

During the visit to Ethiopia consultations on the Bamako Convention were held with the secretariat of the Organization of African Unity (OAU) as were meetings with Ethiopian authorities as well as UNDP representatives.

Points arising from meetings with UNEP officials are noted as including: UNEP's lead in negotiations leading to the Basel Convention, in response to pressing complaints about movements of toxic waste; the maintenance by UNEP of a register of potentially toxic chemicals as a tool to enable developing countries to handle them; a joint programme with WHO on chemical safety, further stressing the principle of prior informed consent; and as a result of consultations with both governments and civil society, recognition that training and capacity-building are the most urgent needs of African countries wishing to monitor the products entering their borders.

Discussions with representatives of the Organization of African Unity (OAU) recalled that one more signature is needed for the Bamako Convention to come into force and, further, established that the Bamako and Basel Conventions are complementary. The SR stated that the OAU confirmed that the main problem faced by African countries was the lack of information since they were still not being provided with databases from which to retrieve information. African legislation on toxic waste was also scarce and rarely coherent. The SR emphasized that it is extremely important for the Bamako Convention to enter into force, thus creating a regional, homogeneous response to the issue of toxic waste.

Referring to consultations held with NGOs, the report notes a number of points including, *inter alia*, that: problems pertaining to hazardous waste management in Africa arise partly from a fragmented and uncoordinated approach; weak coordination resulted from the fact that environmental matters and, in particular, the power to regulate hazardous waste, fell within the jurisdiction of several governmental departments; fragmentation of competences also affected access to information, leading to situations in which, at times, no information was available; NGOs expressed the feeling that the environment was still perceived as "the troublemaker" vis-à-vis investments and development although there had been a general improvement in the relationship with environmental NGOs which remains to be formalized and placed within an institutionalized framework. The report notes that, in the countries visited, environmental NGOs focussed on issues related to desertification, the urban environment, biodiversity, women and the environment, maintained programmes on unsafe pesticides, and had as their main focus the provision of better information in different fields, including illegal dumping.

The SR concluded that the main problems, as observed during the field mission, remain: the lack of reliable information on the movements of toxic wastes within countries and across borders; the lack of a database; the absence of adequate legislation both to prevent the import of toxic wastes and deal with fraudulent and other inadmissible practices used by brokers; the means to

implement such legislation; the need for infrastructure, laboratories and testing facilities to determine the nature and characteristics of the wastes. Citing the international implications of the illicit traffic and dumping of toxic and dangerous products and wastes, and the close link to the problem of security, the report notes that dumping of waste frequently occurred in countries where circumstances were such that no central government could take action, with the result that neighbouring countries might be affected as well.

The report recommended that:

- ♦ common action and a clear stand be taken by the international community in cases arising from dumping in countries where security remains a problem and there is no central government;
- ♦ specific projects be developed to be undertaken jointly by the OHCHR, the secretariat for the Basel Convention, OAU, UNEP and interested governments;
- ♦ states that have not done so ratify the Basel Convention and its amendment regarding the ban on exports;
- ♦ efforts be directed to ensure the entry into force of the Bamako Convention;
- ♦ a continuous exchange of information be maintained, aimed at the creation of a regional database;
- ♦ a regional strategy be developed in which the roles of non-governmental organizations, local communities and associations, trade unions, workers and victims are consolidated; and
- ♦ due consideration be given to the potential for freedom of expression, freedom of association and access to effective means of redress contributing — in conjunction with the efforts made by authorities — to effectively combatting the phenomenon of illicit dumping of toxic wastes and its adverse consequences.

#### **Responses from governments to the 1997 report (E/CN.4/1998/10/Add.1)**

The SR's report to the 1997 session of the Commission was criticized by a number of governments, partly on the basis that the information was out-of-date, irrelevant and/or inaccurate or that the cases cited had not been referred to the governments for comment prior to publication. The first addendum to the 1998 main report summarizes the responses of governments to the 1997 report (E/CN.4/1997/19). Comments and responses were received from: Australia, Burma (Myanmar), France, Germany, Indonesia, Japan, Malaysia, New Zealand, Nigeria, the Philippines, South Africa, Turkey, the United Kingdom and the United States. (Summaries of the responses are included in the appropriate country profiles.)