

Summary of the Resumed Fourth Meeting of the Intersessional Process for Considering SAICM and the Sound Management of Chemicals and Waste Beyond 2020:

27 February – 3 March 2023

The Second Global Chemicals Outlook projects global chemical sales to double by 2030. Chemicals are ubiquitous, in virtually all manufacturing processes, from textiles to automobiles. Although they contribute to improved products, processes, and living standards, they also often come with costs, including heavy energy and water consumption and adverse impacts on human health and the environment. Existing multilateral environment agreements (MEAs) only cover a fraction of the chemicals universe; for that reason officials and experts continue to seek a vehicle for effective joint action on the many chemicals MEAs do not address.

The Strategic Approach to International Chemicals Management (SAICM), created in 2006, was intended to serve such a role, but it effectively expired in 2020. SAICM is a voluntary, multi-stakeholder, multi-sectoral policy framework to promote chemical safety around the world. An intersessional process (IP), delayed by the COVID-19 pandemic, is seeking to reach an agreement on a new framework on chemicals and waste that will guide global efforts in the years to come.

The resumed fourth meeting of the IP made substantial progress on implementation mechanisms for the new instrument, capacity building, stocktaking, measurability and modalities for considering new issues of concern. Delegates also worked hard to elaborate ambitious targets for the instrument, and determine what issues should be the subject of draft resolutions to be adopted at the Fifth International Conference on Chemicals Management (ICCM5) in Bonn, Germany, in September 2023. These include proposals for a new alliance on pesticides or negotiations on an international code of conduct on chemicals.

In the end, key portions of the draft instrument required further work before they are put before ICCM5, so the Bureau, in consultation with relevant stakeholders, decided to suspend the IP again and reconvene two days before ICCM5 starts, in the hopes of producing breakthroughs in the IP Consolidated Document.

The fourth session of the IP, which began in August 2022, resumed in Nairobi, Kenya, from 27 February - 3 March 2023. Approximately 500 delegates attended, representing governments, intergovernmental organizations, industry, civil society organizations and special constituencies including children and youth.

A Brief History of SAICM

Although the idea that became SAICM was first raised by the United Nations Environment Programme's (UNEP) Governing Council in the mid-1990s, it was the World Summit on Sustainable Development (WSSD) in 2002 that specifically called for the creation of a SAICM and set the goal that, by the year 2020, chemicals would be used and produced in ways that minimize significant adverse effects on human health and the environment.

After three rounds of negotiations from 2003-2005, SAICM was created in 2006 in Dubai, United Arab Emirates, at the first International Conference on Chemicals Management (ICCM) as a policy framework to promote chemical safety and support nations in achieving the 2020 goal agreed at the WSSD. The framework consists of the Dubai Declaration on International Chemicals Management, an Overarching Policy Strategy, and a Global Plan of Action. A Quick Start Programme (QSP) was launched with a Trust Fund to support enabling activities for the sound management of chemicals in developing countries, least developed countries, small island developing states, and countries with economies in transition through 2012.

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Key Turning Points

ICCM2: ICCM2 was convened in 2009 in Geneva, Switzerland, and identified four emerging policy issues (EPIs) for cooperative action by SAICM stakeholders: chemicals in products; lead in paint; nanotechnology and manufactured nanomaterials; and hazardous substances within the lifecycle of electrical and electronic products.

ICCM2 also adopted a decision on considering other EPIs, established an Open-ended Working Group (OEWG) to meet intersessionally to prepare for each ICCM. They also invited international organizations participating in the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) to consider stewardship programmes and regulatory approaches to reduce emissions of perfluorinated chemicals, and to work toward their global elimination, where appropriate and technically feasible.

ICCM3: ICCM3 met in 2012 in Nairobi, Kenya, and agreed to extend the QSP Trust Fund until ICCM4 and adopted resolutions on the EPIs, including one designating endocrine-disrupting chemical as an EPI, and engaging the healthcare sector in SAICM implementation.

ICCM4: ICCM4, held in 2015 in Geneva, Switzerland, reviewed progress toward the 2020 goal and established an intersessional process (IP) to maintain momentum until ICCM5, initially planned for 2020. ICCM4 adopted the overall orientation and guidance for achieving the 2020 goal and added environmentally persistent pharmaceutical pollutants as an EPI and highly hazardous pesticides (HHPs) as an “issue of concern.”

Intersessional Process

IP1: IP1 was held in Brasilia, Brazil, in February 2017. Participants engaged in an initial exchange of views and ideas regarding what sort of global platform or framework might be preferable to the existing SAICM process to promote the sound management of chemicals and waste beyond 2020.

IP2: IP2 was held in Stockholm, Sweden, in March 2018. Participants discussed six elements of a possible future framework proposed by the IP Co-Chairs: vision, policy principles, objectives and milestones, implementation arrangements, governance, and high-level political commitment.

UNEA4: Meeting in Nairobi, Kenya, in March 2019, the fourth UN Environment Assembly (UNEA) adopted resolution 4/8 calling for relevant ICCM5 resolutions on a crosscutting and holistic approach for the long term, including enhanced involvement of all relevant stakeholders. It also called on governments and other stakeholders to consider ways to strengthen the science-policy interface (SPI) for chemicals and waste, and requested UNEP to prepare two reports by 30 April 2020 for consideration by ICCM5, on:

- an assessment of options for strengthening the SPI at the international level; and
- relevant issues when emerging evidence indicates a risk to human health and the environment identified by SAICM, the Global Chemicals Outlook, or the Global Waste Management Outlook, including an analysis of existing regulatory and policy frameworks and their ability to address these issues towards the achievement of the 2020 goal, in particular for lead and cadmium.

OEWG3: OEWG3 met in Montevideo, Uruguay, in April 2019. Participants assessed progress toward the 2020 goal, prepared for ICCM5, and produced a composite text on the Strategic Approach and the sound management of chemicals and waste beyond 2020.

Third Intersessional Meeting: IP3 was held in Bangkok, Thailand, in October 2019. Most of the meeting was conducted through four thematic groups focusing on features of a possible post-2020 platform.

Fourth Intersessional Meeting: The first segment of IP4 met in Bucharest, Romania, from 27 August – 2 September 2022. Participants produced a “Co-Chairs’ Single Consolidated Text” on a post-2020 instrument covering the vision, scope, principles, strategic objectives, targets, institutional arrangements, implementing measures, financial considerations, and procedures for designating “issues of concern” for special attention and concerted action.

IOMC Global Workshop on Advancing Chemical and Waste Management in Economic Sectors: This workshop, which convened from 18-19 January 2023 in Paris, France, agreed that a global multi-stakeholder implementation programme featuring activities to foster global knowledge sharing, industry sector reviews, industry strategies and action under the “Beyond 2020” framework would be valuable.

Resumed IP4 Report

SAICM Coordinator Pierre Quiblier opened the resumed session of IP4 on Monday, 27 February.

In welcoming remarks to plenary, John Elungata, speaking on behalf of the Cabinet Secretary for the Environment, Kenya, called for framing the Beyond 2020 instrument in clear language that sends easily understood messages, reflecting both risks and benefits, international political priorities, and urgent need for action. It also should be durable, flexible, adaptable, and able to respond to new developments and priorities as identified by member states and other stakeholders, he added.

ICCM5 President Anita Breyer (Germany) expressed anticipation that IP4 would conclude with a solid, ambitious, and inclusive set of recommendations for ICCM5 to address in Bonn, Germany, in September 2023.

Sheila Aggarwal-Khan, UNEP, commended the engagement, commitment, and spirit of co-creation that has characterized the IP. She expressed hope for a framework to be agreed in Bonn with an ambitious vision, strong strategic objectives, and targets that can change behavior and scale up action and finance.

Organizational Matters: The Co-Chairs reminded participants that since this was a resumed session, the agenda adopted in Bucharest ([SAICM/IP.4/1/Rev.1](#)) still applied. Delegates agreed to create three thematic groups as follows:

- Thematic Group 1 on Strategic Objectives, Targets and Measurability (TG1), co-facilitated by Mari-Liis Ummik (Estonia) and Serge Molly Allo’o Allo’o (Gabon), with a mandate to: discuss coherence of vision; measure progress towards the vision and Strategic Objectives, using previously agreed language; and identify a suitable measurability structure.
- Thematic Group 2 on Mechanisms to Support Implementation (TG2), co-facilitated by Noluzuko Gwayi (South Africa) and Karissa Kovner (US), with a mandate to finalize consolidated document text on means of implementation, excluding capacity building.
- Thematic Group 3 on Financial Considerations including Capacity Building, co-facilitated by Jonah Ormond (Antigua and Barbuda) and Reginald Hernaus (Netherlands), with a mandate to finalize text to address finance in support of the targets and address capacity-building issues.

In addition, the Co-Chairs announced the creation of a 30-member “Friends of the Co-Chairs” group (FoCC) to focus

on developing solutions to ensure coherence of the consolidated document and identify and address any gaps. The plenary also created an “Informal Dialogue,” co-facilitated by Hassan Azhar (Maldives) and Karissa Kovner (US), reporting only to the FoCC, which considered elements for ICCM5 resolutions and discussed a possible name for the post-2020 instrument.

Development of Recommendations for Consideration by ICCM5 for the Strategic Approach and the Sound Management of Chemicals and Waste beyond 2020

Formal proposals presented in plenary: During Monday’s plenary session, IP Co-Chair Kay Williams (UK) noted that several formal proposals had been submitted and invited the proponents of each to present them.

The IOMC presented three proposals. The first ([SAICM/IP.4/CRP.4/Rev.1](#)) would have ICCM5 mandate that work on EPIs and issues of concern continue under current modalities until ICCM6, at which time proposals will be considered on the way forward. The INTERNATIONAL POLLUTANTS ELIMINATION NETWORK (IPEN) supported the proposal.

A second IOMC proposal ([SAICM/IP.4/CRP.5](#)) called for the Beyond 2020 instrument to include three “implementation programmes” on:

- developing integrated national chemical management systems and capacities in all countries and regions;
- integrating sound chemicals and waste management in chemical-intensive economic sectors and value chains; and
- integrating sound chemicals and waste management within sustainable development objectives and decision processes.

The EU, JAPAN, SWITZERLAND, and the UK supported the proposal. The EU called multi-sectoral and multi-stakeholder participation key to successful implementation. JAPAN noted some elements might have implications for operating principles and financial considerations, urging coherence and avoiding duplication of deliberations in different groups. PURE EARTH called for industry to state what they propose to do on implementation.

A third IOMC proposal ([SAICM/IP.4/CRP.7](#)) would add a “living” annex on measurability to the instrument that can be easily updated, which includes readily available chemicals and waste indicators, describes the criteria for selecting more, and sets custodians and reporting processes for the selected indicators.

The UK, with SWITZERLAND, urged consideration of the Global Biodiversity Framework’s indicators for the new instrument. SWITZERLAND noted numerous available indicators and suggested discussing a first set for ICCM5 and, with JAPAN, identifying areas needing further work. JAPAN noted IOMC organizations can help avoid duplication in stocktaking for the instrument. He also stressed that indicators are important for assessing involvement of stakeholders toward achieving the instrument’s objectives. IRAN urged measurability of all elements in the instrument, particularly finance and capacity building, and reporting on the needs and capacities of developing countries and how to address them in the instrument.

The WORLD HEALTH ORGANIZATION (WHO) presented a proposal ([SAICM/IP.4/CRP.8](#)) submitted by the WHO, Bosnia and Herzegovina, and Canada, to use the WHO Chemicals Roadmap to guide enhanced facilitation and implementation of SAICM and the Beyond 2020 instrument, and to add a paragraph on this in the new instrument. The AFRICAN GROUP, HEALTH CARE WITHOUT HARM EUROPE (HCWH Europe), the WORLD FEDERATION OF PUBLIC HEALTH ASSOCIATIONS (WFPHA), and PURE

EARTH supported the health proposal. The AFRICAN GROUP also requested WHO involvement in implementing SAICM at all levels.

The CHEMICALS AND WASTE YOUTH PLATFORM presented their proposal ([SAICM/IP.4/CRP.6](#)) for a section in the instrument on “Children, Youth and Intergenerational Protection” and related targets and indicators. They stressed that youth and children are the most harmed but the least heard.

During Tuesday’s plenary, additional proposals were presented. Angola, for the AFRICAN GROUP, presented two proposals. One called for an ICCM5 resolution to establish “A Global Alliance on Highly Hazardous Pesticides” ([SAICM/IP.4/CRP.9](#)). He noted that, as Africa is a net importer of HHPs, Africans are subject to great health risks. JORDAN, IPEN, PESTICIDE ACTION NETWORK ASIA-PACIFIC (PANAP), WFPHA, and the CENTER FOR PUBLIC HEALTH AND ENVIRONMENTAL DEVELOPMENT supported CRP.9. INDIA noted that HHPs are already being addressed in target A7. INDIA and IRAN noted that this issue is included as an “Issue of Concern” and asked for clarification on how a global alliance will improve the measures that are already discussed in the Beyond 2020 instrument.

Another African proposal ([SAICM/IP.4/CRP.10](#)) called for an ICCM5 resolution launching a process to develop an “International Code of Conduct” on chemicals and waste management and suggesting a table of contents for the code. IPEN, PANAP, WFPHA and the CENTRE FOR ENVIRONMENT JUSTICE AND DEVELOPMENT (CEJAD) supported CRP.10.

The INTERNATIONAL LABOUR ORGANIZATION (ILO) presented a proposal ([SAICM/IP.4/CRP.11](#)) for the post-2020 instrument on labour sector aspects of implementation, which calls for: the ratification and implementation of relevant international labour standards; the global application of the Globally Harmonized System of Classification and Labeling of Chemicals (GHS); harmonization and implementation of work-related risk assessment; and strengthening of occupational health services. IPEN, PANAP, WFPHA and HCWH supported CRP.11.

On behalf of several non-governmental organizations (NGOs), groundWork South Africa presented a proposal ([SAICM/IP.4/CRP.12](#)) for post-2020 instrument targets on global minimum cross-sectoral transparency on chemicals of concern and on the right to reliable information on chemicals in articles throughout their lifecycle. HCWH, CEJAD, IPEN, PANAP and WFPHA supported CRP.12.

The WHO introduced a proposal ([SAICM/IP.4/CRP.13](#)) on a simplified target calling for all countries to have access to poison centers equipped with essential capabilities to prevent and respond to poisonings.

Work of the Informal Dialogue and Friends of the Co-Chairs: On Monday and Thursday the Informal Dialogue developed a list of potential ICCM5 resolution topics.

Monday’s Informal Dialogue session also discussed choices for the instrument’s name. There was broad support for some variation on “Global Framework on Chemicals and Waste” or “Bonn Framework on Chemicals and Waste,” without a tagline. A few delegates expressed preference for a name that includes “chemicals and their associated wastes.”

The FoCC met throughout the week and considered:

- the organization of the Consolidated Document;
- text proposed by the Co-Chairs for an introductory section;
- revision of the Principles and Approaches section and its related annex;
- the Institutional Arrangements section; and

- the list of possible ICCM5 resolutions forwarded by the Informal Dialogue.

Revised Architecture for the Draft Instrument: During Thursday morning's plenary, the Co-Chairs introduced a revised structure for the Consolidated Document, as devised by the FoCC and reflecting all IP work as of close of business on Wednesday, to use as the basis for deliberations going forward. A further adjusted Consolidated Document was issued at the end of Thursday to resolve some confusion over the location of texts on Issues of Concern and Principles and Approaches in the main text and the annexes.

IP Consolidated Document

The following summary of the week's discussions follows the expected outline and sequence of the basic elements of the recommendations for ICCM5, as outlined and sequenced in the "[IP Single Consolidated Document](#)" introduced at the end of the second segment of IP4.

I. Introduction: At the end of the first segment of IP4, the bracketed introduction contained a brief statement of aims and two general paragraphs about the need for:

- all stakeholders to work toward the achievement of Sustainable Development Goal (SDG) target 12.4 (achieve by 2020 the environmentally sound management of chemicals and waste) of the 2030 Agenda for Sustainable Development; and
- "urgent and resolute action at all levels" to implement the 2030 Agenda in relation to the sound management of chemicals and waste, "including through an improved enabling framework for the sound management of chemicals and waste in the long term."

At the second segment of IP4, the Co-Chairs tabled for FoCC consideration a proposal on the Introduction, and the FoCC focused on refining language contained therein. The FoCC agreed that the Introduction should:

- have clear, simple, accessible language;
- convey the adverse impact of poorly managed chemicals and waste on human health and the environment; and
- contain key strategic elements of the future framework that includes its aims to better manage chemicals and waste globally.

As refined by the FoCC during the meeting, the Introduction declares:

- the sound management of chemicals and waste is essential for protecting human health and the environment;
- chemicals play an important role as an integral part of our everyday lives in materials, articles and products globally but, when not managed properly, have adverse impacts on human health and the environment;
- the [Global Chemicals Outlook II](#) cautions that "business as usual" is not an option;
- the Beyond 2020 global chemicals and waste framework builds on a unique multi-sectoral and multi-stakeholder approach;
- the aim of the framework is to prevent or, where not feasible, minimize harm from chemicals and waste to protect the environment and human health, including of vulnerable groups and workers; and
- the framework will contribute to the achievement of the 2030 Agenda and remain relevant for action beyond 2030.

II. Vision: The bracketed text of the Vision as developed by IP2 and OEWG3 was not the subject of deliberations in Nairobi, apart from a decision by the FoCC to move it out of a section that includes Strategic Objectives and Targets. It was placed in the Consolidated Document to follow the Introduction. As now drafted, the Vision

would invoke "Chemical safety for all" and either "A Toxics-free Planet" or "Healthy Planet and People: Making Our Future Chemical and Waste Safe."

III. Scope: The Scope was not the subject of deliberations in Nairobi. As it currently stands, the first paragraph is heavily bracketed regarding which aspects of chemicals management to reference, whether to include waste generally or just chemical waste, and whether to reference circularity, environmental integrity, protection of human rights, or resource efficiency. A second clean paragraph declares "the involvement of all relevant sectors and stakeholders across the life cycle at the local, national, regional and global levels is critical to the sound management of chemicals and waste" and lists the types of stakeholders and sectors the instrument addresses. Stakeholders "include but are not limited to" governments, regional economic integration organizations, intergovernmental organizations, civil society, industries, businesses, the financial sector, development banks, academia, workers, retailers, and individuals. Sectors addressed "are understood to include, but not be limited to" agriculture, environment, health, education, finance, development, construction, and labour.

IV. Principles and Approaches: The FoCC discussed how to capture crosscutting approaches relating to how the framework operates and key principles and approaches that may need to be included in the framework, building on the text in [SAICM/IP4/10](#), the Co-Chairs single consolidated document produced at the end of the first part of IP4. The FoCC subsequently grouped the key principles and approaches in the draft instrument's main text based on proposals by FoCC members, with a longer list included in Annex B.

As they now stand in the IP Consolidated Document, the Principles and Approaches are enumerated in Section IV under the following groupings:

- knowledge and information;
- transparency;
- human rights;
- "groups in vulnerable situations" or "particularly impacted groups" (title to be decided later);
- gender equality;
- preventive approaches;
- precautionary approach;
- international trade of chemicals and products;
- just transition; and
- collaboration and participation.

The FoCC agreed to keep the entire Principles and Approaches section and Annex B in brackets.

V. Strategic Objectives and Targets: A. Strategic Objectives: The five draft Strategic Objectives of the instrument discussed at OEWG3 were not the subject of deliberations at IP4. Only two, B and C, do not have bracketed text. The five draft Strategic Objectives are:

- Strategic Objective A: capacity, legal framework and institutional mechanisms in place;
- Strategic Objective B: comprehensive and sufficient knowledge, data and information;
- Strategic Objective C: Issues of Concern are identified, prioritized and addressed;
- Strategic Objective D: safer alternatives and innovative and sustainable solutions; and
- Strategic Objective E: sound management of chemicals and waste is integrated in relevant decision-processes.

B. Targets: TG1 worked on targets for the Strategic Objectives throughout the week. In addition, a joint TG1-TG3 session was held Wednesday evening to address four targets, D3, D4, E3 and E5, seen as linked to financial matters.

On Monday, TG1 Co-Facilitator Ummik began by clarifying the mandate of a finalized text for the proposed Target section of the Consolidated Document, including reducing the number of targets and a suitable measurability structure. On the latter, she highlighted [CRP.1](#), [CRP.6](#), and [CRP.7](#) as proposals to be considered.

Several delegates raised questions about the best approach, especially for reducing the number of targets, and subsequently reviewed the draft Strategic Objectives to remind delegates of their content. One civil society organization (CSO) delegate recommended using the potentially established targets as an opportunity to inform the work being done on chemicals and waste through the lens of the SDGs.

A developed country delegate suggested changing some targets to indicators and merging others.

One delegate called for focus on key messages reflected in the Strategic Objectives, and a CSO stressed maintaining the key messages in the text. Another delegate cautioned against going backwards on progress made in Bucharest.

On the use of deadline dates in targets, one delegate urged leaving dates for later consideration, to allow for more productive discussions at this session.

Several delegates raised concerns on cross-cutting issues in the targets, including the need for:

- support for developing countries and countries with economies in transition to achieve the proposed targets; and
- explicit references to major rights holder groups in the section, whether throughout the targets themselves or somewhere else within the section.

Targets Under Strategic Objective A: On Monday, delegates in TG1 offered general suggestions regarding targets under Strategic Objective A. One delegate called for merging target A4 (illegal international trade and traffic of hazardous and other chemicals and waste) with target A1 (on enforcing legal frameworks to prevent or minimize adverse effects from chemicals and waste), with one calling on countries to prohibit the export of substances they have prohibited nationally by 2030, given that both address international trade. TG1's work on specific targets was conducted throughout the week.

Target A1 (national legal framework): Views differed on target A1. Several countries supported keeping target A1 as presented. One delegate proposed merging target D7 (occupational health and safety practices) with A1. Numerous objections were raised, given that this would: shift the target's focus to occupational health practices in the supply chain; remove language on preventing or minimizing adverse effects; and confuse the roles of companies and governments on prevention and safety practices. A separate proposal to combine target D7 with targets A1 and A3 (implementation by companies of harm prevention/minimization measures), given they cover governments and companies respectively, was welcomed by a few delegations.

One stakeholder group called for reference to protecting human health—prioritizing that of workers, women, children and youth—and the environment, while also urging recognition of children as rights holders. Another called for discussion on references to health and safety, noting a pre-existing indicator on occupational health and safety, as demonstrated in work from the IOMC.

Concerns over referring to “governments” rather than “countries” were raised, given the existence of governments at the subnational level and the potential implications of including them.

Target A2 (code of conduct on chemicals and waste): One delegate suggested merging this target with one on developing and incorporating a code of conduct in national legislation. This received some support, but others noted it would limit the target's focus to legal frameworks for effective occupational health practices in the supply chain, to which many delegates objected. Many countries, supported by CSOs, stated that the inclusion of a code of conduct on chemicals and waste management is not really a target. Others stressed the need for this target, particularly for developing countries, with some delegates stressing inclusion of measures to prevent and significantly minimize adverse effects from chemicals through their lifecycle and waste. Some countries, with CSOs, said some governments that already have a code of conduct in their national legislation might be burdened by having to implement a new one. A compromise was suggested to develop a code that could be introduced as a resolution for adoption at ICCM5.

Target A3 (implementation by companies of harm prevention/minimization measures): Several delegates suggested replacing “companies” with “producers” or “the private sector.” There were calls for consistency in terms, specifically when referring to “harm” or “adverse effects.” A few suggested referring to both the private and public sectors. A delegate called for reference to occupational health and environment, with another adding “and safety.” One noted duplication between this target and targets under Strategic Objective D on safer alternatives. A country suggested setting the target's goal to 2025. Another noted that chemicals' lifecycle includes waste, but another said this does not cover all waste. Co-Facilitator Ummik noted reference to waste elsewhere and bracketed it.

Target A4 (illegal trade and traffic): Many countries noted the contents of this target are already included in target A1, suggesting target A4's deletion. Other countries stressed the political importance of a specific target addressing illegal international trade and traffic of toxic, hazardous, banned and severely restricted chemicals and of waste. Some countries cautioned against using terms such as “banned” and “restricted.” Some countries urged a focus on enforcement to specify particular action.

Target A5 (export ban on domestically prohibited substances): Most participants supported keeping this target as presented, with a CSO, along with one country, suggesting a shift in the deadline from 2030 to 2025, given that “many people are being killed by these chemicals as we work on these targets.”

On Wednesday, a developing country proposed an Alt A5: “By 20xx countries are to effectively regulate the exports of nationally prohibited hazardous chemicals.” Participants were split between the new text and the original. Co-Facilitator Ummik left this target for future discussion.

Target A6 (poison information centres): WHO presented its alternative proposal ([SAICM/IP.4/CRP.8](#)), specifying that “By 20xx all countries should have access to poison centres equipped with essential capabilities to prevent and respond to poisonings. Delegates differed over this and the original A6, calling for poison information centres by 2030. One called for stronger language on including, *inter alia*, toxicological units, laboratories, and qualified personnel. There were calls for making the alternative target A6 timebound. One delegate supported the alternative with the addition of language from the original text on access to training, including

on chemical risk prevention and clinical toxicology. One regional group preferred the original text, seeking clarification on “essential capabilities” in the alternative.

Delegates eventually agreed to combine the alternative texts for this target into one with some bracketed language. As it stands, target A6 calls for all countries to “have access to poison centres equipped with essential capabilities to prevent and respond to poisonings [as well as access to training on chemical risk prevention and clinical toxicology] by 20XX.”

Target A7 (HHPs): During general discussion, delegates expressed differing views on a target to eliminate the use of HHPs from agriculture by 2030. One delegate called for reference to “less toxic pesticides,” while a CSO preferred referring to “safer, non-chemical alternatives, guided by an international code of conduct and the WHO guidelines.” A few delegates called for dropping this target altogether. Several others expressed strong support for “eliminating HHPs,” with one CSO noting HHP data is already collected as a sub-indicator under SDG 2.6 on sustainable agriculture.

As it stands, Target A7 remains bracketed, calling for HHPs to be “[eliminated] [phased out] from agriculture.” A bracketed Alt A7 calls instead for stakeholders to “have taken effective measures to phase out HHPs in agriculture where the risks cannot be managed and alternatives with less potential risk for health and environment would be promoted” by 2030. A footnote explains that TG1 agreed on retaining both alternatives for consideration at ICCM5, but the exact wording was not discussed or agreed.

Targets under Strategic Objective B: On Tuesday morning, TG1 addressed targets under Strategic Objective B. During the general discussion, one country stressed the importance of targets B1-B5 but said target B6 has divergent views and suggested combining it with B1 and B2. During drafting, delegates made proposals on specific targets under Strategic Objective B.

Target B1 (comprehensive data and information on [the properties of] chemicals): On Friday morning, after numerous delegates in TG1 expressed support for the original version of B1, several intervened to support one of two proposed alternatives (“Alt 2 B1”), which gave details on the information system needed. A few expressed support for the other’s (“Alt B1”) reference to disaggregation by gender and other demographics. A CSO called for insertion of reference to health, but a developed country delegate noted that this appears in a subsequent target (B3), while another said referring to “properties” of chemicals covers everything, including health. Co-Facilitator Ummik noted this will be clear in the indicators that are linked to this target. The group agreed to delete Alt 2 B1.

The group agreed to send to ICCM5 the original target B1 text on generating, and making available and accessible, comprehensive data and information, with bracketed reference to “the properties of” chemicals “throughout their lifecycle” by 20XX.

Target B2 (globally harmonized minimum cross-sectoral transparency standard): In general comments, one country stated that target B2 asks a lot from developing countries, in terms of capabilities and resources, and its applicability also depends on access to industry data.

During drafting, a CSO, supported by a country, stressed the importance of reliable information on chemicals in materials, articles and products. A CSO, supported by numerous countries, reminded participants of [CRP.12](#) for a new target to support integrated chemicals and waste management.

Another CSO stressed the need for transparency standards. A country noted the target’s importance for actors all along the supply chain. Numerous countries noted the waste stage is part of the life cycle. The suggestion by several countries for qualifying that stakeholders “endeavor to” ensure information is made available, was inserted in brackets.

On Friday, delegates debated over a slightly amended version of the original text with bracketed phrases that called for stakeholders in the value chain to “[endeavor to]” or “[ensure that]” reliable information on chemicals is available, and an Alt version. After one country withdrew its proposed addition of “the most harmful” chemicals, delegates agreed to send the bracketed original, as well as the bracketed Alt B2, to ICCM5.

Target B3 (data on production, releases, emissions, and waste): In the general discussion, two countries stressed the implementation of this target for the health sector. Many countries, and a CSO, suggested merging this target with target B1.

During drafting, one country suggested streamlining this target. Several developed countries, opposed by a developing country, called for deleting reference to harmonized research protocols, or making this target an indicator. A participant, with some support, called for adding reference to data on consumption, given that strong data already exists.

A CSO, supported by several others, suggested a deadline of 2030. Many participants supported a CSO’s suggestion for reference to the “burden of disease,” although a developed country said making this link is difficult and another said generating data on how chemicals affect human health is an implementation goal, not a target. One regional country grouping said governments should require the generation of robust data. One CSO noted the incompatibility of making targets easy to understand, but also specific.

There was discussion on who requires the data, with many noting only governments have the capacity to do this. Some called for the addition of gender- and age-disaggregated data on concentrations of chemicals in humans. One CSO recommended splitting this target into more cohesive clusters.

On Friday, after a small group discussion on Thursday, several delegations supported transforming this target into a high-level indicator. There was, however, no agreement.

As it stands, an entirely bracketed target B3 says that “by [20XX] [2030]], [[Governments] [and relevant] [stakeholders to generate]] [require the generation of] [robust]] data on production [and consumption] of chemicals, releases and emissions of chemicals and waste to the environment [based on lifecycle approach] and [gender and age disaggregated on] [concentrations of chemicals in humans] [, burden of human disease], biota, and environmental media is generated and [made] [publicly] available [at regional and global [all] levels] [and harmonized research protocols are developed and used to [promote] [ensure] coherence and comparability of this data].]

Target B4 (tools, guidelines and best available practices): During general discussion, one country suggested more specificity, or merging B4 with other targets. One country stated that target B4 appears to contradict B3. A regional organization proposed its deletion. During drafting, Co-Facilitator Alo’o Alo’o, cautioned delegates against overambition to meet all challenges. Many participants supported a developed country proposal adding reference to “risk” assessments. Many developing countries supported a proposal to specify actions “as per national capabilities”

although one CSO noted that this is implied in a voluntary instrument. Several participants expressed flexibility. After some discussion, the target was left open.

As it stands, target B4 states that “by 20xx [all] stakeholders have [and are using] appropriate and [[standardized] tools], guidelines and best available practices, [and standardized tools] [harmonized research protocols], for [risk] assessments and sound management [of production and marketing] [of chemicals], as well as for the prevention of harm, risk reduction, [monitoring] and enforcement [as per national capabilities].”

Target B5 (educational, training and public awareness programmes): Many developing countries and others supported the text of target B5 as written, but proposals to refer to the benefits of reducing chemicals and “waste” risks, and on gender responsiveness received some support, while reference to the benefits of “chemicals” was bracketed.

As it stands, target B5 says that “by 20XX [gender responsive] educational, training and public awareness programmes on chemical safety, sustainability, safer alternatives and benefit of [reducing chemicals and waste risks] [chemicals] have been developed and implemented.” Additional bracketed wording from two CSO proposals on [access to training on chemical risk prevention and clinical environmental toxicology] are included after the target’s main statement, for future consideration.

Target B6 (GHS): During general discussion, a CSO, opposed by a regional organization, recommended merging targets B5 and B6. Two countries, opposed by a CSO and another country, stated that B6 could be part of an indicator of A1. In drafting mode, most delegates agreed to keep the target’s original language, with some supporting: changing “governments” to “countries”; inserting “as appropriate for their national circumstances” at the end; and, deleting the words “legally” and “enforced.” Many delegations opposed these changes, stating that the GHS is an agreed and voluntary mechanism, with one country questioning if this target will make the GHS legally binding.

As it stands, target B6 reads that “by [20XX], all [governments] [countries] [have] [should adopt] [legally] implemented [and enforce] the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS) in all relevant sectors [as appropriate for their national circumstances].”

Target BX (comprehensive disaggregated data): This unnumbered proposed, double-bracketed target grew out of a CSO proposal concerning concentrations of chemicals in humans, during discussions on target B3. The bracketed text calls for generating and making available and accessible comprehensive data and information on the concentrations of chemicals in humans, impact on human health, and routes of exposure disaggregated by age, gender, and region.

On Friday, after no success in removing brackets from any of the targets under Strategic Objective B, Co-Facilitator Ummik announced that the current versions would be sent to ICCM5 for its consideration. She further noted that the group did not agree on whether targets B1, B2, B4, B5 and B6 should be separate, merged in some fashion, or moved to indicators.

Targets under Strategic Objective C: The sole target under this Strategic Objective, C1 (Issues of Concern), was not discussed in Nairobi. The bracketed text calls for processes and programmes of work including timelines to be established, adopted, and implemented for identified Issues of Concern to reduce and eliminate harm.

Targets under Strategic Objective D: On Tuesday, TG1 made general comments on targets under Strategic Objective D. There was near—but not full—consensus on the need to reduce the number of targets. Several delegates suggested merging targets, such as where overlaps exist or where two targets focus on the same actor, such as “governments” or “companies.” Many delegates objected to calls to move or merge a target referring to effective occupational health and safety practices. One urged reflecting the common but differentiated responsibilities of developed and developing countries. Another called for consistent terminology such as advocating “green, sustainable chemistry” for governments and companies. One suggested reference to integrated pest management.

Target D1 (green and sustainable chemistry): On Thursday, most delegations in TG1 supported keeping the original language of this target, while others suggested deleting the reference to “green” chemistry. Several opposed deletion, recalling that “green chemistry” was agreed language from UNEA resolutions. There was support for including a deadline of 2030, with one call for investing in “resource efficiency.” A CSO raised concerns about how this target will be measured. One country suggested replacing “green chemistry” with “ecofriendly chemistry.”

As it stands, an entirely bracketed target D1 calls for companies, [by 2030], to “consistently [invest in and achieve innovations] [innovate] toward advancing [green] [eco-friendly] and sustainable chemistry, [cleaner production], [resource efficiency] and the deployment of life-cycle management approaches for chemicals.]”

Target D2 (policies that encourage production using sustainable approaches and safe alternatives): Many developing countries expressed support for this target. Other delegates were divided on referring to “countries” or “governments.” Several countries supported adding a deadline of 2030. A developed country proposed to delete reference to circular economy. There was also some discussion over calling for actors to “give priority to” or “integrate” policies toward cleaner practices. A CSO recommendation on merging several of the proposals into the original text received substantial support.

After further discussion, D2 reads that “[by 20XX][2030], [countries][governments] implement policies that encourage [production using [more] sustainable [approaches] and [safe(r)] alternatives [with less risk for health and environment] including [cleaner production technologies]][best available techniques] [green and sustainable chemistry][and sustainable procurement] [and facilitate re-use and recycling of [toxic free] products [(circular economy)][and to make them available and accessible to the extent possible]].”

Target D3 (incorporating sound management of chemicals and waste into investment approaches and business models): This target was discussed by the joint TG1/TG3 session held Wednesday evening, and as it emerged from the first segment of IP4, had only one bracket around the word “waste” and needed a target date. It called for “By 20XX, companies, including from the investment sector, incorporate strategies and policies to implement the sound management of chemicals [and waste] in their investment approaches and business models and apply internationally-recognized reporting standards.”

Issues discussed by the joint TG session included:

- whether to refer to “chemicals and waste” or “chemicals and their wastes”;
- whether to specify a date, with one government suggesting 2030;
- whether to refer to “private sector” or “chemical producers” instead of “companies”; and

- whether to substitute “disclosure of relevant information” rather than “apply internationally-recognized reporting standards.”

One government suggested making D3 an indicator rather than a target.

In the end, the joint session agreed to set the date for 2030, substitute “private sector” for “companies,” and to leave the rest of the text, including the bracketed reference to wastes, intact.

As it stands, target D3 reads that “By 2030, private sector, including from the investment sector, incorporate strategies and policies to implement the sound management of chemicals [and [their]waste] in their investment approaches and business models and apply internationally-recognized reporting standards.”

Target D4 (research and development of sustainable solutions and safer alternatives to harmful substances): This target received no substantive change from first segment of IP4, apart from a bracketed suggestion to replace “give priority to” with “integrate” sustainable solutions.

As it stands, this target says that by 20XX, relevant stakeholders [integrate] [give priority to] sustainable solutions and safer alternatives to harmful substances in products and mixtures, including in consumer products, in their research and innovation programs.

Target D5 (policies and programmes to increase support to alternatives): This target’s text as it appeared in the Co-Chairs’ original draft called for governments to “implement policies and programmes to increase support to non-chemical alternatives including agroecology to replace the chemicals or groups of chemicals of global and regional concern including HHPs.”

In general discussion on Monday, one country suggested this target might already capture concepts being considered for target A7, but no agreement was reached to delete either. By Friday, the text was heavily bracketed and two versions existed.

During drafting, one proposal by a developing country added “amongst other approaches” after reference to agroecology. Several CSOs objected, but then a few delegates requested deleting agroecology altogether. An alternative target text offered by a developed country received little support. A developed country proposal to specify “most harmful,” rather than highly hazardous, pesticides was supported by many.

As it stands, the entirely bracketed target D5 states that [By 2030, Governments implement policies and programmes to increase support to [safer and more sustainable] [and] [non-chemical] alternatives [including agroecology [amongst other approaches [as appropriate]] to [start replacing the] [replace the [chemicals or groups of chemicals of global and regional concern including highly]] [most harmful] [hazardous] pesticides.] The bracketed Alt D5 says that [by 2030, governments implement policies to increase support for integrated pest management to appropriately manage [domestic] pest pressures including judicious use of pesticides if needed.]

Target D6 (sustainable chemical and waste management strategies for major economic sectors): This target changed little from its appearance in the original Co-Chairs’ draft Consolidated Document, with only a few alternative references proposed and bracketed, and agreement on deleting a parenthetical list of value chains in that original draft.

As it stands, target D6 states that “by 20XX, sustainable chemical and waste management strategies have been developed and implemented for major economic sectors [with intense chemical use], which identify priority chemicals of concern, standards and

measures to reduce [hazardous] chemical [input and footprint] [impact] along the value chains.”

Target D7 (sectoral occupational health and safety and environmental protection measures): On Tuesday, TG1 discussed possibly merging this target with A1 (see above) but did not reach agreement. Another proposal was welcomed by a few delegations to combine target D7 with A1 and A3, given they cover governments and companies, respectively (see above).

As it stands, target D7 reads as follows: [[As for] [By 20XX,] [Governments] [Countries and industries] [and [companies] [employers]] [implement measures to] ensure effective occupational health and safety [practices] [systems] as well as environmental protection measures in [all relevant sectors] [the chemicals sectors] and throughout the supply chain.]

Target D8 (standards, labels and certification schemes): This target, as it appeared in the Co-Chairs’ draft, read that “by xx minimum requirements for third-party/private/non-governmental standards, labels and certification schemes are defined and reviewed on an ongoing basis, potential for harmonization is explored and adherence increased and applied by private sector and monitored by governments and other stakeholders.” Delegates bracketed the entire target, along with proposals for alternative wording within the text, which are also bracketed.

As it stands, target D8 states that [“by xx, minimum [requirements] [criteria] for third-party/private [sector]/non-governmental standards, labels and certification schemes are defined [, implemented,] and reviewed on an ongoing basis[.] [, potential for harmonization is explored and adherence increased and applied by private sector [and monitored by governments and other stakeholders]].].

Targets Under Strategic Objective E: On Monday, TG1 first addressed the targets under this Strategic Objective on integration of transparent and accountable management into decision-making processes. Some countries suggested referring targets E1, E2 (partnerships and networks), E3 (financial and non-financial resources mobilized), E4 and E5 (internalization of costs/cost recovery) to TG3 working on financial considerations. A CSO agreed to referring many targets on finance but argued for retaining target E3.

Some countries said the gaps between developed and developing countries (Target E4) will be addressed when targets under Strategic Objective A are achieved. A regional group supported this, adding that targets E4 and E6 (synergies and linkages with other priorities) would be more suited for a political declaration. Another highlighted the importance of target E6 since it addresses required synergies.

Developing countries underscored the importance of keeping targets that address means of implementation (MOI). They expressed disappointment when delegates suggested moving some MOI-related targets, saying developing countries need them for reaching objectives on a global issue, as they will impact the result and clarify where funds are being mobilized to support the instrument, and because without targets developed countries’ political will to help may be weaker. One country, supported by others, recommended retaining all targets that refer to finance, pending the outcome of TG3. Another country commented that the provision of financial resources depends on national interests and is voluntary.

Key concerns regarding retaining existing targets on MOI referred to, *inter alia*:

- including “and waste” with chemicals in this section;
- framing targets by “needs” to group them;

- including the Strategic Objectives within the discussion on targets;
- deciding on priority targets for each objective and making clear links between them; and
- either removing deadlines from targets, moving them to the indicators, or keeping dates in targets but extending deadlines beyond 2030.

Target E1 (mainstreaming sound management of chemicals and waste into development strategies): During general discussion on targets under Strategic Objective E, a CSO objected to one country's proposal to replace target E1, "[policies for sound management of chemicals [and waste] are integrated into local, national, regional development strategies) with target A1 on national legal frameworks, since legal frameworks to minimize the effects of chemicals and waste differ from policies to support sustainable development strategies. During the week, an alternative target E1 was developed. Bracketed alternative wording was inserted into both, which were then left for ICCM5 consideration.

As it stands, bracketed target E1 states that "[policies for sound management of chemicals [and [their] waste] are integrated into local, national [and] regional development strategies.]" The bracketed Alt E1 states that "[by 2030 governments have mainstreamed the sound management of chemicals and waste through implementation in all relevant national sectoral plans, [economic budgeting processes,] development assistance policies and programmes.]"

Target E2 (partnerships and networks): At the beginning of the week, draft target E2 called for strengthened partnerships and networks amongst sectors and stakeholders to achieve the sound management of chemicals [and waste]. Delegates bracketed the target and proposals within for a date, and reference to financial mechanisms. They retained brackets around "and waste."

As it stands, a fully bracketed target E2 states that "[by 2030] Partnerships [financial mechanisms] and networks amongst sectors and stakeholders are strengthened to achieve the sound management of chemicals [and waste].]"

Target E3 (financial resources): As this target emerged from the first segment of IP4, the draft text, bracketed in its entirety, said "financial and non-financial resources needed to achieve [support] the sound management of chemicals [and waste] are identified and mobilized in all sectors by and for all stakeholders." This target was discussed by the joint TG1-TG3 session held on Wednesday evening. During lengthy debate, delegates discussed whether to:

- call for the resources needed to "achieve" or "support" the sound management of chemicals and waste;
- refer to "chemicals and waste" or "chemicals and their waste";
- perhaps add "adequate and predictable" and/or "sustainable" and "new" as descriptors to the financial resources;
- add the qualifier "according to the national needs and realities" regarding provision of funds;
- reference common but differentiated responsibilities (CBDR), as called for by several developing countries and a regional group; and
- have target E3 include a specific target amount, with one developing country, supported by other developing countries and a regional group, inserting a passage "increased by at least XXX amount per year" with the XXX amount to be set by ICCM5. A CSO promised to propose a resolution at ICCM5 that would provide a specific figure.

They also discussed whether target E3 should refer to non-financial resources at all, with many developing countries and some CSOs suggesting the focus here should be on financial resources, with non-financial resources in a separate target.

The resulting target is heavily bracketed: "[Predictable and sustainable new] Financial [and non-financial] resources needed to achieve [support] the sound management of chemicals [and [their] waste] are identified, [and] mobilized [, and increased by at least XXX amount per year according to our common but differentiated responsibilities, [to address national needs and realities]] in all sectors by and for all stakeholders."

Target E4 (gaps between developed and developing countries): This target was discussed briefly by the joint TG1-TG3 session on Wednesday evening. The target as it emerged from the first segment of IP4 said "Gaps between developed and developing countries the implementation of sound management of chemicals [and waste] are identified and narrowed."

A regional group and a developed country expressed doubt on whether this was a financial target to be discussed by the joint session. A developing country, supported by others, stressed that the "gap" is financial. Another developing country inserted a reference to considering the need for capacity building.

At end of the TG1-TG3 discussion, the now heavily bracketed target reads "[Opportunities to further countries' implementation of chemicals and waste are routinely] [[Funding] Gaps between developed and developing countries [in] [for the] the [implementation [and financial support for] [of] sound management of chemicals [and [their] waste] are] identified [and narrowed] [rationalized considering the need for capacity building].]"

Target E5 (internalization of costs/cost recovery): This target was discussed by the joint TG1-TG3 session on Wednesday evening. The first segment of IP4 forwarded a placeholder text to be elaborated on: "regarding internalization of costs/cost recovery mechanism." TG3 Co-Facilitator Hernaus explained that the cost internalization/recovery issue had been explored by TG3 in Bucharest and the group had suggested it be reflected in the Consolidated Document as a target.

A regional group suggested that "by 2030 governments have implemented and enforced adequate cost recovery mechanisms to contribute to internalizing costs of the sound management of chemicals and waste." One country suggested turning the target into an indicator. A CSO proposed referencing "globally coordinated cost recovery." A developing country proposed referencing extended producer responsibility as a cost internalization measure. Another developing country proposed adding a reference to the polluter pays principle. A developed country said that while they supported cost recovery mechanisms in theory, they would oppose any global mandate for countries to adopt one, since governments should be free to choose which approaches they take.

As it emerged from the joint session, a heavily bracketed target E5 now says "By [2030], [governments][relevant stakeholders] [have implemented and enforce adequate] [are securing funding for national chemicals management, including through] [and globally coordinated] cost recovery mechanisms [to contribute to internalizing costs of the sound management of chemicals and waste, [through different approaches to extended producer responsibility][and polluter pays principle]]."

Target E6 (synergies and linkages with other policies): The Co-Chairs' draft text that arrived in Nairobi said "All stakeholders identify and strengthen synergies and linkages between chemicals

[and] [waste] and other environmental, health and societal priorities, such as climate change, biodiversity, human rights, universal health coverage and primary health care.]”

The entirely bracketed target as it now stands includes an additional bracketed sentence stating that “[by 20XX policies for sound management for chemicals and waste are integrated into key sectoral policies.]” This is followed by the sentence from the Co-Chairs’ draft, with the addition of a bracketed reference to labour. It reads that “[All stakeholders identify and strengthen synergies and linkages between chemicals [and] [waste] and other environmental, health and societal [and labour] priorities, such as climate change, biodiversity, human rights, universal health coverage and primary health care.]”

VI. Mechanisms to Support Implementation: TG2 worked on this section of the Consolidated Document from Tuesday to Friday.

A. Implementation Programmes: On Monday, TG2 Co-Facilitator Kovner opened discussion on the IOMC’s proposal on implementation programmes ([CRP.5](#)). The IOMC proposal promotes implementation of the new instrument by providing a structure linked to targets and objectives, owned by all stakeholders, and under the guidance of the ICCM. She reviewed its three proposed programmes.

Many delegates noted elements needing discussion, such as on: the governance structure; how implementation programmes will interact with existing mechanisms of implementation; the roles of the ICCM and the IOMC; which thematic group should discuss financing for the programmes’ implementation; and the tasks of various organizations. One country called for incorporating “champions.” Another requested clarification on what is encompassed in “national chemical management Systems” mentioned in one of the implementation programmes.

On financing, a CSO asked for calculation of the resources needed to sustain the programmes and ensure all IOMC members’ participation. Another delegate called for dedicated financing.

In her response, the IOMC noted that each programme is intended to strengthen implementation, facilitate knowledge sharing, and identify gaps, saying each could have a small steering group. On financing, she stated that the proposal aims to help mobilize different sources of resources.

In her report to Tuesday’s plenary, Co-Facilitator Gwayi noted that for the approach agreed to in the text on implementation programmes, resolution text could be considered to suggest or encourage the development of further details on the implementation and focus of the programmes. There was general support for this kind of resolution text, but TG2 did not have the mandate to agree to add another element to the list of proposed resolutions generally agreed to by the informal dialogue group. The Co-Facilitators therefore included a footnote in the draft text to indicate agreement within TG2 for having such resolution text on the agenda for ICCM5 and asked that this agreement be reflected in the meeting report.

B. National Implementation: This section of the Consolidated Document calls for national governments to create national focal points and to establish arrangements for implementation on an inter-ministerial or inter-institutional basis, in consultation with stakeholders.

During its deliberations, TG2 cleared a paragraph by agreeing that governments “may” instead of “are encouraged to” develop a national plan of action or programme in consultations with other stakeholders to further implementation efforts at the national level.

The TG2 Co-Facilitator also requested confirmation from specific delegates on the removal or retention of text on specific

types of stakeholders who should be engaged to support effective national implementation of the instrument. The text was retained for negotiation at ICCM5.

C. Regional Cooperation and Coordination: The contents of this section remain as they were at the end of the first segment of IP4.

D. Enhanced Sectoral and Stakeholder Engagement: On Wednesday, TG2 discussed whether the paragraph introducing this section, on the need for an improved enabling framework, should be moved or discussed elsewhere as a crosscutting issue of participation or as an operating principle.

Delegates then discussed removing brackets surrounding a proposed new paragraph, which invites and encourages enhancing the contribution of the public sector, including “health and care services.” One developed country cautioned that the instrument would only be able to “invite” outside bodies to act. A regional grouping of countries preferred “encouraged.” Other suggestions included adding text on children and youth, deleting text on the public sector’s contribution “as a major employer and through its extensive use of chemicals and role in waste handling and remediation work,” and expanding “public sector” to reference all stakeholders.

Participants were divided on the level of mandatory language (“should” or “are invited to”), as well as whether to keep the reference to enterprises, or use “private sector and industry.” Some countries also stressed that governments verify compliance with due diligence. Some countries proposed to “respect” rather than “protect” human rights, with one country opposing their mention at all, calling the term “political” and instead called to replace it with the term “human health.”

In a paragraph on enhancing the involvement of industry and the private sector throughout the chemicals value chain, numerous countries and regional groupings called for separating out a sentence on facilitating engagement of user industry sectors and recyclers. An intergovernmental association preferred leaving it for later consideration under the proposed implementation programmes.

A CSO called for resources to be channeled to community recycling organizations through a strong strategy for outreach.

The proposal by the WHO and the health sector ([CRP.8](#)) on noting the “critical role and unique expertise” of the sector and encouraging stakeholders to use the WHO Chemicals Road Map was accepted. The ILO’s labour sector proposals ([CRP.11](#)) were inserted but remain bracketed.

The placement of a paragraph on workplans, road maps, and other expected contributions to the implementation of the instrument, was left for further discussion.

VII. Issues of Concern: On Tuesday, TG2 Co-Facilitator Gwayi sought views on potential annex placement for the procedural aspects of handling Issues of Concern. Co-Facilitator Kovner explained that text governing uniquely administrative matters, such as guidance on the submission of information regarding an Issue of Concern, would be considered as “procedural” and moved into Annex A, while governance matters would be kept in the instrument’s core text.

Several delegates expressed support for streamlining the core text, but sought more details about how the existing text on Issues of Concern would be divided. On a question about procedures to ensure a fair democratic process, Co-Facilitator Kovner noted the need for advice from the UNEP Legal Officer. One country noted the need to be able to update text in the future.

Kovner noted progress on the question of “what needs governing and how?” But for those Issues of Concern showing inadequate

progress, she opened discussion on a mechanism to increase obligations for stakeholders, with agreed criteria, as per a proposal for a “trigger mechanism” made by a CSO at IP3. The CSO offered a presentation about its proposal. General preference was expressed for existing draft text on tracking progress. A delegate noted that each issue needs its own indicators of success. A third cautioned that a voluntary instrument cannot increase obligations.

Kovner opened brief discussion on topics for Issues of Concern that had not been discussed at previous meetings, asking delegates for any suggestions. There were none.

On Thursday, delegates successfully worked through distributing content on Issues of Concern between the main text of the instrument, if considered to be content of substance and dealing with the international conference’s actions, and an annex, if the content was of a procedural nature. Content retained in the instrument’s core text was:

- definition of Issue of Concern;
- decision-making and adoption;
- tracking progress; and
- determining the need for further work.

In the annex, delegates chose to include:

- submission of information;
- nomination of issues;
- initial review and publication of nominations; and
- workplans.

The TG paused so that the Co-Facilitators could make the appropriate changes, including the addition of transitional text to direct the reader to the annex for the moved portions. Some grammatical adjustments were made to one heading for clarity, but the group ran out of time to discuss the proposed text, and it was left for review at ICCM5.

VIII. Capacity Building: On Friday, IRAN and the INTERNATIONAL COUNCIL OF CHEMICAL ASSOCIATIONS (ICCA) presented to TG3 their compromise on an alternative to text developed at the first segment of IP4 regarding an online, global, transparent, central matchmaking platform to assist countries in getting technical and capacity-building assistance and technology transfer.

As drafted, the platform would be set up under the Secretariat and allow proposing, identifying and tracking concrete projects, as well as mobilizing dedicated external funds, technological expertise and human resources, facilitating knowledge generation and sharing in support of the Beyond 2020 Strategic Objectives. The platform would contribute to, *inter alia*:

- facilitating requests for technical and capacity building assistance, and transfer of technology;
- identifying projects of developing countries/countries with economies in transition, and other stakeholders, as appropriate;
- identifying suppliers/donors volunteering to provide necessary assistance, technological expertise and/or financial support to specified projects;
- identifying and promoting funding opportunities and calls for applications of projects at the global level;
- identifying the gaps and overlaps in addressing the financial and technical needs of developing countries;
- tracking and reporting progress in the implementation of projects to support the monitoring of progress of the Beyond 2020 framework/instrument; and
- identifying gaps and replicable best practices and projects for other regions.

The IRAN/ICCA compromise was welcomed by many participants and placed in the Consolidated Document for later consideration. The ICCA indicated industry’s willingness to fund a scoping study to elaborate the technical and financial resources needed to create the platform, meeting the intended functions and the annual cost of its operation.

IX. Financial Considerations: TG3 addressed financial considerations from Tuesday to Friday. In addition, TG3 held a joint session with TG1 on Wednesday evening focused solely on four targets that delegates believed had financial dimensions (see discussion of targets above).

The Co-Facilitators proposed starting on Tuesday with a general exchange of views before shifting to drafting mode, but a number of participants insisted on immediately beginning drafting work on the subsections after the two chapeau paragraphs. When this approach resulted in little progress, the Co-Facilitators devoted Wednesday’s session to a general exchange of views, and a five-hour session on Thursday to drafting text.

1. Integrated Approach to Financing: On Tuesday, TG3 began reviewing the opening paragraph, with many expressing support for the integrated approach to financing and its three components: mainstreaming the sound management of chemicals and waste into development planning; industry involvement; and dedicated external financing.

Delegates deliberated over:

- language reflecting the realities of needs across diverse countries and regions in an equitable manner, including on how to clearly state who benefits within the approach;
- how to include language on the 2030 Agenda, or if a reference to the 2030 Agenda should be made in a text intended to continue after 2030;
- the explicit inclusion of “countries with economies in transition” alongside developing countries as those with a capacity need; and
- how to refer to the gaps that exist across countries and regions.

After significant disagreement on the paragraph, a proposal was made to delete a significant portion of the text and replace it with “multi-sectoral support for and participation in all three pillars of this integrated approach should be actively promoted and encouraged at the national, regional, and international levels.” This proposal was met with reservations on the loss of many key elements. A small drafting group was tasked with recommending an alternative text encompassing the key messages for the group to consider.

A government, supported by another and an industry organization, suggested that the second and third paragraphs on the integrated approach (on a clearinghouse mechanism for resource mobilization and an arrangement, process or subsidiary structure of financial experts to keep resource mobilization under review, respectively), are similar and should be reviewed together to guard against duplication. Some participants questioned whether the term clearinghouse or platform should be used for the mobilization paragraph. Delegates agreed to discuss that paragraph under the Capacity Building section. As for the review paragraph, some delegations expressed discomfort with the idea of a subsidiary structure, while other expressed doubts about having the Beyond 2020 instrument review the performance of the Global Environment Facility (GEF) or multilateral development banks.

Delegates agreed to keep these paragraphs in brackets and return to them later.

A. Mainstreaming: On Tuesday, delegates tried unsuccessfully to clear brackets from a paragraph on the mainstreaming of the sound management of chemicals and waste in national development plans, domestic budgets, and relevant sector policies, and instead added more. Among the points of contention included:

- conditioning mainstreaming on “in accordance with national laws, regulations and policy priorities”;
- specifying mainstreaming’s goal as facilitating access to funding for national priorities on chemicals and waste, and saying that access is for “countries in need” or “especially for developing countries”; and
- references to countries with economies in transition.

Similarly, TG3 was unable to break deadlocks on a second paragraph on governments’ mainstreaming the sound management of chemicals and waste into their official development assistance (ODA) programmes. Some argued this should only apply to developed countries, while others pointed out some developing and middle-income countries have development aid programmes that should also consider mainstreaming. A CSO suggested specifying “development technical assistance programmes” rather than aid.

Delegates also could not agree on whether to accept a sentence calling on governments to promote the mainstreaming in activities and programmes of international organizations they are members of.

On Thursday, TG3 considered a paragraph either encouraging or requesting (both options were in brackets) international, regional and national financial institutions, the private sector, and investors to expressly integrate the sound management of chemicals and waste activities in the scope of activities they fund. Several developed countries and industry delegates opposed “request,” saying that as a voluntary initiative the Beyond 2020 instrument could not issue requests. After some debate, delegates instead agreed on “strongly encouraged.”

B. Private Sector Involvement: On Thursday, several draft proposals were tabled with varying degrees of interest from delegations. There were disagreements over limiting text within these paragraphs to strictly financial contributions, while others warned against eliminating reference to non-financial contributions. Industry stakeholders and developed countries requested removal of a reference to agreed levies throughout the section, while some developing countries and CSOs urged to keep the reference. In the interest of broadening the text while streamlining it, several significant deletions were suggested, especially references to specific examples of contributions, financial or otherwise. Some suggested moving text containing specific non-financial contributions to the section on capacity building, but original and alternative proposals were largely retained intact for referral to ICCM5.

C. Dedicated External Financing: TG3 only briefly addressed the first paragraph of this subsection on Thursday but could not agree on whether stakeholders should “seek” or “strive” or “commit” to strengthening the dedicated external financing component of the integrated approach. Consequently, the subsection remains unchanged from text developed at the first segment of IP4.

2. Establishment of and engagement in multi-sectoral partnerships: This section was not discussed in Nairobi.

3. Financing the secretariat: This section was not discussed in Nairobi.

X. Institutional Arrangements: The Institutional Arrangements section, as discussed at IP3, was briefly reviewed by the FoCC, which agreed to forward it as presented in [SAICM/IP.4/10](#) to ICCM5.

XI. Taking Stock of Progress: On Thursday afternoon, TG2 heard the presentation of text produced by a small drafting group, led by Japan, China, the EU, the Russian Federation, and the IOMC. Delegates reached agreement after a round of edits and comments.

As currently drafted, the Consolidated Document invites all stakeholders to report to the Conference, through the Secretariat, on implementation efforts and the progress of indicators and milestones, and contributions to implement the instrument in meeting the Strategic Objectives and their associated targets.

It calls for a reporting process that occurs “regularly and sufficiently often, as decided by the Conference.”

All stakeholders are encouraged to provide information on their implementation efforts, to be compiled by the Secretariat for presentation to the Conference.

The instrument also invites sharing of data from complementary reporting processes of relevant agreements, initiatives and the IOMC organizations. The Secretariat may invite stakeholders to provide supplementary information.

The overall effectiveness of the instrument should be independently evaluated on a schedule decided by the Conference. The text also references the measurability structure in Annex C.

XII. Revising and Updating the Framework: TG2 addressed this section on Thursday. There was little objection to state that “the international conference may consider initiating a process to update or revise the instrument,” rather than “may update or revise the instrument.” Additionally, paragraph two was clarified that only governments, not all stakeholders, could propose an update or revision. The Co-Facilitators announced that complementary text on the revision process for the annex was being drafted by the UNEP Legal Officer for review by the delegations later.

Annex A on Issues of Concern: For the TG2 discussion dividing Issues of Concern between the main body of the Consolidated Document and the annex, please see the “Issues of Concern” section above.

On Thursday afternoon, TG2 discussed information to be submitted when nominating an issue to be considered an issue of concern. The original text was immediately met with an alternative text proposal, “a workplan including potential targets, indicators and timelines for implementation,” which became the main text for deliberations. Several delegates voiced the need to clarify what would or would not be compulsory, and proposed qualifying language such as “if possible,” “initial,” and “where appropriate.” Some delegates highlighted that this paragraph is to support progress in a working group by providing at least some kind of plan to kickstart the work on the issue of concern. Ultimately, the TG moved on without making changes to the alternative proposal.

Delegates then discussed two alternative versions of the definition of issues of concern, as contained in an annex of the Consolidated Document. They agreed to work from the original version of the paragraph rather than the US alternative proposal, but with several brackets remaining the group ran out of time.

On determining the need for further work on an issue of concern, or a “trigger proposal,” a proposal was made that added some clarity to the original text. While there was support for the proposal, one delegate voiced confusion over some of the language, including a lack of precision on who is to determine the need. After some rearrangement, “The International Conference may determine the need for further work on an issue based on a full explanation of the rationale and recommendations on a way forward, including options on how to reach the defined targets for the Issue of Concern, provided by the ad hoc multi-stakeholder working group, with

support from the Secretariat, following the progress evaluation of the activities carried out in accordance with the workplan for the Issue of Concern” was not met with major objections.

Delegates were asked to decide between deliberating over the original text on the definition of “issue of concern,” or a proposed alternative text that separated the paragraph. Delegates were undecided, but many urged removing language on “requiring international action,” and “significant” in reference to adverse effects, as well as to replace “innovative” with “safer and more sustainable” solutions.

Annex B on Principles and Approaches: The FoCC addressed the issue of a compilation of relevant information documents, conference room papers (CRPs), and other pertinent information related to the process, as presented in Annex B. A proposal to categorize the principles and approaches was presented, and following a short discussion, the group agreed that Annex B needs further work and suggested that the Secretariat work intersessionally on developing categories, taking inspiration from the proposal made in the FoCC.

Annex C on Measurability Structure: In TG1 on Thursday morning, delegates first heard presentations from the IOMC and the UK on their visions for measurability indicators.

The IOMC presented its proposal on measurability ([SAICM/IP.4/CRP.7](#)), based on its working group on indicators, which met intersessionally with participating organizations and observers to consider a “measurability structure” for monitoring and reporting on implementation of the instrument, and tracking its impact. She called for a few “easy-to-grasp” high-level impact and process indicators on the global burden of disease on humans and the burden of chemicals and waste on the environment. She gave examples of “easy start” indicators, including one SDG indicator, already in use or having existing methodology, noting entities already collecting information, and proposed including initial indicators in an annex of the instrument.

The UK presented its proposal on a roadmap for a measurability structure ([SAICM/IP.4/CRP.1](#)). She said the Kunming Biodiversity Monitoring Framework (KBMF) provided a good model and described its structure, with four types of indicators: headline indicators on the overall scope; global binary indicators; optional national-level component indicators; and optional complementary indicators at any level, with impact and process indicators for each and targets to which they link.

In comments, one country noted the importance of indicators for the future science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution and called for more national and subnational data and for scientific information that links health and environment.

Many delegates supported these proposals, with some noting: challenges in national capacities to review new indicators; clarity on the proposed name “measurability structure”; and a question about whether the KBMF is an appropriate model for chemical management.

There was agreement to convene a small drafting group to clarify these proposals as a way to reach consensus on what IP4 will forward to ICCM5, and report back to the Co-Facilitators. The small group did not report back before IP4 was suspended on Friday.

Plenary Review of the Revised IP Consolidated Document

During the final plenary session on Friday, Co-Chair Williams called for a read-through of the final draft of the Consolidated Document, noting it was not a negotiation, but a review to be sure

that the draft correctly captured the discussions throughout the week, and to correct any omissions or factual errors. She said any comments other than such corrections would not change the text, but be recorded in the report of the meeting that will be sent to ICCM5.

She noted several already-discovered errors in the draft, saying these would be corrected. The Secretariat reminded participants that the entire document remains bracketed until finalized.

In the table of contents, Angola, for the AFRICAN GROUP, supported by BRAZIL, noted that “international” cooperation had been omitted from the title, “Regional Cooperation and Coordination,” under “VI. Mechanisms to Support Implementation” despite having been proposed during the sessions. After interventions from TG2 Co-Facilitator Kovner and Argentina for the LATIN AMERICAN AND CARIBBEAN GROUP (GRULAC), Co-Chair Williams agreed to insert it in brackets as an “outcome from Bucharest.”

On section I (Introduction), IRAN called for putting the entire section in brackets as it had not been deliberated outside the FoCC. The UNEP Legal Officer confirmed this could be done.

On section II (Vision), Co-Chair Williams noted the entire section was bracketed, and CHINA stressed that this was appropriate, because it had only been considered within the FoCC. PURE EARTH requested a record be made that such text was addressed by the FoCC. Co-Chair Williams agreed to this and left sections I and II bracketed, along with paragraphs on Strategic Objectives, within section V (Strategic Objectives and Targets).

On a paragraph on IOMC contributing to implementation of the instrument, under “VI. Mechanisms to Support Implementation,” Co-Chair Williams confirmed that IOMC’s request for ICCM5 to address a need for stronger language on this would be noted in the meeting report.

There was no comment on section VII.[Alt 1. Issues of [International][Global] Concern/Alt 2. Priority Issues for International Action].

On section VIII (Capacity Building), BRAZIL noted that a paragraph on non-financial support would fit better in section VI to not “water down” language on financial support. There were various comments on discussions that had taken place about moving bracketed or Alt text in section VIII to other sections, which Co-Chair Williams confirmed would be noted in the report.

On section IX (Financial Considerations), the AFRICAN GROUP then asked why their request made in more than one TG to add reference to “global” extended producer responsibility (EPR), was not reflected in this section or in a related target. TG3 Co-Facilitator Hernaus recalled general debate on this in TG3 but no agreement; CANADA recalled the term being mentioned, but not proposed during TG3. The AFRICAN GROUP pushed for “global” to be inserted in brackets in the text before each mention of EPR, but there was no consensus. The AFRICAN GROUP pressed further. Co-Chair Williams confirmed that the “gravity of Angola’s concern” would be noted in the report and proposed to move forward.

No comments were raised on the remainder of the instrument’s core text, nor Annex A on procedural elements of Issues of Concern.

Some omissions and technical errors were noted in Annex B – Principles and Approaches. GHANA noted that while a reformulated structure for the annex had been submitted in the FoCC to add clarity to the section, it was not included in the text. To resolve this omission, it was encouraged by the Co-Chairs that the document be submitted as a formal alternative text proposal. He also highlighted that the group had agreed to remove “and standards” from the list agreements and move the ILO standards to a new section at the

bottom of Annex B along with two text proposals contained in a proposal from the Chemicals and Waste Youth Platform ([CRP.6](#)).

The INTERNATIONAL TRADE UNION CONFEDERATION highlighted that some of the proposed elements being moved were labour conventions.

BRAZIL and URUGUAY said the Addis Ababa Action Agenda on Financing for Development, endorsed by the UN General Assembly (UNGA) in its resolution 69/313, should be included in the annex. The Co-Chairs said the meeting report would note this concern.

Finally, URUGUAY noted that the UNGA resolution on the human right to a clean, healthy and sustainable environment had been misidentified as its draft number A/76/L.75 rather than the correct A/RES/76/300.

The Co-Chairs promised these concerns and comments were recorded and would be revisited upon resumption of the meeting.

Preparations for ICCM5 Resolutions

In the Informal Dialogue, delegates drew up a list of issues or tasks that should be subjects of resolutions, or sections of an omnibus resolution, at ICCM5. Participants generally supported that ICCM5 should adopt resolutions regarding:

- the name of the instrument;
- the adoption of the instrument;
- the future of work on the existing EPIs and Issues of Concern;
- status (continuation, replacement, sunset, conclusion, etc.) of SAICM, the Overarching Policy Strategy, the Global Plan of Action, and the overall orientation and guidance going forward;
- a plan for future work on indicators, including possible early action on some;
- rules of procedure; and
- potential action/relationship with UNGA and other UN bodies.

The Informal Dialogue had a preliminary discussion on Thursday evening on a concise potential draft resolution text put together by the Co-Facilitators on the above list of elements, for which it was agreed time should be allocated for further development of the details of the draft resolutions.

Other topics offered during the Informal Dialogue for possible ICCM5 resolutions included:

- a Global Alliance on HHPs;
- the development of an international code of conduct on chemicals and waste management;
- encouragement for efforts on the sound management of chemicals and waste to help scale up local action on implementing the new instrument and safeguard human health and the environment; and
- consideration of the development of a private sector outreach strategy, designed to engage all stakeholders involved in the life cycle of chemicals.

Closing Plenary

On Friday after reviewing the revised IP Consolidated Document, plenary was suspended for the Co-Chairs to hold consultations with regional representatives and other stakeholders on the way forward. When plenary reconvened, Co-Chair Williams presented the Co-Chairs' roadmap for IP work from Nairobi until ICCM5. She stated that IP4 will be suspended and reconvened two days before the start of ICCM5 in September 2023. She stressed that the mandate continues to be finalizing the Consolidated Document for inclusion in the Co-Chairs' report to the ICCM5 plenary, and that they will not take any CRPs or new proposals related to the Consolidated

Document. She also mentioned the Co-Chairs will work on finding the most opportune moment to convene SAICM regional and stakeholder meetings.

She also informed that, in preparation for ICCM5, the IP Co-Chairs will request the Secretariat to prepare a limited number of draft resolutions that are not part of the Consolidated Document but related to the Beyond 2020 outcome.

In a series of brief interventions, regional groups and other delegations expressed their support for this way forward.

ICCM5 President Anita Breyer shared practical information for ICCM5, to be held from 25-29 September 2023 in Bonn, Germany, including the convening of a High-Level Segment from 28-29 September, which is expected to adopt a high-level declaration on the sound management of chemicals and waste.

The plenary then heard closing statements. Canada, on behalf of JAPAN, the US, SWITZERLAND, CANADA, AUSTRALIA, NORWAY, NEW ZEALAND, and the UK, condemned the Russian Federation's invasion of Ukraine. The RUSSIAN FEDERATION exercised its right of reply.

Iran, on behalf of the ASIA AND PACIFIC REGION, stated that IP4 has helped to advance the text, and stressed that any text developed by FoCC should be kept in brackets, and called for any substantive discussions to be held in-person only.

Argentina, for GRULAC, underscored the need for ICCM5 outcomes to respect CBDR, human rights, gender perspectives, just transition, transparency and information sharing, and that finance, technology transfer and capacity building is a *sine qua non* in any global agenda about the sound management of chemicals and waste.

IPEN stressed that chemical and waste crises require immediate action to prevent harm to the environment and human health and highlighted that:

- the instrument should renew commitments to achieve the proposed goals;
- minimizing negative impacts of chemicals and waste requires considerable resources;
- the polluter-pays principle needs to be made operational; and
- protection from hazardous substances must be made a human right.

The MSP INSTITUTE, declaring that it was speaking "on behalf of NGOs all over the world," called for the Beyond 2020 instrument to follow trends on human rights, noting the strong links between gender and chemicals, and urged the creation of a gender equitable and ecologically sustainable instrument.

The AFRICAN GROUP strongly requested a global alliance to phase out HHPs and called for an international code of conduct guiding national legal frameworks on chemicals and waste.

PESTICIDE ACTION NETWORK GERMANY noted that eliminating the use of HHPs is an effective and affordable way of addressing pesticide poisoning without harming productivity. She expressed hope that the group could adopt a strong and ambitious framework.

The CHEMICALS AND WASTE YOUTH PLATFORM urged delegates to reflect on what can be achieved through intergenerational equity and the recognition of children and youth as the most vulnerable groups, especially as youth enter adulthood in the context of a triple planetary crisis.

NIGERIA noted that while some continue to shy away from a bold and ambitious instrument, the provision of sustainable, reliable and predictable funding through the establishment of a new fund is a promising avenue.

The EU echoed gratitude for the Consolidated Document and hope that the new instrument could help in the fight against the triple planetary crisis. CANADA expressed appreciation that elements of health and labour had been strengthened and noted that significant progress had been made for work at ICCM5.

The IP Co-Chairs expressed their appreciation to the Kenyan Government as host, and the hard work throughout the week by the Co-Facilitators, the UNEP Legal Officer, and all the delegates.

ICCM5 President Breyer noted aspirations for a more elaborate set of targets in the post-2020 instrument to inform the urgency of their work, along with a measurability structure. She urged delegates to work toward building a balance that would see the actions needed, supported by the resources required to unlock agreements in other areas.

ICCM5 President Breyer suspended the meeting at 8:15 pm, expressing gratitude for the hosts, organizers, and participants.

A Brief Analysis of the Resumed Session of IP4

Delegates arrived in Nairobi, Kenya, hoping that they would be able to finalize a solid set of recommendations to the Fifth International Conference on Chemicals Management (ICCM5) that will convene in Bonn, Germany in September 2023. Despite repeated invocations of a cooperative “Nairobi spirit,” and working long hours in a focused fashion, they still fell short of their goal.

This brief analysis examines: what was accomplished at the resumed fourth meeting of the Intersessional Process (IP) for Considering the Strategic Approach to International Chemicals Management (SAICM) and the Sound Management of Chemicals and Waste Beyond 2020 (IP4); what remains to be done before ICCM5 can agree on a post-2020 instrument; and what factors at play during the meeting affected its work and may affect the outcome at ICCM5.

“While We Deliberate, Thousands Die”

During the week in Nairobi, the African Group’s representative urged that the post-2020 instrument should serve as the launching vehicle for a global alliance on highly hazardous pesticides, noting that since delegates began deliberating on a post-2020 regime in 2016, thousands have been poisoned and died in the region from imported highly hazardous pesticides that are not being addressed by any international body.

Many delegates were moved by this blunt statement. In the breezeways, some reflected that chemicals and their impacts are not just an African or Global South problem, noting the recent toxic chemical cloud released by a train wreck in Ohio in the United States. “These examples are why we need a post-2020 instrument,” one observer suggested.

When SAICM was created in 2006, it was intended to serve as an agile, flexible, voluntary, multi-stakeholder initiative to tackle issues, present and future, that are not covered by binding international instruments, by bringing together coalitions of the interested and willing to act on issues of concern such as lead in paint, highly hazardous pesticides, endocrine disruptors, and pharmaceutical wastes.

When it became apparent to SAICM’s governing body, the ICCM, in 2015 that SAICM would not fulfill its ambitious mandate of achieving the sound management of chemicals and waste by 2020, the intersessional process was established to construct a successor instrument that would fulfill the mission. The four IP sessions were originally tasked with forwarding recommendations to ICCM5 for a

new, comprehensive instrument, and complementary actions to give it sufficient vigor and ambition.

What Was Accomplished in Nairobi

With ICCM5’s September 2023 deadline looming, delegates worked hard at the resumed meeting of the “final” IP session to complete the task of presenting a blueprint of the post-2020 instrument for ICCM5 to approve.

As a result of long hours of hard work throughout the week, the blueprint—known as the Consolidated Document—was reorganized and streamlined to better suit its intended purpose, with key provisions on special implementation programmes, national implementation of the instrument, regional cooperation, and promoting enhanced engagement with more stakeholders and economic sectors that use chemicals, all largely finished. Completion of provisions on capacity building, stocktaking, and a measurability structure appear within reach.

What Remains to be Done Before ICCM5

Delegates, however, could not reach agreement on everything in Nairobi. The targets and financial considerations are filled with bracketed text, indicating that they still require consensus. There was not enough time to address several outstanding matters, including the instrument’s vision, scope and finalized language for the strategic objectives. These last three are critical for giving the new instrument a clear sense of mission and a clear message to send to the world. Delegates seemed resigned to handling a couple of the unresolved matters by pushing off those decisions until ICCM6. But other matters must be resolved.

There will be little time scheduled for negotiations at ICCM5. Two of the five days are earmarked for a High-Level Segment, which is due to adopt a declaration similar to the Dubai Declaration that originally launched SAICM in 2006. At least one day, probably two, will have to be earmarked for debate and approval of resolutions adopting the instrument, naming it, deciding on the fate of the SAICM core instruments, and of SAICM’s Emerging Policy Issues (EPIs), and putting marching orders in place on the development of new implementation programmes and indicators to measure the instrument’s progress. Several delegations have also signaled that they want ICCM5 to consider mandating the creation of a global alliance on highly hazardous pesticides and starting negotiations for an international code of conduct on chemicals and waste.

Lack of negotiating time and space is why only a few high-level political decisions about the instrument should be left for ICCM5 to negotiate, such as any financial arrangements, or selecting deadlines for achieving the agreed targets. It was for this reason that the Co-Chairs, in consultation with regions and key stakeholders, reluctantly agreed to suspend IP4 yet again and reconvene just two days before the start of ICCM5, in the hope that this will provide enough time to finish the items that cannot be left for high-level officials to deal with at the main Conference.

Forces at Play

Theories expressed in Nairobi about why two weeks of IP4 negotiations have not been sufficient to “seal the deal” vary. Some SAICM veterans say, with hindsight, that participants underestimated the time and effort it would take to build a new instrument from scratch, particularly if it is to be ambitious. “We should have started negotiations in Brasilia,” said one, alluding to IP1 in 2016, “instead of exchanging views and brainstorming and putting off serious talk until Bangkok in 2019.” The negotiating burden was too heavy for just IP3 and IP4 alone.

Others note the burgeoning number of actors involved as the IP progressed. They point to a far more proactive Inter-Organization Programme for the Sound Management of Chemicals (IOMC) taking the lead on many issues, the increased recognition of the role of the World Health Organization and the International Labour Organization in the process, several health sector actors and the textile industry coming onto the scene, and the recent interest of youth. In the dozens of formal proposals that were offered during IP4, many of these new or returning actors brought their ideas to the table.

“It’s hard to tell why there’s increased interest,” said a former government official, now a civil society representative who witnessed the birth of SAICM. “Are they excited about the promise of what may be, or are they worried about saving an endangered idea worth saving?” The end result, perhaps unintended, was too many new ideas and not enough time to address them adequately. Particularly with regard to health, however, there is some cause for optimism that positions will converge as concern about the effects of chemicals on health and the advocacy of health organizations within this process continue to grow.

Another factor is the need for consensus in a process where all stakeholders are given decision-making power, not just governments. As one civil society representative lamented, “in conventions, one government can block progress. In a process where not only governments, but civil society, industry, or anyone off the street calling themselves a stakeholder can block decisions, the difficulty of reaching consensus is multiplied tenfold.” This alludes to conflicting interests, such as those of the chemicals industry and those of the stakeholders calling for SAICM to be a vehicle for viable solutions to the harmful effects of chemicals and waste on human health and the environment.

Arguably the two areas in the “Beyond 2020” instrument where ambition is needed and can have the most impact are targets/measurability and financial considerations, and these are the two areas meeting the most resistance. For targets, some argue that SAICM, or its successor, as a voluntary instrument, can’t impose any target on anyone. Others counter with the example of the Sustainable Development Goals: they are technically voluntary, but drive priority-setting, programmes, funding, and reporting. As for finance, some argue a voluntary instrument cannot get standalone funding. Others counter by pointing to numerous voluntary platforms and partnerships in other areas, such as climate and clean energy, that get funded when there is the necessary political will.

Eyes on Bonn

Indications are that the ICCM5 host country, Germany, knows what is needed to achieve a successful outcome in Bonn. They will work diligently in the coming months to make the agreement worthy of the responsibility they assumed when agreeing to host the meeting that would realize the outcome of seven years of work.

The tasks for negotiators heading into ICCM5 are considerable, but not necessarily insurmountable. To succeed, much intersessional groundwork will be needed, including consultations and dialogues among stakeholders. Governments and stakeholders will have to find common ground between the interests of industry and chemicals users and the interests of human health and the environment. They must and focus on the doable instead of the perfect, but also on solutions to the negative, hazardous and fatal impacts of chemicals and waste. That is what the “SAICM Dream” envisioned. That is the responsibility of those who will converge upon Bonn in September.

Upcoming Meetings

Basel COP 16, Rotterdam COP 11 and Stockholm COP 11:

The next TripleCOP will address the listing of chemicals under the Rotterdam and Stockholm Conventions, as well as technical guidelines for the environmentally sound management of wastes, including plastics, under the Basel Convention. Technical and financial support, among other issues, will also be addressed. **dates:** 1-12 May 2023 **location:** Geneva, Switzerland **www:** brsmeas.org/2023COPs

Plastics Pollution INC 2: The Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment, will continue negotiations with a view to complete the treaty by 2024. A high-level event is likely to take place on 27 May 2023. **dates:** 29 May – 2 June 2023 **location:** Paris, France **www:** unep.org/events/conference/second-session-intergovernmental-negotiating-committee-develop-international

IP4.3: IP4 will resume deliberations on the Consolidated Document immediately before ICCM5 with a view to reaching consensus on more elements of the Consolidated Document and minimizing the number of issues to be resolved at ICCM5. **dates:** 23-24 September 2023 **location:** Bonn, Germany **www:** saicm.org

ICCM5: The last scheduled session of SAICM’s governing body is due to consider recommendations for a post-2020 instrument for the sound management of chemicals and waste. A High-Level Segment will be held on 28-29 September and is expected to adopt a High-Level Declaration. **dates:** 25-29 September 2023 **location:** Bonn, Germany **www:** saicm.org

For additional upcoming events, see sdg.iisd.org

Glossary

CBDR	Common but differentiated responsibilities
CRP	Conference room paper
CSO	Civil society organization
EPIs	Emerging policy issues
FoCC	Friends of the Co-Chairs
GHS	Globally Harmonized System of Classification and Labelling of Chemicals
GRULAC	Latin American and Caribbean Group
HHPs	Highly hazardous pesticides
ICCA	International Council of Chemical Associations
ICCM	International Conference on Chemicals Management
ILO	International Labour Organization
IOMC	Inter-Organization Programme for the Sound Management of Chemicals
IP	Intersessional Process
IPEN	International Pollutants Elimination Network
OEWG	Open-ended Working Group
SAICM	Strategic Approach to International Chemicals Management
SDGs	Sustainable Development Goals
TG	Thematic Group
UNEA	UN Environment Assembly
UNEP	UN Environment Programme
UNGA	UN General Assembly
WHO	World Health Organization