

LIABILITY AND COMPENSATION

The Conference

Recalling Resolution 3 of the March 1989 Basel Conference of Plenipotentiaries, requesting the Executive Director of UNEP to establish an ad hoc working group of legal and technical experts to develop elements which might be included in a protocol on liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes and to report on the results of this group's work to the first meeting of the Parties

Having considered the reports of the ad hoc working group contained in documents UNEP/CHW/WG.1/3 and UNEP/CHW/WG.1/2/3 as well as the reports of the Executive Director of UNEP contained in documents UNEP/CHW.1/2 and UNEP/CHW.1/4

1. Notes with appreciation the report of the ad hoc working group in documents UNEP/CHW/WG.1/3 and UNEP/CHW/WG.1/2/3 and the reports of the Executive Director in documents UNEP/CHW.1/2 and UNEP/CHW.1/4.
2. Decides to establish an ad hoc working group of legal and technical experts to consider and develop, having regard to documents UNEP/CHW.WG.1/3, UNEP/CHW.WG.1/2/3, UNEP/CHW.1/5 and UNEP/CHW.1/11 and other relevant instruments and documents, a draft protocol on liability and compensation, possibly including the establishment of an International Fund for compensation for damage resulting from the transboundary movements of hazardous waste and their disposal.
3. Decides also that the Working Group, at its first meeting, should consider, inter alia, the adequacy of the factual basis on which further

efforts can best proceed, take the steps necessary to improve this information, and keep the matter under review at subsequent meetings.

4. Requests the Secretariat of the Basel Convention to convene this group which shall report on the progress of its work to the second meeting of the Conference of the Parties to the Basel Convention to facilitate the adoption of the protocol referred to in paragraph 2 above.