



# Opening of the Industrial Accidents Convention beyond the ECE region

**Franziska Ilg-Hirsch**  
**Virginia Fusé**

UNECE Industrial Accidents Convention Secretariat

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# Outline

1. Considerations with regard to the opening of the Industrial Accidents Convention: possible benefits and challenges
2. Activities related to industrial safety and transboundary aspects beyond the ECE region
3. Considerations with regard to a global Convention on the prevention of transboundary harm from hazardous activities and the allocation of loss in case of such harm by the ILC and the GA





# 1. Background

- CoP-7 requested Working Group on Development (WGD) to evaluate numerous areas for possible amendments, incl. opening the Convention beyond the ECE region
- WGD decided that, due to the strategic nature of the topic, a thorough discussion should take place at CoP-8, on the basis of background information provided by the secretariat:
  - Opening of the Industrial Accidents Convention. Considerations and options with regard to a possible amendment (ECE/CP.TEIA/2014/6)
  - Opening of environmental instruments of the ECE and their promotion beyond the region (ECE/CEP/2014/6)





# 1. Overview: ECE MEAs

- **Open to all UN member States since adoption:**
  - Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters (Aarhus Convention)
  - Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs)
  - Protocol on Strategic Environmental Assessment (Protocol on SEA)
  - Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (Protocol on Civil Liability, not in force)
- **Amendments adopted** to open beyond the ECE region:
  - Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) (2001, entry into force in 2014)
  - Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) (2003, entry into force in 2014)







# 1. Overview: ECE MEAs

- **No decision to open beyond the region**
  - **Convention on Long-Range Transboundary Air Pollution**
    - Continue efforts to attract participation from non-ECE delegations and experts, esp. on issues related to the hemispheric transport of air pollution
    - Extend outreach activities to regions developing their own agreements on air pollution
  - **Protocol on Water and Health**
    - Decision to focus on achieving a higher number of ratifications (26 Parties in December 2014) and significant number of improvements in ECE region





# 1. Possible benefits and challenges

- Enhanced levels of industrial safety in a transboundary context
  - Improved institutional, administrative, legal frameworks
  - International sustainable development commitments
  - Enriched exchange of experiences and good practices
  - Awareness, Outreach, partnerships
  - Organizational and budgetary implications
- ➔ New financing opportunities?





# 1a. Enhanced levels of industrial safety (1)

- Enhanced levels of industrial safety for ECE region and beyond
  - Accidents do not stop at borders
  - «Taking into account that the effects of industrial accidents may make themselves felt across borders, and require the cooperation among States» (Preamble, Industrial Accidents Convention)
  - Example: Jilin, China, accident (2005) affecting the Russian Federation





# 1a. Enhanced levels of industrial safety (2)



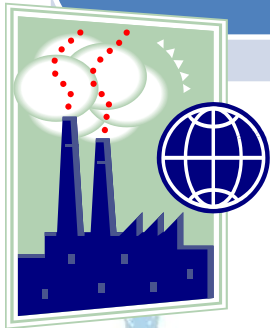
Potential benefits for investment, trade and economic development

Investments in safer technologies, human and administrative capacities, skills, administrative procedures

More stable policy and governance, legal frameworks

Potential of attracting enhanced investments, including FDI

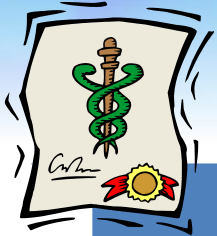
Potential benefits for trade and economic development







# 1b. Improved institutional, administrative, legal frameworks



- Improvements in national institutional and legal frameworks
- Development of human and administrative capacities



- Improved coordination among:
  - Authorities (horizontal and vertical)
  - Authorities-Industry
  - Authorities-Public



- Improved cooperation with neighbouring countries
- Strengthened regional cooperation





# 1c. Implementation of international sustainable development commitments

Convention could become a tool for States to implement Rio Earth Summit Declaration (1992), and subsequent commitments:

- **Rio Principle 2:** State responsibility to ensure that activities are carried out without damage caused to the environment of other States
- **Rio Principle 18:** Need for States to notify other States about emergency situations with potential effects for other States
- **Rio Principle 19:** States to notify and provide relevant information to other potentially affected States regarding activities that may have a significant adverse transboundary environmental effect





# 1d. Enriched exchange of experiences and good practices

- Experience of other ECE MEAs:
  - Representatives from approx. 50 countries from outside the region in **Water Convention** global workshops and meetings >> Exchange of experiences demonstrated new aspects and approaches
  - Global Roundtable on PRTRs >> Interest from Central and South American States in **Protocol on PRTRs**
  - **Aarhus Convention:** Participation of representatives of Latin America and Asia in meetings and projects >> Promotion of Aarhus principles in other regions
  - **Espoo Convention:** participation from other regions (incl. Mediterranean, Asia) and international financial institutions





# 1e. Awareness, outreach, partnerships

- Increased awareness at political level
- Increased visibility among other communities, and public
- Potential new strategic partnerships
- Potential new funding opportunities e.g. from Ministries of foreign affairs, Development cooperation agencies
  
- Experience of other ECE MEAs demonstrates increased interest by Foreign Affairs, and increased visibility at the global level







# 1f. Organizational and budgetary implications

- Official meetings with interpretation in **other UN languages**
- Increase in participation of non-ECE region countries
- >> **Financial support to representatives from developing countries** (interested in accession)
- **Possible new financing opportunities** from global programmes or initiatives of national development cooperation agencies and international programmes incl. GEF (providing financing to Water, PRTRs) specifically for participation of countries beyond the ECE region
- **Increase of number and scale of workplan activities**





## 2. Activities by other UN regional commissions

- Bureau invited secretariat to contact other UN regional commissions and global organizations to investigate which initiatives with a similar objective and scope of the Convention existed
  - Other UN regional commissions:
    - Economic Commission for Africa programmes on Disaster Risk Reduction, Regional Integration and Trade (incl. activities on industry)
    - Economic Commission for Asia and Pacific “green growth” and “green economy” programmes
    - Economic and Social Commission for Western Asia “Green Production Sectors” programme
    - Economic Commission for Latin American and the Caribbean “natural resources and infrastructure” and “Sustainable development and human settlements” programmes
- ECE only UN regional commission with a dedicated industrial safety unit servicing a Convention





## 2. Other relevant international activities

- **UNEP** global and regional activities:
  - **Strategic Approach to International Chemicals Management (SAICM)**
  - **Flexible Framework Initiative:** capacity building activities in China, Sri Lanka, Tanzania, Thailand
- Bilateral agreements – North America:
  - Commission for Environmental Cooperation (US, Canada, Mexico)
  - **US-Mexico 2008 Agreement on cooperation in emergency management in cases of natural disasters and accidents** (superseding 1980 agreement of cooperation for disasters)
  - **Canada-US 2009 Agreement on Emergency Management Cooperation** (Supersedes 1986 Agreement on Cooperation in Comprehensive Civil Emergency Planning and Management, which superseded 1967 Agreement concerning Civil Emergency Planning)





### 3. Considerations concerning a global convention (1)

The WGD, at its 4<sup>th</sup> meeting (28 -29 April 2014) requested the secretariat to provide clarification about the status of the possible start of negotiations on a global convention on the prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm.







### 3. Considerations concerning a global convention (2)

Resolution 3071 1973 → the International Law Commission (ILC) to undertake a study on “International liability for injurious consequences arising out of the performance of other activities”

The ILC of the General Assembly (GA) and the UN GA have been discussing since **1978** issues closely related to the text of the Convention and the Protocol on Civil Liability.

In **1978** the ILC decided to work on a study related to the prevention of and international liability for damage not involving breaches of international law.

In 1997, the ILC splits the study 2 into two parts,

1. one dealing with **prevention** and
2. the other dealing with **liability**





### 3. Considerations concerning a global convention (3)

Result:

Work on **Prevention**

Work completed in 2001 draft **articles** on prevention

The ILC recommended to the GA the elaboration of a **convention** on “activities not prohibited by international law which involve a risk of causing significant **transboundary harm** through their physical consequences”





### 3. Considerations concerning a global convention (4)

Result:

Work on **Liability**

In 2006 “draft **principles** on the allocation of loss in the case of transboundary harm arising out of hazardous activities”

ILC → **NO convention** recommended, but recommended the GA to endorse draft principles to be implemented by member states → GA agrees and adopts resolution 61/36 **adopted in 2006**





# 3. Considerations concerning a global convention (5)

## Current status:

- The Member States could not agree whether a convention should be elaborated on prevention
- Recurrent call from Member States to merge the two topics (on prevention and on liability, providing both with the same status)
- In 2013 the GA invited Member States to submit further comments on the **form** of the articles and principles (resolution 68/114)
- The discussion will be continued at the GA 71<sup>st</sup> session in September 2016







# Invitation to thoroughly consider possible opening

on the basis of:

- Possible benefits and challenges
- Experiences of other ECE MEAs
- Existing activities related to industrial safety and transboundary aspects
- Deliberations of the ILC and the GA





# Possible way forward

## CoP-8 could request the secretariat to:

- Promote the objectives and principles of the Convention in other regions through outreach, and partnerships, with the support of relevant bodies
- Approach the other UN regional commissions to identify relevant counterparts to promote awareness of the Convention, its experiences and principles among interested countries
- Establish dialogue with ILC and GA
- Invite non-ECE countries to participate in meetings and events organized under the Convention





# Thank you for your attention

<http://www.unece.org/env/teia/welcome.html>

[teia.conv@unece.org](mailto:teia.conv@unece.org)

