MEA's, SDGs and other mechanisms and creation of linkages [**SOE; D3**]

Article 7: Institutional frameworks and coordination mechanisms [**SOA**]

Article 8: Transparency and, sharing of data, knowledge and information

Article 9: Industry participation and responsibilities [**D2**]

Article 10: National implementation, budgeting and planning

Article 11: Risk reduction and prevention [**SOD**]

Article 12: Chemical accidents and poison centres

Article 13: Waste and Waste Management

Article 14: Issues of concern, prioritized issues and emerging issues [**SOC**]

Article 15: Monitoring and assessing impacts

Article 16: Development and promotion of innovative solutions and value chains [**SOD; D2**]

Article 17: Sustainable human resource capacities and sustained capacity building (training)

Article 18: Financing Chemicals and Waste Management

Article 19: Monitoring, observance, review and updating of the Code