

Interministerial Coordination for Sound Chemicals Management

GUIDANCE NOTE

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IOMC

INTER-ORGANIZATION PROGRAMME FOR THE SOUND MANAGEMENT OF CHEMICALS

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Table of Contents

1.	PURPOSE OF THIS GUIDANCE NOTE.....	1
2.	BACKGROUND.....	1
3.	SUGGESTED PROCESS FOR DEVELOPMENT OF A CHARTER FOR INTERMINISTERIAL COORDINATION	6
4.	ENSURING SUPPORT FROM DECISION-MAKERS	11
5.	AVAILABLE UNITAR GUIDANCE MATERIAL IN THE FIELD OF INTERMINISTERIAL COORDINATION	12

1. PURPOSE OF THIS GUIDANCE NOTE

The sound management of chemicals necessitates the coordination of all concerned parties from inside and outside of government. In order to obtain commitment and ensure appropriate implementation of any policy, the interests of all stakeholders should be taken into account in the decision-making process. At the same time, the government has always been in the center of the decision-making process and experience has shown that a formalised mechanism for coordinating all members of the government is indispensable for a successful chemicals management scheme. The purpose of this Guidance Note is to suggest a process and key questions to assist in the development of a Charter or “Terms of Reference” to strengthen interministerial coordination for sound chemicals management. While this document fulfils that mandate, it is not recommended that the advice contained herein be taken in isolation from other, related guidance. Particularly, the Guidance Document on Developing and Sustaining an Integrated National Programme for the Sound Management of Chemicals is to accompany this Guidance Note since interministerial coordination is a key “horizontal activity” in “*Developing and Sustaining an Integrated National Programme for the Sound management of Chemicals*”.

THE QUESTIONS PRESENTED IN THIS DOCUMENT ARE DESIGNED TO STIMULATE THINKING WHICH CAN HELP WITH THE IDENTIFICATION AND DEVELOPMENT OF RELEVANT ACTIVITIES AND EXISTING STRUCTURES, AND WITH THE IDENTIFICATION OF AREAS WHERE EFFORTS MAY NEED TO BE MADE FOR STRENGTHENING INTERMINISTERIAL COORDINATION AND CO-OPERATION.

2. BACKGROUND

Chemicals management encompasses a broad range of issues, each of which may be addressed by any of a number of governmental ministries, agencies or units, as well as parties outside of government. In order to achieve a more integrated national approach to chemicals management, a coordinating mechanism is desirable through which the various actors can exchange information, coordinate activities that are complementary or inter-related, and, in certain instances, make joint decisions or, in the longer-term, develop national policy.

A well organised interministerial coordinating mechanism can help to increase transparency and collaboration among ministries, clarify the respective mandates and competencies of the various agencies, facilitate a sharing of information and resources (e.g. databases, equipment), and foster a comprehensive approach to the management of chemicals that addresses all stages of the chemical life cycle.

Governments, through a series of recommendations starting with Agenda 21 and continuing with the work of the Intergovernmental Forum on Chemical Safety, have recognised the need for collaboration to enhance interministerial dialogue and coordination. Forum III, in its centrepiece document, *Bahia Declaration on Chemical Safety*, commits participants to “Give greater emphasis to co-operation and coordination, seeking synergies through shared concerns and experience...”¹ The participants of FORUM III also pointed out that: “By 2002,

¹IFCS, *Forum III, Third Session of the Intergovernmental Forum on Chemical Safety, Salvador de Bahía, Brazil, 15-20 October 2000 – Final Report*, p.2.

all countries should have (...) established an intersectoral coordinating effort”²

Developing a formalised Charter for the interministerial body can be a key tool for clarifying the role of the subcommittee of coordination and its functions, as well as its relationship to other bodies or institutions. A presidential decree or codification of the mechanism through legislation can also help to ensure that its role in the field of chemicals management will be widely recognised.

2.1 Ministries concerned with the sound management of Chemicals, their respective roles

Chemicals management is a diverse field, spanning issues of public health, environmental protection, economics, industry, agriculture, worker protection, international relations and trade. As a result, a wide range of governmental ministries and agencies have responsibilities which, taken as a whole, comprise the overall integrated national programme.

Ministries concerned with, or who have a role in, the management of chemicals can include Ministries of Agriculture, Commerce, Customs, Economics, Environment, Finance, Foreign Affairs, Health, Industry, Justice, Labour, Public Works, Telecommunications or Transportation. Other governmental entities (such as central agencies or councils) could also have an interest, including those responsible for the development and implementation of laws, regulations, policies and activities related to chemicals management throughout their life cycle, and/or aspects of pollution prevention and control.

An integrated national programme is complicated by the fact that usually different ministries participate in the control of chemicals in different phases of the chemical life-cycle. The allocation of responsibilities can vary between countries. Countries may use different titles for their ministries/agencies. In most cases:

- *Ministries of Agriculture* are generally concerned with the use of agricultural chemicals for the benefit of securing food supplies;
- *Customs Authorities* are generally responsible for ensuring that chemicals do not enter or leave the country contrary to government regulations, and tariffs and duties;
- *Ministries of Environment* are generally concerned with the direct and indirect effects of releasing chemicals into the environment as emissions and wastes to air, water and land;
- *Ministries of Finance* have a central role in financial resource allocations for chemicals-related activities;
- *Ministries of Foreign Affairs* usually coordinate all international aspects of chemicals management, such as participation in relevant international agreements and conventions;

² Programme Area E, point 1

- *Government printing/publications offices* are generally concerned with the publication and distribution of laws, regulations and other government documents, and can play a role in raising public awareness;
- *Ministries of Health* are mainly concerned with the short- and long-term health impacts of chemicals on the general public or specific population groups;
- *Ministries of Industry* are often concerned with the production of chemicals and chemical products and the introduction of cleaner production technologies;
- *Ministries of Justice or Legal Affairs* are generally concerned with the development and enforcement of laws and regulations, and often deal with issues concerning public access to information, the protection of confidential business information, criminal and forensic issues and accidents/incidents/terrorism;
- *Ministries of Labour* are generally concerned with occupational health and safety issues related to the use and handling of chemicals at the workplace;
- *Ministries of Planning* primarily deal with economic planning (and land use/regional development). This ministry can also often deal with the donation or receipt of development assistance, which could include chemicals for agricultural use, technical or financial assistance for the development of chemical industries, or technical assistance for the management of chemicals;
- *Ministries of Science and Technology* play an important role in deciding the future direction and resource allocations for research and, at least indirectly, action on chemicals;
- *Ministries of Trade* are generally responsible for regulating the import and export of chemical substances and often have the authority to issue relevant trade permits; and
- *Ministries of Transport* are generally concerned with the safe transportation and storage of chemicals during the distribution phase.

2.2. Challenges and Opportunities of Coordination and Co-operation

It can be difficult for persons who work within individual ministries, with finite mandates and responsibilities, to “see the big picture” with regard to an integrated national programme. Often the various governmental actors involved in chemicals management may operate on a sectoral basis (e.g. under their own, separate legislation) and thus may not be accustomed to working and sharing information with one another. Some may not see a clear link between their activities and sound chemicals management, an area which may be considered to be largely the domain of environmental and health authorities. In addition, several orders of government, e.g. federal, provincial and local governments, also typically share responsibilities (though often without recognising collaboration) for the implementation of chemicals management programmes, laws and policies. In fact, in some countries much of the actual implementation of relevant programmes and enforcement of chemicals-related laws is carried out at the local level.

Effective coordination among the whole range of those who have responsibility for or a stake in chemicals issues means that all those involved:

- are familiar with each others' chemicals-related activities, priorities and positions, and the underlying reasons for each; and
- use that information to make better quality and more strategic decisions on chemicals issues.

Benefits of such coordination can include:

- common positions on issues are identified and reinforced;
- synergies are created - work can take place in collaboration instead of in isolation, resulting in additional benefits to both parties;
- duplication of efforts is avoided where possible, freeing up scarce resources for other priority issues;
- gaps in chemicals management are identified; and
- understanding of divergent issues is increased, and thus the potential for misunderstanding is decreased.

Challenges to sound inter- and intra-ministerial coordination and co-operation may include:

- conflicting or competing mandates;
- poor inter- and intra-ministerial communication;
- gaps in expertise;
- a lack of resources; and
- low priority given to chemicals issues within (a) particular ministry(ies).

2.3. Enhancing Dialogue and Coordination

Most, if not all countries that have attempted to address these issues have recognised the benefits of a multi-stakeholder “platform” for addressing national chemicals management issues in an integrated and coordinated way. Such a platform often has a defined relationship with, for example, existing committees, such as a pesticides registration committee, a policy formulation committee or a PIC decision-making task force. For most issues (except, for example, where policies are being developed government-wide through an agreed process), each individual committee usually maintains its own mandate and decision-making power - contributing to the integrity of the whole “network” and adding value to its own work.

One can visualise varying degrees of formality for such a “network”, depending upon countries' needs and preferences. Formalising national efforts in this regard, e.g. through a decree or law, may enhance its effectiveness (see Slovenia, Indonesia and Senegal examples, below). A decree or law can help to ensure that the efforts will have a real impact and that it will continue to function over the long term, notwithstanding changes in personnel or political leadership. Conversely, a less formalised collaboration - where existing committees

and ministries merely share information informally - may prove to be a more dynamic forum where participants can share experiences, best practices and lessons learned with full confidence that their respective mandates may not change as a result of decisions made. The tasks of the interministerial coordinating mechanism can be executed by a larger general committee, which is in charge of every activity related to the sound management of chemicals (See for example Indonesia, Slovenia, Argentina and Senegal). It is also possible to establish a smaller group whose main mandate is the coordination of activities that imply the participation of various government organs.

Indonesia's National Coordinating Forum

Indonesia has seen much activity in the field of chemicals management. This large and diverse developing country has completed a National Profile, issued an Indonesian Agenda 21, promulgated a variety of laws governing chemicals management, and held a workshop on and drafted a National Action Program for Integrated Management of Chemicals (1997-1999). As a result of these activities Indonesia created a platform with broad-based membership called the National Coordinating Forum for Integrated Chemicals Management.

The Forum is coordinated by the Ministry of Health and has brought together a wide range of representatives from some 15 institutions, including government ministries, public interest groups and industry. Some 250 individuals have participated in various activities. Terms of Reference were developed for the Forum to give programmatic and process-related guidance to its members to enhance their coordination and co-operation.

Slovenia's Intersectoral Committee on the Management of Dangerous Chemicals

In 1996, Slovenia formed (by government resolution) an Intersectoral Committee on the Management of Dangerous Chemicals. Two types of membership were identified: full membership for, among others, 10 ministries responsible for dangerous chemicals; and associate membership for sectors such as NGOs and labour unions. The chair of the committee rotates from meeting to meeting. The principal goal of the committee is the better protection of health and the environment from the negative effects of chemicals - i.e. improved chemical safety.

Numerous subcommittees were also set up which addressed a wide variety of chemicals-related issues, including, inter alia, implementation of the Chemical Weapons Convention, hazardous waste, chemicals accidents and good laboratory practices. As the committee's work progressed, it became more apparent that close co-operation between sectors on chemicals issues was necessary in order to promote integrated chemicals management.

Argentina's National Coordinating Team

In May 1997, the national coordinating team was established. Its mandate was to oversee the work of Technical Task Forces, who were in charge of different aspects of the implementation of a National Action Programme for the Sound Management of Chemicals.

It included the following actors: the Ministries of Health (lead agency), Economy, Labour, Foreign Affairs and Internatl Affairs as well as the Secratry of Natural Resources and Sustainable Development from inside the government. As for the non-governmental stakeholders, workers unions were represented by the General Workers Union, the Chemical and Petrochemicals Workers Union and National Federation, the Rural Workers Union and the Energy Workers Union. The Argentine Industrial Union, the Argentine Chamber for Rural Sanity the Chamber of the National Industry of Agrochemicals represented the Industry. Consumers in Action and and Greenpeace as well as the Argentine Toxicological Association and University of Buenos Aires also partook in the Team.

Senegal's National Commission for the Sound Management of Chemicals

This commission was set up by a ministerial decree of the Ministry for Youth, Environment and Public Health. The decree lists the members of the commission, outlines its organisational division (secretariat, president and vice-presidents) and designates the roles of each organ and of the commission itself. It also details the decision-making process and the regularity of the meetings.

3. SUGGESTED PROCESS FOR DEVELOPMENT OF A CHARTER FOR INTERMINISTERIAL COORDINATION

As discussed above, the suggested *goal* of this activity is the completion of a Charter addressing interministerial coordination. Following the suggested planning process below can assist countries in reaching this goal.

In case of the implementation of an integrated national programme for the sound management of chemicals, a Task Force, which reports to the Project Committee, should be formed to undertake this work, as outlined in the *Implementation Manual for Project Countries*. The Task Force should meet early in the process and develop its own Terms of Reference, workplan and budget.

When the establishment of an interministerial coordinating mechanism does not take place in the context of the implementation of an integrated national programme for the sound management of chemicals, thus in the absence of a project committee, one central body (ministry or agency) with responsibilities in chemicals management should take the lead in the establishment of the Task Force. In order to find out who should participate in the Task Force, the lead agency has to identify partners inside the government. For this end, the list

above indicating the government bodies likely to be involved in the management of chemicals might be useful. The lead agency should also consider involving stakeholders outside of government. However, the Task Force should be operational, in other words, the inclusion of too many members might delay the process of preparing the Charter for interministerial coordination. The capacity of the Task Force to work as a team may also be a marker of the commitment to coordinate at the government level.

3.1 Developing Draft Terms of Reference, Workplan and Budget for the Task Force

Terms of Reference should comprise brief, but sufficiently descriptive operational details on various administrative and organisational issues. Such issues include: the participants of the Task Force, how the Task Force will work together and how decisions will be made. A workplan sets out the details for the development of the coordinating mechanism, such as milestones, sequence of events and timelines as well as expected outputs. The budget should provide a detailed estimate concerning the cost of various components of the workplan for which resources are needed.

Developing draft Terms of Reference, workplan and budget will help further define the contents of the coordinating mechanism (the Charter) and help ensure that each member is in agreement concerning important administrative and organisational details relevant to the development of the Charter. In considering such administrative and organisational issues, key decisions will need to be made on relevant:

- Expected outcomes
- Resources required
- Sequence of events
- Responsibilities; and
- Monitoring procedures

Further guidance related to the development of Terms of Reference, workplan and budget can be found in “*Developing and Sustaining an Integrated National programme for the Sound management of Chemicals.*”

Once the Task Force is set up and ready to commence the preparation of the Charter, the principles of sound planning, outlined in detail in other UNITAR guidance materials, should be followed in developing the Charter. A situation analysis can be the first step, followed by an examination and endorsement of the suggested goal – the Charter. Next steps that can assist with planning include: considering the role of the mechanism for information exchange; considering options regarding its status; identifying resource requirements; and ensuring support from decision-makers. All of these steps can assist in determining the *content* of a draft Charter, as outlined in the box below:

The Goal: A Charter for Interministerial Coordination

The goal of this activity is to develop a Charter for interministerial coordination that sets the path for how ministries can work together on chemicals issues in a coordinated way. A Charter or declaration can be a useful tool to assist in formalising such TOR. Possible components of such a tool can include:

- a *preamble* that sets forth the purpose and goal of coordination and co-operation for chemicals management, and outlines a broader term vision (e.g. the protection of human health and the environment in the context of sustainable development) that all participants agree to;
- a list of *member ministries/agencies*, and other participants who have agreed to participate (degree of participation can vary amongst participants);
- the *role* of the group – regarding how it will address chemicals-related issues (e.g. to what degree can the members work together to add value to each other's chemicals-related priorities and other activities, and possible joint activities?);
- a list of *commitments* each member/participant makes as a condition of taking part (e.g. to share relevant information on activities; to share it in a timely manner; to offer opinions and feedback on other ministries' initiatives where needed; to explore ways and means to work together jointly on specific projects; to explore how to increase efficiency by pooling resources);
- an outline of *how decisions are made* (e.g. What decisions can the group make? Is it advisory in nature only?); and
- *endorsements* of the process – in order to maximise the strength of the document, a concluding section containing the signatures of high-level officials (including the Head of State if possible).

3.2 The Situation Analysis: Key Issues to Consider for Strengthening Interministerial Coordination

The Situation Analysis provides an understanding of what chemicals-related activities are planned and/or underway in the country, how decisions are made, and what structures exist that oversee or provide input into chemicals management. Based on the situation analysis, it should be possible to identify the problems, causes and contributing factors that pose challenges that should be addressed through the elaboration of the Charter. A recent National Profile can be of great assistance in this regard. In particular:

- *Chapters 4 and 5* of the National Profile will provide information on the key ministries/agencies in the field of chemicals management, their respective legislative mandates, the types of activities they undertake, etc.;
- *Chapter 7* contains information on existing coordinating mechanisms; and
- *Chapter 10* includes a list of all international focal points for chemicals management.

The following suggested guidance questions can greatly assist in determining the details of the situation analysis:

Characteristics of ministries/agencies

- What ministries/agencies are involved in the field of chemicals management, and what are their respective roles?
- What are the respective chemicals-related priorities of each ministry/agency, and the underlying reasons for each?
- What are the existing legal mandates and comparative strengths of the various ministries/agencies?
- Do activities of one ministry/agency have an impact on the activities of another?
- What activities are coordinated or carried out jointly between ministries?
- Does any committee or ministry currently play a leadership role in the field of chemicals management?
- How are national decisions in the field of chemicals management presently being made?

Communication

- What coordinating mechanisms, if any, currently exist?
- What methods of communication are used for each?
- What are the respective mandates of the existing mechanisms and are they effective? (for example, information exchange, consultations, co-decision)
- What, if any, ministries agencies/mechanisms have competing or conflicting mandates? If so, how are the conflicts solved?
- How does each existing mechanism make decisions? Can lessons be learned from those bodies?
- Are there models of non-chemicals-related coordinating mechanisms from which lessons can be learned?
- Is there a precedent for formalising a similar body through legislation, high-level decree or other type of order within the country?

Areas of opportunity

- What problems arise due to insufficient coordination?
- Are lack of resources a barrier to proper coordination, and, if so, how?
- What decisions or other actions are currently *not* taking place? Are these due to a lack of an effective forum or mechanism?
- What aspects of national chemicals management would benefit from increased collaboration and information exchange?
- Would increased knowledge about chemicals activities outside of government (e.g. related to the NGO community or industry) benefit interministerial activities?

3.3 Considering the *Role* of the Coordinating Mechanism for Information Exchange

Based on this information, a next step would be to determine the specific role of the coordinating mechanism group regarding interministerial coordination.

- What types of substantive issues should the interministerial coordinating mechanism address?
- What specific activities should it implement or oversee?
- Will there be certain topics when coordination is obligatory?
- In these cases, should there be any consequences if the body responsible for initiating the coordination fails to do so?
- Should it serve primarily as an information exchange network? As an advisory body? What effect the decisions should have on members of the mechanism (legally binding, “moral obligation”, advisory in nature)?
- Should it have the power to make certain types of decisions? If so, what types?
- Will the coordinating mechanism or committee be responsible for coordinating implementation of international agreements?

3.4 Considering Options for the *Status* of the Coordinating Mechanism

Taking into account the existing situation and stated objectives, the Task Force, as a next step, might identify some possible options for the proposed interministerial coordinating mechanism. Additional items that can assist with determining which options the Task Force and decision-makers might wish to consider include:

- Will the coordinating mechanism be a permanent committee?
- Should it have regular meetings or should it be convened according to need? In the latter case who and how could convene it?
- Will it be a network among existing committees and lead ministries?
- Will it be headed by a lead ministry or will it be decentralised in nature with a rotating chair?
- What functions will the mechanism perform and what will be its responsibilities?
- How formal (or informal) should the mechanism be?
- Should stakeholders outside government be invited to join? If so, which and under what status?

3.5 Identifying Resource Requirements

The Task Force will also need to consider resource requirements including infrastructure, human resources and funding implications. Key questions include:

- What funding and other resources will be needed for each of the various proposed options to operate effectively?
- What entity might provide the secretariat?
- Where might such resources be obtained?
- What type of communication network and/or vehicle for information exchange will be needed for effective communication?

4. ENSURING SUPPORT FROM DECISION-MAKERS

The next and final step in the process is to present the deliberations of the Task Force to the appropriate decision-makers for consideration and potential adoption/implementation. A brief paper can be prepared and circulated outlining the findings and recommendations of the Task Force, including a draft of the Charter for the proposed coordinating mechanism. Important questions include:

- What are the views of all concerned ministries and other key actors?
- Which of the options are most likely to receive broad support?
- What are the preferred options?

Once these issues have been satisfactorily addressed and reflected in the Charter accordingly, it can be formally endorsed by decision-makers. A high-profile signing ceremony or other awareness-raising event can be an appropriate way to commence this activity.

Case Study – Charter on Interministerial Coordination for the Sound Management of Chemicals (Senegal)

Besides the Ministerial decree on the National Commission for the Sound Management of Chemicals outlined on page 6, Senegal prepared a Charter on Interministerial Coordination which covers the following points:

Preamble: the necessity and the objective of the establishment of a coordinating mechanism

Mandate of the Interministerial Coordination Mechanism

Members from inside and outside of government

Role of each government participant in the coordination

Organisation (members, secretariat)

Operational questions (frequency of meetings, means of convocation)

Financial considerations (sources)

The coordinating mechanism is a smaller group than the National Commission for the Sound Management of Chemicals, it includes only 10 members.

5. AVAILABLE UNITAR GUIDANCE MATERIAL IN THE FIELD OF INTERMINISTERIAL COORDINATION

Preparing a National Profile to Assess the National Infrastructure for the Sound Management of Chemicals, Guidance Document, UNITAR

Developing and Sustaining an Integrated National programme for the Sound Management of Chemicals, Guidance Document, UNITAR, Working Draft, 2001

Developing and Sustaining an Integrated National programme for the Sound Management of Chemicals, Implementation Manual, 2001-2002

Key Elements of a National Programme for Chemicals Management, IOMC UNITAR; IPCS, 1998



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