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**Third meeting of the intersessional process considering the Strategic Approach  
and sound management of chemicals and waste beyond 2020**

Bangkok, Thailand, 1-4 October 2019

Item 4(b) of the provisional agenda\*

**Development of recommendations for consideration by the fifth session of the Conference  
regarding the Strategic Approach and the sound management of chemicals and waste beyond  
2020: Institutional arrangements**

**Submission from the German Environment Agency –  
Enhancing the sound management of chemicals and waste  
beyond 2020**

**Note by the secretariat**

The secretariat has the honour to submit to the intersessional process a report received from the German Environment Agency on enhancing the sound management of chemicals and waste beyond 2020. The report is presented in the annex as received from the German Environment Agency and has not been edited by the secretariat.

## Annex



# ENHANCING THE SOUND MANAGEMENT OF CHEMICALS AND WASTE BEYOND 2020

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## 1 Background and approach<sup>1</sup>

- 1) The sound management of chemicals and waste (SMCW) is indispensable in fulfilling the 2030 Agenda and the Sustainable Development Goals (SDGs). Further, projected increases of chemical production and consumption are expected to lead to increased pollution and exposure, constituting an even greater risk for human health and the environment in the future. The second edition of the Global Chemicals Outlook (GCO-II) clearly states: “business as usual is not an option”, indicating that current efforts among the many involved sectors and stakeholders are insufficient to fulfil the 2020 goal of producing and using chemicals in ways that minimize significant adverse impacts on the environment and human health. To this end, in 2015 the 4<sup>th</sup> session of the International Conference on Chemicals Management (ICCM4) initiated an intersessional process (IP) with the mandate to prepare recommendations regarding the Strategic Approach to International Chemicals Management (SAICM) and the SMCW beyond 2020 for consideration at ICCM5 in October 2020.
- 2) The initial two meetings of the intersessional process focused substantively on recommendations related to revitalising SAICM, with little attention given to the broader question of SMCW. This prompted the German Environment Agency to commission a paper focused on this gap of preparing recommendations on an enabling framework for the SMCW beyond 2020. The paper was submitted as INF-27 for consideration at the third meeting of the Open-ended Working Group (OEWG3) on 2-4 April 2019.<sup>2</sup> The INF-27 paper elaborated some reasons why such an enabling framework is needed including, among others, the still considerable institutional fragmentation of the SMCW landscape. This fragmentation comprises, *inter alia*; a number of conventions (Basel, Rotterdam, Stockholm, Minamata); various standards and non-binding guidelines (e.g. Code of Conduct on Pesticides or the Globally Harmonized System of Classification and Labelling of Chemicals); the work programs of international governmental organizations (IGOs) on SMCW; as well as voluntary approaches like SAICM or private initiatives such as Responsible Care. To date, there is no mechanism for overall monitoring of progress, review and follow-up; nor a coherent communication, cross-system coordination and overarching process planning. These gaps contribute to the fact that SMCW issues receive little senior decision-maker or public attention despite their importance for achieving national development priorities and meeting international sustainable economic and social developmental goals.
- 3) Participants at OEWG3 explored the ongoing debate of broader SMCW, including the above challenges.
  - a) Some participants held that, in the light of current challenges, and in order to keep pace with a rapidly evolving and growing chemicals and waste sector beyond 2020, an enabling governance framework is needed to: enhance political profile and priority, thereby contribute to enabling coherent ambitious action; improve policy coherence to maximise synergies, efficiency and effectiveness; strengthen cooperation and action across relevant sectors by all stakeholders at all levels; mobilise resources and investment in SMCW; facilitate the exchange of information,

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<sup>1</sup> Funding for this paper was provided by the German Environment Agency under FKZ 3717654010.

<sup>2</sup> SAICM/OEWG.3/INF/27 - A submission from the German Environment Agency – Paper on Global Governance of Chemicals and Waste, <http://www.saicm.org/Portals/12/Documents/meetings/OEWG3/inf/OEWG3-INF-27-Global-Governance.pdf>



experience and best practices; and enable the monitoring of overall progress towards SMCW-related SDGs as a basis for the review and/or adjustment of policy, ambition and action.

- b) Other participants, while recognising the need to address the current barriers to effective and ambitious SMCW, had differing views on how this may be achieved. These views ranged from developing a top-down intergovernmental treaty approach, to merely strengthening existing arrangements to revitalise SAICM, which they contend would also obtain high level endorsement by governing bodies of participating organizations to the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) as well as from other relevant actors.
  - c) Still other participants maintained that any overarching SMCW governance resolution may contravene the legal mandates of other existing instruments and organisations, and is therefore beyond the scope of the current SAICM governance mandate of ICCM, particularly in terms of its Overarching Policy Strategy (OPS) founding document.
- 4) So far, discussions have focused on whether and why an overarching enabling framework will be needed. However, pursuant to its ICCM4 mandate, the forthcoming intersessional process will need to make substantive or /and procedural recommendations on what needs to be done regarding (both) SAICM and the SMCW, to enable an ICCM5 agreement and decision on the way forward beyond 2020.
  - 5) As an input to the consideration and negotiation of these forthcoming recommendations, the brief for this paper is to analyse the substantive issues under debate and propose workable solutions that could possibly balance the apparent range of interests in the negotiation.
  - 6) Therefore, this paper examines the key functions or interventions that have been proposed as necessary to fully and effectively achieve the Sound Management of Chemicals and Waste internationally, particularly as envisaged in the 2030 Agenda and the SDGs. Its focus is on measures to achieve the 2030 SMCW-related SDGs that have been identified as potentially being additional to and separate from the current general understanding of what can and should be done under a revitalized multi-stakeholder and multi-sector SAICM. The paper further proposes how such additional measures could be put in place.
  - 7) Since it has become clear during the intersessional process that there is little appetite for the creation of new institutions or mechanisms, this input paper concentrates on opportunities to “build on the existing” within the ICCM4 mandate for the intersessional process.
  - 8) At OEWG3, ongoing discussion of a possible SMCW enabling framework surfaced specific functional intervention proposals that proponents contend would not be adequately addressed or operationalized under a revitalized multi-stakeholder and multi-sector SAICM. The most important of these include:
    - I. First, in the context of the apparent difficulties in achieving the 2020 goal as concluded by the second Global Chemicals Outlook, the IP recommendations must give high priority to reinforcing the vision for the SMCW. It is apparent that, although SDG 12.4 reiterates the 2020 goal, it is unlikely to be met. As such, a new time-based milestone for the achievement of SMCW needs to be set. With no apparent opposition, proponents propose this date to be at least by 2030. Clearly, there is great urgency for the SMCW sectors and stakeholders at all levels to significantly create high public and political profile attention on prioritising up-scaled SMCW action. It was acknowledged that the current SAICM IP work on this matter could technically formulate a common timeless vision for a SMCW sustainable development

trajectory, together with clearly defined objectives, each linked to time-bound milestones or targets with measurable and reportable outcomes. Proponents contend however, that, in order to garner full ownership and participation across all relevant sectors and all SMCW involved IGOs, this common vision, strategic objectives and targets must be adopted, promoted, monitored and followed-up at a politically senior intergovernmental level, which is interpreted to be outside of the current legally mandated scope of the voluntary multi-stakeholder ICCM and SAICM fraternity.

- II. Second, the IP recommendations on SMCW should include a focus on improving and exploiting the considerable opportunity to scale-up ambitious investment from all sources in synergistic, efficient and effective SMCW action on the ground. This needs to be achieved through improved coherence of intergovernmentally agreed chemicals and waste policies and measures across all relevant sectors that support coordinated and mutually supportive national regulatory systems, as well as cross-sector, multi-stakeholder implementation programmes.
  - III. Third, as the GCO-II and SAICM evaluations have clearly identified, the IP recommendations on SMCW should address the persistent national level lack of capacity to develop and implement at-scale SMCW policies and programmes that support strengthened multi-sector and multi-stakeholder action, particularly in many developing countries. Proponents maintain that, to a large extent, this is due to a lack of accessible financial resources, technical assistance, technology development and transfer, as well as support for communication and collaboration processes among diverse actors. Acknowledging the plethora of international finance mechanisms that could be used to leverage the much more significant resources available in the private sector, proponents note, however, that there is no intergovernmentally agreed fit-for-purpose mechanism to coordinate and mobilise these resources or guide their deployment to finance activities at all levels to meet the common multi-sector and multi-stakeholder SMCW vision, objectives and targets.
  - IV. Fourth, IP recommendations on SMCW should address the need for an enhanced science-policy interface (SPI) to inform the development of responsive intergovernmentally agreed SMCW policy and implementation programmes, particularly in the light of a rapidly growing and evolving industry. In contrast to the Rio Conventions on climate change, biodiversity and desertification, which are supported by respective science-policy mechanisms, there is no equivalent platform in the area of chemicals and waste. Neither is there a community of researchers well-versed in linking science with policy.
  - V. Finally, IP recommendations on SMCW should address the need for an intergovernmental review and follow-up procedure that can capture to what extent progress is being made across the entire chemicals and waste cluster in achieving all the chemicals and waste-related SDGs. This review and follow-up procedure also needs the mandate to highlight and recommend where there is a need for policy adjustment and/or enhanced action by relevant stakeholders and sectors.
- 9) Should there be agreement on what additional overarching measures need to be taken, the next substantive question of how to achieve this needs to be addressed. Can the revitalized SAICM incorporate a mechanism for developing and adopting the needed intergovernmental policy decisions or is a separate governance framework required?
- 10) This paper makes the case that, along with a revitalised SAICM, the above overarching, coordinating and guiding functional areas, which need intergovernmental agreement, can be effectively



implemented through a strengthened and appropriately mandated ICCM, supported by an enhanced IOMC as part of a comprehensive package of recommendations for SAICM and the SMCW beyond 2020.

- 11) It must be noted that the ICCM has been established as the governing body of the voluntary multi-stakeholder Strategic Approach. As such its Rules of Procedure are relatively unique among intergovernmental structures, in that they provide for the full participation of non-governmental actors, where appropriate to its founding document – the Overarching Policy Strategy. However, these rules of procedure also provide for full intergovernmental decision making, consistent with normal practices of IGOs and their governing bodies.
- 12) It is contended that the key issue preventing the ICCM from taking on these functions is its limited legal mandate created by the current Overarching Policy Strategy and its Rules of Procedure, in particular Rule 1.<sup>3</sup> This paper argues that the solution is to include the above functions within the scope of the legal mandate of ICCM.

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<sup>3</sup> Rule 1 : «These rules of procedure shall apply to any session of the International Conference on Chemicals Management (“Conference”) convened pursuant to section VII of the Overarching Policy Strategy of the Strategic Approach to International Chemicals Management, and are designed to reflect the multi-stakeholder character of the Strategic Approach, as described in paragraph 2 of the Overarching Policy Strategy»

## 2 Identified functional areas to enhance the SMCW

### 2.1 Shared vision, priority, ambitious strategic objectives and targets

- 13) As concluded by GCO-II, one of the contributing factors to the lack of progress in achieving enhanced ambitious action needed to meet the 2020 goal, is the fragmented character of the chemicals and waste cluster, as well as inadequate levels of policy coherence, coordination and cooperation between organisations within the cluster at international, national and sub-national levels. In this regard, an important starting point is to develop and adopt an overarching shared vision, with objectives and targets that guide and bring together commitments from all sectors and stakeholders within the cluster.
- 14) It is noted that the SMCW is fully incorporated in the 2030 Agenda and the SDGs, which are an already multilaterally agreed high-level shared vision by the international community for sustainable development for the next 11 years. In keeping with the cross-cutting character of the chemicals and waste cluster however, this shared vision, objectives and targets relevant to the SMCW, is often not clear, since they are spread across the 17 SDGs. Even where SMCW is not explicitly mentioned, chemicals and waste issues are found to be important for the achievement of most of them.<sup>4</sup>
- 15) To this end, in order to take advantage of the opportunity of the above SDG-related SMCW commitment that has been agreed at the highest possible level, it is recommended that a clear overarching shared vision, objectives and targets should be drawn from, build on and align with the 2030 Agenda vision and SDG targets. It should bring together and embrace the visions, objectives and targets set by the governing bodies of all other international chemicals and waste instruments, organisations, programmes and initiatives and in a manner that preserves their respective autonomous mandates.
- 16) When considering the work on the revitalized SAICM's vision, strategic objectives and targets that are currently being developed within the intersessional process, it is contended by many that these are in fact based on the SDGs, the 11 elements of the Overall Orientation and Guidance (OOG) and further stakeholder input. Participants in this work maintain that it is intended to be generally applicable to and broadly owned across the whole SMCW cluster. However, this raises three issues (with associated questions) for consideration:
- Firstly, within the intersessional process, there is a note of caution regarding the current underrepresentation of governing bodies and their constituent government representatives, as well as secretariats of MEAs and other non-environmental sector specific IGOs. This implies that these bodies or organisations are not actively contributing to the development of the objectives and targets. Therefore, they may have little or no ownership of the objectives and targets intended to guide their SMCW priorities, plans, programmes and actions.
  - Secondly, does the need for broader participation than is currently working in the IP imply that a separate shared vision exercise is needed? Is there a risk that such a separate shared vision,

<sup>4</sup> See IOMC (2018): Chemicals and Waste Management: Essential to Achieving the Sustainable Development Goals (SDGs). [https://www.who.int/iomc/ChemicalsandSDGs\\_interactive\\_Feb2018\\_new.pdf](https://www.who.int/iomc/ChemicalsandSDGs_interactive_Feb2018_new.pdf)



objectives and targets exercise will create confusion, delay and duplication within the intersessional process? Importantly, is there a way to gain the needed broad ownership of the outcome of the current IP work on strategic objectives and targets without duplicating the exercise?

- c) Thirdly, it has been noted that, if tied to the SDGs ending in 2030, this shared vision, objectives and targets would effectively be relatively short term, especially if this “beyond 2020 regime” takes a few years to elaborate and be ready for implementation.

17) In order to address these concerns:

- a) Firstly, it is suggested that the work should not be separated or duplicated. It is noted that the substantive content of the encompassing shared vision, objectives and targets needs to be developed at a more technical level in any case. Further, the results of this IP shared vision, objectives and targets work would be included as part of the comprehensive package of “beyond 2020” IP recommendations. Therefore, it is suggested that this IP shared vision, objectives and targets recommendation, which will be considered at ICCM5, should be referred to and used as a central theme for a Ministerial Declaration at a ICCM5 High Level Segment (or at another multi-sector Ministerial level conference, if so decided).
- b) Secondly, this Ministerial Declaration should frame the shared vision, objectives and targets in a way that explicitly highlight the relevance that SMCW has for each of the SDGs and their related targets<sup>5</sup>. It should clearly show the links between the relevant goals and targets of each MEA and IGO with the SDG/target that they aim to fulfil. In this way, each organisation’s vision, objectives and targets developed by their governing bodies would remain autonomous and their respective legal mandates would remain untouched, but will be structurally and strategically linked to the fulfilment of the 2030 Agenda and the SMCW-relevant SDGs through a clear, comprehensive and intergovernmentally agreed vision statement for the SMCW beyond 2020.
- c) Thirdly, it is proposed that the Ministerial Declaration frame the short-term 2030 SDG deadline as an immediate global effort aimed at achieving Vision 2030. Further noting that in the longer term beyond 2030, updated goals and targets will be based on progress made, as well as be drawn from and aligned with relevant future multilaterally agreed sustainable development goals.

18) It must be noted however that, although such an ICCM Ministerial Declaration would be an intergovernmental and multilaterally agreed resolution on the SMCW, the ICCM itself has been set up as the governing body of SAICM as a voluntary multi-stakeholder instrument. As such, it is perceived by many that the ICCM would have no legal *locus standi* to provide such overarching guidance for consideration by other legally autonomous governing bodies.

19) Therefore, it is recommended that this Ministerial Declaration should specifically address the broadening and strengthening of the ICCM mandate to provide such overarching guidance. Further, it is recommended that the Ministerial Declaration together with the ICCM5 recommendations be submitted through the UN system for endorsement. The specifics of how this could be done are discussed in section 3 of this paper

<sup>5</sup> See footnote 3 ; see also : WBCSD (2018): Chemical Sector SDG Roadmap. Geneva: World Business Council for Sustainable Development. <https://www.wbcsd.org/Programs/People/Sustainable-Development-Goals/Resources/Chemical-Sector-SDG-Roadmap>

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## 2.2 Improving policy coherence, synergies and efficiency

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- 20) A key issue under consideration in the intersessional process and the OEWG3 discussions has been the necessity of improving policy coherence, synergies and efficiency of the different entities in the chemicals and waste governance landscape. A synergies process has led to impressive results in aligning the agenda and workings of the Basel, Rotterdam and Stockholm Conventions (BRS) and their respective secretariats. However, this process did not include other bodies and instruments, such as SAICM, the International Health Regulations, relevant ILO conventions, the FAO Code of Conduct on Pesticides, and others. Even the idea to align the recent Minamata Convention on mercury with the BRS Conventions has been met with reservations by several parties.
- 21) Considering the multi-sector nature of the sound management of chemicals and waste, it is important to ensure that sectors and stakeholders engage cooperatively in achieving SMCW – and thus work towards achieving the 2030 Agenda and the SDGs – in a coherent, coordinated, efficient and effective manner. This includes avoiding duplication as much as the alignment of programmes of work.
- 22) Communication, coordination and cooperation to enhance coherence among the different entities of the SMCW governance landscape will need to be carefully developed, co-created and facilitated in an inclusive, equitable manner in order to enable the organisations, programmes and initiatives to efficiently and effectively deliver their common and individual share towards fulfilling the SDGs.
- 23) It must be noted that neither ICCM nor a revitalized multi-stakeholder SAICM platform, with its current, largely voluntary legal status, has a mandate to guide or influence the policies and programs of work set by the autonomous governing bodies of any intergovernmental organisation. Guidance for increased coherence, synergies and efficiency would need to come from a body that has the mandate and authority to do so. Since most international organisations' governing bodies are intergovernmental, such a structure would also need to be intergovernmental in nature and be accountable at a high political level. Such guidance would only be intended to facilitate and support the IGO and MEA governing bodies, within their respective mandates, to progressively redirect their resources, cooperation and coordination amongst each other and with other stakeholders at the national, regional and international levels.
- 24) To this end, it is recommended that the Ministerial Declaration taken at the ICCM5 High Level Segment (or another multi-sector Ministerial level conference, if so decided) should also include an invitation to all the different entities within the chemicals and waste cluster to strengthen and improve their coordination and cooperation in future.
- 25) In keeping with the “build on existing” concept it is recognised that the creation of the IOMC has been an important step in increasing the cooperation and coordination among multiple sector-specific participating intergovernmental organisations (IGOs). As such, this structure has the potential to be enhanced to more actively coordinate efforts to improve coherence, cooperation and synergies across the whole chemicals and waste cluster. In this regard, two questions need to be considered.
- Firstly, whether the participation within the IOMC could be broadened to include other relevant international organisations, programmes and initiatives involved in the SMCW?
  - Further, noting that the IOMC policy, planning and resource allocation decision-making power is limited by the fact that it is a committee of organisations, each operating within the priorities and budget allocations provided by their own governing bodies. Secondly, can the IOMC include



intergovernmental representation from the governing bodies of participating organisations to directly involve decision-makers in the effort to improve SMCW coherence, cooperation and synergies.

- 26) Therefore, it is recommended that the key elements of this arrangement should be incorporated in the Ministerial Declaration taken at the ICCM5 High Level Segment, including:
- a) First, enhancing the IOMC by including other relevant entities agreed to be part of the chemicals and waste cluster such as WIPO, WTO, UNESCO, and the Secretariats of the BRS and Minamata Conventions or the Montreal Protocol. This could be done by including in the ICCM5 recommendations and the Ministerial Declaration an invitation to the IOMC to broaden and enhance its membership, together with a request for the UN Secretary General to support and facilitate the expansion of IOMC membership, as appropriate. The IOMC should work to guide respective programs of work in line with the abovementioned vision, objectives and targets and hence, with the 2030 Agenda and the SDGs. By making reporting processes more accessible, IOMC organisations could further contribute to setting and monitoring the SMCW agenda. In this regard, the IOMC should encourage potential members to join, and organize the meetings of the Inter-Organization Coordination Committee (IOCC) to accommodate more participants and representatives.
  - b) Second, enriching the IOMC with direct representation of governments in the forum. This intergovernmental element could consist of a representative of the respective governing bodies of each IGO (e.g. their presidents). In this way, the original task of administrative coordination among the IOMC organisations would be linked directly with the task of intergovernmental planning, policy and resource allocation decision-making for SMCW in line with the 2030 Agenda and the SDGs.
  - c) Third, this enhanced IOMC should act in close cooperation with and report on its work to a strengthened ICCM that, as proposed above, has a broadened mandate that includes both its role as the governing body of a revitalised voluntary multi-stakeholder SAICM, as well as the function to provide overarching facilitative guidance recommendations related to SMCW intergovernmental policy, coherence, science, planning, monitoring and resourcing for consideration by relevant organisations, within their respective mandates.

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### 2.3 Building capacity and mobilising resources for multi-sector and stakeholder cooperation and action on the ground

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- 27) The independent evaluations of the chemicals and waste sector have identified that a major barrier to the achievement of the 2020 goal has been the persistent lack of capacity in many countries to develop and implement SMCW policy and programmes that strengthen multi-sector and multi-stakeholder action on the ground. This is a particular concern in developing countries that have rapidly growing chemical production sectors.
- 28) Fundamentally, addressing this lack of capacity requires access to resources including finance, technology, technical skill, regulatory systems and institutional infrastructure by governments, civil society and the private sector.

- 29) The government sector needs the capacity to provide coherent domestic policy, legislation, regulatory systems, skills and institutional infrastructure that not only enables and supports sound management of chemicals and waste, but also incentivises ambitious multi-sector and stakeholder cooperation and action.
- 30) Similarly, these resources are also needed to:
- a) Support private sector investment in innovation and compliance; as well as
  - b) Enable civil society to actively participate in the policy formulation and implementation processes; as well as to
  - c) Promote increased awareness and the adoption, by the general public, to commit to transition to a “consume responsibly” mode of behaviour.
- 31) There are four key capacity building and resource-related challenges that need to be addressed by all international organisations, programmes and initiatives working on SMCW:
- a) Firstly, how to strengthen and coordinate financing, technology transfer and capacity building programmes to improve their coherence, avoid duplication and inefficiencies in the provision of support for SMCW implementation, particularly in developing countries that lack capacity. This strengthening and coordination effort needs to focus on maximising the coherence of international organisations work (such as WHO, ILO, UNEP, UNIDO, FAO and the BRS Conventions), with the work of cooperative bilateral, multi-stakeholder and other partnership initiatives (such as the Special Programme, SAICM, Responsible Care, IOMC, e-waste partnerships, PCB Elimination Network, Global Alliance for alternatives to DDT, etc.).
  - b) Secondly, how to mobilise and efficiently deploy adequate public financial support to leverage the much more significant resources available in the private sector to achieve SMCW goals and targets.
  - c) Thirdly, central to this work is the question how to direct financial investment into the technology, skills, legislative and institutional requirements to achieve SMCW across multiple sectors of the economy and society in countries that currently lack capacity.
  - d) Fourthly, this resource provision, mobilisation and leveraging work needs to be founded on an evidence-based, well communicated, easily and broadly understood narrative that the SMCW:
    - i) Makes an important contribution to social and economic development; that it
    - ii) Contributes to addressing many other developmental challenges, such as poverty, job creation, inequality, food security, health, sustainable industrialisation, climate change and ecosystem service degradation; etc.; as well as, and perhaps most significantly, that
    - iii) A level playing field for private sector investment in the SMCW is “good for business” and “a great investment in long-term future sustainable economic development and competitiveness” for all countries.
- 32) Discussion at the OEWG3 indicated that:
- a) Many participants considered the quantum of finance directed toward work in the chemicals and waste cluster to be inadequate and they were calling for new and additional finance as well as the continuation of the Special Programme;



- b) Some of these participants were calling for a new SMCW financial mechanism under an encompassing enabling framework;
  - c) In response, other participants, particularly donor countries, were sceptical that a new financial mechanism delivering new and additional finance would achieve the coherent increase in the ambitious action desired. They pointed to the need to more efficiently direct and use the many available financial mechanisms and other channels of delivering existing financial resources, particularly with a view to leverage significant investment flows from the private sector into the SMCW in line with the 2030 Agenda and the SDGs.
- 33) It was clear that among the providers of finance, there was little appetite for the creation of any new financial mechanism, but to rather prioritise and redirect the use of the GEF, Special Programme, Multilateral Fund, IGO Funds and other related channels such as the Multilateral Development Banks, Green Climate Fund, bilateral Official Development Assistance and Foreign Direct Investment.
- 34) In the light of this wide range of positions, it must be noted that while there is a plethora of international finance mechanisms available, there is no fit for purpose process or mechanism in the SMCW space to facilitate, coordinate and guide the coherent and efficient mobilisation and deployment of these resources. Its operation would focus on identifying, mobilising, coordinating and directing integrated packages of support towards activities in countries that need investment in their capacity to appoint, equip and train skilled staff to develop and implement regulatory systems and SMCW incentives (e.g. coherent policy, law and regulations across multiple sectors); infrastructure (e.g. laboratories); as well as the information, communication and monitoring systems required to:
- a) Leverage and incentivise at-scale private sector investment flows into the SMCW on a level-playing field basis; and thereby
  - b) Meet the common multi-sector and multi-stakeholder SMCW goals and targets.
- 35) In the context of a broadened mandate for the ICCM to provide overarching coordinating guidance, it is recommended that the ICCM establish an arrangement, process or subsidiary structure comprising of finance and other relevant experts to keep SMCW capacity building, technology, finance and other resource mobilisation sources and initiatives under review. This would form a basis for coordinating guidance recommendations aimed at building capacity and maximising investment flows from all sources. The arrangement would draw from and build on lessons from partnerships and initiatives such as the Quick Start Programme, the Integrated Approach to financing the SMCW and the Special Programme for institutional strengthening, including their experience with mainstreaming, industry involvement and dedicated financing.
- 36) In keeping with the “build on existing” concept it is also recommended that the existing Special Programme could be transformed and enhanced as an international SMCW capacity building and finance coordinating arrangement. A Special Programme replenishment would provide a capability to finance practical demonstration of the viability of such coordinating guidance recommendations and their positive contribution to both economic growth and social well-being. These would include the facilitation and initial and/or partial support for collaboration among the many relevant financial mechanisms, institutions, governments in directing coherent, efficient and effective finance and other investment decisions that also provides incentives for the private sector to mobilises investment flows into SMCW at economy-wide scale.
- 37) The functions of such an international SMCW capacity building and finance coordinating arrangement could include providing guidance on:

- a) Improving coherence, efficiency and coordination of the delivery of SMCW finance;
- b) Rationalisation of SMCW finance delivery channels;
- c) Mobilisation of SMCW finance and investment flows from all sources; and
- d) Practical demonstration of modalities for achieving these outcomes; and
- e) Monitoring and evaluating the delivery of finance and its effectiveness in leveraging at scale investment in SMCW.

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## 2.4 Strengthening the science-policy interface

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- 38) Current scientific assessments of SMCW provide specific sector perspectives (for example, the GCO focus on environmental issues; the WHO focus on public health issues; the FAO focus on food production and food safety issues etc.). These multiple scientific perspectives reinforce the reality that SMCW is a global cross-cutting multi-sector, multi-stakeholder and multi-level global challenge.
- 39) It has also been acknowledged, that these sector based scientific assessments add value, from two important view points.
  - a) Firstly, they provide important sector data as a foundation for a possible overarching multi-sector assessment of progress towards higher level goals; and
  - b) Secondly, they provide the data related to an assessment of whether, or not, a particular sector is performing in accordance with its planned contribution to the global effort.
- 40) At this stage however, there is no overarching scientific assessment process that provides a policy-relevant synopsis of collective progress towards the 2020 goal for the SMCW (or even a possible future 2030 and/or a beyond 2030 goal).
- 41) In the context of a rapidly evolving and growing chemicals and waste sector and the increasing momentum behind circular economy or, equivalent, full life-cycle approaches globally, an enhanced science-policy interface (SPI) that draws on the above mentioned sector-based assessments would be an important element to underpin the SMCW beyond 2020. It would require ongoing participation and support from relevant IGOs and other organisations involved in SMCW, depending on the topic being assessed. The assessments could even be used as a tool to foster collaboration across multiple sectors
- 42) In this regard, it is recommended that an overarching and internationally credible science-policy interface (SPI) be established to provide overarching scientific assessments, that inform and foster evidence-based public pressure for policy development and implementation decision-making on SMCW.
- 43) The lack of such a dedicated SPI arrangement for SMCW has led to various shortcomings, including:
  - a) Considerable gaps when it comes to policy-relevant knowledge; the
  - b) Prevalence of fragmented communities of experts, that may not be addressing overarching or priority questions, either individually or jointly; or
  - c) A missing independent authoritative voice communicating scientific findings and engaging in outreach and dialogue activities to initiate public concern and pressure for agreement among



governments that a scientifically verified chemical or waste issue requires global, regional or national collective action (by and/or across multiple sectors and stakeholders).

- 44) In terms of modalities and approaches for science-policy assessments, best practice from IPCC, IPBES and other major initiatives such as GEO or GCO, use several rounds of review, overseen by a team of review editors, as an additional step to ensure scientific integrity and quality. The use of such peer review processes are recommended.
- 45) This overarching science-policy process would provide assessments using published findings in the academic literature and from other reliable sources, but it would not conduct its own original research. Each assessment would involve experts from a range of disciplinary backgrounds relevant to the content of the assessment, including chemists, biologists, public health experts, engineers, economists, political scientists, and others. The process should also facilitate multi-sector communication and cooperation among policy-makers and other stakeholders as it assembles contributing scientists and scientific institutions from a range of disciplines.
- 46) It is not envisaged that this overarching science-policy process would be tasked with reporting on progress in the implementing of specific objectives and targets. Such progress reporting is generally the task of the various secretariats in charge of compiling progress reports based on national reports, reports by other stakeholders, findings from sector-specific scientific assessments, and other sources. Assessing the overall state of the environment and/or the extent of damage to public health is completely different from the task of comparing political goals with real-world developments, and making a judgment on whether such goals are being met, partially met, or not met at all. This latter task is discussed in section 2.5 below.
- 47) In the IP and OEWG consideration of how to address this need for an overarching assessment of collective performance, there has been a debate on whether one of the existing international assessment processes (such as the UNEP GCO) could be enhanced to form the basis for an SPI to provide an overarching assessment of collective progress towards the SMCW-related SDGs.
- 48) Ideally, this SPI should be designed as a lean and flexible arrangement, that, in line with global best practice, should preferably have its own "independent" governing body to plan and oversee its work and outreach programmes to ensure full ownership of its outcomes by the science community and thereby gain international credibility. It would have four core functions:
  - a) First, reports on the state of and scenario projections for global chemical production and use, and the assessments of impacts of chemical and waste pollution on the economy, human health and the environment, which clearly outline costs of inaction.
  - b) Second, provide assessments of response options which take into account sustainability-related innovation and other technological development trends, and clearly outline the benefits of action for all economies, sectors, society stakeholders and even individual companies, where appropriate.
  - c) Third, provide an early warning system of potential issues of concern for attention and options for possible decision-making by policy-makers.
  - d) Fourth, engage in communication and outreach activities to disseminate the findings. As the IPCC and IPBES best practice has shown, professional communication services are vital to increase awareness of scientific findings both among the public and decision-makers, which is essential to raise the profile of chemicals and waste issues.

- 49) However, in the spirit of the “building on existing” approach, it is suggested that, at the outset, the IOMC participating organizations could be requested to develop a new SMCW model assessment process.
- 50) Alternatively, further consideration might be given to the proposal laid out in Montevideo at OEWG3 for a subsidiary technical or ad-hoc expert body, which could be tasked to prepare more overarching scientific analyses of issues of concern; be involved in developing indicators relevant for the shared vision, strategic objectives and targets; and/or support the development of progress reports.

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## 2.5 Review and follow-up

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- 51) Promoting, fostering and supporting the implementation of SMCW-related objectives and targets in the context of the 2030 Agenda would benefit greatly from a tailored process to track progress, review and follow-up. It needs to be able to assess progress in implementation on the global level, and provide feedback to stakeholders to enable them to scale up efforts, as well as to adjust their activities in areas that are found to be challenging.
- 52) This process should not overlap with or duplicate the future reporting system of a revitalized SAICM, which would be designed to report on whether the planned SAICM activities were implemented (or not) and whether these activities had their designed effect.
- 53) Instead, it should focus on tracking global collective effort towards achieving the chemicals- and waste-related SDGs, highlight where global progress has been achieved, and indicate where additional efforts are needed. In particular, the review should be able to highlight and address areas in need of enhanced cooperation and actions across sectors.
- 54) Building on existing models for review in the UN system<sup>6</sup>, a review and follow-up procedure could be established with a voluntary obligation for countries to assess their success in implementing the cross-cutting challenge of SMCW embodied in the 2030 Agenda. Currently, the HLPF includes three core elements for its follow-up and review procedure: Voluntary National Reviews (VNR), an annual Thematic Review based on a previously defined theme, and SDG Reviews assessing individual Goals in detail.<sup>7</sup> Adding another layer of review to this dense system, however, may not be the most promising solution.
- 55) In keeping with the “build on existing” concept it is recommended that, as a first step, the enhanced IOMC be requested to elaborate on their existing overview of the SMCW-related elements in the 2030 Agenda, and develop a model to enable the tracking of and a review of progress towards all of the 2030 Agenda’s relevant SMCW goals and targets.<sup>8</sup> This could address the gap in the indicators

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<sup>6</sup> E.g. the Voluntary National Review (VNR), the Thematic Reviews, and the SDG Reviews at the HLPF; or the Universal Periodic Review (UPR) under the Human Rights Council (HRC).

<sup>7</sup> Cf. Marianne Beisheim (2018): UN Reforms for the 2030 Agenda: Are the HLPF’s Working Methods and Practices “Fit for Purpose”? SWP Research Paper 9. Berlin: Stiftung Wissenschaft und Politik. [https://www.swp-berlin.org/fileadmin/contents/products/research\\_papers/2018RP09\\_bsh.pdf](https://www.swp-berlin.org/fileadmin/contents/products/research_papers/2018RP09_bsh.pdf)

<sup>8</sup> See footnote 3.



developed by the Inter-agency and Expert Group on SDG Indicators (IAEG-SDGs), which currently, are not designed to provide an overview of whether the world is on track to achieving SMCW.<sup>9</sup>

- 56) The IOMC could establish an open-ended expert group to assess which information is readily available through existing reporting and review procedures, and where there are gaps that need to be closed order to answer clearly whether the world is on track to achieving the overarching SMCW vision. The system could be seen as a meta-review, or a review of reviews which are already taking place in various forums including UNEA, WHA, ILC, FAO Council, ICCM, BRS COPs, Minamata COP, and others. Through such an overview, existing agreements and commitments could be brought together and their joint impact towards implementing the 2030 Agenda made visible.
- 57) The results of the review should be finalised and adopted by the more broadly mandated ICCM and forwarded for consideration by the HLPF, or HLPF could request this review to take place at a special high-level meeting at, or back to back, with the ICCM. This system would not mean that the review system developed under IOMC would undertake the review of the objectives and targets currently being developed in the IP. Rather, it would focus on the overall collective achievements in the context of SDG-related SMCW.

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<sup>9</sup> See <https://unstats.un.org/sdgs/iaeg-sdgs/> for the work of the Inter-agency and Expert Group. For example, the indicators for SDG Target 12.4 assess the reporting rate of parties to chemicals and waste conventions, and the amount of hazardous waste created per capita as well as proportion of hazardous waste treated.

### 3 Enabling enhanced SMCW within the UN system

- 58) In order to achieve the SMCW as envisaged by the 2030 Agenda and the SDGs, it is recommended that, in terms of its mandate from ICCM4, the ICCM5 “beyond 2020” resolution also needs to include recommendations on SMCW prepared through the intersessional process. These SMCW recommendations should focus on a SDG-based high-level shared vision, objectives and targets as well as modalities and procedures to implement the identified additional enabling functions and measures that cannot logically be executed by a revitalised multi-stakeholder SAICM.
- 59) In line with the “build on existing” concept it is recommended that the existing ICCM, supported by an enhanced IOMC, be used for the longer-term tracking and management of the achievement of this (currently SDG-based) high-level shared vision, objectives and targets. However, as emphasised above, recommendations related to these additional broader SMCW mandates, functions and measures are not only SDG-based but require broad ownership across multiple sectors, some of which are not adequately represented in the intersessional process. Furthermore, the ICCM would need the authority and capability to review the latest science; monitor progress; provide facilitative guidance on needed intergovernmentally agreed policy coherence, coordination and resourcing; as well as on objectives, targets and implementation programmes across the whole SMCW cluster.
- 60) In order to address the questions of broad representation in the work of both ICCM and IOMC, as well as the legal mandate of the ICCM to implement these additional functions, it is recommended that a Ministerial level resolution on SAICM and the SMCW beyond 2020 should be adopted/endorsed by a forum that does have the legal mandate to provide such guidance and that has broad multi-sector representation. Ultimately that forum is the UN General Assembly (UNGA). The UNGA has however, through its Economic and Social Council (ECOSOC), designated SDG-based work to the High-level Political Forum on Sustainable Development (HLPF). Therefore, it is suggested that the HLPF would be the logical forum to through which to route the Ministerial Declaration and ICCM5 resolutions on SAICM and SMCW beyond 2020. It has been noted however, that the HLPF does not make decisions and resolutions, but it does make reports to the UNGA. Therefore, it is also proposed that in order to gain the highest level of political authority a recommendation should be made that HLPF forward this ICCM5 report, including the Ministerial Declaration and ICCM5 recommendations on SAICM and SMCW beyond 2020 to the UNGA for adoption/endorsement.
- 61) In summary, it is suggested that the Ministerial Declaration and ICCM5 recommendations on SAICM and SMCW beyond 2020, be routed to the UNGA through the HLPF, as the latter’s primary function is to keep under review the implementation of the SDGs by a myriad of stakeholders across multiple sectors. This has the advantage of lifting the overarching global effort to achieve a common vision for the SMCW across multiple sectors into the primary high-level multilateral forum with a specific SDG-related mandate.
- 62) Such a UN mandate via the HLPF would enable the ICCM to amend its Rules of Procedure (particularly Rule 1) and its Overarching Policy Strategy (OPS) to empower it to expand its scope to include the above mentioned functions.
- 63) In addition to its role in governing a revitalised multi-stakeholder SAICM, the ICCM mandate would include the development of intergovernmentally agreed overarching coherent coordinating SMCW facilitative policy, planning, programmatic and implementation guidance that would be submitted to other autonomous intergovernmental governing bodies for consideration. In this respect, it is



recommended that the ICCM5 Ministerial Declaration propose that the UNGA, through the HLPF, incorporates the ICCM as part of its institutional reporting architecture on its initiatives to guide and coordinate the international effort to achieve its 2030 Vision for SMCW as an important contribution to the fulfilment of the SDGs. As such, this recommendation should also be part of the above mentioned Ministerial Declaration at an ICCM5 High Level Segment (or another multi-sector Ministerial level conference, if so decided).

- 64) Should there be no agreement that the ICCM fulfil this functional mandate, another multilateral body would have to be so tasked.
- 65) These recommendations should be in the form of a Ministerial Declaration taken at the ICCM5 High Level Segment or another multi-sector Ministerial level conference for submission to the UNGA through the HLPF. Substantively this declaration should include recommendations on:
- a) A vision, objectives and targets, framed within the context of 2030 Agenda vision and SDGs that embraces the visions, goals and targets set by the governing bodies of all international chemicals and waste instruments and initiatives, with a view to guide and bring together commitments from all sectors and stakeholders within the chemicals and waste cluster, fully respecting the respective mandates of involved organisations;
  - b) Broadening the mandate for the ICCM to include a mandate to develop overarching coordinated SMCW science, policy, planning, resourcing, programmatic and implementation guidance for consideration by other intergovernmental bodies, within their respective mandates;
  - c) Mandating the enlargement and enhancement of the IOMC, to include further organisations and MEAs, but also to add intergovernmental governing body representation to the IOMC to enable strategic planning in addition to administrative coordination;
  - d) Mandating the establishment within the ICCM of an arrangement or subsidiary structure comprising of finance and other relevant experts to develop facilitative coordinating capacity building and resourcing guidance recommendations with a view to efficiently and accessibly use public finance, particularly in developing countries that lack capacity in a manner that incentivises and maximises investment flows from all sources towards SMCW. This coordinating guidance is intended to facilitate and support collaboration among relevant financial mechanisms, institutions and governments in directing overarching coherent and efficient finance and investments decisions;
  - e) Strengthening the science-policy interface by forming a dedicated platform able to review and assess the state of global chemicals and waste governance and provide recommendations for action;
  - f) Improving the review and follow-up processes to track real-world global progress towards SMCW;
- 66) This Ministerial declaration could be introduced for endorsement and mandate by any country or group of countries through the HLPF to the UNGA. This proposed high-level initiating resolution should include:
- a) Reference to the additional overarching coordinating SMCW science, policy, planning, resourcing, programmatic and implementation guidance functions and measures referred to above and the other mandate related aspects, as agreed upon in the ministerial declaration;



- b) A request to the governing bodies of IGOs, MEAs and initiatives within the UN system to fully participate in the work and commit to its clear expression of the vision, objectives and targets to achieve the 2030 Agenda and the SDGs, within their respective mandates;
  - c) A call for multi-sector governmental participation and an invitation for multi-stakeholder participation in the process.
- 67) The operationalization of the revitalised SAICM and these broader SMCW functional elements would need to be further elaborated in an intersessional process between ICCM5 and ICCM6, and a first SMCW review at the HLPF could be envisaged in 2024.
- 68) Assuming these recommendations on the broader facilitative intergovernmental modalities and procedures for the achievement of SMCW beyond 2020 are adopted, ICCM6 would have the mandate to initiate the process of implementing these additional coordinating SMCW science, policy, planning, resourcing, programmatic and implementation guidance functions, as well as launching the revitalised SAICM.
- 69) In order to proceed with the process to come to an agreement on the SMCW at ICCM5, discussions among stakeholders should be intensified. Participating stakeholders need to include especially representatives from the governing bodies of existing international chemicals and waste instruments and initiatives, as well as their respective secretariats. Such a consultative process could create much-needed ownership for the idea of a broader ICCM mandate in general, and its implications for structural changes to the IOMC and ICCM.