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EFFECTS OF INDUSTRIAL ACCIDENTS**

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DRAFT
INTERNATIONALLY SUPPORTED ASSISTANCE PROGRAMME
FOR THE EAST EUROPEAN, CAUCASIAN AND CENTRAL ASIAN
AND THE SOUTH-EAST EUROPEAN COUNTRIES
TO ENHANCE THEIR EFFORTS IN IMPLEMENTING THE CONVENTION

Prepared and submitted by the Bureau
in cooperation with the Secretary of the Conference of the Parties

I. OBJECTIVE

1. The objective of this document is to initiate an internationally supported assistance programme for the East European, Caucasian and Central Asian 1/ (EECCA) as well as for the South-East European 2/ (SEE) countries in the UNECE region. The assistance programme is intended to enhance their efforts to apply the Convention on the Transboundary Effects of Industrial Accidents in practice. Apart from assisting these countries in the Convention's application, the assistance programme should facilitate the ratification/accession by those EECCA and SEE countries that are not yet Parties.
2. The document sets out:
 - (a) The justification for the assistance programme (chap. II);
 - (b) A description of the activities undertaken by the Conference of the Parties prior to drawing up the assistance programme (chap. III);
 - (c) The assistance programme itself: description of the concrete steps to be taken by the EECCA and SEE countries themselves to demonstrate their commitment to implementing the Convention, and description of concrete institutional and human capacity-building (chap. IV); and
 - (d) An action plan defining further steps to be taken by the Conference of the Parties and the EECCA and SEE countries to implement the assistance programme (chap. V).
3. The assistance programme as set out in this document, and after adoption by the Conference of the Parties to the Convention, may prove helpful for the EECCA and SEE countries when applying for financial resources from financial institutions and programmes, especially with a view to carrying out other more complex tasks to fully implement the Convention at a later stage.

II. JUSTIFICATION FOR AN ASSISTANCE PROGRAMME FOR THE EECCA AND SEE COUNTRIES

A. The Convention - a complex multilateral environmental agreement

4. The main objective of the Convention is to improve industrial safety across the entire UNECE region, especially through the prevention of industrial accidents with transboundary consequences. The Convention facilitates multilateral cooperation among Parties to prevent industrial accidents. It also addresses preparedness and response to industrial accidents when they do happen. The Convention is complex and requires for its implementation the coordinated involvement of a number of competent authorities at the national level. Certain tasks under the Convention also require vertical coordination between national authorities and regional and local authorities as well as industry and the public. Finally, implementing the Convention fully requires bilateral cross-border cooperation with neighbouring countries.

B. Status of ratification

5. Currently, 32 UNECE member countries and the European Community are Parties to the Convention. Of the 12 EECCA countries, only six – Armenia (1997), Azerbaijan (2004), Belarus (2003), Kazakhstan (2001), Republic of Moldova (1994) and the Russian Federation (1994) – have ratified or acceded to it. Four of the seven SEE countries – Albania (1994), Bulgaria (1995), Croatia (2000) and Romania (2003) – are also Parties to the Convention. Although this ratification/accession status is quite remarkable, the Working Group on Implementation has concluded, on the basis of individual country implementation reports and other information sources, that the implementation of the Convention in many of these countries is far from complete.

C. Political and economic situation

6. The EECCA countries gained independence only in 1991. They were formerly part of the Soviet Union. Some of the SEE countries, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, became independent following the disintegration of the former Yugoslavia. Albania, Bulgaria and Romania were also heavily influenced politically by the former Soviet Union. The process of building democratic societies in the EECCA and SEE countries began at independence, but it is proceeding at different paces. In certain countries, the political situation remains unstable, due to ethnic conflicts among other reasons. The legal framework is often incomplete and not always favourable to the country's economic development, and its evolution is unpredictable. This, together with an insufficient institutional framework, has a negative influence on the economy.

7. Economically, the EECCA and SEE countries are still in a transition from a centrally planned to a market economy. This process is more painful than it was in the countries in Central and Eastern Europe ^{3/} (CEE). The gross domestic product in the EECCA and SEE countries fell much more sharply in the beginning of the transition than in the CEE countries. Some of the reasons for that are: the economies of most of the EECCA and SEE countries had been highly dependent on the Soviet market, which suffered a steep downturn itself; little flexibility to make the necessary changes to production patterns; a reluctance to look for new sources of energy and raw materials and new export markets; a poorly developed infrastructure; the lack of an effective banking sector; a comparatively low interest in foreign direct investment; and difficult access to foreign capital.

8. This unfavourable political and economic situation had and still has a negative influence on the industrial sector. At the beginning of the transition, production levels dropped severely and in some cases production was discontinued, because industry was unable to adjust quickly to the new economic conditions. Capacity utilization is still often only 30 to 50% of its pre-1990 levels.

9. Hence, the majority of industrial facilities were not modernized and still use obsolete technologies in outdated and poorly maintained installations. Industrial accidents and other safety problems in industrial facilities result from their ineffective management, insufficient human resource development and obsolete or poorly maintained technology, as well as the absence of mandatory safety procedures, regulations and penalties. The level of risk at such installations is already high and will most probably grow with any increase in capacity utilization. To make matters worse, any industrial accident would have an impact on both human health and the environment of an already highly vulnerable society.

D. Key obstacles to acceding to and implementing the Convention

10. The vast majority of the EECCA and SEE countries are faced with an insufficient institutional framework, limited human resource capacities and scarce financial resources, due to the difficult overall political and economic situation just described. These are in themselves obstacles to acceding to and implementing the Convention.

11. Moreover, the horizontal cooperation and coordination of the activities of the different authorities that may be involved in the implementation of specific parts of the Convention is not effective. Furthermore, the Convention's successful implementation requires vertical coordination between national authorities and local authorities as well as industry and the public.

12. Many countries have a wide range of regulations and governmental decisions (dealing with: hazardous chemicals and waste, the protection of the public in emergencies, public health and environmental protection). In principle these constitute in principle a legal framework for preventing and responding to emergencies, including industrial accidents. However, the legal framework rarely meets all the requirements of the Convention.

13. The authorities of many countries have difficulties identifying hazardous activities within the scope of the Convention (classification of substances, threshold quantities, location criteria). Some countries identify hazardous activities according to criteria set in their national legislation that do not correspond to those under the Convention. Some countries do not know how to classify activities that at present handle or process hazardous substances in quantities below the thresholds given in annex I to the Convention but pose a relatively high risk due to their obsolete technology, the poor technical state of their installations and, often, the lack of safety management systems.

14. In many countries, industrial accident notification systems are not operated effectively or around the clock. In some countries, such systems are not in place at all. Most countries have difficulties obtaining adequate equipment and funding to properly operate a notification system and a point of contact within the UNECE Industrial Accident Notification System.

15. The provision of information to the public and public participation of the public in decision-making related to hazardous activities (e.g. in drawing up off-site contingency plans) are essential under the Convention, but inadequate in some of the EECCA and SEE countries.

E. Justification of launching the assistance programme by the Conference of the Parties

16. It is clear from the above that many EECCA and SEE countries do not have the human resource capacities and financial resources to implement on their own a programme to prevent, prepare for and respond to industrial accidents that will enable them to accede to the Convention and implement it. The assistance of the other, more advanced, UNECE countries and the Conference of the Parties is required.

17. The CEE countries also went through a transition to a market economy in the 1990s and know the many challenges that the practical application of the Convention poses in a transition. However, they started from a more favourable situation (better economic and institutional framework, existence of two centres in Budapest and Warsaw established under the Convention).

Most importantly, they were preparing to become members of the European Union and had transpose and implement the “Seveso II” Directive.

18. All of the CEE countries are now active Parties to the Convention and are close to fully meeting its requirements. Together with the other 17 EU member States and other West European countries as well as the Russian Federation, they are willing to share their experience and knowledge to assist the other EECCA and SEE countries in their efforts to implement the Convention.

19. The EECCA and SEE countries will have to overcome the obstacles to the Convention’s implementation themselves but their efforts to do so need to be supported. This was voiced by representatives of these countries already when the Parties to the Convention met for the first time (November 2000) and the Conference of the Parties recognized this. The first and second implementation reports and in particular the outcome of a number of seminars, workshops and response exercises, confirm that these obstacles are more substantial than those earlier confronted by the CEE countries. The need for external international assistance is, therefore, greater.

20. The EECCA and SEE countries fall within the geographical scope of the Convention. In most cases, these countries cannot at present benefit from assistance within the process of EU accession. So it is up to the Conference of the Parties to launch this assistance programme for them. However, the implementation of the assistance programme needs to be substantially and financially supported by the Parties to the Convention, both by the UNECE member countries and the European Community as well as by other financial institutions and programmes.

III. ACTIVITIES UNDERTAKEN PRIOR TO DRAWING UP THE ASSISTANCE PROGRAMME

A. Activities aimed at capacity-building in countries with economies in transition

21. The Conference of the Parties to the Convention recognizes that countries with economies in transition are faced with difficulties in acceding to and implementing the Convention. Therefore, in its four years of existence, it has organized a number of important activities to share experience and transfer knowledge among the Parties and other UNECE countries and better understand the obstacles and needs of the EECCA and SEE countries. Among these activities are:

(a) The international workshop and exercise on industrial safety and water protection in transboundary river basins, held in Tiszaújváros, Hungary, on 3-5 October 2001;

(b) The Polish-Russian transboundary response exercise “Kotki 2002” and the international seminar on preparedness for and response to industrial accidents and the mitigation of their transboundary effects, held in Ketrzyn, Poland, on 13-15 June 2002;

(c) The workshop on the facilitation of the exchange of safety management systems and safety technologies, held in Chisinau on 4-5 November 2002; and

(d) The first consultation and training session for the points of contact for the purpose of industrial accident notification and mutual assistance within the UNECE Industrial Accident Notification System, held in Bratislava on 10-11 November 2003.

22. A major step in identifying the specific obstacles and needs of the EECCA and SEE countries was the subregional workshop on the Convention's implementation in the Caucasian and Central Asian countries, held in Erevan on 13-15 March 2003.

**B. Subregional workshop on the Convention's implementation
in the Caucasian and Central Asian countries**

23. The objectives of the workshop were to identify the key obstacles encountered by the Caucasian and Central Asian UNECE member countries in acceding to and implementing the Convention; to provide information on the Convention and the "Seveso II" Directive and on how they were being implemented in other countries of the UNECE region; and to try to work out an internationally supported programme to assist the above-mentioned countries in overcoming their problems. This workshop was instrumental in drawing up and launching this assistance programme.

24. The workshop concluded that:

(a) The Caucasian and Central Asian countries themselves had to undertake considerable work and effort to accede to and implement the Convention, and show their commitment;

(b) Strong commitment by all actors involved in the prevention of, preparedness for and response to industrial accidents was essential to apply the Convention successfully; and

(c) An internationally supported assistance programme should be drawn up to enhance the efforts of these countries in acceding to and implementing the Convention, taking into account their difficult economic and financial situation.

25. The workshop, with respect to the last of these conclusions, identified nine concrete elements for an internationally supported assistance programme (CP.TEIA/2003/2). These elements were all considered in drawing up this assistance programme.

**C. Recommendation of the Working Group on Implementation to draw up an assistance
programme for the EECCA and SEE countries**

26. The Working Group on Implementation, at its second meeting (March 2004), concluded on the basis of the outcome of all the above activities and the individual country implementation reports that the challenges in acceding to and implementing the Convention facing the countries of Eastern and South-Eastern Europe were very similar to those in the Caucasian and Central Asian countries. It, therefore, recommended that an internationally supported assistance programme should be drawn up for all the EECCA and SEE countries. The Bureau of the Conference of the Parties, at its fifth meeting (March 2004), welcomed this recommendation and decided to draw up the programme accordingly.

IV. THE ASSISTANCE PROGRAMME

This chapter presents in ten sections, corresponding to the main obligations under the Convention, the tasks, which have to be undertaken to progress towards the full implementation of the Convention. Each section presents first the tasks, which the EECCA and SEE countries can, and have to, undertake themselves. The second paragraph of each Section describes the external assistance that they will receive through the assistance programme.

A. Availability of the Convention and other documentation in national languages

27. The countries should make the Convention and, to the extent possible, other documentation available to all the national, regional and local authorities involved in industrial accident prevention, preparedness and response, as well as to the industrial sector. In those countries where Russian is not widely understood, this implies that they should provide a translation of the Convention and the documents considered vital for its implementation in their national languages.

28. The assistance programme will provide a translation into Russian of the documents considered vital for the implementation of the Convention in the EECCA and SEE countries. The translations will be made available on the Convention's web site.

B. The Convention and the national legal framework

29. To prepare for the transposition of the Convention into national law, the countries should review all their national legislation on industrial accidents prevention, preparedness and response in the light of the articles of the Convention. They should do so to identify areas that are not or inadequately covered or covered by conflicting texts as well as to identify all authorities involved in the application of the legislation and their tasks.

30. The assistance programme will provide a legal advisory service to the countries to advise them how best to cover the gaps that they have identified in their national legislation to transpose the Convention. It will also provide technical expertise in allocating tasks to the different authorities involved.

C. Competent authorities

31. After identifying the role of all the authorities involved in the application of the legislation, the countries should designate or establish one or more competent authorities that will be responsible for the implementation of the Convention. They should provide information on these authorities to the other Parties through the UNECE secretariat.

32. The assistance programme will provide information, experience and best practices in establishing cooperation among national competent authorities (horizontal dimension) and between national, regional and local authorities (vertical dimension), including industry and the public. Existing instruments, such as the Awareness and Preparedness for Emergencies at a Local Level (APELL) programme of the United Nations Environment Programme, may be used to transfer established practices.

D. Identification of hazardous activities

33. The countries should as a first step, identify and draw up a list of all industrial installations on their territory which handle, store or produce hazardous chemical substances in “large” quantities.

34. The assistance programme will provide technical expertise in identifying hazardous activities. It will make available databases and lists of hazardous substances to help define “large” quantities and select those hazardous activities that fall under the Convention according to the substance and quantity criteria contained in its annex I and to the location criteria contained in the Guidelines to facilitate the identification of hazardous activities for the purpose of the Convention.

E. Notification of hazardous activities to neighbouring countries

35. The countries should clearly designate the competent authority in charge of notifying any potentially affected Party of any existing or proposed hazardous activity. They should also establish a system to ensure that the designated authority always has up-to-date knowledge on hazardous activities. The designated authority should also establish contact with its counterparts in the neighbouring countries.

36. The assistance programme will provide, upon request, information and best practices in establishing cooperation to notify the identified hazardous activities to neighbouring countries.

F. Preventive measures

37. The countries should establish concrete terms of reference for the authorities that ensure that hazardous activities are carried out safely by the operators. They should provide an estimate of the personnel available and of the personnel needed to fulfil this task.

38. The assistance programme will provide capacity-building activities to advise on best practices and solutions in drawing up preventive policies and measures, and in implementing and enforcing them. It will facilitate an effective dialogue between competent authorities and operators of hazardous activities to improve industrial safety, including the development of inspection and audit systems and assistance in establishing industrial organizations as a partner in the dialogue. It will also provide technical advisory services to increase the capacities to manage risk (e.g. possible pilot projects at selected hazardous activities).

G. Points of contact for the purpose of industrial accident notification and mutual assistance

39. The countries should designate or establish one or two points of contact for the purpose of industrial accident notification and mutual assistance and provide information on these points of contact to the other Parties through the secretariat. These points of contact should be operational within the UNECE Industrial Accident Notification System 24 hours a day. The countries should prepare a document describing in some detail their equipment, the qualification of their personnel and their way of working.

40. The assistance programme will draw up quality criteria against which the countries will be able to assess the quality of their points of contact. Training sessions will be organized to make the points of contact more effective.

H. Industrial accident notification systems

41. The countries should prepare a document describing in some detail the implementation of the UNECE IAN System at national level. They should also establish where accident notification systems are necessary at the regional and local levels.

42. The assistance programme will provide advice on establishing industrial accident notification systems at national, regional and local levels. Further advice may be provided through transboundary pilot projects

I. Emergency preparedness and response, mutual assistance

43. The countries should establish at the appropriate level (national/regional/local) whether adequate on- and off-site contingency plans have been established for the industrial installations identified according to chapter IV. They should set up a programme for the establishment of such contingency plans where they are still lacking. They also should assess whether the equipment and personnel of the emergency services are adequate. Furthermore, they should be prepared to render, to the extent possible, assistance to a neighbouring Party requesting it in the event of an industrial accident. To this effect the countries should ensure that their points of contact are fully operational to receive and reply to such requests.

44. The assistance programme will provide technical advisory services for emergency preparedness and response. Capacity-building activities will be organized to assist the countries, including their hazardous activities and local authorities, in drawing up on-site and off-site contingency plans. The programme will also provide transboundary pilot projects for the countries to assist them in establishing bilateral cooperation and in drawing up bilateral agreements in this respect. Advice in drawing up joint cross-border off-site contingency plans or making such plans compatible will also be part of transboundary pilot projects.

J. Information to and participation of the public

45. The countries should demonstrate their willingness to implement the Convention's provisions concerning information to and participation of the public by launching an effective campaign to raise the awareness and recognition of the importance of the Convention and gain commitment to working towards increasing industrial safety and cross-border security from all stakeholders and by widely informing the public of the objectives and steps of the assistance programme. The information in regions close to the border with another participating country should be made jointly by both countries.

46. The assistance programme will organize capacity-building activities to assist national and local authorities to meet the Convention's obligations in this respect.

V. ACTION PLAN TO IMPLEMENT THE ASSISTANCE PROGRAMME

A. Preparatory phase (duration approximately two years)

47. The preparatory phase consists of three steps:

Step 1: The draft assistance programme will be available and open for comments by all the Parties and other UNECE member countries before and during the third meeting of the Conference of the Parties. Written comments received by the secretariat will be reproduced. Together with the assistance programme, they will be subject to discussion by the Conference of the Parties. The final version of the assistance programme, as adopted by the Conference of the Parties, will be issued as a document.

Step 2: A high-level meeting will be organized in 2005 to obtain a firm commitment from the EECCA and SEE countries towards the practical application of the Convention, i.e. first of all, to obtain a commitment to implementing the tasks listed in the first paragraphs of sections A to J of the assistance programme or a confirmation that they have already been implemented. This commitment/confirmation will allow these countries to receive external assistance to implement the more complex tasks listed in the second paragraphs of sections A to J. In this respect, the heads of delegation of the EECCA and SEE countries will be expected to adopt a joint declaration. It is expected that officials from all the ministries likely to be involved in the implementation of the Convention will represent the EECCA and SEE countries at least at the deputy-minister level. It is also expected that financial institutions and programmes as well as the Conference of the Parties to the Convention and the UNECE secretariat will be represented at the meeting.

Step 3: A fact-finding team (2-3 experts) will visit some of the capitals of the EECCA and SEE countries that are committed to implementing the Convention to meet high officials in the ministries and agencies that will be involved in the Convention's implementation. The team will also meet officials from other committed EECCA and SEE countries in Geneva. The team's task will be to:

- (i) Review the implementation of the tasks listed in the first paragraphs of sections A to J of the assistance programme;
- (ii) Gain more insight into: the particular areas for which capacity-building activities and advisory services are needed; the possibilities for launching transboundary pilot projects and joint exercises among neighbouring EECCA and SEE countries; and
- (iii) Report its findings, in particular the tasks listed in the second paragraphs of sections A to J which are of interest to each of the participating EECCA and SEE countries, to the Bureau.

B. Implementation phase (upon successful completion of the preparatory phase)

48. Those EECCA and SEE countries which implemented the tasks listed in the first paragraphs of sections A to J can participate in the different activities held and/or offered within the assistance programme.

49. Assistance to the participating countries may consist of:

(a) Capacity-building activities in the areas defined in step 3. These activities will consist of workshops, training sessions and exchange programmes;

(b) Advisory services in selected areas defined in step 3; and

(c) Transboundary pilot projects and joint exercises on the basis of existing programmes (e.g. the UNEP APELL programme) according to the findings of step 3.

50. To use the resources needed to organize capacity-building activities and draw up transboundary pilot projects within the assistance programme effectively, the participating EECCA and SEE countries will be grouped according to their interests in receiving assistance on the issues identified in step 3.

51. The assistance will be provided in such a way as to fully use existing mechanisms and international institutional arrangements, e.g. the Regional Environmental Centres for the Caucasus, for Central Asia and for Eastern Europe.

C. Reporting on the implementation of the assistance programme

52. The Bureau together with the Working Group on Implementation and with the support of the secretariat will prepare a report on the results of the preparatory phase of the assistance programme. This report will be presented to the Conference of the Parties at its fourth meeting.

53. The Bureau together with the Working Group on Implementation and with the support of the secretariat will also prepare a report on the results of the implementation phase of the assistance programme. In addition, the Bureau will inform the Conference of the Parties of progress at each of its future meetings during the programme.

D. Human and financial resources for the assistance programme

54. The preparatory and implementation phases as well as the reporting on the assistance programme will require additional staffing in the Convention's secretariat and additional financial resources.

55. The secretariat, guided by the Bureau, will be responsible for organizing and managing the activities under the assistance programme. Therefore, the engagement of one additional staff member is expected. This post will be funded through extrabudgetary resources. The financial implications are estimated at approximately US\$ 140,000/year.

56. The organization of activities and advisory services under the assistance programme as well as the participation of experts from participating EECCA and SEE countries in these events will be financed by contributions from donor countries and financial institutions and programmes to the trust fund under the Convention.

57. It is expected that the preparatory phase of the assistance programme will require US\$ 148,000 – 175,000 (excluding the additional staff at the secretariat of the Convention). This amount can be broken down as follows:

(a) For step 2: 19 countries x 2 representatives x US\$ 1,500 = approximately US\$ 60,000 + organizational costs = US\$ 40,000 = US\$ 100,000;

(b) For step 3: 19 field missions or meetings in Geneva x 2-3 experts x US\$ 1,500 = approximately US\$ 60,000 – 90,000.

58. It is quite difficult at this stage to foresee the global amount required for the implementation phase. It will depend on the duration, scope and number of participating countries. These facts will be known only after the preparatory phase. The report on the preparatory phase will therefore contain a detailed estimate of the costs for the whole duration of the implementation phase of the assistance programme.

59. A detailed report on contributions to, and expenditures of, the assistance programme will be prepared by the secretariat and presented to the Conference of the Parties for its endorsement at each of its future meetings during the programme.

E. Fund-raising

60. The activities under the assistance programme and its management will be financed through the trust fund established under the Convention. The funds earmarked for the assistance programme will be managed by the Convention's secretariat in consultation with the Bureau of the Conference of the Parties and particular donors. The required financial resources are expected to come from voluntary contributions towards the implementation of the assistance programme from Parties to the Convention, in particular the West European UNECE member countries as well as the European Commission. It is also expected that other international organizations, financial institutions and programmes will contribute. To this end, donors' coordination meetings are envisaged; the first one may take place within the framework of the third meeting of the Conference of the Parties.

Notes

1/ EECCA countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.

2/ SEE countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Romania, Serbia and Montenegro, and The former Yugoslav Republic of Macedonia.

3/ CEE countries: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.