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DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION: ENVIRONMENT

Developments in regard to a global convention on the control of
transboundary movements of hazardous wastesReport of the Secretary-General

1. The present report on developments in regard to a global convention on the control of transboundary movements of hazardous wastes,** submitted in response to Economic and Social Council resolution 1988/71 of 28 July 1989, focuses on the Convention for the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which was adopted at Basel on 22 March 1989. After briefly describing the background to and the current status of the Convention, the present report summarizes the main provisions of the Convention.

2. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted unanimously on 22 March 1989 by the 116 States participating in the Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes, which was convened by the Executive Director of the United Nations Environment Programme (UNEP) and held in Basel at the invitation of the Government of Switzerland. The Final Act of the Basel Conference was signed by 105 States and the European Economic Community (EEC).

3. The Conference was convened pursuant to Governing Council decision 14/30 of 17 June 1987, 1/ by which the Council approved the Cairo Guidelines and Principles

* A/44/150.

** The present report is based on a report entitled "Progress in the control of transboundary movements of hazardous wastes", submitted to the Governing Council of the United Nations Environment Programme by the Executive Director (UNEP/GC.15/9/Add.7).

for the Environmentally Sound Management of Hazardous Wastes (UNEP/GC.14/17, annex Ii) and authorized the Executive Director to convene a working group of legal and technical experts to develop a global convention on the control of transboundary movements of hazardous wastes.

4. The Basel Convention is the result of six sessions of the Ad Hoc Working Group; Budapest, 27 to 29 October 1987 (organizational meeting); Geneva, 1 to 5 February 1988; Caracas, 6 to 10 June 1988; Geneva, 7 to 16 November 1988; Luxembourg, 30 January to 3 February 1989; and Basel, 13 to 17 March 1989, in which experts from 96 States and representatives of over 50 organizations participated. Informal negotiations conducted by the Executive Director with Governments, organizations and industry also played an important part in the success of the preparatory process.

5. A total of 35 States and EEC have signed the Basel Convention. It will enter into force upon ratification by 20 States.

6. The provisions of the Convention include the following:

(a) The generation of hazardous wastes, as well as their transboundary movements, shall be reduced to a minimum. The wastes should be disposed of as close as possible to their source of generation;

(b) Every State has the sovereign right to ban the import of hazardous wastes. The Parties to the Convention shall not allow any transboundary movement of hazardous wastes to a State that has prohibited their import. Transboundary movements shall also be prohibited if the exporting State has reason to believe that the wastes in question shall not be managed in an environmentally sound manner;

(c) A Party shall not permit hazardous wastes to be exported to a non-Party or to be imported from a non-Party, unless it is in accordance with a bilateral, multilateral or regional agreement, the provisions of which are no less environmentally sound than those of the Basel Convention;

(d) The State of export shall not allow a transboundary movement of hazardous wastes to commence until it has received the written consent, based on prior detailed information of the State of import, as well as of any State of transit that has not informed the Convention secretariat of its decision to require no prior written consent for transboundary movements of hazardous wastes;

(e) When a transboundary movement of hazardous wastes that is carried out in accordance with the Convention cannot be completed in an environmentally sound manner, the State of export has the duty to ensure the re-importation of the wastes;

(f) Transboundary movements of hazardous wastes that do not conform to the provisions of the Convention are deemed to be illegal traffic. The Convention states that "illegal traffic in hazardous wastes is criminal". The State responsible for an illegal movement of hazardous wastes has the obligation to ensure their environmentally sound disposal by re-importing the wastes or otherwise. Every Party shall introduce national legislation to prevent and punish illegal traffic in hazardous wastes.

7. The wastes covered by the Convention are defined in its annexes. Hazardous wastes subject to transboundary movement must be packaged, labelled and transported in conformity with generally recognized international rules and standards. Since the authorities of many countries, especially developing countries, frequently do not have the trained specialists and technical know-how to assess information concerning hazardous wastes and handle it efficiently, the Convention calls for international co-operation involving, among other things, the training of technicians, the exchange of information and the transfer of technology. Guidance materials to assist countries in using the technical annexes are to be prepared.

8. The Convention provides for the establishment of a secretariat, the main functions of which shall be to process and disseminate information provided to it by the Parties, to ensure co-operation between Parties and to provide assistance to them in implementing the Convention.

9. The Convention provides that UNEP will carry out the secretariat functions on an interim basis, pending the first meeting of the Parties to the Convention after its entry into force. These functions will include undertaking activities in accordance with the resolutions adopted by the Basel Conference. One of these resolutions called upon all States to become Parties to the Convention and to take actions in accordance with its provisions even before its entry into force. In another, the Conference requested the Executive Director of UNEP to take the necessary steps for the interim secretariat to commence its activities as soon as possible, and called upon Governments to contribute financially towards its costs. In this connection, the Executive Director of UNEP has presented preliminary budget estimates and stated the willingness of UNEP to contribute towards the costs of the interim secretariat during its initial two years of operation.

Notes

1/ Official Records of the General Assembly, Forty-second Session, Supplement No. 25 (A/42/25 and Corr.1), annex I.
