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## **Recommendations for continuing SAICM and a preparatory process for the postponed IP4 and ICCM5 meetings**

### **I. Current situation**

Due to the ongoing COVID-19 pandemic and the logistical difficulties in rolling out vaccines globally, particularly in developing countries, as host country, Germany had to cancel the face-to-face 5th International Conference on Chemicals Management (ICCM5) and its preparatory 4th intersessional process meeting (IP4) that was scheduled for June/July 2021.

The World Health Organization and other assessments project that the rollout of effective vaccine-based immunization in all countries will only be completed by late 2022, at the earliest, but more likely sometime in 2023.

Discussion at the 14th Meeting of the ICCM5 Bureau held in January 2021 focused mainly on the implications of this situation for the ICCM4 mandated process of developing future arrangements for the Strategic Approach to International Chemicals Management (SAICM) and the Sound Management of Chemicals and Waste (SMCW).

Furthermore, reports on the recent, bureau mandated, Virtual Working Group (VWG) process were considered. The bureau noted that, the VWG consultations had value in terms of building deeper understanding and possible common ground. However, feedback indicated that VWG meetings had various limitations and challenges. The bureau also noted that the completion of the ICCM4 mandate will require face-to-face negotiation, which cannot currently be achieved through virtual online media.

In the light of this situation, the bureau decided to postpone IP4 and ICCM5 meetings indefinitely. The President announced to prepare a recommendation on the way forward for consideration at the next bureau meeting. This paper outlines these recommendations.

## II. Challenges experienced in preparatory work since the initial postponement

Since the initial postponement of the 2020 IP4 and ICCM5 meetings, the bureau instituted ongoing intersessional preparatory work through Virtual Working Groups (VWGs), with a view to maintain momentum and make further progress on the ICCM4 mandate.

It was noted, however, that participants in the VWG processes were predominantly from the WEOG region and there was poor participation from some developing country constituencies. To this end, the bureau has requested an evaluation of the VWG process to inform decisions on substance, methodology and process going forward.

Some observed challenges with the VWG process included:

- 1) Poor virtual technology connectivity due to weaknesses in communication infrastructure, particularly in developing country regions.
- 2) Differences in time zones making it difficult to mobilize full participation.
- 3) Language barriers.
- 4) Time constraints for delegations to consider proposals and provide constituency consulted input on working documents, a particular issue experienced by small delegations.

## III. Objective

Given that no face-to-face meetings are possible (i.e. only virtual work), there is a two-fold challenge for the ICCM5 President and bureau up till at least late 2022, or more likely 2023.

- 1) The first objective would be to secure, and support continued (or even enhanced) implementation of Sound Management of Chemicals under the Strategic Approach (SAICM) during this period. This could involve two aspects:
  - a) At a minimum, there is a need to secure the SAICM instrument and its secretariat support, in the light it being unable to legally continue operating in the absence of an approved work programme and budget (as well as a possible interpretation by some that its mandate ended in 2020). This requires ICCM administrative decisions that:
    - i) Extend the SAICM instrument in its current form due to *force majeure* circumstances until ICCM5 can formally convene (including the bureau, secretariat and any existing subsidiary institutional arrangements).
    - ii) Adopt a SAICM biennial work programme that includes ongoing work, any enhancements and possibly agreed new work, as well as any agreed extension of intersessional operational and preparatory processes; and
    - iii) Approve an associated budget for SAICM and its secretariat (which would also include provision for financing support to ongoing work under the SAICM instrument and/or any agreed new work).
  - b) The possible enhanced implementation and/or new work under SAICM referred to above would be an outcome of work done by existing subsidiary institutional arrangements.
- 2) Secondly, an objective to finalize the ICCM4 mandate on the development of recommended future SAICM successor and SMCW arrangements for consideration when ICCM5 is able to formally convene. This could require administrative decisions to:
  - a) Confirm the continuation of the IP mandate until ICCM5 can formally convene, including possible guidance on the methods and organisation of work to be undertaken in terms of this mandate.
  - b) Provide for a possible OEWG-4 meeting.

- c) Adopt broad timeframes for this intersessional work for inclusion in the biennial work programme.

As an additional challenge, these objectives are to be met in the context of simultaneous international and national priorities to deal with the social and economic impacts of the pandemic, as well as to address the logistics of rolling out vaccine-based immunization in all countries.

#### **IV. Recommendations**

Given a desire to mobilize political profile and commitment to the importance of SMCW and the necessity to continue deliberations on the Beyond 2020 Instrument/Framework in preparation for ICCM5 when it can formally convene, the following scenario is recommended:

- 1) Under this scenario
  - a) In mid-2021, the ICCM administrative decisions on the continuation of SAICM, its work programme and budget are taken using the silence procedure.
  - b) Similarly, administrative decisions on a continuation of the IP preparatory process are adopted to confirm that the ICCM4 IP-mandate is continued until ICCM5 can formally convene. These decisions would include guidance addressing the challenges experienced to date with working virtually.
  - c) Furthermore, a decision on the possible convening of an OEWG-4 meeting (including budgetary provisions) may be required.
  - d) At the same time, a virtual High-level Meeting would be convened with a view to discuss and provide political profile and commitment to the importance of SMCW. This event would not be part of the ICCM4 mandated processes, and its outcome could be captured and disseminated in various forms.
- 2) This approach provides for a well-planned IP process to develop future SAICM and SMCW arrangements, as well as potentially raising the political profile, priority and commitment to SMCW.

However, the identified challenges of working virtually would need to be addressed. These measures could include setting up a new process for engagement. In preparation the following aspects should be considered:

- 3) To create ownership among stakeholders for a new process for engagement, it is recommended that their views on and experiences with the previous virtual process are collected to inform the design of future work. This could be done through a survey that also requests for input on a possible new process.
- 4) Based on the evaluation of the VWG process, a new process for engagement would be developed that addresses identified challenges, including possible new substantive topics, new working methods, new organisational consultation groups and facilitation.
- 5) In addition, to allow for further deliberations on issues that are of importance for stakeholders but that were difficult to progress in a large group, the Bureau could establish (possibly technically supported by the secretariat) smaller, more targeted stakeholder discussion groups (e.g. organised per region-, language-, thematic-). The invitation should entail that the outcomes of such group work should be reported back to the broader intersessional process.

Practical preparation for the adoption of administrative decisions through a silence procedure would require a process of consultations on and preparations for, at least:

- 1) Text on a decision that the SAICM Bureau, Secretariat and any existing subsidiary institutional arrangements can continue their work until ICCM5 can formally convene.
  - 2) A biennial work programme (including ongoing and/or new SAICM work, any provisions for extending the work of the IP, see below).
  - 3) An associated budget for the secretariat (including financial provisions for the above-mentioned points and a broad timeframe for the continuation of the IP).
  - 4) Design, methods and timetables for the intersessional process.
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