

UNEP
8 November 2005

Committee of Permanent Representatives to
the United Nations Environment Programme
Subcommittee I
Nairobi, 8 November 2005

**INPUTS BY ACCREDITED INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS
TO THE UNEDITED ADVANCE ENGLISH COPY OF DOCUMENTS OF THE NINTH
SPECIAL SESSION OF THE GOVERNING COUNCIL/GLOBAL MINISTERIAL
ENVIRONMENT FORUM**

The secretariat of the United Nations Environment Programme (UNEP) has the honour to submit herewith, the inputs to the unedited advance English copy of documents UNEP/GCSS.IX/6 (Chemicals management: Report of the Executive Director) and UNEP/GCSS.IX/9/Add.2 (Background paper for the ministerial-level consultations on chemicals management: Discussion paper presented by the Executive Director), submitted by the following international non-governmental organizations accredited to the Governing Council: Center for International Environmental Law and International Council of Chemical Associations.



CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW

November 4, 2005

Committee of Permanent Representatives,
United Nations Environment Programme
In care of Beverly Miller, Chief
Major Groups & Stakeholders Branch

Re: CIEL input to chemicals management documents

To the Committee:

The Center for International Environmental Law (CIEL) appreciates and values the opportunity to submit written inputs in response to the documents "Chemicals management: Report of the Executive Director" (UNEP/GCSS.IX/6) and "Background paper for the ministerial-level consultations on chemicals management: Discussion paper presented by the Executive Director" (UNEP/GCSS.IX/9/Add.2). CIEL is a nonprofit organization with offices in the United States and Switzerland working to use international law and institutions to protect the environment, promote human health, and ensure a just and sustainable society. CIEL is accredited to the UNEP Governing Council and numerous other intergovernmental organizations and processes, including the Stockholm Convention on Persistent Organic Pollutants (POPs), the Intergovernmental Forum on Chemical Safety (IFCS), and the Strategic Approach to International Chemicals Management (SAICM). The work of CIEL's Chemicals Program is well-known among participants in international chemicals management processes. CIEL also actively participates in the International POPs Elimination Network (IPEN) and houses the IPEN secretariat.

I. Report of the Executive Director

The Executive Director's report provides, in our view, a succinct and useful summary of the SAICM development process. For the record, we note that the UNEP Global Civil Society Forum will be held concurrently with the International Conference on Chemicals Management (ICCM) in Dubai, February 2006. The Global Civil Society Forum and the Regional Consultations preceding it will submit additional inputs to the Governing Council/GMEF regarding the SAICM and international chemicals management. We hope that the GC/GMEF gives careful consideration to these civil society views.

II. Background paper for the ministerial-level consultations on chemicals management

The background paper properly focuses on issues that the Governing Council may wish to consider as it decides whether it will endorse the completed SAICM; the paper does not take positions on issues that remain to be resolved by the ICCM. The scope of our comments is similarly restrained.

A. Chemical safety as a cross-cutting sustainable development issue

We strongly support the background paper's observations regarding the need to advance integration of chemical safety into international and national planning and development strategies. Insufficient attention has been given to the relevance of chemical safety to achievement of the Millennium Development Goals, and we applaud the background paper for discussing the issue. Clean water, air, and soil are crucial inputs to public well-being and sustainable development just as assuredly as are labor and capital yet, too often, governments—including those at the local and provincial levels—fail to recognize this relationship.

A paradoxical result of this failure to recognize the relationship between chemical safety and sustainable development is that some financial assistance for improving the chemicals management capacities of developing countries is never appropriated because *no developing country government asks for it*. A fuller understanding among all relevant ministries about the connection between chemical safety and sustainable development could better prepare developing countries to access available funds. UNEP, on its own initiative and with other relevant intergovernmental organizations, should give priority attention to promoting the integration of chemical safety into development planning at all levels.

B. The role of UNEP in SAICM implementation

We anticipate that the ICCM will entrust UNEP with a leading role in SAICM implementation, including administration of the SAICM secretariat. While we recognize that the institutional and procedural framework of the SAICM will be for the ICCM to decide, we urge UNEP to exercise its responsibility in a way that ensures that the SAICM will be a living, fully participatory, multi-sectoral, and multi-stakeholder process. We believe UNEP, and especially the UNEP Chemicals Branch, has made important efforts in recent years to expand opportunities for civil society to participate meaningfully in international processes related to chemical safety, and that these efforts have improved the prospects of achieving a toxics-free future. We urge the Governing Council to instruct UNEP to build upon the multi-stakeholder, participatory practices of the Intergovernmental Forum on Chemical Safety (IFCS), and to ensure that UNEP, in administering the SAICM secretariat, has sufficient authority and resources to achieve successful implementation.

C. The need for multi-sectoral commitment at the international level to the sound management of chemicals

We wholly agree with the background paper's assertion that one of the keys to SAICM's ultimate success will be the commitment of all relevant intergovernmental organizations and international financial institutions to contribute to its implementation. Yet, as has been repeatedly noted by numerous participants in the SAICM Preparatory Committee, the proposals for financial arrangements that have received broad support from donor states so far will be dramatically inadequate in meeting the needs of developing countries to achieve SAICM objectives. The Governing Council should request UNEP to undertake a study that identifies and evaluates specific ways that countries—acting individually or collectively—could establish mechanisms that require the chemicals industry to internalize the health, environmental, and administrative costs presently born by society that are associated with the production, use, and disposal of chemicals.

We applaud the background paper's implicit recognition that governments are not monolithic; rather, they are comprised of different ministries and individuals who may have diverging interests, mandates, and agendas. Hence, it will be important for ministers and delegations to the Governing Council to encourage colleagues from other sectors to take action in support of the SAICM. Such action could include recommending to finance ministers and members of the Global Environment Facility (GEF) Council that they promote establishment of a chemical safety focal area within the GEF with new and additional funds to encompass: (1) the GEF's present POPs Operational Program, (2) additional operational programs that support implementation of other chemicals conventions and initiatives on mercury and other metals of concern, and (3) integrated approaches to chemicals management called for in the SAICM.

Respectfully submitted by:

Glenn Wiser, Senior Attorney
Chemicals Program
Center for International Environmental Law

**Preliminary Comments of the International Council of Chemical Associations
(ICCA) on the advance unedited English copy of document UNEP/GCSS.IX/9/Add.2
(Background paper for the ministerial-level consultations on chemicals
management: Discussion paper presented by the Executive Director)
Submitted on 6 November 2005**

ICCA is of the view that paragraph 6 is unduly negative and does not sufficiently characterize the complex role that chemicals and chemicals management play in sustainable development. In doing so, we believe that this paragraph may miss an opportunity to put forward good arguments for increased attention to chemicals management and for integration of chemicals management into national, regional and international development, poverty alleviation and millennium goals programs. Therefore, ICCA offers the following replacement language for paragraph 6:

“Increased chemical use is an inevitable part of economic development and chemicals are essential to the achievement of many of the goals of the Millennium Declaration, particularly those relating to disease eradication, safe drinking water and elimination of hunger. Yet, with this increased use comes the opportunities for misuse, transportation and industrial accidents, and the generation of harmful wastes. Moreover, there is increasing recognition of the potential for harmful exposures to toxic substances to undermine development, health and poverty alleviation advances. Integrating the sound management of chemicals into national, regional and international development, poverty alleviation and millennium goals programs is essential for environmental sustainability and for meeting the internationally agreed goals of the Millennium Declaration. In short, chemicals are necessary for development and the sound management of chemicals is necessary for sustainability. The two are inextricably linked and must be considered in tandem.”

Rationale: ICCA recognizes and agrees with the fundamental goal in paragraph 6: to that programs and resources now being directed toward the achieving the goals of the Millennium Declaration and toward development generally should incorporate and appropriately fund sound chemical management in an integrated manner. Unfortunately, however, paragraph 6 seems to premise the case for integrating development and chemical management assistance solely on allegations that chemicals contribute to poverty, which, at a minimum, is not the strongest argument. For one, countries and donors recognize that there are many other more productive targets for poverty reduction funds than chemicals management. We suggest another, more positive approach that may be more persuasive.

In our view, paragraph 6 does not acknowledge the fundamental linkages between development (and poverty reduction) and chemical usage, nor does it consider the

implications of that linkage. Specifically, to achieve many of the goals and for development itself, increased manufacture and use of "chemical" products will be essential. With that comes the opportunities for misuse, transportation and industrial accidents, etc.

We are convinced that the important message ought to be that at the same time we promote development and achievement of the goals of the Declaration, we need to make sure that we avoid any potential harm. For that we need to integrate chemicals management with development and promote both at the same time. In short, chemicals are necessary for development and sound chemical's management is necessary for sustainability.

In addition, ICCA would like to propose to develop some language recognizing the important role industry can play in managing chemicals safely and how that should be integrated into an overall strategy to promote sustainable development in the chemicals area.

We would like to suggest the following addition to 10 c) stating "encouraging industry to continue to integrate the sound management of chemical into their activities that promote development, reduce poverty or achieve millennium goals."

