

**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

Nairobi, Kenya, 27 February – 3 March 2023\*

**Proposal for the development of an International Code of Conduct on Chemicals and Waste Management**

**Submission by the Africa Group**

**Note by the secretariat**

The attached to the present note contains a submission by the Africa Group.

It is reproduced as received by the secretariat, without formal editing.

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\* The fourth meeting of the intersessional process considering the Strategic Approach and sound management of chemicals and waste beyond 2020 (IP4) was held from 29 August to 2 September 2022 in Bucharest, Romania. The meeting was adjourned on 2 September 2022 and will be resumed from 27 February to 3 March 2023 in Nairobi, Kenya.

**Conference Room Paper**

**Proposal for the development of an International Code of Conduct on Chemicals and Waste Management**

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## **An International Code of Conduct on Chemicals and Waste Management**

Codes of Conduct are normative instruments which define best practices as well as roles and responsibilities of different stakeholders, including government authorities, the private sector, inter-governmental organisations (IGOs), and civil society organizations (CSOs). A Code will provide a structure for incorporating the framework agreed to at IP4 and set out guidelines outlining the norms, best practices, and responsibilities of stakeholders.

There is a precedent with the International Code of Conduct on Pesticides Management (FAO & WHO), the International Code of Conduct for the Sustainable Use and Management of Fertilizers (FAO), 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. Yet, no International Code of Conduct on Chemicals and Waste Management through their life cycle (hereon referred to as “the Code”) has so far been proposed despite a clear need for guidance in this complex and immensely impactful area. The opportunity to propose such a Code is here now as the Beyond 2020 Framework is defined and will require structure and operationalization. The focus of the Code will be to lay out the minimum responsibilities and best practices for stakeholders engaged in chemical and waste management. The Code will be a guide for prioritization and for ensuring that the basic systems are in place and agreed principles are adhered to. The goal is for the Code to foster sound and sustainable 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 the capacity-building needs in countries and among stakeholders.

The Code will outline the roles and responsibilities of stakeholders under relevant articles that have been structured to incorporate the Overall Orientation and Guidance (OOG), the Beyond 2020 chemicals and waste framework and the IOMC integrated approach. Furthermore, the Code will 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) can be found. For example, the Code will identify responsibilities and practices needed for realizing 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. The Code will also provide the opportunity for the development of new guidelines and standards for identified gaps.

The Code will provide the overarching framework for the life cycle management of chemicals and waste at a national level. It will be supported by existing MEAs, Conventions, Codes of Conduct, operational rules and guidelines. Where relevant and necessary, the Code will be supplemented with additional guidelines and management tools that will help countries to implement its articles most effectively.

It is proposed that the Governance Mechanism for the Code could be hosted by UNEP with the engagement of other IOMC Member Organizations as seen fit by their own Governing Bodies. UNEP and its partners could be advised by an independent expert panel made up of representatives of countries, regional organizations the private sector (including producers and users of chemicals, waste management organizations and providers of non-chemical alternatives for chemicals products and functions) and CSOs.

A possible outline of the articles of the Code (building on the Co-chairs consolidated document's strategic objectives (SO) and the IOMC's Integrated Approach Dimensions (D) is suggested below. Under each of these articles, detail will be provided for which stakeholders have responsibility for key aspects of that article. However, this will need to be workshopped with all stakeholders to reflect a life cycle approach to chemicals and waste management:

#### **Possible Code Table of Contents and Articles:**

Article 1: Objectives of the Code

Article 2: Terms and definitions

Article 3: Principles guiding sound management of chemicals and waste

Article 4: Legal frameworks (basic) [*SOA – legal frameworks; D1 – development of systems and capacities*]

Article 5: Hazard and Risk assessment [*SOB – data, information; D1 -management systems*]

Article 6: Enforcement and compliance mechanisms

Article 7: Implementation of MEA's, SDGs and other mechanisms and creation of linkages (e.g., on packaging, labelling, transport of hazardous substances) [*SOE – integrate decision making; D3 -integration SDGs*]

Article 8: Institutional frameworks and coordination mechanisms [*SOA – capacity and institutional mechanisms*]

Article 9: Transparency and, sharing of data, knowledge and information [**SOB – knowledge, data and information**]

Article 10: Private sector engagement in life cycle value chains [**SOD – sustainable solutions; D2 – Integration with broader objectives**]

Article 11: Enhanced stakeholder engagement (health, labour, youth)

Article 12: National implementation, budgeting and planning (national focal points for environment and health) [**SOA – mechanisms in place**]

Article 13: Risk reduction and prevention [*SOD - alternatives*]

Article 14: Chemical accidents and poison centres [**SOB – data and information**]

Article 15: Waste and Waste Management [**SOE – integrated decision-making**]

Article 16: Issues of concern, prioritized issues and emerging issues [*SOC – issues of concern*]

Article 17: Monitoring and assessing impacts

Article 18: Development and promotion of innovative solutions and value chains [*SOD – innovative and sustainable solutions; D2 – integrated approaches in key sectors*]

Article 19: Sustainable human resource capacities and sustained capacity building (training)

Article 20: Financing Chemicals and Waste Management [**SOE – sustainable financing**]

Article 21: Monitoring, observance, review and updating of the Code

## Annex 1: Draft resolution on the development of an International Code of Conduct on Chemicals and Waste Management

*The Conference*, Mindful of the overarching goal of the Plan of Implementation of the World Summit on Sustainable Development, as set out in paragraph 23, of aiming to achieve, by 2020, that chemicals are used and produced in ways that lead to the minimisation of significant adverse impacts on human health, biodiversity, food security and the environment, and of the 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015,

*Recalling* SAICM/IP.4/INF/33 submitted by the Africa Regional Group which presented a proposal for Developing an International Code of Conduct on Chemicals and Waste Management,

*Building* on the International Code of Conduct on Pesticide Management,

*Recognizing* that a Code of Conduct on Chemicals and Waste Management provides a clear outline of the responsibilities of key stakeholders (governments, private sector, civil society, intergovernmental organizations) to guide national legislation and implementation of the Beyond 2020 instrument,

*Taking note* of the draft Target in the proposed instrument which reads: Target A2 - A Code of Conduct on chemicals and waste management incorporating, the elements of the OOG, is developed and countries have incorporated its provision in their national legislation,

*Affirming* the importance of SAICM contributions to achieving the Sustainable Development Goals, in particular, Goals 3, 6, 7, 11, 12 & 14,

*Concerned* that while the Beyond 2020 Instrument will provide an ambitious and integrated approach to managing chemicals and waste, it will not provide definitions, stakeholder responsibilities, best practices, a framing of a life-cycle approach to guide chemicals and waste legislation and a clearinghouse of current sector guidelines, roadmaps, standards, and conventions.

1. *Endorses* the development of an International Code of Conduct on Chemicals and Waste management under the auspices of the relevant IOMC organizations with support and engagement with governments, the private sector, and civil society;
2. *Invites* the organizations of the IOMC within their respective mandates and resources to lead the stakeholder engagement process for the development of the International Code of Conduct on Chemicals and Waste Management.