

DECISIONS ADOPTED BY THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES IN PIRIAPOLIS, URUGUAY ON 4 DECEMBER 1992

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.

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 Convention;

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 contained 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 wastes 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

### II. Budget of the Technical Trust Fund

Note: this annex appears in the original document but is not yet available on the Web.

## 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 Fund 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 purpose 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 co-operate 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 co-operation with all United Nation bodies, specialized agencies and regional systems and organizations and other appropriate organizations in order to achieve the objectives of the Basel Convention.

Decision I/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 co-operation 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 co-operation in the establishment of regional or subregional centers 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 centers,

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 March 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.

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 of 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 co-operation 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 co-operate 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 co-operate 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 an 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 co-operate 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 co-operation between Parties to this effect.

Decision I/18

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

The Conference,

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 co-operate 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 co-operate 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 co-operation (Section I), to facilitate co-operation 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 co-operation, 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 programme and towards covering the cost of participation of developing country representatives.

Decision 1/21

#### 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 I/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 on-going or initiated under the Basel Convention,

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

1. Invites the Parties to the Convention to co-operate 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 co-operation 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