

## 19.31 International Trade in Toxic Wastes: Banning the Export of Hazardous Wastes from OECD to Non-OECD Countries

RECALLING AND AFFIRMING Principle 14 of the Rio Declaration on Environment and Development, adopted at the UN Conference on Environment and Development (UNCED) in June 1992, which declares:

"States should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health";

AWARE that 94 countries, and two regions of the world—Africa, through the Bamako Convention, and Central America, through the Agreement on Transboundary Movement of Hazardous Wastes in the Central American Region—have taken legal action to prohibit the import of hazardous wastes;

RECOGNIZING that the Lome IV Convention, between the European Community (European Union) and the group of 69 African, Caribbean and Pacific States (ACP), prohibits the export from the EU of hazardous wastes, including nuclear wastes, to the ACP area and the import of such wastes into ACP States from any other country;

NOTING that the European Parliament, the President of the European Union Council of Ministers (during the Danish Presidency) and the Nordic Council of Parliamentarians have all proposed an immediate ban on exports of hazardous wastes to developing countries;

RECOGNIZING that South American, Caribbean, Mediterranean and South East Asian governments have condemned the "dumping" of foreign hazardous wastes in their territories, and are considering regional instruments to prohibit their import, and that South Pacific governments, including New Zealand and Australia, recently agreed to draft a regional agreement within two years that would prohibit imports of hazardous wastes into the South Pacific;

RECALLING that the UN General Assembly has urged all States generating toxic and dangerous wastes to treat and dispose of them in the country of origin to the maximum extent possible, consistent with environmentally sound disposal (Res. 48/212);

AWARE that the Non-Aligned Movement has called for "the adoption of effective international measures, including conventions and other relevant legal instruments, to prohibit the dumping of toxic and other hazardous wastes in the territories of other countries"; and

has proposed that OECD countries should, in the meantime, "adopt rigorous administrative measures and legislation to ban the export of toxic and other hazardous wastes to the territories of other, especially developing, countries" (September 1989);

RECOGNIZING that during the preparation for UNCED the G-77 and China formally advocated a ban on all shipments of hazardous wastes and polluting technologies from OECD to non-OECD States;

NOTING that in 1991 and 1992, the forum The Global Legislators Organisation for a Balanced Environment (GLOBE International) resolved to support a ban on hazardous waste exports from OECD to non-OECD countries and that, at that time, the President, and the Chair of the toxic trade group of GLOBE International were, respectively, the now Vice President of the United States, Mr Albert Gore Jr, and the now Director of Japan's Environment Agency, Mrs Wakako Hironaka;

NOTING that the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in March 1989 by 116 countries and the European Union, and has to date been ratified by over 40 countries, but not including some of the world's main producers of hazardous wastes;

RECOGNIZING that the aim of the Basel Convention is to minimize, and where possible eliminate, the generation of hazardous wastes and their transboundary movement, and that preambular paragraph seven of the Basel Convention recognizes, "the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States";

WELCOMING the European Community and its Member States' announcement of their decision to ratify the Basel Convention;

RECALLING that, during the first Basel Conference of Parties in November 1992, the G-77, several OECD countries, the Basel Convention Secretariat and the United Nations Environment Programme under former Executive Director Dr Mostafa Tolba, proposed banning all hazardous waste shipments from OECD to non-OECD States;

DEPLORING that this proposal to ban all hazardous waste exports from OECD to non-OECD countries was blocked by just six OECD countries which include the world's largest generator of hazardous wastes—the United States—and the world's largest exporter of hazardous wastes—Germany;

AWARE that the G-77 made clear at the conclusion of the first Basel Conference of Parties that they remain committed to achieving a prohibition on hazardous waste export from OECD to non-OECD countries, and stated that they would again propose such a ban at the second Conference of Parties of the Basel Convention;

AWARE that the majority of transboundary hazardous

waste shipments take place under the name of "recycling", "recovery", or "re-use", and that such shipments frequently end up either dumped in the receiving country without protective measures, or result in pollution transfer in the form of hazardous emissions, effluents, leachate and residual hazardous waste, as well as unsafe levels of worker exposure to toxins;

NOTING that transboundary movements of hazardous wastes, whether for recycling/re-use or direct disposal result in, *inter alia*, a disincentive to the implementation of hazardous waste prevention methods by the generator of the waste, one of the main aims of the Basel Convention;

RECALLING that each of the States, fora, and agreements listed above explicitly considered the question of exports of hazardous wastes for recycling, recovery or re-use, and that the appeal from the overwhelming majority of the international community was for the prohibition of all hazardous waste exports from OECD to non-OECD countries, for whatever purpose;

DEPLORING that over 90 per cent of hazardous wastes is produced in the OECD countries, amounting to approximately 300-400 million tonnes annually, while globally, waste generation including hazardous wastes is increasing by 8 per cent per year;

CONCERNED that the natural environment and human health continue to be constantly degraded by the increasing amount of hazardous waste produced, mainly in the industrialized or OECD countries, and that small islands with limited groundwater resources and heavily dependent on coastal ecosystems are particularly at risk, including those in the South Pacific;

CONSCIOUS that an alarming increase in hazardous waste shipments from OECD to non-OECD countries is occurring, and that UNEP's statement in 1990 that: "A growing army of immoral, unscrupulous 'waste brokers' are benefiting from a global commerce in poison" still holds true, and that States and regions which have not yet prohibited imports of hazardous wastes are vulnerable, and increasingly likely to be the target of hazardous waste exporters;

RECOGNIZING that the proposal for the prohibition of hazardous waste exports from OECD to non-OECD countries, including exports destined for "recycling", "recovery" or "further use" is supported by a majority of OECD countries;

The General Assembly of IUCN - The World Conservation Union, at its 19th Session in Buenos Aires, Argentina, 17-26 January 1994:

1. CALLS UPON the Parties to the Basel Convention to adopt a legally binding decision in favour of banning ALL hazardous waste shipments from OECD to non-OECD countries, including those

destined for "recycling" or "recovery", at the next Conference of Parties, in March 1994;

2. CALLS UPON the countries currently blocking a ban on hazardous waste exports from OECD to non-OECD countries immediately to support such a ban;
3. WELCOMES the call by the 1993 South Pacific Forum to prohibit the import into the region of hazardous wastes;
4. CALLS UPON all States and organizations to give their support to the proposed Pacific region ban on the import of hazardous wastes;
5. CALLS UPON all countries, but especially OECD countries, immediately to take steps to reduce to a minimum or eliminate the generation and trans-boundary movement of hazardous wastes to all countries, as called for under the Basel Convention;
6. CALLS UPON all States to ratify the Basel Convention, and support a ban on hazardous waste exports from OECD to non-OECD countries, as soon as possible;
7. REQUESTS the Director General:
  - (a) to forward this Recommendation to the Basel Convention Secretariat for distribution and inclusion in the Minutes at the next Basel Conference of Parties in March 1994;
  - (b) to send a letter to all the Presidents of relevant States, including those of Central American countries urging them to remain vigilant and not to waver in their refusal to accept these wastes; furthermore, that the entry of waste qualified as "sale of used items" be revised in order to avoid the clandestine entry of waste, as occurs with clothes, tyres, electrical domestic appliances, etc;
8. RECOMMENDS all member NGOs of IUCN to remain vigilant in view of the recent events related to such waste that have occurred in some countries.

*Note. This Recommendation was adopted by a show of hands. On behalf of the State members delegations present from the European Union, the State member delegation for Greece stated that the delegations of the European Union Member States present had abstained, since the EU would ratify the Basel Convention on 6 February 1994 and since the EU's own provisions on this matter were more rigorous than the Basel Convention. However, the delegation for the State member Denmark indicated that the delegation had voted in favour of the Recommendation. The delegations for the State members Australia, Canada, Norway and United States indicated that they had abstained.*