ANNEX 4

RESOLUTION LDC.45(14)

CONTROL OF TRANSBOUNDARY MOVEMENTS OF
WASTES FOR DISPOSAL AT SEA

THE FOURTEENTH CONSULTATIVE MEETING,

NOTING the aim of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Dumping Convention) to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea,

NOTING FURTHER that the aim of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989, is to reduce to a minimum the generation of hazardous wastes and other wastes, to control the transboundary movement of such wastes and their disposal and to ensure their environmentally sound management in order to protect human health and the environment,

TAKING into account that resolution 2 of the Basel Conference requested the Contracting Parties of the London Dumping Convention to examine the need for a review of the existing rules, regulations and practices with respect to dumping of hazardous and other wastes at sea in the light of the Basel Convention with a view to recommending any additional measures needed within the London Dumping Convention, including its annexes, in order to control and prevent dumping of hazardous and other wastes at sea,

CONSIDERING that the question of the applicability of the Basel Convention to dumping at sea arises only with regard to:

.1 a transboundary movement of hazardous waste, as these terms are defined by the Basel Convention, or

.2 Article 4, paragraph 6 of the Basel Convention which provides that the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement, is not allowed,

CONSIDERING FURTHER that such cases, in practice, are not frequent given that there are only few documented cases where wastes have been exported for the purpose of dumping at sea and will become less frequent in the light of resolution LDC.43(13) calling upon the Contracting Parties to adopt individual or regional commitments to cease the dumping of industrial wastes before 31 December 1995, and therefore there is no need at present to develop any additional standards regarding transboundary movements of hazardous wastes,

RECALLING resolution LDC.11(V) concerning the export of wastes for incineration at sea and the need for adequate controls for the disposal of these wastes, and resolution LDC.39(13) requesting Contracting Parties to consider terminating the practice of incineration at sea of noxious liquid substances by 31 December 1994,

CONSIDERING ALSO that Article 210 of the United Nations Convention on the Law of the Sea provides that dumping within the territorial sea and the exclusive economic zone or onto the continental shelf should not be carried out without the express prior approval of the Coastal State and that, consistent with this provision, resolution LDC.29(10) calls on Contracting Parties exporting waste for sea disposal to provide advance notification of any intended movement of such wastes and to obtain the prior consent of appropriate national authorities in any country receiving such waste,

RECALLING FURTHER that resolution LDC.29(10) also urges Contracting Parties to endeavour to ensure that wastes exported for a purpose other than sea disposal are not ultimately disposed of at sea unless done in compliance with the requirements of the London Dumping Convention,

RECOGNIZING that resolution LDC.42(13) calls upon Contracting Parties to prohibit or not to permit the export of wastes for dumping at sea, particularly those wastes containing substances referred to in Annexes I and II of the London Dumping Convention, to States not Party to the Convention; and urges all Contracting Parties to the London Dumping Convention to also become Parties to the Basel Convention,

1. BELIEVES that the disposal at sea regime embodied by the London Dumping Convention and its annexes as well as the resolutions, regulations and guidelines that have been adopted by the Contracting Parties to implement the Convention ensures the control and prevention of dumping of hazardous wastes at sea and constitutes the global waste management regime regarding dumping at sea;

2. REQUESTS the Parties to the Basel Convention, in developing technical guidelines for the environmentally sound management of wastes subject to the Basel Convention, to take into account the London Dumping Convention and appropriate regional agreements on the control of marine pollution by dumping at sea, and to keep the Contracting Parties to the London Dumping Convention fully informed of the development of such guidelines; and

3. URGES all Parties to the Basel Convention to also become Contracting Parties to the London Dumping Convention.

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