



FOR THE RIGHT TO A TOXIC-FREE FUTURE

Statement by German NGOs on the negotiation process for a new agreement on sustainable and toxic-free management of chemicals and waste after 2020 (the SAICM Beyond 2020 process).

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The objective of the global agreement “Strategic Approach to International Chemicals Management” (SAICM) was achieved in 2020. SAICM helped address pressing chemical policy issues and provided a crucial platform for stakeholders in this process involving many different stakeholders and processes. **However, the specific results achieved to date have been disappointing and insufficient.**

The ongoing negotiations for a successor agreement to SAICM (SAICM Beyond 2020) is now providing an opportunity to develop an ambitious international framework for global chemicals management. In keeping with the global 2030 Agenda for Sustainable Development, this framework must aim to minimize harmful effects on the environment and human health from the production and use of chemicals and chemical waste, from the extraction of raw materials to the recycling and disposal of chemicals and products made from them.

To this end, it is important to maintain the democratic and multi-sectoral character of SAICM while simultaneously ensuring that a SAICM Beyond 2020 agreement for environmentally sound, sustainable, and pollution-free management of chemicals and waste includes the ability to initiate legally binding elements. In the medium

term, consideration is to be given to developing an overarching global framework agreement that defines binding, globally applicable principles for sustainable management of flows of chemicals, waste, and material.

The negotiation process for the SAICM Beyond 2020 agreement has been delayed by the COVID-19 pandemic. In the meantime, virtual working groups (WVGs) have been meeting as part of the intersessional process to further flesh out the design of the new instrument. Opportunities to take part were not guaranteed for all stakeholders or were only inadequately provided for. The reasons behind this were technical but also could be traced back to differences in time zones and lack of resources. However, equal participation in the process by all stakeholders, including representatives of civil society, is both extremely important and urgently needed.

The plan was to adopt a SAICM successor agreement at a fifth International Conference on Chemicals Management (ICCM) in Bonn, Germany, in October 2020. This conference is now scheduled (as of July 2021) to take place in Bonn in 2023.

Germany has a special responsibility in this process for two reasons: firstly, as the world’s third-largest location for the chemical industry, and



secondly, because the German government holds the SAICM presidency and thus has a special role to play in setting the course for a SAICM successor agreement. The basic requirements for a successful SAICM Beyond 2020 agreement are commitment to the principles of preventive action and sustainability, ambitious targets, continued work on recognized urgent problem areas that have not yet been resolved on a lasting basis, known as issues of concern (IoCs), ambitious, viable implementation and review mechanisms, and reliable funding.

Such an agreement must be **based** on the **principles and values** enshrined in the **relevant global agreements** of the United Nations. These include the principles of the Rio Declaration on Environment and Development, the principles of Agenda 2030, the principles and objectives of the legally binding covenants on political, economic, social, and cultural human rights, and relevant resolutions of the International Labor Organization (ILO) and the Beijing Declaration on Gender Equality. These fundamental rights and principles, as well as the commitment to their realization and observation, are to be included in a SAICM Beyond 2020 agreement. **Regional agreements** such as the Aarhus Convention, the Bamako Convention, and others are also to be included.

The **precautionary approach**, set out in Principle 15 of the Rio Declaration, is of central importance, that is, the avoidance and elimination of substances in the event of justified suspicion of a harmful impact on the environment or health. This should be given priority in any future agreement. There must be a clear commitment to prioritizing safe, non-chemical methods and alternatives, including agroecology and ecosystem-based approaches to agriculture. The precautionary approach and the “polluter pays” principle, as well as the shift of the burden of proof to producers and distributors, must be the basis for a clear hierarchy in a future SAICM that puts prevention first, followed by the principle of minimizing and eliminating chemicals that are harmful to the environment and health.

A future SAICM successor process should also **go hand in hand with the principles of gender equality and empowerment of women and girls**. A number of women and gender issues are mentioned in the final reports of all VWGs. However, there is still no clear commitment and strategy for gender equality – the term “gender equality” is not yet mentioned in any of the SAICM Beyond 2020 documents. Gender equality should be a key element of the new agreement in order to draw attention to the particular vulnerability to harmful chemicals of women, pregnant women, and future generations and to adequately address this circumstance with protective and preventive measures. Instruments can include the establishment of gender focal points (GFPs) on the international, regional, and national levels, the adoption of a gender action plan (GAP) to promote gender equality, and funding of implementation measures to protect women from exposure to chemicals.

The structure of a future SAICM should **include the ability to establish or initiate legally binding elements, also for chemicals not currently regulated by existing agreements**. An example of a legally binding element would be the initiation of a process to phase out highly hazardous pesticides (HHPs) in agriculture with the goal of banning this comparatively small group of particularly hazardous pesticides. SAICM recognized HHPs as issues of concern in 2015. In response, ICCM4 recommended cooperative action that would not involve the replacement of one hazardous pesticide with another but instead focus on promoting agroecological alternatives. A future SAICM should result in the establishment of a global alliance in which those affected are given equal rights of participation. The final document of the ICCM4 already demanded this after over 60 countries and organizations called for a global phase-out of HHPs at the ICCM3.

Issues of concern that already exist and any future ones are to be included in the goals, milestones, and action plans. IoCs that have already been identified, such as endocrine-disrupting chemicals (EDCs) and chemicals in products (CIPs), must continue to be dealt with until they

are resolved. If it is not possible to bring them to resolution, these IoCs will need to be addressed with greater commitment. The NGO paper *New Mechanism of Action: criteria for elevation of obligations to progress SAICM Issues of Concern in the post 2020 multilateral regime for chemicals and waste* sets out how this can be implemented.

Building a toxic-free closed-loop economy worthy of this description is important for achieving a whole range of sustainability goals and requires the elimination of pollutants throughout the life cycle of products. The future SAICM should also put its focus on this goal. An important building block here is creating transparency inside and outside the supply chain. The processing industry, consumers, regulators, and waste managers depend on complete declarations of chemical ingredients to achieve a toxic-free closed-loop economy. Legally binding transparency criteria should be rolled out for harmful chemicals that cannot be immediately replaced.

National action plans (NAPs) are to be mandatory for each SAICM member state and cover all 11 core elements of the 2008 *SAICM Overall Guidance and Orientation document*. There should be reports on the respective progress and problems in resolving the IoCs, for example. Where necessary, countries are to be provided with financial and technical support for preparing and implementing such plans. Civil society organizations have made important contributions to the development and implementation of NAPs in the past. To ensure meaningful participation on the part of civil society, it is important to ensure their equal participation and financial resources and to define clear guidelines for working together in arrangements such as partnerships.

For better implementation and evaluation of the effectiveness of the adopted measures, **precise reporting and evaluation mechanisms should be stipulated**. Defined activities and objectives are to be specific, measurable, accountable, relevant, and time bound (SMART) as well as impact oriented. They should also include independent reports, such as in the form of peer reviews and “shadow reports” from civil society.

A robust **funding mechanism** is needed to implement SAICM Beyond 2020. This needs to be built on two pillars: Donor countries must help develop an independent financing mechanism for chemicals and waste management that is friendly to the environment and health through existing mechanisms such as the Global Environment Facility (GEF), the United Nations Environment Programme’s Special Programme on Institutional Strengthening for the Chemicals Cluster, and new mechanisms that include bilateral and multilateral partnerships, development cooperation, and other forms. This should also include promotion of the use of non-chemical alternatives. When allocating available and additional financial resources, support for developing and emerging countries needs to be at the top of the agenda. Civil society organizations, which have made a significant contribution to the implementation of SAICM to date, must be given uncomplicated access to financial resources for specific projects, similar to the former Quick Start Program.

In keeping with the “polluter pays” principle, those parties whose products and production methods pollute the environment and harm human health, first and foremost the chemical industry, must also be held accountable financially. A SAICM successor agreement should therefore also take advantage of the possibility of financing and steering through **internalization of external costs**. We therefore support the proposal for a global tax to be levied on producers in the amount of 0.5% of the production value of basic chemicals. These funds could be used to build the necessary infrastructure for sustainable chemicals and waste management in the Global South, for example.

A new sustainable funding mechanism based on these two pillars is to ensure that all eligible stakeholders, including civil society groups and actors from the world of science and academia, are financially supported in their work. Multilateral and bilateral development cooperation instruments and projects should also be utilized and bolstered for this purpose.

When multi-stakeholder partnerships are established, it is necessary for **clear guidelines to apply to such partnerships**. These guidelines should serve to prevent greenwashing, dilution of rights and obligations, and one-sided exertion of influence due to unequal distribution of power.

Partnerships should be inclusive and transparent, serve to implement internationally agreed objectives, be consistent with national and international law, and respect international goals and agendas such as the 2030 Agenda for Sustainable Development.

Signed by

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Additional information

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