

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