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**Enhancing cooperation and coordination within the chemicals
and wastes cluster**

Report of the Executive Director

Summary

The present report reviews efforts undertaken to enhance cooperation and coordination within the chemicals and wastes cluster and suggests possible ways to extend the current coordination and cooperation process both within and beyond those multilateral environmental agreements related to chemicals and hazardous wastes. It provides initial reflections on future institutional arrangements for chemicals and hazardous wastes for the period until 2050.

* UNEP/GC.26/1.

I. Suggested action by the Governing Council

1. The Governing Council may wish to consider the adoption of a decision along the lines suggested below:

The Governing Council,

Recalling chapter 19 of Agenda 21¹ and Governing Council decisions 18/12 of 26 May 1995, 18/32 of 25 May 1995, 19/13 of 7 February 1997, SS.V/5 of 22 May 1998, 20/22 of 4 February 1999, 20/23 and 20/24 of 4 February 1999, 21/3, 21/4, 21/5 and 21/6 of 9 February 2001, SS.VII/3 of 15 February 2002, 22/4 of 7 February 2003, 23/9 of 25 February 2005, 24/3 of 9 February 2007 and 25/5 of 20 February 2009 concerning global policies related to chemicals management,

Recalling decisions BC.Ex-1/1, RC.Ex-1/1 and SC.Ex-1/1 of 24 February 2010 adopted by the conferences of the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants, respectively, at the simultaneous extraordinary meetings of the conferences of the parties to the three conventions,

Acknowledging with appreciation progress in enhancing coherence and synergies within the chemicals and wastes cluster,

Welcoming progress in implementing the Strategic Approach to International Chemicals Management,

Noting the progress in the negotiations on the global legally binding instrument on mercury,

Noting also the goal set at the United Nations Conference on Environment and Development in 1992 and confirmed at the World Summit on Sustainable Development in Johannesburg in 2002 that by 2020 chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, and the need to review the goal in the context of the United Nations Conference on Sustainable Development in 2012,

Noting further that complementary action may be needed to strengthen the sound management of chemicals and hazardous wastes globally over the period until 2050,

Taking note that the objective of the Strategic Approach to International Chemicals Management is to achieve by 2020 that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, and that further action might need to be taken beyond that date to implement this objective at global, regional and, in particular, national levels,

Commending the Executive Director of the United Nations Environment Programme on the attention that the Programme is paying to the global challenges posed by chemicals to human health and the environment and in all areas of human development, and also to the need to take action to address those challenges,

Taking note with appreciation of the progress made in the consultative process on financing options for chemicals and wastes,

Taking note of the initial analysis by the United Nations Environment Programme of the need and opportunities to strengthen the continued sound management of chemicals² and taking into consideration the arguments in the analysis supporting the intention of a cross-sectoral and global process for a stronger and better coordinated chemicals and hazardous waste programme,

Recognizing that challenges posed by chemicals are global, enduring and constantly evolving and that they are interrelated with crucial environmental issues such as environment-dependent human health, the health of ecosystems and better ecosystem management, the preservation of biodiversity, and the link between poverty and environment, environmental disasters, climate change and sustainable consumption, thus forming part of the challenges posed to international environmental governance,

1 *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

2 UNEP/GC.26/16.

Acknowledging that codification and progressive development are needed in the international law on chemicals and that those processes would promote future synergies between international instruments on and approaches to sound chemicals management,

Recognizing that chemicals are integral to sustainable development but that the sound management of chemicals is not yet fully integrated into sustainable development processes,

Encouraging the United Nations Environment Programme to play a leading role in developing a global and coordinated approach to coherent chemicals management and, to that end, inviting the Executive Director to coordinate the multidisciplinary and cross-sectoral aspects of chemicals and hazardous wastes challenges with all pertinent international organizations,

Having considered the initial analysis by the United Nations Environment Programme of the need and opportunities to strengthen the further sound management of chemicals,³

1. *Requests* the Executive Director, working with the secretariats of the Basel, Rotterdam and Stockholm conventions and with other key stakeholders in the area of the sound management of chemicals and hazardous wastes at the global level, to continue the successful efforts to enhance cooperation and coordination of the chemicals and hazardous wastes-related agenda at the national, regional and global levels;

2. *Takes note* of the progress made by the United Nations Environment Programme and its partners in developing a global chemical outlook that will provide a coherent framework for assessing and setting priorities, with a view to supporting an integrated comprehensive chemicals policy and stimulating further international attention and action in this field;

3. *Requests* the Executive Director to prepare a detailed study on options for stronger and more coordinated management of chemicals and hazardous wastes in the longer term, including the institutional arrangements, processes and systems required to improve the current management of the chemicals and hazardous wastes agenda at the global, regional and national levels, for presentation to the Governing Council at its twenty-seventh ordinary session;

4. *Also requests* the Executive Director to develop a detailed outline for the process of preparing the study, including its quality review, and the main elements to be considered in the study, which shall be communicated to Governments no later than [... 2011];

5. *Advises* the Executive Director to consider the inclusion of the following issues, among others, in the study:

- (a) Scope of the study;
- (b) Indicators of progress;
- (c) Findings of the global chemicals outlook assessment;
- (d) Process for identifying and responding to emerging issues of global concern;
- (e) [Other issues];

6. *Urges* Governments and concerned intergovernmental and non-governmental organizations to submit to the United Nations Environment Programme their views on the elements of global chemicals management developed to date, and also on options for further global action on chemicals and hazardous wastes, which shall be taken into consideration in the study, no later than [2011];

7. *Also urges* concerned intergovernmental organizations submitting views to the United Nations Environment Programme to include in their submissions particular views on their involvement in the further global action and on avoidance of duplication of inter-agency efforts, no later than [... 2011];

8. *Requests* the Executive Director to make inputs on the basis of the above study for a broad discussion on chemicals and hazardous wastes management as part of the governance discussion for the United Nations Conference on Sustainable Development in 2012;

9. *Urges* Governments and other stakeholders in a position to do so to contribute extrabudgetary resources for the conduct of the study.

3 Ibid.

II. Introduction

1. In its paragraph 72, the report of the Committee of the Whole at the eleventh special session of the United Nations Environment Programme (UNEP) Governing Council/Global Ministerial Environment Forum records the following outcome of discussions:

Bearing in mind the substantial progress achieved in enhancing synergies among the existing chemicals and hazardous wastes agreements, some delegations expressed their support for an analysis to be undertaken by the Executive Director on options to realize further synergies within the chemicals and wastes cluster.

2. The present study examines the case for such an analysis, as a basis for the Governing Council to decide what action, if any, should be taken. Any exploration of further synergies should take into account the challenges that are recognized at the current stage in chemicals and hazardous wastes management, in addition to those that can be anticipated.

III. Background

3. The United Nations Conference on Environment and Development (the Earth Summit) set an ambitious agenda for environmental action. In addition to agreeing on the overarching Agenda 21, the global community adopted international framework conventions to tackle three problems of recognized political importance and urgency – climate change, the loss of biodiversity, and desertification – setting out broad, integrated approaches to those challenges.

4. At the Earth Summit, Member States also adopted an ambitious policy goal for managing chemicals, reiterated at the World Summit on Sustainable Development, held in Johannesburg, South Africa, in 2002, with the goal of achieving by 2020 that chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment. Rather than adopt an overall framework convention similar to those for other sectors, separate instruments have been developed in response to specific challenges which have been recognized and where agreement has been reached on the need for international action. Consequently the global regime for chemicals and hazardous wastes has developed in a somewhat ad hoc manner, compared to those in other areas. Legally binding agreements have been – and are being – negotiated for ozone-depleting substances, persistent organic pollutants, hazardous wastes, mercury and the prior informed consent procedure for trade in hazardous substances. No general international legal framework has been established to ensure that the overall goal of sound management is achieved.

5. The voluntary Strategic Approach to International Chemicals Management was agreed upon in 2006, arising from an initiative by the UNEP Governing Council. The Strategic Approach reflects the goal set out by the World Summit on Sustainable Development. It is a voluntary approach, the current mandate of which runs until 2020. While it has achieved progress on several specific issues, the task at hand remains enormous and many, if not most, of the issues identified as priorities in 1992 may still be pending in 2020. This is to be considered against the backdrop of an increasing number of other emerging issues of global concern that the global community is obliged to tackle.

6. That the mandate of the Strategic Approach runs only until the fifth session of the International Conference on Chemicals Management, in 2020, renders ever more urgent the need to resolve the question of identifying the framework for global chemicals and hazardous wastes management in the twenty-first century. Work needs to be initiated to ensure sufficient time for a comprehensive debate and extensive consideration to resolve this issue before the mandate of the Strategic Approach comes to an end. Moreover, the United Nations Conference on Sustainable Development in 2012 would be an opportune time for a high-level strategic debate. It is anticipated that a preliminary analysis of the issue under consideration by the Executive Director of UNEP could facilitate this process.

7. In view of the extensive scope of the Basel, Rotterdam and Stockholm conventions, and mindful of their commitment to the comprehensive implementation of the three conventions, the parties initiated a process to enhance coordination and cooperation among them. The aim of this process continues to be to strengthen the implementation of the conventions at the national, regional and global levels. In launching the process, the parties emphasized the need for it to remain party-driven, to take into account global concerns and to respond to the specific needs of developing countries and countries with economies in transition. They also noted that the process should promote coherent policy guidance and enhance efficiency in the provision of support to parties, thereby reducing their administrative burden and maximizing the effective and efficient use of resources at all levels.

8. The process of enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions culminated in the adoption of omnibus decisions at the simultaneous extraordinary meetings of the conferences of their parties, held in Bali, Indonesia, from 22 to 24 February 2010. The omnibus decisions, which are in substance identical decisions, call for enhanced cooperation and coordination in the area of joint activities; joint managerial functions; joint services; synchronization of budget cycles; joint audits; and review arrangements.

IV. Issues

9. Sound chemicals and hazardous wastes management will play an increasingly important role in national and global economies, in response to a range of basic human needs. With the continued growth both of populations and of economies, and the resulting rise in consumption, increasing pressures will be placed on global resources and ecosystems. To mitigate these pressures, more sustainable patterns of consumption and smarter technology are required. Investment and innovation in the chemicals and hazardous wastes industries will be crucial to meeting these challenges. Significant changes in production and use patterns can already be observed, including shifts in production as new economies emerge and changes in use as a result of innovation.

10. In addition to the economic link to the sound management of chemicals and hazardous wastes, there are well established risks, both actual and potential, to human health and the environment from the inappropriate use of chemicals and the transboundary movement and disposal of hazardous wastes. It has been accepted for some time that some chemicals in widespread use represent risks, and national, regional or international action has been taken to eliminate or manage those risks. Such action includes the conclusion of the multilateral environmental agreements referred to above. Many of the chemicals that remain in use, however, have not thus far been subject to a comprehensive assessment of the risks that they may represent, and new chemicals and new uses for chemicals are constantly emerging. Countries also differ in their perceptions of the role of chemicals in the overall development process and in the world economy and there is a wide array of national, cultural, professional, economic and ethical approaches to chemical safety. All these factors will affect how risks from chemicals are assessed and tackled in the global context.

11. There is also growing recognition that the traditional ways of assessing the risk that chemicals represent may not be sufficient. There is, for example, an insufficient understanding of the nature and risks posed by exposure to mixtures – or what may be termed “cocktails” – of chemicals. Emerging evidence also indicates that some chemicals may have profound and permanent impacts on foetal health and development at ultra-low levels of exposure.

12. Much of the international debate to date has focused on the risks associated with the long-range movement of chemicals across the environment. The potential for long-range transport has been the major criterion for identifying issues of global concern. This, for example, provided the basis for addressing the risk from persistent organic pollutants through a convention, and for the decision to begin negotiations on a legally binding instrument on mercury. In practice, however, much of the global movement of chemicals is effected through trade and through their inclusion and incorporation into products. These may also constitute a risk to human health and the environment. In addition, where the challenge is local, but with global effects, it may be appropriate to seek global solutions where local solutions appear to be insufficient.

13. Generations of hazardous and other wastes continue to come into existence worldwide, with consequential impacts on human health and the environment. These impacts are directly related to the degree to which those hazardous wastes are properly handled and managed. The contamination caused by the improper management of hazardous wastes can have alarming consequences on human health and the environment. Industrial, household or hazardous wastes may be improperly disposed of near agricultural land, residential locations or water sources as they are shipped for use or repair where they become a source of pollution. This is a problem of particular concern for developing countries and countries with economies in transition.

14. In meeting the challenges posed by hazardous wastes a link can be demonstrated between the environmentally sound management of hazardous and other wastes and progress in the area of poverty eradication, health, education, gender equality, environmental sustainability and the global partnership for development. In the light of this link, it is clear that the sound management of chemicals and hazardous wastes is more than a purely environmental issue, as it is closely linked with human health and, in particular, the health of workers, where chemicals-related problems in the areas of agriculture, trade and general economic development are concerned.

15. UNEP has provided the main forum for debate on chemicals and hazardous wastes management and initiated the processes that led to international instruments on chemicals and hazardous waste-related issues. In recognition of those accomplishments, a framework for the sound management of chemicals and hazardous wastes should take account of those wider factors and of the international instruments and arrangements which are in place.

V. Experience to date

16. The existing arrangements for sound chemicals management, as described above, have developed in an ad hoc manner and in response to specific issues such as those that have been identified. Such an approach has shortcomings, as it is not comprehensive, has a number of gaps and is unable to provide an adequate response to new or emerging issues. New issues require new structures to be negotiated from scratch, if a legally based approach is necessary.

A. Strategic Approach to International Chemicals Management

17. The Strategic Approach to International Chemicals Management was conceived in response to the need to move beyond the development of separate and isolated instruments – what might be termed the “silo” approach – and of separate instruments and to look strategically at chemicals management with the goal of achieving the sound management of chemicals by 2020. As described above, it is a voluntary approach involving stakeholders beyond Governments, with a mandate that currently runs until the fifth session of the International Conference on Chemicals Management, in 2020.

18. It is recognized that, as a result of the projects mounted under the Quick Start Programme, awareness of the Strategic Approach has been created among stakeholders. Similarly, key government ministries such as those of health, finance, budget and planning, are becoming increasingly aware of and involved in the sound management of chemicals. The Strategic Approach has been able to live up to its conception as a multi-stakeholder framework, regularly engaging governmental, intergovernmental and non-governmental stakeholders with a view to achieving the objective of sound chemicals management by 2020. Its endorsement by all relevant intergovernmental organizations has enabled the Strategic Approach to assume its key function as a policy framework for all stakeholders involved in the promotion of sound chemicals management.

19. Moreover, the comprehensive network of Strategic Approach focal points at the national, regional and intergovernmental levels has imparted continuous momentum to activities undertaken to implement the Strategic Approach. The Strategic Approach’s dedicated financial mechanism, the Quick Start Programme, has spurred its implementation, particularly in relation to capacity-building. Progress has also been achieved in developing guidance for the implementation of the Strategic Approach and the shaping of processes to take action on emerging policy issues.

20. Regrettably, the dearth of coherent and predictable funding has slowed progress towards the chemicals objective set at the World Summit on Sustainable Development. Many countries lack the resources to implement their obligations under the current multilateral environmental agreements related to chemicals and hazardous wastes. It is clear that there is inadequate funding to support the current approach. Even for those multilateral environmental agreements that do have a financial mechanism, there may be difficulties in gaining access to the necessary funding to deal with their priorities in a timely manner.

B. Enhanced cooperation and coordination among the Basel, Rotterdam and Stockholm conventions

21. The process of enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm conventions was initiated by the parties to those conventions in response to the need to provide more efficient and effective support to parties in the implementation of the conventions at the national, regional and global levels.

22. Following the adoption, at the simultaneous extraordinary meetings of the conferences of the parties to the three conventions, of the omnibus decisions on enhanced cooperation and coordination among them, significant progress has been made towards the strengthening of their implementation. Such progress has been achieved by directing specific requests to parties, the executive secretaries of the three convention secretariats and the Executive Director of UNEP. As the key objective of the process is increased impact at the national level, the implementation of the omnibus decisions has focused on joint activities, joint managerial functions, joint services, the synchronization of budget cycles, joint audits and review arrangements.

23. *Joint activities:* Such activities are already being implemented on the basis of the approved programmes of work of the three conventions. Future proposals for joint activities have been developed for consideration and adoption at the next meetings of their conferences of the parties, scheduled to take place in 2011. The joint activities all focus on strengthening support to parties at the national level, with a focus on capacity-building, technical assistance, scientific support, support to regional centres and joint public awareness and outreach activities. Coordination and cooperation at the planning stages have been essential to harnessing the opportunities for enhanced programme delivery in a way that goes beyond joint implementation of existing activities. Coherent programmes that support parties at the national level by providing joint activities may offer an effective means of overcoming the fragmented mandates of the three conventions.
24. *Joint managerial functions:* At the time of writing, the list of applicants for the position of Executive Secretary of the Basel and Stockholm Convention Secretariats and Co-Executive Secretary of the Rotterdam Convention Secretariat (Joint Head) had been released to the Executive Director of UNEP for review and assessment by the Office of Human Resources Management at United Nations Headquarters. The vacancy announcement expired on 12 October 2010 and was advertised following the approval of the job description for the position by the bureaux of the three conferences of the parties.
25. The recruitment process is taking place in line with United Nations rules and regulations for positions at the D-2 level. The Joint Head will be appointed by the Secretary-General, following recommendations by the Executive Director of UNEP. In making his recommendations for consideration by the Secretary-General, the Executive Director will consult the presidents of the bureaux of the three conferences of the parties. In line with the requirement of the omnibus decisions, the position of Joint Head will be funded from voluntary contributions until the end of 2012.
26. It is envisaged that one of the Joint Head's first tasks will be to review the structure of the three secretariats and present a restructuring proposal for consideration by the conferences of the parties at their respective meetings in 2011. The restructuring is expected to result in a significantly more streamlined secretariat structure that best provides capacity-building and technical assistance to support parties in implementing the conventions at all levels. A further expected outcome of the restructuring is that resources will be freed to support the better and more efficient implementation of the three conventions' programme of work.
27. *Joint services:* An interim joint convention services section was created in 2009, prior to the simultaneous extraordinary meetings of the conferences of the parties, upon the parties' request. Following its successful performance, resulting in efficiency gains and increased effectiveness in providing services jointly across the three secretariats, the Joint Convention Services Section was established as a permanent entity in March 2010, pursuant to the above-mentioned omnibus decisions.
28. Joint services are provided in the following areas: financial and administrative support; legal services; information technology; information; and resource mobilization. Four of the five joint services are directly involved in project implementation. The Joint Conventions Services Section was established with the principal aim of minimizing expenditure on administration so that more resources could be used to support parties in their efforts at all levels to implement the programme. The efficiency gains resulting from its establishment have enabled the secretariats to step up their support to parties. The overall restructuring of the secretariat structure and the appointment of the joint head will further enhance the provision of joint services.
29. *Synchronization of budget cycles:* In line with the requirements of the omnibus decisions, the budget cycles for the three conventions have been synchronized with the budget cycles of UNEP and the Food and Agriculture Organization of the United Nations (FAO) and no further action is envisaged.
30. *Joint audits:* Joint audits of the three secretariats are envisaged, in line with the requirements of the omnibus decisions.
31. *Review mechanism:* As requested in the omnibus decisions, detailed terms of reference for a report by the secretariats that will facilitate efforts by the three conferences of the parties to review the implementation of joint activities, joint managerial functions and joint services will be presented for adoption by those conferences of the parties in 2011. Detailed terms of reference for the review called for in the omnibus decisions, including performance indicators and a timetable, will also be submitted by the Executive Director of UNEP and the Director-General of FAO, for adoption by the parties at the meetings of their conferences in 2011.

C. Consultative process on financing options for chemicals and wastes

32. In response to the call by parties for sustainable, predictable, adequate and accessible financing for the implementation of the chemicals and wastes agenda at the national, regional and global levels, the Executive Director of UNEP launched a consultative process on financing options for chemicals and wastes at the fourth meeting of the Conference of the Parties to the Stockholm Convention, in May 2009.

33. In broad terms, the consultative process focuses on identifying possible options for more secure financing for chemicals and wastes-related activities, including the use of existing or new mechanisms, raising political priority through outreach and awareness-raising, association with other linked causes and mainstreaming into other sectors, synergistic use of delivery mechanisms, and exploring the use of public-private partnerships and economic instruments to internalize the social and environmental costs of chemicals and hazardous wastes management.

34. Most of these options are not mutually exclusive and would even be mutually reinforcing if developed and implemented in a coordinated manner. It is anticipated that the consultative process will conclude with the submission of a package of financing options, designed to enhance the implementation of the chemicals and wastes agenda at the national, regional and global levels for adoption by the International Conference on Chemicals Management at its third session, in 2012, and at the twenty-seventh session of the Governing Council, in 2013, in line with the requirements of decision SS.XI/8. The intention is that the package would ultimately increase and facilitate the flow of available capacity and resources to support the sound management of chemicals and hazardous wastes, particularly those falling within the remit of the multilateral environmental agreements. The benefits accruing to member States from the anticipated outcome of the current consultative process on financing options for chemicals and wastes are likely to go well beyond the implementation of the three chemicals and hazardous wastes-related conventions.

D. Summary

35. Experience to date demonstrates that significant and welcome progress has been made under the Strategic Approach to International Chemicals Management and in improving cooperation and coordination between the existing chemicals and hazardous wastes-related conventions. The results of this enhanced cooperation and coordination may be seen in tangible results at the national, regional and global levels, thanks to the more effective use of scarce resources. Through concerted efforts by key stakeholders at all levels, progress is also being made towards a more coherent implementation of the three conventions. The success already achieved in enhancing cooperation and coordination between the Basel, Rotterdam and Stockholm conventions notwithstanding, more needs to be done in this area.

36. In drawing the above conclusions it should also be noted that, to date, no systematic attempts have been made to link the legal obligations of the chemicals and hazardous wastes instruments. In anticipation of future legally binding instruments on issues related to chemicals and hazardous wastes, it may not be efficient, in the long term, to continue to develop stand-alone and separate instruments as new problems are identified and tackled, but instead to look at more comprehensive approaches. These considerations are based on the widely held view that it takes too long to get a chemical or hazardous waste on to the international agenda and subsequently accepted as being of global concern. It has also been suggested that the ensuing treaty negotiation process is both time-consuming and costly; the estimated direct cost of negotiating a new instrument exceeds \$10 million with an end product that, as a rule, stands alone and is independent of related treaties and supporting structures.

37. In the light of the above considerations, it is suggested that these stages will need to be accommodated in a future framework of institutional arrangements for chemicals and hazardous wastes for the mid-twenty-first century.

VI. Future challenges

38. Several current national or regional initiatives are expected to generate more information about potential risks associated with chemicals and hazardous wastes. In turn, this information is expected to be available to the general public. Accordingly, by the mid-twenty-first century, there should be substantially more information available about risks, and our understanding of some of the more subtle and harmful effects of chemicals and hazardous wastes-related issues mentioned above will have increased. The sound management of chemicals and hazardous wastes is likely to become even more indispensable in the global economy as it seeks to meet the basic needs of a growing world population

and increasing demands from consumers. The pattern of production and consumption is also changing, as the new economic relationships develop.

39. The existing national and global frameworks have been struggling to respond to these challenges and, while the consequences of poor chemicals and hazardous wastes management are better understood, this understanding has not kept pace with the development of the industries in this sector. Some countries and regions have begun ambitious programmes to address some of these issues, but the framework provided by the current global regulatory system is unlikely to be sufficiently robust to respond to the associated risks.

40. Along with the other participating organizations in the Inter-Organization Programme for the Sound Management of Chemicals (IOMC), UNEP is developing a global chemicals outlook that will assess the status of health, environmental, economic and institutional factors related to the production, use and disposal of chemicals, with a focus on issues relevant to developing countries and countries with economies in transition; examine chemicals management options in the context of the Millennium Development Goals; provide information on the economic costs of inaction on chemical hazards; and provide guidance for the effort to achieve sound chemicals management by 2020. The outlook will be available at the twenty-seventh session of the UNEP Governing Council/Global Ministerial Environment Forum, in 2013, although preliminary findings will be presented to the Council/Forum at its twelfth special session, in 2012. UNEP is also in the process of developing the fifth report in the Global Environmental Outlook series, which dedicates a chapter to chemicals and hazardous wastes. The chapter will also provide an important insight into the challenges of sound management of chemicals and hazardous wastes and the linkages to the broader environment and sustainable development agenda.

VII. Future challenges

41. A number of challenges stand in the way of efforts further to enhance the cooperation and coordination of the chemicals and hazardous wastes-related agenda at the national, regional and global levels and to regulate chemicals and hazardous wastes. Some are being addressed through national or regional programmes. Not all necessitate action at the global level, but they would undoubtedly benefit from a global framework that facilitates efforts by countries to tackle issues within their own jurisdictions.

A. Enhancing the cooperation and coordination of the chemicals and hazardous wastes-related agenda

42. With the aim of further enhancing the benefits to parties, attention could be paid to a number of as yet unexplored opportunities for further enhancing cooperation and coordination both between the chemicals and hazardous wastes-related conventions and beyond those instruments in the short and medium term. Those opportunities could include:

(a) Joint decision-making by the Basel, Rotterdam and Stockholm conventions in, among others, the following areas: new measures to enhance cooperation and coordination; the common development, adoption and review of joint programmatic activities at all levels; the endorsement of a future secretariat structure and staff complement to support the development and implementation of joint activities and joint services; and the development and approval of budgets for joint activities. Such joint decision-making by the conventions could foreseeably be undertaken at a simultaneous high-level segment of the conferences of the parties to the three conventions, building on experience and lessons learned from the simultaneous extraordinary meetings in 2010. This approach could be complemented by prior working-level consultations and the frequency of such segments would be determined by the conferences of the parties;

(b) A programmatic and administrative relationship between the future legally binding instrument on mercury and the Basel, Rotterdam and Stockholm conventions and their secretariats. By ensuring that structured cooperation and coordination between these legally binding instruments had already been established at the negotiation phase for the future mercury convention, the incremental costs for the future mercury secretariat would be limited as it would be able to benefit from the infrastructure already in place for the Basel, Rotterdam and Stockholm convention secretariats, in particular with regard to joint activities, joint managerial functions and joint services, as detailed above. Such coordination is best achieved by developing formal linkages that feed into the planning processes of these entities;

(c) A viable and fully government-supported package of financing options that covers the full range of the life-cycle approach from cradle to grave, encompassing not only the issues tackled by the Basel, Rotterdam and Stockholm conventions, together with the future legally binding instrument on mercury, but also the wide range of challenges associated with the sound management of chemicals and hazardous wastes at the national, regional and global levels;

(d) A more structured approach to cooperation and the coordination of programmatic activities between the Basel, Rotterdam and Stockholm conventions, the future legally binding instrument on mercury, the Strategic Approach to International Chemicals Management and the Chemicals Branch of the UNEP Division of Technology, Industry and Economics, along with other key stakeholders in the area of the sound management of chemicals and hazardous wastes at the national, regional and global levels. The identification and agreement of joint programme activities between the above-mentioned stakeholders at the programme planning stage is critical to ensuring the best use of scarce resources and the maximum impact of interventions at all levels;

(e) The further mainstreaming of chemicals and hazardous wastes issues in national development plans and strategies, thus benefiting from the lessons learned and best practices from the UNDP-UNEP partnership initiative on the implementation of the Strategic Approach to International Chemicals Management;

(f) The joint engagement of key stakeholders in the field of chemicals and hazardous wastes in national sustainable development strategy and programming exercises, including engagement with the United Nations Development Assistance Frameworks. The economic and social development benefits of sound chemicals and hazardous wastes management are becoming better understood and key reports on such matters as the cost of inaction and the UNEP green economy initiative highlight the development imperative to implement sound chemicals and hazardous wastes management. Through such joint engagement at the national level, the life-cycle approach will be placed at the core of the policy and strategy setting, both in programme planning and in the funding of such activities;

(g) The alignment of the national and regional meetings and forums of the various chemicals and hazardous wastes-related multilateral environmental agreements, the Strategic Approach and other processes related to the sound management of chemicals and hazardous wastes. Currently, such meetings, some of which are of a policymaking nature, are conducted in different time frames, yet often involve similar topics, challenges and country representatives. Such meetings and forums often pursue the same goal of promoting sound chemicals and hazardous wastes management. The organization, wherever possible, of joint, simultaneous or back-to-back meetings will open up opportunities for enhanced cooperation and coordination at the national and regional levels. It will allow a more thematic and issue-focused approach by all those concerned, even without joint programming. It would also reduce the costs and administrative burden of managing the travel of country representatives and secretariat officials and release both human and financial resources for the provision of support to parties in capacity-building and technical assistance, and possibly encourage greater and more diverse country participation in such meetings and forums. It would also foster regular cross-institutional dialogue between agency staff working in the chemicals and hazardous wastes management sector at the national level.

43. In pursuing efforts in the short and medium term to enhance cooperation and coordination in the chemicals and hazardous wastes-related agenda, it is essential that the legal autonomy of the legally binding instruments, the differing goals and mandates of the key stakeholders, and the membership of the various bodies involved should be duly respected.

44. It is equally important to ensure that any steps taken should have the following aims:

(a) To strengthen the implementation of the chemicals and hazardous wastes agenda at the national, regional and global levels;

(b) To promote coherent policy guidance;

(c) To reduce the administrative burden at the secretariat level of the relevant multilateral environmental agreements and other key stakeholders, as appropriate;

(d) To maximize the effective and efficient use of resources at all levels;

(e) To take into account global concerns and the specific needs of developing countries and countries with economies in transition;

(f) To protect human health and the environment for the promotion of sustainable development.

B. Regulating chemicals and hazardous wastes

45. The development, in the long term, of a more coherent and integrated global approach, which goes beyond enhancing the cooperation and coordination of the chemicals and hazardous wastes-related cluster, could be an important next stage and will require justification.

46. The importance of chemicals and hazardous wastes management to the global economy, coupled with the regulatory and other costs associated with their sound management, suggests that a more coherent approach should be found. Chemicals and hazardous wastes issues are generally sufficiently complex as to raise considerations that go far beyond the environmental domain and the mandate of UNEP. The end point for sound chemicals and hazardous wastes management will always be human health. In general, dealing with chemicals and hazardous wastes issues through environmental institutions is a reflection of the function performed by the environment as a vector of chemicals into humans. The management of chemicals and hazardous wastes will need a truly cross-sectoral approach if it is to be sustainable. Furthermore, the full engagement of industry is required to ensure sustainability and to remedy the current perception that there is an unjust disconnect between those who profit from, in particular, the production and marketing of chemicals, and those who bear the cost of protecting the environment and human health.

47. From the standpoint of individual Governments, the motivation for seeking a more coherent and effective international approach to the sound management of chemicals and hazardous wastes could include:

(a) Protection of their communities and environment from the effects of chemicals and hazardous wastes produced elsewhere, resulting either from long-range transport or from trade;

(b) Protection of competitiveness, through measures developed in an internationally coordinated manner that does not undermine market competitiveness;

(c) Enlightened global concern (i.e., concern that all countries are able to protect their populations and ecosystems);

(d) Potentially lower costs in chemicals and hazardous wastes management for countries and for their industries, through sharing the burden of developing regulatory action and through common international approaches which reduce the cost of compliance.

48. It should be recognized that Governments, in deciding whether to ratify and implement a treaty, will assess whether the benefits of entering into international mutual obligations are greater than the loss of sovereignty – and also the financial and administrative costs – that result from joining the collective action. Consequently, Governments tend to require treaties to be focused, leaving little scope for discretionary action. There is no indication that this approach would be any different in the future. Nonetheless, there are benefits from concerted global action.

49. In pursuing chemicals and hazardous wastes management in the longer term, a range of options which are not mutually exclusive are available to Governments, including the following:

(a) Maintaining the status quo in general, or restricting themselves to the incremental development of the current system, while encouraging improvements in activities under the various chemicals and hazardous wastes multilateral environmental agreements to minimize overlaps and to develop complementary activities and obligations;

(b) Continuing to develop treaties as required on a substance – or issue – basis;

(c) Undertaking periodic, coordinated reviews of the mandates and programmes of relevant agreements and activities;

(d) Extending incrementally the current drive for enhanced cooperation and coordination to improve coherence in implementation and programme delivery through the post-hoc pursuit of synergies;

(e) Developing new institutional arrangements that will both encompass the current chemicals and hazardous wastes-related multilateral environmental agreements and accommodate new issues as they arise.

50. Moreover, at the global level, there are three broad approaches which could be followed, often in combination:

(a) The treaty approach, which could consist in, first, a global treaty approach – a multilateral treaty covering all chemical management issues; second, continuing the substance-based –

or issue-based – approach with post-hoc synergies; third, codification of chemicals management as a subsidiary branch of international law; or fourth, making use of the provisions in existing treaties to the extent possible. All these treaty-based approaches have the disadvantage of potentially not including key countries and key stakeholders, or of being too narrow to deal with new problems, or so broad that countries are reluctant to agree to them;

(b) The voluntary framework approach, which could be provided by the existing Strategic Approach to International Chemicals Management. Such an approach could possibly be achieved by extending the Strategic Approach in 2020 through a multi-organizational consultation process. There is possibly a need to initiate the process, and to take decisions on chemicals at the global level;

(c) A large international programme for national integrated chemicals policies, in cooperation with other United Nations organizations or programmes.

51. All three of the above options, and their relation to other initiatives, such as the consultative process on financing options for chemicals and wastes, need to be examined in detail. All have advantages and disadvantages, depending on the goal to be pursued. A key question is whether the costs of solutions are affordable and, if so, how the financing should be structured. To date, there has been little opportunity for debate on long-term goals – the discussion has been dominated by the need to resolve short-term pressing issues – and no process has been set in place to facilitate that consideration.

VIII. Conclusion

52. The substantial progress that they have made notwithstanding, the current approaches to global chemicals and hazardous wastes management – the substance-based or issue-based multilateral environmental agreements and the voluntary framework provided by the Strategic Approach to International Chemicals Management – are not sufficient to deal with the chemicals and hazardous wastes challenges of the twenty-first century.

53. The substance-based and issue-based multilateral-environmental-agreement approach is being questioned as too costly to develop and implement and there are moves to seek a more streamlined and efficient process in the development of such instruments. The target year for the Strategic Approach is 2020 and there is a need to consider arrangements beyond that date. Governments may need more information to enable them to consider moving from a status quo approach.

IX. Way forward

54. The Governing Council may wish to consider requesting the Executive Director of UNEP to initiate a study of a cross-sectoral and global process leading to the stronger and better coordinated management of chemicals and hazardous wastes and to report on the outcome of that study to the Council at its twenty-seventh session. The study should take into account, among other things, the report of the chemicals outlook assessment that is due to be completed in 2011.

55. The Governing Council may also wish to consider requesting the Executive Director of UNEP, working with the secretariats of the Basel, Rotterdam and Stockholm conventions and other key stakeholders in the area of the sound management of chemicals and hazardous wastes at the global level, to continue the successful efforts achieved thus far with a view to further enhancing the cooperation and coordination of the chemicals and hazardous wastes-related agenda at the national, regional and global levels.
