

**TOWARDS INTEGRATED NATIONAL IMPLEMENTATION OF
INTERNATIONAL OBLIGATIONS IN RESPECT OF CHEMICALS
MANAGEMENT: AN INDUSTRY PERSPECTIVE ON SYNERGIES FOR
CAPACITY BUILDING UNDER INTERNATIONAL AGREEMENTS
ADDRESSING CHEMICALS**

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INTRODUCTION

The development of a Strategic Approach to International Chemicals Management provides a unique opportunity for national, regional and international agencies involved in the management of chemicals to consider ways in which much needed streamlining can become a reality.

As reflected in the report of SAICM PrepCom 1, the President of PrepCom suggested that future discussion on greater co-ordination of chemical management could be organised under the following headings:

“Cooperation, co-ordination coherence and synergies at the national level;
Coherent approach to international co-operation in chemicals
related areas
Strategic approach to chemicals management at the national level

Cooperation, co-ordination coherence and synergies at the regional level;
Regional centres and networks
Regional co-ordination

Cooperation, co-ordination coherence and synergies at the international
level;

Multilateral environmental agreements
UN agencies and other intergovernmental organisations
Voluntary initiatives (eg GHS)
International trade aspects”

The chemical industry in South Africa is in the process of developing a strategy to increase the competitiveness of the chemical industry, in partnership with government and labour. Sound management of chemicals, including national demonstration of the capacity to successfully fulfil international obligations is seen by the industry as an integral part of competitiveness.

¹ Unable to personally attend.

Although most aspects of the lifecycle of chemicals are covered by legislation, enforcement remains a challenge and lack of co-ordination amongst the various legal instruments makes compliance more difficult. In addition many international obligations are not incorporated into national legislation.

It is therefore intended to attempt to reach agreement through the strategy development process on mechanisms to improve co-ordination and to exploit synergies amongst existing national instruments.

Some of the concepts, which are being explored as part of this process, are presented below as an input to the workshop.

INTERNATIONAL ENVIRONMENT

Recent global developments on the sound management of chemicals indicate a strong shift towards an integrated approach to chemicals management. The recent first Preparatory Meeting for the Development of a Strategic Approach to International Chemicals Management has identified the following broad areas for specific attention.

- Integration of chemical management with sustainable development
- Harmonisation of classification of chemicals and hazard communication
- Implementation of international obligations in an integrated way
- Exploring mechanisms to deal with chemicals and issues of concern
- Increasing the capacity of developing countries to manage chemicals safely

This workshop provides a unique opportunity to prepare a useful input into the capacity building element of SAICM.

NATIONAL ENVIRONMENT

The international Responsible Care initiative is the global industry's commitment to continuous improvement in safety, health and environmental performance. The South Africa chemical industry recognizes that although the implementation of this initiative in South Africa has contributed to the improvement of chemical industry performance in this area, much still remains to be done. Investment in the chemical industry is not constrained by sound environmental regulation that is timeously and consistently applied, but inconsistent approaches, lack of a clear framework of requirements contribute to a range of investment disincentives. A comprehensive holistic approach to chemicals management would improve the investment environment.

The development of specific strategies in chemical management, which would promote a more integrated national approach to chemical management while at the same time ensuring integrated national implementation of international obligations are being explored.

SCOPE

This paper covers in broad terms the following multilateral agreements and a number of international initiatives to which South Africa has made commitments.

Multilateral agreements

Chemical Weapons Convention
Prevention of International Trade in Illicit Narcotics
Montreal Protocol
Rotterdam Convention
Stockholm Convention

International initiatives

Bahia Plan of action endorsed at WSSD
ILO Conventions on safe use of chemicals
FAO International Code of Conduct on the Distribution and Use of Pesticides
Globally Harmonised System of Classification and Labelling of Chemicals

BROAD OVERVIEW OF OBLIGATIONS

A broad overview of the obligations imposed by the commitments referred to above is set out in Table 1. Implementation of the obligations in Table 1 have been used to present some ideas on possible approaches to greater coherence and how international capacity building could support this effort.

Table 1: Overview of international obligations in chemicals management

Instrument/ initiative	Obligations/ commitments	Potential synergies
Implementation of the GHS	Classification of chemicals in terms of hazard Communication of hazard to users Participation in international deliberations	Classification and labelling required for implementation of all mechanisms regulating chemicals Ensure common national positions at international fora
Chemical Weapons	Regulation of production, use, import, export Participation in international deliberations	Reporting to Secretariat Import/export control Ensure common national positions at international fora
Prevention of trade in Illicit drugs	Import/export control Participation in international deliberations	Import/export control Ensure common national positions at international fora
Montreal Protocol	Regulation of production, use, import, export Participation in international deliberations	Reporting to Secretariat Import/export control Ensure common national positions at international fora
Basle Convention	Import export control Participation in international deliberations	Reporting to Secretariat Import/export control Ensure common national positions at international fora
Rotterdam Convention	Regulation of use, import, export Participation in international deliberations	Reporting to Secretariat Import/export control Ensure common national positions at international fora
Stockholm Convention	Regulation of production, use, import, export	Reporting to Secretariat Import/export control

	Participation in international deliberations	Ensure common national positions at international fora
Intergovernmental Forum on Chemical Safety (Bahia Action Plan)	Participation in international deliberations	Ensure common national positions at international fora
Preparation of a Comprehensive National chemicals Management Profile	Prepare and publish profile	Can be used as basis of co-ordinated approach
Development of National Policies, priorities, strategies and action plans for the sound management of chemicals	Ensure that all aspects of chemical management are incorporated in relevant national policies and strategies	Synergies amongst strategies can be identified
Establishment of an interministerial/intersectorial coordinating mechanism		Develop an integrated approach to promotion of the chemical industry and industries that use chemicals
Ratification of the ILO Convention 170 on Safety in the use of chemicals at work.	Incorporate in national legislation	Link to Occupational Health and Safety legislation and Process Safety measures
Establishment of operational arrangements for the exchange of information on hazardous chemicals		Important support element for implementation of the GHS
Establishment of Websites where national partners can gain access to chemical information sources		Important support element for implementation of the GHS and capacity building
Establishment of institutional directory listing sources of information.		Link to industrial strategy and capacity building
Implement procedures to ensure that any hazardous material put		Part of implementation of the GHS

into circulation is accompanied by appropriate and reliable safety information;		
Preparation of pest management strategies		Link to agricultural development strategies
Preparation and implementation of an action plan for disposal of obsolete stocks of pesticides and other chemicals		Link to agricultural development strategies
Implementation of a national system for Emergency preparedness and response:		Link to Occupational Health and Safety legislation and Process Safety measures
Ratification and implementation of ILO Convention 174 on Prevention of Major Industrial accidents;		Link to Occupational Health and Safety legislation and Process Safety measures
Establishment or strengthening of poison centres;		Important support infrastructure for implementation of the GHS
Establishment of a pollutant release and transfer register (PRTR);		Link to national environmental legislation
Development of a national strategy for the prevention of illegal traffic in toxic and dangerous products		Integral part of chemical management strategy. Link to national import/export control
Undertake hazard assessments of hazardous chemicals		Part of implementation of the GHS
Implementation of INFOCAP		Integral to capacity building Link to national skills

		development strategies
UN Transport regulations	Incorporate in national legislation	Harmonise with GHS
Strategic Approach to International Chemicals Management		Exploit opportunity to exploit synergies

POSSIBLE APPROACHES

The development of coherent approaches at national, regional and international levels is dependant on the adoption of a mutually reinforcing approach at all levels. Capacity building efforts have the potential to support such an approach. Some examples of how this could be achieved are discussed below to illustrate the point.

Sound management of chemicals as competitiveness factor

The sound management of chemicals involves ensuring that chemicals are produced, used, disposed of and transported safely. Increasingly customers of chemical suppliers are demanding, inter alia, of them to provide sound information on the hazards, to ensure that production processes do not have a significant adverse effect on the environment or on human health, to ensure that chemicals are transported safely by all modes of transport.

These demands by customers along the chemical value chain can have a significant impact on the competitiveness of a chemical supplier and are therefore increasingly being recognised by the chemical industry as an important factor in the continued competitiveness of the industry. This is particularly relevant in emerging markets where traditionally legislative controls may not meet international norms.

Mainstreaming the sound management of chemicals into chemical industry economic and investment strategies is therefore a powerful instrument at national level to promote improved performance in this area. Industry also automatically seeks to streamline compliance with requirements and makes a useful partner for governments in this regard.

Capacity building efforts in economic, social and environmental initiatives should support integration of chemical management elements with economic and social objectives.

Impact of national coherence on regional and international coherence

Fragmentation of national approaches to regional and international instruments results in different ministries engaging at regional and international level without necessarily consulting with other relevant national ministries. An example of this is the almost complete absence of participation by economic ministries in the development of multilateral instruments like Rotterdam and Montreal, both of which contain significant import/ export control provisions.

As import and export control is generally handled by economic ministries, they are the best able to develop national systems that could accommodate the import/ export control requirements of all international chemical instruments.

The lack of national coherence then becomes reflected in the international instrument. Likewise the economic ministries do not necessarily reflect the

difficulties that may be experienced in implementing the import/export control provisions in multilateral environmental agreements in their inputs to institutions like the World Customs Organization.

Conversely the international secretariats responsible for the multilateral environmental instruments should seek greater coherence between themselves and their more economically and socially focussed international counterparts like the World Customs Organisation.

Exploitation of synergies

The potential synergies amongst multilateral agreements in respect of import/export control are clear. There is also the possibility of more streamlined reporting mechanisms. There is no doubt that a more coherent approach to reporting would not only allow a more informed identification of capacity building needs at an international level but would also promote national coherence and co-ordination.

The potential synergies amongst various elements of the Bahia Declaration and implementation of the GHS are also clear. National implementation strategies should take this into account and international capacity building initiatives should support national efforts to exploit such synergies.

Role of international support for capacity building

International capacity building support can play a major role in supporting national coherence if support is provided in a co-ordinated and holistic way. The mandates of international agencies are generally quite specific and often do not take national institutional arrangements into account. For example implementation of the African Stockpile project for elimination of obsolete pesticides should not be supported unless all relevant national ministries are clearly involved.

Support for Cleaner Production Centres can promote the development of a coherent approach to the sound management of chemicals. Sound management of chemicals is an integral part of cleaner production in any industry where chemicals are produced or used. UNIDO support for national cleaner production centres provides an opportunity to integrate sound management of chemicals and more competitive industrial development.

Another important element of capacity building is the need for integration with national skills development strategies. South Africa for example has a comprehensive national skills development strategy; the chemical industry supports the Chemical Industry Education and Training Authority established by Skills Development legislation. Yet there is currently no link between this strategy and international capacity building efforts.

Implementation of a building block approach

Consideration of the value chain of chemical production and use, it is clear that there are a number of discrete yet interlinked elements required to achieve the sound management of chemicals across the value chain. For example the development of sound occupational health and safety strategies, which will promote the protection of worker health and safety and protection of the public from industrial accidents at chemical plants is a discrete block which could be supported as a priority separately from other building blocks in national chemical management system, like safe transportation of chemicals, environmental performance of chemical plants.

For example, implementation of the GHS in the workplace will be almost impossible in the absence of a sound occupational health and safety system. Capacity building efforts should take this into account.

CONCLUSIONS

This paper is intended to provide some thoughts to participants in the workshop with a view to the workshop preparing a sound input on how capacity building can support improved co-ordination and coherence to PrepCom 2.