

# Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991)

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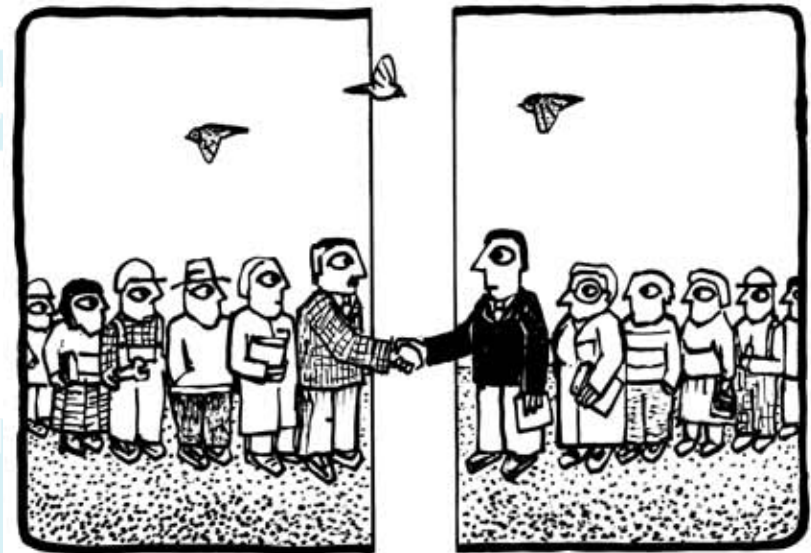
Subregional workshop  
Chisinau, 5-7 November 2008

# Agenda

1. Introduction
2. Belarus, Republic of Moldova, Ukraine
3. Armenia, Romania, Russian Federation
4. Review of Day 1
5. Examples of possible capacity-development activities
6. Other options for capacity-development
7. Selection of capacity-development activities
8. Review of Day 2
9. Strategic Environmental Assessment
10. Definition of capacity-development activities
11. Conclusions and recommendations
12. Wrap-up of workshop

# Item 1: Introduction

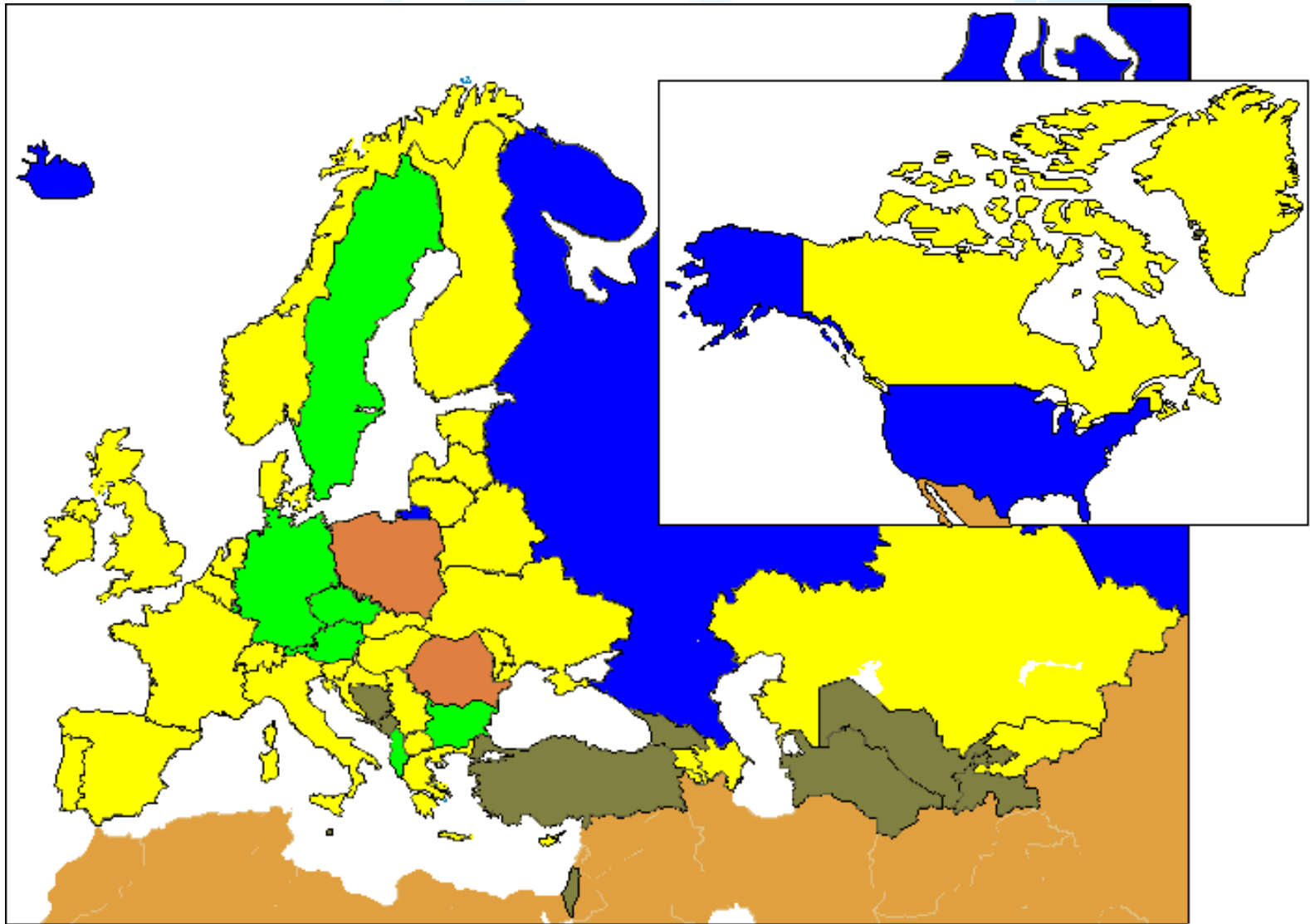
- International
  - Status
  - Reporting
  - Review of compliance
- Practical
  - Application
  - Benefits
  - Challenges



# Status

| State               | Convention                          | Protocol  |
|---------------------|-------------------------------------|-----------|
| Armenia             | Party                               | Signatory |
| Belarus             | Party                               |           |
| Republic of Moldova | Party                               | Signatory |
| Romania             | Party (& 1 <sup>st</sup> amendment) | Signatory |
| Russian Federation  | Signatory                           |           |
| Ukraine             | Party                               | Signatory |
| 56 member States    | 42 Parties                          | 9 Parties |

- Signed
- Ratified, etc.
- Ratified Convention & 1<sup>st</sup> Amendment
- Ratified Convention & both amendments



# Status

- Convention now 42 Parties
- 1<sup>st</sup> amendment only 12 Parties (not in force)
- 2<sup>nd</sup> amendment only 9 Parties (not in force)
- Protocol only 9 Parties (not in force)
- European Community has approved all above
  - (Protocol instrument not yet deposited)
- 1<sup>st</sup> amendment will open Convention to all Member States
- 2<sup>nd</sup> amendment will make reporting mandatory

# Reporting Review of implementation

- Very successful!
- All Parties in period 2003-2005 reported, except Albania, which has now been asked by Implementation Committee to explain
- Belarus and Serbia new Parties, have yet to report
- Implementation Committee now preparing revised questionnaire, largely the same as previous

# Review of compliance Implementation Committee

- Fully operational
  - All functions tested
  - Operating rules (observers)
- Assistance orientated: Committee's objective to assist Parties to comply fully with their obligations



# Implementation Committee Functions

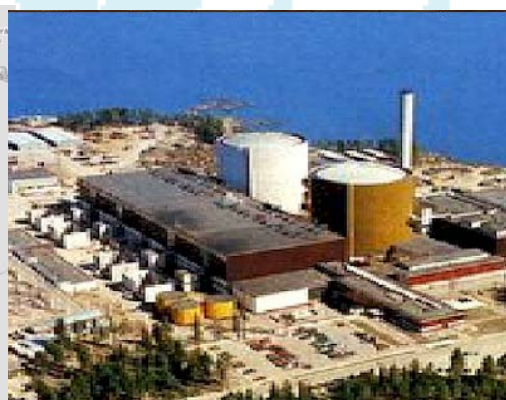
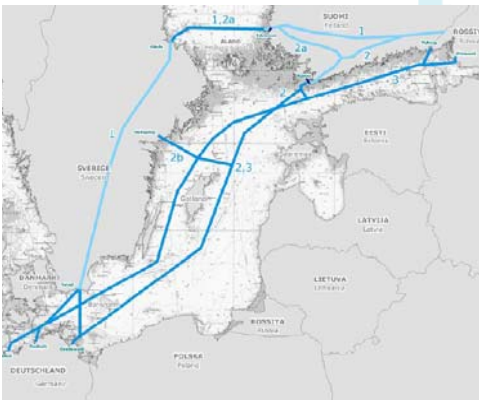
- Submissions
- Committee initiative
- Review of implementation
- Follow-up to decisions of the Meeting of the Parties
  - Armenia (Committee initiative) – technical assistance
  - Ukraine (submission) – review, strategy, reporting
  - Country-specific performance reviews & technical assistance in drafting legislation

UNECE



# Application

- Increasingly routine – number of Parties and number of cases
- Very approximately 30-50 cases per year



## EIA: Benefits

1 of 3: Provides information & leads to changes in design

- Identification of key environmental issues of project, and awareness of environmental consequences of project implementation
- Improvement of project design, and higher standards of mitigation
- Protection of the environment, including avoidance of environmentally sensitive areas through project re-siting or re-design
- Identification of project alternatives (alternative locations or technology, for example) and mitigation & compensatory measures that reduce environmental impact of project
  - Suggestions may come from the public, EIA experts, developer and other stakeholders – [including in affected Party](#)
- Opportunities to consider climate change adaptation ...

# **EIA: Benefits**

## 2 of 3: Improved decision-making

- Better informed and more objective decision-making
- A better framework for preparing conditions and legal agreements to govern future operation of the project
- Public participation in government decision-making



## EIA: Benefits

3 of 3: General

- Promotion of sustainable development in general
- Promotion of good governance in longer term, with public hearings providing “important indirect benefits that can contribute to the capacity for democratic governance and an active civil society”
- Promotion of understanding between community and developer – **and between concerned Parties**
- Promotion of standards
- **Enhancement of international cooperation, including awareness of importance of environment in such cooperation, and avoidance of conflict**
- Encouragement of new approaches
- Enhancement of the developer’s environmental credibility

# EIA: practice (developers)

## Enhancing benefits & reducing costs

- **Scope carefully** – focus on what's important. Lack of proper scoping to determine direction and focus of EIA is likely to cause delays later
- **Scope with others** (if appropriate) – involvement, in scoping and preparing terms of reference, of competent authorities and other stakeholders helps to avoid nasty surprises later, as well as building relationships & understanding – **especially in transboundary context**
- **Don't short-cut** – make sure study is adequate. Failure to undertake systematic study and provide relevant / sufficient data may result in need for supplementary information causing delays
- **Involve the public** as early as possible, preferably during scoping
- **Operate strict timetable** for each stage of process, and formalize inputs from participants, to achieve shorter timescale

## EIA: practice

### Enhancing benefits & reducing costs

In a transboundary context, also

- **Start early** – make transboundary contacts early on, informally at first if appropriate
- **Translate enough** – to avoid delays when more information has to be translated
- Establish agreements with neighbouring States



## Practical challenges to achieving these benefits in a transboundary context

- Knowing whether to notify (precautionary approach)
- When to notify (early!)
- Who to contact
- Providing for different languages
- Reconciling differences in systems
  - For example, agreeing deadlines
- Determining what to translate
- Consultations
- ...





## Item 2

- Belarus, Republic of Moldova and Ukraine invited to present
  - Legal & administrative measures taken to implement the Convention
  - Any experiences in application of the Convention (as Party of origin / affected Party)
  - Any difficulties encountered in applying the Convention

## Item 3

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# Item 4: Challenges

- Review of difficulties encountered in applying the Convention
  - What might the solutions be to these difficulties?

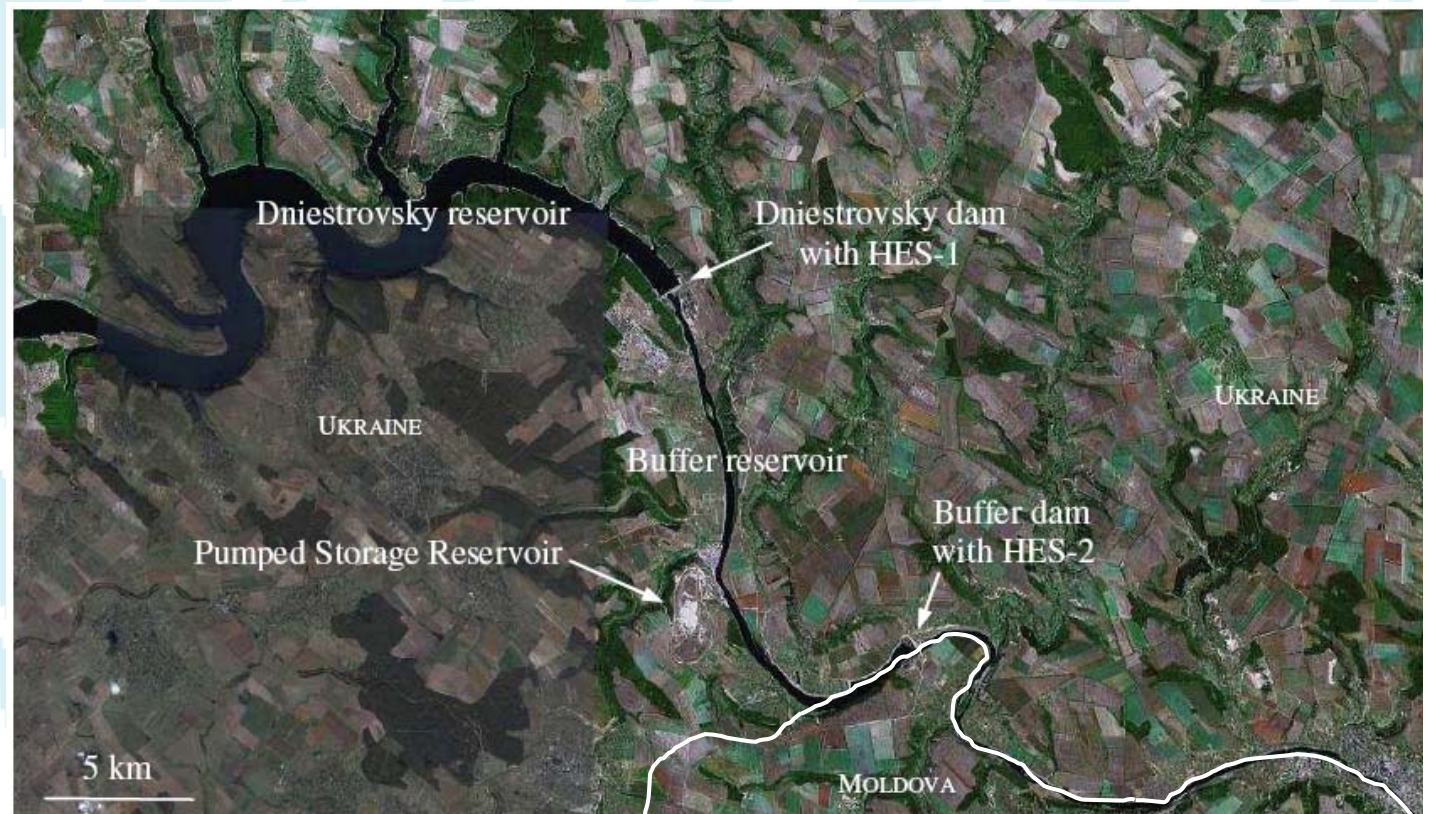


## Item 5: Possible activities

- Possible pilot project(s)
  - Dniester hydropower plant?
  - Giurgiulesti terminal?
- Guidelines
- Bilateral or multilateral agreements

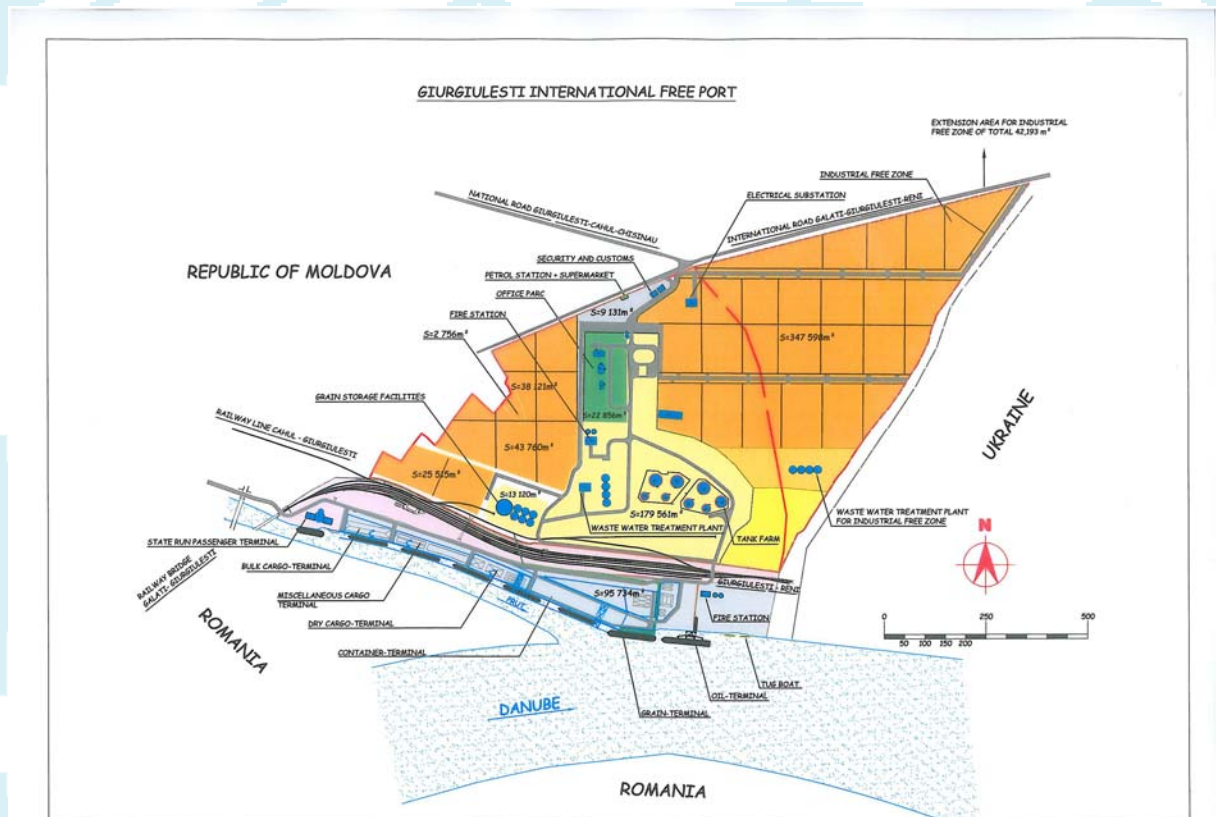
# Pilot project?

- Dniester pumped hydropower plant



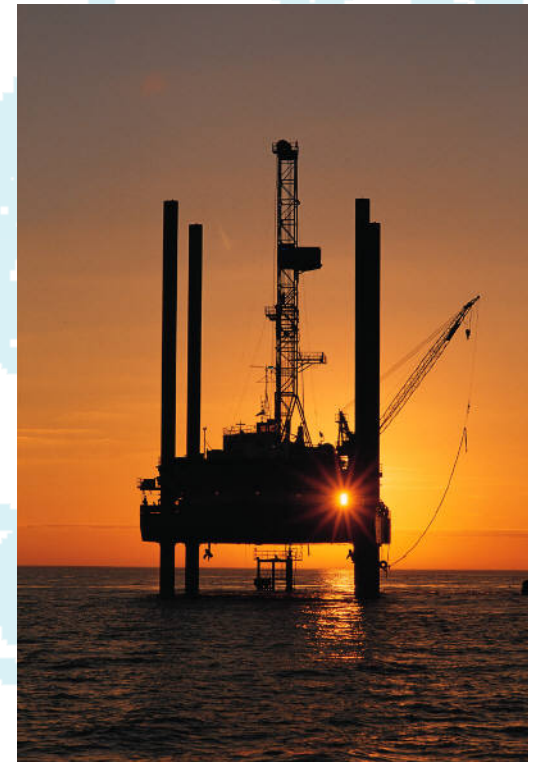
# Pilot project?

- Giurgiulesti terminal



# Guidelines

- Caspian Sea (but now transboundary EIA protocol under negotiation)
- Central Asia (on-going)
- Black Sea (under discussion)



# Bilateral & multilateral agreements

- **Article 8:** The Parties may continue existing or enter into new bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Convention and under any of its protocols to which they are a Party. Such agreements or other arrangements may be based on the elements listed in Appendix VI.
- Practical and political value
- Negotiation also builds understanding of each others systems, constraints, concerns



## Bilateral & multilateral agreements

- Bilateral, for example
  - Austria-Slovakia
  - Estonia-Latvia
  - Estonia-Finland
  - Germany-Poland
  - Italy-Croatia
  - Lithuania-Poland
  - Netherlands-Germany
- Multilateral, for example
  - Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Montenegro, Romania, Serbia, the former Yugoslav Republic of Macedonia (not in force)



# Bilateral & multilateral agreements

- South-Eastern Europe agreement includes
  - Definitions
  - Points of contact
  - Basis for further guidelines
  - Joint working groups for joint projects
  - Information in notification
  - Deadline for response
  - Language of notification and subsequently
  - What has to be translated
  - Communication of any possibility for appeal

## Item 6: Mechanisms

- Training – Subject? Target audience?
- Awareness raising – Subject? Target audience?
- Pilot study – Activity?
- Assistance in participation as affected Party
- Bilateral or multilateral agreement – States?
- Expert review of national legislation – “IC”
- Advisory mission
- Guidelines – National? Subregional?

# Resources

- Workplan
  - Pilot project in Eastern Europe
  - Country-specific performance reviews and technical assistance in drafting legislation, in agreement with Parties wishing to strengthen their implementation of and compliance with the Convention. Review would include a period in-country examining legislation, procedures and practice (case study)
- Donors to be identified if necessary

# Resources

- Environment & Security Initiative
  - Belarus
  - Republic of Moldova/Ukraine?
- Netherlands Environmental Assessment Commission
  - Armenia
  - Republic of Moldova
- InWent EIA training
  - Caucasus

## Item 7: Key elements

- Selection of priority activities to address difficulties



# Item 8: Wrap-up day 2

- ...

## Item 9: SEA Matters

- Entry into force?
- Resource Manual – Russian version, health
- Workplan – Slovenia arranging awareness raising workshops

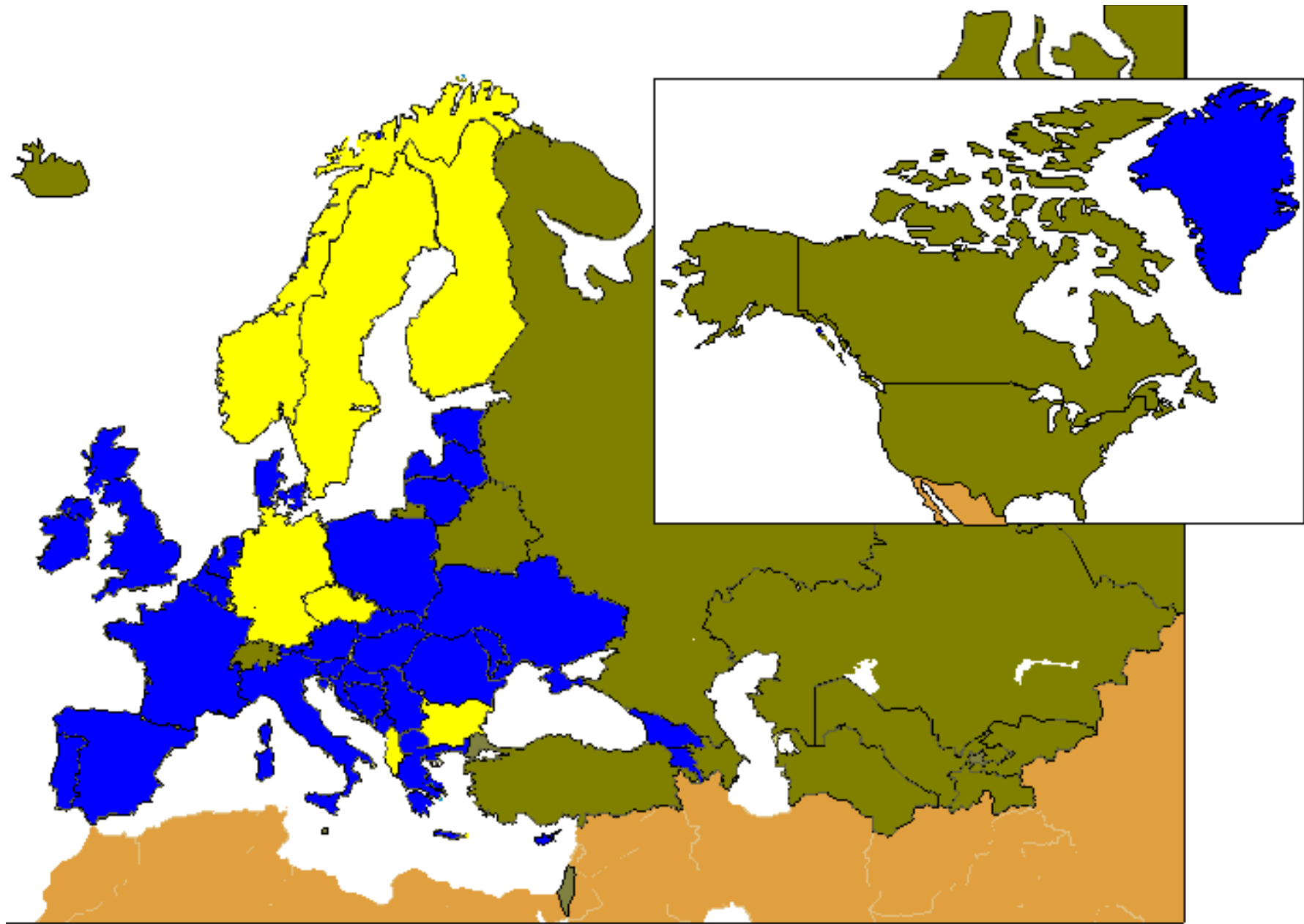


# Belgrade Initiative

- Taken note of by Ministerial Conference
- Welcomed by the Meeting of the Parties
- Meeting in June 2008, Chisinau
- Work programme
- Commitments?
- Workshop in December 2008, Minsk

## OECD/DAC

- OECD/DAC guidance on SEA
- Training materials
- GTZ/InWent SEA training in Caucasus



 signed

 ratified



## Item 10: Definition in detail

- Justification
- Purpose / objectives
- Outcomes / results
- Methodology
- Organizational arrangements
- Time schedule
- Inputs
- Budget

# Item 11: Conclusions



To build capacity to implement fully the Convention, the workshop participants agreed that they would seek to carry out the following

- 1 Subregional training workshop(s) for experts and NGOs on transboundary EIA procedures, with reference to practical experience
  - among Belarus, Republic of Moldova and Ukraine
  - Russian Federation would be invited to participate
- 2 National workshops in Belarus, Republic of Moldova and Ukraine to raise awareness of the Convention among line ministries, other developers (project proponents) and NGOs

To build capacity to implement fully the Convention, the workshop participants agreed that they would seek to carry out the following

- 3 Reviews of national legislation – further to a request to the Convention’s Implementation Committee (not a submission!) – and subsequent technical assistance in revision of legislation, if necessary
- 4 Sharing through the secretariat of information, such as guidelines, training materials and awareness-raising products, that would be of use to others
- 5 Carrying out a pilot project in Belarus, probably relating to decommissioning of a nuclear power plant in Lithuania

The Russian REC and Bellona organizations, with the support of other NGOs (NKO), are planning to undertake an initiative on the promotion of the Espoo Convention in the Russian Federation, which might contribute to ratification of the Convention by the Russian Federation.

- For this purpose, they foresee
  - Informing of NGOs and the public about the possibilities of the Convention's application
  - Collecting information about projects in the Russian Federation, and beyond, that might have transboundary impact
  - Appealing to the President
  - Appealing the Ministry of Natural Resources and Environmental Protection and other agencies
  - Requesting support of the secretariat in the above activities



- Methodology:
  - Activities to attract attention to the Espoo Convention and the opportunities it provides with respect to projects likely to have a significant adverse transboundary impact (target groups: NGOs, activists, journalists)
  - Training sessions (target group: NGOs, activists, project proponents, agencies, journalists, local authorities)
  - Publication / guidance regarding application of the Espoo Convention (target group: activists)
  - Press-conferences (target group: journalists)

# Notes on activities

- Subregional workshop:
  - lead by FP Ukraine, in close coordination with FPs Belarus and Republic of Moldova
  - Invite Armenia
  - Invite Romania and other neighbouring Parties to provide the practical experience
- National workshops in each of 3 Parties
  - to be arranged by FP in coordination with an NGO
- In each instance
  - Co-financing to be sought
  - FPs to provide the information in the table to secretariat, which will work with FPs to secure funding

# Convention on Environmental Impact Assessment in a Transboundary Context

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