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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

Report of the Second Committee

Rapporteur: Mr. Martin WALTER (Czechoslovakia)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 23 September 1988, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the 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" and to allocate it to the Second Committee.

2. The Second Committee held a general discussion on this item, which was considered concurrently with sub-item 82 (g) and item 148, at its 21st to 26th meetings, between 24 and 28 October 1988. Action to be taken on the item was considered at the 30th and 47th meetings, on 2 November and 6 December 1988 (see A/C.2/43/SR.30 and 47). An account of the Committee's general discussion is contained in the relevant summary records (A/C.2/43/SR.21-26).

II. CONSIDERATIONS OF DRAFT RESOLUTIONS A/C.2/43/L.23 AND L.74

3. At the 30th meeting, on 2 November, the representative of Tunisia (on behalf of the States Members of the United Nations that are members of the Group of 77) introduced a draft resolution (A/C.2/43/L.23) entitled "Responsibility of States for the prevention of the illegal traffic in, and accumulation and dumping of,

toxic and dangerous products and wastes affecting in particular the developing countries", which read as follows:

"The General Assembly,

"Recalling its resolution 42/183 of 11 December 1987 on traffic in toxic and dangerous products and wastes,

"Recalling also Economic and Social Council resolutions 1988/70 and 1988/71 and decision 1988/174, all of 28 July 1988,

"Stressing the obligation of all States, taking into account their respective responsibilities, to protect the environment through preventing the illegal traffic in, and accumulation and/or dumping of, toxic and dangerous products and wastes affecting in particular developing countries,

"Concerned about the increase in the illegal traffic in toxic and dangerous products and wastes and the dumping of such products and wastes in the developing countries, as well as in international waters, in contravention of existing national legislation and relevant international legal instruments,

"1. Urges all States, bearing in mind their respective responsibilities, to take effective steps to stop and to prevent such illegal traffic and/or dumping practices and to prohibit all transboundary movements of toxic and dangerous products and wastes carried out without the prior consent of the importing or transit country and without full disclosure of the nature of substances to be received or transported;

"2. Urges all States generating toxic and dangerous wastes to treat and dispose of them in the country of origin;

"3. Requests the Ad Hoc Working Group of Legal and Technical Experts with a Mandate to Prepare a Global Convention on the Control of Transboundary Movements of Hazardous Wastes established by the United Nations Environment Programme to give due consideration to the present resolution and to the views expressed during the forty-third session of the General Assembly on the responsibility of States for the prevention of the illegal traffic in, and accumulation and/or dumping of, toxic and dangerous products and wastes;

"4. Calls upon the international community, in particular developed countries, to strengthen its scientific and technical co-operation with the developing countries and to provide appropriate assistance to them in their efforts to eliminate the adverse consequences of toxic and dangerous products and wastes for human health and the environment."

4. At the 47th meeting, on 6 December, the Vice-Chairman of the Committee, Mr. José U. Fernández (Philippines), introduced a draft resolution (A/C.2/43/L.74) entitled "Responsibility of States for the protection of the environment: prevention of the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes affecting the developing

countries in particular", which he submitted on the basis of informal consultations held on draft resolution A/C.2/43/L.23, and which he orally revised by inserting the word "competent" before the word "authorities" in operative paragraph 2.

5. At the same meeting, the Committee adopted draft resolution A/C.2/43/L.74, as orally revised, without a vote (see para. 8).

6. In the light of the adoption of draft resolution A/C.2/43/L.74, draft resolution A/C.2/43/L.23 was withdrawn by the sponsors.

7. After the adoption of the draft resolution, the representatives of Nigeria and the United States of America made statements (see A/C.2/43/SR.47).

III. RECOMMENDATION OF THE SECOND COMMITTEE

8. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Responsibility of States for the protection of the environment:
prevention of the illegal international traffic in, and the
dumping and resulting accumulation of, toxic and dangerous
products and wastes affecting the developing countries in
particular

The General Assembly,

Recalling its resolution 42/183 of 11 December 1987 on traffic in toxic and dangerous products and wastes,

Recalling also Economic and Social Council resolutions 1988/70 and 1988/71 of 28 July 1988,

Concerned about the increase in the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes, in contravention of existing national legislation and relevant international legal instruments, adversely affecting many countries, particularly developing countries, as well as in international waters,

Stressing the obligation of all States, in accordance with their responsibilities, to protect the environment and, in this overall context, stressing also the need for all States to prevent the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes adversely affecting many countries, in particular developing countries,

1. Urges all States, bearing in mind their respective responsibilities, to take the necessary legal and technical measures in order to halt and prevent the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes;

2. Urges all States to prohibit all transboundary movement of toxic and dangerous wastes carried out without the prior consent of the competent authorities of the importing country or without full recognition of the sovereign rights of transit countries;

3. Also urges all States in this connection to prohibit such movement without prior notification in writing of the competent authorities of all countries concerned, including transit countries, and to provide all information required to ensure the proper management of the wastes and full disclosure of the nature of the substances to be received or transported;

4. Urges all States generating toxic and dangerous wastes to make every effort to treat and dispose of them in the country of origin to the maximum extent possible consistent with environmentally sound disposal;

5. Requests the Ad Hoc Working Group of Legal and Technical Experts with a mandate to prepare a global convention on the control of the transboundary movements of hazardous wastes established by the United Nations Environment Programme to give due consideration to the present resolution and to take into account the various views expressed during the forty-third session of the General Assembly on the respective responsibilities for the prevention of the illegal international traffic in, and the dumping and resulting accumulation of, toxic and dangerous products and wastes;

6. Calls upon the international community, in particular the developed countries, to strengthen its scientific and technical co-operation with the developing countries and to provide appropriate assistance to them in their efforts to eliminate the adverse consequences of toxic and dangerous products and wastes for human health and the environment.
