

**SADC Regional GHS Assessment Report:
Towards Implementation of the GHS
in the SADC Region**

DRAFT

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SADC Regional GHS Assessment Report: Towards Implementation of the GHS in the SADC Region

EXECUTIVE SUMMARY

Background and Context

The United Nations Institute for Training and Research (UNITAR) arranged a *Sub-Regional Workshop on Chemical Hazard Communication and Globally Harmonised System of Classification and Labelling of Chemicals (GHS) Implementation for Countries of the Southern African Development Community (SADC) Region* in Livingstone, Zambia, from 1 to 4 September 2003, to stimulate the co-ordinated implementation of the GHS in the SADC region. It was the first in a series of regional and sub-regional GHS awareness raising workshops, co-ordinated and supported through the UNITAR / International Labour Organisation (ILO) GHS Capacity Building Programme. The event brought together over forty representatives from SADC governments, industry and labour organisations, international organisations and GHS resource persons. The workshop was supported by UNITAR, with resources provided by the Governments of Switzerland and The Netherlands, GTZ, the Intergovernmental Forum on Chemical Safety (IFCS) and the International Council of Chemical Associations (ICCA).

This first report has been prepared for the SADC region taking into consideration the restructuring of the SADC institutions through the Regional Indicative Strategic Development Plan (approved in August 2003) and the outcomes of the Livingstone Regional GHS Workshop. It proposes an approach and a framework strategy and roadmap for the implementation of the GHS in the SADC Region. If adopted, it will set a platform for regional co-operation and reaping the benefits of implementing the GHS Strategy in SADC.

Regional Institutions, Structures, Initiatives and Mechanisms

The report reviews current roles and functions of key regional institutions and structures, including: the Southern African Development Community (SADC); the African Union (AU); African Ministerial Conference on Environment (AMCEN); the New Partnership for Africa's Development (NEPAD); the Common Market for Eastern and Southern Africa (COMESA); and the Southern Africa Customs Union (SACU). It reviews relevant work undertaken in the SADC region, i.e. pilot studies in Zambia and South Africa; the National Chemicals Profiles (prepared for Angola, Lesotho, Malawi, Tanzania, South Africa and Zambia); and the SADC Code on Safe Use of Chemicals. It identifies regional legal and institutional mechanisms, i.e. the Regional Indicative Strategic Development Plan (RISDP), the SADC Treaty; the SADC Protocol on Transport, Communications and Meteorology, and the SADC Protocol on Trade. Institutional mechanisms used in the region include: the SADC Tribunal, Secretariat and Policy and Strategy for Environment and Sustainable Development. Regional Industry, Labour and Consumer structures and initiatives are reviewed, including RISDP and SEARCH. A brief review is presented of institutions and activities relevant to sectoral implementation of the GHS, as well as SADC initiatives in the agriculture, industry, transport and consumer sectors.

National Situation in SADC Countries

An overview of the national situation regarding chemical hazard management and more specifically the classification and labelling of chemicals in the fourteen SADC Member States is presented. The overview is structured on a sectoral basis dealing with each of the four target sectors, i.e. agriculture, industry, transport and the consumer sector.

GHS Capacity Assessment and Needs at Regional Level

Based on national situation of SADC Member States, a GHS capacity assessment as well as a needs analysis at the regional level is presented. The assessment addresses the benefits of a regional GHS, existing institutions and structures, the legal and regulatory situation, as well as making a sectoral assessment and identifying sectoral needs, with a focus on awareness-raising, technical capacity and training needs.

Regional Implementation Strategy

The participants at the SADC Regional Livingstone Workshop agreed that there would be significant benefits associated with the regional implementation of the GHS and reaffirmed their country's commitment to implementation of the GHS by the target date of 2008. In fact the participants recommended setting an earlier target for SADC of 2007. A framework for a regional GHS Implementation strategy is presented.

Elements of the proposed strategy include: Commitments to GHS Implementation; Challenges to GHS implementation on a sectoral basis; Key activities envisaged, such as awareness-raising, coordination, harmonisation of program activities and legal instruments, and sourcing resources; The role of regional institutions such as the SADC Secretariat, NEPAD and the AU; The role of regional Initiatives such as RISDP and SEARCH; The role of national governments; The role stakeholders and major groups; Possible Contributions of Relevant International Institutions; Principles for GHS Implementation; and Proposed timeframes.

The Way Forward

This report has developed a platform for the development of a SADC Regional GHS policy, strategy and implementation action plan. Based on the Lusaka workshop's tentative proposal for the implementation of a regional approach to the implementation of the GHS, the following roadmap is proposed:

- (i) SADC countries, with the assistance of UNITAR, develop a project proposal during the second half of 2004 for consideration by the SADC on the regional implementation of the GHS.
- (ii) UNITAR is to engage the SADC Secretariat on a mechanism to develop a regional approach to GHS implementation.
- (iii) The SADC implementation proposal agreed by the Member State representatives is submitted for Ministerial approval at earliest relevant meeting of the Council of Ministers;
- (iv) South Africa and SADC work together to broaden the current South African initiative to develop a national GHS standard to the develop a regional technical standard for implementation of the GHS in the whole SADC region, with all Member States participating in the standard setting process to ensure that their interests are dealt with satisfactorily. SADCSTAN is to coordinate the development of the regional technical standard on behalf of SADC.
- (v) A phased approach to implementation of the GHS will be pursued, i.e. elements which can proceed faster than others will be implemented when possible, and will not be delayed by elements which may take longer to implement.
- (vi) Member States will jointly identify regional priority issues and then assign regional and national responsibilities. Based on the prioritized issues Member States will then select (say) three broad actions which each Member State should take forward in their country.

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ABBREVIATIONS

AU	African Union
AMCEN	African Ministerial Conference on Environment
ASEAN	Association of South East Asian Nations
CARICOM	Caribbean Community and Common Market
COMESA	Common Market for Eastern and Southern Africa
DRC	Democratic Republic of Congo
EIA	Environmental Impact Assessment
EPPCA	Zambian Environmental Protection and Pollution Control Act
ECZ	Environmental Council of Zambia
FAO	Food and Agriculture Organisation of the United Nations
FANR	SADC Directorate for Food, Agriculture and Natural Resources
GHS	Globally Harmonised System for Classification and Labelling of Chemicals
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit – German Technical Cooperation
ICCA	International Council of Chemical Associations
ICM	Integrated Committee of Ministers
IFCS	Inter-governmental Forum on Chemical Safety
ILO	International Labour Organisation
IOMC	Inter-Organisation Programme for the Sound Management of Chemicals
IPCS	International Program on Chemical Safety
IRPTC	International Register for Potentially Toxic Chemicals
IS	SADC Directorate for Infrastructure and Services
MACO	Zambian Ministry of Agriculture and Cooperatives
MERCOSUR	Mercado del Sur (Trade of South American Countries)
MIND	Angolan Ministry of Industry
MINADER	Angolan Ministry of Agriculture and Rural Development
MSDS	Material Safety Data Sheets
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
OAU	Organisation for African Unity
PCB	Poly-Chlorinated Biphenol
PIC	Prior Informed Consent
POP	Persistent Organic Pollutant
PRTR	Pollutant Release and Transfer Register
REC	Regional Economic Community

RISDP	Regional Indicative Strategic Development Plan
SACU	Southern Africa Customs Union
SADC	Southern Africa Development Community
SADC-ELMS	Southern Africa Development Community - Environment and Land Management Coordination Sector
SCEGHS	Sub-Committee of Experts on GHS
SDS	Safety Data Sheets
SEARCH	Southern and East Africa Regulatory Committee for Harmonisation of Pesticide Registrations
SHDSP	SADC Directorate for Social and Human Development and Special Programmes
SMME	Small, Medium and Micro Enterprise
TIFI	SADC Directorate for Trade, Industry, Finance and Investment
TPRI	Tanzanian Tropical Pesticides Research Institute
UN	United Nations
UN ECOSOC	United Nations Economic and Social Council
UNEP	United Nations Environment Programs
UNIDO	United Nations Industrial Development Organisation
UNITAR	United Nations Institute for Training and Research
UN SCEGHS	United Nations Sub-committee of Experts on the GHS
UN SCETDG	United Nations Sub-committee of Experts on the Transport of Dangerous Goods
US	United States
WHO	World Health Organisation
WSSD	World Summit on Sustainable Development

SADC REGIONAL GHS ASSESSMENT REPORT: TOWARDS IMPLEMENTATION OF THE GHS IN THE SADC REGION

1 BACKGROUND AND CONTEXT

The United Nations Institute for Training and Research (UNITAR) arranged the *Sub-Regional Workshop on Chemical Hazard Communication and Globally Harmonised System of Classification and Labelling of Chemicals (GHS) Implementation for Countries of the Southern African Development Community (SADC) Region* in Livingstone, Zambia, from 1 to 4 September 2003, to stimulate the co-ordinated implementation of the GHS in the SADC region. It was the first in a series of regional and sub-regional GHS awareness raising workshops, co-ordinated and supported through the UNITAR / International Labour Organisation (ILO) GHS Capacity Building Programme. The event brought together over forty representatives from SADC governments, industry and labour organisations, international organisations and GHS resource persons. The workshop was supported by UNITAR, with resources provided by the Governments of Switzerland and The Netherlands, GTZ, the Intergovernmental Forum on Chemical Safety (IFCS) and the International Council of Chemical Associations (ICCA).

During the workshop, participants exchanged GHS-related country experiences, examined existing regional structures relevant to GHS implementation (e.g. SADC Chemicals Code and the New Partnership for Africa's Development (NEPAD) GHS Initiative), discussed challenges and opportunities regarding GHS implementation at the regional and national levels, and developed practical recommendations for GHS development and implementation for industrial chemicals, agricultural chemicals, chemicals in transport, and consumer product chemicals. The workshop concluded that implementation of the GHS at the regional level and in SADC member countries would be of significant benefit for the region, both from an economic as well as an environmental and health protection perspective.

One of the key outcomes of the workshop was a commitment to initiate the development of a SADC regional strategy with the goal to ensure SADC-wide harmonization of GHS implementation by 2007. One of the main activities proposed to assist achieving this goal was *the compilation of a Regional GHS Assessment and Implementation Report* during 2003. This report is the outcome of that undertaking.

In order to further set the context for the Report, this section briefly deals with the following aspects:

- an introduction to the GHS;
- purpose of the report;
- methodology followed in compiling the report; and
- regional and country specific background information relevant to the GHS.

1.1 Introduction to GHS

An important aspect of protecting human health and the environment from potentially hazardous chemicals is the development of national systems which ensure that chemicals are properly classified and labelled and that safety data sheets are made available, in particular at the workplace. These communication tools provide workers, consumers and the public with important information about the hazards of chemicals (hazard communication) and thus assist in instilling precautionary protective behaviour, where messages are comprehensible and accompanied by appropriate supporting measures.

The GHS provides a comprehensive and universal tool for chemical classification and hazard communication, *inter alia* through labels and Safety Data Sheets (SDSs). The GHS is an internationally-agreed mechanism for chemical classification and hazard communication. Worldwide countries have shown an interest in developing national action plans for implementing the GHS and to build capacity for effective chemical hazard communication. Responsibility for the maintenance, updating and promotion of the system, adopted in July 2003, now rests with the United Nations Economic and Social Council's (UN ECOSOC) Sub-Committee of Experts on the GHS (SCEGHS).

Countries can draw upon to the GHS to develop national chemical hazard communication systems. Additionally, implementation of the GHS may require strengthening, updating or establishing appropriate national legislation. Enforcement is facilitated if such legislation is compatible with other international instruments, such as the ILO Chemicals Convention 170 and the Rotterdam Convention. Global implementation of the non-binding GHS will be undertaken through a strategic yet flexible approach in Member States, through collaboration between government and other interested and affected parties. The GHS therefore represents an important step in harmonizing national chemical hazard classification and communication systems worldwide and has a significant potential to improve chemical safety across all relevant sectors.

Specifically, the GHS is expected to:

- Enhance the protection of people and the environment by providing an internationally comprehensive system for chemical hazard communication;
- Provide a recognised framework for those countries without an existing system;
- Reduce the need for duplicative testing and evaluation of chemicals; and
- Facilitate international trade in chemicals whose hazards have been properly assessed and identified on an international basis.

According to the report of the IFCS Forum III meeting held in October 2000 in Brazil, the GHS will become a practical and coherent global standard for chemical hazard classification and communication at the workplace, for those involved in work-related activities, for the transportation system and for consumers. Forum III specifically recommended that "all countries subject to their capacities and capabilities, should take account of the development of the GHS in any proposed changes to existing systems for classification and labelling, and in the implementation and enforcement of their chemicals legislation". The IFCS also recommended that guidance and other tools necessary for the implementation of the GHS be made available by 2003 and that all countries should implement the GHS as soon as possible with a view to have the system fully operational by 2008, a target endorsed at the 2002 World Summit on Sustainable Development (WSSD) held in Johannesburg, South Africa (WSSD Plan of Implementation, paragraph 23(c), A/CONF.199/20).

This report (The SADC Regional GHS Assessment Report: Towards Implementation of the GHS in the SADC Region) is an initiative to stimulate a coherent regional approach to the implementation at a regional level.

1.2 Purpose of the Report

Countries within regions or sub-regions often share similar needs and approaches towards chemical hazard communication, and examining existing capacities and identified needs among those countries can be an important catalyst for national and regional action to implement the GHS. As part of its efforts to assist countries in developing regional GHS implementation strategies, UNITAR provides support, subject to availability of resources, towards preparing regional GHS assessment and implementation reports.

This first report has been prepared for the SADC region taking into consideration the restructuring of the SADC institutions through the Regional Indicative Strategic Development Plan (approved in August 2003) and the outcomes of the regional GHS workshop, held from 1-4 September 2003 in Livingstone, Zambia. It proposes an approach and specific objectives and activities for the implementation of the GHS in the SADC Region. If adopted, it sets a platform for regional co-operation and reaping the benefits of implementing the GHS Strategy in SADC.

1.3 Summary of Methodology

This report was developed through collaboration between UNITAR and representatives of various SADC governments and a wide range of stakeholders, with technical support from two external consultants. The report has been prepared in accordance with terms of reference drafted by UNITAR, and is based and was guided by the outcomes of the Regional GHS Workshop, held in September 2003 in Livingstone, Zambia. Other key inputs comprised: the questionnaires completed by the workshop participants; National Profiles and GHS Situation Analyses; limited follow-up work; and, the authors first-hand experience with initiatives for the implementation of the GHS in Zambia and South Africa.

A draft report was circulated to all workshop participants and other interested parties for comment and further input. Relevant comments have been incorporated in this final report, as well as influencing its final format and content.

1.4 Regional and Country Specific Background

The SADC comprises fourteen countries, i.e. Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Seychelles, Swaziland, Tanzania, Zambia, and Zimbabwe. The SADC was founded to, *inter alia*:

- Achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of southern Africa;
- Support the socially disadvantaged through regional integration;
- Evolve common political values, systems and institutions;
- Achieve complementarity between national and regional strategies and programmes; and
- Achieve sustainable utilisation of natural resources and effective protection of the environment.

During the review of SADC institutions in 2001 it was agreed that a more explicit common agenda should be articulated taking into account, *inter alia*, the following principles:

- *Subsidiarity*, that all programmes and activities should be undertaken at levels where they can best be handled based on consultations between government and relevant stakeholders. The involvement of institutions, authorities, and agencies outside SADC structures to initiate and implement regional programmes using their own generated resources should be promoted and encouraged.
- *Market Integration*, that all programmes and activities which directly integrate markets should be undertaken to facilitate free movement of factors of production, goods and services as well as the promotion of regional specialisation based on comparative advantages; and
- *Development*, for the facilitation and promotion of trade and investment: that all programmes and activities should facilitate the development and/or promotion on national intra and inter-regional and international trade and investment.

As compliance with the requirements of the GHS will ultimately be the responsibility of chemical manufacturers and suppliers, the structure of the chemical industry in the SADC is useful background. A brief overview of the chemical sector for each of the fourteen SADC Member States is given in Table 1 below.

Table 1: Overview of the Chemical Sector for Each of the SADC Member States

Country	Total Imports (Mil US\$ in 2000)	Total Exports (Mil US\$ in 2000)	Major Products Imported	Major Products Manufactured	Major Exports	Total Production (Mil US\$ in 2000)	Total Market (Mil US\$ in 2000)	Total Market for Chemical Products
Angola	41	160	Liquid fuels and lubricants [37%] Consumer formulated chemicals [18%] Converted plastic products [12%]	Liquid fuels and lubricants [99%]	Liquid fuels and lubricants [99%]	365	246	Liquid fuel products [88%] Plastic products [3%]
Botswana	371	44	Liquid fuels and lubricants [29%] Pharmaceuticals [13%] Converted plastic products [14%]	Commodity inorganic chemicals [33%], Household cleaners and cosmetics [17%] Plastic products [33%]	Inorganic chemicals [56%]	77	404	Liquid fuel products [27%] Consumer formulated products [14%] Plastic products [17%]
DRC	48	0.2	Liquid fuels and lubricants [28%] Consumer formulated chemicals [29%]	Liquid fuels and lubricants [96%]	Commodity organic chemicals [76%]	70	117	Liquid fuel products [69%] Consumer-formulated products [12%]
Lesotho	169	4	Liquid fuels and lubricants [33%] Pure functional and speciality products [26%]	Pharmaceuticals [38%] Plastic products [62%]	Pharmaceuticals [92%]	4	100	Liquid fuels and lubricants [32%] Pure functional and speciality products [25%]

Country	Total Imports (Mil US\$ in 2000)	Total Exports (Mil US\$ in 2000)	Major Products Imported	Major Products Manufactured	Major Exports	Total Production (Mil US\$ in 2000)	Total Market (Mil US\$ in 2000)	Total Market for Chemical Products
Malawi	169	4	Liquid fuels and lubricants [41%] Bulk formulated products [11%]	Consumer formulated products [27%] Plastic products [51%]	Natural rubber [31%]	37	201	Liquid fuel products [34%] Plastic products [12%]
Mauritius	457	19	Liquid fuels and lubricants [49%] Functional / speciality chemicals [12%] Converted plastic products [9%]	Fertilisers [16%], Functional and speciality products such as paints [17%] Household cleaners and cosmetics [27%] Plastic products [30%]	Bulk formulated products such as fertilisers [50%]	138	576	Liquid fuel products [39%] Plastic products [14%]
Mozambique	242	10	Liquid fuels and lubricants [56%] Pure functional & speciality formulated products [13%]	Consumer formulated products [54%] Plastic products [21%]	Liquid fuels and lubricants [87%]	37	269	Liquid fuel products [47%] Pure functional & speciality formulated products [14%]
Namibia	248	22	Liquid fuels and lubricants [37%] Pharmaceuticals [13%]	Pure functional and speciality formulated products [40%] Plastic products [52%]	Liquid fuels and lubricants [40%]	21	247	Liquid fuel products [34%] Pure functional and speciality formulated products [14%]

Country	Total Imports (Mil US\$ in 2000)	Total Exports (Mil US\$ in 2000)	Major Products Imported	Major Products Manufactured	Major Exports	Total Production (Mil US\$ in 2000)	Total Market (Mil US\$ in 2000)	Total Market for Chemical Products
Seychelles	29	-	Consumer formulated products [29%] Plastic products [19%]	Pure functional and speciality formulated products [63%] Plastic products [24%]	-	6	35	Plastic products [28%] Pure functional and speciality formulated products [24%]
South Africa	3,854	3,337	Commodity inorganic chemicals [16.4%] Pure functional and speciality formulated products [20.2%]		Commodity inorganic chemicals [19%] Liquid fuels and lubricants [32.7%]	13,300	13,800	Liquid fuel products [22%], Plastic products [21%] Pharmaceuticals [11%]
Swaziland	255	160	Liquid fuels and lubricants [41%] Consumer formulated products [9%]	Pure functional and speciality formulated products [93%] Plastic products [5%]	Pure functional and speciality formulated products [93%]	160	254	Liquid fuel products [40%] Plastic products [12%]
Tanzania	368	-	liquid fuels and lubricants [37%] and pure functional Speciality formulated products [9%]	Consumer formulated products [48%] Plastic products [30%]	-	177	546	Liquid fuel products [25%] Consumer formulated products [18%]

Country	Total Imports (Mil US\$ in 2000)	Total Exports (Mil US\$ in 2000)	Major Products Imported	Major Products Manufactured	Major Exports	Total Production (Mil US\$ in 2000)	Total Market (Mil US\$ in 2000)	Total Market for Chemical Products
Zambia	242	4	Liquid fuels and lubricants [51%] Pure functional and speciality formulated products [9%]	Liquid fuels and lubricants [77%] Plastic products [11%]	Liquid fuels and lubricants [23%]	163	401	Liquid fuel products [62%] Pure functional and speciality formulated products [6%]
Zimbabwe	731	62	Liquid fuels and lubricants [48%] Pure functional and speciality formulated products [14%]	Consumer formulated products [27%] Bulk formulated products [24%]	Commodity inorganic chemicals [14%] Liquid fuels and lubricants [15%]	680	1,349	Liquid fuel products [27%] Pure functional and speciality formulated products [18%] Consumer formulated products [14%]

2 REGIONAL INSTITUTIONS, STRUCTURES, INITIATIVES AND MECHANISMS

2.1 Key Regional Institutions and Structures

2.1.1 Southern Africa Development Community

The Southern African Development Community (SADC) is one of eight of the African Union's (AU) Regional Economic Communities (RECs). The RECs were created with the goal of economic integration, for sustainable development in a healthy environment. The SADC has 14 Member States namely: Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. A brief description of the various SADC structures and committees is given below (Also see Figure 1).

The current *SADC structure* has evolved from a decentralised sector based coordinating unit to a centralised structure which has contracted the 21 coordinating units and brought them under four Directorates within the Executive Secretary's office based at the SADC Head Office in Gaborone, Botswana.

The *Summit* is the highest political, legal, and policy decision making body of the SADC comprising Heads of States and Governments of Member States. The Summit receives program recommendations from the Council of Ministers to which it can also delegate some of its decision making functions.

The *Council of Ministers* reports to the Summit and comprises Ministers of Foreign Affairs of Member States. It has delegated authority for decision making and is the body that receives and considers recommendations and approves policies, strategies and work programs of the SADC proposed by the technical organs of the SADC including the Integrated Committee of Ministers.

The *Integrated Committee of Ministers* (ICM) comprises at least two Ministers from each Member State, as well as employer and employee representatives, and is responsible to the Council. It ensures policy guidance, coordination and harmonisation of cross-sectoral activities of the Directorates. The ICM has delegated powers of approval to ensure timely decision making processes. The private sector, organised labour unions and civil society have seats on this committee to demonstrate the SADC's policy on tri-partism.

A *Tribunal* ensures adherence to and the proper interpretation of the legally binding provisions of the SADC Treaty and Protocols and adjudicates disputes referred to it.

The *SADC National Committees* are composed of key stakeholders, notably government, the private sector, organised labour, and civil society in Member States. Their main functions are to provide inputs at the national level in the formulation of regional policies, strategies as well as to coordinate and oversee the implementation of SADC programmes at the national level.

The *Standing Committee of Senior Officials* is a technical advisory committee comprising Permanent / Principal Secretaries responsible to the Council. It plays the role of a clearing-house for all documents to be submitted to Council.

The *Secretariat*: The Executive Secretary, appointed by the Council, is the Head of the Secretariat which has four Directorates. The Secretariat develops strategic implementation plans for approval by the Council. The four Directorates are: Social and Human Development and Special Programs (SHDSP); Trade, Industry, Finance and Investment (TIFI); Infrastructure and Services (IS) and Food, Agriculture and Natural Resources (FANR). The Secretariat also implements any Summit or Council decisions such as NEPAD projects.

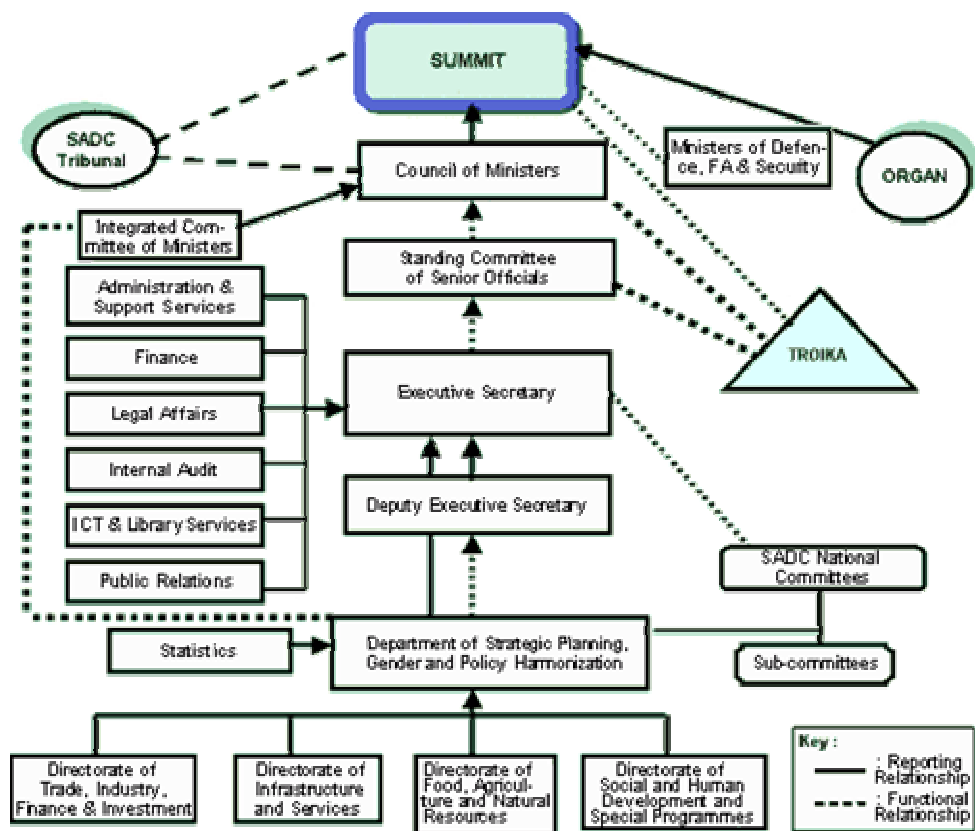


Figure 1: SADC Organogram

The functions of the four directorates of the SADC Secretariat include the following with regards to GHS related activities:

- TIFI Directorate:
 - Facilitate the formulation and implementation of policies and strategies relevant to the attainment of market integration and for sustainable economic growth and development; and
 - Initiate policies to promote industrial development, particularly SMMEs.
- IS Directorate:
 - Development, promotion and harmonization of transport and communications policies;
 - Coordination of development, maintenance and administration of transport, water and energy infrastructure; and
 - Promotion of an enabling environment for investment.
- FANR Directorate:
 - Development, promotion and harmonization of bio-diversity, phyto-sanitary, sanitary crop and animal husbandry policies; and
 - Promotion of trade in agricultural products

- SHDSP Directorate:
 - Development, promotion and harmonization of policies and programmes to ensure sustainable human development;
 - Development, promotion and harmonization of policies and gender development strategies and programmes; and
 - Development, promotion and harmonization of employment policies and labour standards.

2.1.2 African Union

The African Union (AU) was officially launched in Durban, South Africa, on 9 July 2002 to replace the Organisation of African Unity (OAU). Its structure is based loosely on that of the European Union. The AU upholds the sovereign equality and independence of its 53 Member States and aims to promote peace, security and solidarity on the African continent. A brief description of the various AU structures and committees is given below (also see Figure 2).

The *Assembly* comprises Heads of State and Government, and is the supreme policy and decision making body of the Union.

The *Executive Council* operates at Ministerial level and is responsible to the Assembly. It is the body that makes recommendations and proposes programs for approval by the Assembly.

The *Commission* is the AU's Secretariat and is headed by an Executive Chairperson, who has eight Commissioners each responsible for a portfolio. It is the key executive administrative organ of the AU, which plays a central role in the day-to-day management of the AU. It prepares strategic plans and studies for the consideration of the Executive Council; elaborates, promotes, coordinates and harmonises the programmes and policies of the AU with those of the RECs.

The *Permanent Representatives' Committee* is composed of permanent representatives of Member States. The Committee is charged with the responsibility of preparing the work programme of the Executive Council.

There are seven *Specialized Technical Committees* comprising Ministers and Senior Officials reporting to the Executive Council. These Committees supervise the preparation and implementation of programs. The committees include those responsible for: Industry, Science and Technology, Energy, Natural Resources and Environment; Rural Economy and Agricultural Matters; Monetary and Financial Affairs; Trade, Customs and Immigration Matters; Transport, Communications and Tourism; Health, Labour and Social Affairs; and, Education, Culture and Human Resources.

Summary of decision making process in the AU

A project can be presented to the AU for endorsement or approval by any of its recognized bodies including the AMCEN, NEPAD, RECs or one of its own organs through the Executive Council. A decision of the Assembly is implemented through the Commission's different portfolios and the RECs.

Linkages of SADC decision making process to the AU and NEPAD processes

The SADC is one of the AU's recognised RECs whose development projects and strategic plans are fully endorsed by the AU Assembly. For example, an environment related project would be presented to the Committee on Industry, Science and Technology, Energy, Natural Resources and Environment; an occupational health and safety project would be presented to the Committee on Health, Labour and Social Affairs.

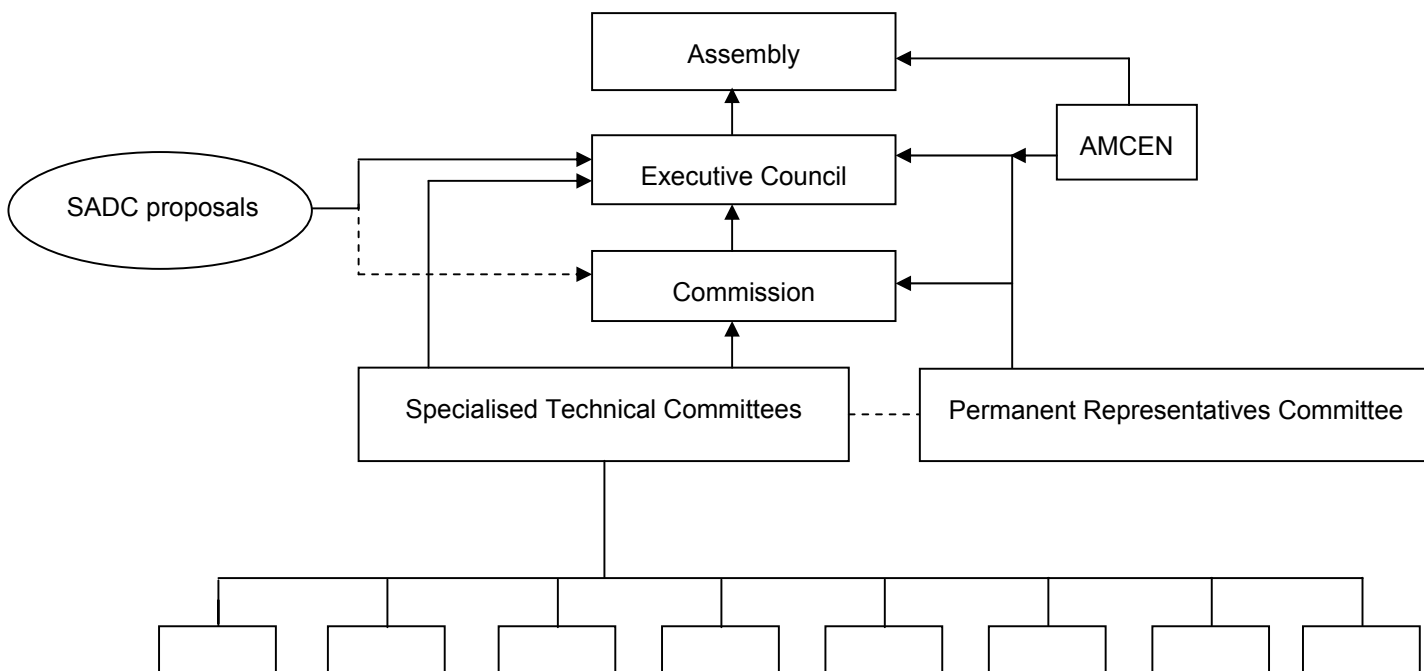


Figure 2: The African Union Organogram and Relationship with AMCEN and SADC/REC
 (Note: The continuous lines and arrows show the reporting and functional relations)

2.1.3 African Ministerial Conference on Environment (AMCEN)

AMCEN as one of the regional decision making bodies of the United Nations Environment Programme (UNEP), which feeds directly into the AU Assembly for project ownership and implementation. The environment programmes such as those under NEPAD are presented to the respective UN body by AMCEN with delegated authority of the AU Assembly.

2.1.4 New Partnership for Africa's Development (NEPAD)

NEPAD is a vision and programme of action for the development of the African Continent adopted by the Assembly of Heads of State and Government. Its implementation is at the Country and RECs level, where these organs and units of the AU are encouraged to mobilize resources to implement the NEPAD projects. NEPAD has a Secretariat whose duty is to facilitate financial mobilization for project implementation at the Country or REC level. The Secretariat reports to a special committee of the AU, the NEPAD Heads of State and Government Implementation Committee.

NEPAD and GHS: the Environmentally Sound Management of Chemicals is identified as one of the areas under the Environment initiative in Chapter 38 of the NEPAD document: *Plan of Action* which proposes about twenty eight issue-thematic-based projects for implementation. The issues for chemicals are identified as:

- *Environmentally Sound Management of Pesticides and Other Toxic Chemicals:* Under this thematic issue, there are nine projects which include all areas covered by Chapter 19 of Agenda 21. Some of the projects include: education and awareness, establishment of poison control centres, institutional capacity building, development of emergency plans, implementation of GHS, preventing illegal traffic, and eliminating stockpiles of obsolete pesticides.
- *Waste Management:* Five projects are proposed covering all waste types and streams, including hazardous waste and stockpiles.

- *Support Infrastructure:* Three projects are proposed and include: needs for environmental information management systems, improve/establish monitoring laboratories; and risk assessment.
- *Sustainable Production and Consumption:* Six different thematic projects, all related to cleaner production, are proposed. These include industrial as well as health and agriculture.
- *Networking and Information Dissemination:* The four proposed projects are for capacity building in view of the nature of and the lack of (or weak) capacities for legislative enforcement, lack of information and the coordination that is required within and among countries regarding information and capacity exchange programs in laboratory, poison control centres and cleaner production centres.

The themes and projects under NEPAD incorporate the SADC's Regional Indicative Strategic Development Plan (RISDP - see section 2.3.1). The NEPAD Environmental Initiative Plan has been fully endorsed by the AU and the Commission, and the RECs have been requested to mobilise funds and implement the projects.

2.1.5 Other Regional Economic Communities within SADC

Common Market for Eastern and Southern Africa (COMESA) is a 21 member country REC set up to increase regional free trade. Some Member States of SADC are also COMESA members. The treaties and protocols under COMESA are strongly pro-trade where harmonization in coding of some goods for trade purposes has been achieved. COMESA has not developed any protocol on the environment but has left individual governments to apply their own domestic laws and only urges Member States to follow where possible internationally accepted standards for safety and quality. Unlike SADC, COMESA does not have the necessary instruments upon which to build a GHS.

Southern Africa Customs Union (SACU): SACU is a sub-regional body within the SADC region, comprising South Africa, Lesotho, Swaziland and Namibia, which has the function of administering the common customs regime of its members.

2.2 Relevant Work Already Undertaken in SADC

2.2.1 Institution of GHS Projects

Zambia and South Africa participated as pilot countries in the UNITAR capacity building project to support the implementation of GHS.

Situation Analysis: In both South Africa and Zambia legislation exists for the four sectors under study, i.e. Agriculture, Industrial production, Transport and the Consumer. South Africa has more demanding legislation compared to Zambia, but suffers from a lack of clear coordination. The required institutional and infrastructural elements exist in both countries, but are more advanced in South Africa. A sector-by-sector Country analysis is presented in Chapter 3.

Comprehensibility Testing Results Across Sectors: Comprehensibility testing of chemical hazard communication has so far been undertaken in Zimbabwe, Zambia and South Africa. The sample sizes for these tests were: 100 (agriculture sector) for Zimbabwe, 355 for Zambia and 400 for South Africa. It was found in Zimbabwe (ILO, 1991) and later in Zambia and South Africa that the level of chemical hazard communication comprehensibility was generally low and varied from sector to sector. There was similarity in the results for the interpretation of some the symbols in all three countries where colour codes, skull and crossbones, and the colour red were generally more correctly identified. Whereas, there was significant lack of understanding of the environment symbols/pictograms, for example in Zambia these were almost completely misinterpreted by all respondents.

The low level comprehensibility in these countries is a warning signal for the urgent need for awareness raising campaigns and the need for training among workers and regulatory bodies in the SADC region.

It is suggested that the results could possibly be considered a fair reflection of the general situation in regard of chemical hazard communication in the SADC region. However, data on actual country situations would be more useful as the region moves towards GHS implementation.

2.2.2 National Chemicals Profiles

The National Chemicals Profiles for assessment of national infrastructure including legal, institutional and human capabilities/capacity have been prepared in six SADC countries, namely: Angola, Lesotho, Malawi, Tanzania, South Africa and Zambia. The results of the English speaking countries show that with the exception of Lesotho, the other four countries have legislation for different sectors as well as basic infrastructure, but the enforcement of legislation was generally weak for all the countries. Capacity enhancement in the countries is a general recommendation that comes out of the program. The National Chemical Profiles provide a broad overview of the chemicals management framework into which the GHS will need to be integrated. In the SADC countries, these national profiles have been developed with the support of UNITAR.

2.2.3 Draft SADC Code of Practice on the Safe Use of Chemicals

Developed under the Labour and Employment Coordinating Sector, a key objective of the code is the attainment of a common harmonised system for chemical management and identifies clear responsibilities for all key stakeholders. Furthermore, it is stressed that Governments should facilitate a process that strengthens structures necessary for attainment for the implementation of the Code of Practice.

Industry on its part is expected to take full responsibility for ensuring clear product identification information relating to safety; and that the relevant packaging and labelling requirements are strictly adhered to. The ultimate goal is to reduce chemical related hazards and poisonings. Organised labour is encouraged to ensure the observance of safety requirements at the workplace in order to minimise or reduce risks. This is to be achieved through education, training and awareness raising among their members. The SADC Code on Safe Use of Chemicals provides a useful platform for GHS implementation in the region.

2.3 Existing Regional Legal and Institutional Mechanisms

2.3.1 SADC Regional Indicative Strategic Development Plan

The Regional Indicative Strategic Development Plan (RISDP) has been developed in order to provide strategic direction to the SADC and to operationalise the SADC Common Agenda. The Plan was developed with the involvement of all stakeholders and takes into account relevant sectoral policies, strategies and programmes, including a broad continental framework such as NEPAD. It prioritises intervention areas into two categories, i.e. those of a cross-sectoral nature and those related to specific areas of cooperation and integration. Both categories have programs relevant to GHS. Under the cross sectoral issues, there is an environment intervention which seeks among others:

- Areas of focus;
- The creation of the requisite harmonized policy environment, as well as legal and regulatory frameworks to promote regional cooperation on all issues relating to environment and natural resources management including trans-boundary ecosystems; and
- The finalization and implementation of the Strategy and Programme for Brown Environmental Management in Southern Africa by 2005.

The strategy also seeks to implement at least 50% of the trans-boundary natural resources management programmes and projects in line with NEPAD by 2008. Other relevant focus areas include science and information technology and communication, which are all directly relevant to the GHS.

2.3.2 Legal Mechanisms relevant to Chemical Classification and Hazard Communication

SADC Treaty: All the SADC Member States are bound by this Treaty, which establishes SADC and its organs/structure. The Treaty is a legally binding agreement on all Member States, and includes all other legal instruments (e.g. Protocols and Codes of Practice) established under the Treaty.

Protocols and Codes of Practice: The SADC at present (2003) has a total of twenty-two Protocols. However, only one Protocol, the Protocol on Transport Communication and Meteorology is directly

relevant to the implementation of the GHS. In addition, implementation of the Protocol on Trade would be facilitated by the harmonisation of classification and labelling of chemicals. Other protocols on the agriculture, industry and consumer sectors will be developed in the future by the respective Directorates. A general feature of the Protocols is the aim to harmonise legal and implementation modalities across sectors. A *SADC Code of Practice on The Safe Use of Chemicals* has been adopted.

- *Protocol on Transport, Communications and Meteorology:* This Protocol *inter alia* requires Member States to implement a harmonised classification system or to adopt common safety rules and regulations governing the transportation of hazardous materials. It further calls for Member States to harmonise legislation which can be used to prosecute offenders. Member States have agreed to develop compatible incident management systems with a view to reducing safety hazards and restoring road usage as soon as possible after an incident occurs by minimizing the time that dangerous obstructions remain on roads. This will partly be achieved by developing harmonised strategies which include the rapid detection and reporting of incidents such as vehicle accidents and hazardous or chemical spills. Implementation and maintenance of the GHS would facilitate the achievement of these goals.
- *Protocol on Trade:* Like all other general agreements on free trade, the region will witness free movement of goods including chemicals. This will require the capacity of regulating bodies across borders to be strengthened or built, in order to be able enforce any agreement(s) on the implementation of the GHS.

2.3.3 Institutional mechanisms

Tribunal: A Tribunal ensures adherence to and the proper interpretation of the provisions of the SADC Treaty and subsidiary instruments (e.g. Protocols and Codes of Practice) and adjudicates disputes referred to it.

Secretariat: The four Directorates (SHDSP, TIFI, IS, and FANR) fall under the Office of the Executive Secretary (Chief Executive). They are responsible for developing and coordinating the implementation of relevant protocols under their jurisdiction. Currently, in terms of protocols of direct relevancy to the GHS, only the draft Code of Practice (under SHDSP) and Protocol on Transport (under TIFI) have been developed. Protocols relevant to the environment or agriculture will fall under the FANR.

SADC Policy and Strategy for Environment and Sustainable Development: The document assesses the general environment in the SADC region and makes far reaching recommendations on tackling the environmental problems in the region linking the SADC priority areas to the Agenda 21. An institutional framework for addressing chemicals and other toxic wastes is recommended and this could have relevance for the future implementation of the GHS.

2.4 Regional Industry, Labour and Consumer Structures and Initiatives

2.4.1 Private and Public Sector Initiatives in the Region

The RISDP identifies the role of the public-private sector cooperation in development. The overall goal of the interventions indicated in section 2.3.1 is to integrate the private sector in policy and strategy formulation, and programme implementation in the SADC new development model in order to accelerate and achieve sustainable regional economic integration.

2.4.2 Southern and East Africa Regulatory Committee for Harmonisation of Pesticide Registrations (SEARCH)

The SADC region has made significant initiatives towards a common system for the registration of chemical pesticides. SEARCH is a collaborative initiative of the public sector (government regulatory bodies) and private sector (industry), where it is envisaged to have common requirements regarding information required for regulatory purposes. The initiative has resulted in the establishment of a Secretariat which has developed sample harmonized pesticides application forms, labels (followed the FAO/WHO guidelines) and guideline(s) for crop protocol trials framework on three crops in the region namely; maize, cotton and sugarcane. The success of these initiatives has largely been a result of

close collaboration and cooperation among key stakeholders at the national level where industry associations and regulatory bodies have constantly exchanged information on the country situations. This program demonstrates that it should be possible to implement GHS in the SADC region in a co-ordinated fashion.

2.4.3 Other relevant AU and NEPAD structures

Other relevant AU and NEPAD structures are discussed in sections 2.1.2 and 2.1.4, respectively.

2.5 Institutions and Activities Relevant to Sectoral Implementation of the GHS

Various elements of a chemical management framework have been on the international agenda for a considerable time. These systems have had different foci depending on the group of chemicals being looked into. The relevance of these programs to the GHS is that these programs provide the required knowledge and experience on how to operate a chemicals information system which is essential component of a regional GHS. In the absence of information coming directly under the Secretariat, the information below is presented to show that SADC countries have been implementing a range of chemicals programmes relevant to GHS implementation. An overview of the available information shows that SADC countries have participated in many programs including the following;

- *International Register of Potentially Toxic Chemicals (IRPTC)* main objective is to disseminate and exchange information on sound chemicals management. This has sub-related programs including the London Guidelines for the Exchange of Information on Chemicals in international Trade to operationalise the Prior Informed Consent (PIC) the fore-runner to the Rotterdam Convention; The IRPTC Databank on hazards assessment and methodologies for such assessment and its use in decision making; IRPTC global network of partners; Toxic Chemicals and Waste Management Capacity Building Program. The following countries have contact points: Democratic Republic of Congo, Malawi, Mauritius, Seychelles, Swaziland, Tanzania, Zambia and Zimbabwe.
- *International Code of Conduct on Distribution and Use of Pesticides* adopted in 1985, Prior Informed Consent (PIC), is a non-binding code amended in 1998, and aimed at information exchange on the properties/effects of pesticides. This is the fore-runner to the Rotterdam Convention which has converted the PIC principles into a legally binding instrument. Ten countries; Angola, Democratic Republic of Congo, Lesotho, Malawi, Mauritius, Mozambique, Seychelles, Tanzania, Zambia and Zimbabwe have PIC contact points.
- *Infoterra*, which is an environmental information exchange and dissemination program of UNEP, has contacts in all SADC countries.
- *Codex Alimentarius* which is a program for setting recommended international residue standards, on the basis of toxicological data, has the participation of all the countries.
- *Inter-Governmental Forum on Chemical Safety (IFCS)* and the *International Program on Chemical Safety (IPCS)* dealing in information exchange, poisoning/poison control centres, and emergencies. Between these two programs almost all SADC countries participate and benefit from the programs.
- According to *UNITAR-ILO*, a chemical classification and hazard communication system is a system for communicating chemical identity and therefore classification, hazards to health and environment and the means to control them. This communication must be clear and presented in a manner which will be easily understood by the target groups, including the workers handling chemicals, transporters, retailers, and the end-user and/or consumer. The main tools for hazard communication include Safety Data Sheets (SDSs) and labels, which contain relevant hazard information in the form of hazard signal words, symbols and/or pictograms.
- *ILO Conventions and Programs*: The SADC countries have participated and received support from the ILO through the capacity building activities for purposes of implementing the conventions especially ILO Conventions 170 and 174 which deal with safety of workers regarding chemical use. More directly relevant to the GHS is the draft SADC Code of Practice

on the Safe Use of Chemicals which is likely to be the cornerstone for GHS implementation in the region. The ILO has also been involved in joint programs on chemical safety and handling with other UN agencies such as the WHO.

2.6 SADC Initiatives

2.6.1 Agriculture Sector

Under the SADC's Environment and Land Management Coordination Sector (ELMS) the following programs have been undertaken:

a) Agrochemical Pesticides in the SADC Region - Use and Concerns

As part of its pollution control programs the SADC-ELMS conducted a study in 1993 on the environmental concerns associated with the use of agro-chemical pesticides use in the SADC region. Five countries were selected for the study; Namibia, Tanzania, Swaziland, Zambia and Zimbabwe. The study assessed the legal, institutional and general human capacities in the region. The results showed that with the exception of Swaziland, which did not have legislation, all the other countries had reasonable legal frameworks although at different stages of development.

b) Environmental Monitoring of Pesticide Residues

As a follow-up program to the Agrochemical Pesticides project, the SADC-ELMS initiated a complementary project that focused on laboratory capacities of the SADC countries to undertake pesticides residue analysis. The study showed that almost all the countries under study had invested in laboratories for research, education and in some cases to serve commercial industrial interests. The study also showed that lack of finances led to the poor state of the equipment and infrastructure. The study recommended the use of simple portable easy to maintain equipment. The study concluded that, the general laboratory capabilities in the SADC region were inadequate and had many reasons but the main one being inadequate human and financial resources (Hertzman and Akerblom, 1995). For purposes of the GHS this study is a useful reference baseline work.

The RIDSP indicative plans are generally aimed at increasing food availability through promoting farmers access to key agricultural inputs such as, improved seed, fertiliser and credit. The plan further envisages improved management of both crop and livestock pests and diseases. This will result in increased accessibility to chemicals. The institutional framework will be elaborated upon in future by the Directorate of FANR.

The Indicative Plan aims at the development of relevant legal instruments to foster cooperation in Food Security, Agriculture, and Natural Resources. The Annexure to the Trade Protocol on Sanitary and Phyto-sanitary Measures is intended to be completed by 2005.

The sector has developed Responsible Care programs as well as Safe Use of Chemicals programs. Other than the window of opportunity represented at the IMC, and the intentions under the SADC Code of Practice on Safe Use of Chemicals, there is no indication at SADC level for any special initiatives.

2.6.2 Industry Sector

The RISDP gives an indicative plan of where the sector is likely to be in the next five years. The plans are to expand the industrial base and manufacturing to make the sector globally competitive. This will inevitably increase chemicals production and consumption in the region.

No legal provision exists although there are plans for protocol on industry. Any Protocol to be developed will be under the Directorate of TIFI.

The South African chemical industry has adopted the global chemical industry's Responsible Care initiative.

2.6.3 Transport Sector

The RISDP anticipates economic growth which implies increased transportation of hazardous materials. The programs are only indicative but the Directorate anticipates improved infrastructure.

The transport sector is the only sector under study that has a well developed Protocol. The Protocol requires Member States to a harmonized classification or adoption of common safety rules and regulations governing the transportation of hazardous materials. The Protocol is coordinated by the Directorate of Infrastructure and Services through the Southern Africa Transport and Communication Commission (SATCC) and its sub-sector units for the various different forms of transport.

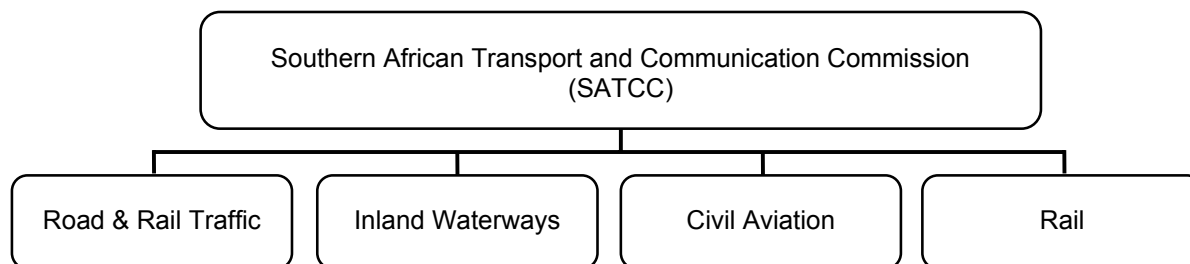


Figure 3: Implementation of the SADC Protocol on Transport Communication and Meteorology

2.6.4 Consumer Sector

The consumer sector could be treated as a cross-cutting issue and in the SADC there is no clear institutional responsibility for this sector assigned to any single Directorate.

3 NATIONAL SITUATION IN SADC COUNTRIES

An overview of the national situation regarding chemical hazard management and more specifically the classification and labelling of chemicals in the fourteen SADC Countries is set in this chapter. The analysis has been structured on a sectoral basis dealing successively with each of the four target sectors, i.e. agriculture, industry, transport and the consumer sector. More detailed information is presented in Annexure 4.

3.1.1 Agriculture Sector

Based on the available data (from various sources, e.g. National Chemicals Profiles, the results of the SADC GHS Workshop Survey, information obtained from various reports and institutional web pages, ten countries (Angola, Botswana, Malawi, Mauritius, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe) have legislation directly or indirectly requiring chemical classification and labelling, and the other SADC countries do not have relevant legislation (also refer to summary of survey results in Annexure 1; and contact points of respondents of the survey in Annexure 2). The institutional and infrastructure situation follows a similar pattern with the countries without legislation also having a weak infrastructure and institutional base. Almost all SADC countries appear to have inadequate human and financial resources for the proposed implementation of the GHS. Notwithstanding the capacity and resource constrains, it was anticipated by the representatives at the SADC GHS Workshop that the countries of the SADC region will be able to implement GHS.

Table 2 summarises the more detailed information on the Agricultural Sector presented in Annexure 4.

3.1.2 Industry Sector

Eight of the countries, i.e. Angola, the DRC, Malawi, Tanzania, South Africa, Swaziland, Zambia and Zimbabwe, have relevant legislation, whereas the rest do not. Notwithstanding the country differences, this sector has a better infrastructure base than other sectors and would be able to implement the GHS.

Table 3 summarises the more detailed information on the Industry Sector presented in Annexure 4.

3.1.3 Transport Sector

Five countries, i.e. the DRC, South Africa, Tanzania, Zambia and Zimbabwe, have relevant legislation. The transport sector, more than any other sector, due to its trans-boundary nature has adopted a large number of international guidelines and codes of practices. This is also reflected at the SADC level. Generally the sector has the necessary basis for the implementation of the GHS. Environmental NGOs sponsor some radio and television programs aimed at the public in general.

Table 4 summarises the more detailed information on the Transport Sector presented in Annexure 4.

3.1.4 Consumer Sector

Only six countries, viz. Malawi, Mauritius, Tanzania, South Africa, Zambia and Zimbabwe have relevant product labelling consumer legislation. This sector more than the others operates on the basis of other legislation treated as cross-cutting in many countries and with no real institution dedicated to it. It is the weakest sector and will require considerable work.

Table 5 summarises the more detailed information on the Consumer Sector presented in Annexure 4.

Table 2: Overview of the National Situation Regarding Chemical Hazard Management: Agricultural Sector

Country	Ministry	Department	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
Angola	Agriculture and Rural Development (MINADER)	Department of Agrochemical and Laboratory Support	Accepts: FAO Revised Code of Conduct and WHO Classification of Pesticides by Hazard	Some laboratory, research / information and training facilities and Awareness raising program	Language could prove possible hindrance
Botswana	Agriculture and Livestock	Department of Agricultural Research	Agrochemicals Bill, 1999	-	Lack of adequate human, financial and technical capacity; no adequate supportive infrastructure
DRC	Agriculture	Department of Plant Protection	Accepts FAO Revised Code of Conduct, the WHO Classification of Pesticides by Hazard, and, the provisions of the Rotterdam Convention	Some technical capacity in the areas of laboratory, research/information and training facilities, awareness raising program	Lack of experience in legal enforcement; Financial resource constraints; Language could prove possible hindrance
Lesotho	-	-	Draft Environmental Bill integrate some provisions of the FAO Code of Conduct, the Rotterdam Convention as well as the draft SADC Code of Practice on the Safe Use of Chemicals	Some basic training and awareness raising infrastructure	-
Malawi	Agriculture and Irrigation; and Forestry, Fisheries and Environmental Affairs		Fertilizers, Farm Feeds and Fertilizers Act of 1973, Pesticides Bill of 1997; Environmental Management Act of 1996	Farmer education and awareness program; industry voluntary programs, including Responsible Use; Test laboratory for residue analyses	Lack of adequate human and financial resources and implementation as the infrastructure base is weak

Country	Ministry	Department	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
Mauritius	-	-	Pesticides Control Act; To be replaced by Dangerous Chemicals Control Act	Some laboratory facilities & relevant training programs; voluntary programs, such as Responsible Use and worker/farmer training programs. General awareness raising programs	-
Mozambique	Agriculture	Institute for Agronomical Research	Accepts FAO's Revised Code of Conduct on the Distribution and Use of Pesticides	-	Lack of both human and financial; Language could prove possible hindrance
Namibia	-	-	Bill for regulating pesticides registration	-	Limited infrastructure capacity as well as limited human and financial resources
Seychelles	'Pesticide Board': members from Ministry of Environment Agriculture, and Health	Bureau of Standards	Environment Protection Act of 1994	-	Language could prove possible hindrance
South Africa	Agriculture	National Department of Agriculture	Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act of 1947; Occupational Health and Safety Act; and the National Road Traffic Act; and working toward the development of a GHS Technical Standard	Legal and institutional framework; infrastructure base for training and enforcing laws, as well as laboratory facilities; agricultural chemicals industry has strong Responsible Use programmes; training and awareness programme	Challenge to effectively coordinate the various laws and institutions to minimise unnecessary overlaps of mandates and enforcement

Country	Ministry	Department	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
Swaziland	-	-	Pesticides Bill is being developed	Institutional and infrastructure base; voluntary pesticides labelling, worker/farmer training, Responsible Care and a general awareness raising program	Lack of adequate human and financial resources. Needs capacity assistance to complete the necessary legislation and its enforcement
Tanzania	Agriculture and Food Security	Tropical Pesticides Research Institute	Plant Protection Act 1997; Pesticides Control Regulations of 1999	Infrastructure for research, product formulation and residue analysis; training and awareness programs; Safe Chemical Use program	Overlap of mandates on chemicals hazard management; inadequate human and financial resources.
Zambia	Tourism Environment and Natural Resources	Environmental Council of Zambia	Environmental Protection and Pollution Control Act 1990; Fertilizers and Feed Act, Cotton Act and Coffee Act	Infrastructure base but no dedicated poison control centre; Emergency response, accredited laboratory under the mining related industries. The country has some awareness raising and training programs	Possible contradictions between existing hazard communication with the GHS, and inadequate human and financial resources
Zimbabwe	-	-	Hazardous Substances Act	Experience in enforcing chemical hazard communication requirements; accredited laboratory, a Poison Control Centre, as well as Responsible Care programs exist and training and awareness raising programs	Inadequate human and financial resources

Table 3: Overview of the National Situation Regarding Chemical Hazard Management: Industry Sector

Country	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
Angola	Draft legislation; Bill on Occupational Health, Security and Safety	-	-
Botswana	Bill being Drafted; Preparing a National Chemicals Database; Adopted European Union standards on SDSs on voluntary basis	Limited general awareness raising and training	Lacks human, technical and financial capacity
DRC	Some elements and provisions of some of the international conventions are accepted and incorporated into the legislation	Limited infrastructure including accredited laboratories and training facilities; Responsible Use program; on-going awareness raising programs	-
Lesotho	Environmental Act (2000); Food Control Act is currently being drafted.	Limited awareness raising programs aimed at customs officials	Lack of experience in legal enforcement; limited human and financial resources
Malawi	Industrial Licensing Act of 1992, Control of Goods Act of 1968, Occupational Safety, Health and Welfare Act of 1997, and Environmental Management Act and 1996	Limited infrastructure base: accredited laboratory facilities and some worker-employer committees with some work place safety training programs	-
Mauritius	Pharmacy Act, Occupational Health Safety Welfare Act, Consumer Protection Act and Pesticides Control Act	Accredited test laboratories and training programs for employers/employees, general awareness raising	Contradictions between existing hazard communication system and the GHS; Lack of financial and human resources
Mozambique	Accepts the Stockholm and Rotterdam Conventions and the Montreal Protocol	-	-
Namibia	-	-	-
Seychelles	-	-	-

Country	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
South Africa	Occupational Health and Safety Act; National Transport Act; currently developing a of GHS Technical Standard which will be referenced in all relevant legislation	Accredited laboratories, an Emergency Response system, Poison Centres, research, information and training facilities and centres; Responsible Care program, employer and worker safety and health committees, worker label and SDS recognition training, as well as awareness raising programs	-
Swaziland	Legislation incorporates some provisions/guidelines of the UN international legal instruments and guidelines such as ILO Conventions 170 and 174, the Rotterdam Convention, and the FAO Revised Code of Conduct; Draft SADC Code on Safe Use of Chemicals	Emergency response system; research and training capacity; Responsible Use program, Employer-Worker Safety Committees and limited worker label comprehensibility training and awareness raising programs	Inadequate human and financial capacity as well as a lack of enforcement capacity
Tanzania	Industrial Chemicals and Consumers Management Control Act of 2003; Occupational Health and Safety Act of 2003	-	Need for elaborating on institutional responsibilities to avoid overlap and contradictions; Lack of financial resources
Zambia	Factories Act; Occupational Health and Safety Act of 2000, EPPCA and The Explosives Act	-	Needs strengthening in establishing poison control centres, support towards awareness raising and training programs, as well as human and financial capacity support in key organization
Zimbabwe	Hazardous Substances Act	Good institutional, technical and infrastructure base	Limited human and financial resources

Table 4: Overview of the National Situation Regarding Chemical Hazard Management: Transport Sector

Country	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
Angola	Decree N° 9/95, of 06de October, 1ª Series N° 40	-	-
Botswana	No relevant legislation; Specific regulations will be developed under the proposed Chemicals Management Act, that will incorporate the UN Recommendations on the Transportation of Dangerous Goods as well as some elements of the draft SADC Code of Practice on Safe Use of Chemicals	-	Lack of human and financial resources for awareness and training
DRC	Division of Work Safety	Transporter and worker training programs	Lack of financial and human resources
Lesotho	No relevant legislation	-	-
Malawi	-	-	-
Mauritius	General road traffic regulations and is self regulated in regard to chemical transport; The requirements for hazard communication tools such as SDS are provided for under other laws.	-	Lack of human and financial resources
Mozambique	Uses UN programs with the associated Guidelines on Transportation of Dangerous Goods	-	Require assistance to develop legislation for the proposed implementation of the GHS
Namibia	-	-	-
Seychelles	Export all hazardous chemical wastes		

Country	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
South Africa	Regulated by relevant transport legislation; There is a requirement for Transport Emergency Cards and Placards to be provided by the manufacturers; Incorporated international legal instruments, i.e. the UN Recommendations on the Transport of Dangerous Goods (UNRTDG) and the draft SADC Code for the Safe Use of Chemicals	Emergency Response system capability, Poison Control Centres, accredited laboratories and effective training and awareness programmes for transporters/drivers and customs officials	May be contradictions in current practices and coordination mechanisms and the requirements for the implementation of GHS
Swaziland	No legislation relevant for regulating the transportation of chemicals; Transport operators in Swaziland adhere to international standards	Local transporters currently regulate themselves, enhance their technical capabilities, undertake internal training, and make available awareness raising materials	-
Tanzania	Shipping Merchant Act 1967; Legal requirements have incorporated international legal instruments, i.e. the Convention on Safety of Life at Sea, specifically the Maritime Dangerous Goods Code (IMDG), UN Recommendations on the Transport of Dangerous Goods (UNRTDG) and the draft SADC Code of Conduct	Limited training and awareness programs, including comprehensibility testing for workers/transporters and customs officials	Inadequate human and financial resources
Zambia	Railways Act and Petroleum Act specify; PTS Regulation of 1994	Emergency Response infrastructure, as part of the Responsible Use program where resources are pooled; Training programs	Inadequate human and financial resources
Zimbabwe	Regulated by legislation which incorporates international legal instruments and guidelines	Limited emergency response infrastructure, and some training and awareness raising programs	-

Table 5: Overview of the National Situation Regarding Chemical Hazard Management: Consumer Sector

Country	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
Angola	No relevant legislation	Emergency Response system, research and training, laboratories as well as consumer/community information dissemination facilities	-
Botswana	No relevant legislation; Draft Bill which addresses consumer sector requirements; Botswana Bureau of Standards is working with the Ministry of Health developing a standard for chemical labelling, classification and packaging.	-	-
DRC	No relevant legislation	Consumers are informed about the potential danger of consumer chemicals through public information and media campaigns; Awareness raising programs	-
Lesotho	No relevant legislation	Some awareness raising programs using public and print media	-
Malawi	Malawi Bureau of Standards Act 1974	Has undertaken and completed National Profile	Requires assistance in identifying a lead institution to champion the implementation of the GHS
Mauritius	Consumer's Protection Act	-	Need to intensify consumer awareness towards a chemical classification and hazard communication system; effective cross-sectoral coordination
Mozambique	No relevant legislation	Poison Control Centre	Needs assistance to develop some broad legislation to cover chemicals management in general
Namibia	-	-	-

Country	Relevant Legislation, Codes of Conduct, Guidelines	Technical Capacity	Specific Concerns and Constraints
Seychelles	No relevant legislation	Pesticide Board distributes information to members of the public who use chemicals; Awareness raising is undertaken for all ages starting at school level right through to adults	-
South Africa	General legal provision which has not yet been operationalised through regulation; hence these legal provisions cannot yet be enforced; Working towards the development of GHS Technical Standard which will be referenced in all relevant legislation	Training, public awareness raising, laboratory facilities, and poison centres	-
Swaziland	No directly applicable legislation; provisions of the Occupational Health and Safety Act of 2000 apply	Emergency Response facilities; Agriculture Ministry offers some public information and media campaigns	-
Tanzania	Plant Protection Act 1997 (and its subsidiary Regulation, The Pesticides Control Regulations of 1999) and The Industrial Chemicals and Consumers Management Control Act 2003	Public awareness and training programs	Possibilities for overlaps and contradictions; Lack of adequate human and financial resources for a proper enforcement of relevant laws
Zambia	Indirectly through the Pharmacy and Poisons Act, the Food and Drugs Control Act and the PTS Regulations 20 of 1994	Advanced chemicals management system and programs	Needs more institutional, human, and financial capacity assistance
Zimbabwe	Hazardous Substances Act	Emergency response system, poison control centre, research and training, as well as consumer/community information dissemination facilities	Lack of financial resources for awareness raising

4 GHS CAPACITY ASSESSMENT & NEEDS AT REGIONAL LEVEL

One of the key factors that will ultimately determine the success of the GHS worldwide is the extent to which countries both recognise the potential benefits of chemical hazard communication and develop capacity to establish the necessary infrastructure to implement and maintain the GHS. Developing countries and countries with economies in transition face particular challenges with regard to trying to limit and reduce the negative impacts of chemical use in various sectors through appropriate hazard communication. Frequent mislabelling of chemicals, a lack of understanding of labels on chemicals, and inadequate training in chemical safety are some of the key challenges facing countries with limited or no national hazard communication infrastructure.

Widespread adoption of the GHS and effective chemical hazard communication are therefore only likely to take place where countries demonstrate a strong commitment to the implementation of the GHS and where adequate support and technical assistance is made available to build up appropriate legal and technical infrastructure. Suitable awareness raising, education and training will be required to ensure the proper use of GHS tools within different national contexts. This will be of particular importance to the developing countries and countries with economies in transition that have not participated in the technical development of the GHS. Furthermore, lessons learned from ongoing GHS pilot projects indicate the beneficial practical spin-offs of GHS capacity building activities for chemical safety management.

Countries in the SADC region are at different stages of chemicals management. This was confirmed at the 2003 Livingstone workshop for SADC countries as well as from the responses to the questionnaires. Some countries such as South Africa, Malawi, Mauritius, Tanzania, Zambia and Zimbabwe have some capacity in the form of either institutional infrastructure or legal frameworks. Other countries such as Botswana, Lesotho, Mozambique and Swaziland either do not have the necessary basic legal framework or are still in the process of developing their legal instruments necessary for possible GHS implementation. Given the existing scenario in the region *visa-viz* country capacity differences or disparities, development and or implementation of GHS in the region will have to take into account as much as possible "grouped" country needs. Notwithstanding the capacity differences within SADC countries, there exist a number of commonly implemented programs (discussed under Section 2.5) supported by multilateral or donor agencies which could serve as basis for developing a GHS. The SADC has an adequate institutional framework, structures and experience for developing regional instruments for cooperation, as demonstrated by the SADC Treaty and its various protocols. The development of the GHS in the SADC region will therefore utilise the existing SADC structures.

Development of any legal instrument will be challenging due to the many varied needs of the interested parties (stakeholders). Being an international instrument, GHS as a tool will not automatically be adopted by all the countries at the same time. This means that the development of the GHS instrument will have to take into account the factors that are likely to limit its application in the region. One of the strategies that will continue to be utilized in the process of developing GHS is the broader involvement of all possible interest groups in line with the SADC RIDSP spirit of tripartism. There is also need to recognize that even within countries there are sector differences in terms of legal, institutional, infrastructure, technical and/or human capacities and that in many SADC countries coordination of sectors is very limited. It is expected that one of the benefits that would result from the GHS is improved national and regional sector coordination with countries' designating lead agencies. A SADC GHS therefore, will therefore need to be designed in such a way that it is flexible to address these challenges. For the GHS to work, the SADC Secretariat, working with national experts, will facilitate regional coordination in the development of the GHS supported by specialized agencies such as UNITAR, UN SCEGHS, FAO, ILO and bilateral agencies such as: GTZ, Swiss Government, CIDA, SIDA, DANIDA and NORAD.

Based on the inputs of workshop participants, the September 2003 Livingstone workshop report, consultations with other stakeholders and some documentation made available in the course of developing this report, there is general agreement that SADC countries have varying capacities in terms of legal, institutional and infrastructure across sectors. The consumer sector appears to be the weakest sector in all countries, with no clear legal framework or technical capacity (dedicated institution, infrastructure). The agriculture sector is more formerly structured in the region with a good base (legally

and technically) for developing and implementing GHS in the region. There are other limiting factors to development and implementation a GHS for the region, the most serious being inadequate resources (technical, financial, trained human resource and lack of coordination among stakeholders). The SADC Secretariat (the new restructured Secretariat), offers an excellent opportunity to develop GHS due to the merger of the Agriculture and Environment sectors, which has led to improved coordination of these two sectors.

4.1 Cross-Sectoral Assessment and Needs

4.1.1 Benefits of a Regional GHS

The critical importance of chemical hazard communication and usefulness of the GHS was stressed by the participating countries during the Livingstone Workshop. The workshop participants agreed that there would be significant benefits to the regional implementation of the GHS, including the following:

- Provision of a basis for strengthening existing regional instruments;
- Optimising the use of resources;
- Increasing country-to-country cooperation;
- Facilitating and enhancing trade;
- Providing countries without legislation a basis for developing regulations; and
- Standardizing the provision of chemical information thereby leading to an improvement in the protection of human health and the environment.

The driving forces identified by the workshop participants include - economic benefits (cost savings), the need to address existing labelling problems and poisonings, and the need to improve information provision. There are also the expected environmental health benefits, including water and biodiversity that will accrue from a successful GHS. These benefits are not sector restricted but are cross sectoral and therefore applicable to all four sectors.

4.1.2 Existing Institutions and Structures

Based on the limited information available about existing institutions and structures in SADC Member States, the following can be concluded:

- At the SADC regional level, the GHS falls under the Directorate of Food, Agriculture and Natural Resources.
- At country level, the agriculture sector has dedicated ministry in almost all countries and has some reasonable institutional infrastructure and legal frameworks and capacities. Besides the sector ministry, agriculture is co-regulated by some other sector agencies in some countries (e.g. Zambia, Tanzania, Zimbabwe and South Africa) particularly in the sphere of environmental legislation.
- Despite the institutional and infrastructure weaknesses within the region, a good base exists at the regional level (SADC Directorates), where each sector is represented both regionally and nationally. However, even at the SADC Regional level, there is urgent need for co-ordination of sector programs (i.e. inter sector co-ordination).

4.1.3 Legal and Regulatory Changes

Based on available information from various sources, e.g. National Chemicals Profiles, the results of the SADC GHS Workshop Survey, information obtained from various reports and institutional web pages, ten countries (Angola, Botswana, Malawi, Mauritius, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe) have legislation directly or indirectly requiring chemical classification and labelling; the other SADC countries do not have relevant legislation. However, this legislation (and associated regulations) is at times contradictory and does not address all the relevant issues. Where legislation exists, there is often weak implementation and enforcement, and these countries need

assistance with the development of enforcement capacity. Furthermore, where countries have recently promulgated new legislation, e.g. for regulating new technologies; environmental safety; and human health issues, this new legislation still needs to be tested.

Where legislation is limited or lacking, Member States should be assisted to build on existing regional instruments, e.g. the SADC Code of Practice on the Safe Use of Chemicals, and international instruments, e.g. the FAO Revised Code of Conduct on the Distribution and Use of Pesticides; the Rotterdam and Stockholm Conventions, the ILO instruments (ILO Convention 170, ILO Recommendation 177 and ILO Convention 174 on the Prevention of Major Industrial Accidents).

On a regional scale, existing instruments that could support or complement regional implementation of the GHS include:

- The SADC Code of Practice on the Safe Use of Chemicals,
- The SADC Transport and Trade Protocols;
- The regional projects under the NEPAD Environmental Initiative, which already references GHS implementation.

However, the use of these instruments will be constrained by the limited availability of resources (financial and human), different levels of capacity for classification and labelling, and a lack of harmonization and enforcement of existing legislation.

4.2 Sectoral Assessment and Needs

4.2.1 Agriculture Sector

Awareness Raising Activities: Awareness raising activities in the SADC Member States vary from country to country. South Africa, Tanzania and Zambia all have awareness raising activities taking place, while Botswana, the DRC, and Mozambique do not have any activities currently taking place. The other countries have very little to no awareness raising activities, mostly limited to responsible use and voluntary worker/farmer programmes. Although most countries have initiated some awareness raising activities, there is a generally lack in electronic databases and training manuals. Most countries reported that financial and technical assistance, in particular for training and awareness raising, would be necessary to ensure effective implementation of the GHS.

Technical Capacity Needs: Although most Member States lack technical capacity, a number of countries have limited technical capacity in the agricultural area. The technical capacity that is urgently required by Member States in this sector includes: poison centres, accredited laboratories to undertake tests for classification, emergency response systems, research and information centres, and training facilities.

Training Needs: Some countries highlighted the challenge of having to communicate in more than one local language, while several countries reported that the use of labels in languages that are not understood by the local population. Although most Member States have basic but limited training materials or tools, most countries need better training aids, e.g. electronic databases.

4.2.2 Industry Sector

Eight of the Member States, i.e. Angola, the DRC, Malawi, Tanzania, South Africa, Swaziland, Zambia and Zimbabwe, have relevant legislation, whereas the other Member States do not. Notwithstanding the country differences, this sector has a good infrastructure base to be able to implement the GHS.

Possible benefits of a regional GHS: Due to the high occupational exposure risk levels associated with industrial production, possible benefits include reduced risks, improved human and environmental health, and increased productivity. Generally, the benefits identified under Section 4.1.1 above are applicable.

Existing institutions and structures: At the country level, Industry has a dedicated Ministerial portfolio although the emphasis is on industrial production. However, chemical regulation is often carried out by other sector agencies, such as Factories Inspectorates or Environmental Inspectorates.

Required legal and regulatory changes: In Member States where legislation does not exist, industry has to apply self-regulation. Where legal provisions exist and are working, these must be strengthened. Generally, Member States should be assisted to develop appropriate legislation to accommodate GHS.

Awareness Raising Activities: Only South Africa and Swaziland, and to a lesser extent Mauritius, undertake awareness raising activities in the industrial chemicals sector. None of the other countries report significant awareness raising activities in this sector.

Technical Capacity Needs: Although most Member States lack technical capacity in the industrial chemicals sector, a number of countries have limited technical capacity. The technical capacity required by Member States includes: poison centres, emergency response systems, accredited laboratories to undertake tests for classification, as well as research and information centres and training facilities.

Training Needs: Although most Member States have some form of training materials or tools, most countries need electronic databases and training manuals for training purposes.

4.2.3 Transport Sector

Possible benefits of a regional GHS: Transportation is a key factor in regional and international trade. The GHS will contribute towards increased trade, through better, safer and efficient movement of goods. Benefits under 4.1.1 are also applicable to this sector.

Existing institutions and structures: The transport sector like the agriculture sector has a more uniform dedicated ministry. Due to its trans-boundary nature, the sector has a good base for regional GHS implementation. Therefore, at the country level, the responsible ministries working with other relevant regulatory bodies will play a critical role in GHS development and implementation. At the regional level, transport issues are coordinated by the Directorate of Infrastructure and Services through the Southern Africa Transport and Communications Commission (SATCC) and its sub-sector units for the various different forms of transport.

Required legal and regulatory changes: In the transport sector, most countries have legislation (and associated regulations) for road and air transportation, but little in the area for marine and rail transportation. The transport sector, due to its trans-boundary nature has adopted a large number of international guidelines and codes of practices. At the regional level, this sector has developed a Protocol (Protocol on Transport Communication and Meteorology) that is of direct relevance to the GHS. Generally the sector has the necessary base for the implementation of the GHS.

Awareness raising activities: Only South Africa, Tanzania and Zambia offer a range of awareness raising activities in the transport sector, while the DRC, Lesotho, Mauritius and Zimbabwe offer a single awareness raising activity, mainly with transporters.

Technical capacity needs: Although most Member States lack technical capacity in the transport sector, a number of countries like South Africa, have limited technical capacity needs. Technical capacity that is needed in member countries includes: Poison Centres, Research/Information Centres, Accredited Laboratories to undertake tests for classification, Emergency Response Systems and training facilities.

Training needs: Although most Member States have some form of training materials or tools, most countries need electronic databases and training manuals for training purposes.

4.2.4 Consumer Sector

Possible benefits of a regional GHS: Among the benefits of GHS include protection of consumer health and the environment through better understanding of chemical hazards and improved chemical management. The GHS would also provide to most Member States with a basis for developing country legal and institutional frameworks. In some countries Consumer Councils would be created to temporarily fill the gaps of lack of formal government body.

Existing institutions and structures: Within the consumer sector, limited to no institutions and structures exist but responsibilities are generally shared by different ministries and agencies.

Required legal and regulatory changes: Limited to no legislation exists in the consumer sector. Only six countries, viz. Malawi, Mauritius, Tanzania, South Africa, Zambia and Zimbabwe have relevant product labelling consumer legislation. This sector more than the others operates on the basis of other legislation treated as cross-cutting in many countries and with no real institution dedicated to it. It is the weakest sector and will require considerable work.

Awareness raising activities: The consumer sector has only very limited awareness raising activities on chemical safety. Awareness raising activities are mostly undertaken through public information and media campaigns, followed by outreach programmes organized by health service providers and through school programmes.

Technical capacity needs: Most of the Member States lack technical capacity in the consumer sector, with only a few, e.g. South Africa, having limited technical capacity. Technical capacity that is required in Member States includes: Accredited Laboratories to undertake tests for classification, Emergency Response Systems, Poison Centres, Training Facilities and Research and Information Centres.

Training needs: Although many countries have some form of training materials or tools, most of them need electronic databases and training manuals for training purposes.

5 REGIONAL IMPLEMENTATION STRATEGY

The participants at the SADC Regional Workshop held in Livingstone, Zambia in September 2003, agreed that there would be significant benefits associated with the regional implementation of the GHS and reaffirmed their country's commitment to implementation of the GHS by the target date of 2008. Participants recommended setting an earlier target for SADC of 2007.

Participants agreed that a regional approach would be the most efficient. However it was acknowledged that many challenges exist towards regional GHS implementation. This is due to the varying legal frameworks and institutional and infrastructure differences among the countries in the region. The fact that GHS is as a voluntary instrument may further delay its adoption by some SADC Member States. Hence it is proposed that more than one strategy based on regional or international experiences be employed to address the special challenges in the region, i.e. it is proposed that a SADC GHS project proposal be based the existing regional protocols, such as the Protocol on Transport Communication and Meteorology and the draft SADC Code of Practice on Safe Use of Chemicals.

The Livingstone workshop proposed the following strategic elements / steps as an approach to the development of a regional GHS:

- Completion of a draft Regional Needs Assessment and Implementation report by December 2003 and circulation to meeting participants for review;
- Presentation of workshop results to the IFCS Forum IV meeting in November 2003;
- SADC countries, with the assistance of UNITAR, to develop a project proposal by January 2004 for SADC on the regional implementation of the GHS;
- UNITAR to engage with the SADC Secretariat on a mechanism to develop a regional approach to GHS implementation;
- Submission of the SADC Implementation Proposal for Ministerial approval at next relevant meeting of the Council of Ministers;
- Ensure integration of SADC sub-regional GHS efforts into: the NEPAD Health and Environment Initiatives, GHS activities and GHS initiatives of other relevant organizations;
- Commencement of 12 additional national GHS implementation projects in SADC countries by 2005, taking into account the experiences and lessons learned in pilot projects supported by UNITAR in Zambia and South Africa; and
- Countries to report on progress with these activities in response to a request from UNITAR in October 2004.
- UNITAR to compile a report by as information for participant countries and for submission to the December 2004 Programme Advisory Group meeting.

Recognizing the various limitations (such as legal, institutional, financial and human resources) of the countries in the region, it is expected that international assistance will be sought to support the process. Therefore, at the international level, a continuing engagement with international organizations such as the UN SCEGHS, UN SCETDG, UNITAR, ILO, FAO, WHO and potential donor organisations should be maintained. In order to increase synergies with other donor priorities, the links between the GHS and other issues such as trade, poverty reduction, environment, protection of water supplies, will need to be emphasised.

5.1 Commitments to GHS Implementation

The global, regional or country success of GHS depends on the extent to which countries are committed to its adoption and implementation. The basis for commitment for implementation of GHS across sectors is the realisation that the GHS has potential and real benefits for the countries of the region. Some of the benefits include the realisation by Member States that the GHS could become a basis for

strengthening existing regional instruments, optimising the use of resources, increasing country to country cooperation and facilitating trade. More significantly, participants to the Livingstone workshop made a commitment to strongly encourage their country's political and policy support for the GHS. There was general agreement to harmonise sector laws where they exist, but also to take advantage of GHS to set up some coordination mechanism as a way to overcome problems associated with conflicting or overlapping mandates. The need for identifying lead agencies to spearhead GHS within countries was identified as an indicator of commitment. The fact that the Member States want the GHS implemented by 2007, a year earlier than the 2008 target by the IFCS, is indicative of this commitment.

There is agreement to use some existing instruments as basis for GHS, by seeking appropriate amendments. SADC Member States have shown their commitment to develop and implement the GHS in one form or other, but the region needs international support to be able to attain what has been set as target for GHS development. Currently two of the three pilot countries in Africa are in SADC region and the region has requested UNITAR to assist the other countries initiate a similar project to those in Zambia and South Africa. There is strong commitment to implement GHS across sectors and regional structures.

Workshop participants agreed on the following commitments to the implementation of the GHS across sectors and regarding national and regional structures:

- A regional needs assessment, based on the workshop questionnaire, input from the workshop and limited follow up research, would be beneficial. The proposed assessment could be used to prepare a project proposal for the development of a GHS Implementation Strategy for the SADC Region.
- GHS implementation should be integrated with the implementation of other regional initiatives (e.g. the SADC Chemicals Code, Transport and Trade Protocols) and other relevant international initiatives.
- Regional implementation should pursue optimise resource use.
- National GHS implementation projects, like those being undertaken in Zambia and South Africa with the support of UNITAR, should also be undertaken in other SADC Member States.
- A preliminary list of implementation tools, existing or under development, should be presented to relevant forums for consideration.
- Multi-sectoral and multi-stakeholder approaches should be utilised for the implementation of the GHS in the SADC Region.
- GHS projects undertaken in the context of the NEPAD Health and Environment Initiative should be monitored to ensure synergy with sub-regional initiatives.
- Consideration should be given to applying a skills development approach, similar to that developed in South Africa and other countries.
- Funding for the development of National Implementation Plans under the Stockholm Convention should be considered as a means to assist in developing national chemical profiles, and should include a detailed chapter on current chemical classification and labelling infrastructure, where this has not already been done.
- Donor organisations should be solicited for support for further GHS awareness raising and other implementation activities.
- Member States should identify funding opportunities related to chemical management and submit applications which link this to GHS awareness raising and other implementation projects.

5.2 Challenges to GHS Implementation

The needs assessment has identified strengths and weaknesses of the SADC Member States regarding their capacity to initiate and implement GHS. It has been shown that there is a good foundation in the region to initiate the GHS, although the levels of capacities differ across Member States. Widespread adoption of the GHS and effective chemical classification and hazard communication is only likely to occur if Member States demonstrate a strong commitment to its implementation and if adequate support and technical assistance is made available to countries which require assistance to build up or strengthen their legal framework and technical infrastructure.

The GHS is a complex tool and its development and implementation will only be successful when suitable training and education is provided. It is proposed that training and awareness programs be organised covering the general principles of GHS and that such workshops also emphasise the value of the GHS. A possible cost-effective way of delivering the training and awareness workshops will be for participants to be drawn from different sectors, similar to the Livingstone workshop. This should enhance information exchange across sectors and lead to better co-ordination. At both the regional and national level, such workshops will contribute to high level political support which is pivotal to the introduction and implementation of the GHS. Hence, it is proposed that SADC with the support of UNITAR should develop a project proposal for the implementation of the GHS within the SADC Region. This proposal should then be submitted to meeting of the Council of Ministers at the earliest opportunity for consideration and approval.

The specific challenges on a sectoral level are detailed below.

5.2.1 Agriculture Sector

Legal: Most countries have some legislation or use international instruments such as the FAO Code of Conduct, the Rotterdam Convention and now the Stockholm Convention. At the regional level, countries have some elements of the SADC Code of Practice. It is proposed that countries that have legislation be assisted with means to facilitate coordination meetings as well as initiating the harmonisation and amendments to appropriate laws. Initially the amended laws need not necessarily be agriculture specific, but could be laws such as those regulating environment (as practiced in Zambia). It is proposed that for Member States that do not have legislation or have no experience enforcing chemical related legislation, be assisted with development of legislation, similar to the GTZ assistance to Zambia on legal enforcement. This could be done through working on a standard or model legislation that incorporates the elements of GHS. This support could be through a regional project such as the one for National Action Plans under the Stockholm Convention, the Montreal Protocol or as the National Chemicals Profiles under UNITAR, with one of the outcomes being the development of national legislations that incorporate GHS.

Technical: In most countries where legislation exists, there is some basic infrastructure which has either broken down or not used due to resource constraints. As part of capacity building, it is proposed that a more detailed status quo analysis be undertaken with the aim of recommending cost effective steps and activities that can be undertaken in order to support GHS. For countries that do not have legislation, it is proposed that synergies be explored within their countries with the aim of combining resources to share the outcomes as well as the running costs. The WHO's project on assistance to Establish Poison Control Centres and the GTZ project are a possible starting points for meeting the need for poison control centres in many countries. The international institutions and donors should be requested to assist countries to establish poison control centres, by countries applying for assistance under relevant or similar programs.

Institutional: One of the factors that will affect GHS implementation is having a clear institutional framework and mandates, as well as effective coordination. Realistically these, issues are complex (whether in developed or developing countries), but it is recommended that as a GHS is contemplated, issues of lead agency and coordination be addressed and perhaps lessons from SEARCH and countries that are undertaking GHS could prove valuable. Countries should be assisted to develop sustainable mechanisms for coordination and information exchange and a GHS project could assist in achieving this goal.

Training: Targeted training in general chemicals management, e.g. in risk analysis, risk reduction etc. is required, and hence training on chemicals hazard communication tools and the principles of GHS should be initiated at the SADC and country level. UNITAR, FAO and ILO should be requested to assist SADC negotiate with UNEP for access to funding mechanisms under the various agreements where synergies exist to expand their scope of assistance to include GHS training. Although most Member States have basic but limited training materials or tools, they need better training aids, e.g. electronic databases.

Awareness: A few countries (e.g. South Africa, Tanzania, and Zambia) have some awareness raising activities, but the majority have very limited or no activity and are mostly limited to responsible use and voluntary worker/farmer programmes. Where some awareness raising activities are undertaken, electronic databases and training manuals are often not available. The countries with this need should be assisted with materials and financial resources to undertake appropriate awareness. Most countries reported that financial and technical assistance, in particular for training and awareness raising would be necessary to ensure effective GHS implementation. A dual approach is proposed, i.e. organising regional “train-the-trainer” workshops and country level workshops to be conducted by those trained at the workshops. Trainees should be drawn from the four sectors and include environmental background.

5.2.2 Industrial Sector

Legal: Eight of the countries, i.e. Angola, the DRC, Malawi, Tanzania, South Africa, Swaziland, Zambia and Zimbabwe, have relevant or some related legislation, whereas the other Member States do not. However, legislation is not adequate for the implementation of the GHS and needs a review or amendment to accommodate GHS. It is proposed that a regional workshop be initiated to introduce GHS, which should be cross-sectoral to reflect GHS, be cost-effective and enhance coordination and information exchange.

Technical: Although most countries lack technical capacity in the industrial chemicals sector, a few countries have limited to adequate technical capacity. Technical capacity requirements include: the need for establishing or strengthening poison control centers, emergence response systems, accredited laboratories, and research and information centers. It is proposed that the comparative advantages for the sector be identified, strengthened and be used as basis for supporting other sectors. For example due to the requirements for quality assurance, industry tends to have dedicated laboratories and a generally strong poison control (First Aid) programs. It is proposed that countries be encouraged to identify synergies across sectors for purposes of initiating and implementing GHS.

Institutional: Although a number of countries have Ministries responsible for industry, in many countries the bias is towards production and trade promotion and GHS related legislation is administered by other agencies. For example, in most countries, factories are regulated by Factories Inspectors that are under Ministries responsible for Labour and / or Occupational Health. In terms of ensuring coordination and introduction of GHS, it is proposed that the existing enforcement mechanisms be retained and strengthened.

Training: Although many Member States have some form of training materials or tools, most countries need electronic databases and training manuals for training purposes. It is proposed that prior to assisting countries with some training aids, relevant training be conducted at the regional level followed by in-country training.

Awareness: Only South Africa and Swaziland, and to a lesser extent Mauritius, undertake awareness raising activities in the industrial chemicals sector. None of the other Member States reported significant awareness raising activities in this sector, which is consistent with the institutional status reported above. Awareness in this sector should be conducted as a matter of priority since the industrial sector like agriculture is more likely to have higher worker exposure risks. As part of raising awareness and training, consideration should be given to applying a skills development approach similar to that being implemented in South Africa and other countries.”

5.2.3 Transport Sector

Legal: Five countries, i.e. the DRC, South Africa, Tanzania, Zambia and Zimbabwe, have relevant legislation although not covering all the different forms of transport. The transport sector, due to its trans-boundary nature has adopted a large number of international guidelines and codes of practices, which is also reflected at the SADC level. Generally the sector has the necessary basis for the implementation of the GHS. At the regional level, this sector has a Protocol that is being implemented and it is proposed that SADC should explore the strengths of this protocol and the SADC Code of Safe Use as potential points of entry for GHS introduction.

Technical: In most countries, technical capacity in the transport sector is either lacking or weak, although a few, countries (e.g. South Africa, Tanzania, Zambia and Zimbabwe) have limited but varying technical capacity needs. It is proposed that countries be assisted to set up countries be encouraged and where possible, be assisted to set up or strengthen information centers and the emergence systems to take advantage of the comparative advantage. This should start with a regional workshop on priority themes.

Institutional: The institutional framework for this sector is generally well defined across many countries and at the SADC regional level and reflects a strength needed for GHS implementation. Nevertheless, there is a need to ensure coordination and acceptance of lead agency to implement GHS.

Training: Although most countries have some form of training materials or tools, they need electronic databases and training manuals for training purposes. A combined multi-sector regional training workshop is recommended.

Awareness: Awareness programs and / or activities seem to follow and / or are linked to legal framework where countries that have legislation also seem to have awareness programs. It is proposed that countries be assisted with the development of awareness materials specific to the sector.

5.2.4 Consumer Sector

Legal: Only six countries, viz. Malawi, Mauritius, Tanzania, South Africa, Zambia and Zimbabwe have relevant product labelling consumer legislation, although no dedicated legislation exists. This sector operates on the basis of other legislation treated as cross-cutting in many countries and with no real institution dedicated to it. The consumer sector is the weakest sector and will require considerable work with the introducing legislation.

Technical: With the exception of South Africa, which has limited technical capacity, SADC countries generally lack technical capacity in the consumer sector. This is compounded by the absence of a clear legal or institutional framework as the sector is treated as a cross-cutting sector, and hence capacity is needed in all the areas.

Institutional: There is generally no dedicated formal legal institution. In some countries, the sector is represented by Consumer Associations which are non-governmental. It is proposed that where these associations exist, they be supported materially through some project and where they do not exist, countries be encouraged to create them.

Training: In view of the absence of and / or weak legal and technical capacity, a regional Consumer Sector Workshop be organised and supported. Where possible this should be considered on a single sector basis. Secondly, where countries undertake training, consideration be given to assist them with some form of training materials or tools, such as electronic databases and training manuals for training purposes.

Awareness: The consumer sector has only very limited awareness raising activities on chemical safety. Awareness raising activities are mostly undertaken through public information and media campaigns, followed by outreach programmes organized by health service providers and through school programmes. In countries where Consumer Associations / Councils exist, awareness raising activities be strengthened through material or technical support through a regional project.

5.3 Possible Elements of a Regional Strategy

All the national governments of the SADC Region have one form or other of capacity for chemicals management. However capacities vary among countries with some countries having only rudimentary infrastructure compared to others. Despite the variations in capacities, the Livingstone workshop identified and recommended some country activities as part of the preparation for GHS project development. The proposed activities fall in four broad categories, namely:

- *Awareness raising* among all different stakeholder / interest groups is essential requisite for internalisation of GHS as well as attaining multi-sector and multi-stakeholder involvement. Key stakeholders include: government and industry policy makers, regulatory officials, labour representatives and NGOs, including those representing special marginalized groups.
- *Coordination* of the processes for developing GHS as well as laying foundation for formalised and legalised coordination regimes for any future similar activities.
- *Harmonisation* of program activities and legal instruments of sectors which are likely to be affected by GHS Instrument. This will also minimise areas of duplication and conflict of mandates as the case is in almost all countries that have a strong sector based legal framework.
- *Sourcing resources* including finances through optimisation of synergies that may exist in different programs such as under national programs or under international agreements.

The recommended national level activities proposed by the Livingstone Workshop are detailed below:

- Member States that have not commenced national-level GHS implementation projects are encouraged to do so, resources permitting, and are encouraged to explore synergies with other funding mechanisms.
- Member States should raise awareness about the GHS and its importance within all relevant national ministries and among NGOs, and encourage others to do so.
- Member States are encouraged to ensure the incorporation of chemicals management into national poverty alleviation strategy development processes, national sustainable development strategies (where they exist), or similar tools.
- Participants should ensure that the workshop report and recommendations are disseminated to all relevant institutions in their country.
- Member States that are developing National Chemicals Management Profiles (e.g. as part of a Stockholm Convention National Implementation Plan development process) are encouraged to include a chapter on chemicals classification and labelling that could serve as the basis for a detailed Situation Analysis for a future national GHS project.
- Tools to assist with GHS awareness raising should be developed and widely disseminated, including, for example, a model power point presentation aimed at decision-makers.
- Those engaged in GHS-related activities should consider possible synergies with other initiatives/agreements (e.g. the Stockholm, Rotterdam and Basel Conventions and Montreal Protocol) to assist with GHS implementation.
- It is recommended that Member States strengthen information exchange on GHS activities for and among all stakeholders.
- Member States that undertake GHS implementation at the national level are strongly encouraged to ensure harmonisation to the greatest extent possible between and among those sectors affected by the GHS.

Possible elements of a regional strategy for the implementation of the GHS in the SADC region should comprise of the following elements: regulation, institutional matters, training, awareness raising and technical infrastructure. Possible goals and associated objectives for these five elements are detailed below.

The *regulatory goal* of the Regional Strategy is to ensure that all member states implement the GHS on a harmonised basis throughout the life-cycle of chemicals and which encompasses all the sectors contemplated by the GHS, i.e. the agricultural, industrial chemical production, transport and consumer sectors. The *objective* set to achieve the regulatory goal is to develop a SADC GHS Technical Standard which will be referenced in all relevant member states' regulatory instruments.

The *Institutional Goal* is to ensure that all the necessary institutional arrangements are in place in Member States to facilitate and enable the effective implementation of the GHS in all SADC Member States by 2007. The *objectives* set to achieve this institutional goal are to:

- Harmonise the development and implementation of the SADC GHS Technical Standard through SADCSTAN (see Annexure 3 which summarises the aims and functions of SADCSTAN in relation to standardisation, quality assurance, accreditation and metrology in the SADC);
- Encourage the establishment of compliance and enforcement capacity within the regulatory authorities in all Member States through: Adequate budget allocations; Compliance monitoring; Enforcement of legislative instruments; and Development of essential support mechanisms;
- Utilise existing private sector initiatives in Member States to promote industry compliance with GHS legislation;
- Strengthen interaction with international institutions for the further development and implementation of the GHS by establishing a stronger network amongst SADC countries;
- Harmonise the approach to the implementation of the GHS with AU trading partners;
- Encourage on-going training and awareness raising within relevant Member State governments and non-governmental organisations; and
- Encourage access to the required technical infrastructure to implement the GHS by relevant institutions.

The *Training Goal* is to develop and implement appropriate training programmes for each target sector commensurate with the nature of the work or exposure to hazardous chemicals. The *objectives* set to achieve this training goal are to:

- Encourage the maximum use of existing SADC and Member State training infrastructure;
- Member States to develop and implement relevant training courses to cover all elements of the GHS for all relevant role players along the value chain;
- Encourage the harmonisation of training on the GHS across all sectors in Member States; and
- Encourage special training challenges of SMMEs and rural organisations in Member States.

The *Awareness Raising Goal* is to develop and implement a comprehensive awareness raising programme that addresses the needs of the different target audiences along the value chain and ensures that the information conveyed on SDSs and/or labels is accessible to the user. The *objectives* set to achieve this awareness raising goal are to:

- Update existing SADC and Member State awareness raising programmes to include relevant areas of the GHS;
- Encourage the implementation of awareness raising programme along the value chain;
- Strengthen the capacity of SADC and Member State organisations currently implementing programmes in the consumer sector to undertake awareness raising; and
- Increase the number of SADC and Member State organisations that can implement awareness raising programmes.

The *Technical Infrastructure Goal* is to strengthen existing technical infrastructure in the SADC and Member States to support the effective and efficient implementation of the GHS. The *objectives* set to achieve this technical infrastructure goal are to:

- Promote the accreditation of testing facilities for all hazard criteria through the SADCA;
- Conclude international multilateral agreements to ensure the international acceptance of results from accredited facilities;
- Establish appropriate infrastructure to effectively respond to enquiries in respect of poisoning incidents involving chemicals and the appropriate emergency response; and to extend the scope to respond to all incidents involving chemicals and enquiries regarding chronic impacts of chemicals;
- Establish appropriate information management systems for GHS implementation monitoring;
- Establish appropriate mechanisms to assist stakeholders to access relevant hazard communication information; and
- Eventually provide technical information in all official languages of the SADC.

5.4 Role of Regional Institutions

5.4.1 SADC Secretariat

Implementation of the GHS needs to be integrated into the implementation of other relevant SADC protocols. The Secretariat could assist in achieving this objective by ensuring that the relevant directorates promote integration into the relevant initiatives. Support for the development of the necessary national regulatory instruments will be crucial to the successful implementation of the GHS throughout the region. The SADC Secretariat should identify existing regional instruments that could be amended to take the GHS into account. The existing instruments that could be amended are the SADC Transport and Trade Protocol and the draft SADC Code of Practice on the Safe Use of Chemicals. The draft Code is the easier of the two considering that it is still in draft form but is also more suitable as a general GHS tool because it is much broader and therefore easily adaptable. Although the Code has flexibility, there is need for stronger coordination of the different directorates to ensure ownership and avoid duplication of activities.

The appropriate Directorates in SADC Secretariat should be facilitated to meet with UNITAR / ILO and regional experts to initiate development of a GHS Project Proposal for submission to appropriate SADC Ministers for approval.

5.4.2 NEPAD

The implementation of programs under NEPAD is the primary responsibility of RECS and at country level. As agreed at the September 2003 Livingstone workshop, NEPAD presents an opportunity for the SADC region to optimise linkages with the GHS plans under NEPAD. SADC should also explore the possibility of soliciting resources under NEPAD. This calls for the SADC Secretariat working with international organisations to develop a project proposal which should be used as a basis for sourcing resources.

5.4.3 AU

The AU through a NEPAD proposal or directly through the specialised commission is another possible means for sourcing assistance. The recommendation made regarding the need to engage regional mechanisms under the NEPAD Environmental Initiative is also applicable to the AU.

5.5 Role of Regional Initiatives

5.5.1 RISDP

According to the Agreement Amending the SADC Treaty, i.e. the Regional Indicative Strategic Development Plan (RISDP), and based on the strategic priorities of SADC, its Common Agenda is designed to provide strategic direction with respect to SADC programmes, projects and activities. The RISDP aligns the strategic objectives and priorities with the policies and strategies to be pursued towards achieving those goals over a period of fifteen years.

The RISDP is indicative in nature and outlines the necessary conditions that should be realised towards the attainment of SADC's regional integration and development goals. In view of the need to monitor and measure progress, the RISDP sets targets that indicate major milestones towards the attainment of agreed goals. In this connection, the RISDP sets up a logical and coherent implementation programme of the main activities necessary for the achievement of the region's broader goals with a reasonable, feasible and agreeable time frame that takes into account resource constraints. Furthermore, the RISDP provides SADC Member States, with a coherent and comprehensive development agenda on social and economic policies over the next fifteen years.

In the light of the SADC vision of a common future within a regional community and its mission to promote sustainable and equitable economic growth and socio-economic development, the ultimate objective of the RISDP is to deepen the integration agenda of the SADC with a view to accelerating poverty eradication and the attainment of other economic and non-economic development goals such as the GHS.

5.5.2 SEARCH

SEARCH is an initiative of the government and private sector cooperation that is needed for any regulation to work. The lessons and experience gained under the SEARCH should be considered in the GHS development. The SEARCH Secretariat could be involved in the GHS development as a way of sharing their experience and attain the recommendations of the Livingstone workshop in this regard. Some elements of the SEARCH initiative could be incorporated into the Regional GHS. During the Livingstone workshop, the working groups identified the need to increase capacity by: broadening participation in the SEARCH initiative for pesticides, increasing awareness on the GHS across all sectors, and intensifying relevant training programmes.

5.6 Role of national governments

The success of any national program depends on the commitment of the political leadership. The draft SADC Code of Practice on Safe Use of Chemicals identifies the role of governments as that of facilitating processes that strengthen structures necessary for attainment for the implementation of the Code of Practice. Additionally, and more crucial is the responsibility for the national governments to create the necessary legal and institutional framework or the enabling environment for the initiation, development and internalisation of the GHS or of its elements within the national laws where this is applicable. Where the legal or institutional framework does not exist, governments should seek external assistance with the support of some specialised UN agencies and the SADC Secretariat. Where there is some basic legal and institutional framework, governments should facilitate the designation of a lead agency that should be able to coordinate the four sector institutions in order to initiate the process of harmonising the national laws or identification of a law or laws that have broad enough mandates to allow elements of GHS and the eventual internalisation.

The Livingstone workshop identified the following roles for governments:

- Member States that have not commenced national-level GHS implementation projects are encouraged to do so, resources permitting, and are encouraged to explore synergies with other funding mechanisms.
- Member States should raise awareness about the GHS and its importance within all relevant national ministries and among NGOs, and encourage others to do so.

- Member States are encouraged to ensure the incorporation of chemicals management into national poverty alleviation strategy development processes, national sustainable development strategies (where they exist), or similar tools.
- Participants should ensure that the workshop report and recommendations are disseminated to all relevant institutions in their country.
- Member States that are developing National Chemicals Management Profiles (e.g. as part of a Stockholm Convention National Implementation Plan development process) are encouraged to include a chapter on chemicals classification and labelling that could serve as the basis for a detailed Situation Analysis for a future national GHS project.
- Those engaged in GHS-related activities should consider possible synergies with other initiatives / agreements (e.g. the Stockholm, Rotterdam and Basel Conventions and Montreal Protocol) to assist with GHS implementation.
- It is recommended that Member States strengthen information exchange on GHS activities for and among all stakeholders.

Member States that undertake GHS implementation at the national level are strongly encouraged to ensure harmonisation to the greatest extent possible between and among those sectors affected by the GHS. The working groups stressed the importance of securing high-level political endorsement from Member States to move the regional process forward. To assist this process, the development of a regional GHS implementation project for submission to SADC Ministers was proposed.

5.7 Suggested Role of Stakeholders and Major Groups

5.7.1 Industry

The success of any program largely depends on how well it is accepted and owned by stakeholders. A successful GHS will heavily rely on its acceptability, how much it is owned, and how much it is understood to result in benefits (e.g. contribution towards poverty elimination) to the region. The Draft SADC Code of Practice on the Safe Use of Chemicals has laid a foundation in setting out responsibilities of the different stakeholders. Industry on its part is expected to take full responsibility for ensuring clear product identification information relating to safety; and that the relevant packaging and labelling requirements are strictly adhered to. The ultimate goal is to reduce chemical related hazards and poisonings.

Industry is expected to continue playing a pro-active role by co-operating with governments, through voluntary self regulatory activities as Responsible Use and the SEARCH initiative. Identified by RISDP as a strategic partner in the development of the region, industry must be involved in the development of the GHS by directly sharing its technical expertise and other resources such in the facilitation of some preparatory meetings or capacity building workshops or any similar related programs.

5.7.2 Labour

The RISDP calls for inclusiveness of all stakeholders as a sure way of realising SADC's developmental goals. The draft SADC Code on Safe Use of Chemicals has also placed responsibility on the workers representatives. Organised labour is encouraged to ensure the observance of safety requirements at the workplace in order to minimise or reduce risks. This is to be achieved through education, training and awareness raising among their members. There is need to provide capacity to labour representatives in order to attain the desired goals. Like industry, Labour representation must be part of the development of GHS from inception, which will enhance acceptability and ownership of the GHS.

5.7.3 Transport

The development of seamless, integrated, efficient, safe, cost-effective and responsive transport, communications and meteorology systems is important to the realisation of the general objectives of SADC. The SADC Protocol on Transport, Communications and Meteorology, signed in 1996 and implemented in 1998, provides the legal and broad policy framework for cooperation, and defines the strategic goals for the transport, communications and meteorology sectors.

Significant progress has been made in reforming the institutional and funding arrangements for the region's transport systems. In this regard the majority of Member States now have Road Agencies or Funds. In efforts to improve safety, the region has adopted measures on driver training and licensing as well road signage, in maritime transport and civil aviation international conventions and standards are being applied. There are on-going initiatives of market access for the improvement of transport services especially in the road and air transport sectors.

The RISDP sets a target of harmonising transport rules, standards and policies by 2008.

5.7.4 Agricultural Research and Training

The overall goal of agricultural research and training is to contribute to poverty alleviation and sustainable growth through agricultural and natural resources research and training in the region. The specific objectives are to promote partnerships in the area of agricultural research and training, improve regional research and training co-ordination and integration, improve the information and communication system, and to review the institutional framework. The strategies for attaining these objectives focus on three broad areas. These areas are strengthening human resources capacity; strengthening regional research and training capacity, co-ordination mechanisms for related policy issues, partnerships and stakeholder ownership of collaborative research programmes; and facilitating exchange of information and dissemination of research results.

5.7.5 Human Resource Development and Technical Support

The proposed role for human resource development and technical support are:

- Harmonisation and standardisation of the qualification and accreditation systems with a view to increase access to education and training opportunities and to promote comparability in the educational and training systems and their outputs.
- Allocation of adequate human and financial resources for the provision of essential services for human development as well as promoting their efficient utilization.
- Coordination and standardisation of databases and information systems in the area of social and human development and special programmes, particularly for human capital formation, labour markets, productivity improvement, cultural development, and combating human poverty, HIV/AIDS, TB, malaria and other major diseases.

5.7.6 Private/Consumer Sector

The RISDP sets a specific objective of consolidating and promoting tri-partism and social dialogue in addressing labour and employment issues as part of the regional integration agenda. In addition the following focus areas for strengthening the involvement of the private sector have been identified:

- Public-private sector partnership and dialogue;
- Quality of dialogue between the public and private sector;
- Capacity development in the private sector institutions and at the SADC Secretariat to meet the needs of the anticipated partnership and improved dialogue; and
- Information flow between the public and private sectors, including the private sector and SADC Secretariat.

A need has also been identified to form multi-sectoral and multi-stakeholder bodies to examine and promote GHS implementation, including designating lead agencies. In the consumer sector, the establishment of tripartite Consumer Protection Councils in all countries was proposed. Ensuring synergies with existing regional and international initiatives was also stressed.

5.8 Possible Contributions of Relevant International Institutions

At the international level, the Livingstone workshop proposed a continuing engagement with international organisations such as the UN SCEGHS, UN SCETDG, UNITAR, ILO, FAO, WHO, GTZ and other potential donors. In order to increase synergies with other donor priorities, it was proposed that the links between the GHS and other issues such as trade and environment, protection of marginalized groups and protection of water supplies, be emphasised. SADC being a REC under the AU, and that almost all the countries are members of the UN, has had good cooperation with the donor community both (multilateral and bilateral). Although the donor support has largely been sector biased, there are some synergies that could be explored for the purposes of developing GHS. Notable and more directly relevant donors and specialized UN Agencies that have been active in the region include; UNITAR that has been involved in assistance to develop capacity for sound chemicals management in accordance with the aspirations of Agenda 21; ILO whose programs under Conventions 170 and 174 on chemicals safety are of direct relevancy and almost basis for the GHS; the FAO whose programs under the PIC and Revised Code of Conduct and its “successor” the Rotterdam Convention, have contributed greatly to the development of pesticides legislation in many countries, and UNEP’s support to the region under the programs such as the IRPTC and the London Guidelines and more recently under the Stockholm Convention.

International organisations using their specialised mandates, competences and their wider networks and relationships can assist the development and implementation of the GHS by pulling their resources taking advantage of synergies in order to overcome the constraints faced by the SADC countries. For example, UNEP, UNITAR, ILO, FAO, WHO, UNIDO, UN SCEGHS, UN SCETDG while supporting a project or program activity can allow flexibility to include a GHS related element within their programs. This would lead to quicker use of the synergies in order to realise or develop GHS within a country or the region.

On the other hand agencies that are directly addressing the issue of GHS should mobilise resources towards a component of GHS or towards completion or expansion of pilot programs already initiated in the region or outside the region. ILO should be requested to revisit its support for the SADC Code of Practice by ensuring internalisation within national laws where possible or facilitate programs and or activities that lead to raising awareness needed to win national political awareness and support. UNITAR should be requested to mobilise resources to expand to other countries the pilot programs initiated in Zambia and South Africa (e.g. CHC), National Chemicals Profiles and National Chemicals Risk Assessments.

Opportunities and synergies under different UN Conventions and through their funding mechanisms such as the GEF should be explored. Bilateral donors already active in the region, such as the USAID, GTZ, the Government of Switzerland, Swedish International Development Agency (SIDA), and the Canadian International Development Agency (CIDA) with a very strong interest in chemicals field should be approached for possible support.

The international organisations should be requested to assist in resource mobilisation and capacity building including where possible legal, technical capacity (institutional, infrastructure), training and awareness-raising for different interest groups including; regulatory authorities, worker representatives, politicians and the media. As stressed by the Livingstone workshop report, international organisations could facilitate and help develop tools to assist with GHS awareness-raising and wide dissemination, including, for example, a model power point presentation aimed at decision-makers.

UNITAR and ILO should be requested assist SADC mobilise financial resources for developing a model GHS.

5.9 Principles for GHS Implementation

It is proposed that the implementation of the GHS be guided by the following principles:

- Member States will respect the GHS to the extent that it is seen to be adding value or generating solutions to common problems faced by the SADC Region;
- Implementation of the GHS must be based on broad participation and consultation, in order to engage as many stakeholders as possible, to create ownership for the outputs, and to internalise the principles upon which it is based.
- Management of the GHS should adopt the principle of subsidiarity, whereby all activities are undertaken at levels where they can be best handled. This means that the involvement of institutions, authorities, and agencies outside SADC structures to initiate and implement regional programmes using their own generated resources should be promoted and encouraged.
- Maximum engagement of regional expertise and institutions for programme management and implementation should be sought, which should further enhance capacity building and local ownership.
- The decentralised management approach will ensure adoption of the participatory approach, promote ownership of outputs by beneficiaries and facilitate integration with other initiatives at the national, regional, continental and global levels.
- GHS implementation plans should be drawn up, clearly setting out issues such as: who the different role-players are, implementation and management roles, benchmarks, and sustainability.

5.10 Proposed Timeframes

During the Livingstone Workshop, participants developed and agreed to possible elements of a regional strategy to harmonise the implementation of the GHS in all SADC countries by 2007. Participants developed a roadmap for the development of the regional GHS. Critical factors of the roadmap included; the need to complete the needs Assessment Report by the end of 2003, the need for wider distribution and dissemination of the workshop results both within the region and at important international fora (specifically the IFCS Forum IV), development of a GHS Project Proposal by early 2004 and ensure a strong political support through SADC channels for project approvals (through the earliest Council of Ministers meeting).

A GHS Project Proposal will have to be developed based on the actual varying regional legal, institutional, infrastructure, human and financial resources situation or status. Participants were to ensure strong domestic political support for the GHS by ensuring wider distribution of the workshop report and also making efforts to raise awareness among key stakeholders including relevant political leadership. Critical to the development of the GHS was the agreement by the participants to the Livingstone workshop that UNITAR facilitates the direct involvement and coordination of leadership of the SADC Secretariat. In developing the regional GHS, it was agreed that other efforts within the region such as the NEPAD initiative be observed and synergies be fully utilised to ensure maximum optimal resource use but also to avoid duplication of efforts with its attendant resource wastage.

The following is the proposed schedule of key targets as developed by the SADC Member State representatives at the workshop:

- Completion of a draft Regional Needs Assessment and Implementation report by December 2003 and circulated to meeting participants for review;
- Ensuring presentation of workshop results to the IFCS Forum IV meeting in November 2003;
- SADC countries, with the assistance of UNITAR, will develop a project proposal by January 2004 for SADC on the regional implementation of the GHS;

- UNITAR to engage with the SADC Secretariat on a mechanism to develop a regional approach to GHS implementation;
- Submission of the SADC Implementation Proposal for Ministerial approval at next relevant meeting of the Council of Ministers;
- Ensure integration of SADC sub-regional GHS efforts into: the NEPAD Health and Environment Initiatives, GHS activities and GHS initiatives of other relevant organizations.
- Commencement of 12 additional national GHS implementation projects in SADC countries by 2005, taking into account the experiences and lessons learned in pilot projects supported by UNITAR in Zambia and South Africa; and
- Countries should report on progress with these activities in response to a request from UNITAR in October 2004. A report is to be compiled by UNITAR as information for participant countries and for submission to the December 2004 Programme Advisory Group meeting.

6 THE WAY FORWARD

This report has developed a platform for the development of a SADC Regional GHS policy, strategy and implementation action plan. It has done this by providing:

- Background and context;
- A description of regional institutions and structures;
- Detailed the national situation in all SADC Member States;
- Made an assessment of capacity and needs to implement the GHS at a regional level; and
- Compiled a framework for a regional implementation strategy.

Based on this information and the commitment of SADC Member States made at the Lusaka workshop, a roadmap now needs to be developed to take the process forward. Such concrete plan for GHS implementation in the SADC region needs to delineate:

- The specific issues which need to be addressed;
- The activities and actions need to be undertaken; and
- The roles and responsibilities of the relevant key stakeholders and institutions.

6.1 Progress to Date

Progress with the implementation of the activities envisaged at the workshop has been limited. SADC Member States have been considering the workshop outcomes, but have not jointly taken any further steps in to expedite the implementation of the GHS in the region. This assessment is the first activity completed as envisaged activities identified for the development of a regional implementation strategy and action plan (see section 5.10).

South Africa, with the financial assistance of UNITAR, has developed a National GHS Implementation Strategy. Government, Business and Labour in South Africa have agreed on and are in the process of implementing the strategy using the following approach:

- (i) The complete GHS is being implemented, with the proviso that it is possible to implement the individual elements.
- (ii) A phased approach is being pursued, i.e. elements which can proceed faster than others are being implemented when possible and are not allowed to be delayed by elements which may take longer.
- (iii) Implementation will be legally binding through reference to a single national technical standard which will be referenced in all relevant legislation.
- (iv) The timing of implementation will be aligned with implementation by major trading partners.
- (v) A national GHS standard is being developed as a priority. However, the importance of a regional approach to implementation has been recognized. In this regard South Africa is actively exploring possibilities to encourage and assist with regional initiatives in this regard.

6.2 Proposed Roadmap

Based on the Lusaka workshop's tentative proposal for the implementation of a regional approach to the implementation of the GHS, the following roadmap is proposed:

- (vii) SADC countries, with the assistance of UNITAR, develop a project proposal during the second half of 2004 for SADC on the regional implementation of the GHS;
- (viii) UNITAR to engage with the SADC Secretariat on a mechanism to develop a regional approach to GHS implementation;

- (ix) The SADC Implementation Proposal is submitted for Ministerial approval at earliest relevant meeting of the Council of Ministers;
- (x) South Africa and SADC are requested to work together to broaden the current South African initiative to develop a national GHS standard into the development a regional technical standard for implementation of the GHS in the whole SADC region, with all Member States participating in the standard setting process to ensure that their interests are dealt with satisfactorily. SADCSTAN will coordinate the development of the regional technical standard on behalf of SADC.
- (xi) A phased approach to implementation of the GHS will be pursued, i.e. elements which can proceed faster than others will be implemented when possible, and will not be delayed by elements which may take longer to implement.
- (xii) Member States will jointly identify regional priority issues and then assign regional and national responsibilities. Based on the prioritized issues Member States will then select (say) three broad actions which each Member State should take forward in their country.
- (xiii) The key issues which could be considered include the following:
 - a) Review and adapt relevant national legislation or policy instruments to align with the SADC regional technical standard for the GHS;
 - b) Review and adapt institutional coordination within Member States and where appropriate within SADC;
 - c) Encourage the alignment of the Basel Convention Classification of waste to that of the GHS;
 - d) Agreed how discretionary elements in the GHS should be handled;
 - e) Develop and implement training programmes;
 - f) Encourage trade union participation as crucial for the successful implementation of the GHS.
 - g) GHS elements should form an integral part of a programme of accreditation of training on Health, Safety and the Environment. (HSE).
 - h) Workers are encouraged to play a crucial facilitating role in disseminating information round GHS to their families and communities.
 - i) Develop awareness-raising programmes.
 - j) Increase the availability of test methods and laboratories.
 - k) Poison centres will form an integral part of the GHS implementation strategy and existing poison centres will be strengthened.
 - l) Ensure improved information exchange.

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Annexure 1: Summary Table of Survey Results

Sector/Questions	SADC Country													
	Ang	Bot	DRC	Les	Mal	Mau	Moz	Nam	Sey	RSA	Swa	Tan	Zam	Zim
Agriculture														
Responsible Ministry	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Does legislation exist?	√	X	X	X	√	√	X	√	√	√	X	√	√	√
Do standards exist?	√	X	X	X	√	√	X	NA	NA	√	X	√	√	√
Who has legal mandate?	MoA	MoA	MoA	MoA	MoA	NA	MoA	MoA	MoA	MoA	PPU	TPRI	ECZ	PPRI
Are international codes incorporated?	√	√	√	√	√	√	√	NA	NA	√	√	√	√	√
Does Code of Practice exist and is it adaptable to support GHS?	√	X	X	X	X	X	X	NA	NA	X	X	X	X	X
Do awareness and training programs exist?	√	√	√	√	√	√	X	NA	√	√	√	√	√	√
Do Poison Control Centres exist?	X	X	X	X	X	X	X	NA	NA	√	X	X	X	√
Do accredited laboratories exist?	√	X	√	X	X	X	X	√	NA	√	X	X	√	√
Does an Emergency Response System exist?	√	X	X	X	X	X	X	NA	√	√	√	X	√	X
Do research/information centres exist?	√	√	X	X	√	√	√	NA	NA	√	X	X	X	√
Are training facilities available?	√	√	X	X	√	√	√	NA	NA	√	X	X	X	√
Industry														
Responsible Ministry	√	√	√	√	√	√	√	√	NA	√	X	√	√	√
Does legislation exist?	√	X	√	X	√	√	X	NA	NA	√	X	√	√	√
Do standards exist?		X	√	X	√	√	X	NA	NA	√	X	√	√	√
Who has legal mandate?		MoH	NA	Env	T&I	NA	NA	T&I	NA	T&I	NA	NA	ECZ	NA
Are international codes incorporated?		√	√	√	√	√	√	NA	NA	√	√	√	√	√
Does Code of Practice exist and is it adaptable to support GHS?	NA	X	X	X	X	X	X	NA	NA	√	X	NA	X	√
Do awareness and training programs exist?	√	√	√	√	√	√	X	NA	NA	√	√	√	√	√
Do Poison Control Centres exist?	X	X	X	X	X	X	NA	NA	NA	√	X	X	X	√
Do accredited laboratories exist?	√	X	√	X	√	X	NA	NA	NA	√	X	X	√	X
Does an Emergency Response System exist?	√	X	X	X	X	X	NA	NA	NA	√	√	X	√	X
Do research/information centres exist?	√	X	X	√	√	√	√	NA	NA	√	X	√	√	X
Are training facilities available?	√	√	X	√	√	√	X	√	NA	NA	√	X	√	X

Sector/Questions	SADC Country													
	Ang	Bot	DRC	Les	Mal	Mau	Moz	Nam	Sey	RSA	Swa	Tan	Zam	Zim
Transport														
Responsible Ministry	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Does legislation exist?	√	X	√	X	X	X	X	NA	NA	√	X	√	√	√
Do standards exist?	√	X	√	X	X	X	X	NA	NA	√	X	√	√	√
Who has legal mandate?	MoT	MoH	MoW	NA	NA	NA	NA	MoT	MoT	MoT	NA	NA	ECZ	NA
Are international codes incorporated?	√	√	X	√	X	X	√	NA	NA	√	X	√	√	X
Does Code of Practice exist and is it adaptable to support GHS?	√	X	X	X	X	X	X	NA	NA	√	X	X	X	X
Do awareness and training programs exist?	√	X	X	X	X	X	X	NA	NA	√	√	√	√	√
Do Poison Control Centres exist?	X	X	X	X	X	X	X	NA	NA	√	X	X	X	X
Do accredited laboratories exist?	√	X	X	X	X	X	X	NA	NA	√	X	√	√	X
Does an Emergency Response System exist?	√	X	X	X	X	X	X	NA	NA	√	√	X	√	√
Do research/information centres exist?	√	√	√	√	√	√	√	NA	NA	√	√	√	X	√
Are training facilities available?	√	√	X	√	√	√	√	NA	NA	√	√	X	X	√
Consumer														
Responsible Ministry	NA	√	√	√	√	√	√	NA	NA	√	√	√	√	√
Does legislation exist?	X	X	X	X	√	X	X	NA	NA	√	X	√	X	√
Do standards exist?	X	X	X	X	√	X	X	NA	NA	X	X	X	√	X
Who has legal mandate?	NA	MoH	NA	NA	MBS	NA	MoH	NA	NA	Var	MoH	Chem	MoH	NA
Are international codes incorporated?	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Does Code of Practice exist and is it adaptable to support GHS?	X	X	X	X	X	X	X	NA	NA	X	X	X	X	X
Do awareness and training programs exist?	√	X	√	√	√	√	X	NA	NA	√	√	√	√	√
Do Poison Control Centres exist?	X	X	X	X	X	X	√	NA	NA	√	X	X	X	√
Do accredited laboratories exist?	√	X	X	X	√	√	X	NA	NA	√	X	X	X	X
Does an Emergency Response System exist?	X	X	X	X	X	X	X	NA	NA	√	X	X	X	√
Do research/information centres exist?	√	X	√	√	√	√	√	NA	NA	√	X	√	√	X
Are training facilities available?	√	√	√	√	√	√	√	NA	NA	√	X	√	√	X

Legend:

Ang = Angola; Bot = Botswana; DRC = Democratic Republic of Congo; Les = Lesotho; Mal = Malawi; Mau = Mauritius; Moz = Mozambique; Nam = Namibia; Sey = Seychelles; RSA = South Africa; Swa = Swaziland; Tan = Tanzania; Zam = Zambia; Zim = Zimbabwe

√ = Yes; X = No; NA = Information not available

MoA = Ministry of Agriculture or similar; MoH = Ministry of Health or similar; MoT = Ministry of Transport or similar; Env = Ministry of Environment or similar

T&I = Ministry of Trade and Industry or similar; Chem = Government Chemist;

Annexure 2: List of Regional Addresses / Contact Points (taken from surveys)

Contact Point by Sector				
Country	Agriculture	Industry	Transport	Consumer
Angola	Ministerio da Agricultura Plant Protection Service (DNOPA) Cx. Postal No.527, LUANDA	No information	No information	No information
Botswana	Ministry of Agriculture and Livestock PO Box Gaborone	Ministry of Commerce and Industries PO Box Gaborone	No information	Mrs Oabile Kealotswe Assistant Health Officer P/Bag 00269 Gaborone
DRC	Bokolo Welieli Nkanda Tel: +243 815096188 Email: bokolowelieli@yahoo.fr	Pethers Balenza-Konko Congo Manufacturers Federation	Mr Tambwa Abaga, Director, Work Security Division SNCC, Lubumbashi Tel: +243 97101512	Kitenge Lubanda Sanitas Environment Tel: +243 819933829 Email: sanitas@hotmail.com
Lesotho	Dr Molomo Veterinary Epidemiologist Dept. of Livestock Services Tel: +266 22324843	Jonathane Posholi Dept. of Labour Tel: +266 22312620	Steve Molefe Chief Highway Engineer Ministry of Transport Tel: +266 2231002	T Matatle Standards Division Ministry of Industry, Trade and Marketing
Malawi	Mr Deusdedit P Kafere Environmental Affairs Dept. P/Bag 394 Lilongwe Tel: +265 1 773 177 Fax: +265 1 773 379 Email: dpkafere@hotmail.com or outreach@sdpn.org.mw	No information	No information	No information

Contact Point by Sector				
Country	Agriculture	Industry	Transport	Consumer
Mauritius	Dr Sibartie Ravinandan Pesticides Control Board, Ministry of Health Atchia Building Suffren Street, Port Louis Tel:230 211 2847 fax:230 211 9928 Email: ravisib@intnet.mu	No information	No information	No information
Mozambique	Ministerio da Agricultura Instituto Nacional de Investigacao Agronomica (INIA) PO Box Maputo Tel: +258 1 300091	Ms Natalia M Teodoro Senior Petrochemical Engineer Av.25 de Setembro 1218-Maputo Tel: +258 1 323016 Fax: +258 1 303063 Email: d.combust@tropical.co.mz	No information	No information
Namibia	Chief Agricultural Inspector Department of Agriculture PO Box 13184 Windhoek	No information	No information	No information
Seychelles	Pesticides Board Ministry of Health, PO Box 52; Victoria (Mahe)	No information	No information	No information

Contact Point by Sector				
Country	Agriculture	Industry	Transport	Consumer
South Africa	Ms M Krause National Dept of Agriculture Tel:+27 12 319 7300 Email: marelik@nda.agric.za	Ms D Mokone Dept of Trade and Industry Tel:+27 12 428-8881 Fax:+27 12 428-7898 Email: dimakatsom@isa.org.za	Mr L Mudaly National Dept of Transport Tel: +27 12 309-3000/3763 Email: mudaly@ndot.pwv.gov.za	Mr N Buthelezi Dept of Trade and Industry Tel:+27 12 310-9352 Fax:+27 12 320-0311 Email: noziph@dti.pwv.gov.za
Swaziland	Similo G Mavimbela Plant Pathology Unit Tel: +268 528 3017 Email: malkernsresearch@africaonline.co.sz	Raphael Dlamini Tel: +268 383 8600 ext 3191	Mr Kris Mnisi Safety Manager Swaziland Railway Tel: +268 404 2486/87 Fax: +268 404 5009	Dr Sikhomba Gumbi Tel: +268 404 6420
Tanzania	Ms Francisca F Katagira Ministry of Agriculture and Food Security PO Box 9071 Dar-es-Salaam Email: pps@kilimo.go.tz or fkatagira@hotmail.co	Mr Patrick Marwa Ministry of Industries and Trade PO Box 9503 Dar-es-Salaam	Mr Edson Chalamila Ms Tumpe Mwaijande Ministry of Transport and Communication PO Box 9144 Dar-es-Salaam	Ms Angelina E A Madete Vice President's Office Division of Environment PO Box 5380 Dar-es-Salaam
Zambia	Mr Jim Hill Agriflora PO Box CH43; Lusaka Tel: +260 1 283688 Fax: +260 1 220186	Mr A Mundia Chemical Society of Zambia PO Box 32071 Lusaka	Mr L T Mfula Energy Regulation Board PO Box 37631; Lusaka Tel: +260 1 236002 Fax: +260 1 236003	Mrs M Mazhamo PO Box 30138 Lusaka
Zimbabwe	Ms O Mulambo Plant Protection Research Institute	Dr Chitsora ZIMPHOS (PVT) LTD	Mr Muzenda Ministry of Transport/ Mr Brown Colbro Transport(PVT)Ltd	S Mtetwa ZINWA Water quality PO Box CY 617 Causeway Harare Tel: +263 793139

Annexure 3

Summary of the Memorandum of Understanding on Co-operation in Standardisation, Quality Assurance, Accreditation and Metrology

The ministers responsible for the industry and trade sector in SADC have concluded a memorandum with the objective of establishing a formal framework in which the co-operation amongst the national institutions in Standardisation, Quality Assurance, Accreditation and Metrology will take place in the region.

In support of this objective the following structures have been established:

- SADC SQAM Expert Group (SQAMEG)
- SADC Cooperation in Measurement Traceability (SADCMET)
- SADC Cooperation in Legal Metrology (SADCMEL)
- SADC Cooperation in Standardisation (SADCSTAN)
- SADC Cooperation in Accreditation (SADCA)

The SADC Cooperation in Standardisation shall promote the coordination of standardisation activities and services in the Region, with the purpose of achieving harmonisation of standards and technical regulations, with the exception of Legal Metrology regulations, in support of the objectives of the SADC Protocol on Trade.

The aims shall be to:

1. Promote regional cooperation in the development of harmonised standards and technical regulations;
2. Facilitate the exchange of information on existing standards, draft standards and technical regulations among Member States;
3. Facilitate the adoption of regional standards by Member States;
4. Facilitate the adoption of a common position by members in regional and international standardisation bodies; and
5. Encourage the harmonisation of legislation relating to Standards.

The functions shall, *inter alia*, be to:

1. Develop and adopt mechanisms for the formulation of regional standards;
2. Develop mechanisms to facilitate the adoption of regional standards as national standards;
3. Examine the need for a develop regional product standards;
4. Work together with SADCA and consult with industry in the development of systems standards such as ISO 9000 and ISO 14000, and their supporting certification and accreditation standards;
5. Develop standards in support of harmonised technical regulations;
6. Develop regional Bridging Standards to make international standards more accessible to the Region;
7. Coordinate inputs to and liaise with ISO, IEC, ARSO and similar regional and international standardisation organisations;

8. Develop conformity assessment and accreditation standards;
9. Provide technical assistance and training in the management and planning of standards development, as well as standards information services;
10. Devise means to disseminate standards information, whilst protecting copyright;
11. Develop regional mechanism for complying with the WTO Agreement on TBT requirements; and
12. Facilitate access to current databases of national Standards Bodies in respect of standards, draft standards and technical regulations.

Current projects which could impact on the implementation of the GHS in SADC are the development of standards in the following areas:

- Safety signs in buildings/factories;
- Labelling of packaged goods;
- Transportation of dangerous goods; and
- Occupational health and safety management systems - guidelines for the implementation of OHSAS18001.

Projects can be proposed by any of the SADC Member States. Once a proposal has been presented it requires approval from two thirds of the SADC Member States for the project to proceed.

Annexure 4

National Situation in SADC Countries

This annexure comprises a brief analysis of the national situation regarding chemical hazard management and more specifically the classification and labelling of chemicals in the fourteen SADC Countries. The analysis has been structured on a sectoral basis dealing successively with each of the four target sectors, i.e. agriculture, industrial chemical production, transport and the consumer sector.

AGRICULTURE SECTOR

Angola

The Angolan Ministry of Agriculture and Rural Development (MINADER) exercises control over companies importing pesticides and fertilisers. Furthermore, MINADER is also responsible for the management of chemical products in Angola to ensure the safeguarding of fauna and flora.

MINADER controls the importation and use of pesticides and fertilizers through the Department of Agrochemical and Laboratory Support.

The country accepts the provisions of international Codes of Practice and conventions such as the FAO Revised Code of Conduct, and the WHO Classification of Pesticides by Hazard.

Angola has technical capacity in the areas of laboratory, research/information and training facilities, with an existing awareness raising program. Although Portuguese is one of the official languages of the SADC, language could prove a possible hindrance to the rapid implementation of any SADC GHS initiative.

Botswana

Botswana's agriculture sector falls under the Ministry of Agriculture and Livestock, and specifically the Department of Agricultural Research.

The Country does not have legislation for its agricultural chemicals. However, a Bill, the Agrochemicals Act 1999, has been prepared incorporating some provisions of the FAO revised, the WHO recommended classification by hazard and some elements of the SADC Code of Practice on the Safe Use of Chemicals. The Bill however does not provide specific requirements for SDSs. The Bill could be the basis for a future GHS implementation, although the enforcement will be difficult due to lack of adequate human, financial and technical capacity. The country does not have adequate supportive infrastructure. Botswana will need to continue the general awareness training in order to gain broad support for enforcement of future legislation incorporating the GHS.

Democratic Republic of Congo (DRC)

The Ministry of Agriculture, Department of Plant Protection is responsible for agro-chemicals related matters. The country does not have legislation or any specific requirements for SDSs or hazard communication tools. The country however does accept the provisions of international Codes of Practice and conventions such as the FAO Revised Code of Conduct, the WHO Classification of Pesticides by Hazard, and, the provisions of the Rotterdam Convention. On the basis of the country's lack of legislation, the introduction of the GHS could face the possible difficulty of lack of experience in legal enforcement. Financial resource constraints are considered a serious handicap.

As in the case of Botswana, the GHS could be incorporated as part of the development process for legislation, and the GHS process could initiate the development of legislation. The DRC does have some technical capacity in the areas of laboratory, research/information and training facilities, with an existing awareness raising program utilising posters. Although French is one of the three official languages of SADC, language could prove a possible hindrance to the rapid implementation of any SADC GHS initiative.

Lesotho

Lesotho does not have legislation directly relevant to the GHS, although a draft Environmental Bill has been gazetted which *inter alia* covers the chemical sector as well as other environment related sectors. The Bill is likely to integrate some provisions of the FAO Code of Conduct, the Rotterdam Convention as well as the draft SADC Code of Practice on the Safe Use of Chemicals. Although the country does not have appropriate legislation, it has some basic training and awareness raising infrastructure. The Responsible Use program also assists farmers in the safe use of pesticides.

Malawi

The Fertilizers, Farm Feeds and Fertilizers Act of 1973, and its subsidiary regulations, as well as the Pesticides Bill of 1997 are administered by the Ministry of Agriculture and Irrigation. The Environmental Management Act of 1996 is administered by the Ministry of Forestry, Fisheries and Environmental Affairs. These are the principal laws governing the sector and which require mandatory registration of pesticides, which must be accompanied by SDSs. The legislation incorporates elements of international legal instruments and guidelines for the management of chemicals. It would therefore be possible to incorporate the GHS through amendments to the Pesticides Bill. Among the major constraints in the sector is a lack of adequate human and financial resources for effecting changes to legislation as well as implementation as the infrastructure base is weak. Nonetheless, Malawi has a good farmer education and awareness program as well as good industry voluntary programs, including Responsible Use. It also has a good test laboratory for residue analyses.

Mauritius

Mauritius has the necessary legislation in the form of the Pesticides Control Act which has adopted pesticide classification according to the FAO, the Rotterdam and Stockholm Conventions and WHO guidelines on hazard classification. It does not have legislation specific to the GHS. However, since the existing legislation has incorporated some international legal guidelines, indicates that the GHS could possibly be adopted within the provisions of the law. The Pesticides Act is likely to be replaced by a new legislation the Dangerous Chemicals Control Act. Whether the new Act is enacted or not, the lack of adequate human resource is likely to affect GHS enforcement. Mauritius has some laboratory facilities as well as some relevant training programs. There are a number of voluntary programs, such as Responsible Use and worker/farmer training programs. General awareness raising programs using posters and brochures are being conducted.

Mozambique

The country does not have relevant legislation, although it participates and benefits from international programs such as the FAO's Revised Code of Conduct on the Distribution and Use of Pesticides. The Ministry of Agriculture's Institute for Agronomical Research is responsible for the chemicals and pesticides approval/registration. There is a lack of both human and financial capacity for the implementation of the GHS. Language could be a barrier, although Mozambique is moving rapidly towards adopting English as one of the official languages, in addition to Portuguese.

Namibia

Namibia does not have relevant legislation for the registration of agro-chemicals, but has relied on the South African legislation, i.e. the South African Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act of 1947 and its associated regulations. Subsequently, the country has introduced its own Bill for regulating pesticides registration. The country has limited infrastructure capacity for implementing the GHS, as well as limited human and financial resources. Nonetheless, based on its experience gained in enforcing the South African legislation, Namibia could with the necessary resources be in a position to implement a GHS.

Seychelles

The Government of the Seychelles has constituted a committee called the 'Pesticide Board' comprising members from various ministries including: the Ministry of Environment, the Ministry of Agriculture, and the Ministry of Health, which deals with the management of pesticides in general.

The Seychelles Bureau of Standards is responsible for ensuring safety aspects related to chemicals entering the country. The Country has relevant legislation for the regulation of chemicals. Furthermore, guidelines have been developed for the benefit of those organizations and individuals responsible for the proper storage and management of pesticides in the Seychelles. Manufacturer's labels and SDSs provide basic information on individual pesticides, according to recognised international requirements.

The Environment Protection Act of 1994 is an umbrella law which provides a general policy framework for environmental protection which enables the introduction of detailed regulations by policy makers. It has the flexibility and scope to deal with a wide range of issues of concern, such as the GHS.

Although French is one of the three official languages of SADC, language could prove a possible hindrance to the rapid implementation of any SADC GHS initiative.

South Africa

The Ministry of Agriculture administers the Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act of 1947, which covers management of agricultural chemicals. In addition to the above Act, there are other Acts, for example: the Occupational Health and Safety Act and the National Road Traffic Act, which prescribe the requirements for chemical hazard communication (including SDSs). The existing laws incorporate some provisions of international legal instruments and guidelines including the FAO Revised Code of Conduct, the Basel Convention and the draft SADC Code of Practice on Safe Use of Chemicals. South Africa is currently in a process which is working toward the development of a GHS Technical Standard which will be referenced in all relevant legislation.

South Africa has a comprehensive and advanced legal and institutional framework with a good infrastructure base for training and enforcing laws, as well as having excellent laboratory facilities. The agricultural chemicals industry has strong Responsible Use programmes backed by a good training and awareness programme for users/farmers. The challenge for the country is to effectively coordinate the various laws and institutions to minimise unnecessary overlaps of mandates and enforcement.

Swaziland

Swaziland does not have relevant legislation; however, a Pesticides Bill is currently being developed. As a member of the United Nations, Swaziland has benefited from international legal instruments and guidelines as part of its capacity building. Therefore the country's familiarity with the FAO, WHO, the Rotterdam Convention and more significantly the SADC Code on the Safe Use of Chemicals, means that Swaziland should not have difficulties in incorporating the GHS in its legislative process. Although the legal framework is not yet formalized, the existing institutional and infrastructure base including voluntary pesticides labelling, worker/farmer training, Responsible Care and a general awareness raising program, are a good basis for implementing the GHS. Some of the difficulties likely to be encountered are the lack of adequate human and financial resources. There will be need for capacity assistance to complete the necessary legislation and its enforcement.

Tanzania

Tanzania has relevant legislation in the form of the Plant Protection Act 1997 and subsidiary regulations. The Pesticides Control Regulations of 1999 are administered by the Tropical Pesticides Research Institute (TPRI) under the Ministry of Agriculture and Food Security. The Pesticides Control Regulations provide requirements registration of pesticides, as well as for labels and SDSs. The current legislation requires some amendments to include the provisions for protecting human health and the environment. The legislation already incorporates provisions of international legal instruments and guidelines, including the FAO Code of Conduct, the WHO Recommended Classification of Pesticides by Hazard, and the Rotterdam and Stockholm Conventions. In general, these regulations could be used as a basis for implementing the GHS.

Tanzania has technically infrastructure at the TPRI for research, product formulation and residue analysis, which is supported by training and awareness programs using various forms of print and electronic media and field demonstrations. It also has a Safe Chemical Use program for workers and farmers.

Tanzania has fairly well developed chemicals and environment management programs with relevant legislations administered by different authorities. There are problems with overlap of mandates and in regard to the present system chemicals hazard management and the proposed GHS. There is also a constraint of inadequate human and financial resources. The latter concerns are difficult to address, but the legislations and mandates could be addressed in the near future. Tanzania has an established institutional framework for the implementation of GHS, but will have to choose the most appropriate institution to formally incorporate the GHS.

Zambia

Zambia has several pieces of legislation relevant to the GHS:

- The Environmental Protection and Pollution Control Act 1990 (EPPCA), CAP204 (amended in 2000) and subsidiary Regulations, i.e. the Pesticides and Toxic Substances Regulation of 1994 and the Ozone Depleting Substances Regulations of 2001.
- The Fertilizers and Feed Act, CAP351; Plant Pests and Diseases (Phyto-sanitary Act) CAP 346 and more recently the Cotton Act and the Coffee Act.

All the legislations, except the EPPCA which is administered by the Environmental Council of Zambia (ECZ) under the Ministry of Tourism Environment and Natural Resources (MTENR), is administered by the Ministry of Agriculture and Cooperatives (MACO). EPPCA is more explicit regarding chemical hazard communications tools which is one of the conditions for registration of pesticides. Zambia has a commonwealth system of legislation which does not automatically bind it to any international legal instrument until it is domesticated within its laws. Currently, Zambia is carrying out a domestication program for some conventions (e.g. Basel Convention, which the country has ratified). However, the current legislation has incorporated some provisions and guidelines contained in the FAO Code of Conduct, the WHO Recommended Classification of Pesticides by Hazard and the Montreal Protocol. In this regard, Zambia could incorporate and implement the GHS by seeking amendments to the current PTS regulation because of its broad mandate and also the good experience of the ECZ and its cooperating sister organizations in the MACO.

The institutional framework in Zambia was designed to reduce coordination problems with the ECZ as the main coordinating body.

The necessary infrastructure base exists, although there is no dedicated poison control centre. There is an emergency response, accredited laboratory under the mining related industries. The country has some awareness raising and training programs, which use electronic databases, posters and brochures. The constraints to the implementation of the GHS include possible contradictions between existing hazard communication with the GHS, as well as inadequate human and financial resources.

Zambia has developed its GHS Action Plan and is in the process of undertaking and/or strengthening some specific identified programs including:

- Registration of chemicals and the training of Customs officers in the chemicals registration process;
- Standardizing chemical hazard labelling and management in the transport sector in line with national and international legislation;
- Amendment of legislation for the implementation of GHS;
- Creation of a database on chemicals related accidents;
- Initiation of Poison Control Centres; and
- Development of awareness and educational materials on Chemical Hazard Communication (CHC).

Zimbabwe

Zimbabwe has the relevant legislation, mainly through its Hazardous Substances Act, Chapter 322 of 1972. The country has developed specific requirements for chemical hazard communication tools. The current legislation has incorporated some provisions and guidelines contained in the FAO Code of Conduct, the WHO Recommended Classification of Pesticides by Hazard, and the Montreal Protocol. In this regard, Zimbabwe could incorporate and implement the GHS by making amendments to the current CAP 322. Zimbabwe has extensive experience in enforcing chemical hazard communication requirements. With the establishment of an environmental control authority, the GHS implementation is likely to be effective. A constraint to implementation is likely to be inadequate human and financial resources. Nonetheless, limited technical and infrastructure capacity is available in Zimbabwe, i.e. an accredited laboratory, a Poison Control Centre, as well as Responsible Care programs exist and training and awareness raising programs.

INDUSTRIAL CHEMICAL PRODUCTION SECTOR

Angola

The Ministry of Industry (MIND) controls companies that import chemicals and related substances for the production and manufacturing of goods and consumables. MIND is responsible for the study and formularization of proposals on chemical recycling, reuse and recovery, as well as promotion and industrial development. The Angolan Institute of Standardisation and Quality Control (IANORQ) is responsible for the activities of standardisation, quality control, meteorology, and certification, and assures the development of a national quality management system by integrating all the components for the improvement of the quality of products, processes and services.

Angola does not have relevant industrial chemicals legislation, but draft legislation is being developed to regulate this sector. The draft legislation has incorporated some provisions of international conventions such as the ILO Convention 170. The country is also familiar with the provisions and requirement of the draft SADC Code on Safe Use of Chemicals. Some investigative work has been carried out in the field of prevention of risks associated with chemical products, through the inspectorates and laboratories.

Angola does not import chemical waste for industrial transformation, although legislation does not exist that forbids the importation or exportation of industrial chemical waste. Furthermore, the Country is currently drafting a (1^a Series, N° 31, of 5 of August of 1994).

The Ministry of the Public Administration, Works and Social Security has launched a media (radio and television) campaign to raise awareness amongst workers about the risks associated with hazardous chemicals.

Botswana

Botswana does not have relevant industrial chemicals legislation, but the Ministry of Health is currently drafting a Bill relevant to chemicals management. The Bill has incorporated some provisions of international conventions such as ILO Conventions 170 and 174, and provisions of the draft SADC Code of practice on the Safety use of Chemicals. In parallel, the country is preparing a National Chemicals Database, which should be a useful tool in the implementation of the GHS. Industry in Botswana has adopted European Union standards on SDSs on voluntary basis in the absence of mandatory legal requirement.

The country lacks human, technical and financial capacity to effectively enforce future GHS implementation. There is limited general awareness raising and training which should be strengthened for future implementation of the GHS.

Democratic Republic of Congo

The DRC has chemicals legislation with specific requirements for chemical hazard communication tools, such as SDSs. Some elements and provisions of some of the international conventions are accepted and incorporated into the legislation. The country has limited infrastructure including accredited laboratories and training facilities. Industry subscribes to a Responsible Care program and has on-going awareness raising programs using posters as well as structured training manuals.

Lesotho

There is no relevant legislation regulating industrial chemicals in Lesotho. However, with the support of funding mechanisms under the Montreal Protocol, legislation regulating Ozone Depleting Substances (ODS) is in place. A Food Control Act is currently being drafted. The most relevant legislation is the draft Environmental Act (2000), which incorporates many elements relevant to international legal instruments. Lesotho does not have formal specialized training courses in chemicals management; although it does have limited awareness raising programs aimed at customs officials. In the event of implementing a SADC GHS initiative, one of the major difficulties that Lesotho would face is lack of experience in legal enforcement, as well as limited human and financial resources.

Malawi

The Industrial Licensing Act of 1992, The Control of Goods Act of 1968, the Occupational Safety, Health and Welfare Act of 1997, and the Environmental Management Act and 1996 are the main pieces of legislation relevant to a chemical classification and hazard communication system in the industrial sector. These pieces of legislations contain elements of the international legal instruments from the ILO Conventions 170 and 174, and the Provisions of the FAO Code of Conduct. The incorporation of these legal tools and guidelines makes it possible to incorporate the GHS requirements in legislation. Constrains to the adoption of GHS in Malawi are inadequate human and financial resources. There is a limited infrastructure base which includes accredited laboratory facilities and the existence of some worker-employer committees with some work place safety training programs.

Mauritius

Mauritius does not have specific legislation relevant to industrial chemicals. However, four other laws, viz. the Pharmacy Act, Occupational Health Safety Welfare Act, the Consumer Protection Act and the Pesticides Control Act indirectly are of relevance to chemical hazards communication. The Occupation Health Safety Welfare Act requires the provision and distribution of SDSs. These Acts incorporate international instruments, such as ILO Conventions 170 and 174, as well as the Rotterdam and Stockholm Conventions. Hence it would be possible to incorporate the GHS in existing legislation. The development of a new comprehensive Dangerous Chemicals Act would be the most suitable vehicle to incorporate the GHS.

Some technical capacity exists to implement the GHS in Mauritius, including accredited test laboratories and training programs for employers/employees, in addition to the general awareness raising programs that use posters and brochures. There are a number of industry and workplace initiatives aimed at worker safety training, as well as label and SDS recognition. The sector also has some joint Employer-Employee safety and health committees. Some of the challenges/difficulties anticipated when implementing the GHS are possible contradictions between existing hazard communication system and the GHS, as well as a lack of financial and human resources for awareness raising and training activities.

Information on Mauritius suggests the industrial chemicals sector has a sound base for incorporating the GHS and the existence of appropriate of legislation which could accommodate GHS requirements creates an enabling environment for the implementation of the GHS.

Mozambique

Mozambique does not have relevant legislation for the sector. Nonetheless, the country participates in international programs such as the International Conventions and Protocols, e.g. the Stockholm and Rotterdam Conventions and the Montreal Protocol.

Namibia

No information is available.

Seychelles

No information is available.

South Africa

Industrial chemicals hazard communication requirements are covered by the Occupational Health and Safety Act as well as transport legislation. The various relevant laws have incorporated provisions of various international instruments, including ILO Conventions 170 and 174, and the Rotterdam and Stockholm Conventions, as well as the draft SADC Code for the Safe Use of Chemicals. Therefore the incorporation of GHS in South African legislation is possible, and the Country is currently in a process of working toward the development of GHS Technical Standard which will be referenced in all relevant legislation. It is proposed that this Technical Standard will be developed by the Standards setting authority (STANSA) with inputs from all relevant sectors.

South Africa has the technical capacity and technical infrastructure to implement the GHS, i.e. accredited laboratories, an Emergency Response system, Poison Centres, research, information and training facilities and centres. The sector also has a Responsible Care program, employer and worker safety and health committees, worker label and SDS recognition training, as well as awareness raising programs which use posters/brochures and formal training manuals.

Swaziland

Swaziland has legislation on industrial chemicals, but this legislation has no specific provisions requiring chemical hazard communication, such as SDSs. Legislation incorporates some provisions/guidelines of the UN international legal instruments and guidelines such as ILO Conventions 170 and 174, the Rotterdam Convention, and the FAO Revised Code of Conduct. The country is also familiar with the provisions and requirement of the draft SADC Code on Safe Use of Chemicals. The incorporation of GHS in legislation would not be problematic in view of the country's familiarity with these international instruments. Constraints include inadequate human and financial capacity as well as a lack of enforcement capacity because of a lack of supportive legislation, other than the proposed Pesticides Bill.

Swaziland has technical infrastructure and capacity to implement the GHS, i.e. it has an emergency response system, as well as general research and training capacity. The sector also has a Responsible Use program, Employer-Worker Safety Committees and limited worker label comprehensibility training and awareness raising programs which use electronic databases, posters/brochures and formal training manuals.

Tanzania

Tanzania has two laws cover the industrial chemicals, i.e. the Industrial Chemicals and Consumers Management Control Act of 2003 and The Occupational Health and Safety Act of 2003. The former, administered by the Ministry of Industry and Trade, makes specific provisions for chemical hazard communication tools, including the SDSs. Both laws incorporate the provisions of the ILO Conventions and the country is now implementing a project in terms of the Stockholm Convention. The industrial chemicals sector in Tanzania could implement the GHS based on this legislation. There is need for elaborating on institutional responsibilities to avoid overlap and contradictions. A constraint will be a lack of financial resources.

Zambia

There are several relevant in Zambia, i.e. The Factories Act (CAP 14), The Occupational Health and Safety Act of 2000, The EPPCA and The Explosives Act (CAP 10), administered by the Ministries of Labour, Health, Tourism and Environment and Mines respectively. Legislation incorporates some provisions/guidelines of the UN international legal instruments and guidelines such as ILO Conventions 170 and 174, the Rotterdam Convention, and the FAO Revised Code of Conduct. The country is also familiar with the provisions and requirement of the draft SADC Code on Safe Use of Chemicals. The

incorporation of GHS would not cause much difficulty in view of the country's familiarity with these international instruments. A study reviewing relevant legislation to incorporate the GHS in existing legislation is currently under way under the auspices of the ECZ.

Zambia has the necessary infrastructure base, although it needs some strengthening in form of establishing poison control centres, support towards awareness raising and training programs, as well as human and financial capacity support in key organization. The existing National Chemicals Committee needs to be supported to assist with the GHS process. Under the GHS National Action Plan, the country will put in place some poison control centres as stated in section 3.1.13 above.

Zimbabwe

The Hazardous Substances Act and its subsidiary regulations cover most of the requirements for GHS chemical hazard communication. Legislation incorporates some provisions/guidelines of the UN international legal instruments and guidelines such as ILO Conventions 170 and 174, the Rotterdam, Stockholm Conventions and the Montreal Protocol. Incorporation of GHS would be possible through existing legislation and a decision needs to be taken as to the most appropriate subsidiary regulation for the GHS provisions. There will need to be amendments to the selected regulations in order to incorporate provisions of GHS.

Zimbabwe has a good institutional, technical and infrastructure base which would be able to support the GHS. However human and financial resources are limited.

TRANSPORT SECTOR

Angola

The Ministry of Transport is responsible for the regulating the transport sector (Decree N° 9/95, of 06de October, 1^a Series N° 40).

Angola is a member of the IMC of the SADC and has had national meetings to analyse the applicability of the conventions and directives of the ILO, on the environment, the transportation of chemical products, as well as security, hygiene and health in the workplace.

Angola has made application to become a signatory to the UN Recommendations on the Transport of Dangerous Goods (UNRTDG).

Botswana

Botswana does not have relevant legislation for the sector. However, under the proposed Chemicals Management Act, specific regulations will be developed that will incorporate the UN Recommendations on the Transportation of Dangerous Goods as well as some elements of the draft SADC Code of Practice on Safe Use of Chemicals. There is lack of human and financial resources for awareness and training. In the absence of own legislation Botswana is unlikely to implement GHS until the country is assisted to develop its domestic law.

Democratic Republic of Congo

The DRC has legislation that regulates the transportation of hazardous chemicals, under the Division of Work Safety, which prescribes the requirements for SDSs. There are transporter and worker training programs, which use using posters and brochures. Implementation of the GHS is likely to be constrained by a lack of financial and human resources.

Lesotho

There is no relevant legislation that regulates the transport sector in Lesotho. As a result, the implementation of GHS would encounter serious difficulties because the lack of legislation in this key sector.

Malawi

No information

Mauritius

The transport sector in Mauritius is not regulated by any specific laws or regulations. The sector is subject to a set of general road traffic regulations and is self regulated in regard to chemical transport. It is assumed that the country conforms to the minimum requirements of the SADC Protocol on Transportation which prescribes guidelines on transportation of hazardous goods and incident management. The requirements for hazard communication tools such as SDS are provided for under other laws as described under industrial chemicals sector. Since the transport sector is self-regulated, and sensitive to international norms, it should be easier to introduce the GHS. There will be a need to initiate awareness raising training for transporters. There is a lack of human and financial resources.

Mozambique

The sector is not regulated by relevant legislation but uses UN programs with the associated Guidelines on Transportation of Dangerous Goods, especially more recently with Mozambique having one of the fast growing Sea Ports/harbours. Mozambique would require assistance to develop legislation for the proposed implementation of the GHS.

Namibia

No information

Seychelles

The Seychelles are not technically competent to treat and dispose 'hazardous waste', and therefore export all hazardous chemical wastes to countries like Reunion for treatment and disposal. Low risk chemical wastes are incinerated and the ash is disposed of to a designated landfill.

South Africa

The sector is regulated by relevant transport legislation with mandatory requirements for manufacturers and transporters to provide SDSs. In addition there is a requirement for Transport Emergency Cards and Placards to be provided by the manufacturers. The current legal requirements have incorporated international legal instruments, i.e. the UN Recommendations on the Transport of Dangerous Goods (UNRTDG) and the draft SADC Code for the Safe Use of Chemicals. It should therefore be possible to incorporate the GHS into the South African transport legislation.

The sector benefits from a strong technical and infrastructure base, including Emergence Response system capability, Poison Control Centres, accredited laboratories and effective training and awareness programmes for transporters/drivers and customs officials. As is the case for the agricultural and industrial chemicals sectors, there may be contradictions in current practices and coordination mechanisms and the requirements for the implementation of GHS.

Swaziland

Swaziland has no legislation relevant for regulating the transportation of chemicals. Although no legislation exists, transport operators in Swaziland adhere to international standards. Local transporters currently regulate themselves, enhance their technical capabilities, undertake internal training, and make available awareness raising materials.

Tanzania

Tanzania has legislation for this sector although it may be outdated (Shipping Merchant Act 1967). The current legal requirements have incorporated international legal instruments, i.e. the Convention on Safety of Life at Sea, specifically the Maritime Dangerous Goods Code (IMDG), UN Recommendations on the Transport of Dangerous Goods (UNRTDG) and the draft SADC Code of Conduct. It will therefore possible to incorporate the GHS under the current legal provisions based on the international instruments already adopted. There will be a need for amending selected regulations in order to incorporate provisions of the GHS.

Technical infrastructure support is limited, but there are some training and awareness programs, including comprehensibility testing for workers/transporters and customs officials. Training methods include use of posters and brochures. There are inadequate human and financial resources for implementation of GHS.

Zambia

Relevant legislation exists under the Ministry of Transport and Communication. The Railways Act and the Petroleum Act specify requirements and practices for transporting hazardous goods. The PTS Regulation of 1994 requires that no chemical be transported unless the transporter provides detailed information such as an SDS. The country has adopted/incorporated elements of international legal instruments and guidelines including the UNRTDG. It would be possible to incorporate the GHS under the current legal provisions based on the international instruments which have already been adopted. There will be a need for amending some selected regulations in order to incorporate provisions of the GHS, as there is a possibility for contradictions of existing hazard communication with the proposed GHS requirements.

The transport sector is technically advanced in terms of dealing with hazard communication. It has well developed Emergency Response infrastructure, set up by industry as part of their Responsible Care program where resources are pooled. Training programs include rehearsals for transporters; these are conducted for the training for customs border officers by the ECZ. Inadequate human and financial resources are possible constraints to implementing a GHS. Under the National Action Plan, Zambia has identified the need to standardise the labelling and management of hazardous substances during transportation. This exercise is being undertaken jointly by the ECZ and the Zambia Bureau of Standards.

Zimbabwe

The transport sector in Zimbabwe is regulated by legislation which prescribes the need for chemical hazard communication tools. It incorporates international legal instruments and guidelines. There will be a need for amending regulations to accommodate the GHS requirements. The sector has limited emergency response infrastructure, and there are some training and awareness raising programs which use electronic databases, posters and brochures.

CONSUMER SECTOR

Angola

Angola does not have any relevant legislation in this sector, although consumers are informed about the potential danger of consumer chemicals (mainly pesticides) through public information and media (radio and television) campaigns.

Technical infrastructure exists including an Emergency Response system, research and training, laboratories as well as consumer/community information dissemination facilities.

Botswana

Botswana does not have any relevant legislation in this sector. According to the Commonwealth legislation practices, an international legal instrument does not take effect in a country until it is domesticated. This means that until a country has its own legislation, the GHS cannot legally be applicable to that country. On the other hand it may be advantageous to the country which does not have legislation to incorporate the provisions of the GHS requirement into domestic law.

More recently the Botswana Ministry of Health has drafted a Bill which addresses consumer sector requirements. Currently there is a voluntary adoption and application of the EU standards. The ... In the absence of national legislation it will be difficult to initiate the GHS. The standard on classification, packaging and labelling of chemicals is voluntary. This will become mandatory once the Chemicals Management Act is in place.

The lack of legislation and experience in enforcing or monitoring legislation means that the country will need some exposure and training in legal enforcement preferably from the countries in the region that have some experience in the field. Although the country has developed draft legislation for chemicals management (industrial, transport and consumer sectors), this is being done by the Ministry of Health which is unlikely to be the institution to own and enforce these when enacted into law and this may present additional difficulties for the GHS unless it is clearly specified which agencies will be lead agencies.

Democratic Republic of Congo

There is no legislation for regulating the consumer sector although consumers are informed about the potential danger of consumer chemicals through public information and media campaigns. Posters and brochures are used in awareness raising programs.

Lesotho

The chemical classification and hazard communication system in the consumer sector in Lesotho is not regulated, but there are some awareness raising programs using public and print media. Having no legislation will presents difficulties when implementing GHS but also offers unique opportunity to help the country develop legal as well as institutional/infrastructure capacity. The entry point for GHS would be the Environmental Act, 2000. The country's adoption of some elements of international conventions and participation in such programs as the FAO Code of Conduct, IFCS and IPCS would also help in internalisation of the GHS.

Malawi

Malawi Bureau of Standards Act 1974 is used to regulate the consumer sector in Malawi; this legislation prescribes the requirements for GHS communication tools. The future implementation of the GHS will require the amendment of the existing laws as discussed for industrial chemicals above. The potential constraints are similar to the industrial sector described above.

Malawi has a long tradition of managing agricultural chemicals and has some experience in the enforcement of regulations. Malawi is one of the six countries in the SADC region that has undertaken and completed her National Profile which has assisted the country in reviewing the capacity to manage hazardous chemicals. Malawi could undertake the implementation of the GHS but the country would require assistance in identifying a lead institution to champion the implementation of the GHS.

Mauritius

Mauritius has a Consumer's Protection Act. Although this Act has no specific requirement to a chemical classification and hazard communication system, the provisions in other laws could be used for this purpose. The main challenge will be to intensify consumer awareness towards a chemical classification and hazard communication system.

Mauritius appears to have the basic legal and institutional framework for implementing a GHS. The challenge for the country will be effective cross-sectoral coordination of the implementation of the GHS.

Mozambique

Labelling of products in the consumer sector in Mozambique is not regulated. The country has a Poison Control Centre, which functions under the Ministry of Health. The country needs assistance to develop some broad legislation to cover chemicals management in general.

Namibia

No information

Seychelles

The Pesticide Board in the Seychelles is responsible for distributing information to members of the public who use chemicals for one purpose or another. Awareness raising is undertaken for all ages starting at school level right through to adults.

South Africa

The consumer sector is the least developed with regard to chemicals hazard communication. South Africa has a general legal provision which has not yet been operationalised through regulation; hence these legal provisions cannot be enforced. In terms of the GHS, this could be the easiest of the four sectors to incorporate in a GHS since the regulations are not yet in place. Nonetheless, the sector has a strong technical base for training, public awareness raising, good laboratory facilities, and poison centres.

South Africa has the necessary infrastructure to implement the GHS. In terms of GHS incorporation into legislation, South Africa is currently in a process of working towards the development of GHS Technical Standard which will be referenced in all relevant legislation. It is anticipated that South Africa will derive significant benefit from the GHS, being the major manufacturer and supplier of chemicals to the region.

Swaziland

The consumer sector does not have relevant legislation and therefore no sector based legislation that prescribes requirements for hazard communication tools such as SDSs. However the provisions of the Occupational Health and Safety Act of 2000 apply and the responsible department will probably be the monitoring or enforcement institution. The Occupational Health Act and the Public Health Act have some overlaps, but this is unlikely to jeopardize the implementation of the GHS.

Although there is no dedicated legal and institutional framework for the consumer sector, the other sectors especially the Ministry of Health has some basic technical and infrastructure base for a GHS considering that the Ministry of Health offers some Emergency Response facilities while the Agriculture Ministry offers some public information and media campaigns.

Swaziland offers an attractive inter-phase between the countries that have a much more advanced chemicals program and those that have a very weak program. The use of different sector facilities (e.g. Agriculture and Health meeting the needs of the consumer sector) to address a weaker sector is a more viable way to introducing GHS in SADC. There is a need to persuade countries not to try to address the GHS on the strictly sector approach but to look at one sector and introduce all embracing legislation which cuts across sectors. This will bring with it the need to build more capacity to enforce and monitor for the chosen sector but this will be more viable. The objective is to introduce a national GHS as a starting point and then move towards a more sector approach.

Tanzania

The Plant Protection Act 1997 (and its subsidiary Regulation, The Pesticides Control Regulations of 1999) and The Industrial Chemicals and Consumers Management Control Act 2003, make specific provisions for chemical hazard communication tools, including the SDSs. Although there is no dedicated legal and institutional framework for the consumer sector, the other sectors especially the Ministry of Agriculture and Food Security and the Ministry of Industry and Trade have some basic technical and infrastructure base (albeit weak) for a GHS in the Consumer sector. The University of Dar es Salaam and Government Chief Chemist Department offer some capacity for risk assessment. Tanzania has some well developed public awareness and training programs. As is the case for the industrial sector, constraints include the possibilities for overlaps and contradictions, and the lack of adequate human and financial resources for a proper enforcement of relevant laws.

Tanzania has a limited basis for the implementation of the GHS and requires some coordination to get GHS implemented. Formation of a committee or expanding the mandates of some existing committee on chemicals could or would help initiate the launch of the GHS.

Zambia

Although the consumer sector in Zambia does not have legislation specific to chemicals hazards communication, the demands are met directly and indirectly by other several laws including the Pharmacy and Poisons Act (CAP 536), the Food and Drugs Control Act (CAP 553) and the PTS Regulations 20 of 1994. Although there is a Consumer Protective Society, the sector has suffered from not having a Legal Government Regulator and therefore any enforcement for purposes of consumer

protection is *ad hoc* and only as response to incidents such as fatal poisonings. GHS incorporation may be done through the cited laws and a mandate for consumer sector be allocated to one institution most relevant and with a lot of familiarity with sector problems. Naturally in the event of GHS implementation, this sector will need more institutional, human, and financial capacity assistance.

Zambia is one of the few countries in the region with a relatively advanced chemicals management system and programs. It has some experience enforcing chemical hazard communication systems although it suffers from limited capacity in terms of adequate human and financial resources. The country is currently reviewing its legislation in order to implement GHS. Some relevant programs identified under the National Action Plan, includes the development of educational and awareness materials to be used for general public awareness and also to be used on special days including the proposed Chemical Safety Awareness Day which the ECZ and the Chemicals Committee are considering for proposal to the government.

Zimbabwe

The chemical classification and hazard communication system in the consumer sector is also covered by the Hazardous Substances Act. Incorporation of GHS is as discussed under industrial chemicals sector above. Lack of financial resources for awareness raising may affect GHS incorporation and implementation.

Technical infrastructure exists including an Emergency Response system, a Poison Control Centre, research and training, as well as consumer/community information dissemination facilities are in place. The information dissemination tools include posters/brochures and training manuals.

The Hazardous Substances Act lends itself to the incorporation and implementation the GHS requirements, because all other subsidiary regulations derive their authority from it. From the point of view of institutional situation, it is possible that all implementing institutions fall under one Ministry which makes the issue of mandate allocation also easier. Generally Zimbabwe has had a good history of legal enforcement and would not find it hard to implement GHS although the problem of inadequate human and financial resource is a real challenge to GHS implementation in Zimbabwe.