



General Assembly

Distr.
GENERAL

A/43/193
18 August 1988
ENGLISH
ORIGINAL: FRENCH

Forty-third session

REQUEST FOR THE INCLUSION OF A SUPPLEMENTARY ITEM IN THE AGENDA OF THE FORTY-THIRD SESSION

RESPONSIBILITY OF STATES FOR THE PROTECTION OF THE ENVIRONMENT
AND PREVENTION OF ENVIRONMENTAL POLLUTION AS A RESULT OF THE
ACCUMULATION OF TOXIC AND RADIOACTIVE WASTES, AND STRENGTHENING
OF INTERNATIONAL CO-OPERATION FOR THE PURPOSE OF RESOLVING THE
PROBLEM

Letter dated 18 August 1988 from the Permanent Representative of
Romania to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to request, in accordance with rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the forty-third session of the General Assembly of a supplementary item entitled "Responsibility of States for the protection of the environment and prevention of environmental pollution as a result of the accumulation of toxic and radioactive wastes, and strengthening of international co-operation for the purpose of resolving the problem".

Pursuant to rule 20 of the said rules of procedure, I attach an explanatory memorandum.

(Signed) Petre TANASIE
Permanent Representative
of the Socialist Republic of
Romania to the United Nations

ANNEX

Explanatory memorandum

Over the past decade the development of industrial activities throughout the world has led to a proliferation of sources of pollution of the atmosphere, the soil, the marine environment and outer space. At the same time, in some countries stocks of substances and wastes that are toxic, radioactive and hazardous to human health and the environment have continued to accumulate. Despite the progress made in the producer countries, much remains to be done to perfect appropriate technologies for the elimination in an ecologically rational manner of all such wastes.

Moreover, there has been an increase in illegal attempts at the transboundary movement of toxic and dangerous wastes and their disposal in the territory of other, generally less developed, countries, and in instances of dumping such wastes in national and international waters. Of even greater concern is the fact that these operations are conducted fraudulently, the content and dangerous nature of such wastes being concealed, which is likely to increase the risk of fatal accidents, the victims of which would be those handling or inadvertently coming into contact with such wastes.

In view of the seriousness of the situations that might result from illegal or fraudulent movements of toxic and dangerous substances and wastes, and given that such actions may cause irreparable damage to sizeable human communities and to ecosystems extending over broad areas of land and sea, the Government of the Socialist Republic of Romania considers it appropriate to conduct an in-depth debate on this issue in the General Assembly, under a separate agenda item entitled "Responsibility of States for the protection of the environment and prevention of environmental pollution as a result of the accumulation of toxic and radioactive wastes, and strengthening of international co-operation for the purpose of resolving the problem".

The General Assembly, in resolution 42/183 of 11 December 1987, the United Nations Environment Programme and the Economic and Social Council have already expressed their concern over illegal movements of toxic and hazardous products and wastes.

In order to ensure the effectiveness of United Nations joint action in that area, it would be necessary to establish, parallel to technical measures for strengthening the control and management of toxic and hazardous wastes, a system of universal norms whose purpose would be to avert and prevent, by all possible means, such illegal and fraudulent practices, as well as to prosecute and punish those guilty of such offences. As stated in principle 22 of the Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration of 1972), it is essential to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by transboundary movements of toxic and radioactive wastes and other hazardous substances. In particular, rules must be established regarding the specific

liability of States under whose jurisdiction radioactive and toxic wastes are produced, as well as the liability of the industrial and commercial enterprises concerned, for the damage caused by fraudulent transboundary movements and the dumping of wastes in the territory of other States, or in national or international waters.

In keeping with the above-mentioned objectives, it would be advisable to broaden and supplement the mandate of the Working Group of Legal Experts convened by the Executive Director of the United Nations Environment Programme to prepare a global convention on the control of transboundary movements of hazardous wastes, in order to ensure that the instrument to be adopted is as complete and effective as possible. While awaiting the adoption and entry into force of the recommended convention, the General Assembly must request all States to prohibit the export of toxic and hazardous wastes, except in cases involving a formal authorization which the importer State has granted with full knowledge of the facts. Moreover, when such wastes have been fraudently transferred to another State, the State of origin should not be opposed to the re-import of such wastes.

In addition, the General Assembly should recommend the strengthening of international co-operation in that area through exchanges of information and transfers of technology relating to the environmentally sound management of hazardous toxic wastes in order to improve the technical capacities of the developing countries through the granting of the necessary assistance in identifying and disposing of such wastes. Moreover, scientific and technical co-operation among all States should be broadened in order to create and implement new environmentally sound technologies or to perfect existing technologies, so that the production of toxic and hazardous wastes can be substantially reduced and, as far as possible, eliminated.

The United Nations and its specialized agencies must take the initiative in organizing international co-operation to study and determine the effects of the stockpiling, transport and neutralization of toxic and hazardous wastes on human health and the environment, as well as to adopt measures for preventing and eliminating the harmful effects of such wastes.

Following the debate on this agenda item, the General Assembly should adopt the necessary decisions with a view to providing adequate preparation for and convening, in 1992, a second United Nations Conference on the Human Environment, which should lay the groundwork for broad international co-operation in the field of environmental protection, taking account of the concerns and proposals of all States in that regard.
