

The African Group Submission on Elements of an ICCM5 High-Level Declaration on an ambitious global chemicals and waste agenda for the post-2020 period

October 2020

Introduction

This submission is in response to a call for stakeholder submissions on essential elements for a possible ICCM5 High-Level Declaration (HLD) on the sound management of chemicals and waste beyond 2020.

The African Region and its 54 member states welcome the High Ambition Alliance's work to support the 'Beyond 2020 inter-sessional process' and the adoption of an ambitious global chemicals and waste agenda for the post-2020 period;

The African Group calls for an ambitious but pragmatic High-Level Declaration (HLD) on management of chemicals and wastes Beyond 2020 built on lessons learnt and experiences during the 14 years of implementation of the soon ending SAICM;

The African Group believes that the Dubai Declaration should be updated and carried over beyond 2020;

The African Group proposes the following statements channeling the region's concerns into the new global regime on sound management of chemicals and wastes as elements of an ICCM5 High-Level Declaration:

On scope, key elements and messages

"We commit ourselves to supporting global action to address plastic pollution, which will require further work in order to engage more effectively on global governance relating to plastic pollution, including reinforcement of existing agreements or the option of a new global agreement on plastic pollution that takes a comprehensive approach to addressing the full life cycle of plastics, from production and design to waste prevention and management, while ensuring coherence among and coordination of activities undertaken by existing regional and international instruments while highlighting the importance of technology transfer, research on alternatives to plastics, and adequate financing to enable African countries to deal with plastic pollution"¹, considering also that plastic pollution is now recognized as disseminator of chemical pollutants

"We reaffirm our commitment to using all policy tools at the national and regional levels to achieve strong, harmonized, coherent delivery of environmental and natural-resources-related programmes to enable the achievement of a sustainable development path and eradicate poverty."²

Reflection from the 2nd meeting of the African Friends of the High Ambition Alliance

¹ 17th African Ministerial Conference on the Environment (AMCEN/17/L.2)/On plastic pollution, para. 29

² 17th African Ministerial Conference on the Environment (AMCEN/17/L.2)/ On taking action for environmental sustainability, para.2

“We commit ourselves to fight poverty in developing countries and countries in transition by ensuring the sound management of chemicals and waste through a sustainable long-term financing facility and cost recovery measure aiming at shifting the hidden public costs of managing chemicals from government budgets to industry producing these chemicals”;

“Sound management of chemicals and wastes is a strategic element of fighting poverty in developing countries and those in transition”

“The capacity gap between developed countries on the one hand, and developing and those in transition on the other, to soundly manage chemicals has been seen to rather widen rather than narrow during the last 14 years.”

On the structure of the ICCM5 HLD

The African Group suggests keeping the same structure of the Dubai Declaration in the new ICCM5 High-Level Declaration, which means that it should use the same basic three-part format as the Dubai Declaration:

- 1) *Overarching statement;*
- 2) *Advances and gaps, and*
- 3) *Commitments*

1) Elements of the Overarching statement:

Overarching statements should include the first paragraph in the Dubai Declaration; 2030 Agenda on Sustainable Developmental Goals; Global Chemicals Outlook II (GCO II) report; An Assessment Report of Issues of Concern, September 2020, the recommendations of the SAICM independent reviewer, etc.:

“The sound management of chemicals is essential if we are to achieve sustainable development, including the eradication of poverty and disease, the improvement of human health and the environment and the elevation and maintenance of the standard of living in countries at all levels of development.”

“Throughout the life cycle and value chain until final disposal; everyone has a right to a safe, clean, healthy and sustainable environment including the right to know and the need to declare chemicals in all products.”

“Insufficient progress has been made in international chemicals management through the differentiated implementation of chapter 19 of Agenda 213 and International Labour Organization Conventions No. 170 Safety in the Use of Chemicals at Work and No. 174 on the Prevention of Major Industrial Accidents and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, as well as in addressing particularly hazardous chemicals through the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutants and the adoption of the Globally Harmonized System for the Classification and Labelling of Chemicals, the Minamata Convention on Mercury, and the Strategic Approach to the International Chemical Management (SAICM).”

³ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution I, annex II

“The industry has made some efforts to promote chemical safety through voluntary programmes and initiatives such as product stewardship and the chemicals industry's Responsible Care programme.”

“Non-governmental public health and environmental organizations, trade unions and other civil society organizations have made important contributions to the promotion of chemical safety.”

“As assessed by the Global Chemicals Outlook II (GCO-II), the global goal of sound chemicals and waste management in ways that lead to minimised adverse effects on human health and the environment has not been achieved by 2020. Ambitious international action is urgently required to ensure reaching these goals in the foreseeable future.”

“The issues identified by GCO-II warrant urgent international concerted actions. The need to take concerted action is accentuated by a wide range of chemical safety concerns at the international level, including a lack of financing and capacity for managing chemicals in developing countries and countries with economies in transition, dependency on pesticides in agriculture, exposure of workers to harmful chemicals and concern about the long-term effects of chemicals on both human health and the environment.”

“As assessed and reported on An Assessment Report of Issues of Concern, September 2020, progress has been made under SAICM, but not enough. Most of these issues have received recognition from policymakers and stakeholders, with many instruments developed and actions taken. However, these instruments and actions are as yet inadequate to solve these issues at a global scale. For long-standing issues (e.g. lead in paint, HHPs), progress has been uneven across countries and regions. The issues may have been addressed in many developed countries and therefore have less urgency as issues of concern there. Developing and transition countries might use some of the many instruments and actions established and taken by governments and stakeholders in developed countries; however, actions in developing and transition countries are limited due to their specific circumstances and conditions, such as lack of awareness, capacity and financial resources, among other factors.”

“The global production, trade and use of chemicals are increasing, with growth patterns placing an increasing chemicals management burden on developing countries and countries with economies in transition, in particular the least developed among them and small island developing States, and presenting them with special difficulties in meeting this challenge. As a result, fundamental changes are needed in the way that societies manage chemicals.”

“The recommendations of the independent SAICM Evaluation 2019 report are a critical guide in the establishment of SAICM post 2020 so as to have a functional and better SAICM post 2020 instrument that would ensure the effective sound management of chemicals throughout their life cycle and their value chain towards the achievement of the 2030 Agenda on Sustainable Development Goals.”

“The principles of addressing challenges at the source; internalization of costs of chemicals management into the budgets of industry; no data, no market; responsible substitution of safer alternatives; precautionary approach; gender equality; equity; no double standards in the production, sale, export, use, treatment, and disposal of highly toxic and hazardous chemicals; transparency throughout the life cycle and value chain, are critical in and are a prerequisite to effective sound management of chemicals to ensure a safe environment for all.”

“To be successful, and in order to yield authoritative outputs, a science-policy interface that is credible, relevant, legitimate, and transparent is essential.”

2. Elements of advances and gaps:

- Advances should include those made within the green chemistry research field as a means of significantly address the challenges of chemical safety in particular within the management of chemicals, at the source, i.e. Eliminating the intentional production of highly toxic and hazardous chemicals will certainly significantly address some of the challenges SAICM and other MEAs have not managed to address, in particular environmental pollution and chemical safety.
- Gaps should include those identified those in executive or main summaries of the following reports:
 - a) FAO, International Code of Conduct on Pesticide Management (2014)
 - b) GCOII,
 - c) Independent SAICM Evaluation 2019,
 - d) Assessment of options for strengthening the science-policy interface at the international level for the sound management of chemicals and waste, March 2020, and
 - e) An Assessment Report of Issues of Concern, September 2020.
- Gaps should include not only the consequences of poor management, but also lack of enablers such as lack or gap in political will and commitment as such one would find in United Nations Framework Convention on Climate Change (UNFCCC), Biological Diversity (CBD), CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as the Washington Convention).
- There's a gap on underscoring the linkages with other clusters related to chemicals and waste management and options to coordinate and cooperate on areas of common interest.
- Gap in effectively taking advantage of the 2030 Agenda as a platform to strengthen cooperation, including ongoing and potential future interconnectivity among clusters.
- Furthermore, gaps also include the lack of commitment to mobilize sufficient, predictable, and sustainable resources for the implementation of SAICM be effective including the Secretariat thereof.
- Not only advance and gaps are needed; also needs and recommendations from the same reports that identified the advances and gaps are critical so as not to reinvent the wheel.

3. Elements of Commitments:

1. We commit ourselves to linking the “SAICM post 2020” to the achievement of the 2030 Agenda on Sustainable Developmental Goals;
2. Bound by our moral obligation, we commit ourselves to respecting human rights and fundamental freedoms, understanding and respecting ecosystem integrity and addressing the gap between the current reality and our ambition to elevate global commitment and efforts to achieve the sound management of chemicals;
3. We acknowledge and accept that however much the environment can be remediated, it cannot be remediated to the original form, not to mention the endangerment and subsequent loss of species and adverse effects in exposed people as a result of environmental pollution;
4. We commit ourselves in a spirit of solidarity, equity and partnership to achieving chemical safety by 2030 and thereby assisting in fighting poverty, protecting vulnerable

- groups and advancing public health and human security in line with the 2030 Agenda on Sustainable Developmental Goals;
5. We are unwavering in our commitment to promoting the sound management of chemicals and hazardous wastes throughout their life-cycle, in accordance with Agenda 21 and the Johannesburg Plan of Implementation, in particular paragraph 23. We are convinced that the Strategic Approach to International Chemicals Management constitutes a significant contribution towards the internationally agreed development goals set out in the Millennium Declaration. It builds upon previous international initiatives on Sound Management of Chemicals and Waste and promotes the development of a multi- and cross-sectoral and participatory strategic approach;
 6. We commit ourselves to the use and further development of the Global Plan of Action, to address current and ever-changing societal needs, as a working tool and guidance document for meeting the commitments to chemicals management expressed in the Rio Declaration on Environment and Development, Agenda 21, the Bahia Declaration on Sound Management of Chemicals and Waste, the Johannesburg Plan of Implementation, the 2005 World Summit Outcome and this Strategic Approach;
 7. We adopt the “life-cycle” approach to management of pesticides to address all major aspects related to the development, registration, production, trade, packaging, labelling, distribution, storage, transport, handling, application, use, disposal and monitoring of pesticides and pesticide residues as well as management of pesticide waste and pesticide containers;
 8. We commit ourselves to consider and to effectively implement the recommendations of the following UNEP reports:
 - a) FAO, International Code of Conduct on Pesticide Management (2014)
 - b) GCOII,
 - c) Independent SAICM Evaluation 2019,
 - d) Assessment of options for strengthening the science-policy interface at the international level for the sound management of chemicals and waste, March 2020, and
 - e) An Assessment Report of Issues of Concern, September 2020;
 9. We commit ourselves to immediately end the production of chemicals that are not allowed for use in developed countries due to their adverse human and environmental effects, but are still manufactured and exported to developing countries, countries with economies in transition, and small Island states for use, thus putting at high risk human health and the environment;
 10. We commit ourselves to immediately end the end illegal trafficking in toxic, hazardous, banned and severely restricted chemicals, chemical products and wastes to developing countries, countries with economies in transition, and small Island states. Stopping such illegal trafficking would significantly address some of the chemical management challenges in developing countries, countries with economies in transition, and small Island states are still faced with, as the risks associated with the adverse effects on human health and the environment of such chemicals are compounded in such countries;
 11. We commit ourselves to prioritise and to effectively address legacy chemicals; in particular, emerging policy issues that were already nominated by SAICM, and subsequently those nominated by the GCOII report as such are still posing significant

challenges in especially in developing countries, countries with economies in transition, and small Island states;

12. We commit ourselves to producing chemicals utilising green chemistry as one of the means of reducing the production of toxic and hazardous chemicals, and addressing chemicals the continued need of chemicals in our daily lives including benefits thereof;.
13. As industry, we are morally bound and we commit ourselves to scaling up our efforts on chemicals management, particularly promoting chemical safety and raising awareness of the dangers of chemicals, mainly for the small medium enterprises, irrespective of whether they are members of our associations or not, and end users or public;
14. We concur that to be successful, and in order to yield authoritative outputs, a science-policy interface should be credible, relevant, legitimate, and transparent;
15. We are determined to realize the benefits of chemistry, including green chemistry, for improved standards of living, public health and protection of the environment, and are resolved to continue working together to promote the safe production and use of chemicals;
16. We are committed to strengthening the capacities of all stakeholders to achieve the sound management of chemicals and hazardous wastes at all levels as inaction by one negates all other efforts;
17. We commit to closing the gaps and address the discrepancies between countries in the capacity to achieve sustainable chemicals management including by addressing the special needs of developing countries, countries with economies in transition, and small Island states and strengthening their capacities for the sound management of chemicals and the development of safer alternative products and processes, including non-chemical alternatives, through partnerships, technical transfer and support and sufficient financial assistance;
18. We commit to effective and efficient governance of chemicals management including through transparency, public participation and accountability involving all sectors of society, in particular striving for the equal participation of women in chemicals management;
19. We commit to engaging actively in partnerships between Governments, the private sector and civil society, including strengthening participation in the implementation of the Strategic Approach by small and medium-sized enterprises and the informal sector;
20. We stress the responsibility of industry to make available and easily accessible to stakeholders such data and information on health and environmental effects of chemicals as are needed safely to use chemicals and the products made from them;
21. We commit to facilitating public access to appropriate information and knowledge on chemicals throughout their life cycle including their products, including the risks that they pose to human health and the environment;
22. We commit to credible handling of information when such is made available, especially protecting confidential commercial and industrial information and knowledge in accordance with national laws or regulations or, in the absence of such laws and regulations, are protected in accordance with international provisions. In making information available, information relating to the health and safety of humans and the environment should not be regarded as confidential;

23. We recognize the need and commit to making special efforts to protect those groups in society that are particularly vulnerable to risks from toxic hazardous chemicals or are highly exposed to them;
24. We are committed to protecting children and the unborn child from chemical exposures that impair their future development and lives including that of affected families;
25. In accordance with the UN decision on the internalization of the costs; industry commits to including onto their budgets, the external costs of challenges of toxic and hazardous chemicals including those of chemicals management;
26. We commit to effectively implementing the UNEP decision on Integrated approach to financing of chemicals and waste;
27. To realize the aspiration and commitments we have made, we commit to mobilizing sufficient, predictable, and sustainable resources for the effective implementation of SAICM post 2020 including for a functional Secretariat;
28. We commit to mobilizing national and international financing from public and private sources for the life-cycle management of chemicals to ensure a safe environment, healthier lives, and protected fauna and flora.