

# Global Governance Spotlight

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## For the right to a toxics-free future – Sustainable chemicals management beyond 2020

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The Fifth Session of the International Conference on Chemicals Management (ICCM5) will convene in Bonn, Germany, from 25-29 September this year. On this occasion, the international community and other stakeholders aim to conclude a new agreement that will provide solutions to the third major environmental crisis of our time, namely the pollution of our planet by chemicals.

The Earth's ecosystem has reached the limits of its capacity to serve as a sink for harmful substances. Chemical pollution has already crossed a planetary boundary. But that's not all: the production and use of chemicals emit large quantities of greenhouse gases, and exposure to chemicals has adverse and sometimes lethal effects on human and animal health. This pollution thus exacerbates the other two environmental crises facing the planet, namely climate change and loss of biological diversity. These three problems require a collective solution.

The overarching objective of the Strategic Approach to International Chemicals Management (SAICM), first adopted in 2006 under the auspices of the United Nations Environment Programme (UNEP), is to achieve the sound management of chemicals throughout their life cycle by 2020. As it was already apparent at ICCM4 in 2015 that this target would be missed, a process was launched on that occasion under the German presidency to develop an SAICM follow-up agreement (SAICM Beyond 2020). For the Bonn meeting in September, the stakes are high: will this last opportunity – for now – to solve the crisis be seized, or will it be missed?

### Establishing international chemical policy standards

The production of chemical substances has increased by orders of magnitude since the 1950s. All the products around us consist of components that are manufactured by the chemical industry and invest these products with specific characteristics: flame retardants, biocides, oleophobic alloys, softening agents, microplastics. And according to the forecasts, the chemical industry's value is set to double by 2030 (baseline: 2017). The production, use, trading and emission of chemicals have highly detrimental effects on human health and the environment. However, vulnerability varies considerably, depending on gender, area of residence, socioeconomic status, employment and age. Countries in the Global South have far fewer capacities and financial resources available to solve the problems caused by chemicals from the Global North.

In many countries of the Global South, the regulatory framework is patchy or non-existent; this applies not only to chemicals management but also to environmental and labour standards. The main reason is a lack of financial and technical resources. This leaves loopholes which countries and industrial sectors can exploit in order to export not only their chemicals but also their waste to the Global South – legally or illegally. Also lacking, very often, is relevant information about the contents and use of substances, products and wastes. Due to this less stringent protection, chemicals do more harm in the Global South. For this reason – and because chemicals are mobile and

traded, and some are persistent and their adverse effects may even be felt in remote locations – uniform international standards have a key role to play in problem-solving.

It is almost impossible to put a figure on precisely how many substances are in circulation: estimates range from 40,000 to 350,000. The internationally binding Stockholm, Rotterdam and Basel Conventions regulate just 64 of these substances.

At the World Summit on Sustainable Development in Johannesburg in 2002, it was agreed that the risks posed by chemicals should be reduced to a minimum by 2020 and gaps should be closed. With that aim in mind, the Strategic Approach to International Chemicals Management (SAICM) was launched under the auspices of the United Nations in 2006. SAICM deals with almost all sources of pollution by toxic chemicals. Although it is not a legally binding framework, it provides a unique international platform for discussion of problems, both existing and upcoming. The multi-sector, multi-stakeholder character of SAICM was built in from the start.

SAICM comprises three core texts. The key documents are the Dubai Declaration and the Overarching Policy Strategy, which set out ambitions and objectives and are an expression of stakeholders' commitment. The International Conference on Chemicals Management (ICCM) is the decision-making body. The Conference is run by a Bureau, also in accordance with the multi-stakeholder approach, with civil

society, trade unions, industry and the health sector represented alongside government bodies.

The eight emerging policy issues (EPIs) are one of SAICM's notable successes. These are topics of particular (international) concern, with joint activities to be coordinated within the SAICM framework. Examples are highly hazardous pesticides and lead in paint. Because a regulated procedure has not yet been established, varying levels of progress have been achieved in relation to the EPIs. For example, while there is now national legislation in place on lead in paint, actions on the other EPIs have rarely extended beyond knowledge-sharing.

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## Lack of funding – lack of ambition

Despite the high level of ambition in the Dubai Declaration, SAICM's overarching objective has not been achieved. The fundamental issue, quite simply, is that there is a lack of public interest in international chemicals management. While climate change and biodiversity loss are widely publicised issues, there is less awareness of global pollution, apart from certain aspects such as plastic litter. Few people are aware of the far-reaching impacts of chemical production, partly because many of these substances are out of sight. And while climate and biodiversity now regularly feature on the political agenda, chemicals are generally only a topic for specialised forums and departments; as a result, there are limited financial

### SAICM – a multi-stakeholder framework

SAICM is a multi-stakeholder framework which was set up in order to address the multi-sector, multi-stakeholder issue of chemicals management. Chemicals, their effects and their regulation are of relevance to the environmental, health, employment and economic spheres. In Germany, as in other countries, responsibility for this issue lies with the Environment Ministry. The multi-stakeholder approach ensures that other actors from diverse political backgrounds are involved and are able to share their expertise and put forward their positions. SAICM has initiated an international civil society movement which is committed to protecting human health and the environment from the adverse effects of chemicals.

Civil society has launched various campaigns on issues being negotiated within the SAICM framework, and this has led to the adoption of legislation at national level. Informal networks on topics such as gender and youth, most of them set up by civil society, have highlighted key aspects of gender- and age-related exposure that must be taken into account.

Nevertheless, this multi-stakeholder process must also be viewed critically, for while it enables stakeholders with highly divergent opportunities, capacities and interests to convene on equal terms, these stakeholders do not necessarily have equal status. This aspect is often obscured by the pledge to involve all parties. Protection of health and the environment should always take precedence over public and private profit-making interests; they should not be placed on the same level and should be non-negotiable.

The multi-stakeholder approach also obscures the differentiated responsibilities for the issues being addressed. Instead, all participants can present themselves as problem-solvers. The chemical industry, as the producer and distributor of these substances, bears more responsibility for the ensuing problems than other stakeholders. Civil society, health organisations, trade unions and affected communities are willing to solve problems that they themselves have not caused. This is an aspect which should not be overlooked.

and human resources available. Major funding gaps are a key reason why SAICM's overarching objective has not been achieved. Additionally, the United Nations' Global Chemicals Outlook II identifies the lack of commitment and resulting implementation gaps as significant factors in this failure. As with the EPIs, no provisions are in place to guide implementation, nor are any roadmaps set out in SAICM. The targets were not clearly measurable, and there is also a lack of indicators at present. All of these issues should be resolved by SAICM Beyond 2020.

In order to develop an SAICM Beyond 2020 Framework, an intersessional process was initiated with a mandate to prepare recommendations for a new agreement. Several meetings were held prior to 2020. However, the COVID-19 pandemic made it impossible for this work to continue; it also led to the postponement of ICCM5, which was due to take place in 2020. Negotiations were not resumed until September 2022. Due to major differences between various stakeholders, however, the outcomes of these negotiations so far have been unsatisfactory, necessitating further talks. An additional two-day meeting has been arranged right before ICCM5, where all stakeholders should and must reach a consensus. For that, an agreement on the two main points of contention is essential; these are, specifically, the level of ambition and the issue of funding.

Will an SAICM Beyond 2020 Framework also address the topic of waste? What kind of timeframe is appropriate for achieving the goals? Are there any safe and appropriate uses of hazardous chemicals, or is replacing them entirely with non-hazardous or non-chemical alternatives a better option? These major questions are still unresolved. Some stakeholders are advocating for a high level of ambition and are attempting to establish clear responsibilities and basic rules, including the precautionary principle, while prioritising non-chemical alternatives (e.g. to pesticides in agriculture). According to the precautionary principle, substances must be eliminated and avoided when there are reasonable grounds for concern that they may have potentially harmful impacts – in other words, before an adverse effect has occurred. A high level of ambition is being demanded mainly by countries in the African region and Latin America, as well as by some countries in the Pacific region and by civil society, the trade unions and the health sector. The European Union is cautiously ambitious. On the one hand, it endorses many ambitious time-bound targets; on the other, it is opposed to binding elements in SAICM. By contrast, countries such as India, the US and China are adopting a highly regressive stance and have frequently dampened down ambitions; for example, a 2030 timeline for achieving many of the goals was rejected from the start on the grounds that it was unrealistic. In order to lower the level of ambition, some stakeholders, including industry, are in favour of excluding the existing and in many cases still unresolved EPIs from

the SAICM Beyond 2020 Framework. There is thus a real risk that SAICM Beyond 2020 will fall behind the current SAICM.

In the dispute over the funding of SAICM Beyond 2020, the fronts appear to be even more firmly entrenched. Here, the EU is stalling as well. One issue under discussion is an integrated approach to the funding of international chemicals management. This is based on three pillars: mainstreaming and access to financial resources from other sectors such as health or science; involvement of industry; and dedicated external funding mechanisms such as the Global Environment Facility, to which Germany is a major donor. However, the donor countries are unwilling to contribute more financial resources and are calling instead for non-financial resources – such as joint databases and knowledge-sharing – to be integrated to a greater extent into an SAICM Beyond 2020 Framework. But with no prospect of clarification of the financial aspects or an increase in the available budget, other stakeholders are unwilling to make compromises elsewhere. Discussions about the inclusion of the “polluter pays” principle – which means holding stakeholders whose products pollute the environment financially accountable – have also stalled. As a result, there is currently no likelihood of genuine accountability for industry or, indeed, the financial sector.

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## Hopes for an ambitious SAICM Beyond 2020 Framework

In order to meet the ever more urgent need for an effective future-focused mechanism to address the problems associated with increasing chemical production and use, the following points should be included in the SAICM Beyond 2020 Framework:

- It is essential to rethink the voluntary approach adopted for SAICM. In future, it should be possible to establish binding elements for chemicals management in order to progress delivery of solutions, e.g. by making the development and implementation of national action plans binding for all countries.
- Mechanisms are needed for the review and more effective oversight of the agreements reached. Appropriate targets, milestones and indicators must therefore be set. Independent monitoring is also required.
- The existing priority topics must be taken forward until solutions are available. This requires clear rules and roadmaps. Rules on the nomination and management of new topics are also needed. In future, this could include an international approach to bisphenol A, which is suspected of causing endocrine disruption and various metabolic diseases.

- A reliable funding mechanism is essential. In line with the “polluter pays” principle, external costs must be internalised and the chemical industry, which generates revenue from the production of these substances and the resulting global pollution, must be held accountable. Dedicated financial mechanisms are also required, with funding provided by donor countries from the Global North to support capacity development by countries in the Global South and mitigate health and environmental impacts.
- The mechanism must recognise the differences in exposure and vulnerability of people and groups of people to hazardous substances, depending on their area of residence, occupation, social and economic status, age and gender; this must be reflected in its activities. This requires the involvement of affected persons and their perspectives and expertise. In addition, dedicated action plans – such as a gender action plan, as provided for by other international agreements – could be established.
- The multi-stakeholder approach and broad-based participation are key elements that should be retained in future. Specifically, civil society organisations, stakeholders from the Global South and academics must be given financial support in order to facilitate adequate participation and genuine engagement on equal terms. SAICM is the only international platform in which civil society and affected communities are able to put forward their positions and propose solutions that will genuinely benefit them. Profit motives should not take equal priority with the protection of human health and the environment. Industry must be on board in order to make change happen in relation to production and use, but profit-based interests should not be regarded as a topic that merits equal consideration in the negotiations.

Other civil society demands relating to an SAICM Beyond 2020 Framework are set out in the Call to Action for a Tomorrow without Toxics.

The ICCM in Bonn will feature a High-Level Segment whose aim is to adopt a High-Level Declaration as the follow-up to the Dubai Declaration. This declaration by heads of state and government and high-ranking representatives of other stakeholder groups would be an important signal of commitment to ending global pollution and to protecting human health and the environment. Without this commitment, the problems cannot be solved. The climate and biodiversity crises, too, will be unresolved unless we adequately address the issue of chemicals at last.

A new High-Level Declaration would generate important momentum for the coming years and would, at minimum, offer the certainty that a solution is being sought. Sadly, this commitment is not discernible among all stakeholders at present.

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