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DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION: ENVIRONMENT

Draft resolution submitted by the Vice-Chairman of the  
Committee, Mr. David Payton (New Zealand), on the  
basis of informal consultations held on revised draft  
resolution A/C.2/44/L.43/Rev.1

Traffic in and disposal, control and transboundary movements of  
toxic and dangerous products and wastes

The General Assembly,

Recalling its resolutions 37/137 of 17 December 1982, 38/149 of  
19 December 1983 and 39/229 of 18 December 1984, as well as its decision 41/450 of  
8 December 1986,

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

Recalling also its resolution 43/212 of 20 December 1988 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",

Having considered also Economic and Social Council resolution 1988/70 of  
28 July 1988,

Recalling also Economic and Social Council resolutions 1988/71 of 28 July 1988  
and 1989/104 of 27 July 1989,

Taking note of the report of the Secretary-General on products harmful to health and the environment 1/ and Economic and Social Council decision 1989/177 of 27 July 1989,

Taking note also of decisions 15/28 and 15/30 of the Governing Council of the United Nations Environment Programme,

Welcoming the report of the Secretary-General on illegal traffic in toxic and dangerous products and wastes, 2/

Taking note of the conclusion of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 3/

Inviting all States to consider signing the Basel Convention without prejudice to the final positions to be taken by regional intergovernmental organizations in this regard,

Mindful of the growing threat to the environment and to human health and safety posed by the improper management, increased generation, complexity and transboundary movement of hazardous wastes,

Convinced that illegal traffic in toxic and dangerous products and wastes presents a severe threat to the environment and to human health and safety,

Also convinced that these problems cannot be resolved without adequate co-operation among members of the international community,

Deeply concerned by the fact that cases of illegal transboundary movement and dumping of dangerous products and wastes particularly harmful for the environment and human health continue to occur, affecting, in particular, developing countries,

Also convinced of the need to assist all countries, particularly developing countries, in obtaining all appropriate information concerning toxic and dangerous products and wastes and in reinforcing their capacity to detect and halt any illegal attempt to introduce toxic and dangerous products and wastes into the territory of any State, in contravention of national legislation and relevant international legal instruments, as well as traffic not carried out in compliance with internationally accepted guidelines and principles in this field,

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1/ A/44/276-E/1989/78.

2/ A/44/362 and Corr.1.

3/ See UNEP/IG.80/3.

## I

Traffic in toxic and dangerous products and wastes

1. Requests each regional commission, within existing resources, to contribute to the prevention of the illegal traffic in toxic and dangerous products and wastes by monitoring and making regional assessments of this illegal traffic and its environmental and health implications, on a continuing basis in each region and, in this context, in co-operation with and relying upon expert support and advice from the United Nations Environment Programme and other relevant bodies of the United Nations, including the International Register of Potentially Toxic Chemicals, the Ad Hoc Working Group of Experts on Prior Informed Consent and Other Modalities to Supplement the London Guidelines for the Exchange of Information on Chemicals in International Trade and the Interim Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, without prejudice to the final position to be taken by regional intergovernmental organizations on the Convention, and to report to the Economic and Social Council at its second regular session as from 1990;

2. Also requests the regional commissions to interact among themselves, and in co-operation with the United Nations Environment Programme, with a view to maintaining efficient and co-ordinated monitoring and assessment of the illegal traffic in toxic and dangerous products and wastes;

3. Requests the Economic and Social Council to submit recommendations to the General Assembly on the findings and conclusions of the regional commissions, in accordance with the consideration of environmental issues;

4. Calls upon all countries to co-operate with their respective regional commissions with the aim of preventing the illegal traffic in toxic and dangerous products and wastes;

## II

Protection against products harmful to health and the environment

1. Expresses its appreciation to the Secretary-General for his report on products harmful to health and the environment, 4/ which contains a review of the Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments;

2. Notes with appreciation the co-operative relationship between the United Nations, the World Health Organization and the United Nations Environment Programme International Register of Potentially Toxic Chemicals for the preparation of the Consolidated List;

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4/ A/44/276-E/1989/78.

3. Notes in this context the need to utilize also the work being done by the Working Group on Export of Domestically Prohibited Goods and Other Hazardous Substances established by the General Agreement on Tariffs and Trade, as well as those activities currently under way within the framework of the United Nations Environment Programme and the Food and Agriculture Organization of the United Nations in connection with implementation of prior informed consent schemes for chemicals and pesticides in international trade, which implement the system of information exchange envisaged by the developers of the Consolidated List, as well as the work being done under international agreements and conventions in related areas;

4. Expresses its appreciation for the growing co-operation extended by Governments in the preparation of the Consolidated List, and urges all Governments that have not yet done so to provide the necessary information for inclusion in updated versions of the list;

5. Requests the Secretary-General to ensure, within existing resources, publication of the Consolidated List in English, French and Spanish, in accordance with demand and bearing in mind its resolution 39/229;

6. Also requests the Secretary-General to undertake a special effort to ensure effective and wider dissemination of the Consolidated List in all appropriate circles;

7. Further requests the Secretary-General in this context to consider ways and means of ensuring more effective involvement of non-governmental organizations to assist in promoting the dissemination and utilization of the Consolidated List;

8. Requests the Secretary-General, in the context of the preparation of his next scheduled report on the question:

(a) To make specific suggestions on ways and means of providing technical co-operation, including through appropriate United Nations organizations, to countries, in particular developing countries, to create and strengthen their capacity to utilize the Consolidated List;

(b) To study all the pending issues, such as sustainable alternatives to banned and severely restricted products and unregistered pesticides, with a focus on improving the usefulness of the Consolidated List;

### III

#### Control of transboundary movements of hazardous wastes and their disposal

1. Recognizes the necessity of developing rules of international law, as early as practicable, on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes;

2. Requests the Executive Director of the United Nations Environment Programme, in accordance with the resolutions adopted at the Basel Conference, to

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establish, on the basis of equitable geographical representation and in consultation with Governments, an ad hoc working group of legal and technical experts to develop, as early as practicable, elements which might be included in a protocol on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and to report to the preparatory committee of the United Nations conference on environment and development and to the Governing Council of the United Nations Environment Programme, in accordance with its mandate in this regard;

3. Invites the Executive Director of the United Nations Environment Programme and the Secretary-General of the International Maritime Organization, in consultation, as appropriate, with other relevant international organizations, to review the existing rules, regulations and practices with respect to the disposal of hazardous wastes at sea, in order to harmonize the provisions of the relevant conventions as adopted in this regard;

4. Requests the Secretary-General, in co-operation with the Executive Director of the United Nations Environment Programme, to report to the General Assembly at its forty-sixth session, through the Economic and Social Council, on the progress achieved in the implementation of the provisions of the Basel Convention and of the present resolution.

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