



Basel Convention on the
Control of Transboundary
Movements of
Hazardous Wastes
and their Disposal

FINAL ACT



Final Act of the Conference of Plenipotentiaries
on the Global Convention on the Control of
Transboundary Movements of Hazardous Wastes

1. The Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes was convened by the Executive Director of the United Nations Environment Programme (UNEP) pursuant to decision 14/30, adopted by the Governing Council of UNEP on 17 June 1987.

2. The Conference met at the European World Trade and Convention Center, Basel, with the kind support of the Government of the Swiss Confederation, from 20 to 22 March 1989.

3. All States were invited to participate in the Conference. The following States accepted the invitation and participated in the Conference:

Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Benin, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Djibouti, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Republic of Korea, Romania, Rwanda, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Vietnam, Yemen Arab Republic, Yugoslavia, Zaire, Zambia, Zimbabwe.

4. The European Economic Community also participated.

5. Observers from the Holy See and Poland attended the proceedings of the Conference.

6. Observers from the following United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations also attended the meeting:

United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Economic Commission for Europe (ECE), United Nations Centre for Human Settlements (UNCHS/Habitat), Food and Agricultural Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), The World Bank, World Meteorological Organization (WMO),

International Maritime Organization (IMO), United Nations Industrial Development Organization (UNIDO), International Atomic Energy Agency (IAEA), General Agreement on Tariffs and Trade (GATT), Council of Europe, Council of the European Communities, Office Centrale des Transports Internationaux Ferroviaires (OCTI), Organization of African Unity (OAU), Organization for Economic Cooperation and Development (OECD), Asian-African Legal Consultative Committee (AALCC), Advisory Committee on Pollution of the Sea (ACOPS), Chemical Manufacturers' Association (CMA), Conseil Européen des Fédérations de l'Industrie Chimique (CEFIC), Environment Liaison Centre (ELC), Greenpeace International, International Federation of Inspection Agencies (IFIA), International Federation of Pharmaceutical Manufacturers' Associations (IFPMA), International Road Transport Union (IRU), International Council of Environmental Law (ICEL), International Association of Medicine and Biology of the Environment (IAMBE), International Organization of Consumers Unions (IOCU), International Union for the Conservation of Nature (IUCN), Natural Resources Defense Council (NRDC), Swiss Development Aid Agencies and World Wildlife Fund (WWF).

7. The Conference was formally opened by Dr. Mostafa K. Tolba, the Executive Director of UNEP. In the course of the inaugural ceremony, the Conference heard welcoming addresses by Councillor Eugen Keller, member of the Government of the Canton of Basel, on behalf of the Government of the Canton of Basel, and by Federal Councillor Mr. Flavio Cotti, Head of the Federal Department of the Interior, responsible for Environmental Affairs, on behalf of the Government of Switzerland. Dr. Mostafa K. Tolba also addressed the Conference.

8. Dr. Mostafa K. Tolba served as Secretary-General of the Conference and Ms. Iwona Rummel-Bulska (UNEP) served as Executive Secretary.

9. The Conference unanimously elected Mr. F. Cotti (Switzerland) as its President.

10. The Conference also elected the following officers:

Vice-Presidents:	Mr. M.K.J. Banny (Côte d'Ivoire)
	Mr. L. Marothy (Hungary)
	Mr. A. Taylharda'l (Venezuela)
Rapporteur	Mr. F. Factorán, Jr. (Philippines)

11. The Conference adopted the following agenda:

1. Opening of the Conference.
2. Organizational matters:

- (a) Adoption of the rules of procedure;
- (b) Election of the President;
- (c) Election of the Vice-Presidents and Rapporteur;
- (d) Adoption of the agenda;
- (e) Appointment of the members of the Credentials Committee;
- (f) Appointment of the members of the Drafting Committee;
- (g) Organization of the work of the Conference.

3. Consideration of the Sixth Revised Draft Convention on the Control of Transboundary Movements of Hazardous Wastes.
4. Report of the Credentials Committee.
5. Adoption of the Global Convention on the Control of Transboundary Movements of Hazardous Wastes.
6. Adoption of the Final Act of the Conference.
7. Signature of final instruments.
8. Closure of the Conference.

12. The Conference adopted as its rules of procedure document UNEP/IG.80/2 proposed by the Secretariat, as amended (UNEP/IG.80/2/Corr.1).

13. In conformity with the rules of procedure, the Conference established the following Committees:

Committee of the Whole

Chairman: The President of the Conference

General Committee

Chairman: The President of the Conference

Members: The Vice Presidents of the Conference,
The Rapporteur, the Chairman of the Drafting Committee, and
the respective chairmen of each of the five regional groups:

Mr. M.M. Kone (Mali)
Mr. E. Nijpels (Netherlands)
Mr. N.N. Dyulquerov (Bulgaria)
Mr. J.C. Lupinacci, (Uruguay)
Mr. Lin Yincai (China)

Drafting Committee

Chairman: Mr. P.S. Rao (India)

Members:

Mr. M.P.F. Smith (Australia)
Mr. A. Zakharov (USSR)
Mr. S. Igwe (Nigeria)
Mr. A. Szekely (Mexico)
Mr. P. Vagogue (France)

Credentials Committee:

Mr. L. Baqueriza (Argentina)
Mr. P. Dietze (German Democratic Republic)
Mr. W. Hoffmann (Germany, Federal Republic of)
Mr. M.N. Hassan (Malaysia)
Mr. K. Mutuale (Zaire)

14. The main document which served as the basis for the deliberations of the Conference was the Draft Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (UNEP/IG.80/L.4, UNEP/IG.80/L.4/Add.1-5).

15. In addition, the Conference had before it a number of other documents that were made available to it by the Secretariat of UNEP.

16. The Conference approved the recommendation of its Credentials Committee that the credentials of the representatives of the participating States as listed in paragraph 3 should be recognized as being in order.

17. On the basis of the deliberations of the Committee of the Whole, the Conference, on 22 March 1989, adopted the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. The Convention will be open for signature in Basel on 22 March 1989, at the Federal Ministry of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at the United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

18. The Conference also adopted resolutions, the text of which shall be attached to this Final Act.

19. At the time of the adoption of this Final Act, several States made declarations, the text of which shall be attached to this Final Act.

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Basel this twenty-second day of March one thousand nine hundred and eighty-nine in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, each language version being equally authentic. The original text will be deposited with the Secretary-General of the United Nations.

Resolution 1

**ESTABLISHMENT OF AN AD HOC WORKING GROUP
TO CONSIDER THE NECESSITY OF MECHANISMS
FOR THE IMPLEMENTATION OF THE BASEL CONVENTION ON THE CONTROL OF
TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL**

The Conference,

Invites the Executive Director of the United Nations Environment Programme (UNEP) to set up an ad hoc working group of legal and technical experts to consider the necessity of establishing mechanisms for the implementation of this Convention as provided for in Article 15 paragraph 5 (e) of this Convention.

Adopted on 21 March 1989

Resolution 2

RELATIONSHIP OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL AND THE LONDON DUMPING CONVENTION

The Conference,

Noting that the disposal of wastes at sea is subject to provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Dumping Convention, 1972),

Noting also that that Convention inter alia, prohibits the dumping of certain wastes and further requires Parties to report information relating to the nature and quantities of all matter to be permitted to be dumped and the location, time and method of dumping,

Noting further that this requires, in the light of the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the re-examination of that Convention with a view to considering its possible amendment,

1. Invites the Executive Director of the United Nations Environment Programme (UNEP) to bring to the attention of the Parties to the London Dumping Convention through the Secretary-General of the International Maritime Organization (IMO) the need for a review the existing rules, regulations and practices with respect to dumping of hazardous and other wastes at sea in the light of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with a view to recommend any additional measures needed within the London Dumping Convention, including its annexes, in order to control and prevent dumping of hazardous and other wastes at sea;

2. Invites the Executive Director of UNEP to report on the results of the review and recommendations referred to in paragraph 1 above to the Parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at their first meeting.

Adopted on 21 March 1989

Resolution 3

LIABILITY

The Conference,

Recognizing the necessity of developing rules, as early as practicable, on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes,

Requests the Executive Director of the United Nations Environment Programme (UNEP) to:

(a) Establish, pending a decision by the Parties at their first meeting on how to implement Article 12 of the Convention, an ad hoc working group of legal and technical experts to develop 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 other wastes;

(b) Report on the results of this group's work to the first meeting of the Parties.

Adopted on 22 March 1989

Resolution 4

RESPONSIBILITY OF STATES FOR THE IMPLEMENTATION OF THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference,

Recalling General Assembly resolution 43/212 of 20 December 1988 on the 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,

Recalling also General Assembly resolution 42/183 of 11 December 1987 on traffic in toxic and dangerous products and wastes, as well as the Economic and Social Council resolutions 1988/70 of 28 July 1988 on traffic in toxic and dangerous products and wastes and 1988/71 of 28 July 1988 on the global convention on the control of transboundary movements of hazardous wastes,

Recalling further the resolution on dumping and incineration of toxic and hazardous wastes in the Wider Caribbean Region, adopted in October 1987 by the Fourth Intergovernmental Meeting on the Caribbean Action Plan in April; resolution CM/Res. 1153 (XLVIII) of May 1988 of the Council of Ministers of the Organization of African Unity on dumping of nuclear and industrial wastes in Africa; and the Final Document of the First Meeting of States of the Zone of Peace and Co-operation of the South Atlantic strongly condemned the transfer of hazardous wastes from other parts of the world into the region,

Recalling also the resolution of the Council of the European Communities of 21 December 1988 (OJ/C9/12 January 1989) concerning transfrontier movements of hazardous waste to third countries; resolution C(89)1(Final) adopted by the Council of the Organization for Economic Co-operation and Development in January 1989, on control of transfrontier movement of hazardous waste; and the Declaration of the Committee of Ministers of the Council of Europe of March 1989 on control and regulation of transfrontier movements of toxic waste,

Bearing in mind decision 14/30 of 17 June 1987 of the Governing Council of the United Nations Environment Programme, by which the Council approved the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes, and authorized the Executive Director of UNEP to convene a working group of legal and technical experts with a mandate to prepare a global convention on the control of transboundary movements of hazardous wastes, with a view to the adoption of the convention by Governments by early 1989,

Deeply concerned that part of the transboundary movement of hazardous wastes and other wastes is being carried out in contravention of existing national legislation and relevant international legal instruments, as well as internationally accepted guidelines and principles, to the detriment of the environment and public health of all countries, particularly of developing countries,

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

Recognizing the immediate need for the control of the transboundary movement and disposal of hazardous wastes,

Desiring that the provisions of the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal will become effective as soon as possible,

Having adopted the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal,

Noting with appreciation that the Convention was opened for signature in Basel on 22 March 1989,

Considering that in the meantime the movement of hazardous wastes may cause serious harm to human health and the environment,

1. Calls upon all States, including those that have not participated in this Conference, to sign and become Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to apply its provisions as soon as possible,
2. Urges all States to develop without delay further co-operation in problem areas within the scope of the Convention,
3. Urges all States to co-operate in developing technologies which will lead to the elimination of the generation of hazardous wastes,
4. Resolves that until such time as the Convention comes into force and appropriate criteria are determined, all States refrain from activities which are inconsistent with the objectives and purposes of the Convention,
5. Requests the Executive Director of the United Nations Environment Programme to forward this Resolution to the Secretary-General of the United Nations and to circulate it to all States and economic integration organizations.

Adopted on 22 March 1989

Resolution 5

HARMONIZATION OF PROCEDURES OF THE BASEL CONVENTION
ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES
AND THEIR DISPOSAL AND THE CODE OF PRACTICE FOR INTERNATIONAL TRANSACTIONS
INVOLVING NUCLEAR WASTES

The Conference,

Bearing in mind resolution CM/Res./1153 (XLVIII) on the Dumping of Nuclear and Industrial Wastes in Africa adopted by the Organization of African Unity in May 1988,

Recognizing the need to harmonize procedures of this Convention and the internationally agreed code of practice for international transactions involving nuclear wastes, which is under preparation in pursuance of resolution GC(XXXII)/Res./490 of September 1988 of the International Atomic Energy Agency (IAEA),

Requests the Executive Director of UNEP to bring this to the attention of the Governing Council and the Director-General of the IAEA with a view to ensuring that the provisions of this Convention are taken into full account during the elaboration by IAEA of procedures for international transactions involving nuclear wastes.

Adopted on 22 March 1989

Resolution 6

INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

The Conference,

Having adopted at Basel on 22 March 1989 the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Aware of the danger to human health and the environment of irregular and illegal exports and disposal of hazardous wastes,

Convinced of the need to intensify international co-operation in order to apply immediately the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal adopted at Basel on the twenty-second of March, 1989,

Recalling that the Secretariat of the Convention constitutes one of the instruments of this international co-operation,

Recalling that under Article 16 of the Convention the United Nations Environment Programme (UNEP) is responsible for carrying out the interim secretariat functions until the completion of the first ordinary meeting of the Conference of the Contracting Parties held pursuant to Article 15 of the Convention,

Recalling further that the arrangements for the Secretariat of the Convention and for its funding are to be decided by the Conference of Contracting Parties at its first meeting,

1. Notes the preliminary budget estimates for the interim secretariat as presented by UNEP;

2. Also notes the willingness of the Executive Director of UNEP to contribute towards the costs of the interim secretariat during its initial two years of operation, subject to the availability of resources in the Environment Fund;

3. Invites all Signatories of the Convention and all Parties to provide the Executive Director on a voluntary basis with such additional funds as are required for the operation of the interim secretariat provided for in Article 16 of the Convention; and

4. Requests the Executive Director of the United Nations Environment Programme to take the steps necessary for the interim secretariat of the Convention to commence its activities as soon as feasible after the adoption of the Convention.

Adopted on 22 March 1989

Resolution 7

CO-OPERATION BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION AND THE UNITED NATIONS ENVIRONMENT PROGRAMME IN THE REVIEW OF EXISTING RULES, REGULATIONS AND PRACTICES WITH RESPECT TO TRANSPORT OF HAZARDOUS WASTES BY SEA

The Conference,

Recognizing the coastal States' responsibilities in respect of the protection and preservation of the environment,

Taking into account the existing international conventions and agreements for the protection of the marine environment,

Noting further that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transport of hazardous wastes,

In accordance with the relevant provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

1. Invites the Executive Director of the United Nations Environment Programme (UNEP) and the Secretary-General of the International Maritime Organization (IMO) in consultation, as appropriate, with other relevant international organizations, to review the existing rules, regulations and practices with respect to the transport of hazardous wastes by sea in the light of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal with a view to recommend any additional measures needed, including information, documentation and other precautionary measures, in order to assist coastal States, flag States, and port States in fulfilling their responsibilities with respect to the protection and preservation of the marine environment;

2. Invites the Executive Director of UNEP to report on the results of the review and recommendations referred to in paragraph 1 above to the Contracting Parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at their first meeting.

Adopted on 22 March 1989

Resolution 8

ESTABLISHMENT OF A TECHNICAL WORKING
GROUP TO ELABORATE TECHNICAL GUIDELINES FOR THE ENVIRONMENTALLY
SOUND MANAGEMENT OF WASTES SUBJECT TO THE BASEL CONVENTION ON THE CONTROL OF
TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

The Conference,

Having adopted the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

Conscious of the need to minimize the risk of damage to human health and the environment which can result from transboundary movements of hazardous wastes and their disposal,

Convinced of the need to elaborate technical guidelines to assist in the implementation of the Convention, taking into account the work of the relevant international organizations,

Taking into account the importance of examining scientific, technical and financial implications in respect to the implementation of the guidelines, especially in developing countries,

Calls upon the Executive Director of the United Nations Environment Programme to establish a Technical Working Group to prepare draft technical guidelines (including costs of the various disposal operations), for the environmentally sound management of wastes subject to this Convention for consideration by the Parties at their first meeting, and eventual adoption.

Adopted on 22 March 1989

Declarations made at the time of adoption of the
Basel Convention on the Control of Transboundary
Movements of Hazardous Wastes and their Disposal

Declaration of Denmark

The Danish delegation notes that Denmark's signature of the Global Convention of the Control of Transboundary Movements of Hazardous Wastes and their Disposal does not apply to Greenland and the Faroe Islands.

Declaration of Ghana

Pursuant to Article IV para 1 (a) of this Convention and in the exercise of its sovereign rights, the Republic of GHANA hereby declares that it has banned the import of hazardous and other wastes into its territory.

2. The Republic of GHANA further declares its reservation on Article 9 paras 3 & 4, since it believes that the state of export or the exporter or the generator should be responsible for the disposal of any hazardous wastes which are deemed to be illegal traffic within the meaning of this Convention.

Declaration of Japan

1. The Government of Japan understands that nothing in this Convention shall be deemed to require notice to or consent of any state for the mere passage of hazardous wastes on a vessel of a Party exercising its navigation rights under international law.
2. The Government of Japan supports a scheme of an environmentally sound global control for transboundary movements of hazardous wastes and will give the draft Convention full and careful consideration.
3. Japan does not associate itself with the draft resolution UNEP/IG.80/L.7 concerning co-operation between IMO and UNEP in the review of existing rules, regulations and practices with respect to transport of hazardous wastes by sea.

Declaration of the Republic of Korea

The delegation of the Republic of Korea welcomes the adoption of the Final Act and the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and fully supports the purpose and objectives of the Convention.

It is the view of my delegation that the Convention constitutes an important and constructive step forward for the global control of transboundary movements of hazardous wastes.

In this regard, my Government is of the opinion that the technical transfer and financial assistance to the developing countries in the field of the environmentally sound management of hazardous wastes are important elements in order that the Convention be implemented in the most efficient way.

Being a country which imports insignificant volume of hazardous wastes only for the purpose of industrial recycling, the Republic of Korea is prepared to co-operate with other countries on a bilateral or regional level for the enhancement of the environmentally sound management of hazardous wastes.

The Republic of Korea will consider favourably to sign or accede to the Convention as soon as the domestic procedure to be a contracting party of the Convention is completed.

Declaration of Turkey

The Government of Turkey has agreed to sign the Global Convention and the Final Act of the Conference of Plenipotentiaries on the Control of Transboundary Movement of Hazardous Wastes in support of the international initiative taken in this important field.

Turkey, however, believes that this Global Convention as it stands has a number of weaknesses and that unless strengthened through appropriate instruments in the future, it has little chance of addressing and solving effectively the real issues.

In particular, Turkey believes that the Convention does not contain appropriate provisions that deal with the status of transit countries and the notification mechanism it envisages lacks the desired effectiveness it should have.

More important, Turkey believes that the Convention does not contain provisions and safeguards, nor a mechanism for the effective control and prevention of illegal traffic of hazardous wastes which is a major problem for those countries in particular which have limited capability in combating this type of traffic.

Turkey fears that unless practical measures are taken in this important field, particularly in the interim period between the signing of this Convention and its implementation, illegal traffic will increase and that unless the Convention is improved and strengthened in this regard, illegal traffic will continue unchecked.

Turkey has already embarked on a number of practical and effective measures in combating the illegal traffic of hazardous wastes and will make available to the signatories of the Convention, in due course, the experience gained and the results achieved in this field in an effort to contribute to the improvement of the Convention.

Declaration of the Union of Soviet Socialist Republics

The delegation of the Union of Soviet Socialist Republics agrees to the adoption of this Convention with the following understandings:

1. This Convention shall not apply to those vessels and aircraft which are entitled to sovereign immunity under international law, in particular to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

2. Taking into account the fact that there was no opportunity to undertake a considerable review of texts of this Convention in languages other than English, the Soviet side reserves its position as to any difference of meaning which may be disclosed between texts of this Convention in various languages.

Declaration of the United States of America

The United States Government is firmly committed to the principle of strong control over exports of hazardous wastes. To further this goal nationally, the President has decided to seek legislative authority to ban all exports of hazardous wastes, except where we have an agreement with the receiving country providing for the safe handling and management of those wastes.

The United States Government strongly supports an environmentally sound global control scheme for transboundary movements of hazardous wastes and will give the draft Convention full and careful consideration. The United States reserves its position on the expansion of the definition of integration organizations and on the resolutions of the Final Act concerning the relationship of the United Nations Environment Programme to the work of the International Maritime Organization on marine pollution from vessels carrying hazardous wastes, the relationship of this Convention to international transactions involving nuclear wastes, and the establishment of working groups before entry into force of the Convention, on liability and compensation and on subsidiary bodies. The United States understands that none of the resolutions imposes legal or financial obligations.

Declaration of Senegal, Côte d'Ivoire, Egypt, Bahrain, Syrian Arab Republic, United Arab Emirates, Saudi Arabia, Malaysia, the German Democratic Republic, Sweden, Greece, the Federal Republic of Germany, Kenya, France, Portugal, Denmark, Switzerland, the Netherlands, Finland, Italy, Norway, Lebanon, Niger, Ghana, the Gambia, the United Kingdom of Great Britain and Northern Ireland, Turkey, Benin, Malta, Hungary, Jordan, Kuwait, Luxembourg, Belgium, the Philippines, and the Commission of the European Communities

The Government of Senegal, Côte d'Ivoire, Egypt, Bahrain, Syrian Arab Republic, United Arab Emirates, Saudi Arabia, Malaysia, the German Democratic Republic, Sweden, Greece, the Federal Republic of Germany, Kenya, France, Portugal, Denmark, Switzerland, the Netherlands, Finland, Italy, Norway, Lebanon, Niger, Ghana, the Gambia, the United Kingdom of Great Britain and Northern Ireland, Turkey, Benin, Malta, Hungary, Jordan, Kuwait, Luxembourg, Belgium, the Philippines, as well as the Commission of the European Communities, who will sign the Convention and/or the Final Act concerning the Control of Transboundary Movements of Hazardous Wastes (hereinafter referred to as "the Convention"),

Concerned that the transboundary movements of hazardous wastes are posing a major threat to human health and the environment,

Mindful of the limited capabilities of developing countries to manage wastes, in particular hazardous wastes, in an environmentally sound manner,

Considering that minimizing the production of hazardous wastes and disposal thereof under environmentally sound conditions in the country of generation should be the aim of waste management policy,

Convinced that phasing-out of transboundary movements of hazardous wastes will act as a major incentive for developing adequate national disposal facilities,

Recognizing the right of any country to prohibit the import or export of hazardous wastes into or from its territory,

Welcoming that the Convention will be signed,

Considering that, anticipating the measures envisaged in the Convention, immediate and effective control and reduction of transboundary movements especially to developing countries are necessary,

Declare as follows:

1. The Signatories of this Declaration confirm their strong intention to dispose of wastes in the country of origin;

2. The Signatories of this Declaration call upon the countries who will sign the Convention to join them in making every effort to phase-out exports and imports of wastes for reasons other than for disposal in facilities established within a framework of regional co-operation;

3. The Signatories of this Declaration will not permit any imports and exports of wastes to countries lacking the legal, administrative and technical capacity to manage and dispose of wastes in an environmentally sound manner;

4. The Signatories of this Declaration underline the importance of assisting in developing adequate facilities aimed at the final disposal of wastes generated in the countries referred to in paragraph 3 above;

5. The Signatories of this Declaration stress the necessity of undertaking within the framework of the Convention, effective action to achieve the reduction of the quantity of wastes, inter alia by developing and introducing technologies based on waste minimization and recycling.

* footnote:

Belgium considers that this declaration does not preclude the import into its territory of wastes defined as primary/secondary raw materials.

Declaration of Colombia

The delegation of Colombia has signed ad referendum the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal because this instrument constitutes a first important step on the part of the international community towards the protection of the environment against such wastes, although it considers that this step should be complemented in the near future by new international agreements that bring the international community even closer to the ideal level of protection referred to by the delegation of Colombia in its statement on 21 March to the Basel Conference on the Convention.

It is the understanding of the delegation of Colombia that the implementation of the present Convention shall in no case restrict, but rather shall strengthen, the application of the juridical and political principles which, as this delegation made clear in the statement referred to, govern the actions taken by the Colombian State in matters covered by the Convention - in other words, inter alia, the latter may in no case be interpreted or applied in a manner inconsistent with the competence of the Colombian State to apply those principles and other norms of its internal rule to its land area (including the subsoil), air space, territorial sea, submarine continental shelf and exclusive economic maritime zone, in accordance with international law.

The delegation of Colombia emphasizes the need for an additional protocol to the Convention to be adopted in the near future to improve the existing régime, both substantive and procedural, of international liability for damage caused by transboundary movements of hazardous wastes and their disposal, particularly when such damage affects developing countries.

Declaration of Ecuador

The delegate of Ecuador to the Conference is signing ad referendum the convention on the control of transboundary movements of hazardous wastes and their rational disposal at sites close to their place of generation because it represents a significant step in protecting the life and health of the people of Ecuador and in safeguarding the quality of the Ecuadorian environment for present and future generations.

However, the Ecuadorian delegate considers that this marks the beginning of an effort which must lead in the future to the development of a Protocol and appropriate instruments for the realization of the principles set out in the Convention, as well as the recommendations and resolutions put forward during the Conference meetings.

The elements contained in the Convention which has been signed may in no way be interpreted in a manner inconsistent with the domestic legal norms of the Ecuadorian State, or with the exercise of its national sovereignty.

Declaration of Guatemala

As plenipotentiary delegate of the Government of the Republic of Guatemala, I should like to express support for this Convention since, in my view, it constitutes an important and positive step towards the solution of a problem which will undoubtedly require further efforts and in view of the fact that its adoption does not infringe any of the legal provisions of my country.

I wish to take the opportunity of reminding all participants that the substantive problem - the generation or production of waste - should always be borne in mind, and that our responsibility as members of the present generation which directly and indirectly - both as producers and as consumers - is destroying the planet and depriving future generations of sustenance must lead us to formulate a protocol which will bring about the true solution, which is to find new technologies within a new and sound system of production. This will indeed be possible on the basis of a new system of values and new ethics which serve as a genuine mainstay for the new system. The achievement of a new system constitutes a challenge which demands and requires intelligence, imagination and a genuine desire for reconciliation between nations, together with sufficient capacity to reconcile the interests and apparent rights of our particular species with those of the environment in which we live, of which, in the final analysis, we form an integral part and on which we inexorably depend.

What I am trying to do, therefore, is to appeal for a rational approach. This is a just demand which the biosphere, the natural environment, is already forcefully making of our present civilization.

Declaration of Lebanon

On the occasion of the signing of the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Lebanese delegation declares that Lebanon can under no circumstances permit burial of toxic and other wastes in any of the areas subject to its legal authority which they have entered illegally. In 1988, Lebanon announced a total ban on the import of such wastes and adopted Act No. 64/88 of 12 August 1988 to that end. In all such situations, Lebanon will endeavour to co-operate with the States concerned, and with the other States parties, in accordance with the provisions of this treaty.

Declaration of Mexico

Mexico is signing ad referendum the Basel Convention on the Control of the Transboundary Movements of Hazardous Wastes because it duly protects its rights as a coastal State in the areas subject to its national jurisdiction, including the territorial sea, the exclusive economic zone and the continental shelf and, in so far as it is relevant, its airspace, and the exercise in those areas of its legislative and administrative competence in relation to the protection and preservation of the environment, as recognized by international law and, in particular, the law of the sea.

Mexico considers that, by means of this Convention, important progress has been made in protection of the environment through the legal regulation of transboundary movements of hazardous wastes. A framework of general obligations for States parties has been established, fundamentally with a view to reducing to a minimum the generation and transboundary movement of dangerous wastes and ensuring their environmentally rational management, promoting international co-operation for those purposes, establishing co-ordination and follow-up machinery, and regulating the implementation of procedures for the peaceful settlement of disputes.

Mexico further hopes that, as an essential supplement to the standard-setting character of the Convention, a protocol will be adopted as soon as possible, establishing, in accordance with the principles and provisions of international law, appropriate procedures in the matter of responsibility and compensation for damage resulting from the transboundary movement and management of dangerous wastes.

Declaration of Portugal

The Portuguese Republic declares that it requires notification of any transboundary movement of hazardous wastes effected across the area under its national jurisdiction until such time as a system for the communication of advance information has been instituted in conformity with article 15, paragraph 4 of the present Convention.

Declaration of Uruguay

Uruguay is signing ad referendum the Convention on the Control of the Transboundary Movements of Hazardous Wastes and their elimination because it is duly protecting its rights as a riparian State in the areas subject to its national jurisdiction, including the territorial sea, the exclusive economic zone and the continental shelf and, as appropriate, the superjacent air space, as well as the exercise in such areas of its standard-setting and administrative competence in connection with the protection and preservation of the environment as recognized by international law and, in particular, by the law of the sea.

Uruguay considers that this Convention constitutes an important step forward in the protection of the environment through the legal regulation of transboundary movements of hazardous wastes by establishing a framework of general obligations for the States Parties with a view essentially to reducing to the minimum the generation of hazardous wastes and their movement across boundaries and ensuring their environmentally rational handling, to promoting international co-operation to that end, to creating co-ordination and follow-up machinery and to regulating the application of procedures for the peaceful settlement of disputes.

Uruguay hopes that, as an essential complement to the standard-setting system of the Convention, a protocol will be adopted as soon as possible which, in accordance with the principles and standards of international law, will establish appropriate procedures with regard to responsibility for the damage resulting from transboundary movements and the handling of hazardous wastes and its compensation.

Declaration of the Socialist Republic of Viet Nam

On behalf of the delegation of the Socialist Republic of Viet Nam, I wish to make the following statement:

The problem of the control of transboundary movements of hazardous wastes and their disposal is currently becoming an urgent problem of great importance for the international community in the context of the protection of ecology and the environment and, above all, the protection of human life and health.

It is in that spirit that our delegation considers that the Convention we have just adopted - the product of the spirit of consensus and the concerted efforts of all countries, industrialized as well as developing countries, and international organizations, including UNEP - constitutes a step forward in that direction.

The Convention will certainly help Viet Nam in the current process of drafting of provisions to ensure the protection of the environment and human health in our country.

Viet Nam will strive to ensure that these legal provisions are in keeping with the Convention just adopted, so as to be in a position to sign it in the near future.

Declaration of Venezuela

Venezuela is signing ad referendum the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal because it considers that this instrument meets the growing concern of the community, and particularly the developing countries, at the ever more urgent and delicate problems posed by the handling and transboundary movement of substances which can harm the environment and human health. The Convention also contains provisions designed to minimize transboundary movements of wastes.

Venezuela considers that the Convention we have adopted properly protects its sovereign rights as a riparian State over the areas under its national jurisdiction, including its territorial sea, exclusive economic zone and continental shelf, and, as appropriate, its air space. The Convention also safeguards the exercise in such areas of its standard-setting and administrative jurisdiction for the purpose of protecting and preserving the environment and its natural resources in accordance with international law, and in particular the law of the sea.

Venezuela considers that this Convention constitutes a first important step in the direction sought by the developing countries to ensure the protection of the environment and lay down a general international legal framework to regulate transboundary movements of hazardous wastes and minimize the generation of hazardous wastes and ensure their environmentally sound management.

The Convention also contains provisions designed to promote international co-operation in this field, to allow for the establishment of machinery for the co-ordination of international actions, and to ensure the strict application of its provisions and the implementation of procedures for the peaceful settlement of disputes.

Venezuela acknowledges that this Convention does not cover all the extreme cases that we would have liked to be regulated at the international level, but we believe it is an instrument capable of improvement which contains the machinery required so that it can be added to and adjusted in the light of changes in the phenomenon it regulates.

Venezuela is confident that, as an indispensable complement to the standard-setting arrangements set out in this Convention, it will prove possible to adopt at the earliest opportunity, and put into practice in conformity with the principles and norms of international law, procedures designed to regulate State responsibility and compensation for damage which may be caused by the inappropriate handling or transboundary movement of hazardous wastes.

Declaration of the German Democratic Republic

The German Democratic Republic proceeds from the fact that the convention does not interfere with the fundamental principles and standards of international law, including those, as for instance, the right to freedom of navigation and to innocent passage of the territorial sea. In our view, not only the so-called fundamental obligations, including the regulations on international movement, assume significance. Equally important are already existing or envisaged bilateral, regional as well as multilateral agreements, and the provisions of the convention on financial aspects and on settlement of disputes. I'm using this possibility to draw the attention to the observations made by my delegation concerning the substance of two resolutions attached to the Final Act. On balance, this convention text constitutes a comprehensive arrangement which promises a high measure of control and thus a high degree of security.

In accordance with the applied law practice of the GDR, the competent governmental authorities of our country still need to thoroughly consider the draft convention to put forth the GDR's final position thereto.

Declaration made at the time of adoption of the
Recommendations of the Credentials Committee

**Declaration of the Syrian Arab Republic on behalf of
the Arab countries members of the Arab League**

The Arab countries, members of the Arab League, do not agree to accept the credentials of the Delegate of Israel. In addition, their participation at the Conference and their signature of the Final Act or the Convention or of any amendment thereof now or in the future should not imply in any way any recognition of the State of Israel.

**BASEL CONVENTION ON THE CONTROL OF
TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL**

PREAMBLE

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

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

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of their disposal,

Noting that States should ensure that the generator should carry out duties with regard to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movement of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

Convinced that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods.

Taking into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by decision 14/30 of 17 June 1987, the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international and regional organizations,

Mindful of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

Affirming that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

Recognizing that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

Aware of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

Aware also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

Concerned about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

Taking into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

Recognizing the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology,

Recognizing also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations,

Convinced also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

HAVE AGREED AS FOLLOWS:

Article 1

Scope of the Convention

1. The following wastes that are subject to transboundary movement shall be "hazardous wastes" for the purposes of this Convention:

(a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and

(b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be "other wastes" for the purposes of this Convention.

3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.

4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

Article 2

Definitions

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;
2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;
3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;
4. "Disposal" means any operation specified in Annex IV to this Convention;
5. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;
6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;
7. "Focal point" means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;
8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;
9. "Area under the national jurisdiction of a State" means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;
10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;
11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;

12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;
13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;
14. "Person" means any natural or legal person;
15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;
16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;
17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;
18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;
19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;
20. "Political and/or economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;
21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.

Article 3

National Definitions of Hazardous Wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.
2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1.
3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.
4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 available to their exporters.

Article 4

General Obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.

(b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above.

(c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import; in the case where that State of import has not prohibited the import of such wastes.

2. Each Party shall take the appropriate measures to:

(a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;

(b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;

(c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;

(d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;

(e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting.

(f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V A, to state clearly the effects of the proposed movement on human health and the environment;

(g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;

(h) Co-operate in activities with other Parties and interested organizations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic;

3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.

4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.

5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.

6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.

7. Furthermore, each Party shall:

(a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform such types of operations;

(b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;

(c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.

8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.

9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

(a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner;
or

(b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or

(c) The transboundary movement in question is in accordance with other criteria to be decided by the Parties, provided those criteria do not differ from the objectives of this Convention.

10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.

11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.

12. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.

Article 5

Designation of Competent Authorities and Focal Point

To facilitate the implementation of this Convention, the Parties shall:

1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.
2. Inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities..
3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.

Article 6

Transboundary Movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in

Annex V A, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.

2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.

3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:

(a) The notifier has received the written consent of the State of import; and

(b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.

4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

(a) By the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply mutatis mutandis to the exporter and State of export, respectively;

(b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply mutatis mutandis to the importer or disposer and State of import, respectively; or

(c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of entry and exit of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.

11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

Article 7

Transboundary Movement from a Party through
States which are not Parties

Paragraph 2 of Article 6 of the Convention shall apply mutatis mutandis to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

Article 8

Duty to Re-import

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

Article 9

Illegal Traffic

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

(a) without notification pursuant to the provisions of this Convention to all States concerned; or

(b) without the consent pursuant to the provisions of this Convention of a State concerned; or

(c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or

(d) that does not conform in a material way with the documents; or

(e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law,

shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

(a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,

(b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall co-operate with a view to achieving the objects of this Article.

Article 10

International Co-operation

1. The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.

2. To this end, the Parties shall:

(a) Upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes and other wastes;

(b) Co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment;

(c) Co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;

(d) Co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;

(e) Co-operate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of subparagraphs a, b, c and d of paragraph 2 of Article 4.

4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, inter alia, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

Article 11

Bilateral, Multilateral and Regional Agreements

1. Notwithstanding the provisions of Article 4 paragraph 5, Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention in particular taking into account the interests of developing countries.

2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 and those which they have entered into prior to the entry into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes and other wastes which take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.

Article 12

Consultations on Liability

The Parties shall co-operate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

Article 13

Transmission of Information

1. The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those states are immediately informed.

2. The Parties shall inform each other, through the Secretariat, of:

(a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;

(b) Changes in their national definition of hazardous wastes, pursuant to Article 3;

and, as soon as possible,

(c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;

(d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;

(e) Any other information required pursuant to paragraph 4 of this Article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

(a) Competent authorities and focal points that have been designated by them pursuant to Article 5;

(b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:

(i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;

(ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;

(iii) Disposals which did not proceed as intended;

(iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;

(c) Information on the measures adopted by them in implementation of this Convention;

(d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;

(e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;

(f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;

(g) Information on disposal options operated within the area of their national jurisdiction;

(h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and

(i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

Article 14

Financial Aspects

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

Article 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.

4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.

5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:

(a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;

(b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, inter alia, available scientific, technical, economic and environmental information;

(c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;

(d) Consider and adopt protocols as required; and

(e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

6. The United Nations, its specialized agencies, as well as any State not party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.

Article 16

Secretariat

1. The functions of the Secretariat shall be:

(a) To arrange for and service meetings provided for in Article 15 and 17;

(b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under Article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;

(c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(d) To ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(e) To communicate with focal points and competent authorities established by the Parties in accordance with Article 5 of this Convention;

(f) To compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;

(g) To receive and convey information from and to Parties on;

- sources of technical assistance and training;
- available technical and scientific know-how;
- sources of advice and expertise; and
- availability of resources

with a view to assisting them, upon request, in such areas as:

- the handling of the notification system of this Convention;
- the management of hazardous wastes and other wastes;
- environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology;
- the assessment of disposal capabilities and sites;
- the monitoring of hazardous wastes and other wastes; and
- emergency responses;

(h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the Secretariat;

(i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To co-operate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

Article 17

Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted the amendments to the protocol concerned, except as may otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 18

Adoption and Amendment of Annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

- (a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in Article 17, paragraphs 2, 3 and 4;
- (b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;
- (c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol enters into force.

Article 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.

Article 20

Settlement of Disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in Annex VI on Arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

(a) submission of the dispute to the International Court of Justice;
and/or

(b) arbitration in accordance with the procedures set out in Annex VI.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

Article 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

Article 22

Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

Article 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of Article 22 paragraph 2, shall apply to political and/or economic integration organizations which accede to this Convention.

Article 24

Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.

2. Political and/or economic integration organizations, in matters within their competence, in accordance with Article 22, paragraph 3, and Article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 25

Entry into Force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession.

2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 26

Reservations and Declarations

1. No reservation or exception may be made to this Convention.
2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

Article 28

Depository

The Secretary-General of the United Nations shall be the Depository of this Convention and of any protocol thereto.

Article 29

Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at on the day of 1989

Annex I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste Streams

- Y1 Clinical wastes from medical care in hospitals, medical centers and clinics
- Y2 Wastes from the production and preparation of pharmaceutical products
- Y3 Waste pharmaceuticals, drugs and medicines
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals
- Y6 Wastes from the production, formulation and use of organic solvents
- Y7 Wastes from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their originally intended use
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives

- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics
- Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

- Y19 Metal carbonyls
- Y20 Beryllium; beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium; selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead; lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride
- Y33 Inorganic cyanides
- Y34 Acidic solutions or acids in solid form
- Y35 Basic solutions or bases in solid form
- Y36 Asbestos (dust and fibres)
- Y37 Organic phosphorous compounds
- Y38 Organic cyanides
- Y39 Phenols; phenol compounds including chlorophenols
- Y40 Ethers
- Y41 Halogenated organic solvents
- Y42 Organic solvents excluding halogenated solvents
- Y43 Any congener of polychlorinated dibenzo-furan
- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this Annex (eg. Y39, Y41, Y42, Y43, Y44).

Annex II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

- Y46 Wastes collected from households
- Y47 Residues arising from the incineration of household wastes

Annex III

LIST OF HAZARDOUS CHARACTERISTICS

<u>UN Class*</u>	<u>Code</u>	<u>Characteristics</u>
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
4.1	H4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
4.3	H4.3	Substances or wastes which, in contact with water emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.

* Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/1/Rev.5, United Nations, New York, 1988).

- 5.1 H5.1 Oxidizing
Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
- 5.2 H5.2 Organic Peroxides
Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
- 6.1 H6.1 Poisonous (Acute)
Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
- 6.2 H6.2 Infectious substances
Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.
- 8 H8 Corrosives
Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
- 9 H10 Liberation of toxic gases in contact with air or water
Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
- 9 H11 Toxic (Delayed or chronic)
Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
- 9 H12 Ecotoxic
Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
- 9 H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

Annex IV

DISPOSAL OPERATIONS

A. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY, RECYCLING, RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES

Section A encompasses all such disposal operations which occur in practice.

- D1 Deposit into or onto land, (e.g., landfill, etc.)
- D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
- D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A
- D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralisation, precipitation, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations in Section A
- D14 Repackaging prior to submission to any of the operations in Section A
- D15 Storage pending any of the operations in Section A

**B. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING,
RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES**

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1-R10
- R12 Exchange of wastes for submission to any of the operations numbered R1-R11
- R13 Accumulation of material intended for any operation in Section B

Annex V A

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export
2. Exporter of the waste 1/
3. Generator(s) of the waste and site of generation 1/
4. Disposer of the waste and actual site of disposal 1/
5. Intended carrier(s) of the waste or their agents, if known 1/
6. Country of export of the waste
Competent authority 2/
7. Expected countries of transit
Competent authority 2/
8. Country of import of the waste
Competent authority 2/
9. General or single notification
10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit) 3/
11. Means of transport envisaged (road, rail, sea, air, inland waters)
12. Information relating to insurance 4/
13. Designation and physical description of the waste including Y number and UN number and its composition 5/ and information on any special handling requirements including emergency provisions in case of accidents
14. Type of packaging envisaged (eg. bulk, drummed, tanker)
15. Estimated quantity in weight/volume 6/
16. Process by which the waste is generated 7/
17. For wastes listed in Annex I, classifications from Annex III: hazardous characteristic, H number, and UN class.
18. Method of disposal as per Annex IV
19. Declaration by the generator and exporter that the information is correct
20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
21. Information concerning the contract between the exporter and disposer.

20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
21. Information concerning the contract between the exporter and disposer.

Notes

- 1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.
- 2/ Full name and address, telephone, telex or telefax number.
- 3/ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.
- 4/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.
- 5/ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.
- 6/ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.
- 7/ Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

Annex V B

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/
2. Generator(s) of the waste and site of generation 1/
3. Disposer of the waste and actual site of disposal 1/
4. Carrier(s) of the waste 1/ or his agent(s)
5. Subject of general or single notification
6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste
7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated
8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable)
9. Information on special handling requirements including emergency provision in case of accidents
10. Type and number of packages
11. Quantity in weight/volume
12. Declaration by the generator or exporter that the information is correct
13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties.
14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill-out any form.

1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

Annex VI

ARBITRATION

Article 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant party shall notify the Secretariat that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of Article 20 and include, in particular, the Articles of the Convention the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal both on procedure and on substance, shall be taken by majority vote of its members.
2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
4. The absence or default of a party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

Article 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.
2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.