ANNEX 5

RESOLUTION LDC.40(13)

THE PROTECTION OF THE OCEANS AND ALL KINDS OF SEAS, INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, AND COASTAL AREAS

THE THIRTEENTH CONSULTATIVE MEETING,

AWARE that the environment in general, and the marine environment in particular, has continued to deteriorate, notwithstanding the environmental protection measures already taken,

AWARE ALSO that the quantity, diversity and complexity of chemical compounds entering the environment make it extremely difficult to determine the overall threat to the environment,

RECOGNIZING that the volume of hazardous substances and wastes generated must be reduced if sustainable development is to be achieved and environmental security and human health are to be ensured for future generations,

CONSCIOUS that, notwithstanding the measures already adopted and implemented to protect the marine environment, additional measures are necessary to arrest and reverse marine ecosystem degradation, especially through alternative clean production methods applicable to hazardous waste streams,

RECALLING UNEP decision 15/27 of 25 May 1989, by which the Governing Council of the United Nations Environment Programme recommended the principle of precautionary action, the Governing Council's decisions SS.II/4B of 3 August 1990 on a comprehensive approach to hazardous waste and SS.II/6 of the same date on the need for effective global protection of ocean and coastal ecosystems,

NOTING that land-based sources of pollution constitute the major threat to the marine environment,

NOTING ALSO that no global instrument exists for the control of land-based sources of marine pollution, and that legal instruments for that purpose have been adopted in only five regions,

MINDFUL that existing pollution control approaches, under the London Dumping Convention, have been strengthened by shifting the emphasis from a system of controlled dumping based on assumptions regarding the assimilative capacity of the oceans, to approaches based on precaution and prevention,

NOTING FURTHER in this regard that national legislation in a number of countries prohibits the dumping at sea of industrial wastes and sewage sludge and that decisions and appeals for an end to dumping of wastes at sea have been made by a number of international fora,

NOTING that regional conventions such as the Helsinki Convention for the protection of the Baltic Sea and the Oslo Convention for the protection of the North Sea and the North-east Atlantic have banned or are phasing out the dumping at sea of industrial wastes, sewage sludge and incineration of noxious liquid wastes at sea, and that other regional conventions such as those developed under the UNEP Regional Seas Programme, address waste disposal at sea,

REALIZING the need for international multilateral and bilateral co-operation and assistance, including the transfer of technology, the allocation of financial and other resources to developing countries, to implement the actions set out below,

STRESSING the important provisions concerning the preservation and protection of the marine environment contained in the UN Convention on the Law of the Sea, particularly Part XII,

RECOGNIZING ALSO the importance of the 1992 United Nations Conference on Environment and Development and the importance of making recommendations to national Governments and the appropriate international bodies responsible for the protection of the oceans,

NOTING FURTHER the resolution of the first meeting of the Preparatory Committee of the United Nations Conference on Environment and Development concerning the protection of oceans and all kinds of seas, including its reference to the need for an inter-governmental meeting of experts on land-based sources of marine pollution which will be hosted by Canada in May 1991,

RECOGNIZING FURTHER that it is important to adopt concrete, expeditious, action-oriented and far-reaching measures to achieve sustainable development before the ability to arrest and reverse environmental degradation is surpassed,

AGREES that Part XII of the UN Convention on the Law of the Sea dealing with the protection and preservation of the marine environment constitutes an appropriate global basis for a further elaboration of measures to protect the marine environment from pollution from <u>all</u> sources, through global, regional or bilateral arrangements,

AGREES FURTHER that the Preparatory Committee of the 1992 United Nations Conference on Environment and Development should recommend to the Conference that the following actions be taken:

1 That a global mechanism to co-ordinate the protection of the marine environment from pollution from all sources should be considered. Taking into account existing international agreements, co-ordination may embrace such matters as: accidental and operational pollution from vessels, dumping, pollution from land-based sources, atmospheric pollution, offshore industry, and disposal of wastes into the sea-bed as well as

liability, and mechanisms for transfer of technology and financial resources, and arrangements concerning liability and compensation;

2 That a global instrument, as well as new or improved regional agreements, for the prevention, reduction and control of land-based sources of marine pollution should be considered. At the global level, such an instrument could be in the form of a declaration of basic principles, a code of conduct for States or a convention. The Montreal Guidelines (UNEP 1985) for the Protection of the Marine Environment against Pollution from Land-based Sources would be an important component of this process. This should take into account, inter alia, a precautionary approach, encouraging the adoption of clean production methods that reduce the generation of hazardous substances;

3 That States and appropriate international fora should also pursue a precautionary approach in addressing waste management problems by, inter alia, focussing on environmentally preferable land-based alternatives to disposal of waste at sea, while ensuring that pollution is not transferred to other parts of the environment via other disposal routes;

4 That national, regional and global fora should actively pursue the elimination of marine pollution through, inter alia, the adoption, implementation and enforcement of more stringent national and regional controls and the active pursuit of such technological and economic measures as clean production methods, including raw materials selection, product substitution and clean production technologies and processes; and

5 That all States which have not yet done so should ratify or accede to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters;

URGES the Preparatory Committee of the United Nations Conference on Environment and Development to address diligently the need for all States to be able to contribute in the pursuit of the objective of a clean marine environment. International agencies, governments and the private sector should be encouraged to take expeditious steps to strengthen the mechanisms for providing co-operation, transfer of technology and assistance that would improve the capacity of developing countries to implement the measures contained in this resolution.

***