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**Economic Commission for Europe****Inland Transport Committee****Eighty-fifth session**

Geneva, 21-24 February 2023

Item 7 (b) of the provisional agenda

**Strategic Questions of a Horizontal and  
Cross-Sectoral Policy or Regulatory Nature:  
Implementation of the International United Nations  
Inland Transport Conventions and Agreements  
(Statements by Delegates)****Regional accession dynamics and the critical role of  
enhancing the monitoring of implementation of key legal  
instruments under the purview of Inland Transport  
Committee****Note by the secretariat\*****I. Background and mandate**

1. Under the purview of the Inland Transport Committee (ITC) of ECE lie 59 United Nations legally binding instruments (Conventions, Agreements and their Protocols), 49 of which are currently in force.
2. At the time of preparation of this note, 151 United Nations Member States are contracting parties to at least one of these instruments. In recent years, the total numbers of accession from outside the ECE region increasingly exceed those from within the ECE region. Section II of this document presents regional dynamics of accessions.
3. This dynamic environment raises the importance of understanding issues related to the implementation of legal instruments, including its monitoring, especially in light of the fact that the pace of accessions appears to accelerate outside the ECE region, where the Committee currently has no regular budget capabilities to extend capacity development support. It is not surprising then that operative clause (d) of the Ministerial resolution “Ushering in a decade of delivery for sustainable inland transport and sustainable development” (ECE/TRANS/316, Annex I) requested the secretariat to identify options for the development of mechanisms to enhance the monitoring of the implementation of key conventions and present a comprehensive policy paper to the ITC for consideration at its

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\* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.



eighty-fifth session. Section III of this paper was prepared as a direct implementation of this operative clause of the Ministerial Resolution.<sup>1</sup>

4. Section IV concludes with a list of possible decisions for the Committee's consideration.

## **II. Regional accession dynamics by regional commission and related considerations**

### **A. Accession dynamics by regional commission**

5. When allocating countries to their regional commissions, it is important to note that many countries are members of more than one regional commission. In some cases, these countries have a clear geographical link to one regional commission and are thus assigned only to this one. In addition to this there are two principal areas where the regional Commissions overlap: in North Africa/Western Asia (countries involved: Algeria, Morocco, Tunisia, Mauritania, Libya, Egypt, Sudan,) and Central Asia (Azerbaijan, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan, Uzbekistan). In these two cases, the countries have been included under the analysis of both regional commissions.

#### **1. The Economic Commission for Europe Region**

6. Of the 1,820 accessions by all contracting parties to all conventions, 1,393 (77 per cent) are from ECE member States. Of these 371 are from the 17 programme countries of ECE that are supported from the Regular Programme of Technical Cooperation (RPTC) of ECE. Luxembourg (44), Netherlands (44) and Serbia (42) lead the way with the most convention accessions of any member State.

#### **2. The Economic Commission for Latin America Region**

7. ECLAC member States account for 80 accessions. Of the 33 member States of ECLAC, only 22 have acceded to at least one of the transport conventions under the purview of ITC. The remaining 11 member States that have not signed any convention are Belize, Bolivia, Colombia, Dominica, Grenada, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Suriname.

#### **3. The Economic Commission for Africa Region**

8. The ECA countries have acceded to 163 transport conventions. Thirty-six countries have acceded to at least one convention, meaning that eighteen (35 percent) have not. The rate of accession from the ECA region has accelerated considerably in the years since the adoption of the ITC Strategy until 2030.

#### **4. The Economic and Social Commission for Western Asia Region**

9. The 20 member States of ESCWA have acceded to 100 different transport conventions. Of the 20 member States, sixteen have acceded to at least one convention, whereas four (Libya, Mauritania, Somalia and Yemen) have not yet acceded to any convention. Countries in the region with the most accessions are Tunisia (18), Morocco (15), Algeria and Jordan (nine each).

#### **5. The Economic and Social Commission for Asia and Pacific Region**

10. Among the 48 member States of ESCAP, 37 member States acceded to 276 separate legal instruments. This means, however, that 12 (or 25 percent) of its members are not

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<sup>1</sup> Scope-wise, it should be noted that the Committee and its subsidiary bodies develop other types of instruments that are not legally binding, such as Resolutions, Rules, Recommendations. This paper will focus exclusively on legally binding instruments under the purview of the Committee, in line with the mandate.

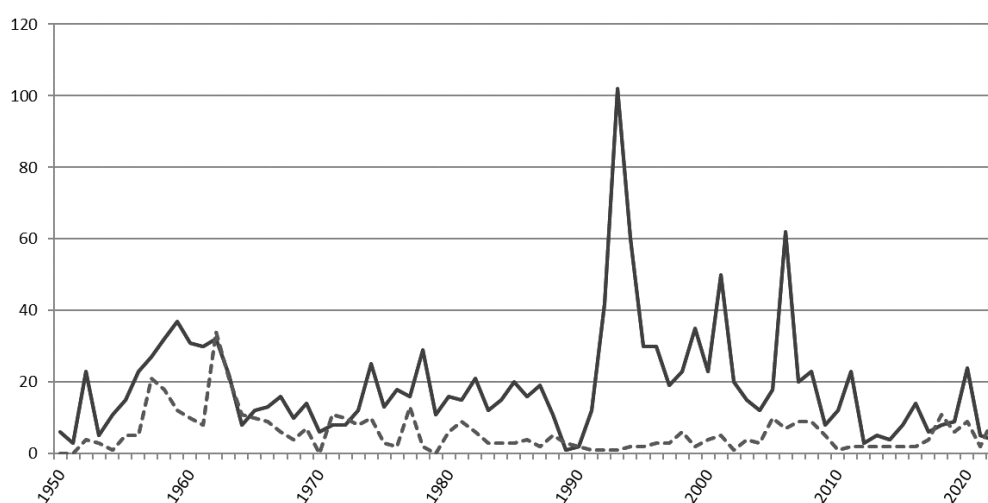
covered by a single transport convention. The countries leading on accessions are the Russian Federation (33), Kazakhstan and Georgia (18 each), all of which are also ECE member States.

## B. Accession dynamics and related capacity development challenges and opportunities

11. Since the adoption of the ITC Strategy until 2030, a notable shift in accession dynamics has taken place. As figure I below shows, on at least three occasions in the past six years, the number of accessions from outside the ECE region has been equal or exceeded those of ECE member States.

Figure I<sup>2</sup>

### Accession of ECE and non-ECE Contracting Parties (1950–2022)



Legend: Solid line: ECE member States - Dotted line: non-ECE member States

Source: ECE

12. This is an important development, considering the enhanced needs for the development of capacities for the implementation of these Conventions and Agreements.

13. With the endorsement of its revised Term of Reference (TOR) by ECOSOC, the ITC is recognized as a United Nations centre providing a comprehensive platform for consideration of all aspects of inland transport development and cooperation, with special attention to **interregional and intraregional** regulatory governance through the United Nations transport conventions and other means.

14. Section 23 of the 2022 “Regular programme of technical cooperation” (RPTC) (A/76/6 (Sect. 23)) addresses programmatically and budget-wise the intra-regional aspects of the above ITC mandate for the 56 ECE member States, especially the 17 programme countries of ECE that are eligible to benefit from RPTC support. The 17 programme countries of ECE collectively account for a **total of 371 accessions** to legal instruments.

15. By contrast, the vast majority of the 95 non-ECE United Nations Member States who are contracting parties to inland transport legal instruments under the purview of the ITC and therefore would need support in line with the above ECOSOC mandate are not covered by the RPTC budget. At the end of 2021, they accounted for a **total of 426 accessions** to legal instruments under the purview of ITC/ECE.

16. Because of the gap between actual needs/demand and capabilities for capacity development in support of this very dynamic subset of contracting parties, it becomes critical to strengthen the understanding of issues related to the implementation of the legal

<sup>2</sup> Reproduced from ECE/TRANS/2023/15, Figure II.

instruments under the purview of the Committee and its monitoring. The following section further analyses this issue and related options.

### **III. Considerations and options for enhancing monitoring and strengthening implementation**

#### **A. General considerations on strengthening implementation**

17. For United Nations inland transport legally binding instruments to have an effect for their Contracting Parties and for citizens at large, they must be implemented. Unimplemented instruments impact reputationally the ITC and the credibility of the international regulatory system as a whole. This in turn increases the risks of regulatory fragmentation.

18. Implementation of such instruments requires that they be applied domestically to have a legal or practical effect, and the enforcement of their provisions, both of which depend on each country's national legal systems. This responsibility to implement instruments in many cases falls largely or solely to the contracting parties of those instrument. In some cases, end-users, whether transport operators, businesses or partners apply the instruments directly.

19. There are a range of mechanisms through which ITC/ECE supports the wider and more effective implementation of transport instruments in terms of knowledge-sharing, guidance, advocacy, capacity building and support. They include:

(a) Capacity-building and technical assistance mechanisms, to provide support to contracting parties in the implementation of international instruments, including training, policy and legal support;

(b) Analytical work to capture trends related to existing instruments in order to strengthen their relevance but also create needed knowledge base for their further development or the creation of new ones;

(c) Advocacy mechanisms, to strengthen visibility (e.g., ITC ministerial sessions, Special Envoy for Road Safety etc); and

(d) Monitoring mechanisms to track the use of international instruments, identify challenges and opportunities in the relevant constituencies and guide further action.

20. The practice of a fifth type of mechanism – compliance mechanisms – is not followed in general for transport conventions, although it is active in legal instruments serviced in other parts of ECE (see for example Aarhus Convention), to strengthen compliance.

#### **B. General considerations on developing options to enhance monitoring**

21. ITC and its subsidiary bodies are not directly in charge of implementing the instruments that they administer and help develop, which is left to their contracting parties. However, ITC can support the development of the necessary mechanisms to support implementation.

22. Monitoring of implementation of legal instruments under the purview of the Committee can occur in three different levels:

- adopting national legal provisions;
- enforcing them;
- reporting on implementation measures.

23. Data on all three levels of implementation, as relevant, can be generated at the national level by the contracting parties through self-assessment and submitted to the secretariat in predefined, structured ways to facilitate their processing and analysis.

24. Monitoring needs to be tailored to the nature of the instrument's specific provisions that translate in actual implementation, the subject matter under consideration, and the

underlying issue it addresses. That means that the base for the monitoring exercise needs to be tailor-made and its outcome will not be “one-size-fits-all”.

25. At the same time, aggregating information to support systemic knowledge creation and a comprehensive “organization-level” approach is central to advancing implementation at aggregate/organization level in an efficient and systematic way that reinforces the implementation of the ITC Strategy until 2030. The lessons arising from the monitoring of implementation of instruments should loop back into the normative process.

26. The logical conclusion of the above considerations is that the exercise will likely benefit from a central overview at ITC level, but also direct implementation at subsidiary body level.

27. Monitoring of implementation, understood as a regular and ongoing process, should provide regular feedback to the intergovernmental considerations. To achieve that, institutionally, reporting on monitoring of implementation of “key conventions” (“Report on the status of implementation and related issues”), can take place:

- in a decentralized way, i.e., at the level of ITC subsidiary bodies directly responsible for the chosen instruments, or
- in a centralized way, i.e., in a comprehensive report to the Committee, similar to the “Status of Accessions” report that is a regular part of the Committee’s plenary sessions, or
- both at the level of ITC and that of the concerned subsidiary bodies.

28. There are several expected benefits from enhancing monitoring of implementation of key conventions.

29. Analysing the data collected through monitoring mechanisms contributes to:

- understand how the United Nations legally binding instruments under the purview of ITC are implemented, to what degree, and for what outcomes and impact;
- identify implementation challenges and evaluate the relevance and efficiency of those instruments. This could take the form of a “Gap report”, providing indicators of how far contracting parties are from full implementation; and
- strengthen implementation.

30. Insights derived from monitoring of implementation can be used to:

- tailor technical assistance at national or regional level;
- facilitate evaluation of instruments and strengthen normative work and impact;
- encourage sharing of knowledge and information between ITC subsidiary bodies;
- encourage dialogue between ITC and its contracting parties.

### **C. Available options for monitoring of implementation**

31. This document covers three options that are currently available to monitor and enhance implementation of the legal instruments under the purview of the Committee, namely:

- (a) Enhanced monitoring of implementation enshrined in conventions’ legal provisions;
- (b) Reporting on implementation challenges and issues during the annual session of ITC;
- (c) Sustainable Inland Transport Connectivity Indicators (SITCIN): a multipurpose instrument to support monitoring.

32. As stated earlier in the paper, legal instruments under the purview of the Committee have been developed in its 75-year history under different circumstances, for different

purposes, with different monitoring requirements and addressing a wide range of inland transport related issues. As such, the above options should not be understood as exhaustive or applying to all key legal instruments.

## **1. Enhanced monitoring of implementation enshrined in conventions' legal provisions**

33. Some legal instruments under the purview of the Committee have explicit provisions on monitoring of their implementation enshrined in the legal documents themselves. A good example is the monitoring of the implementation of vehicle regulations, which is based on legal requirements embedded in the three agreements requesting e.g., 1958 Agreement and its related United Nations Regulations to notify by the type approval authority the designated Technical Services for each of the United Nations Regulations that the Contracting Party applies. This is now done electronically via the so called “/343” app (Art2(2) and Schedule 2 or the 1958 Agreement (ECE/TRANS/WP.29/343/Rev30<sup>3</sup>). Similar provisions exist in the 1997 Agreement requesting notification of Periodic Technical Inspection (PTI) bodies eligible to issue international road safety certificates as well as specimens of such certificates in case their layout would divert from that reproduced in the agreement (ECE/TRANS/WP.29/1074/Rev.18<sup>4</sup>). Following the 1998 Agreement provisions, contracting parties voting in favour of a new United Nations Global Technical Regulation (GTR) or an amendment to an existing one, are obliged to submit it to the national rule-making process for implementing it into their national law and must report on a regular basis on the progress of this process (ECE/TRANS/WP.29/1073/Rev.36<sup>5</sup>).

34. In a nutshell, all three Agreements have a so-called status document providing information on contracting parties and their implementation of the United Nations Regulations, United Nations Rules or United Nations GTRs. The status document of the 1958 Agreement has a part in form of a data application.

35. Other agreements such as the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR/ADN) agreements on the international transport of dangerous goods by road/inland waterways do not contain reporting obligations, but require competent authorities of the contracting parties to notify information related to the implementation of the Agreements through the secretariat. This information is shared with other contracting parties through the ECE website instead of a single status document.

## **2. Reporting on implementation challenges issued during the annual session of ITC**

36. Following the adoption of the ITC Strategy until 2030 and relevant decisions of the ITC Bureau to support its implementation, the agendas of the annual sessions of the Inland Transport Committee have been enriched since 2020 with two new agenda items, namely:

(a) “Implementation of the international United Nations inland transport conventions and agreements (statements by delegates)”, and

(b) “Challenges and emerging trends of inland transport in different regions (statements by delegates)”

37. The purpose of the two agenda items is to assess emerging issues associated with the delivery of the Committee’s mandates as the United Nations centre providing a comprehensive platform for consideration of all aspects of inland transport development and cooperation, with special attention to interregional and intraregional regulatory governance through the United Nations transport conventions and other means.

38. The two agenda items are supported by in-depth papers issued by the secretariat assessing global and regional trends and accession dynamics, as well as identifying key issues, challenges, and emerging trends of relevance in different regions.

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<sup>3</sup> Latest revision at the time of preparation of this document.

<sup>4</sup> Latest revision at the time of preparation of this document.

<sup>5</sup> Latest revision at the time of preparation of this document.

### 3. SITCIN: a multipurpose instrument to support monitoring of implementation

Figure II  
SITCIN LOGO



39. In the framework of a UNDA project entitled “Sustainable transport connectivity and implementation of transport related Sustainable Development Goals in selected landlocked and transit/bridging countries”, the ECE Sustainable Transport Division has developed a comprehensive set of 215 Sustainable Inland Transport Connectivity Indicators (SITCIN). The indicators are structured within three pillars of sustainability and applied across the four inland transport sectors including road, rail, inland waterways, and inter-modal transport.

40. SITCIN offers a state-of-the-art evaluation tool, a five-stage comprehensive self-assessment process for Governments interested in improving their transport system performance. Its main objective is to provide a self-assessment tool offering a universal set of measurable criteria enabling countries to monitor their degree of inland transport connectivity, both domestically and bilaterally/sub-regionally as well as in terms of soft and hard infrastructure, across road, rail, inland waterways, and inter-modal transport sectors.

41. By using the SITCIN an interested Government can:

- evaluate and self-assess the extent to which it implements the relevant UN legal instruments, agreements, and conventions in the field of inland transport effectively;
- assess the degree to which its inland transport system is inter-operable with the systems within its respective (sub-)region (inter-operable, e.g., in terms of harmonization of infrastructure standards and technical parameters, as well as in terms of coordination and integration of administrative procedures and regulatory regimes in place);
- assess the country's degree of external economic connectivity in terms of efficiency of inland transport, logistics, trade, customs, and border crossing facilitation processes; and
- assess and report on the country's progress in implementing the transport related Sustainable Development Goals (i.e., 2030 Agenda) and their commitments under the Vienna Programme of Action for Landlocked Developing Countries (for the decade 2014-2024).

## V. Conclusion

42. With better information on the implementation of key conventions, ITC can more effectively administer, update, and modernize existing instruments or develop new ones, depending on the actual needs. In a fast-paced ever-changing regulatory environment, including due to rapid technological advancements, monitoring of implementation of legal instruments is essential for ITC. Furthermore, monitoring implementation can also provide essential knowledge of the various constituencies, top among them contracting parties at different levels of development and with varied regional and national characteristics and priorities. This can help identify varied needs, demands and target support programmes accordingly.

43. Thus, strengthening monitoring is vital to ensure that the Committee successfully plays its role as “a United Nations centre providing a comprehensive platform for consideration of all aspects of inland transport development and cooperation, with **special attention to interregional and intraregional regulatory governance** through the United Nations transport conventions and other means” (ITC Terms of Reference).

44. To better prepare ECE/ITC for future services to all its contracting parties, it is critical to better understand the needs for technical support for the full implementation of the Conventions and also to create the necessary knowledge basis of interested member States for the Conventions to which they are not yet contracting parties but may wish to become in the future.

45. With a view to achieving this better understanding, the Committee may wish to:

- **invite** its contracting parties and other interested United Nations Member States to share with the secretariat until 28 April 2023 their needs for capacity building, advisory services or other technical assistance for the implementation of the Conventions to which they are already contracting parties and, if appropriate and relevant, their interest in acquiring further knowledge on the Conventions that their Government may wish to accede to in the future;
- **request** the secretariat to prepare with the support of the ITC Bureau a detailed note with analysis of these demands and options to address them and submit it to the Committee for its consideration and possible decisions at its eighty-sixth session in 2024.

46. Furthermore, the Committee is **invited to note** the information on the available options for monitoring of implementation of key conventions under the purview of the Committee and **provide guidance** to the secretariat on ways to enhance the monitoring and implementation of its legal instrument with a view to better support the needs of its member States and contracting parties.

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