

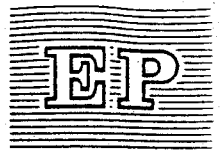


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Ad Hoc Working Group of Legal and Technical
Experts with a Mandate to Prepare a
Global Convention on the Control of
Transboundary Movements of
Hazardous Wastes

Third session
Geneva, 7-16 November 1988
Agenda item 6

REPORT OF THE AD HOC WORKING GROUP ON THE WORK
OF ITS THIRD SESSION

INTRODUCTION

1. By its decision 14/30 of 17 June 1987, the Governing Council of the United Nations Environment Programme (UNEP) approved the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes (UNEP/GC.14/17, Annex II). By the same decision, the Governing Council authorized the Executive Director of UNEP to convene a working group of legal and technical experts with a mandate to prepare a global convention on the control of transboundary movements of hazardous wastes, drawing on the Cairo Guidelines and Principles and the relevant work of national, regional and international bodies. Pursuant to that decision, the Executive Director convened an organizational meeting of the Ad Hoc Working Group of Legal and Technical Experts with a Mandate to Prepare a Global Convention on the Control of Transboundary Movements of Hazardous Wastes in Budapest from 27 to 29 October 1987. The first session of the Working Group was held in Geneva from 1 to 5 February 1988, the second session in Caracas from 6 to 10 June 1988, and the third session in Geneva from 7 to 16 November 1988.

9. The following intergovernmental organizations were represented: the Commission of the European Communities (CEC), the Inter-American Development Bank, the Organization for Economic Co-operation and Development (OECD), and the Inter-Parliamentary Union (IPU).

10. Representatives of the Advisory Committee on Pollution of the Sea (ACOPS), the African NGOs Environment Network (ANEN), the Chemical Manufacturers' Association (CMA), the Conseil Européen des Federations de l'Industrie Chimique (CEFIC), the Entente Européenne pour l'Environnement (EEE), the Environment Liaison Centre (ELC), the Federation of German Industries, Greenpeace International, the Hazardous Materials Advisory Council (HMAC), the International Association of Medicine and Biology of the Environment (IAMBE), the International Institute for Ocean Ecology and Policy (IIOEP), the International Organization of Consumers Unions (IOCU), the International Road Transport Union (IRU), the Natural Resources Defense Council (NRDC), and the Office Centrale de Transport Internationaux Ferroviaires (OCTI) also attended the session.

C. Officers

11. As agreed at the first session of the Working Group, the following officers continued to serve in their respective capacities at the third session:

- Chairman: Mr. Alain Clerc (Switzerland)
- Vice-Chairmen: Mr. József Arvai (Hungary)
Mr. Sibrahim Gerdler (Venezuela)
- Rapporteur: Mr. Tuomas Aarnio (Finland)

D. Adoption of the agenda

12. The Working Group adopted the following agenda:

1. Opening of the session.
2. Adoption of the agenda.
3. Organization of the work of the session.
4. Consideration of the Fourth Revised Draft Convention on the Control of Transboundary Movements of Hazardous Wastes:
 - (a) Fourth Revised Draft Convention (UNEP/WG.189/L.2/Rev.1);
 - (b) Note by the Executive Director of 17 October 1988;
 - (c) Proposals presented at previous sessions of the Ad Hoc Working Group (UNEP/WG.189/L.1).
5. Other matters.
6. Adoption of the report.
7. Closure of the session.

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30. The UNEP Secretariat was asked to elaborate a draft text for consideration at Luxembourg, to prepare a background document explaining the rules and regulations applying to Trust Funds and other ways of additional financing to facilitate further deliberations on this matter at the next session of the Working Group, as well as an evaluation of financial implications of the establishment of the Secretariat.

31. Also Article XV bis should be further developed by the Secretariat as it was presently not considered to have the proper format.

III. OTHER MATTERS

32. The Annexes are to be considered by the Working Group in Luxembourg. It was suggested that a small technical sub-working group, under the chairmanship of Mr. Bentley (UK) be convened to consider further the Annexes I - IV and submit an agreed text to the Working Group before the end of the year. The French and other delegations are concerned to see a reference to the important matter of the problem of wastes destined for recycling in the body of the text and not in the Annex.

33. The experts from Egypt, Lebanon, Sudan and Tunisia expressed their wish to have Arabic as a working language at future meetings of the Working Group. China expressed their wish to have Chinese as a working language at future meetings of the Working Group. The French delegation wishes to register a protest regarding the use of French during this meeting. It deplores the fact that the working papers were available in French on too few occasions during the session, and that the French version of the report of the meeting was not made available at the time of its adoption. The French delegation consequently urges the UNEP secretariat to take all necessary steps before the next meeting to ensure that the principle of equality between the languages is respected, both during the proceedings and for the adoption of the report.

34. The next meeting of the Ad Hoc Working Group is going to be held in Luxembourg from 30 January to 3 February 1989. Small informal meetings will be held in the interim period to clarify as far as possible the text of the Convention and the Annexes to be presented at Luxembourg.

IV. ADOPTION OF THE REPORT

35. The report was adopted by the meeting on Friday, 16 November 1988.

V. CLOSURE OF THE SESSION

36. After the usual exchange of courtesies, the Chairman declared the meeting closed.

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A N N E X I

FIFTH REVISED DRAFT CONVENTION [ON THE CONTROL OF
TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES]^{1/}

PREAMBLE

The Parties to this Convention,

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

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

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

Convinced that States should take necessary measures to ensure that the management of hazardous wastes including their transboundary movement and disposal is consistent with the protection of human health and environment whatever the place of their disposal,^{2/}

[Noting that [States have a responsibility to ensure that] the generator has to carry out duties with regard to the transport and disposal of his wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,]^{3/}

^{1/} To be considered by the Diplomatic Conference.

^{2/} Proposal by Finland, Sudan, the United States, the United Kingdom and Uruguay, previously paragraphs 6 and 7 of the Preamble.

^{3/} France requested this paragraph to be placed in the Preamble.

A N N E X II

Proposal made by Egypt
At the Second Session of the Ad Hoc Working Group of
Legal and Technical Experts with a Mandate to Prepare a
Global Convention on the Control of
Transboundary Movements of Hazardous Wastes
Caracas, 6-10 June 1988

Formation of a global system to survey
hazardous wastes management up to final disposal
with the aim of helping developing countries in
strengthening and developing their technical capacities

1. With a view to the proper exchange of information on the control of the management of hazardous wastes and the dissemination of such information, especially among the developing countries, the Contracting Parties agree to form a Task Force for that purpose affiliated to the Conference of the Parties.
2. The Task Force will have the following functions and duties:
 - (a) To collect information presented by the focal points of the Contracting Parties, particularly concerning hazardous wastes management and disposal in the developing countries;
 - (b) To collect data about suitable hazardous wastes disposal sites that are offered or are available and to examine their suitability before disseminating such information to Parties wishing to export their hazardous wastes;
 - (c) To provide advice, upon request, to the Contracting Parties, especially developing countries, concerning the management, safe handling and final disposal of hazardous wastes in their areas, or an any other particular problem raised concerning hazardous wastes management;
 - (d) To provide advice, upon the request of a Party on the nature and sound ways of disposal of wastes, whether hazardous or not, to be exported to that country;
 - (e) To assist in developing the institutional and technical capacity of the developing countries, when so requested;
 - (f) Upon the request of any Contracting Party, to exercise control, monitor or inspect any activities related to the management of hazardous wastes in the territory of that Party in order to satisfy it that the environment is being safeguarded and to provide advice, as necessary;
 - (g) To serve as a joint office with and among the focal points of the Contracting Parties, and to give help, upon request, in the formation of such focal points and in the training and upgrading of officials and staff.

3. The Task Force will be composed of a limited number of technical experts and can make use of existing United Nations capacities, international bodies, or even experienced consulting offices or houses.

4. The Task Force shall act in the future on a financially self-sufficient basis and will finance its requirements through specific premiums (or a percentage) imposed on the exporter prior to the shipment of hazardous wastes to the developing countries.

5. The Conference of the Parties to this Convention will determine the value of the premium to be imposed, approve the financial rules, ratify the structure of the Task Force, control and supervise its work and, in general, act as the Board of Directors of the Task Force.

6. The Contracting Parties kindly request the Executive Director of UNEP to host the Task Force for [three years] until its final formation.

7. The Secretariat of the Convention shall in addition to its functions stipulated in Article ___ of the Convention will co-operate and help in the functioning of the Task Force until its final formation.
