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Strategic Approach to International Chemicals Management: Development and Opportunities

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Editorial Note:

This article has been written in January 2009. For additional information and updates please refer to the SAICM Web site: <http://www.saicm.org>

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ABSTRACT

The Strategic Approach to International Chemicals Management (SAICM) is a global policy framework which supports the achievement of the goal agreed in 2002 at the World Summit on Sustainable Development of ensuring that, by 2020, chemicals are produced and used in ways that minimize significant adverse impacts on the environment and human health. SAICM was adopted in February 2006 in Dubai by the International Conference on Chemicals Management (ICCM) at its first session and comprises the Dubai Declaration on international chemicals management, the Overarching Policy Strategy and the Global Plan of Action.

The present article aims to provide a perspective on the emergence of chemicals as an international concern, the development of SAICM, its features and the opportunities and challenges that lay ahead of it. From the early stages of environmental protection and awareness to the first session of the ICCM, chemicals management has gradually been recognized as an issue of sustainable development requiring global action. The development of SAICM allowed to ensure the involvement of all relevant sectors and stakeholders.

While the adoption of SAICM was a positive step forward, its implementation will be the indicator for measuring success against the goal set by the World Summit on Sustainable Development. The achievements and shortcomings of the initial phase of SAICM will be considered during the second session of the ICCM, to be held in May 2009 in Geneva.

1. THE ORIGINS OF SAICM

1.1 The Emergence of Chemicals Management as a Global Issue

While chemicals constitute all elements of nature, their widespread use and processing by mankind is a relatively recent phenomenon. Use and production of chemicals has been tied to the development of craftwork and of industries. From traditional leather tanning to the development of the pharmaceutical industries, chemicals have followed the evolution of production technologies and consumption patterns. Chemicals have in particular contributed to improving living standards and played an essential role in modern society. The consumption of chemicals by all industries and our society's reliance on chemicals for virtually all manufacturing processes make chemicals production one of the major and most globalized sectors of the world economy.

Acknowledgement of the essential economic role of chemicals and their contribution to improved living standards needs to be balanced with recognition of potential costs. These include the chemical industry's heavy use of water and energy and the potential adverse impacts of chemicals on the environment and human health. Early in their development, industries were aware of the need for the sound management of chemicals. Initially, international chemical safety aimed at the protection of workers. These efforts to prevent damages from harmful chemical substances were also aimed as prevention against the use of narcotics and of chemical weapons.¹

In 1962, the publication of *Silent Spring* by Rachel Carson² inspired widespread public concerns with pesticides and pollution of the environment. *Silent Spring* facilitated awareness of environmental protection and the ban of the Dichloro Diphenyl Trichloroethane (DDT) pesticide in 1972 in the United States. In June the same year, the United Nations Conference on the Human Environment held in Stockholm, Sweden, marked a turning point in the development of international environmental politics. The Conference recommended Governments and relevant intergovernmental organizations "to strengthen and co-ordinate international programmes for integrated pest control and reduction of the harmful effects of agro-chemicals".³ The Conference led to the creation by the United Nations General

¹ Early international initiatives include the International Labour Organization's 1919 recommendations for the protection of workers against white lead pigments in paint and white phosphorus in the manufacture of matches, and the 1912 *Hague Convention on Exercising Control Over Opium*. See John Buccini: *The Global Pursuit of the Sound Management of Chemicals*, the World Bank, 2004, p.13-14.

<http://siteresources.worldbank.org/INTPOPS/Publications/20486416/GlobalPursuitOfSoundManagementOfChemicals2004Pages1To67.pdf>

² Rachel Carson: *Silent Spring*, Houghton Mifflin, 1962.

³ Recommendation for action at the international level number 21, chapter X: Planning and management of human settlements for environmental quality. Available on <http://www.unep.org/Documents.multilingual/Default.asp?DocumentID=97&ArticleID=1506&l=en>

Assembly of the United Nations Environment Programme (UNEP)⁴ and its Governing Council to promote international co-operation in the field of the environment and to recommend, as appropriate, policies to this end.

In 1983, the United Nations General Assembly established the World Commission on Environment and Development (WCED), known by the name of its Chair, Dr. Gro Harlem Brundtland, to address growing concern "about the accelerating deterioration of the human environment and natural resources and the consequences of that deterioration for economic and social development."⁵ The report of the Commission, published in 1987 and entitled *Our Common Future*,⁶ was an important milestone in bringing environmental protection and sustainable development on the international political agenda. The report made numerous references to chemicals and the need for their sound management, pointing out the contribution to the improvement of living standards, as well as their risks. Sections of the report point to the possible hazardous effects of excessive use of agrochemicals, pesticides and pest control chemicals, of the risks caused by hazardous wastes, aerosols and refrigerating chemicals.⁷ The document called for the use of alternatives to chemicals, as well as the strengthening of legislation, policy, and research capacity for advancing non-chemical and less-chemical strategies.⁸

1.2 The 1992 Earth Summit

The United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro, Brazil, in June 1992 was also a significant event in the creation of international environment and development frameworks and conventions. The Summit, which gathered 178 governments and 100 world leaders, brought out five separate agreements signed by most of the participating nations, which includes three non-treaty agreements: *Agenda 21*, the Rio Declaration on Environment and Development, the Statement of Forest Principles, and two legal binding conventions, the United Nations Framework Convention on Climate Change and the United Nations Convention on Biological Diversity.

Chemicals management was addressed in the outcomes of the Conference by chapter 19 of *Agenda 21*.⁹ The section entitled "environmentally sound management of toxic chemicals, including prevention of illegal international traffic in toxic and dangerous products" recognized the benefits of the use of chemicals and the need for their sound management in the context of sustainable development:

⁴ General Assembly resolution 2997 (XXVII), 15 December 1972,
<http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/270/27/IMG/NR027027.pdf>

⁵ General Assembly resolution A/RES/38/161, 19 December 1983, available on
<http://www.un.org/documents/ga/res/38/a38r161.htm>.

⁶ Brundtland, G (ed): *Our Common Future: The World Commission on Environment and Development*, Oxford University Press, 1987.

⁷ *Our Common Future*, Chapter 7: Energy: Choices for Environment and Development.

⁸ *Our Common Future*, Chapter 5: Food Security: Sustaining the Potential.

⁹ Chapter 19 of *Agenda 21* is available on:
<http://www.un.org/esa/sustdev/documents/agenda21/english/agenda21chapter19.htm>

A substantial use of chemicals is essential to meet the social and economic goals of the world community and today's best practice demonstrates that they can be used widely in a cost-effective manner and with a high degree of safety. However, a great deal remains to be done to ensure the environmentally sound management of toxic chemicals, within the principles of sustainable development and improved quality of life for humankind. Two of the major problems, particularly in developing countries, are (a) lack of sufficient scientific information for the assessment of risks entailed by the use of a great number of chemicals, and (b) lack of resources for assessment of chemicals for which data are at hand.

Chapter 19 also highlighted six programme areas as well as relevant objectives, activities and means of implementation. The programme areas identified were:

- Expanding and accelerating international assessment of chemical risks;
- Harmonization of classification and labelling of chemicals;
- Information exchange on toxic chemicals and chemical risks;
- Establishment of risk reduction programmes;
- Strengthening of national capabilities and capacities for management of chemicals;
- Prevention of illegal international traffic in toxic and dangerous products.

Agenda 21 also stressed the need for increased coordination both within and outside the United Nations system. In response to this call, intergovernmental organizations involved in chemicals safety¹⁰ established in 1995 the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) with the aim of strengthening cooperation and increase coordination in the field of chemical safety among the different organizations. An Inter-Organization Coordinating Committee (IOCC) composed of representatives of the Participating Organizations coordinates relevant activities. Planning, programming, implementation and monitoring of activities undertaken jointly or individually by the Participating Organizations is carried out by IOCC. This ensures full consultation among all those involved, with the aim to ensure effective implementation without duplication.¹¹

1.3 The Intergovernmental Forum on Chemical Safety

Chapter 19 called upon the governing bodies of WHO, ILO and UNEP to convene a global forum to promote chemical safety. The organizations convened the International Conference on Chemical Safety (ICCS), which was held in Stockholm

¹⁰ The seven participating organizations of the IOMC are: the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the Organisation for Economic Co-operation and Development (OECD), UNEP, the United Nations Industrial Development Organization (UNIDO), the United Nations Institute for Training and Research (UNITAR) and the World Health Organization (WHO). In addition the United Nations Development Programme (UNDP) and the World Bank participate in the IOMC as observers.

¹¹ Information on the work of the IOMC can be found on: <http://www.who.int/iomc/en/>.

in April 1994.¹² The Conference established the Intergovernmental Forum on Chemical Safety (IFCS), which is

A non-institutional arrangement whereby representatives of governments meet, together with intergovernmental and non-governmental organisations, to consider all aspects of the assessment and management of chemicals. The aim is to integrate and consolidate national and international efforts to promote the objectives of Chapter 19 of Agenda 21. The IFCS provides policy guidance, identifies priorities, develops strategies and, where appropriate, makes recommendations to governments, international organisations, intergovernmental bodies and non-governmental organisations involved in chemical risk assessment and environmentally sound management of chemicals.¹³

The Conference was considered to be the first session of the Forum. A key feature of the IFCS was to allow and encourage multi-sectoral and multi-stakeholder participation in an international policy process addressing chemical safety. It provided the first international open and inclusive forum concerning issues of common interest and also new and emerging issues in this area.

In October 2000, the Forum met in Salvador da Bahia, Brazil, and adopted the Bahia Declaration on Chemical Safety. The Declaration reaffirmed IFCS's commitment to *Agenda 21* and recognized the importance of the provision of technical and financial assistance and technology transfer to developing countries and countries with economies in transition to accomplish Forum priorities beyond 2000.¹⁴

1.4 UNEP Governing Council

The issue of chemicals management and an international framework for chemicals management was also discussed by the Governing Council of UNEP. In its decision 18/12 of 1995, the Governing Council invited UNEP's Executive Director to convene an expert group to consider and recommend further measures to reduce risks from a limited number of chemicals. The Expert Group was convened in April 1996 and decided to focus on the following four problem areas:

- Inadequate capacity of developing countries to handle issues of hazardous chemicals and pesticides;
- Disposal of unwanted stocks of pesticides and other chemicals;

¹² The report of the Conference (document IPCS/ICCS/94.8) is available on http://www.who.int/ifcs/documents/forums/forum1/en/FI-report_en.pdf

¹³ IFCS: *Brief History & Overview*, December 2005, available on: http://www.who.int/ifcs/documents/ifcs_overview_dec05.doc.

¹⁴ The Bahia Declaration is available on <http://www.who.int/ifcs/documents/forums/forum3/en/Bahia.pdf>

- Insufficient information for chemicals management decision-making and action;
- Possible needs to ban and phase out certain chemicals.¹⁵

The Expert Group also took note of a proposal regarding the possible benefits of an integrated international mechanism concerning the management of hazardous chemicals and invited UNEP, FAO and to seek the views of Governments on this issue for consideration at the 19th session of the Governing Council. At its 19th session in 1997, the Governing Council adopted decision 19/13, which sought out options for enhanced coherence and efficiency among international activities related to chemicals.¹⁶

In February 1999, the 20th session of the UNEP Governing Council invited the Executive Director to prepare for a general policy discussion on chemicals management at the Governing Council session in 2001. The report of the Executive Director outlined the roles and responsibilities of existing legal instruments and organizations and evaluated the advantages and disadvantages of various options for enhanced coherence and efficiency among international activities related to chemicals. The report described initiatives and activities of the IFCS and IOMC and stressed that:

21. The IFCS and IOMC have only been in existence for a short period of time but they have made progress in helping identify priorities for action by governments and international organizations, in improving awareness of international activities and access to information, and in increasing cooperation and coordination among different programmes. Furthermore, by bringing together senior staff responsible for relevant programmes in the respective organizations, and representatives of governments and other stakeholders, the IFCS and IOMC contribute to the development of personal relationships and in increasing the level of trust, important prerequisites to increasing coordination and cooperation.

22. Nevertheless, several shortcomings have been identified. A critical concern is that recommendations made within the context of IFCS or IOMC are not necessarily approved by the governing bodies of the organizations involved and therefore there may not be the mandate, nor the resources allocated, to carry out the recommendations. The IFCS and IOMC do not have an official role in the meetings of the relevant governing bodies. Furthermore,

¹⁵ *The concept of a chemicals and waste cluster an overview*, Information Document presented at the second meeting of the Open-ended Intergovernmental Group of Ministers or their representatives on International Environmental Governance, Bonn, Germany, 17 July 2001 (UNEP/IGM/2/INF/2)

¹⁶ The resolution also authorised UNEP to facilitate the negotiation of a global legally binding instrument for the implementation of the Prior Informed Consent (PIC) procedure, together with FAO. This negotiation process led to the adoption on 10 September 1998 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. Additional information on the Rotterdam Convention can be found on www.pic.org and UNEP Governing Council decision 19/3 is available on: <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=96&ArticleID=1438&language=en>

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Governments do not necessarily coordinate their positions for various meetings and, in many cases, send different representatives to the IFCS and to the governing bodies.¹⁷

At the same session, the Governing Council adopted decision 21/7, which

Requests the Executive Director, in consultation with Governments, the Inter-Organization Programme for the Sound Management of Chemicals, the Intergovernmental Forum on Chemical Safety and other relevant organizations and stakeholders, to examine the need for a strategic approach to international chemicals management and to prepare a report on this subject for detailed consideration at the seventh special session of the Governing Council/Global Ministerial Environment Forum in 2002.¹⁸

In preparation for discussion in the Governing Council and its Global Ministerial Environment Forum, UNEP used a questionnaire to solicit the views of Governments, members of the IOMC, IFCS, non-governmental organizations, industry and environmental groups and other stakeholders.¹⁹ The Executive Director reported that:

11. The great majority of respondents concurred that a strategic approach was warranted, albeit with varying conceptions as to what such an approach might entail. Environmentally sound management of chemicals was seen as integral to sustainable development objectives as it is a global issue requiring a comprehensive response. A strategic approach was viewed as a means of advancing the chemical safety agenda and building on progress to date. It was envisaged that such an approach would lend greater coherence to efforts at the global, regional and national levels. One of the strongest themes to emerge was the perception that more coordinated and effective delivery of capacity-building is essential if policies and programmes relating to international chemicals management are to bear fruit. A firm belief was also expressed that any new strategic approach should not compete with or duplicate existing work, such as the valuable priority-setting exercise undertaken by IFCS and reflected in the Bahia Declaration and the Priorities for Action. Significant attention was devoted to institutional and legal coordination, issues that are under active consideration by the Global Ministerial Environmental Forum under the heading of "governance" and that will be addressed at the same February meeting as this report. Other prominent themes included the improvement of access to information on hazardous chemicals, the mobilization of greater resources to support chemicals management, and the encouragement of industry to accept

¹⁷ *Enhanced coherence and efficiency among international activities related to chemicals*, information document presented at the 21st session of the UNEP Governing Council, Nairobi, Kenya, 5-9 February 2001, available on <http://www.unep.org/gc/gc21/Documents/gc-21-INF-20/e-GC-21-INF-20.doc>

¹⁸ The decision is reproduced in the report of the 21 session of the Governing Council <http://www.unep.org/gc/gc21/Documents/K0100275-E-GC21.doc>.

¹⁹ Views expressed are summarized in documents UNEP/GCSS.VII/INF/1, UNEP/GCSS.VII/INF/1/Add.1 and UNEP/GCSS.VII/INF/1/Add.2 available on <http://www.unep.org/gc/GCSS-VII/>.

increased responsibility for and play a more active role in the promotion of chemical safety.²⁰

Furthermore, the report analyzed that

12. The number and tenor of the responses testify to the importance attached to the subject by the international chemicals management community. The general thrust of the comments is that the time is ripe for a strategic approach to international chemicals management and that the international community needs to respond proactively to the increasingly prominent issue of chemical safety, bearing in mind the particular needs of developing countries. [...]

13. The heightened exposure of developing countries and countries with economies in transition to risks posed by hazardous substances underlines the need for a concerted global approach to capacity-building in the area of chemicals management. This is essential if past achievements are to be consolidated and we are to continue making progress in chemical safety internationally. Such progress would benefit all countries.

In 2002, the Governing Council in its resolution SSVII/3, decided that there was a need to further develop a strategic approach to international chemicals management and endorses the IFCS Bahia Declaration and Priorities for Action beyond 2000 as the foundation of this approach. The Governing Council requested the Executive Director of UNEP to identify concrete projects and priorities in the context of a strategic approach to international chemicals management, working with key partners and, together with the IFCS and the IOMC, to convene an open-ended consultative meeting involving representatives of all stakeholder groups to contribute to the further development of a strategic approach to international chemicals management.²¹

1.5 The 2002 World Summit on Sustainable Development

Ten years after the 1992 Earth Summit in Rio, Heads of State and Government met during the World Summit on Sustainable Development in Johannesburg to reaffirm their commitment to sustainable development, the Rio Principles and the full implementation of *Agenda 21*. Delegates adopted the Johannesburg Declaration on Sustainable Development and the Johannesburg Plan of Implementation. The Johannesburg Declaration²² outlines the path taken from the 1992 Rio Earth

²⁰ Report on the implementation of the decisions adopted at the twenty-first session of the Governing Council/ Global Ministerial Environmental Forum, report of the Executive Director (UNEP/GCSS.VII/4), presented at the seventh session of the Global Ministerial Environmental Forum, Cartagena, Colombia, 13-15 February 2002, available on <http://www.unep.org/gc/GCSS-VII/>.

²¹ Resolution SSVII/3, Strategic approach to international chemicals management can be found in the report of the seventh session of the Global Ministerial Environment Forum: <http://www.unep.org/gc/GCSS-VII/Reports.htm> .

²² http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/POI_PD.htm

Summit, and the Johannesburg Plan of Implementation²³ sets out a framework for action to implement the commitments originally agreed at Rio.

The Summit set the aim “to achieve, by 2020, the use and production of chemicals in ways that lead to the minimization of significant adverse effects on human health and the environment.”²⁴ Furthermore, the WSSD endorsed the development of “a strategic approach to international chemicals management based on the Bahia Declaration and Priorities for Action beyond 2000 of the IFCS by 2005, and urge that UNEP, IFCS, other international organizations dealing with chemical management and other relevant international organizations and actors closely cooperate in this regard, as appropriate.”²⁵

Following the work of the IOMC and IFCS and the mandate of the UNEP Governing Council, the WSSD provided the objective and endorsement and timeframe required for the development of a strategic approach to international chemicals management. The Johannesburg Plan of Implementation also set an ambitious and broad goal, linking the sound management of chemicals with sustainable development and acknowledging its multisectoral scope.

2. THE DEVELOPMENT OF SAICM

2.1 Sessions of the SAICM Preparatory Committee and the International Conference on Chemicals Management

In February 2003, the UNEP Governing Council agreed at its twenty-second session, in decision 22/4 IV,²⁶ to the concept of an open-ended consultative process involving representatives of all stakeholder groups as envisaged in decision SS.VII/3, taking the form of preparatory meetings followed by an international conference. Decision 22/4 IV also proposed that the international conference be held in conjunction with the ninth special session of the Governing Council and Global Ministerial Environment Forum in early 2006 and called upon the Executive Director to strive to ensure that the process of further developing the strategic approach remained open, transparent and inclusive, providing all stakeholders with opportunities to participate in the substantive work.

After initial planning work by an inter-organization steering committee²⁷ and an open-ended information meeting held in Geneva in April 2003, the first session of the Preparatory Committee for the Development of a Strategic Approach to

²³ The Johannesburg Plan of Implementation is available on http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/POIToc.htm

²⁴ See paragraph 23 of chapter 3 of the Plan of Implementation: http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/POIChapter3.htm

²⁵ *Ibid.*

²⁶ The report of the meeting and decision 22/4 can be found on <http://www.unep.org/gc/gc22/REPORTS.asp>.

²⁷ The members of the steering committee were the seven participating organizations of the IOMC, the Global Environment Facility (GEF), IFCS, UNDP and the World Bank.

International Chemicals Management (SAICM PrepCom1) was held in Bangkok, Thailand, from 9 to 13 November 2003.²⁸ The session was attended by 428 participants from 127 Governments, 19 intergovernmental organizations and approximately 50 non-governmental organizations drawn from a wide range of sectors including agriculture, environment, foreign affairs, health, industry, labour and science. Under the Presidency of Mr. Halldor Thorgeirsson of Iceland, the Preparatory Committee considered and further developed draft SAICM elements proposed by stakeholders and compiled by the secretariat. It adopted as the overall goal of SAICM the target set down in the Plan of Implementation of the World Summit on Sustainable Development that, by 2020, chemicals be used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment. Also developed at the first session were rules of procedure designed to maximise participation in the development of SAICM by all stakeholders.²⁹

The second session of the Preparatory Committee (SAICM PrepCom2), held in Nairobi from 4 to 8 October 2004, was again attended by approximately 400 participants, including representatives of 115 Governments, from a broad range of sectors.³⁰ The Committee elected a new President, Ambassador Viveka Bohn of Sweden, and agreed upon a tripartite structure for the SAICM documents comprising a high-level declaration, an overarching policy strategy and a global plan of action. The President was mandated to prepare a draft of the declaration based on an outline agreed by the Committee and also to work with the secretariat to revise drafts of the overarching policy strategy and global plan of action that had been developed during the session. Other intersessional work agreed to by the Committee included studies on financial considerations and on principles and approaches, as well as papers relating to implementation of SAICM and taking stock of progress. During the first half of 2005, a process for submissions on the draft texts, regional consultations and a meeting of an expanded bureau facilitated the intersessional work.³¹

The third session of the Preparatory Committee (SAICM PrepCom3) was held in Vienna from 19 to 24 September 2005. The meeting was attended by over 600 participants from 145 Governments and numerous intergovernmental and non-governmental organizations.³² The Committee considered the President's draft of the high-level declaration and reached provisional agreement on most sections of the overarching policy strategy and the detailed global plan of action, subject to final consideration by the International Conference on Chemicals Management (ICCM). It

²⁸ PrepCom1 information and meeting documents can be found on:
<http://www.saicm.org/documents/prepcom1/default.htm>.

²⁹ The report of PrepCom1 can be found on:
http://www.saicm.org/documents/meeting/prepcom1/report/en/1_7report.doc.

³⁰ PrepCom2 information and meeting documents can be found on:
<http://www.saicm.org/documents/prepcom2/default.htm>.

³¹ The report of PrepCom2 can be found on:
http://www.saicm.org/documents/meeting/prepcom2/meeting_report/meeting_report.htm.

³² PrepCom3 information and meeting documents can be found on:
<http://www.saicm.org/documents/prepcom3/default.htm>.

was agreed that given the guidance status of the global plan of action, it need not be fully negotiated and would be subject to ongoing refinement in the future. The Committee provisionally agreed that the Executive Director of UNEP should be requested to perform secretariat functions to support the implementation of SAICM and that the ICCM, which was expected to adopt SAICM at its first session in February 2006, should be reconvened to undertake periodic reviews of progress in the implementation of SAICM. It also agreed provisionally on the functions of both the future SAICM secretariat and the ICCM when reconvened to exercise its proposed review role. While it was provisionally agreed that the Executive Director of UNEP should be requested to establish and assume overall responsibility for the secretariat, both UNEP and WHO would take “lead roles in the secretariat in their respective areas of responsibility.”³³

The first session of the ICCM was held in Dubai, United Arab Emirates from 4 to 6 February 2006. The Conference was held in conjunction with the 23rd session of the UNEP Governing Council and 9th session of the Global Ministerial Environment Forum. The session was the culmination of the three years process of negotiation between Governments, intergovernmental organizations, non-governmental organizations and others within the framework of the Preparatory Committee. Over the course of the three PrepCom sessions, it had been agreed that SAICM would be embodied in a high level declaration, an overarching policy strategy and a global plan of action, and provisional agreement had been reached on much of the text of those documents. By the time of the first session of the ICCM, however, final agreement had yet to be reached, and certain elements of the text remained in square brackets to reflect a lack of consensus, in particular with regards to financial considerations and principles and approaches.³⁴

Following intense work during the Conference and final negotiations facilitated by the ICCM President, Mr. Mariano Arana, Minister of Housing, Territorial Planning and Environment of Uruguay and Committee of the Whole Chair Amb. Viveka Bohn of Sweden, agreements were reached on the main documents of SAICM. The Dubai Declaration on International Chemicals Management, the Overarching Policy Strategy (OPS) and four Conference resolutions were adopted by the ICCM, while the Global Plan of Action (GPA) was recommended for use and further development.³⁵

2.2 The SAICM framework

The three texts agreed at the first session of the ICCM, as well as the four resolutions of the Conference provide the overall outline of SAICM. The Dubai

³³ The report of PrepCom3 can be found on:

http://www.saicm.org/documents/meeting/prepcom3/meeting_report/meeting_report.htm

³⁴ See the report of the first session of the ICCM, available on:

<http://www.saicm.org/index.php?menuid=8&pageid=7>.

³⁵ The publication of the SAICM texts and ICCM resolutions is available in Arabic, Chinese, English, French, Spanish and Russian on the SAICM website:

<http://www.saicm.org/index.php?menuid=3&pageid=187>.

Declaration on International Chemicals Management was adopted by ministers, heads of delegation and representatives of civil society and the private sector gathered in Dubai. The Declaration enshrines the political commitment to SAICM, as well as key principles.

The links between chemicals management and sustainable development is one of the principle features of the Declaration and SAICM.

1. 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.

[...]

11. 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. [...]

The Declaration also highlights the importance of the work of all stakeholders in the sound management of chemicals and in the implementation of SAICM. The special situation of developing countries and countries with economies in transition are fully recognized in the Declaration:

We will work towards closing the gaps and addressing the discrepancies in the capacity to achieve sustainable chemicals management between developed countries on the one hand and developing countries and countries with economies in transition on the other by addressing the special needs of the latter 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 support and financial assistance;

The Dubai Declaration also makes a number of connections between chemical safety and workers, the prevention of impacts on human health, the protection of vulnerable groups and human rights, as well as the importance of SAICM implementation and taking stock of progress.

While the overall objective of SAICM is the achievement of the 2020 goal of sound management of chemicals, the OPS defines its scope, which includes:

- (a) Environmental, economic, social, health and labour aspects of chemical safety; and

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- (b) Agricultural and industrial chemicals, with a view to promoting sustainable development and covering chemicals at all stages of their life-cycle, including in products.”³⁶

The document also highlights needs and objectives in five work areas:

- (a) Risk reduction;
- (b) Knowledge and information;
- (c) Governance;
- (d) Capacity-building and technical cooperation; and
- (e) Illegal international traffic.

The OPS provides guidance on general principles and specific aims to be taken for each of these work areas. In addition, the GPA's 273 listed activities are also classified in relation to each work area with the assumption that their successful implementation will contribute to achieving the objectives laid out in the Strategy.

Financial considerations were a key negotiating issue during the SAICM development process. While the principle that developing countries and transition economies would need financial assistance in order to implement SAICM was generally accepted, there were varying viewpoints as to how such resources should be mobilized and delivered. Ultimately, a multi-faceted approach to financial considerations was agreed in paragraph 19 of the OPS, which states that

SAICM should call upon existing and new sources of financial support to provide additional resources and should build upon, among other things, the Bali Strategic Plan for Technology Support and Capacity- building³⁷. It should also include the mobilization of additional national and international financial resources, including through the Quick Start Programme and other measures set out in this paragraph, to accelerate the strengthening of capabilities and capacities for the implementation of the SAICM objectives.

The paragraph also recognizes that

the extent to which developing countries, particularly least developed countries and small island developing States, and countries with economies in transition can make progress towards reaching the 2020 goal depends, in part, on the availability of financial resources provided by the private sector and bilateral, multilateral and global agencies or donors.

The financial arrangements for SAICM are described in a list of elements which includes, among other things:

³⁶ The Strategy also indicates that: “SAICM does not cover products to the extent that the health and environmental aspects of the safety of the chemicals and products are regulated by a domestic food or pharmaceutical authority or arrangement.”

³⁷ The Bali Strategic Plan for Technology Support and Capacity-building constitutes UNEP's approach to strengthen technology support and capacity building in developing countries, as well as countries with economies in transition. The Plan was approved by the 23rd session of the UNEP Governing Council in February 2005 and is available on www.unep.org/GC/GC23/documents/GC23-6-add-1.pdf.

- A. Actions at the national or sub-national levels;
- B. Enhancing industry partnerships and financial and technical participation in the implementation of SAICM;
- C. Integration of SAICM objectives into multilateral and bilateral development assistance cooperation;
- D. Making more effective use of and building upon existing sources of relevant global funding, including possibly with the Global Environment Facility (GEF)³⁸ and the Montreal Protocol on Substances that Deplete the Ozone Layer and its Multilateral Fund for the Implementation of the Montreal Protocol;³⁹
- E. Supporting initial capacity-building activities for the implementation of SAICM through the Quick Start Programme (QSP) and its voluntary, time-limited trust fund administered by UNEP; and
- F. Inviting Governments and other stakeholders to provide resources to the SAICM secretariat.

While the financial considerations provide a comprehensive list of different opportunities and possibilities of support, only the QSP is specific to SAICM. ICCM resolution I/4 established the QSP “to support activities to enable initial capacity building and implementation in developing countries, least developed countries, small island developing States and countries with economies in transition.” In the resolution, the ICCM also called for the QSP to include a trust fund, administered by UNEP, and multilateral, bilateral and other forms of cooperation. The trust fund will be open to receive contributions until 2011 and to make disbursements until 2013.

The Global Plan of Action provides a list of 273 voluntary activities by stakeholders in order to pursue the commitments and objectives expressed in the Dubai Declaration and the Overarching Policy Strategy. The GPA is composed primarily of a table separated along 36 work areas consistent with the five categories of objectives defined of the OPS. For each activity, possible actors, targets and timeframes, indicators of progress and implementation aspects are suggested. Although the GPA was not adopted, the Dubai Declaration highlights its important role:

³⁸ The GEF is an independent financial organization that provides grants to developing countries for projects that benefit the global environment and promote sustainable livelihoods in local communities. GEF projects address complex global environmental problems under six focal areas: biodiversity, climate change, international waters, land degradation, the ozone layer and persistent organic pollutants (POPs).

³⁹ The Multilateral Fund, established in 1993, is a dedicated multilateral fund for a multilateral environment agreement. It meets the agreed incremental costs of compliance activities for elimination of ozone-depleting substances (e.g. financial and technical cooperation, and technology transfer).

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We recommend 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 Chemical Safety, the Johannesburg Plan of Implementation, the 2005 World Summit Outcome and this Strategic Approach;

The ICCM at its first session also adopted four resolutions. Resolution I/1 on implementation arrangements which called on “all stakeholders, including Governments, intergovernmental and non-governmental organizations, regional economic integration organizations, representatives of civil society and the private sector, to take appropriate action to achieve the objectives of SAICM”. Resolution I/2 paid tribute to the Government of the United Arab Emirates for the hosting of the Conference. Resolution I/3 on IFCS invited “the Forum to continue its important role in providing an open, transparent and inclusive forum for discussing issues of common interest and also new and emerging issues, and to continue to contribute through this to the implementation of SAICM and the work of other chemicals-related international organizations and institutions.” ICCM resolution I/4 set the institutional arrangements for the QSP and its trust fund, including its objective, time frame and governing bodies.

2.3 Characteristics of the SAICM development process

The adoption of SAICM marked an important step in the definition of a comprehensive and global framework for the sound management of chemicals. While its implementation and performance against the 2020 goal of the sound management of chemicals will determine its effectiveness and adequacy, the way leading to its adoption provided a number of important features. Contrary to preceding efforts to tackle chemicals-related issues, SAICM was not conceived as a legal instrument but as a voluntary mechanism. This approach allowed for greater flexibility in the definition of its objectives, engagement of stakeholders and sectoral opportunities for implementation.

The 2020 goal of the Johannesburg Plan of Implementation allowed for SAICM to aim for an ambitious goal and a framework for achieving it. Instead of relying on state-centred international law, SAICM was conceived with the different elements needed to foster international action. Political commitment was provided for by the Dubai Declaration, the OPS defined SAICM's core arrangements and the GPA provided a suggested toolbox of concrete actions. The voluntary nature of the approach allowed for a more flexible participation of all stakeholders with a focus on objectives and activities, rather than solely on rights and obligations. Building upon existing efforts, SAICM did not aim to replace or duplicate existing programmes, organizations and treaties. Rather, SAICM aimed to provide an umbrella under which existing and future national, regional and international chemicals management work could be fostered.

The multi-stakeholder and multi-sectoral engagement was one of the successes of the development of SAICM.⁴⁰ The shift from a legal state-centred framework to voluntary framework allowed for international non-state actors to be involved in the development of SAICM. From its onset, SAICM was conceived as a means of linking the work of Governments, intergovernmental organization and civil society, including industry for the sound management of chemicals. In recognition of the important role played by all stakeholders, the SAICM PrepCom rules of procedure gave equal status to all participants with decisions requiring consensus from all representatives.⁴¹

Furthermore, the SAICM development process allowed for the engagement of a maximum of sectors to be engaged in the process. This was achieved among other things through the granting of travel funding for two representatives from different Ministries of developing countries and countries with economies in transition. Different sectors were also represented by different intergovernmental organizations, as well as relevant civil society organizations, including environment and health organizations, trade unions and industry.⁴²

In this regard, one of the principal features of SAICM has been to link chemicals management in all sectors as an issue of sustainable development. While chapter 19 of agenda 21 and the WSSD had provided a general link, SAICM offered stakeholders from all sectors concrete opportunities to tie chemicals safety with the improvement of higher living standards or achievement of Millennium Development Goals. In the context of developing countries and countries with economies in transition, SAICM for example aims to encourage the *mainstreaming* of chemicals management into national development priorities and plans. Mainstreaming activities⁴³ aim to assist countries in demonstrating the need for chemicals management using economic tools, including cost benefits analysis.

⁴⁰ The Overarching Policy Strategy provides that the main SAICM stakeholders and sectors are understood to be “Governments, regional economic integration organizations, intergovernmental organizations, non-governmental organizations and individuals involved in the management of chemicals throughout their life-cycles from all relevant sectors, including, but not limited to, agriculture, environment, health, industry, relevant economic activity, development cooperation, labour and science. Individual stakeholders include consumers, disposers, employers, farmers, producers, regulators, researchers, suppliers, transporters and workers.”

⁴¹ See for reference the rules of procedure in document SAICM/ICCM.1/6 available on http://www.chem.unep.ch/ICCM/meeting_docs/default.htm.

⁴² See for example an analysis of the role played by industry in the negotiations in *Business in Economic Diplomacy* by Reinhard Quick, in *The New Economic Diplomacy* (second edition), Nicholas Bayne and Stephen Woolcock (ed.), Ashgate Publishing, Ltd., 2007. See also <http://books.google.ch/books?id=ELDv-26byMwC&pg=PA112&dq=NEW+ECONOMIC+DIPLOMACY+SAICM&hl=en#PPA105,M1>

⁴³ Activities for mainstreaming may include qualitative and quantitative analysis of links between priority chemical management issues and human health and environmental quality, research to assess the costs of inaction and benefits of action, using planning and economic terminology, of priority chemicals management issues, as well as integrating chemicals management priorities into each country's development planning processes and plans.

The engagement of a large spectrum of stakeholders and sectors allowed for SAICM to receive inputs and take into account views from a variety of actors involved in chemicals management. In addition to being inclusive, SAICM's development remained transparent at all time, offering the opportunity for all participants and the external public to oversee information made available, outcomes of consultations, as well as preparatory and meeting documents.

Building on previous work and initiatives, the development of SAICM received strong high-level support. SAICM's development was endorsed by Heads of States and Government during the WSSD in Johannesburg in 2002 and during the 2005 World Summit⁴⁴ as well by several Ministerial forums at the regional level.⁴⁵ During the first session of the ICCM, over 30 Ministers and senior representatives committed themselves to SAICM and the Dubai Declaration. Following its adoption, SAICM has also been formally acknowledged or endorsed by governing bodies of intergovernmental organizations and international forums.⁴⁶

3. SAICM IMPLEMENTATION AND THE SECOND SESSION OF THE INTERNATIONAL CONFERENCE ON CHEMICALS MANAGEMENT

The adoption of SAICM by the ICCM closed over three years of a development process. However, this event only marked the very beginning of SAICM's implementation as its success will be measured against the 2020 goal of sound management of chemicals.

As the Dubai Declaration highlights, the implementation of SAICM will require the participation and work of all stakeholders: "We collectively share the view that implementation and taking stock of progress are critical to ensuring success..."

While SAICM provides the policy framework and can facilitate assistance, progress depends on the initiatives of individual actors, including Governments, intergovernmental organizations and civil society organizations.

3.1 The Enabling phase and the Quick Start Programme

SAICM can be considered as a process in which an initial enabling phase needs to be completed before full implementation can be achieved. This initial phase is aimed

⁴⁴ In September 2005, more than 150 Heads of State and Government gathered in New York during the 2005 World Summit to follow-up to the outcomes of the Millennium Summit held in 2000. The High Level Plenary Meeting endorsed the 2005 World Summit Outcome, which endorsed the development of SAICM. See for reference:

<http://www.saicm.org/documents/positions/SAICM%20Para%2056k%20-%202005%20World%20Summit%20Outcome.pdf>.

⁴⁵ See the international and regional positions on the development of SAICM on <http://www.saicm.org/index.php?menuid=2&pageid=109&submenuheader=>.

⁴⁶ Information on the consideration of SAICM by international forums' positions on SAICM can be found on: <http://www.saicm.org/index.php?menuid=4&pageid=4>.

at addressing the needs of countries in the assessment of their capacities for the sound management of chemicals, in particular in developing countries and countries with economies in transition. While there is no definition of enabling activities, references are made in the OPS to initial activities stakeholders may undertake in preparation of their implementation of SAICM. Paragraph 22 of the Strategy provides that

SAICM implementation could begin with an enabling phase to build necessary capacity, as appropriate, to develop, with relevant stakeholder participation, a national SAICM implementation plan, taking into consideration, as appropriate, existing elements such as legislation, national profiles, action plans, stakeholder initiatives and gaps, priorities, needs and circumstances.

The QSP was established to address some of these initial needs as its objective defined by ICCM resolution I/4 is

to support initial enabling capacity-building and implementation activities in developing countries, least developed countries, small island developing States and countries with economies in transition.

The strategic priorities of the QSP, defined in ICCM resolution I/4, provide a further indication as to the scope of enabling activities, which are to be in keeping with the work areas set out in the strategic objectives of section IV of the Overarching Policy Strategy, namely risk reduction, knowledge and information, governance, capacity building and illegal international traffic, and relate in particular to the following strategy priorities:

- a) Development or updating of *national* chemical profiles⁴⁷ and the identification of capacity needs for sound chemicals management;
- b) Development and strengthening of national chemicals management institutions, plans, programmes and activities to implement SAICM, building upon work conducted to implement international chemicals-related agreements⁴⁸ and initiatives⁴⁹;

⁴⁷ National chemicals management profiles provide a comprehensive overview of the national chemicals management situation in a country. Their development or updating provides the opportunity to assess the existing national legal, institutional, administrative, and technical infrastructure for the sound management of chemicals. National profiles can serve as a basis for identifying national chemicals management priorities and for initiating targeted and coordinated follow-up action.

⁴⁸ International agreements provide a legal framework under which to address common concerns and/or transboundary issues with examples including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Stockholm Convention on Persistent Organic Pollutant, the International Health Regulations, the International Labour Organization Convention 170 on Safety in the Use of Chemicals at Work, the International Maritime Organization Convention for the Prevention of Pollution from Ships and the Vienna Convention on the Protection of the Ozone Layer and its Montreal Protocol on Substances that Deplete the Ozone Layer.

- c) Undertaking analysis, interagency coordination, and public participation activities directed at enabling the implementation of SAICM by integrating – i.e., mainstreaming – the sound management of chemicals in national strategies, and thereby informing development assistance cooperation priorities.

Since 2006, and as of January 2008, the QSP trust fund has received pledges for an approximate total of \$18,782,000 from 21 donors. Existing arrangements provide that each year, two application rounds are held, during which Governments of developing countries and countries with economies in transition are eligible for projects valued between \$50,000 and \$250,000. Proposals may be presented by SAICM participating Governments that have given appropriate formal recognition to SAICM, at a minimum by having designated an official SAICM national focal point. On an exceptional basis, civil society networks participating in SAICM can also be eligible to present project proposals, which need to be endorsed by a SAICM national focal point. As of November 2008, 74 projects with a total value of \$14,020,252 were approved. In addition, non-trust fund contributions have been provided to support bilateral and multilateral chemicals management programmes, projects and activities supporting the QSP objective and strategic priorities.⁵⁰

3.2 National and regional implementation

While the early successes of SAICM and of the QSP have been welcomed, the major objective of SAICM remains the achievement of the 2020 goal and full implementation by all stakeholders. At the national level, Governments are expected to take a number of steps to ensure that SAICM's framework is translated into concrete measures. As an initial step, Governments are invited by the OPS paragraph 23 to "establish arrangements for implementing SAICM on an inter-ministerial or inter-institutional basis so that all concerned national departmental and stakeholder interests are represented and all relevant substantive areas are addressed", as well as to nominate a national focal point "to facilitate communication, nationally and internationally." Furthermore, Governments can integrate SAICM into relevant programmes and plans, including those for development cooperation, as called for in OPS paragraph 19 (a).

National implementation is also aimed at other stakeholders and their engagement is important in order to cover a large scope of aspects of chemical safety. The OPS paragraph 22, for example, calls for the development, "with relevant stakeholder participation, [of] a national SAICM implementation plan, taking into consideration,

⁴⁹ Examples of voluntary international initiatives emanating from intergovernmental processes include the International Code of Conduct on the Distribution and Use of Pesticides developed under the auspices of the Food and Agriculture Organization and the Globally Harmonized System of Classification and Labelling of Chemicals developed by the United Nations Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods.

⁵⁰ Additional information on the QSP can be found on:
<http://www.saicm.org/index.php?menuid=22&pageid=252>

as appropriate, existing elements such as legislation, national profiles, action plans, stakeholder initiatives and gaps, priorities, needs and circumstances.”

At the regional level, the ICCM decided in its resolution I/1 that intersessional work should be promoted through, among other things, regional meetings. The SAICM OPS, in paragraph 26, indicates that the functions of the regional meetings will include:

- (a) To review progress on implementation of the Strategic Approach within the regions;
- (b) To provide guidance on implementation to all stakeholders at a regional level;
- (c) To enable technical and strategic discussions and exchange of information to take place.

Since the adoption of SAICM in February 2006, all five United Nations regions, namely the African, Asia-Pacific, Central and Eastern European and Latin American and Caribbean regions, and the Western European and Others Group, have had at least one regional meeting. The regional meetings during the first intersessional period have focused on agreeing on arrangements for regional coordination, establishing regional priorities and plans for SAICM implementation and preparing of the second session of the ICCM. The African region adopted a regional action plan, while the Asia-Pacific and Central and Eastern European regions made first steps in this regard.⁵¹

3.3 The second session of the International Conference on Chemicals Management

The SAICM Overarching Policy Strategy, in paragraphs 24 and 25, sets out the functions and schedule of the ICCM, as follows:

The ICCM will undertake periodic reviews of SAICM. The functions of the ICCM will be:

- (a) To receive reports from all relevant stakeholders on progress in implementation of SAICM and to disseminate information as appropriate;
- (b) To evaluate the implementation of SAICM with a view to reviewing progress against the 2020 target and taking strategic decisions, programming, prioritizing and updating the approach as necessary;
- (c) To provide guidance on implementation of SAICM to stakeholders;
- (d) To report on progress in implementation of SAICM to stakeholders;

⁵¹ Further information on regional activities can be found on:
<http://www.saicm.org/index.php?menuid=14&pageid=294>.

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- (e) To promote implementation of existing international instruments and programmes;
- (f) To promote coherence among chemicals management instruments at the international level;
- (g) To promote the strengthening of national chemicals management capacities;
- (h) To work to ensure that the necessary financial and technical resources are available for implementation;
- (i) To evaluate the performance of the financing of SAICM;
- (j) To focus attention and call for appropriate action on emerging policy issues as they arise and to forge consensus on priorities for cooperative action;
- (k) To promote information exchange and scientific and technical cooperation;
- (l) To provide a high-level international forum for multi-stakeholder and multi-sectoral discussion and exchange of experience on chemicals management issues with the participation of non-governmental organizations in accordance with applicable rules of procedure;
- (m) To promote the participation of all stakeholders in the implementation of SAICM.

The OPS paragraph 25 also provides that the second session of the ICCM should be held in 2009 and that, “where appropriate, sessions of the ICCM should be held back-to-back with meetings of the governing bodies of relevant intergovernmental organizations in order to enhance synergies and cost-effectiveness and to promote SAICM’s multi-sectoral nature.” The secretariat has scheduled ICCM2 to take place in Geneva, from 11 to 15 May 2009, immediately before the 62nd World Health Assembly.⁵² The second session of ICCM will itself be preceded by the 4th meeting of the Conference of the Parties of the Stockholm Convention.⁵³

At its first session, the ICCM agreed that the groundwork for the second session on the issue of rules of procedure would be carried out by an open-ended legal and technical working group, which would meet a few months prior to the second session. The Open-ended Legal and Technical Working Group (OELTWG) met at FAO headquarters in Rome, from 21 to 24 October 2008. In conjunction with the OELTWG, stakeholders held informal discussions to assist preparation for the second session of the ICCM.⁵⁴ The OELTWG worked on the development of rules of

⁵² Information on the World Health Assembly can be found on: <http://www.who.int/governance/en/>.

⁵³ See www.pops.int.

⁵⁴ Information on both meetings can be found on:
<http://www.saicm.org/index.php?menuid=12&pageid=102>.

procedure for the ICCM, which will be considered by the Conference at its second session. Informal discussions allowed stakeholders to hold preliminary discussions on issues to be considered by ICCM at its second session, including modalities for reporting on implementation, emerging policy issues, financial considerations, the possible addition of new activities to the Global Plan of Action and the relationship of the IFCS to SAICM.

The second session of the ICCM will therefore be an opportunity for it to finalize institutional arrangements, such as the adoption of its rules and Bureau. In addition, however, the ICCM will be for the first time performing its function defined in paragraph 24 of the OPS. Among these issues, the main ones are expected to be the modalities for reporting on implementation, emerging policy issues and financial considerations.

3.4 Reporting on Progress in Implementation

Reporting on the implementation of the Strategic Approach will be a key tool in assessing progress towards the Johannesburg Plan of Implementation goal of achieving the sound management of chemicals by 2020. Paragraph 24 of the Overarching Policy Strategy provides for the Conference to carry out a number of key functions in relation to reporting, namely “to undertake periodic reviews of the Strategic Approach”; “to receive reports from all relevant stakeholders on progress in implementation of the Strategic Approach and to disseminate information as appropriate;” and “to evaluate the implementation of the Strategic Approach with a view to reviewing progress against the 2020 target and taking strategic decisions, programming, prioritizing and updating the approach as necessary.”

In order to assist the development of appropriate reporting modalities, the Government of Canada has sponsored a project to develop a set of draft indicators for reporting progress on the implementation of SAICM and a baseline estimates report. The project was carried out by the consulting firm Resource Futures International, with guidance provided by an international project steering committee. Following the completion of the Government of Canada-sponsored project, the secretariat encouraged Governments and other organizations to test the questionnaires and share the experience obtained.

Stakeholders at the informal discussions held in October 2008 requested that a revised set of proposed indicators be prepared to simplify them, render them more user-friendly and less resource-intensive. They agreed that the international project steering group that had earlier provided assistance to the Government of Canada-sponsored project be reconvened, with additional new participants, and be requested to produce a single set of between 15-20 indicators taking into account the earlier proposed indicators and the results of the pilot testing. The revised proposal and arrangements for periodic reporting by stakeholders are to be considered at the second session of the ICCM to be held in May 2009. Following the

adoption of reporting modalities and indicators, periodic reporting will be undertaken by the Conference at its future sessions in 2012, 2015 and 2020.⁵⁵

3.5 Emerging policy issues

One of the functions of the ICCM set out in paragraph 24 of the OPS is “to focus attention and call for appropriate action on emerging policy issues as they arise and to forge consensus on priorities for cooperative action.” Paragraphs 14 (g) and 15 (g) of the OPS call, respectively, for new and emerging issues of global concern to be sufficiently addressed by means of appropriate mechanisms, and for an acceleration of the pace of scientific research on identifying and assessing the effects of chemicals on human beings and the environment, including emerging issues.

The Conference has not yet defined the term “emerging policy issue”, but it may be understood to be an issue involving the production, distribution and use of chemicals, which has not yet been generally recognized or sufficiently addressed, but which may have significant adverse effects on human beings and/or the environment. Following consultation with the informal “Friends of the Secretariat” planning group,⁵⁶ the secretariat prepared a short questionnaire as a means for SAICM stakeholders to propose “emerging issues” for consideration by the Conference at its second session.

A compilation of the submissions received from stakeholders to the questionnaire on emerging policy issues⁵⁷ was considered by stakeholders at informal discussions held in Rome in October 2008. An overview and summary of the issues raised in the submissions was also taken into account. Present stakeholders decided that the next step would be for the secretariat, in consultation with the Friends of the Secretariat, to screen the nominated emerging policy issues in a transparent manner and select emerging policy issues that might be prioritized for detailed consideration at the second session of the Conference.

⁵⁵ Additional information on reporting and modalities can be found on:
<http://www.saicm.org/index.php?menuid=32&pageid=297>.

⁵⁶ The Friends of the Secretariat group was established in April 2008 to provide guidance to the secretariat on preparations for the second session of the ICCM, to be held from 11 to 15 May 2009. The group comprises regional focal points and representatives of Governments, non-governmental and intergovernmental organizations.

⁵⁷ Document SAICM/InfDisc/INF/1, available on
<http://www.saicm.org/documents/OELTWG/Informal%20discussions/ID%20INF1%20issues%20compilation.pdf>

On the basis of this additional preparatory work, the Friends of the Secretariat agreed to recommend that the following emerging issues be considered in detail by the second session of the Conference:

- Chemicals in products;
- Nanotechnology and manufactured nanomaterials;
- Electronic waste; and
- Lead in paints..

In addition to the information on each of the agreed selection criteria it was taken into account that these issues each reflected an emerging policy issue which was not yet addressed internationally, an issue about which the global chemicals community was not fully aware and/or issues of particular and immediate concern for developing countries.

Opportunities for considering other nominated emerging policy issues at the second session of the Conference were also identified and it was recommended that the submission “Health-sector – prevention of chemicals-related adverse-health impacts” be included for discussion in a planned high-level round table to be held during the Conference. It was also recommended that a side event be planned for further information sharing on perfluorinated chemicals.

The second session of the Conference will also be invited to consider a longer-term procedure for the modalities of carrying out its functions with regard to emerging policy issues which would include revised criteria for priority setting, to be developed as necessary.⁵⁸

3.6 Financial Considerations

In the course of the development of SAICM, financial considerations were a crucial element of the SAICM framework. During PrepCom 3, in September 2005, a study on financial considerations for SAICM was presented. It highlighted some gaps in financing, such as the following:

- International agreements and decisions encompassed by SAICM have limited access to funding from multilateral and bilateral funding sources (e.g. the Basel Convention, the Rotterdam Convention etc);
- Multilateral financial mechanisms with chemicals-related mandates address only partially broader governance issues that are central to SAICM;
- Existing multilateral financial mechanisms with chemicals-related mandates are restricted to provision of support for work on a relatively limited, although important, number of chemicals;
- Integration or “mainstreaming” of the sound management of chemicals in multilateral and bilateral development assistance programming has seen slow progress with certain key exceptions; and

⁵⁸ Additional information on emerging policy issues can be found on <http://www.saicm.org/index.php?menuid=9&pageid=331&submenuheader=>.

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- Despite the wealth generated by, and the growth of the chemical industry on a global basis, there are no significant mechanisms for industry financial contributions to the global agenda for the sound management of chemicals.⁵⁹

Taking into consideration these elements, paragraph 19 of the OPS, which enshrines the financial arrangements for SAICM is a comprehensive list of sources of finance and technical cooperation means. Since 2006, however, a large majority of stakeholders considered that the scope of SAICM is such that the funding necessary to achieve significant progress toward the 2020 goal far exceeded that currently available, in particular through the QSP.

Over the course of regional meetings and consultations, many stakeholders welcomed the QSP and were positive as to its adequacy for meeting its limited objective. Some called for more resources to be made available, for an increase in the funding available per project and per country, as well as the consideration of a possible extension of the duration of the QSP. Demand for QSP trust fund assistance has remained constant over the first three years of operation of the QSP and funds available were almost sufficient to meet the demand of all applicants. SAICM donors emphasized that broadening of the donor base was a crucial challenge for sustaining the Programme and its trust fund.⁶⁰ Some donor Governments highlighted burden-sharing as a precondition to allow present donors to maintain their contributions to the QSP and that the reliance on a limited number of important donors undermined the sustainability of the Programme. Some stakeholders noted that, thanks to the QSP, it had been possible to obtain development cooperation agency resources.

There is a shared view among a number of stakeholders that further consideration should be given to the financial framework of SAICM, in particular as the QSP will cease to receive contributions in 2011, one year before the third session of the ICCM. Among the options considered has been the need for better use of existing resources, linking of SAICM to the GEF, the development of a standalone financial mechanisms and better use of development assistance funding.⁶¹

Since 2008, an informal group of donors has undertaken to discuss financial matters in preparation of the second session of the ICCM and to present some options then. During the meeting of the OELTWG in October 2008, the Government of Sweden on behalf of an informal group of donor countries presented a thought-starter to stimulate discussion. A key point of the paper was that there was no single source of funding for all activities under SAICM, as they encompassed activities covered under other regimes, activities that pertained to the Millennium Development Goals and

⁵⁹ See document SAICM/PREPCOM.3/INF/28:

www.saicm.org/documents/meeting/prepcom3/en/INF28.doc.

⁶⁰ Information and documents on SAICM donors meetings can be found on:

<http://www.saicm.org/index.php?menuid=5&pageid=22>

⁶¹ See also the thought starter on financial arrangements for the implementation of SAICM prepared by the Government of Switzerland for the second of EU-JUSSCANNZ countries in June 2007

http://www.saicm.org/documents/meeting/EU_Jusscanz/Feb%2008/Swiss%20SAICM%20financ e%20paper%20-%20G293-0719.pdf

activities that conferred global benefits. This breadth of activities and the lack of a single source of funding meant that it was necessary to prioritize and, to that end, to identify which activities in the Global Plan of Action belonged in which group and what sources of funding already existed for each.⁶² While no consensus can yet be reached on the way forward, the second session of the ICCM will be crucial in determining the future of the financial mechanism of SAICM. In addition to plenary discussions on the matter, it is expected that a high-level round table will also aim to address this question

4. CONCLUSION

The potential harmful effects on human health have gradually raised calls for their sound management. With increased use, production and transport of chemicals, awareness of a number of related problems has gradually been on the agenda of the international community. The development and adoption of SAICM was the cumulating point of the emergence of chemicals management as a global issue. The acknowledgement of chemicals as an issue of sustainable development and the involvement of all sectors and stakeholders have also raised the profile of SAICM. SAICM recognizes the special situation of developing countries, which increase their production and consumption of chemicals and require support for their sound management.

SAICM provides an innovative mechanism for action, which has the necessary components to address the 2020 goal of the sound management of chemicals. Its comprehensiveness in scope, high-level endorsement, voluntary nature and inclusiveness make it a possible. While SAICM is nor a convention, nor a forum, it may provide the example of future international multilateral initiatives. While it does not create legal obligations, it provides a framework which includes a recognized mandate, agreed texts and a flexible plan for action.

The success of SAICM will however require the participation and commitment of all stakeholders in its implementation. The initial phase of SAICM implementation will come to an end by the second session of the ICCM. The event will be an important milestone, as it is expected to decide on remaining institutional arrangements, while at the same time addressing the substantive matters of its mandate. Among the key issues during the second session will be emerging issues and financial considerations. While it can be expected that not all substantive matters will be concluded during the Conference, it will remain important that the SAICM process keeps its momentum. With the foundations now in place, the architects and builders will need to put a number of differences aside if they wish to meet the 2020 goal. The involvement of all stakeholders and sectors and the means for implementation may be the initial indicators of success of the process.

⁶² See para. 28 of the report, available on:

<http://www.saicm.org/documents/OELTWG/Informal%20discussions/InfDisc%208%20final%20report%20E.doc>.