



United Nations Environment Programme



Distr.
LIMITED
UNEP/WG.111/L.1
7 December 1984
ENGLISH
Original: ENGLISH

AD HOC WORKING GROUP OF EXPERTS ON THE
ENVIRONMENTALLY SOUND MANAGEMENT OF
HAZARDOUS WASTES

Second session
Geneva, 3-7 December 1984

DRAFT REPORT OF THE AD HOC WORKING GROUP OF EXPERTS ON THE ENVIRONMENTALLY SOUND MANAGEMENT OF HAZARDOUS WASTES ON ITS SECOND SESSION

I. INTRODUCTION

1. Pursuant to Decision 10/24 of the Governing Council of the United Nations Environment Programme (UNEP), adopted on 31 May 1982, an Ad Hoc Working Group of Experts on the Environmentally Sound Management of Hazardous Wastes has been established to consider global guidelines and principles on the subject, and a first session of the Working Group was held in Munich, Federal Republic of Germany, from 28 February to 5 March 1984. The Governing Council, by its decision 12/14 of 28 May 1984, expressed satisfaction with the results of the first session of the Working Group and requested the Executive Director to continue the work, so initiated, in accordance with the recommendations submitted by the Working Group, and to take all appropriate measures to expedite the preparation of the guidelines and principles elaborated by the Working Group with a view to their early adoption by the Governing Council. Accordingly, the second session of the Working Group was held in Geneva from 3 to 7 December 1984.

II. ORGANIZATIONAL MATTERS

A. Opening of the session

2. The second session was opened on behalf of the Executive Director of UNEP by Mr. Peter H. Sand, Deputy Director of the Environmental Management Service and Chief of the Environmental Law Unit. After recalling the mandate and status of the Working Group, he also expressed the condolences of the Group on the recent tragic death of its former chairman at the Munich session, Dr. Bernd Wolbeck.

B. Attendance

3. The session was attended by experts nominated by the Governments of Algeria, Australia, Canada, Chile, Ecuador, France, Germany, Federal Republic of, Japan, Kuwait, Malaysia, Mexico, Morocco, Netherlands, Portugal, Sweden, Switzerland,

United Kingdom of Great Britain and Northern Ireland and the United States of America. Representatives of the United Nations Economic Commission for Europe were also present. In addition, representatives of the following specialized agencies, inter-governmental and non-governmental organizations participated in the meeting: World Health Organization, World Bank, International Atomic Energy Agency, Organization for Economic Co-operation and Development, Council of European Federations of the Chemical Industry, Environment Liaison Centre and International Union for Conservation of Nature and Natural Resources.

C. Election of officers and adoption of the agenda

4. The meeting elected Ms. K. Mannheimer (Sweden) as Chairman and Mr. M.H. Minkara (Kuwait) as Rapporteur. The meeting adopted the following agenda:

1. Opening of the meeting
2. Election of the Chairman and Rapporteur
3. Adoption of the agenda
4. Organization of the work of the meeting
5. Guidelines for the environmentally sound management of hazardous wastes
 - (a) General discussion
 - (b) Examination of the revised draft guidelines
6. Adoption of the report of the meeting
7. Closure of the meeting

III. CONSIDERATION OF THE DRAFT GUIDELINES FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF HAZARDOUS WASTES

A. General discussion

5. One expert drew the attention of the Working Group to the forthcoming high-level meeting on transfrontier movements of hazardous wastes to be held under the auspices of the Organization for Economic Co-operation and Development in Basel, Switzerland, from 26 to 28 March 1985. He considered that it would be very useful and appropriate to have the report and recommendations of the Working Group transmitted to this meeting, especially as regards the concerns of the developing countries. In this context the Working Group decided to discuss document UNEP/WG.95/2 (Transfrontier movements of hazardous wastes with regard to developing countries), consideration of which had been deferred at the first session.

6. Document UNEP/WG.95/2 was introduced by the consultant who had prepared it on behalf of UNEP and the WHO Regional Office for Europe. Several experts expressed their appreciation for the quality of the document, as a concise and well-presented summary of the specific problems of transfrontier movements involving developing

countries. While the conclusions presented in the document were not discussed in detail, the Working Group agreed to reproduce them in Annex 2 to the present report so as to make them available for discussion in future sessions.

B. Examination of the revised draft guidelines

7. On the basis of document UNEP/WG.111/2 (revised draft guidelines for the environmentally sound management of hazardous wastes), the Working Group conducted the second reading of the draft guidelines. The texts provisionally adopted by the Working Group appear in Annex I to the present report. Shown in square brackets are those parts of the provisions on which no consensus was reached or those which require further consideration at the next session.

8. In the course of the examination of the draft guidelines, the Working Group noted the following observations by experts:

9. With regard to introductory or preambular paragraphs to be formulated at a future session, many experts suggested that a statement of the objectives of hazardous wastes management be prepared with elements drawn from document UNEP/WG.95/2.

Guideline 1

10. The experts agreed that the definitions provisionally adopted at the second session of the Working Group should be reviewed further after completion of the substantive guidelines, in order to ensure the consistency and adequacy of terminology used. Some experts considered that the definitions should conform, as far as possible, to those already adopted in other fora such as OECD.

Guidelines 2 and 3

11. One expert considered that the words "kept to a minimum" should be deleted. In his opinion the phrase undermined the fundamental notion that rational, efficient and environmentally sound management of hazardous wastes may justify some transfrontier movement, as recognized in the preamble to OECD Decision and Recommendation C(83)180, by implying that even so limited a number of movements was unacceptably large.

12. The same expert further cautioned that guidelines 2 and 3, taken together, might upset the balance achieved in Principle 21 of the Stockholm Declaration, between rights and duties of States concerning their environment and natural resources, and proposed the following text to replace the two guidelines:

"In managing hazardous wastes, States have the sovereign right to exploit their natural resources pursuant to their environmental policies, and they should

take such steps as are necessary, whether by legislation or otherwise, to ensure the protection of health and the environment from damage arising from the generation and management of hazardous wastes."

Guidelines 8 and 9

13. Experts considered the need to retain the word "unavoidable" or "residue" in connection with the use of the word "wastes". After some discussion, it was agreed that the question be reviewed at the next session in the light of the definition of the term "wastes" in Guideline 1.