

**ENVIRONMENTAL LAW
GUIDELINES AND PRINCIPLES**

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**Environmentally Sound Management
of Hazardous Wastes**



CAIRO GUIDELINES AND PRINCIPLES FOR THE ENVIRONMENTALLY
SOUND MANAGEMENT OF HAZARDOUS WASTES

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SOUND MANAGEMENT OF HAZARDOUS WASTES

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Introduction

This set of guidelines and principles is addressed to Governments with a view to assisting them in the process of developing policies for the environmentally sound management of hazardous wastes. They have been prepared on the basis of common elements and principles derived from relevant existing bilateral, regional and global agreements and national regulations, drawing upon experience already gained through their preparation and implementation. Special importance is attached to respect for the balance achieved in principle 21 of the Stockholm Declaration on the Human Environment between the rights and duties of States concerning their natural resources and the environment.

These general guidelines cover the management of hazardous wastes from their generation to their final disposal and, in particular, the problem of transfrontier movements of such wastes, which calls for international co-operation between exporting and importing countries in the light of their joint responsibility for the protection of the global environment.

These guidelines are without prejudice to the provisions of particular systems arising from international agreements in the field of hazardous waste management. They have been developed with a view to assisting States in the process of developing appropriate bilateral, regional and multilateral agreements and national legislation for the environmentally sound management of hazardous wastes. The guidelines deal mainly with the administrative aspects of the environmentally sound management of hazardous wastes, and do not claim to give specific guidance on the more technical aspects of dealing with hazardous wastes.

At the present time, waste management differs substantially in different regions of the world, particularly according to their state of economic development. This imbalance necessitates co-operation to improve the management of hazardous wastes in the interest of the environment, especially as regards actual and potential transfrontier movements of such wastes.

Although the guidelines have not been prepared specifically to address the situation of developing countries, they nevertheless provide a framework for effective and environmentally sound hazardous waste management policies in those countries. Implementation of the guidelines should thus help them to avoid serious and costly environmental problems due to mismanagement of hazardous wastes. By implementing the guidelines, countries could incorporate a sound waste management policy into their national economic development policies.

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PART I - GENERAL PROVISIONS

1. Definitions

For the purposes of the present guidelines and principles:

(a) "Wastes" means any materials considered as wastes or legally defined as wastes in the State where they are situated or through or to which they are conveyed;

(b) "Hazardous wastes" means wastes other than radioactive wastes which, by reason of their chemical reactivity or toxic, explosive, corrosive or other characteristics causing danger or likely to cause danger to health or the environment, whether alone or when coming into contact with other wastes, are legally defined as hazardous in the State in which they are generated or in which they are disposed of or through which they are transported;

(c) "Management" means the collection, transport (including transfrontier movements), storage (including storage at transfer stations), treatment and disposal of hazardous wastes;

(d) "Transport" means the movement of hazardous wastes from the place at which they are generated until they arrive at an approved site or facility for disposal;

(e) "Disposal" means final disposal;

(f) "Approved site or facility" means a site or facility for the storage, treatment or disposal of hazardous wastes which has been the subject of a prior written authorization or operating permit for this purpose from a competent authority in the State where the site or facility is located.

(g) "Competent authority" means a governmental authority with appropriate qualifications designated or established by a State to be responsible, within such geographical area and with such jurisdiction as the State may think fit, for the planning, organization, authorization and supervision of the management of hazardous wastes;

(h) "Pollution" means the introduction by man, directly or indirectly, of any hazardous wastes into the environment as a result of which there arises any hazard to human health, plant or animal life, harm to living resources or to ecosystems, damage to amenities or interference with other legitimate uses of the environment;

(i) "Contingency" means any accident or other event occurring during the management of hazardous wastes which gives rise to or presents a threat of pollution;

(j) "Territory" means areas over which a State has jurisdiction for the protection of the environment;

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(k) "Export" means the movement of hazardous wastes beyond the territory of the State in which they were generated;

(l) "State of export" means a State in which hazardous wastes which are the subject of an export are generated;

(m) "State of import" means a State in which hazardous wastes are received for disposal;

(n) "Transit State" means a State, not being the State of export or of import, through the territory of which a movement of hazardous wastes takes place.

2. General principles

(a) States should take such steps as are necessary, whether by legislation or otherwise, to ensure the protection of health and the environment from damage arising from the generation and management of hazardous wastes. To this end, States should, inter alia, ensure that transfrontier movements of hazardous wastes are kept to the minimum compatible with the efficient and environmentally sound management of such wastes.

(b) States should take all practicable steps to ensure that the management of hazardous wastes is conducted in accordance with international law applicable in matters of environmental protection.

3. Non-discriminatory control of hazardous wastes

Each State should ensure that, within its jurisdiction, hazardous wastes to be exported are controlled no less stringently than those remaining within its territory.

4. International co-operation

Without prejudice to the other provisions of these guidelines and principles, States should, in a manner appropriate to their needs and capabilities, initiate and co-operate in:

(a) The achievement and improvement of the environmentally sound management of hazardous wastes;

(b) The development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to reducing the generation of hazardous wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;

(c) Monitoring the effects of the management of hazardous wastes on health and the environment;

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(d) Exchanges of information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes.

5. Transfer of technology

States should, in a manner appropriate to their needs and capabilities, whether directly or through the appropriate international organizations, promote actively and in accordance with their legitimate interests the transfer on fair and reasonable conditions of technology related to the environmentally sound management of hazardous wastes. They should also promote the technical capacity of States, especially of developing States, which may need and request technical assistance in this field.

6. Transfer or transformation of pollution

States and persons involved in the management of hazardous wastes should recognize that protection of health and the environment is not achieved by the mere transformation of one form of pollution into another, nor by the mere transfer of the effects of pollution from one location to another, but only by the use of the waste treatment option (which may include transformation or transfer) which minimizes the environmental impact.

PART II - GENERATION AND MANAGEMENT OF HAZARDOUS WASTES

7. Preventive measures

(a) States should take such steps as are appropriate to ensure that the generation of hazardous wastes within their territories is reduced to a minimum.

(b) States should ensure that persons involved in the management of hazardous wastes take such steps as are necessary to prevent pollution arising from such management and, if pollution should occur, to minimize the consequences thereof for health and the environment.

(c) In particular, States should take such steps as are necessary to promote the development and employment of low-waste technologies applicable to activities generating hazardous wastes and the recycling and reuse of hazardous wastes unavoidably produced by such activities.

8. Establishment of competent authorities

Each State should designate or establish one or more competent authorities as defined in guideline 1.

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PART III - CONTROL OVER DISPOSAL OF HAZARDOUS WASTES

9. Disposal plans for hazardous wastes

(a) States should ensure that each competent authority prepares, in its area of responsibility, in consultation with the other public authorities concerned and with the participation of the public as appropriate, a plan for the management of hazardous wastes describing the arrangements for implementing that plan.

(b) Such plans should be reviewed by the competent authorities to ensure their continuing adequacy in the light of experience in the operation of the plans and of changes in circumstances, including changes in the state of scientific knowledge.

10. Separation of hazardous wastes

The competent authorities should ensure that persons concerned in the management of hazardous wastes keep them separate from other wastes where it is necessary to do so for their environmentally sound management.

11. Collection of hazardous wastes

States should promote the establishment of a system of collection of hazardous wastes, including those that are generated in small quantities.

12. Duty to ensure safe disposal

States should ensure that persons engaged in activities in the course of which hazardous wastes are generated are required to make appropriate arrangements for the disposal of those wastes in an environmentally sound manner. In particular, they should satisfy themselves as to the capability and reliability of persons and facilities involved in the management of such wastes.

13. Use of best practicable means

States should ensure that persons involved in the management of hazardous wastes employ the best practicable means in all aspects of such management.

14. Approved sites and facilities

(a) States should take such steps as are necessary to require that the storage, treatment and disposal of hazardous wastes take place only at approved sites or facilities.

(b) An authorization or operating permit for approved sites or facilities should be granted only if:

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- (i) An assessment undertaken by or at the request of the competent authority has established that no significant adverse effects on health or the environment are to be expected as a result of such storage, treatment or disposal;
- (ii) The competent authority is satisfied as to the suitability of the operator of the facility at which such storage, treatment or disposal is to be carried out, including the technical knowledge and financial means of that operator to carry out the operations in respect of which the authorization or operating permit is sought to be granted and to take the appropriate safety measures in respect thereof.

15. International listing of approved sites and facilities

For the guidance of their competent authorities and to ensure the optimal use of their disposal facilities in conformity with guideline 2, States should consider the establishment, on a bilateral or multilateral basis, of lists of approved sites and facilities in their respective territories.

16. Transfrontier effects of approved sites and facilities - pre-authorization information

(a) States should ensure that, where it is proposed to grant an authorization or operating permit under guideline 14 in respect of activities which may have significant effects on health or the environment in another State (hereinafter referred to as "the State concerned"), the State concerned is provided in a timely manner by the State entitled to grant the authorization or operating permit (hereinafter referred to as "the authorizing State") with sufficient information, in conformity with the laws and regulations of the latter State, to enable it to evaluate accurately the likely effects of those activities.

(b) The State concerned should respect the confidentiality of the information transmitted to it under paragraph (a) above.

17. Transfrontier effects - consultation

In the circumstances described in guideline 16, the authorizing State and the State concerned should, prior to the adoption of any decision in the authorizing State as to the granting of the authorization or operating permit, enter into consultations which shall be conducted in good faith. These consultations should take place promptly and should be concluded within a reasonable time.

18. Transfrontier effects - equal access and treatment

In the circumstances described in guideline 16, the authorizing State should accord to the public authorities and nationals of the State concerned the same rights of participation in the administrative and judicial proceedings related to the granting of authorizations or operating permits and in any appeal or review thereof as those which are accorded to its own public authorities and nationals.

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PART IV - MONITORING, REMEDIAL ACTION AND RECORD-KEEPING

19. Monitoring

(a) States should ensure that the operators of sites or facilities at which hazardous wastes are managed are required, as appropriate, to monitor the effects of those activities on health and the environment and to supply the competent authorities with the results of such monitoring, either periodically or on demand. States should ensure that the protection of abandoned sites or closed facilities against the subsequent unauthorized disposal of hazardous wastes, and the monitoring of such sites or facilities for effects on health and the environment, continue after their abandonment or closure.

(b) States should ensure that the competent authorities have the power to enter upon the sites or facilities mentioned in paragraph (a) above and upon such other premises as may be necessary for the purposes of monitoring the effects upon health and the environment of the activities carried out at those sites or facilities. States should also ensure that the competent authorities have the power to order the cessation, limitation or modification of those activities if it is determined that adverse effects on health and the environment are taking place, or are likely to take place.

(c) States should ensure that appropriate remedial action is taken in cases where monitoring gives indications that management of hazardous wastes has resulted in adverse effects on health or the environment.

(d) States should ensure that persons involved in the management of hazardous wastes keep accurate and precise records, as appropriate, of the relevant information concerning wastes, including the type, quantity, physical and chemical characteristics, origin and location within the site or facility of such wastes.

20. Public access to information

States should ensure that competent authorities keep a record of the authorizations or operating permits issued by them under guideline 14, and that the public have access to information concerning the number and types of those authorizations or permits and the conditions attached thereto.

PART V - SAFETY AND CONTINGENCY PLANNING

21. Instruction of workers

States should ensure that persons employed at sites or facilities at which hazardous wastes are managed receive, on a continuing basis, information on the conditions attached to authorizations or permits, and full and appropriate instruction as to the safety precautions necessary to ensure the protection of health and the environment, including the actions to be taken by them in any contingency.

22. Contingency plans

States within whose territories hazardous wastes are managed should recognize the need for studies on the risks of sites or facilities, and contingency plans prepared by operators of sites or facilities, or by the competent authorities, as appropriate, and the application of such plans as and when necessary. These plans should take into account any potential adverse effects on health and the environment in other States.

23. Contingency plans - transfrontier effects

(a) If a State has reason to believe that a contingency which has arisen within its territory is likely to have significant adverse effects on health and the environment in another State, that State should as soon as practicable supply the other State with the information necessary to enable it to adopt effective countermeasures.

(b) States should provide such assistance as they can reasonably make available to other States in which a contingency has occurred.

PART VI - TRANSPORT OF HAZARDOUS WASTES

24. Transport rules

States should ensure that the transport of hazardous wastes is conducted in a manner compatible with international conventions and other international instruments governing the transport of hazardous materials or wastes.

25. Transport documentation

To ensure that hazardous wastes are safely transported for disposal, and to maintain records of the transport and disposal of such wastes, States should establish a system by which all transport of such wastes should be accompanied by a hazardous wastes movement document from the point of generation to the point of disposal. This document should be available to the competent authorities and to all parties involved in the management of such wastes.

26. Notification and consent procedure in respect of transfrontier movements of hazardous wastes

(a) States should establish a system which ensures that all States involved in a transfrontier movement of hazardous wastes receive full information sufficiently in advance to enable them to assess the proposed movement properly.

(b) A State of export should take such steps as are necessary to ensure that a request from a State of import or transit State for relevant information concerning the transfrontier movement in question elicits a constructive and timely response.

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(c) In the absence of bilateral, regional or multilateral arrangements, States should provide that it shall not be lawful for any person to initiate a transfrontier movement of hazardous wastes until the State of import and any transit State have given their consent to that movement.

(d) The consent of the State of import referred to in paragraph (c) above should take the form of an explicit consent, provided always that States may by bilateral or multilateral arrangements adopt a tacit consent procedure.

(e) Any transit State should be notified in a timely manner of a proposed movement, and may object to it within a reasonable time in accordance with its national laws and regulations. The consent of a transit State referred to in paragraph (c) above may also take the form of a tacit consent.

(f) The State of export should not permit a transfrontier movement of hazardous wastes to be initiated unless if it is not satisfied that the wastes in question can be managed in an environmentally sound manner, at an approved site or facility and with the consent of the State of import.

(g) In order to facilitate implementation of this guideline, each State should designate an agency which shall be the focal point to which the notifications and inquiries mentioned in the foregoing paragraphs may be addressed.

(h) Nothing in this guideline shall be so construed as to affect the sovereign right of a State to refuse to accept within its territory hazardous wastes originating elsewhere.

27. States of export to readmit exports

Where a State of import or transit State, in conformity with its laws and regulations, opposes a transfrontier movement of hazardous wastes into its territory, and where the hazardous wastes which are the subject of the transfrontier movement have already left the State of export, the latter should not object to reimport of the wastes.

28. States to co-operate in the management of hazardous wastes

States should, in pursuance of guideline 2, enter into bilateral, regional or multilateral agreements for the management of their hazardous wastes in order to ensure the optimal use of their treatment and disposal facilities.

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PART VII - LIABILITY AND COMPENSATION

29. Liability, insurance and compensation for damage caused by hazardous wastes

States should ensure that provision is made in their national laws and regulations for (a) liability, (b) insurance and (c) compensation and/or other remedies for damage arising from the management of hazardous wastes, and they should take such steps as are necessary to ensure the compatibility and, where appropriate, the harmonization of such laws and regulations.

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UNITED NATIONS ENVIRONMENT PROGRAMME

UNEP

Environmental Law
Guidelines and Principles

1. Stockholm Declaration (1972)
2. Shared Natural Resources (1978)
3. Weather Modification (1980)
4. Offshore Mining and Drilling (1982)
5. World Charter for Nature (1982)
6. Banned and Severely Restricted Chemicals (1984)
7. Marine Pollution from Land-based Sources (1985)
8. Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes (1987)

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