



# United Nations Environment Programme



Distr.  
GENERAL

UNEP/CHW.1/24  
5 December 1992

ORIGINAL: ENGLISH



## FIRST MEETING OF THE CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

Piriapolis, 3-4 December 1992

### REPORT OF THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES TO THE BASEL CONVENTION

#### I. INTRODUCTION

1. The First Meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held in Piriapolis (Uruguay) at the kind invitation of the Government of Uruguay on 3 and 4 December 1992.

#### II. OPENING OF THE MEETING

2. The Conference was opened by the Executive Director of UNEP, Dr. M.K. Tolba, who invited His Excellency Mr. Mieres Muro, Minister of Housing, Land Management and Environment of Uruguay, to make an opening statement on behalf of the host Government.

3. His Excellency, Mr. Mieres Muro, Minister of Housing, Land Management and Environment of Uruguay, welcomed participants to the First Meeting of the Conference of the Parties and drew attention to the work done by the Preparatory Session. He underlined the fundamental principles of the solidarity that was needed in a world of interdependence in which problems were planetary. That was the underlying philosophy of the Government and people of Uruguay and it constituted the basis of national policy to protect the environment. He stressed that environmental degradation represented a threat to mankind and that was why the Government of Uruguay, through its President, Mr. Luis Alberto Lacalle Herrera, had made a proposal to the United Nations Conference on Environment and Development and to the United Nations General Assembly on the formulation of an international code for environmental protection which would embody an ethical dimension and serve mankind.

4. He also pointed out that, when human beings contributed to degradation of the environment, they not only threatened their own survival but were also violating sound political principles. They destroyed the foundations of their economy and became incapable of complying with legal norms, but above all they were violating a fundamental ethical principle that one should not kill one's neighbour whether by poison or by any other means.

/...

5. In a continent which was celebrating 500 years of a mixed culture that was both fertile and original and had been influenced to a great extent by the Western world, the political ideal was democracy and freedom and if that ideal were to be lost the suffering that would ensue would be devastating.

6 In conclusion, he pointed out that Uruguay, through its cultural history, geopolitical situation and environmental commitment, could play an active role in the protection of the environment and thereby fulfil its obligations vis-à-vis the international community.

7. Dr. Tolba welcomed participants to the First Meeting of the Conference of the Parties to the Basel Convention. He once again expressed his gratitude to the Government and people of Uruguay for hosting the Conference and for their support, which would guarantee a successful conclusion of the meeting. He also expressed satisfaction at the work of the Preparatory Session, which had met from 30 November to 2 December 1992.

8. Dr. Tolba re-emphasized that hazardous wastes were the side effects of development and that current estimates showed that the countries of the North accounted for more than 95 per cent of the global production of such wastes. He further said that, in the last 30 years, billions of tonnes of hazardous wastes had been dumped or disposed of in landfills. Dump sites discovered in the United States of America, the Netherlands and elsewhere, together with the latest emergency in Montenegro where flood damage was threatening an artificial lake of some 3.5 million tonnes of wastes containing heavy metals and other carcinogenic substances, revealed the magnitude of the problem. He also pointed out that millions of tonnes had been dumped at sea and moved across frontiers to developing countries or Eastern and Central Europe. Between 1986 and 1988, 3.5 million tonnes of hazardous wastes had been shipped, mainly from industrial countries, to Africa, the Caribbean and Latin America, but also to regions in Asia and the South Pacific. The most worrying aspect was the rising number of projects by the industrial world to construct waste-to-energy plants or what were described as "non-hazardous" waste landfills or incineration facilities in developing countries. He stressed that most developing countries did not possess, and were unlikely to possess in the near future, environmentally sound disposal facilities, with the result that import of hazardous wastes into their territory represented an imminent danger for their populations and environment. It was particularly important to consider that aspect because traffic in poisons was a lucrative business and there would be an increasing number of "waste brokers" willing to make profits out of that unscrupulous and immoral commerce.

9. Dr. Tolba warned the Conference that, while entering a new phase in the process of control of international traffic of hazardous wastes, the ultimate effectiveness of the Basel Convention was in the balance. He stressed that, although the Convention had been signed by many countries, it would mean very little if the Parties did not put in place the machinery that would enable it to work. He reminded the Conference that the central objective of the Convention was to reduce to a minimum the generation of hazardous wastes and ensure that whatever was produced was disposed of in an environmentally sound manner as close to the point of generation as possible. He urged participants to ensure that the key principles of self-sufficiency, "the polluter pays", banning of export, prior informed consent, international cooperation, assistance to developing countries, transparency, criminalization of illegal traffic, emergency response, and liability and compensation be reflected in the results of the Conference.

/...

10. Dr. Tolba continued by stating that, out of the 116 countries which had adopted the Convention on 22 March 1989, only 35 Parties were attending the First Meeting of the Parties in Piriapolis. He emphasized that it was of great concern to him to note that a large number of States which had adopted the Convention at the Basel Conference of Plenipotentiaries had not become party to the Convention. Moreover, the countries which were the major generators of hazardous wastes and had played a very active role in preparations for and adoption of the Convention were to be found among the group of non-Parties.

11. He stated that the world community needed a comprehensive and global regime so as ultimately to minimize the generation of hazardous wastes and ban their movement from North to South. In the meantime, strict control over their transboundary movements and disposal had to be exercised. In that spirit, Dr. Tolba once again urged those States which had not yet become Parties to the Basel Convention, and whose representatives were participating in the Conference as observers, to ratify or accede to the Convention as soon as possible in order to fulfil their obligations vis-à-vis the international community.

12. Finally, Dr. Tolba said that, at the opening of the meeting of the Contracting Parties to the Montreal Protocol held in Copenhagen the previous week, he had stated that the positive results of that meeting would be the best present the international community could offer him as he prepared to leave UNEP. The Parties had reached very positive results and Copenhagen had been a great success. He stated that he was only a few days away from retiring from UNEP. The Parties to the Basel Convention would achieve another successful outcome to their first meeting and thus give him another present before he left.

### III. ORGANIZATIONAL MATTERS

#### A. Attendance

13. The following Parties to the Basel Convention were represented: Argentina, Australia, Brazil, Canada, Chile, China, Cyprus, Czech and Slovak Federal Republic, El Salvador, Estonia, Finland, France, Hungary, India, Jordan, Liechtenstein, Maldives, Mexico, Nigeria, Norway, Panama, Poland, Senegal, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic and Uruguay.

14. The following States not party to the Convention were represented by observers: Austria, Belgium, Bolivia, Colombia, Congo, Cuba, Denmark, Dominican Republic, Egypt, Germany, Ghana, Greece, Italy, Japan, Kuwait, Malaysia, Netherlands, Pakistan, Papua New Guinea, Paraguay, Peru, Republic of Korea, Russian Federation, Spain, Thailand, Uganda, United Kingdom and the United States of America.

15. Observers from the following United Nations bodies and specialized agencies were also present: United Nations Development Programme (UNDP), United Nations Institute for Training and Research (UNITAR), United Nations Educational, Scientific and Cultural Organization (UNESCO), International Maritime Organization (IMO), and the United Nations Industrial Development Organization (UNIDO).

/...

16. Observers from the following intergovernmental organizations participated: European Community (EC) and the Organization for Economic Co-operation and Development (OECD).

17. The following other organizations were represented: AGUAS, Greenpeace, International Chamber of Commerce (ICC), International Council on Metals and the Environment (ICME), Industrial Technology and Research Institute (ITRI), International Precious Metals Institute (IPMI) and Youth and Environment Europe (YEE).

B. Election of Officers

18. The Conference elected the following officers:

President: Mr. Julio C. Balino Coteló (Uruguay)

Vice-presidents: Mr. Lauri Tarasti (Finland)  
Mr. Arunoday Bhattacharjya (India)  
Mr. Bakary Kante (Senegal)

Rapporteur: Mr. Wojciech Swiatek (Poland)

19. The Conference decided that the president, the three vice-presidents and the rapporteur should constitute the bureau of the Conference.

C. Adoption of the agenda and programme of work

20. The following agenda, as contained in document UNEP/CHW.1/1, was adopted:

1. Opening of the meeting.
2. Adoption of the agenda.
3. Organizational matters.
4. Adoption of the rules of procedure of the Conference of the Parties.
5. Consideration of the reports of the Executive Director of UNEP on:
  - (a) Implementation of Resolutions 1 to 8 adopted by the Conference of Plenipotentiaries on the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
  - (b) Cooperation with other United Nations bodies, specialized agencies and regional organizations.
6. Implementation of the Convention:
  - (a) Liability and compensation; (Article 12).
  - (b) Establishment of a revolving fund to assist in case of emergency situations (Article 14, paragraph 2);

/...

- (c) Bilateral, multilateral and regional agreements and arrangements (Article 11);
  - (d) Designation of competent authorities and focal points (Article 5);
  - (e) Transmission of information (Article 13);
  - (f) International cooperation (Article 10): Training and seminars related to the Basel Convention;
  - (g) Development of draft model national legislation (Article 7);
  - (h) Documentation: notification, movement documents (Article 19);
  - (i) Adoption of the technical guidelines for the environmentally sound management of wastes subject to the Convention (Article 4, paragraph 8);
  - (j) Illegal traffic (Article 9 and Article 16, paragraph 1(i));
  - (k) Establishment of regional centres for training and technology transfer (Article 14, paragraph 1);
- 7. Designation of the Secretariat.
  - 8. Financial provisions:
    - (a) Consideration and adoption of the financial rules;
    - (b) Consideration and approval of the budget.
  - 9. Other matters.
  - 10. Adoption of the report.
  - 11. Closure of the meeting.

21. The Preparatory Session transmitted to the Conference documents relating to each agenda item and these are listed in Annex I to this report. The Conference based its consideration of the draft decisions on documents UNEP/CHW.1/22/Rev.1, Add.1-4, entitled "Proposed action by the Conference of the Parties - Note of the Executive Director".

#### D. Credentials

22. In accordance with rules 18, 19 and 20 of the Rules of Procedure, the offices of the Meeting examined the credentials by representatives and found them to be in good and due form.

#### IV. ADOPTION OF THE RULES OF PROCEDURE

23. The Conference adopted the draft rules of procedure (UNEP/CHW.1/3/Rev.1 and Corr.1) transmitted to it by the Preparatory Session (Annex III).

/...

24. The Conference also accepted the proposal by the Preparatory Session that the office of president should be established on a rotating basis according to the alphabetical order of the regions as agreed by the United Nations. The presidency of the Second and subsequent Meetings of the Conference of the Parties would therefore be assumed by the region of Western Europe and others, followed by Africa, Asia and Eastern Europe. The cycle of five regions would then start again with Latin America and the Caribbean presiding over the Sixth Meeting of the Conference of the Contracting Parties.

#### V. DECLARATIONS

25. A number of delegates made general declarations and statements on specific decisions and these are contained in Annex IV.

#### VI. DECISIONS

26. Following a general discussion, the Conference considered the amended draft decisions prepared by the Preparatory Session contained in documents UNEP/CHW.1/22, UNEP/CHW.1/22/Rev.1 and Add.1, 2, 3 and 4. After due consideration, the Conference adopted the amended draft decisions (Annex II).

27. When adopting Decision I/8 on cooperation with the United Nations bodies, specialized agencies and regional organizations, the Conference agreed that the Secretariat of the Basel Convention should cooperate specially with the Customs Cooperation Council, and possibly IMO and other competent organizations, in order to find means to achieve effective control at borders for transboundary movements of wastes. The Secretariat would report to the Second Meeting of the Conference of the Contracting Parties on the outcome of the discussions and would propose possible measures to enhance border controls. Furthermore, delegations took note of the ongoing work in the field of transboundary movement of hazardous wastes and their disposal carried on by regional organizations. Reference was made in particular to the work being done in that field in the Central American, Mediterranean, Caribbean and South Pacific regions. The Secretariat of the Basel Convention was requested to follow up those activities.

28. During the discussion on draft Decision I/20 on international cooperation: training and seminars related to the Basel Convention, the representative of the United Nations Institute for Training and Research (UNITAR) expressed his organization's interest in working closely with the Secretariat towards the development of a comprehensive training programme on the implementation of the Basel Convention, based on a thorough assessment of training needs and taking into consideration the work of multilateral and bilateral agencies in the field of waste management and cleaner production. The offer by UNITAR was welcomed by the Meeting and an appeal was made to Parties and non-Parties to make donations on a voluntary basis for that purpose.

#### VII. FINANCIAL MATTERS

29. The Executive Director noted that, while contributions to the Trust Fund were not assessed on a mandatory basis, the scale of contributions represented the level at which the countries were willing to make such contributions.

/...

30. In adopting the terms of reference for the administration of the trust funds for the Basel Convention, the Conference of the Parties understood, with reference to paragraph 4, that no contributions would be required when the United Nations scale of assessment provided for a contribution of less than 0.1 per cent. The Parties concerned would be invited to make a commitment to the trust funds.

31. One delegation, referring to the request for financial support to countries undergoing the process of transition to a market economy, stated that it could not support the creation of a new category of Parties. However, it was sympathetic to the current needs of countries with economies in transition and would be able to accept provision of assistance on a case-by-case basis under the Convention to countries which demonstrated a need for such assistance.

32. It was agreed that, in minimizing the cost of implementation of the Basel Convention, a special survey of the personnel in the Secretariat, its duties and the cost should be prepared for consideration by the Bureau when it met in September 1993 to consider contributions to the budget. It was also agreed that meetings concerning draft national legislation could be replaced by written information on national laws and model laws and that some Bureau meetings could be held by telefax, telex or telephone. It was emphasized that costs could be reduced by combining meetings where practicable. The Conference also expressed the wish that the Secretariat should explore possibilities for obtaining new financial resources.

33. The Conference agreed that the Bureau would prepare a report based on the special survey by the Secretariat for the Open-ended Ad Hoc Committee of the Conference to review and to adopt provisionally the contributions to the budget for 1994 by the end of September 1993 (Annex IV).

34. A number of delegations expressed the hope that the budget for the next period would be distributed to the Parties at least 90 days before the next Meeting of the Conference of the Parties.

35. One delegation requested that, in Decision I/7, the words "other countries in need of technical assistance ..." be replaced by the words "and other Parties which demonstrate a need for assistance to be decided on a case-by-case basis".

#### VIII. OTHER MATTERS

36. The Secretary of the Conference, Mrs. I. Rummel-Bulska, informed the Conference that the Basel Convention Secretariat had received from the Depositary the Notification on Acceptance of the Proposed Corrections and Transmission of the Relevant Procès-Verbal related to the corrections proposed by the Government of Japan, which consisted of the deletion of the repeated reference to paragraphs 20 and 21 of Annex V A on page 50 of the English text of the original of the Convention, the deletion of the term "Paragraph 2" and its replacement by the term "Paragraph 1" in the English text of Article 7, which were deemed to be accepted since no objection had been raised to the proposed corrections within the period of 90 days. Therefore, "the Secretary-General of the United Nations had effected the said corrections in the English text of the original of the Convention as well as in the certified true copies

/...

thereof". The Secretary informed the Conference that the document received from the Depositary had been distributed at the meeting.

37. The delegations of Argentina, Australia, Brazil and Canada informed the Conference that they had not received Depositary Notification nor its Acceptance and requested the Secretariat to inform the Depositary accordingly.

38. The Conference considered that acceptance could not be deemed effective until formal notification had been properly made by the Depositary.

39. The Secretary also informed the Conference of the communication received from the Government of Japan, which alerted the Basel Secretariat to the existence of a discrepancy between the English and the French texts of Article 17, paragraph 5, of the Convention. That fact had been communicated to the Treaty Section of the Office of Legal Affairs of the Secretary-General which, in May 1992, had informed the Secretariat as follows:

"A discrepancy has been found between lines 6 to 7 (English text) and lines 6 to 8 (French text) of the authentic text and certified true copies of the Basel Convention. (The corresponding Arabic, Chinese and Spanish texts are in line with the English text, whilst the corresponding Russian text is in line with the French text)\*

It could be that the phrase "ou par les deux tiers au moins des Parties au Protocole considéré les ayant acceptés" (emphasis added) was left in the French text inadvertently.

However, in the absence of any supporting documentation, it is not possible for us to determine that this is indeed the case. In any event, we shall await the receipt of your reply to circulate a procès-verbal of rectification."

40. Since then the Government of Japan has drawn the Secretariat's attention to the fact that, at the 5th meeting of the Working Group negotiating the Convention, the English text adopted at that time contained language that corresponded exactly to the present French text of Article 17, paragraph 5, of the Convention; and that there had been no further discussion of the English text before its adoption by the Conference of Plenipotentiaries. Moreover, in noting that discrepancy, the Government of Japan observed that the word "accepted" as used in paragraph 5 varied in meaning and that clarity as to the use of the term would be essential for implementing the Convention.

41. The Secretary informed the Conference that, in the Basel Convention Secretariat's opinion, the French and Russian texts logically reflected the parallelism of entry into force requirements of paragraph 5 and the adoption of amendments to the Convention as against the Protocol (paragraphs 3 and 4). It was thus the Secretariat's impression that the requirement of a two-thirds majority had been omitted from the English text by mistake and that, consequently, the Arabic, Chinese and Spanish texts too, which followed the

---

\* English text: "by at least three-fourths of the Parties who accepted the amendments to the protocol concerned"; French text: "par les trois quarts au moins des parties les ayant acceptés ou par les deux tiers au moins des parties au protocole considéré".

/...



English version, did not include this part of the provision by mistake. The Secretariat agreed that clarification of the various usages of the word "accepted" in Article 17, paragraph 5, would be desirable.

42. It was proposed that the Conference review the above items for correction and clarification and request that the Secretariat of the Basel Convention forward them to the Treaty Section of the Office of Legal Affairs of the Secretary-General for circulation of an appropriate procès-verbal of rectification/clarification to all countries concerned.

43. The Secretary also informed the Conference that the clarification regarding the Basel Convention Secretariat's understanding of Article 26, paragraph 2, of the Basel Convention had been requested by the EEC in relation to the possible use of the provision by the EEC and its member countries at the time of their ratification of the Convention. The Secretariat informed the Conference that its response was positive and that the appropriate reply would be made to the EEC in due course.

44. The delegation of Finland informed the Conference that, while implementing the Basel Convention, Finland had noticed difficulties in notifying the transit countries in certain sea transport cases. It would therefore request the Basel Convention Secretariat to study the legal provisions and practices of the Contracting Parties concerning the transit of hazardous wastes and other wastes by sea and seek to clarify the requirements of the Basel Convention on the issue in the Guidance Manual.

45. Referring to the subject of transit country, the delegation of Australia informed the Conference of its experience in that context, namely, the "Maria Laura Episode". It also requested the Secretariat to consider further the requirements for prior notification and consent of all States of transit, particularly requirements of a procedural nature (i.e. identification of focal points and competent authorities for non-Parties).

46. The delegation of Australia also expressed the hope that there would be a regular exchange of views among Parties on their experiences in relation to implementation of the Convention and parallel legislation. It suggested that an item addressing that need should be included in the agenda of future meetings of the Conference of the Parties.

47. Two other delegations supported the proposal made by the delegation of Australia and also proposed that the Secretariat should consider the notification and prior consent procedures regarding the transit of hazardous wastes across land boundaries.

48. The delegation of Egypt informed the Conference that Egypt was in the final stage of the process of accession to the Basel Convention.

49. The delegation of the Czech and Slovak Federal Republic informed the Secretariat that the division of that State into the Czech Republic and the Slovak Republic would not influence implementation of the obligations resulting from ratification of the Basel Convention.

50. The Secretary informed the Conference that the Basel Convention Secretariat had received a proposal from the Commonwealth Secretariat section dealing with management of hazardous wastes regarding close cooperation, in particular in the field of training and organization of seminars for

/...

Commonwealth developing countries. The Conference agreed that the Basel Convention Secretariat would extend its cooperation also to the Commonwealth in its activities related to hazardous waste management.

51. The representative of IMO introduced the background document on the Global Waste Survey (UNEP/CHW.1/Inf.2) and highlighted the ongoing cooperation between UNEP and IMO, as well as other international agencies, in the development and implementation of the project. The Conference was apprised of the information base being developed as a result of that undertaking and the potential benefit of such information in future decision-making on technical guidelines, technical centres, training and other capacity-building activities identified in Decision I/23 of the Conference.

52. Contracting Parties were invited to support the efforts of the Secretariats of the Convention on the Protection of the Marine Environment from Dumping, 1972, and the Basel Convention in the development and implementation of the project. Twenty countries, selected from the five regions of the world, had been identified for participation in the next phase of the project, involving the assessment of hazardous and industrial waste generation and a country's capacity and capability for managing such wastes. Ten Contracting Parties to the Basel Convention - Bahrain, Brazil, Canada, Chile, China, Hungary, Mexico, Nigeria, Poland and Romania - had been included in the initial list of countries being invited to participate in the Global Waste Survey.

53. The delegation of France informed the Conference that its country would soon offer support to the Basel Convention Secretariat by seconding one French expert to work with it on the implementation of the Convention.

#### IX. ADOPTION OF THE REPORT

54. The Conference adopted the present report, on the basis of the draft report contained in document UNEP/CHW.1/L.2, at its closing session, on 4 December 1992.

#### X. CLOSURE OF THE MEETING

55. The Executive Director of UNEP, Dr. M.K. Tolba, once again expressed his deep gratitude to the Government and people of Uruguay for hosting the Conference and told the Meeting that it was the last time he was participating in his capacity as Executive Director of UNEP in that type of intergovernmental negotiations on the environment. On that occasion, he wished to transmit a message to the world to hold fast to the principles agreed by all countries: prevention rather than cure, intergenerational equity, and interdependence of States. He called on countries to translate those principles from slogans to reality. In the environment there could be no step back and in the Conference of the Parties a step forward had certainly been achieved.

56. Dr. Tolba further emphasized that the environment was very high on the political agenda and it was there to stay. Governments had no other way to act, except through cooperation. The obligations were difficult and costly, but with goodwill and partnership they could be met. Goodwill by all. Nothing less would work.

/...

57. His Excellency Mr. Hector Gros Espiel, Minister for Foreign Affairs of Uruguay, emphasized that deliberate pollution as a result of hazardous waste was both immoral and unethical and it was time to eradicate "colonialism through waste". His country had already taken steps in that direction by adopting a national decree prohibiting the import of any kind of hazardous wastes. In line with Article 14 of the Convention, Uruguay had emphasized the need to establish in Latin America a regional centre for training and technology transfer regarding the management of hazardous wastes and the minimization of their generation. Uruguay would be willing to host such a centre.

58. He concluded by announcing that, on 28 December 1992, Brazil and Uruguay would sign a treaty calling for environmental cooperation which would include the issue of transboundary movements of hazardous wastes. The treaty would be the first of its kind in Latin America and he hoped that it would serve as an example for future similar bilateral agreements.

57. The Conference adopted by acclamation a tribute to the Government of Uruguay (Annex V).

58. After the customary exchange of courtesies the President declared the Conference closed on Friday, 4 December 1992.

/...

ANNEX I

**FIRST MEETING OF THE CONFERENCE OF THE PARTIES  
TO THE BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY  
MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL**

**DOCUMENTATION LISTED ACCORDING TO THE  
PROVISIONAL AGENDA**

**ITEM 1:       Opening of the meeting**

**ITEM 2:       Adoption of the agenda**

UNEP/CHW.1/1	Provisional agenda
UNEP/CHW.1/1/Add.1	Annotated provisional agenda
UNEP/CHW.1/1/Add.1/Corr.1	Annotated provisional agenda - corrigendum

**ITEM 3:       Organizational matters**

**ITEM 4:       Adoption of the rules of procedure of the Conference  
              of the Parties**

UNEP/CHW.1/3	Adoption of the rules of procedure
UNEP/CHW.1/3/Rev.1	Adoption of the rules of procedure - revision
UNEP/CHW.1/3/Rev.1/Corr.1	Adoption of the rules of procedure - corrigendum

**ITEM 5(a):   Consideration of the report of the Executive Director of UNEP on  
              the implementation of Resolutions 1 to 8 adopted by the Conference  
              of Plenipotentiaries**

UNEP/CHW.1/2	Implementation of the resolutions adopted by the Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes (Basel, 20- 22 March 1989)
--------------	--

UNEP/CHW/WG.3/1/2 )	
UNEP/CHW/WG.3/1/3 )	
UNEP/CHW/WG.3/1/4 )	Background documents

**ITEM 5(b):   Consideration of the report of the Executive Director of UNEP on  
              cooperation with other United Nations bodies, specialized agencies  
              and regional organizations**

UNEP/CHW.1/7	Relations with other United Nations bodies, specialized agencies and regional organizations
--------------	--

UNEP/CHW.1/7/Add.1	Issues raised in Agenda 21 which have relevance to the Basel Convention
--------------------	--

/...

**ITEM 6(a): Liability and compensation**

- UNEP/CHW.1/4 Note of the Executive Director on the implementation of resolution 3 of the Basel Conference entitled "Liability"
- UNEP/CHW/1/2 )  
UNEP/CHW/1/2/3 ) Background documents  
UNEP/CHW/1/2/3/Corr.1 )  
UNEP/CHW/1/3 )
- UNEP/CHW.1/5 Note of the Secretariat on draft articles of a protocol on liability and compensation for damage resulting from the transboundary movement of hazardous wastes and their disposal
- UNEP/CHW.1/8 Note of the Secretariat on definitions for the protocol on liability and compensation
- UNEP/CHW.1/11 Note of the Executive Director on the establishment of an international fund for compensation for damage resulting from transboundary movements of hazardous wastes and their disposal
- Notes by the Executive Director of 23 June, 10 August and 17 August 1992, and Note by the Secretariat of 23 July 1992.

**ITEM 6(b): Establishment of a revolving fund to assist in case of emergency situations (Article 14, paragraph 2);**

- UNEP/CHW.1/6 Note of the Executive Director on the establishment of a revolving fund to assist on an interim basis in case of an emergency situation to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes

**ITEM 6(c): Bilateral, multilateral and regional agreements and arrangements**

- UNEP/CHW.1/16 Note of the Secretariat on the implementation of article 11 on bilateral, multilateral and regional agreements

**Item 6(d): Designation of competent authorities and focal points (Article 5)**

- UNEP/CHW.1/13 Note of the Secretariat on the designation of competent authorities and focal points

/...

**ITEM 6(e): Transmission of information (Article 13)**

UNEP/CHW.1/18                      Transmission of information - Note by the  
Executive Director of UNEP on the implementation  
of article 13 of the Convention

**ITEM 6(f): International Cooperation (Article 10): Training and  
seminars related to the Basel Convention**

UNEP/CHW.1/15                      Note of the Secretariat on international  
cooperation

UNEP/CHW/WG/2/1/2 )              Background documents  
UNEP/CHW/WG/2/1/3 )

**ITEM 6(g): Development of draft model national legislation (Article 7)**

UNEP/CHW.1/10                      Report of the meeting of experts on model  
national legislation on the management of  
hazardous wastes in accordance with the Basel  
Convention on the control of transboundary  
movements of hazardous wastes and their  
disposal, Geneva, 6-8 May 1992

UNEP/CHW/ML/1/3 )              Background documents  
UNEP/CHW/ML/1/2 )

**ITEM 6(h): Documentation: notification, movement documents (Article 19)**

UNEP/CHW.1/12                      Note of the Secretariat on documentation  
notification and movement document

**ITEM 6(i): Adoption of the technical guidelines for the environmentally sound  
management of wastes subject to the Convention (Article 4,  
paragraph 8)**

UNEP/CHW.1/20                      Technical guidelines for the environmentally  
sound management of wastes subject to the  
Convention (Article 4, paragraph 8)

**ITEM 6(j): Illegal traffic (Article 9 and Article 16, paragraph 1 (i))**

UNEP/CHW.1/19                      Illegal traffic in hazardous wastes - note by  
the Executive Director of UNEP

**ITEM 6(k): Establishment of regional centres for training and technology  
transfer (Article 14, paragraph 1)**

UNEP/CHW.1/14                      Note of the Secretariat on the establishment of  
regional centres for training and technology  
transfer

/...

**ITEM 7:      Designation of the Secretariat**

UNEP/CHW.1/17                      Note of the Executive Director on designation  
of the Secretariat

**ITEM 8: Financial provisions:**

- (a) Consideration and adoption of the financial rules  
(b) Consideration and approval of budget

UNEP/CHW.1/9	Financial provisions
UNEP/CHW.19/Corrs.1 and 2	Financial provisions - corrigenda

## Other documents

UNEP/CHW.1/22                      Proposed action by the Conference of the  
Parties - Note by the Executive Director -  
Draft Decisions

UNEP/CHW.1/22/Rev.1

UNEP/CHW.1/22/Rev.1/Add.1-4 Addenda to the Revision

UNEP/CHW.1/21 Prohibiting hazardous waste shipment to non-OECD States

UNEP/CHW.1/Inf.1

UNEP/CHW.1/Inf.2 Information document by the International  
Maritime Organization

UNEP/CHW.1/Background  
paper 1:

UNEP/IRPTC Waste Management File. A new methodology and technical manual for the treatment and disposal of waste chemicals

/...

ANNEX II

DECISIONS OF THE CONFERENCE OF THE PARTIES

Decision I/1

RULES OF PROCEDURE

The Conference,

1. Adopts the rules of procedure attached to the report of the First Meeting of the Conference of the Parties to the Basel Convention as Annex III;
2. Decides that the Second Meeting of the Conference of the Parties shall take place in February/March 1994;
3. Further decides that the Third Meeting of the Conference of the Parties shall take place in April/May 1995.

\*\*\*\*\*

Decision I/2

MECHANISMS FOR THE IMPLEMENTATION OF THE  
BASEL CONVENTION

The Conference,

Recalling Resolution 1 of the March 1989 Basel Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes inviting the Executive Director of 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 the Basel Convention as provided in Article 15, paragraph 5(e) of the Convention,

Having considered the recommendations of the ad hoc working group in document UNEP/CHW/WG.3/1/4,

1. Decides to establish an open-ended ad hoc committee to meet as necessary in order to fulfil the task placed on it by the Conference of the Parties, subject to available resources;
2. Requests the Open-ended Ad Hoc Committee to fulfil the tasks placed on it by this decision and decisions I/3, I/7, 9, 11, 13, 15 and 19, and to present a report on its work to the second meeting of the Conference of the Parties;



3. Requests the Secretariat of the Basel Convention to convene the Open-ended Ad Hoc Committee and any subgroups the Ad Hoc Committee needs to establish to facilitate its work subject to available resources.

\*\*\*\*\*

Decision I/3

**MANUAL FOR THE IMPLEMENTATION OF THE CONVENTION**

The Conference,

Having considered the recommendation concerning the need for an Implementation Manual/Code of Practice/Guidelines contained in document UNEP/CHW/WG.3/1/4,

Requests the Secretariat of the Basel Convention to identify the purposes of and to prepare the outline for a manual, in consultation with the open-ended ad hoc committee, and to report on its progress to the second meeting of the Conference of the Parties.

\*\*\*\*\*

Draft Decision I/4

**RELATIONSHIP OF THE BASEL CONVENTION AND THE CONVENTION ON  
THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES  
AND OTHER MATTER, 1972\***

The Conference,

Recalling Resolution 2 of the March 1989 Basel Conference of Plenipotentiaries inviting the Executive Director of UNEP to bring to the attention of the Parties to the London Dumping Convention the need for a review of the existing rules, regulations and practices with respect to dumping of hazardous wastes and other wastes at sea in the light of the Basel Convention,

Taking note of the report of the Executive Director in document UNEP/CHW.1/2,

1. Welcomes the response of the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, in response to Resolution 2 of the Basel Conference;

---

\* The informal name of the Convention was changed from the "London Dumping Convention" (LDC) to the "London Convention, 1972" (LC, 1972) ((Fifteenth Consultative Meeting of the Contracting Parties to the Convention) ((November 1992))).

/...

2. Invites the 16th Consultative Meeting of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (LDC), as well as the 1994 Conference on amending the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, to consider the measures embodied in LDC Resolutions 29(10), 39(13), 42(13) and 43(13) in the possible amendments to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, or its annexes;
3. Further invites all Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, which are not Parties to the Basel Convention to become Parties to the Basel Convention;
4. Requests the Secretariat of the Basel Convention to ensure that the technical standards of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, be fully taken into account during the further development of technical guidelines for the environmentally sound management of wastes subject to the Basel Convention.

\*\*\*\*\*

#### Decision I/5

### LIABILITY AND COMPENSATION

#### The Conference

Recalling Resolution 3 of the March 1989 Basel Conference of Plenipotentiaries, requesting the Executive Director of UNEP to establish 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 and to report on the results of this group's work to the first meeting of the Parties

Having considered the reports of the ad hoc working group contained in documents UNEP/CHW/WG.1/3 and UNEP/CHW/WG.1/2/3 as well as the reports of the Executive Director of UNEP contained in documents UNEP/CHW.1/2 and UNEP/CHW.1/4

1. Notes with appreciation the report of the ad hoc working group in documents UNEP/CHW/WG.1/3 and UNEP/CHW/WG.1/2/3 and the reports of the Executive Director in documents UNEP/CHW.1/2 and UNEP/CHW.1/4.
2. Decides to establish an ad hoc working group of legal and technical experts to consider and develop, having regard to documents UNEP/CHW.WG.1/3, UNEP/CHW.WG.1/2/3, UNEP/CHW.1/5 and UNEP/CHW.1/11 and other relevant instruments and documents, a draft protocol on liability and compensation, possibly including the establishment of an International Fund for compensation for damage resulting from the transboundary movements of hazardous waste and their disposal.
3. Decides also that the Working Group, at its first meeting, should consider, inter alia, the adequacy of the factual basis on which further

efforts can best proceed, take the steps necessary to improve this information, and keep the matter under review at subsequent meetings.

4. Requests the Secretariat of the Basel Convention to convene this group which shall report on the progress of its work to the second meeting of the Conference of the Parties to the Basel Convention to facilitate the adoption of the protocol referred to in paragraph 2 above.

\*\*\*\*\*

#### Decision I/6

#### HARMONIZATION OF PROCEDURES OF THE BASEL CONVENTION AND THE CODE OF PRACTICE ON THE INTERNATIONAL TRANSBOUNDARY MOVEMENT OF RADIOACTIVE WASTE

##### The Conference,

Recalling Resolution 5 of the March 1989 Basel Conference of Plenipotentiaries on the need to harmonize the procedures of the Basel Convention and the code of practice for international transboundary movement of radioactive waste

Having considered the report of the Executive Director of UNEP contained in document UNEP/CHW.1/2

1. Welcomes the adoption by the General Conference of the International Atomic Energy Agency (IAEA) of the code of practice which affirms the general principles and objectives of the Basel Convention;
2. Supports decision GC(XXXIV) Res/530 dated October 1990 of the General Conference of the IAEA to keep the question of international transboundary movements of radioactive waste under active review, including the desirability of concluding a legally binding instrument under the auspices of the IAEA;
3. Requests the Secretariat of the Basel Convention to continue its cooperation and exchange of information with the IAEA on the matters referred to in paragraph 2 above.

\*\*\*\*\*

#### Decision I/7

#### INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

##### The Conference,

Recalling paragraph 3 of Article 16 of the Basel Convention stipulating that at its first meeting the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organizations

which have signalled their willingness to carry out the Secretariat functions under this Convention,

Having considered the note of the Executive Director of the United Nations Environment Programme in document UNEP/CHW.1/9 and its corrigenda,

1. Requests the United Nations Environment Programme to carry out the functions of the Basel Convention Secretariat;
2. Further requests the Executive Director of UNEP to establish the Secretariat in accordance with the structure contained in the budget and to have the Secretariat located in Geneva;
3. Approves the budget of the Convention and its Secretariat for 1993 and 1994 as included in the Annex I of this decision;
4. Decides that the contributions of the Parties to the budget of the Convention and its Secretariat shall be according to the formula in the annex to this decision and subject to consideration by the Open-ended ad hoc committee of the distribution of the contributions for 1994,
5. Invites the Secretary-General of the United Nations to establish a Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and a technical cooperation trust fund to support developing countries and other countries in need of technical assistance in the implementation of the Basel Convention, in accordance with the financial regulations and rules of the United Nations, the general procedures governing the operations of the Environment Fund of the United Nations Environment Programme and the terms of reference for the administration of these Trust Funds to receive the contributions of the Parties for the implementation of the Convention (attached in Annex II to this decision),
6. Calls on Parties and non-Parties which agreed to contribute to pay their contributions as soon as possible so as to ensure the smooth functioning of the Secretariat and the implementation of the decisions of the Conference of the Parties,
7. Requests the Executive Director of UNEP to inform the Parties and non-Parties on the financial changes in the implementation of the Basel Convention and to request them to pay their contributions into the respective trust funds as soon as possible.

Annex I

I. Budget of the Trust Funds

**COST OF THE IMPLEMENTATION OF THE BASEL CONVENTION 1993-1994**  
**SECRETARIAT LOCATED IN GENEVA, SWITZERLAND**  
**(United States dollars)**

		1993	1994	TOTAL
10	PROJECT PERSONNEL COMPONENT			
1100	Project Personnel (title and grade)			
1101	Co-ordinator D-1	155,000	170,000	325,000
1102	Prog. Officer (Chem.Engineer) P-4/5	130,000	145,000	275,000
1103	Prog. Officer (Scientist) P-4/5	130,000	145,000	275,000
1104	Prog. Officer (Lawyer) P-4/5	130,000	145,000	275,000
1105	Information Officer (20% share) P-3/4	26,000	29,000	55,000
1106	Librarian (20% share) P-3/4	26,000	29,000	55,000
1107	Fund Management Officer (Support costs) P-3/4	0	0	0
1108	Administrative Officer (Support costs) P-4	0	0	0
1199	Sub-total Project Personnel	597,000	663,000	1,260,000
1200	Consultants			
1201	WG meetings documents preparation	50,000	50,000	100,000
1299	Sub-total Consultants	50,000	50,000	100,000
1300	Administrative support			
	Administrative personnel (title and grade)			
1301	Administrative/Information Assistant G-6/7	65,000	75,000	140,000
1302	Secretary G-4/5	55,000	65,000	120,000
1303	Secretary G-4/5	55,000	65,000	120,000
1304	Secretary G-4/5	55,000	65,000	120,000
	Sub-total Administrative personnel	230,000	270,000	500,000
	Conference servicing costs			
1321	Conference of the parties	0	200,000	200,000
1322	WG Meetings (2 Op End Ad Hoc Committees)	80,000	80,000	160,000
1323	WG Meetings (2 Liabilities)	80,000	80,000	160,000
1324	WG Meetings (2 technical guidelines)	80,000	0	80,000
1325	Bureau Meetings (1 per year)	16,000	16,000	32,000
1326	Informal meetings (1 per year)	20,000	20,000	40,000
	Sub-total conference servicing	276,000	396,000	672,000
1399	Sub-total administrative support	506,000	666,000	1,172,000
1600	Travel on official business			
1601	Staff travel on official business	45,000	50,000	95,000
1699	Sub-total travel on official business	45,000	50,000	95,000
1999	Component total	1,198,000	1,429,000	2,627,000

	1993	1994	TOTAL
40 EQUIPMENT AND PREMISES COMPONENT			
4300 Premises			
4301 Rent	0	0	0
4302 Building maintenance	6,000	7,000	13,000
4303 Insurance	3,000	4,000	7,000
4304 Security services	25,000	28,000	53,000
4305 Utilities	5,000	6,000	11,000
4399 Sub-total premises	39,000	45,000	84,000
4999 Component Total	39,000	45,000	84,000
50 MISCELLANEOUS COMPONENT			
5100 Maintenance of equipment			
5101 Computers	3,000	4,000	7,000
5102 Photocopying machines	2,000	3,000	5,000
5103 Others	2,000	3,000	5,000
5199 Sub-total maintenance of equipment	7,000	10,000	17,000
5200 Reporting			
5201 Printing	15,000	20,000	35,000
5202 Documents translation	8,000	10,000	18,000
5203 Promotional materials	7,000	9,000	16,000
5299 Sub-total reporting	30,000	39,000	69,000
5300 Sundry			
5301 Communication	18,000	20,000	38,000
5302 Freight charges	4,000	5,000	9,000
5303 Other	4,000	5,000	9,000
5399 Sub-total sundry	26,000	30,000	56,000
5400 Hospitality			
5401 Hospitality	5,000	5,000	10,000
5499 Sub-total	5,000	5,000	10,000
5999 Component Total	68,000	84,000	152,000
99 TOTAL SECRETARIAT COSTS	1,305,000	1,558,000	2,863,000
13% Programme Support Costs	169,650	202,540	372,190
GRAND TOTAL	1,474,650	1,760,540	3,235,190

NB: The conference servicing costs have been based on a calculation of:

- (1) US\$200,000 for a five day six languages meeting including some reasonable documentation preparation before, during and after meetings.
- (2) US\$80,000 for a five day three languages meeting including some reasonable documentation preparation before, during and after the meetings.

Appendix

BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF  
HAZARDOUS WASTES AND THEIR DISPOSAL  
SCALE OF 1993 CONTRIBUTIONS BY THE PARTIES BASED ON THE UNITED NATIONS  
SCALE OF ASSESSMENT WITH NO COUNTRY PAYING MORE THAN 25 PER CENT  
SECRETARIAT LOCATED IN GENEVA, SWITZERLAND  
(US dollars)

CONTRIBUTORS	UN SCALE OF ASSESSMENT (per cent)	PERCENTAGES ADJUSTED TO EXCLUDE NON CONTRIBUTORS	1993 CONTRIBUTIONS BASED ON UN SCALE	1993 INTERIM CONTRIBUTIONS	TOTALS
<b>I. PARTIES</b>					
1. Argentina	0.57	0.57	6,411	9,580	15,971
2. Australia	1.51	1.51	16,982	25,305	42,287
3. Bahamas	0.02	0.00	0	0	0
4. Bahrain	0.03	0.00	0	0	0
5. Brazil	1.59	1.59	17,882	26,654	44,536
6. Canada	3.11	3.11	34,977	52,183	87,160
7. Chile	0.08	0.00	0	0	0
8. China	0.77	0.77	8,660	12,933	21,593
9. Cyprus	0.02	0.00	0	0	0
10. Czechoslovakia	0.55	0.55	6,186	9,222	15,408
11. El Salvador	0.01	0.00	0	0	0
12. Estonia	0.07	0.00	0	0	0
13. Finland	0.57	0.57	6,411	9,580	15,971
14. France	6.00	6.00	67,479	73,102	140,581
15. Hungary	0.18	0.18	2,024	3,037	5,061
16. India	0.36	0.36	4,049	6,017	10,066
17. Jordan	0.01	0.00	0	0	0
18. Latvia	0.13	0.13	1,462	2,193	3,655
19. Liechtenstein	0.01	0.00	0	0	0
20. Maldives	0.01	0.00	0	0	0
21. Mexico	0.88	0.88	9,897	14,790	24,687
22. Monaco	0.01	0.00	0	0	0
23. Nigeria	0.20	0.20	2,249	3,374	5,623
24. Norway	0.55	0.55	6,186	9,222	15,408
25. Panama	0.02	0.00	0	0	0
26. Poland	0.47	0.47	5,286	7,872	13,158
27. Romania	0.17	0.17	1,912	2,868	4,780
28. Saudi Arabia	0.96	0.96	10,797	16,082	26,879
29. Senegal	0.01	0.00	0	0	0
30. Sri Lanka	0.01	0.00	0	0	0
31. Sweden	1.11	1.11	12,484	18,613	31,097
32. Switzerland	1.16	1.16	13,046	19,456	32,502
33. Syrian Arab Republic	0.04	0.00	0	0	0
34. United Arab Emirates	0.21	0.21	2,362	3,543	5,905
35. Uruguay	0.04	0.00	0	0	0
<b>SUB-TOTALS</b>	<b>21.44</b>	<b>21.05</b>	<b>236,739</b>	<b>325,586</b>	<b>562,325</b>
<b>II. Other parties/non-parties additional voluntary contributions</b>					
(i) Switzerland(*)				350,000	350,000
(ii) Other, for example Austria, Belgium, Denmark, EC, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Netherlands, Portugal, Spain, Turkey, United Kingdom, the United States and any other countries which would indicate their readiness to contribute to the Fund on a voluntary basis.				562,325	562,325
<b>TOTAL BUDGET</b>				<b>1,237,911</b>	<b>1,474,650</b>

II. Budget of the Technical Trust Fund

TECHNICAL COOPERATION TRUST FUND TO ASSIST DEVELOPING  
COUNTRIES MEMBERS IN THE IMPLEMENTATION OF  
THE BASEL CONVENTION BUDGET

Revised

		1993	1994	TOTAL
30	TRAINING COMPONENT			
3100	Training			
	3101 Technical assistance to 10 countries	125,000	125,000	250,000
	3199 Sub-total technical co-operation	125,000	125,000	250,000
3200	Group training			
	3201 Regional/sub-regional workshops and seminars	150,000	150,000	300,000
	3299 Sub-total group training	150,000	150,000	300,000
3300	Meetings/Conferences			
	3301 Conference of the Parties	0	255,000	255,000
	3302 WG Meetings (2 Op End Ad Hoc Committees)	125,000	125,000	250,000
	3303 WG Meetings (2 Liabilities)	125,000	125,000	250,000
	3304 WG Meetings (2 technical guidelines)	125,000	0	125,000
	3305 Bureau Meetings (1 x year)	18,000	18,000	36,000
	3306 Informal meetings (1 x year)	30,000	32,000	62,000
	3399 Sub-total Meetings/Conferences	423,000	555,000	978,000
3999	Component Total	698,000	830,000	1,528,000
99	13% Programme Support Costs	90,740	107,900	198,640
	GRAND TOTAL	788,740	937,900	1,726,640



Annex II

TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE  
TRUST FUNDS FOR THE BASEL CONVENTION ON THE CONTROL  
OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS  
WASTES AND THEIR DISPOSAL

1. A Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (hereinafter referred to as the Trust Fund) shall be established to provide financial support for the ordinary expenditure of the Secretariat of the Basel Convention. A Technical Cooperation Trust Fund (hereinafter referred to as the Technical Trust Fund) shall be established to assist developing countries and other countries in need of technical assistance in the implementation of the Basel Convention.
2. Pursuant to the Financial Regulations and Rules of the United Nations, the Executive Director of the United Nations Environment Programme (UNEP), with the approval of the Governing Council of UNEP, shall establish the Trust Funds for the administration of the Convention.
3. The Trust Fund shall be established for an initial period of two years, beginning 1 January 1993 and ending 31 December 1994. The appropriations of the Trust Fund for this period shall be financed from:
  - (a) Contributions made by the Parties to the Convention, by reference to the Table attached as an Appendix to the Budget, including additional contributions and contributions from any new Parties which are to be added to the Table;
  - (b) Contributions from States not party to the Convention, other governmental, intergovernmental and non-governmental organizations, and other sources.
4. The Technical Trust Fund shall be established for an initial period of two years, beginning 1 January 1993 and ending 31 December 1994. The appropriation of the Technical Trust Fund for this period shall be financed from contributions made by the Parties and the non-Parties to the Convention.
5. The contributions referred to in Article 3 (a) above are to be based on the United Nations scale of assessments for the apportionment of the expenses of the United Nations (adjusted to provide that no one contribution shall exceed 25 per cent of the total).
6. The budget estimates, prepared in United States dollars, covering income and expenditure for each of the two calendar years 1993 and 1994 shall be as approved by the First Meeting of the Conference of the Parties to the Convention and further such budget estimates for subsequent periods of two years shall be prepared and approved at any ordinary or extraordinary meeting of the Parties. The Bureau shall prepare a report based on a special survey by the Secretariat for the Open-ended ad hoc Committee to review and provisionally adopt contributions to the budget for 1994 by the end of September 1993.
7. The decision of the Conference of the Parties on the budget, including contributions thereto, shall be made by consensus.

8. The Bureau of the Parties may, on the advice of the Executive Director, approve expenditure on any one or more objects of expenditure over and above the level approved by the Conference of the Parties for those objects of expenditure, provided that there shall be no overall increase in the budget above that approved by the Conference of the Parties.

9. Commitments against the resources of the Trust Funds may be made only if they are covered by the necessary income. No commitments shall be made in advance of the receipt of contributions.

10. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, he shall, with the advice of the members of the bureau, have discretion to adjust the budget so that expenditures are at all times fully covered by contributions received.

11. At the end of a calendar year of a financial period, the Executive Director may transfer any uncommitted balance of appropriations to the following calendar year.

12. All contributions are due to be paid in the year immediately preceding the year to which the contributions relate.

13. All contributions shall be paid in United States dollars into the following account: Account No. 015-002756, UNEP General Trust Funds Account, Chemical Bank, United Nations Branch, New York, N.Y. 10017, United States of America.

14. Contributions from States that become Parties after the beginning of the financial period shall be made *pro rata temporis* for the balance of the financial period.

15. Contributions not immediately required for the purposes of both Funds shall be invested at the discretion of the United Nations and any interest so earned shall be credited to the Fund.

16. The Executive Director shall deduct from the income of both Trust Funds an administrative support charge equal to 13 per cent of other expenditures recorded during any accounting period in order to meet the cost of administrative activities financed from both Trust Funds and provide services relating to personnel, accounting, audit, etc.

17. The financial period of both Trust Funds will be a biennium consisting of two consecutive calendar years. At the end of each calendar year of a financial period, the Executive Director shall submit to the Parties the certified accounts for the year and a report of activities under the Convention. He shall submit the accounts for the two-year financial period audited by the Board of Auditors of the United Nations as soon as practicable.

18. The General Procedures governing the operations of the Fund of UNEP and the Financial Regulations and Rules of the United Nations and these terms of reference shall govern the financial operations of the Convention.

19. In the event that the Parties wish both Trust Funds to be extended beyond 31 December 1994, the Executive Director of UNEP shall be so requested by the Parties at least six months earlier. Such extension of both Trust Funds shall be subject to the approval of the UNEP Governing Council.

Decision I/8

COOPERATION WITH THE UNITED NATIONS BODIES,  
SPECIALIZED AGENCIES AND REGIONAL SYSTEMS AND ORGANIZATIONS

The Conference,

Conscious of the essential need for the Secretariat of the Basel Convention to cooperate with those of other United Nations bodies, specialized agencies and regional systems and organizations in order to achieve the objectives of the Basel Convention,

Convinced that the elaboration of regional systems for the control of transboundary movements of hazardous wastes and their disposal will strengthen the control regime established by the Basel Convention,

Having considered the report of the Executive Director of UNEP on the relationship of the Secretariat with other United Nations bodies, specialized agencies and regional organizations,

1. Welcomes the adoption of the "Bamako Convention on the ban of import of hazardous wastes into Africa and the control of their transboundary movements within Africa", the Lomé IV Convention "ACP/EEC" and the adoption of the OECD Council decision of 30 March 1992 concerning the control of transfrontier movements of wastes destined for recovery operations;
2. Requests the Secretariat of the Basel Convention to continue its cooperation with all United Nations bodies, specialized agencies and regional systems and organizations and other appropriate organizations in order to achieve the objectives of the Basel Convention.

\*\*\*\*\*

Decision 1/9

BILATERAL, MULTILATERAL AND REGIONAL AGREEMENTS

The Conference,

Recalling that Article 11 of the Basel Convention permits Parties to enter into bilateral, multilateral or regional agreements or arrangements regarding the 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 the Basel Convention and that these agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by the Convention, in particular taking into account the interest of developing countries,

Having considered document UNEP/CHW.1/16,

1. Requests the Parties to the Basel Convention to notify the Secretariat of the Basel Convention expeditiously of any bilateral, multilateral or regional agreements or arrangements they conclude in accordance with paragraph 2 of Article 11 of the Convention;
2. Also requests its open-ended ad hoc committee to examine the bilateral, multilateral and regional agreements or arrangements communicated to the Secretariat and to present a report on their conformity with the stipulations of Article 11 of the Convention to the second meeting of the Conference of the Parties.

\*\*\*\*\*

#### Decision I/10

##### DESIGNATION OF COMPETENT AUTHORITIES AND FOCAL POINTS

###### The Conference,

Recalling Article 5, which requires the Parties to designate or establish one or more competent authorities and one focal point and to inform the Secretariat of the Basel Convention within three months of the date of the entry into force of the Convention for them of the agencies they have designated as their focal points and their competent authorities,

Having considered document UNEP/CHW.1/13,

Invites Parties which have not yet informed the Secretariat of the designation of their competent authorities and focal points to do so as soon as possible.

\*\*\*\*\*

#### Decision I/11

##### TRANSMISSION OF INFORMATION

###### The Conference,

Recalling Article 13 which requires the Parties to transmit, through the Secretariat of the Basel Convention, to the Conference of the Parties before the end of each calendar year, a report on the implementation of the Convention during the previous calendar year,

Aware that the Parties were not able to fulfil their obligation fully in conformity with Article 13 due to the recent entry into force of the Convention,

1. Takes note of the note of the Executive Director of UNEP on transmission of information in accordance with Article 13 as contained in document UNEP/CHW.1/18;

2. Urges the Parties to the Convention to submit to the Secretariat complete reports in accordance with the requirements of Article 13;
3. Requests the Secretariat to prepare an analytical summary of the reports submitted to it and to present the summary to its open-ended ad hoc committee for evaluation of the information contained therein and a report on their findings to the Conference of the Parties at its second meeting;
4. Also requests the Secretariat to submit the analytical summary of the reports, together with the comments of the ad hoc committee thereon, to the second meeting of the Conference of the Parties for its consideration.

\*\*\*\*\*

#### Decision I/12

#### **MODEL NATIONAL LEGISLATION FOR THE TRANSBOUNDARY MOVEMENT AND MANAGEMENT OF HAZARDOUS WASTES**

##### The Conference,

Recalling paragraph 4 of Article 4 of the Basel Convention, which requests the Parties to take appropriate legal, administrative and other measures to implement and enforce the provisions of the Convention,

Convinced that an essential element of the fulfilment by the Parties of their obligations under the Convention is to promulgate new or adapt existing laws and regulations in accordance with the provisions of the Basel Convention,

Aware of the need of States to be assisted - upon request - in the formulation of their law and the development of institutional arrangements in the field of hazardous wastes, in particular in the implementation of the Basel Convention,

1. Takes note of the report of the meeting of experts on model national legislation contained in document UNEP/CHW.1/10 and of the elements of both the model law on the management of hazardous wastes and the model law on the control of transboundary movements of hazardous wastes and other wastes and their disposal as reflected in Annexes I and II to that report;
2. Requests the Secretariat of the Basel Convention to continue its work on development of the model national legislation, taking account of the experience of States,
3. Urges Parties which have not yet developed laws and regulations in conformity with the provisions of the Basel Convention to do so, taking into consideration the model laws referred to in paragraph 1;

4. Requests the Secretariat of the Basel Convention to promote cooperation and assist Parties - upon request - in aligning their laws and regulations on the provisions of the Basel Convention.

\*\*\*\*\*

Decision I/13

ESTABLISHMENT OF REGIONAL CENTRES FOR  
TRAINING AND TECHNOLOGY TRANSFER

The Conference,

Recalling Article 14, paragraph 1, which requires cooperation in the establishment of regional or subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation, according to the specific needs of different regions and subregions,

Also recalling Article 14, paragraph 1, which stipulates that parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature for the establishment of such regional or subregional centres,

Taking note of the interest expressed by a number of countries, in particular by Argentina, China, El Salvador, Jordan, Lebanon, Nigeria, Poland and Uruguay,

Also noting paragraph 28(a) of the report of the Technical Working Group (to prepare draft technical guidelines for the environmentally sound management of wastes subject to the Basel Convention - Geneva, 25-27 May 1992 - UNEP/CHW/WG.4/2/2) which referred to the urgent need to establish regional centres to ensure an early implementation of the Basel Convention in accordance with Article 14 of the Convention, and recommended to refer this issue to the first meeting of the Conference of the Parties.

1. Decides that one of the functions of the open-ended ad hoc committee of the Conference will be to identify the specific needs of different regions and subregions for training and technology transfer;
2. Requests its open-ended ad hoc committee to consider these expressions of interest further and to report to the second meeting of the Conference of the Parties on ways and means for the establishment and functioning of such centres, taking into consideration ongoing or future activities of regional centres or organizations/systems, as well as for the establishment of appropriate funding mechanisms of a voluntary nature for the establishment of such centres.

\*\*\*\*\*

Draft Decision I/14

EMERGENCY FUND

The Conference,

Recalling Article 14, paragraph 2, of the Basel Convention, which stipulates that "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 the transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes",

Taking note of document UNEP/CHW.1/6, which includes the elements proposed by the Executive Director of UNEP for the establishment and functioning of such an emergency fund,

1. Requests the ad hoc working group of legal and technical experts established by decision I/5 to consider, having regard to document UNEP/CHW.1/6 and other relevant UNEP documents, the elements that would be required for establishing such an emergency fund, the relationship between such an emergency fund and the rules of procedures to be adopted in the field of liability and compensation, and the availability of institutions able to provide prompt and adequate assistance in emergency situations.
2. Further requests the ad hoc working group to present a progress report on its work to the second meeting of the Conference of the Parties, which includes an analysis of the likely impact of emergency situations on the size and nature of such emergency fund, taking into account the past emergency incidents and situations concerning transboundary movements of hazardous wastes and other wastes and their disposal.

\*\*\*\*\*

Decision I/15

ILLEGAL TRAFFIC IN HAZARDOUS WASTES

The Conference,

Expressing its concern at the problem of illegal traffic in hazardous wastes, in particular to developing countries,

Conscious of the negative consequences of the illegal traffic on human health and the environment,

Convinced that the prevention of illegal traffic requires close cooperation among States, with the support of the Secretariat of the Basel Convention and all interested organizations,

1. Welcomes the United Nations Environment Programme (UNEP) and Economic and Social Commission for Asia and the Pacific (ESCAP) joint project currently being implemented on monitoring and assessment of illegal traffic in toxic and dangerous products and wastes in that region;

2. Requests the Secretariat to present an analytical report on the results of the UNEP-ESCAP joint project to the second meeting of the Conference of the Parties to the Basel Convention;
3. Also requests the Secretariat to cooperate with other regional commissions in order to achieve the goal of prevention of illegal traffic in hazardous wastes;
4. Urges the Parties to the Basel Convention that have not yet done so to promulgate laws that consider illegal traffic in hazardous wastes a criminal act;
5. Calls upon Parties in a position to do so to cooperate with the Secretariat to enable it to provide assistance to other Parties for the identification of cases of illegal traffic in accordance with Article 16, paragraph 1(i) of the Basel Convention;
6. Requests the open-ended ad hoc committee to study ways and means of enhancing the monitoring and prevention of illegal traffic in hazardous wastes and other wastes and to report its findings to the Conference of the Parties at its second meeting.

\*\*\*\*\*

#### Decision I/16

### **TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES DESTINED FOR RECOVERY OPERATIONS**

#### The Conference

Noting paragraph 20.33(c) of UNCED Agenda 21, Chapter 20, which calls upon countries "to promote the development of control procedures for the transboundary movements of hazardous wastes destined for recovery operations under the Basel Convention that encourage environmentally and economically sound recycling options";

Aware of the difference of opinion with respect to the identification of and control procedures for hazardous wastes destined for recovery operations:

Requests its technical working group to review the issue and consider the views submitted by States and interested organizations, giving consideration to criteria that determine whether such wastes are suitable for recovery operations, to present its recommendations on guidelines, procedures or other matters within the framework of the Basel Convention to the second meeting of the Conference of the Parties for its consideration.

\*\*\*\*\*



Decision I/17

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 Resolution 4 of the Conference of Plenipotentiaries on the Basel Convention.

Having considered document UNEP/CHW.1/2 on the implementation of the resolutions adopted by the Conference of Plenipotentiaries on the Basel Convention

Noting the replies provided by governments on institutional, legal and technical measures taken or intended to be taken

1. Invites all States who have not done so to become Party to the Basel Convention
2. Invites States Parties to the Convention to cooperate in developing cleaner production technologies and cleaner products which will lead to the reduction and, as far as practicable, the elimination of the generation of hazardous wastes.
3. Requests the Secretariat of the Basel Convention to facilitate cooperation between Parties to this effect.

\*\*\*\*\*

Decision I/18

COOPERATION BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION  
AND THE UNITED NATIONS ENVIRONMENT PROGRAMME IN THE REVIEWS OF  
EXISTING RULES, REGULATIONS AND PRACTICES WITH RESPECT  
TO TRANSPORT OF HAZARDOUS WASTE BY SEA

The Conference,

Recalling Resolution 7 of the Conference of Plenipotentiaries on the Basel Convention,

Taking note of the activities undertaken by the Maritime Safety Committee and the Marine Environment Protection Committee of the International Maritime Organization (IMO) to review the relevant rules, regulations and practices with respect to the transport of hazardous wastes by sea in light of the Basel Convention,

1. Invites all Parties to the SOLAS and MARPOL Conventions which are not Party to the Basel Convention to become Party to this Convention;

2. Requests the Secretariat of the Basel Convention to cooperate further with IMO, and consult, as appropriate, with the United Nations Committee of Experts on the Transport of Dangerous Goods, as well as with other relevant international organizations, in the development of criteria for the definition of hazardous characteristics as referred to in Annex III to the Basel Convention;
3. Invites IMO, the Organization for Economic Co-operation and Development and other relevant international and regional organizations to take into consideration the notification and movement document provisionally adopted by the Conference in its Decision I/21 and to provide information to the Secretariat on the use and suggested revisions to such documents for consideration at the next meeting of the Conference of the Parties.

\*\*\*\*\*

#### Decision I/19

#### **TECHNICAL GUIDELINES FOR THE ENVIRONMENTALLY SOUND MANAGEMENT OF WASTES SUBJECT TO THE BASEL CONVENTION**

##### The Conference,

Recalling Article 4 of the Basel Convention and Resolution 8 of the Conference of Plenipotentiaries on the Basel Convention,

Taking note of the terms of reference of the Open-ended Ad Hoc Committee of the Conference established under Decision I/2,

Having considered document UNEP/CHW.1/20 on technical guidelines for the environmentally sound management of wastes subject to the Convention,

1. Decides to accept the draft technical guidelines contained in document UNEP/CHW.1/20 as provisional technical guidelines forming the basis for the production of a formal document;
2. Invites all States and interested organizations to provide written comments on the provisional technical guidelines to the Secretariat of the Basel Convention with a view to their revision and distribution to States and interested organizations as soon as possible or, if necessary, consideration by the Technical Working Group;
3. Further invites all States and interested organizations to give particular attention in their comments to the subject areas listed in the annex to this decision;
4. Decides to extend the mandate of the Technical Working Group to review the revised provisional technical guidelines and to prepare technical guidelines for other priority operations and waste streams subject to the Basel Convention and submit the results of its work to the Open-ended Ad Hoc Committee;

5. Requests the Open-ended Ad Hoc Committee to consider and submit the technical guidelines developed in paragraph 4 of this decision to the second meeting of the Conference of the Parties for adoption;
6. Invites States and interested organizations to cooperate in the preparation of the technical guidelines referred to in paragraph 4 above;
7. Also invites all States and interested organizations to use the technical guidelines referred to in paragraph 1 above as appropriate and report on their use to the Open-ended Ad Hoc Committee;
8. Requests the Secretariat of the Basel Convention and pending availability of funds, to facilitate the preparation and use of the technical guidelines referred to in paragraphs 1 and 4 respectively.

Annex to Decision I/19

(a) Comments on the provisional Framework Document

1. Further consultation required on the future relevant priorities to be taken into account for the different waste management options and activities.
2. Future technical guidelines should address economic aspects of different proposed disposal and recovery operations as well as preventive measures.

(b) Comments on the provisional Technical Guidelines

The following issues were identified by several States and interest groups as deserving particular attention in comments to be provided on the provisional technical guidelines.

1. A regulatory and enforcement infrastructure is essential to ensure observance of the guidelines.
2. The vital role of the development and adoption of clean technologies must not be underplayed or downvalued. Guidelines should emphasize the importance of technology and environmental audits, rapid implementation of new approaches, substitution of technologies and raw materials, product life cycle analyses etc.
3. Waste management facilities of all sorts should be in the hands of technically competent, trained persons.
4. The principles set out in the draft guidelines provide a preliminary indication of available approaches to the management of waste. Options identified for waste streams require further consideration as to their long term suitability for environmentally sound management. For example, the appropriateness of options D3 and D5 for organic solvents, and the allowable level of PCB in waste oils.
5. Guidelines must never be regarded as providing a "once-and-for-all" indication of appropriate action and will require regular update in line

with developing circumstances. Neither should they be regarded as prescriptive or a clear recommendation to use an option in all cases. They provide background information for guidance in decision making.

6. Transfer of technology, so as to make available the benefits of developments, must be encouraged.
7. Waste management activities of all types should be critically assessed as to their effectiveness and value by consideration of matters such as the input/output mass balance and the receiving environmental media.
8. In any consideration of technical guidelines notice must be taken of available capacity and the capability to deal effectively with waste within the areas of each competent authority.

\*\*\*\*\*

#### Decision I/20

#### **INTERNATIONAL COOPERATION: TRAINING AND SEMINARS RELATED TO THE BASEL CONVENTION**

##### The Conference,

Recalling Article 10, paragraph 1, of the Basel Convention,

Recalling further Resolution 4, paragraph 2, of the Conference of the Plenipotentiaries on the Basel Convention,

Taking note of the activities undertaken by UNEP, reflected in document UNEP/CHW.1/15 on international cooperation (Section I), to facilitate cooperation among Parties, to promote the environmentally sound management of wastes subject to the Basel Convention and to promote public awareness,

1. Requests the Secretariat of the Basel Convention and, as appropriate, in cooperation, with other units in UNEP and other relevant international organizations, to organize national and regional seminars or workshops and training programmes on the implementation of the Basel Convention and the environmentally sound management of wastes and hazardous wastes; and to help promote the adoption of cleaner production methods and new low-waste technologies;
2. Invites Parties to contribute technically and financially towards the organization of seminars, workshops and training programmes and towards covering the cost of participation of developing country representatives.

\*\*\*\*\*

Decision I/21

DOCUMENTATION: NOTIFICATION, MOVEMENT DOCUMENT

The Conference,

Recalling Article 4, paragraphs 2(f) and 7(c), Article 16, paragraph 1(g), and Annexes V A and V B to the Basel Convention,

Taking note of the draft forms for both the notification and movement documents prepared by the Secretariat of the Basel Convention,

1. Adopts provisionally the proposed notification and movement documents contained in document UNEP/CHW.1/12;
2. Recommends that the Parties to the Basel Convention use the proposed notification and movement documents and the forms in document UNEP/CHW.1/12 when consenting to or rejecting a proposed transboundary movement of hazardous wastes;
3. Encourages Parties to provide information to the Secretariat on the use of documents and to consider appropriate provisions at the next meeting of the Conference of the Parties.

\*\*\*\*\*

Decision I/22

The Conference,

Recalling the aims of the Basel Convention to reduce to a minimum the generation of hazardous wastes and other wastes, to ensure that whatever is produced is disposed of in an environmentally sound and efficient manner as close to the point of generation as possible, and to prevent the transboundary movement of such wastes if there is reason to believe that the wastes in question will not be managed in an environmentally sound manner,

Further recalling that, in the interest of protecting human health and the environment, the fourth ACP/EEC Convention of 15 December 1989 (Lomé IV) and the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements of Hazardous Wastes within Africa of 30 January 1991, both of which prohibit transboundary movement of hazardous wastes to developing countries, and the former which required ACP States to prohibit the direct or indirect import of hazardous wastes into their territory from the European Community or from any other country,

Conscious that during the negotiations leading to the United Nations Conference on Environment and Development (UNCED), developing countries called for the prohibition of hazardous waste shipments from industrialized to developing countries,

Recalling decision 1/16 regarding the transboundary movements of hazardous wastes destined for recovery operations,

Reaffirming the obligations of all Parties, including industrialized countries, as provided for in the Convention, to prohibit the export of hazardous wastes and other wastes to Parties which have prohibited their import and to non-Parties,

1. Requests the industrialized countries to prohibit transboundary movements of hazardous wastes and other wastes for disposal to developing countries without prejudice to paragraph 2;
2. Notes that until the Conference of the Parties receives and acts upon the report of the Technical Working Group referred to in Decision I/16 and until appropriate measures are taken pursuant to paragraph 7 of Article 15, transboundary movements of hazardous and other wastes destined for recovery and recycling operations take place in accordance with the provisions of the Convention and in particular the requirement that the waste be handled in an environmentally sound manner;
3. Requests industrialized countries to inform the Secretariat of the Basel Convention of the measures undertaken in order to implement paragraph 1;
4. Further requests developing countries to prohibit the import of hazardous wastes from industrialized countries;
5. Also requests developing countries to inform the Secretariat of the Basel Convention of the measures undertaken in order to implement paragraph 4;
6. Requests the Secretariat of the Basel Convention to report to the Second Meeting of the Conference of the Parties on the information received pursuant to paragraphs 3 and 5 above.

\*\*\*\*\*

#### Decision I/23

#### THE ROLE OF THE SECRETARIAT OF THE BASEL CONVENTION IN THE IMPLEMENTATION OF AGENDA 21

##### The Conference,

Recalling Agenda 21 adopted by UNCED in June 1992, aware of the fact that a number of the activities mentioned in Chapters 20 and 21 of Agenda 21 are either ongoing or initiated under the Basel Convention,

Having considered document UNEP/CHW.1/7/Add.1,

1. Invites the Parties to the Convention to cooperate with each other directly or through the Secretariat of the Basel Convention in the implementation of activities related to the Basel Convention contained in Chapters 20 and 21 of Agenda 21;
2. Calls on the Basel Convention Secretariat, in cooperation with other relevant units in UNEP, as well as with other relevant organs and

organizations of the United Nations system, to carry out, as a priority and within available resources, the activities listed in paragraph 3 of document UNEP/CHW.1/7/Add.1.

-----

## ANNEX III

### RULES OF PROCEDURE

*Rules of procedure for meetings of the Conference of the Parties  
to the Basel Convention on the Control of Transboundary  
Movements of Hazardous Wastes and their Disposal*

#### PURPOSES

##### Rule 1

These rules of procedure shall apply to any meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal convened in accordance with article 15 of the Convention.

#### DEFINITIONS

##### Rule 2

For the purposes of these rules:

1. "Convention" means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 22 March 1989;

2. "Parties" means, unless the text otherwise indicates, Parties to the Convention;

3. "Conference of the Parties to the Convention" means the Conference of the Parties established in accordance with article 15 of the Convention;

4. "Meeting of the Conference of the Parties" means the meeting of the Parties convened in accordance with article 15 of the Convention;

5. "Political and/or economic integration organization" means an organization defined in article 2, paragraph 20, of the Convention;

6. "President" means the President elected in accordance with rule 21, paragraph 1, of the present rules of procedure;

7. "Secretariat" means the international organization designated as Secretariat of the Convention by the Conference of the Parties to the Convention in accordance with paragraph 3 of article 16 of the Convention;

8. "Meeting" means any ordinary or extraordinary meeting of the Conference of the Parties.

#### PLACE OF MEETINGS

##### Rule 3

The meetings of the Conference of the Parties shall take place at the seat of the Secretariat, unless other appropriate arrangements are made by the Secretariat in consultation with the Parties.



## DATES OF MEETINGS

### Rule 4

1. Ordinary meetings of the Conference of the Parties shall be held every other year, unless the Parties decide otherwise.
2. At each ordinary meeting, the Conference shall decide on the date and duration of the next ordinary meeting.
3. Extraordinary meetings of the Conference of the Parties shall be convened at such times as may be deemed necessary by a meeting of the Conference of the Parties, 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.
4. In the case of an extraordinary meeting convened at the written request of a Party, it shall be convened not more than ninety days after the date at which the request is supported by at least one third of the Parties in accordance with paragraph 3 of this rule.

### Rule 5

The Secretariat shall notify all Parties of the dates and venue of the meetings at least two months before the meeting.

## OBSERVERS

### Rule 6

1. The Secretariat shall notify the United Nations and its specialized agencies, the International Atomic Energy Agency and any State and any political and/or economic integration organization not party to the Convention of any meeting so that they may be represented by observers.
2. Such observers may, upon invitation of the President, and if there is no objection from at least one third of the Parties present, participate without the right to vote in the proceedings of any meeting.

### Rule 7

1. The Secretariat shall notify any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the transboundary movement of hazardous wastes as well as their management and disposal, which has informed the Secretariat of its wish to be represented, of any meeting so that they may be represented by observers, subject to the condition that their admission to the meeting is not objected to by at least one third of the Parties present at the meeting.
2. Such observers may, upon invitation of the President, and if there is no objection from at least one third of the Parties present, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent.

## AGENDA

### Rule 8

In agreement with the President, the Secretariat shall prepare the provisional agenda of each meeting.

### Rule 9

The provisional agenda of each ordinary meeting shall include:

1. Items specified in article 15 of the Convention;
2. Items the inclusion of which has been decided at a previous meeting;
3. Items referred to in rule 15 of the present rules of procedure;
4. Any item proposed by a Party before the agenda is circulated.
5. The provisional budget as well as all questions pertaining to the accounts and financial arrangements.

### Rule 10

The provisional agenda, together with supporting documents, for each ordinary meeting shall be distributed by the Secretariat to the Parties at least two months before the opening of the meeting.

### Rule 11

The Secretariat shall, with the agreement of the President, include any question suitable for the agenda which may arise between the dispatch of the provisional agenda and the opening of the meeting in a supplementary provisional agenda, which the meeting shall examine together with the provisional agenda.

### Rule 12

The meeting when adopting the agenda may add, delete, defer or amend items. Only items which are considered by the meeting to be urgent and important may be added to the agenda.

### Rule 13

The provisional agenda for an extraordinary meeting shall consist only of those items proposed for consideration in the request for the holding of the extraordinary meeting. It shall be distributed to the Parties at the same time as the invitation to the extraordinary meeting.

### Rule 14

The Secretariat shall report to the meeting on the administrative and financial implications of all substantive agenda items submitted to the meeting, before they are considered by it. Unless the meeting decides otherwise, no such item shall be considered until at least forty-eight hours after the meeting has received the Secretariat's report on the administrative and financial implications.

#### Rule 15

Any item of the agenda of an ordinary meeting, consideration of which has not been completed at the meeting, shall be included automatically in the agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties.

### REPRESENTATION AND CREDENTIALS

#### Rule 16

Each Party participating in the meeting shall be represented by a delegation consisting of a head of delegation and such other accredited representatives, alternate representatives and advisers as may be required.

#### Rule 17

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

#### Rule 18

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Executive Secretary of the meeting if possible not later than twenty-four hours after the opening of the meeting. Any later change in the composition of the delegation shall also be submitted to the Executive Secretary. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional political and/or economic integration organization, by the competent authority of that organization.

#### Rule 19

The officers of any meeting shall examine the credentials and submit their report to the meeting.

#### Rule 20

Pending a decision of the meeting upon their credentials representatives shall be entitled to participate provisionally in the meeting.

### OFFICERS

#### Rule 21

1. At the commencement of the first session of each ordinary meeting, a President, three Vice-Presidents and a Rapporteur are to be elected from among the representatives of the Parties present at the meeting. They will serve as the bureau of the meeting. In electing its bureau, the meeting of the Conference of the Parties shall have due regard to the principle of equitable geographical representation. The offices of President and Rapporteur of the meeting of the Conference of the Parties shall normally be subject to rotation among the five groups of States referred to in section I, paragraph 1, of General Assembly resolution 2997(XXVII) of 15 December 1972, by which the United Nations Environment Programme was established.

2. The President, three Vice-Presidents and the Rapporteur elected at an ordinary meeting shall remain in office until their successors are elected at the next ordinary meeting and shall serve in that capacity at any intervening extraordinary meetings. Exceptionally, one or more of these officers may be re-elected for one further consecutive term.

3. The President shall participate in the meeting in that capacity and shall not at the same time exercise the rights of a representative of a Party. In such a case, the President or the Party concerned shall designate another representative who shall be entitled to represent the Party in the meeting and to exercise the right to vote.

#### Rule 22

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of the meeting, preside at the sessions of the meeting, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference of the Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a session.

2. The President, in the exercise of his functions, remains under the authority of the Conference of the Parties.

#### Rule 23

If the President is temporarily absent from a session or any part thereof, he shall designate a Vice-President to act as President.

#### Rule 24

If an officer of the bureau resigns or is otherwise unable to complete his term of office or to perform his functions, a representative of the same Party shall be named by the Party concerned to replace him for the remainder of his mandate.

#### Rule 25

At the first session of each ordinary meeting, the President of the previous ordinary meeting, or in his absence, a Vice-President, shall preside until the meeting has elected a President for the meeting.

### COMMITTEES AND WORKING GROUPS

#### Rule 26

1. The meeting may establish such committees or working groups as may be required for the transaction of its business.

2. The meeting may decide that such committees or working groups may meet in the period between ordinary meetings.

3. Unless otherwise decided by the meeting, the chairman for each such committee or working group shall be elected by the meeting. The meeting shall determine the matters to be considered by each such committee or working group and may authorize the President, upon the request of the chairman of a committee or working group, to adjust the allocation of work.

4. Without prejudice to paragraph 3 of this rule, each committee or working group shall elect its own officers.

5. A majority of the Parties designated by the meeting to take part in the committee or working group shall constitute a quorum, but in the event of the committee or working group being open-ended, one quarter of the Parties shall constitute a quorum.

6. Unless otherwise decided by the meeting, these rules shall apply *mutatis mutandis* to the proceedings of committees and working groups, except that:

(a) The chairman of a committee or working group may exercise the right to vote; and

(b) Decisions of committees or working groups shall be taken by a majority of the Parties present and voting, except that the reconsideration of a proposal or of an amendment to a proposal shall require the majority established by rule 38.

#### SECRETARIAT

##### Rule 27

1. The head of the international organization designated as Secretariat of the Convention shall be the Secretary-General of any meeting. He may delegate his functions to a member of the Secretariat. He, or his representative, shall act in that capacity in all sessions of the meeting and in all sessions of committees or working groups of the meeting.

2. The Secretary-General shall appoint an Executive Secretary of the meeting and shall provide and direct the staff required by the meeting and the committees or working groups of the meeting.

##### Rule 28

The Secretariat shall, in accordance with these rules:

- (a) Arrange for interpretation at the meeting;
- (b) Receive, translate, reproduce and distribute the documents of the meeting;
- (c) Publish and circulate the official documents of the meeting;
- (d) Make and arrange for keeping of sound recordings of the meeting;
- (e) Arrange for the custody and preservation of the documents of the meeting in the archives of the international organization designated as Secretariat of the Convention; and

- (f) Generally perform all other work that the meeting may require.

#### CONDUCT OF BUSINESS

##### Rule 29

Sessions of the meeting and of committees and working groups established by the meeting shall be held in private, unless the meeting otherwise decides.

##### Rule 30

The President may declare a session of the meeting open, permit the debate to proceed and have any decisions taken when representatives of at least two thirds of the Parties are present.

##### Rule 31

1. No one may speak at a session of the meeting without having previously obtained the permission of the President. Without prejudice to rules 32, 33, 34 and 36, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

2. The meeting may, on a proposal from the President or from any Party, limit the time allowed to each speaker and the number of times each representative may speak on a question. Before a decision is taken, two representatives may speak in favour of and two against a proposal to set such limits. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

##### Rule 32

The chairman or rapporteur of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by his committee or working group.

##### Rule 33

During the discussion of any matter, a representative may at any time raise a point of order which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the ruling shall stand unless overruled by a majority of the Parties present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

##### Rule 34

Any motion calling for a decision on the competence of the meeting to discuss any matter or to adopt a proposal or an amendment to a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

Rule 35

Proposals and amendments to proposals shall normally be introduced in writing by the Parties and handed to the Secretariat, which shall circulate copies to delegations. As a general rule, no proposal shall be discussed or put to the vote at any session unless copies of it have been circulated to delegations not later than the day preceding the session. The President may, however, permit the discussion and consideration of amendments to proposals or of procedural motions even though these amendments or motions have not been circulated or have been circulated only the same day.

Rule 36

1. Subject to rule 33, the following motions shall have precedence, in the order indicated below, over all other proposals or motions:

- (a) To suspend a session;
- (b) To adjourn a session;
- (c) To adjourn the debate on the question under discussion; and
- (d) For the closure of the debate on the question under discussion.

2. Permission to speak on a motion falling within (a) to (d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

Rule 37

A proposal or motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A proposal or motion withdrawn may be reintroduced by any other Party.

Rule 38

When a proposal has been adopted or rejected, it may not be reconsidered at the same meeting, unless the meeting, by a two-thirds majority of the Parties present and voting, decides in favour of reconsideration. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter, after which it shall be put immediately to the vote.

VOTING

Rule 39

1. Except as provided for in paragraph 2 of this rule, each Party shall have one vote.

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

*Rule 40*

1. The Parties shall make every effort to reach agreement on all matters of substance by consensus. If all efforts to reach consensus have been exhausted and no agreement reached, the decision shall, as a last resort, be taken by a two-thirds majority vote of the Parties present and voting, unless otherwise provided by the Convention, the financial rules referred to in paragraph 3 of article 15 of the Convention and the present rules of procedure.

2. Decisions of a meeting on matters of procedure shall be taken by a simple majority vote of the Parties present and voting.

3. If the question arises whether a matter is one of procedural or substantive nature, the President shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Parties present and voting.

4. If on matters other than elections a vote is equally divided, a second vote shall be taken. If this vote is also equally divided, the proposal shall be regarded as rejected.

5. For the purposes of these rules, the phrase "Parties present and voting" means Parties present at the session at which voting takes place and casting an affirmative or negative vote. Parties abstaining from voting shall be considered as not voting.

*Rule 41*

If two or more proposals relate to the same question, the meeting, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. The meeting may, after each vote on a proposal, decide whether to vote on the next proposal.

*Rule 42*

Any representative may request that any parts of a proposal or of an amendment to a proposal be voted on separately. If objection is made to the request for division, the President shall permit two representatives to speak, one in favour of and the other against the motion, after which it shall be put immediately to the vote.

*Rule 43*

If the motion referred to in rule 42 is adopted, those parts of a proposal or of an amendment to a proposal which are approved shall then be put to the vote as a whole. If all the operative parts of a proposal or amendment have been rejected the proposal or amendment shall be considered to have been rejected as a whole.

*Rule 44*

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises parts of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote, and if the amendment is adopted, the amended proposal shall then be voted on.



*Rule 45*

If two or more amendments are moved to a proposal, the meeting shall first vote on the amendment furthest removed in substance from the original proposal, then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. The President shall determine the order of voting on the amendments under this rule.

*Rule 46*

Voting, except for election, shall normally be by show of hands. A roll-call vote shall be taken if one is requested by any Party. It shall be taken in the English alphabetical order of the names of the Parties participating in the meeting, beginning with the Party whose name is drawn by lot by the President. However, if at any time a Party requests a secret ballot, that shall be the method of voting on the issue in question.

*Rule 47*

The vote of each Party participating in a roll-call vote shall be recorded in the relevant documents of the meeting.

*Rule 48*

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting. The President may permit the Parties to explain their votes, either before or after the voting. The President may limit the time to be allowed for such explanations. The President shall not permit the proposer of a proposal or of an amendment to a proposal to explain his vote on his own proposal or amendment, except if it has been amended.

*Rule 49*

All elections shall be held by secret ballot, unless otherwise decided by the meeting.

*Rule 50*

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the votes cast by the Parties present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the procedure set forth in paragraph 1 of this rule.

*Rule 51*

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places,

obtaining in the first ballot the largest number of votes and a majority of the votes cast by the Parties present and voting shall be deemed elected.

2. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation.

3. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

#### LANGUAGES

##### Rule 52

The official languages of the meetings shall be Arabic, Chinese, English, French, Russian and Spanish.

##### Rule 53

1. Statements made in an official language of the meeting shall be interpreted into the other official languages.

2. A representative may speak in a language other than an official language of the meeting, if he provides for interpretation into one such official language.

##### Rule 54

Official documents of the meetings shall be drawn up in one of the official languages and translated into the other official languages.

#### SOUND RECORDS OF THE MEETING

##### Rule 55

Sound records of the meeting, and whenever possible of its committees and working groups, shall be kept by the Secretariat in accordance with the practice of the United Nations.

#### AMENDMENTS TO RULES OF PROCEDURE

##### Rule 56

1. These rules of procedure may be amended by consensus by the Conference of the Parties.

2. Paragraph 1 of this rule shall likewise apply in case the Conference of the Parties deletes an existing rule of procedure or adopts a new rule of procedure.

#### OVERRIDING AUTHORITY OF THE CONVENTION

##### *Rule 57*

In the event of any conflict between any provision of these rules and any provision of the Convention, the Convention shall prevail.

-----

#### ANNEX IV

##### General declarations

The representative of Austria informed the Meeting that both hazardous and non-hazardous wastes were controlled under the Austrian Waste Management Act. He also said that, in addition to ensuring environmentally sound movements of wastes, the Federal Ministry of the Environment was legally required to obtain confirmation from the importing country that the treatment or disposal of wastes imported complied with local environmental standards and he described the procedures that had to be followed. He emphasized that future harmonization of technical guidelines and standards for waste treatment and disposal should be aimed at achieving environmentally sound management of waste.

The representative of China declared that the Basel Convention would require further strengthening and, for that purpose, he urged more States to become party to the Convention. He also referred to the need to establish a revolving fund as soon as possible to help in the implementation of the Convention and said that such a fund should be formally established by the Second Meeting of the Conference of the Parties. He pointed out that the transfer of technology was an essential component in ensuring environmentally sound management of hazardous wastes. He concluded by stating that such a global environmental issue required North and South to work together and he hoped that his proposals could help facilitate such collaboration.

The representative of Cyprus stressed that hazardous wastes not only represented a serious danger for mankind but also for all living creatures. For that reason, it was important to ensure that good sense and reason predominated in discussions at the meeting. The issue being discussed was so important that it transcended exclusively national interests or the interests of regional groups; it was vital for all human beings on the planet.

The representative of El Salvador informed the Conference that, with the active support of the Secretary-General of the United Nations and friendly neighbouring countries, on 15 December, the President of El Salvador would leave behind the phase of "armed peace", entering into a process of national reconciliation and the consolidation of peace, based on the demobilization of the FMLN and the restructuring and reduction of the armed forces. That process could and should rely on environmental recovery given the critical status of the country. He stressed that the environmental situation in El Salvador was very critical and that, according to the World Bank, his country had the worst record in the Americas with regard to deforestation, soil erosion and water contamination. He emphasized his country's determination to face the environmental challenge in a responsible manner, through the implementation of the National Emergency Environmental Plan, with the active participation of all sectors of society. He indicated that El Salvador had been the first country in Central America to ratify the Basel Convention. He stated that his country would be willing to host and organize, in cooperation with UNEP and others, a regional training seminar to help countries in the region to prepare national legislation for the management and control of transboundary movements of hazardous wastes in line with the Basel Convention and also to act as the host country for a regional centre for training and transfer of technology.

The representative of the Maldives expressed the deep concern of his country and people at the generation of wastes and their dumping in virgin lands in less fortunate areas of the world. He emphasized that the real challenge for human ingenuity lay in environmentally sound generation, use and disposal of harmful chemicals and regretted that there had been little regard for the protection of the environment or investment in clean technology. He pointed out that, while the world was enjoying the benefits of technological and scientific advances, millions were suffering because of the scant heed being paid to the environment. He added that by-products and wastes were often disposed of improperly. He called upon those developed countries which were not yet Party to the Convention to ratify it as soon as possible so as to ensure that appropriate global action could be mobilized before the planet was poisoned beyond rehabilitation. He urged industrialized countries to give careful consideration to a ban the export of hazardous wastes to countries which did not have the adequate technological and environmental capacity to deal with them.

The representative of Nigeria said that the Basel Convention offered hope for man's survival despite the indiscriminate pollution caused by the illegal traffic in hazardous wastes across the globe. He reminded the Meeting that, in 1988, Nigeria had experienced the illegal dumping of hazardous waste. Subsequently, the Nigerian Government had promulgated the Harmful Wastes Decree No.42 of 25 November 1988, which criminalized such acts. He emphasized that those events had been the driving force behind Nigeria's active participation in the negotiations on the Basel Convention. The adoption of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movements of Hazardous Wastes within Africa underlined Africa's concern at the threat of dumping of hazardous waste in Africa. Nigeria strongly supported a ban on illegal traffic. He concluded by stating that it was important to ensure expeditious implementation of the Convention and reiterated Nigeria's interest in hosting the regional centre for training and technology transfer for Africa on environmentally sound management of hazardous wastes and the minimization of their generation.

The representative of Sri Lanka urged the global community to move towards the ultimate objective of the Basel Convention. That objective could only be achieved by agreeing to a total ban on the transboundary movement of hazardous waste from OECD to non-OECD countries regardless of the purpose.

The representative of Switzerland expressed his country's satisfaction that the Secretariat of the Basel Convention would continue to be located in Geneva. However, the Secretariat's functions would be hampered by the fact that not all industrialized countries had completed the ratification process. Switzerland, therefore, offered to pay an additional sum of 500,000 Swiss francs for the functioning of the Secretariat. In the view of his country, illegal traffic in hazardous wastes was a criminal act and should be punished by law. He concluded by emphasizing that the Basel Convention had an important role to play as a focus for international action in the field of waste management.

Comments on Decisions

Decision I/16 - Transboundary Movements of Hazardous Wastes destined for Recovery Operations

One delegation expressed its view that it was essential to link recycling issues to the degree of technological and economic development of each country and, specifically, if the country possessed adequate industrial facilities for an effective environmentally sound recycling of non-dangerous wastes. That information should be submitted to the Secretariat in accordance with Article 13 of the Convention. It was each country's sovereign right to decide on the use of recycling material if it possessed facilities which permitted that operation to be carried out in an effective, environmentally sound manner.

Decision I/22

The representative of Australia considered that the issue of the export of hazardous waste to developing countries was of prime importance. His country wholeheartedly subscribed to the objectives of Decision I/22 and congratulated those who had negotiated the text on their ability to arrive at a consensus. The decision would enable the Technical Working Group to examine the issues involved in detail so that the Conference of Parties could take an informal decision taking into account the problem as a whole and the work done in connection with Decision I/16 on the transboundary movements of hazardous wastes destined for recovery operations.

The representative of Canada expressed support for the compromise decision, which represented a very positive step forward in dealing with the issue of transboundary movement of all wastes. He re-emphasized that Canada did not export any hazardous wastes for final disposal to any developing country nor did it export wastes for recycling to any country which had informed Canada it prohibited their import. As the representative of Senegal had so eloquently stated, unbridled passion could sometimes be dangerous. However, Canada believed that without the passion displayed by many delegations, including that of Senegal, Greenpeace and others, the constructive debate that had resulted in the decision would not have taken place.

The representative of Chile stated that the continued increase in the world's population, together with industrial growth and technological development, had generated a vast quantity of waste whose unregulated elimination had a significant impact on the quality of life. In order to safeguard health and the environment, it was necessary to regulate natural resources and achieve sustainable development. It was also imperative to implement effective control of the production, storage, treatment, recycling, transport, recovery and elimination of hazardous wastes. Cooperation and participation on the part of the international community, particularly industrialized countries, was indispensable for that purpose. Chile had implemented a very strict code of conduct regarding hazardous wastes and therefore felt entitled to urge other countries to follow a similar line of conduct.

The representative of Colombia said that the decision constituted a step towards total prohibition of transboundary movements of hazardous wastes and

other wastes. In the near future, all countries should assume responsibility for their own wastes without resorting to means that harmed the environment of other States. His country's Constitution prohibited the import of any toxic or nuclear wastes and Colombia was prepared to assume its responsibility for the rational management of its wastes as a fundamental ethical principle.

The representative of Cuba, while expressing support for the Decision, emphasized the need to establish mechanisms to provide immediate information and monitoring in case of emergency, especially to developing countries. The latter should also receive financial support to facilitate the dissemination of information, technical training, the transfer of technology on the management of hazardous wastes and the assessment of their threat to the environment and health.

The representative of Egypt urged industrialized countries to bear in mind the present limited capabilities of the developing countries to control the transboundary movements of hazardous wastes. Industrialized countries could also help developing countries to protect their environment by only transferring clean technologies and by exporting products which they themselves would use. The exchange of information would help developing countries to manage their locally-generated hazardous and municipal solid wastes.

The representative of Finland said that his country's policy was not to export waste to developing countries. Treatment facilities had been built to deal with 100 per cent of the hazardous waste generated in Finland and destined for final dispersal.

The representative of Ghana called upon OECD countries to inform their embassies in developing countries of the adoption of Decision I/22 and other relevant laws and agreements concerning transboundary movements of hazardous and other wastes and to assist developing countries to return any imported waste to the country of origin.

The representative of Hungary expressed the hope that operative paragraph 1 of the Decision would not encourage any country to compel Hungary, or any other country with an economy in transition, to admit hazardous waste for disposal. The paragraph concerned trade between developed and developing countries, but he stressed the need for similar regulation of trade among other countries as well.

The representative of Japan emphasized that his country only exported recyclable material that was managed in an environmentally sound manner. It welcomed the adoption of the Decision, which was totally in the spirit of the Convention.

The representative of Jordan urged Parties to strengthen the mechanisms for effective implementation of the Basel Convention. Countries should assume their legal, human and historical responsibilities towards humanity because environmental degradation in one country threatened the survival of human beings in the world as a whole. He concluded by calling on industrialized countries to prohibit the export of all kinds of hazardous wastes to developing countries.

The representative of Mexico said that the Decision reflected the spirit of the Basel Convention and the principles of self-determination. Its adoption strengthened international cooperation on such an important issue for the future of mankind.

The representative of Norway expressed disappointment at the compromise reached. He feared that the export of hazardous waste to developing countries for recycling could not be controlled satisfactorily and would lead to a number of environmental disasters. Norway had assumed its responsibilities under Article 4, paragraph 2(e) of the Convention by adopting a total ban on the export of hazardous wastes to developing countries, including waste destined for recycling. He pointed out that there might be varying interpretations of what constituted environmentally sound management of hazardous wastes, but it was not possible to take risks in that regard and he urged Parties to work towards a total prohibition of the export of hazardous wastes from industrialized to developing countries.

The representative of the Russian Federation expressed its satisfaction that, despite the difficulties, the working group had managed to elaborate a decision acceptable to all the delegations at the present stage. The work of the Conference was not only important for the present, but also for future generations. He expressed the hope that the Russian Federation would participate in the Second Meeting as a Party.

The representative of Senegal, speaking as President of the African Ministerial Conference on the Environment, welcomed the compromise reached in the Decision. It was often not possible to avoid disagreements, but they should not persist and pragmatism must prevail.

The representative of Sweden considered that the compromise contained in the Decision was far too weak. Nevertheless, it was prepared to endorse it as a solution at the present meeting because the Group of 77 was prepared to do the same and the issue was particularly important to them. At forthcoming meetings under the Basel Convention, Sweden was prepared to work for a legally binding regulation within the framework of the Convention that would prohibit export of hazardous waste from OECD to non-OECD countries, regardless of the purpose of export, whether final disposal or recovery.

The representative of Switzerland said that the Decision was an encouraging step forward in the process of strengthening implementation of the Convention. It was the practice in Switzerland not to authorize any export of waste to developing countries or countries with economies in transition.

The representative of the United Kingdom, speaking on behalf of the European Community, speaking on behalf of the European Community, reaffirmed that the Community fully supported the Basel Convention and welcomed the adoption of Decision I/22. Its adoption would allow the community to continue the process leading to the adoption of its waste shipment regulation. In turn, that regulation would enable the Community to fulfil its obligations under the Basel Convention and ratify it. All exports of waste for disposal from the Community would be prohibited under the new regulation, except to European Free Trade



Association countries which were Parties to the Basel Convention. She said that the European Community had decided to apply the important policy of self-sufficiency in final disposal of waste, although movements for recovery would be allowed to continue to and from non-OECD countries which were either Parties to the Basel Convention or had concluded bilateral agreements with the European Community, or both. The Community intended to use the new regulation to the extent possible to meet the concerns expressed by developing countries during the present Conference. During its Presidency in 1993, Denmark would seek to promote a total ban on the export of waste from the Community to all developing countries, a policy Denmark and other Member States strongly held.

The representative of the United States of America expressed support for the Decision. He emphasized that Decisions taken by the Conference of the Parties should be within the framework of and consistent with the Convention. He drew attention to the contribution made by recycling to environmentally sound management and noted that Parties might continue such operations under the Convention at least until appropriate measures were adopted under Article 15 to amend the Convention.

The representative of Uruguay welcomed the adoption of the Decision, even though the text was not perfect and he hoped that further progress would be made at the Second Meeting of the Parties. It was particularly gratifying to his delegation that such a manifestation of international cooperation and goodwill had taken place in Uruguay.

The representative of the Group of 77 said that the G77 accepted the compromise contained in the Decision, but it wished to point out that its acceptance did not signify abandonment of the objective of prohibiting all exports of waste from developed to developing countries. It hoped that, at the Second Meeting of the Parties, countries of the North would accept such a ban. Finally, if export licences were granted for material for recycling, such exports should only be permitted if they were in conformity with the conditions and regulations of the exporting country.

The observer for Greenpeace stressed that the decision did not, in practice, prohibit anything. Every scheme to move hazardous waste from an OECD to a non-OECD country in 1992 had been termed "reuse, recycling and recovery". The same dumping operations as in the past continued under a new name and waste brokers had realized that, although unfortunately some industrialized countries had not. He emphasized that even recycling operations resulted in hazardous waste emissions to air and water, as well as residual hazardous waste to be dumped. It was incomprehensible that some industrialized countries refused to accept responsibility for their own hazardous wastes. They protected industrial interests at the expense of the environment and health in non-OECD States and were polluting international relations. The only recourse for non-OECD countries was an import ban. He commended those industrialized countries that were working to enact a total ban and called on others to do the same.

The observer for the International Chamber of Commerce stated that the people who worked in business joined with those working in government or in environmental organizations in condemning illegal, immoral and unsound dumping of hazardous wastes. People in business around the world must apply the provisions of the Basel Convention in their work. He stressed that the

/...

International Chamber of Commerce would continue to strive towards that goal and assist the Secretariat of the Convention and working groups with relevant information and in training businesses and their employees to help protect the environment. He concluded by saying that the ICC would advise its members throughout the world to be particularly sensitive to the needs of developing countries by adhering to any ban or restrictions imposed upon the transboundary movements of hazardous wastes.

-----

ANNEX V

Resolution

TRIBUTE TO THE GOVERNMENT OF URUGUAY

The Conference,

Having met in Piriapolis from 30 November to 4 December 1992 at the gracious invitation of the Government of Uruguay,

Convinced that the efforts made by the Government of Uruguay in providing facilities, premises and other resources contributed significantly to the smooth conduct of its proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of Uruguay to the members of the delegations, observers and the Secretariat attending the Conference,

Expresses its sincere gratitude to the Government of Uruguay and, through them, to the Uruguayan people for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Conference.

Adopted on 4 December 1992.