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### SIXTH MINISTERIAL CONFERENCE “ENVIRONMENT FOR EUROPE”

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### IMPLEMENTATION OF UNECE MULTILATERAL ENVIRONMENTAL AGREEMENTS

Prepared by the UNECE secretariat<sup>1</sup>

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<sup>1</sup> This document has been prepared in full draft form by the secretariat but is still subject to final editing and amendment by the Bureaux of the governing bodies of the Conventions. The document is based upon the previously prepared outline structure and is currently some 3,000 words too long. Detailed editing will ensure that the final document is an appropriate length.

## **Introduction**

1. This note was prepared by the secretariat to support discussions on the implementation of the UNECE Conventions and protocols at the Sixth Ministerial Conference “Environment for Europe” in Belgrade in 2007. It provides an overview of major cross-cutting issues related to implementation including ratification, reporting, funding, capacity-building as well as outreach and sharing of information with other regions. For each issue there is an assessment of progress achieved and an outline of lessons learnt and further challenges.
2. The note aims to provide a basis for Ministers to identify further policy recommendations and thus give impetus to national governments to reinforce the implementation of these multilateral environmental agreements (MEAs).

### **I. BACKGROUND**

3. UNECE has negotiated five environmental conventions, all of which are now in force: the Convention on Long-range Transboundary Air Pollution, the Convention on Environmental Impact Assessment in a Transboundary Context; the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, the Convention on the Transboundary Effects of Industrial Accidents, and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.
4. However, despite the numerous successes of the MEAs, the governing bodies of the Conventions are aware that further implementation of the instruments is desirable. Many countries are still not party to all agreements, and some Parties fall short in honouring their obligations to certain instruments.
5. Political will is vital for promoting ratification and implementation of, as well as compliance with, the MEAs and the Environment for Europe process has provided an international forum for raising political awareness to promote national action. At the last conference in Kiev, Ministers adopting the Protocol on SEA, the Protocol on Civil Liability and the Protocol on Pollutant Release and Transfer Registers invited all eligible states to become parties to these instruments, and all interested UNECE States that had not yet ratified or acceded to the Conventions to do so at the earliest opportunities.
6. Ministers also stressed the need for better compliance and implementation of the UNECE MEAs by adopting the Guidelines for Strengthening Compliance with and Implementation of Multilateral Environmental Agreements in the ECE region (ECE....). These “Kiev Guidelines” identified obstacles to national implementation and compliance, addressed key issues in the development of MEAs, and presented a menu of options for strengthening implementation and compliance of MEAs as well as their reporting. The practical and comprehensive approach applied in the Kiev Guidelines continues to make them a useful tool for providing precise and focused

guidance, addressing implementation and compliance difficulties, sharing solutions and exchanging experience.

## **II. RATIFICATION OF CONVENTIONS AND THEIR PROTOCOLS**

### **A. Progress achieved**

7. All five UNECE environmental conventions are in force and have continued to attract additional parties throughout their history. Their governing bodies have repeatedly stressed the need for additional ratifications, especially of those protocols adopted most recently, and have taken steps to encourage new parties.

8. The UNECE Conventions and their protocols are open to member States of the Economic Commission for Europe (ECE), as well as States having consultative status with ECE, and by regional economic integration organizations constituted by sovereign States of ECE. Currently, 50 of the 56 ECE member States are Parties to the Convention on Long-range Transboundary Air Pollution, 41 to the Espoo Convention and the Aarhus Convention, 35 to the Convention on the Transboundary Effects of Industrial Accidents and the Water Convention. The European Community is also a Party to the five Conventions as a regional economic integration organization.

9. The number of Signatories not ratifying conventions is generally small. Only 2 of the original Signatories to the LRTAP Convention did not ratify it (The Holy See and San Marino). Three Signatories did not ratify the Espoo Convention (Iceland, the Russian Federation and the United States) and the TEIA Convention (Canadas and the United States) and two have not ratified the Aarhus Convention (Monaco and Switzerland). Five Signatories to the Water Convention have not yet become Parties to it (United Kingdom, Germany, Iceland, Ireland and Liechtenstein). However, seventeen Signatories have not ratified the Protocol on Water and Health to the Water Convention and 16 have not become Parties to the Gothenburg Protocol to the LRTAP Convention.

10. While most of the EU members states have acceded to the Conventions, the number of Parties is significantly smaller among the EECCA and SEE countries. Six of the EECCA countries are Parties to the Water Convention and/or the TEIA Convention, 7 are Parties to Espoo Convention. The LRTAP Convention has 9 Parties from among the EECCA countries, but none of them are Parties to its more recent Protocols. An exception is the Aarhus Convention, which has been ratified by 11 out of the 12 EECCA countries are Parties to it. The Aarhus Convention, the TEIA Convention and the Water Convention have two Parties from the SEE region, the Espoo Convention – 3 and the LRTAP Convention – 5.

11. The first Protocol to the LRTAP Convention, for funding EMEP, has proved very successful. It took just over three years to enter into force from the time of its adoption. It provides a stable basis for the EMEP scientific work that is essential for the Convention (as well as a resource used by other bodies and organizations). The

next two Protocols, on sulphur and on nitrogen oxides, were relatively simple and had small numbers of Signatories, but they quickly entered into force and a vast majority of Signatories ratified. Only the Protocol on Nitrogen Oxides has encountered some implementation problems. The Protocol on VOC took nearly six years for entry into force. In addition, several Signatories have failed to ratify the Protocol and several Parties to the Protocol have had problems meeting their obligations (these have been investigated by the Implementation Committee). There is no clear pattern to help explain why countries failed to sign or failed to ratify the Protocol. The 1994 Oslo Protocol was the first effects-based protocol. Its complex way of defining targets, setting a separate emission ceiling for each country, may make the process of accession more complicated since only those countries involved in the negotiations have listed targets in the Protocol. Therefore, countries wishing to accede to the Protocol must get proposed targets approved by the Executive Body before accession. The Protocol also has detailed annexes specifying emission limit values for various sources as well as guidance on technologies to be used. Only 28 Parties to the Convention, out of the then 37 Parties, signed the Protocol, and entry into force, despite the greater total number of Parties to the Convention took more than four years. The Protocol on Heavy Metals and the Protocol on POPs took over five years to enter into force. Ratifications of both have continued since that time. This increase may indicate a wish of countries to participate fully in the review of the Protocols. The Gothenburg Protocol took 6 years to enter into force. Currently, it has 20 Parties, which include 16 EU member states, the European Community, Norway and Switzerland. None of the EECCA or the SEE countries has ratified the Protocol. 16 of its Signatories have not yet become Parties.

12. The three Protocols signed in 2003, at the Ministerial Conference in Kiev, have received very few ratifications. The Protocol on Strategic Environmental Assessment to the Espoo Convention and the Protocol on Pollutant Release and Transfer Registers (PRTR) to the Aarhus Convention, which have 37 Signatories each, have received 4 and 2 ratifications respectively.

13. The Protocol on Civil Liability under the Water Convention and the Convention on TEIA which has 24 Signatories, has received 1 ratification to date.

## **B. Problems and challenges**

### *Slower rate of ratifications*

14. Apart from the Convention on LRTAP and its first three Protocols, there has been a slower rate of ratification of the more recent conventions and protocols, despite the larger number of Signatories, with the exception of the Aarhus Convention. Subsequent protocols to the LRTAP Convention have not proved as successful. Since 1990 there has been an increasing complexity in the obligations of the protocols (though the 1994 Oslo Protocol has shorter annexes than the 1991 Protocol on VOCs); an increasing number of Parties to the Convention, though the number of

ratifications for a protocol to enter into force has remained at 16. A continuing small number of countries do not sign protocols. Some may seem remote from activities in Europe and North America, e.g. Iceland, some have significant territories outside of Europe, e.g. Turkey, and some are countries with economies in transition, e.g. Belarus, Bosnia and Herzegovina. There has been an increasing tendency for Signatories not to ratify protocols quickly.

15. A particular matter of concern is the slow rate of ratifications of the three most recent Protocols concluded in 2003, the SEA Protocol, the PRTR Protocol and the Civil Liability Protocol.

*A lower number of Parties among the EECCA and SEE countries*

16. It is a cause of concern that those countries which may benefit most from accession to the UNECE Conventions and Protocols have not ratified. Some of the reasons for this may be a lack of political commitment, a lack of awareness of the obligations, a lack of technical, administrative and financial capacity, a lack of coordination among relevant national authorities or other obstacles to national implementation and compliance, as identified in the UNECE guidelines (ECE/CEP/107. para. 5)

**C. Good practices/ lessons learnt**

*Increasing complexity of the obligations*

17. One of the possible explanations for the slowing rate of ratification of the UNECE Conventions and protocols in recent years is the increasing complexity of the obligations and the environmental agreements themselves. For example, highly detailed technical annexes such as those to the Gothenburg Protocol of the Convention on LRTAP or the involvement of several governmental departments/agencies such as the horizontal and vertical cooperation between authorities under the TEIA Convention or the cooperation between health and environment authorities under the Water and Health Protocol or the Protocol on SEA may pose difficulties for ratification.

Gothenburg Protocol to the Convention on LRTAP is the most complex and ambitious to date. It deals with abatement of emissions of sulphur, oxidized nitrogen, ammonia and VOCs. It sets individual national emission ceilings for each pollutant on the basis of modelling results and subsequent negotiations. The technical annexes to the Protocol are long with much detail; they specify emission limit values to be met as additional obligations. While there are sound scientific reasons for agreeing a single instrument for setting emission controls for several pollutants, such a protocol can pose difficulties for countries attempting ratification. The preparation for ratifying has been long and difficult for many countries since the different pollutant emissions often fall under the responsibility of different ministries and coordinating the necessary national processes has not proved easy. It was nearly two years before the first instrument of ratification was lodged with the United Nations Depository.

*Using the number of ratifications as an indicator for implementation*

18. As stipulated in the UNECE guidelines, all legal and other appropriate measures required to implement an MEA should be in place prior to ratification, to ensure that a Party is in a position to comply with its international obligations at the time of entry into force of the MEA for that Party.

19. It has been recognized over the years, that a number of Parties tend to ratify conventions/protocols without having necessary changes in legislation or implementation provisions in place. The benefit of this has been the pressure put on the governments and parliaments of such Parties to adopt some implementing measures, as well as the possibilities for receiving technical assistance, which may be possible only to Parties to a convention.

20. However, it seems that recently countries are abandoning this practice and do not proceed with ratification until they have fully prepared for implementation. This may also contribute to the slower rate of ratification, especially among countries with transition.

*Involvement of non-Parties in Convention's activities*

21. It has become clear that there is a benefit of involving potential parties in the multiple activities taking place under the UNECE conventions and protocols with a view to ratification and accession. Some Conventions have established mechanisms to involve non-Parties in their work with the aim of promoting ratification and/or accession. For example, the internationally supported assistance programme under the TEIA Convention is open to non-Parties. The publication of implementation manuals for the three most recent protocols to the Convention on LRTAP and their translation into Russian has been intended as a tool to help implementation and ratification in the EECCA region. Non-Parties to these protocols are also invited to participate in the protocol review processes. Under the Water Convention, non-Parties are also invited to participate in the work of the Convention bodies.

### **III. NATIONAL IMPLEMENTATION ISSUES**

22. The strength of Conventions and their Protocols lies with their successful implementation at the national level. The Kiev Guidelines provide an extensive and useful generic checklist of the steps to be considered in implementing a treaty. On the basis of them, many governments may proceed to develop national implementation plans, although there may not be a formal requirement to do so under any of the Conventions.

#### **A. Progress achieved**

23. The publications/reports on the status of implementation of the various conventions show their increasing application by an increasing number of Parties in

the UNECE region. They also highlight specific difficulties for implementation such as the access to justice pillar of the Aarhus Convention, the application of appropriate preventive measures under the TEIA Convention or the setting up of the river basin management structures under the Water Convention.

24. The majority of Parties have introduced an adequate legislative framework for the proper implementation of the provisions of the Conventions. Where necessary, most Parties have designated competent authorities/ points of contact (e.g. the Espoo Convention and the TEIA Convention) and have engaged in bi- or multi-lateral cooperation (TEIA Convention, Espoo Convention, Water Convention).

25. Overall targets for the region for most pollutants covered by the protocols to the Convention on LRTAP are being met, although the successes of individual Parties vary. Most Parties to the Protocols to the Convention on LRTAP are meeting their obligations and some are achieving much more than the set targets through effective national action. Only a few Parties have been identified as failing to meet the requirements they have signed up to.

26. The Parties to the Convention on TEIA are achieving further progress with the identification and notification of hazardous activities. Nevertheless this is not always the case in EECCA and SEE where there are problems of proper identification and notification as well as meeting the requirements under the Convention.

27. Parties to the Aarhus Convention from all parts of the region appear to be committed to actively pursuing the implementation of the Aarhus Convention. Despite this, the level of implementation of the Convention varies significantly across the UNECE region, depending *inter alia* upon countries' legal traditions and experiences in democratic governance. According to the legal tradition of EU and other West European countries, international instruments are generally ratified only after national laws and regulations have been introduced to implement them. For that reason, prevailing legislation in the Parties from the region was generally in line with the Convention at the time of ratification. This may explain the lower proportion of Parties and slower pace of ratification than, for instance, in EECCA.

28. The legislative measures being taken by the EC to prepare for ratification have been a driving force in EU countries, especially for the access to information and public participation pillars of the Convention. Parties appear to have had the least problems in implementing the access to information provisions, although in EECCA and SEE, important obstacles to implementing measures allowing for information requests remain. In general, implementation is quite advanced, with the greatest difficulties arising in regard to access to justice for Parties from all parts of the UNECE region. While much progress has been made in most EECCA and SEE countries, implementation is generally less advanced in those parts of the region.

29. In the 10 years since its entry into force, the Water Convention has played a crucial role in the region to support the establishment and strengthening of

cooperation. Most of the agreements negotiated since the break-up of the Soviet Union, with the creation of new transboundary waters, are modeled on the UNECE Water Convention. All EECCA countries have revised or updated their water legislation and regulatory instruments during the past decade. This legislation has made important improvements in line with recent international developments.

30. The Parties agreed, at their third meeting, to prepare a report on the status of the transboundary waters in the UNECE region, which will allow an assessment of the progress achieved.

Examples of agreements (short titles) that resulted from the UNECE Water Convention and that established joint bodies are the 1992 Agreement between the Russian Federation and Kazakhstan concerning the joint use and protection of transboundary waters; the 1994 Convention on Cooperation for the Protection and Sustainable Use of the Danube River, and the 1997 Agreement between Estonia and the Russian Federation on the protection and rational use of transboundary waters. The 1992 Agreement between Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan on cooperation regarding the joint management of the use and protection of water resources of inter-state sources is another example under which a joint body – the Inter-State Commission for Water Coordination for Central Asia – was established. The last three years have seen the development and/or entry into force of new agreements for transboundary cooperation (e.g. the Framework Agreement on the Sava River Basin) and the establishment of new joint bodies, such as the Chu-Talas Rivers Commission and the International Sava River Basin Commission.

## B. Problems and challenges

31. Despite the progress achieved, there are weakness and problems in the Conventions' implementation in some countries. Most often they relate to the legislative or institutional framework, but may also be linked to a country's obsolete technology, insufficient domestic funds and to public participation.

### *Legislative framework*

32. In a number of countries of EECCA and SEE, work to build adequate legal and institutional frameworks to implement the provisions of the conventions is not as far advanced.

33. 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, which, in principle, constitute a legal framework for preventing and responding to emergencies, including industrial accidents. However, this legal framework rarely meets all the requirements of the Convention on TEIA. This hampers its implementation, especially the measures to prevent accidents and prepare for emergencies, as well as the effective bilateral and multilateral cooperation. Several countries have requested legal advisory services to help them improve their legislation. Some seek assistance in assessing existing legislation and identifying gaps with regard to the Convention. Others have specific needs such as: (a) assistance in introducing the polluter pays principle, (b) provisions

regarding the liability and responsibility of the operators of hazardous activities, and (c) obligatory civil liability insurance systems for damages resulting from industrial accidents.

34. Most EECCA countries reported that, according to their national constitutions, the provisions of the Aarhus Convention were part of their national legal systems. Some countries commented that they applied directly. A few noted that the Convention's provisions had precedence over national laws. Some of these countries specified that, as a consequence, implementing legislation did not have to be introduced or failed to demonstrate having taken any legislative measures as required by the Convention (Art. 3, para.1).

35. Regulatory reforms in the field of water are far from complete in the EECCA countries and have resulted in some gaps and contradictions between new laws, decrees, codes and regulations. Many former Soviet Union regulation documents are still in force. Consequently, it is not always clear which regulations apply in a specific case.

36. A specific problem for the assessment of transboundary waters arises from the widely used "maximum permitted concentrations of pollutants for a specific water use" (MPC) or water quality standards that seem to be more stringent than the water quality criteria and objectives often used in other parts of the UNECE region. It is often impossible to comply with these norms, partly due to the lack of appropriate measuring devices and partly because financial and human resources are lacking. Given the experience of other countries, particularly those applying the Water Framework Directive, future joint assessments, should be based on water quality objectives or even ecologically based objectives, rather than MPC values. However, it is not realistic to expect EECCA countries to amend their national legislation in the short term.

*Institutional framework: coordination and cooperation between competent national authorities*

37. It appears that many countries fail to coordinate government departments and agencies for effective implementation. For the Water Convention, in particular, one of the main challenges is the undefined and shared responsibilities within national authorities and the lack of coordination between them. The successful implementation of the TEIA Convention also requires vertical coordination between national authorities and local authorities as well as industry and the public.

38. With respect to the methods used for introducing the necessary legislative, regulatory and other measures to implement article 3, paragraph 1 of the Aarhus Convention, several EECCA countries reported on the existence of national implementation plans and the creation of special working groups. As might be expected, ministries of environment served as the lead authority in promoting implementation efforts throughout the region. In some countries they sought to

involve other public authorities, for instance by creating inter-ministerial groups, conducting workshops and publishing lists of all public authorities holding environmental information. However, particularly on the regional and local levels, other public authorities do not appear to be actively engaged in fulfilling their obligations under the Convention or even to be aware of them. Two major obstacles for the implementation of the Convention are: (i) poor implementation by public authorities at the local and provincial levels; and (ii) poor implementation by public authorities other than ministries of environment.

39. The Working Group on Implementation under the TEIA Convention had also found that 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 was not effective, which is mainly true for countries of EECA and SEE. In its latest report, it noted that further improvements are needed in cooperation between national authorities, between them and regional and local authorities, and with industry. Countries expressed their interest in workshops addressing these issues, with the aim of strengthening the capacities of personnel of competent authorities.

40. Capacity-building activities relating to an adequate institutional framework are all the more important for countries of EECCA and SEE, as without them further capacity-building and advisory activities under the assistance programme will not bring the expected benefits, i.e. some countries lack the capacity to implement the basic tasks under the assistance programme.

41. The 2003 Review of implementation of the EIA Convention found that the points of contact on the Convention's website were not always correct and/or not always competent in the application of the Convention.

42. In EECCA, the ongoing reform of ministerial environmental departments and water agencies is an opportunity to harmonize responsibilities for water management and improve cooperation among entities involved in monitoring and assessment, including new partners (e.g. the research community and academia), and to designate appropriate institutions to supervise, guide and contribute to monitoring and assessment. On the other hand, a never-ending reform of institutions and their responsibilities and assignments could seriously hamper the continuity and sustainability of cooperation and the implementation of the Water Convention.

#### *Obsolete technology*

43. Obsolete technology in the industries of the EECCA and SEE countries is an obstacle for the implementation of the TEIA and the LRTAP Conventions in particular. The majority of industrial facilities in these countries were not modernized and still use obsolete polluting 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.

#### *Funding*

44. Inadequate domestic funding in the EECCA and SEE countries is a major setback in the implementation of the UNECE Conventions. Most of these countries have difficulties under the TEIA Convention in responding in responding to emergencies including operation of points of contact within the UNECE Industrial Accidents Notification System. This is mainly due to lack of equipment and personnel training.

45. Insufficient and unstable financing, a decrease in supply of monitoring stations with spare parts, insufficient replacement of stations and laboratory devices with up-to-date equipment, the worsening situation regarding sampling and sample transport from remote stations, and departures of qualified staff were among the reasons for the decline of water monitoring and assessment activities in the early 1990s. After a decade of decline, the funding situation has improved considerably, also due to foreign assistance programmes.

46. Substantive costs are involved in translation of EIA documentation in a transboundary context. Given recorded difficulties with regard to the languages used, there is still a lack of bilateral and multilateral agreements among Parties to address in particular what documents should be translated, who should translate them and who should cover the costs of translation.

47. With regard to the access to justice pillar of the Aarhus Convention, in some countries costs are too high for citizens to bring cases to court and there is a need for pro bono legal services.

#### *Public participation*

48. The implementation of the public participation pillar of the Aarhus Convention appears to be less advanced than the access to information pillar. Problems noted by countries include lack of uniform regulations on EIA and a culture of resistance to public participation generally.

49. The 2003 Review of Implementation of the EIA Convention found that the public of the concerned Parties was not sufficiently encouraged to participate in procedures under the Convention.

50. The provision of information to the public and public participation in decision-making related to hazardous activities (e.g. in drawing up off-site contingency plans) are essential under the TEIA Convention, but inadequate in some of the EECCA and SEE countries. They have expressed interest in training or a seminar on how to

involve the public in issues linked to prevention of, preparedness for and response to industrial accidents.

### C. Good practices/lessons learnt

51. Funding: The risks of being dependent on external sources: In many EECCA countries, the labour and operating costs of sample collection and field analysis, laboratory analyses and data processing, interpretation, reporting and production of outputs have often been underestimated. Ignorance and inadequate assessments of these costs have been among the reasons why activities ceased after international assistance projects ended. It is therefore important that such international assistance projects be embedded in the national plans and systems requirements be adapted to countries' resources so that operations can continue after a project is completed. Furthermore, there have been cases in which projects had overlapping objectives, duplicated work and did not involve the right actors, thus wasting resources without improving monitoring and assessment. Recipient countries have a responsibility to streamline donors' efforts and avoid duplications and waste. At the same time, donors should respect recipient countries' priorities and indications.

52. Public participation: Many good examples of implementation of the requirements of the Espoo Convention regarding participation of potentially affected public (both in the country of origin and in the potentially affected country) exist, which can be used for the benefit of UNECE countries that are not yet Parties or do not grant the public equivalent access to participation.

## IV. REPORTING

53. The Kiev guidelines stress the importance of reporting information for the effective functioning of and MEA and contain specific suggestions for the improvement of the reporting process.

54. Whether or not they contain specific provisions on reporting, all of the UNECE Conventions have established systems for regular collection of information, its processing and further use for reviewing implementation and compliance and/or for general information. Two types of information is gathered: a) information on the legal, administrative or other measures taken by a Party in order to implement the agreement; and b) information on the practical implementation, i.e. factual information about cases, projects, accidents or monitoring and assessment data about the state of a given component of the environment (e.g. on air and water).

55. Information under the LRTAP Convention, the Aarhus Convention, the Espoo Convention and the TEIA Convention is collected through the regular use of questionnaires which have been improved with each reporting cycle. Tailor-made questionnaires for specific purposes are drafted and circulated to Parties to the Water Convention as agreed in its workplan.

56. The information obtained through these questionnaires is used as a basis for the production of reports or publications on progress in the implementation of the Conventions, such as the biennially published “Major review of strategies and policies for Air Pollution Abatement” under the Convention on LRTAP, the 2003 Review of Implementation of the Espoo Convention (ECE/MP.EIA/6, Annex I), the synthesis report on the status of implementation of the Aarhus Convention (ECE/MP.PP/2005/18) or the reports on the implementation of the TEIA Convention (e.g. ECE/CP/TEIA/2006/2). The questionnaires are also sent to non-Parties to gather information about possible steps taken to implement provisions of the Conventions.

57. In addition, the Convention on LRTAP collects data on the emissions of the pollutants covered by its Protocols and the Water Convention collects data on the status of waters through data sheets on transboundary rivers, lakes and groundwaters sent to the Parties and or other existing reports and available information. The data collected under the Convention on LRTAP is processed and stored in a database which is publicly accessible. A database on transboundary waters in the UNECE region will be established in 2007-2009 as decided by the fourth meeting of the Parties to the Water Convention held in November 2006.

#### **A. Progress achieved**

58. Over the years, reporting improved under the UNECE Conventions. Under the TEIA Convention, 17 out of 24 Parties with reporting obligations submitted a report in the first reporting round (2000-2001), 24 out of 30 in the second reporting round (2002-2003), and all but one in the third reporting round (2004-2005). The first reporting round under the Aarhus Convention went, for the most part smoothly. 24 out of 30 Parties submitted reports and most reports were submitted within the deadline. Two reports were submitted too late to be taken into account into the preparation of the synthesis report on the implementation of the Convention. Twenty-five out of the 39 States that were Parties to the Espoo Convention submitted reports used in the preparation of the 2003 Review of Implementation. Reporting on both strategies and policies and on emissions under the LRTAP Convention has constantly evolved and improved in terms of completeness, timeliness and number of Parties reporting in the past years, notably since the establishment of the Implementation Committee in 1997.

59. The proportion of good quality reports has also increased. The reports submitted contain a wealth of information on the status of implementation of the Conventions in most countries. This information has been used by the secretariat to prepare reports and publications on the status of implementation of the Conventions, both for reviewing compliance by their respective bodies, and also for providing information to a wide range of stakeholders, including the general public.

60. To ease the burden of reporting, most of the reports submitted by Parties are stored electronically and can be built upon in successive reporting cycles. To this end,

data reporting has also been harmonized as far as possible with other reporting regimes. For example, the emission data reporting format under the LRTAP Convention has been reviewed to be made consistent with reporting under the UNFCCC Convention and the EU NEC directive.

61. Under the Water Convention, monitoring, assessment and reporting activities in EU countries are mostly steered by the obligations of different water-related activities. The advantage of monitoring programmes that comply with EU legislation is a harmonized methodology in a large region with different types of pressure factors and water bodies.

62. In EU countries, the knowledge regarding the state of water bodies and possible trends is relatively good. Monitoring results have been used as the basis for various water protection measures; however, there has also been a need to improve the situation. Therefore, during the last 5-10 years significant changes in developing and especially harmonizing the monitoring programmes and their methodological basis have taken place in Western Europe.

63. The longstanding cooperation on monitoring and assessment under the Convention and the ongoing activities for the present UNECE assessment of transboundary waters have already encouraged EECCA countries with common transboundary watercourses to develop joint monitoring programmes and harmonize their methodologies. The “Strategies for monitoring and assessment of transboundary rivers, lakes and groundwaters” have been developed to assist EECCA countries in this endeavour, taking into account the collective past experience of these countries as part of the former Soviet Union and their current economic capabilities.

## B. Problems and challenges

64. While the national reports provide valuable insights into how individual countries are meeting the requirements of the Conventions, it is important to keep in mind certain limitations when attempting to draw general conclusions on the status of implementation of the conventions. Problems remain with the following:

65. *The number of reporting Parties:* There is still a number of Parties that fail to submit reports, which makes impossible the assessment of their implementation of the Conventions’ provisions. The conclusions drawn in any review of implementation of the Conventions may not be representative of all Parties;

66. *The timeliness of reporting:* late submission of reports restricts the possibility for making a detailed and exhaustive examination of the replies and/or for seeking clarification from Parties before producing a report on the status of implementation

67. *Quality of the responses/data:* the reports received vary considerably in quality and in length. Some are well organized, clearly written and follow the required format, while others contain unclear or no answers to certain questions. In terms of length, some replies take pages while others are so concise that they are practically

uninformative. There is a tendency for EU member countries to simply refer to EU directives without providing a clear description of their legislation, stating specific objectives and including references to specific articles of the Conventions covered by the legislation. In some reports the description of legislation is not sufficient to evaluate whether it adequately fulfills the requirements of the Conventions. When submitting emission data under the Convention on LRTAP, many Parties fail to provide informative inventory reports explaining the methodologies used in preparing the emission inventories. Under the Espoo Convention, respondents replied in different ways, with some restricting themselves to describing actual experience whereas others described likely procedural approaches. In addition, where questions were asked of Parties in each of their possible roles (Party of origin and affected Party), it was apparent that respondents were frequently confused, for example describing their experiences as an affected Party in response to a question relating to their role as Party of origin.

### C. Good practices/lessons learnt

68. *Use of electronic questionnaires:* The Internet-based questionnaire and database for the Convention on LRTAP simplify the task of a reporting and enable Parties to update earlier replies for use in current questionnaires. The same practice is adopted under the Aarhus, the Espoo and the TEIA Conventions.

69. *Streamlining of reporting:* In 2002, the Executive Body of the Convention on LRTAP, in view of the increasing burden on Parties due to the increasing numbers of protocols and questions, decided to separate the questionnaire and the reporting process into two parts. One part was to contain protocol-related questions for priority compliance review; the other general policy questions. It was decided that reporting for compliance review would continue on the two-year cycle, whilst the general policy reporting would be only every four years.

70. *Training sessions:* In 2005, the Working Group on Implementation under the TEIA Convention organized a training session for representatives mainly from countries of EECCA and SEE to improve their capacities in drawing up national implementation reports. As a result, improved quality of reporting was achieved. In addition, TEIA national reports are available through the website to the competent authorities allowing them access to good examples of reports.

71. *Timeliness:* According to a decision of the first meeting of the Parties to the Aarhus Convention, the deadline for submission of the implementation reports was 120 days prior to the next Meeting of the Parties. However, the late submission of many reports put an extra burden on the secretariat in the preparation of the synthesis report on the implementation of the Convention. Two reports were even submitted too late to be taken into account in the synthesis report. The second Meeting of the Parties, therefore, moved the deadline for submission of reports to 180 days prior to the meeting of the Parties for which they are submitted. The Executive Body of the

Convention on LRTAP in its decision constantly reminds Parties of the importance of the timely submission of reports.

72. *Harmonization of reporting requirements:* Parties to the Convention on LRTAP are required to report emission data according to the methodologies and the temporal and spatial resolution specified by the Steering Body of EMEP. These methodologies are specified by the EMEP Steering Body in the 2002 Emission Reporting Guidelines or updates to them. The Guidelines aim to harmonize reporting procedures under the Convention with those used elsewhere, including under the United Nations Framework Convention on Climate Change and the European Union National Emission Ceilings Directive, in particular with regard to the allocation of emissions to source sectors.

73. Storage of data and information probably remains the weakest point in EECCA countries, where water, environmental and health agencies often rely on hard copies of data. It is of utmost importance that policymakers and planners better understand the various steps in data management. This will facilitate data exchange among the institutions undertaking the monitoring and assessment, including joint bodies, as was the case in Uzbekistan, where the State Committee for Environmental Protection was made responsible for a joint database for Central Asian countries. The Hydrometeorological service of Uzbekistan functions as a joint communication center, operates a joint database and provides clients in the riparian countries with hydrometeorological data, water-quantity related information and forecasts. There are also long-term plans to establish other joint information centres in that region.

74. It is wise and economically efficient to start the development of programmes step by step and stressing the need for harmonized methodology and use of same or similar principles in assessing the status of shared water bodies. In this process, the EECCA countries sharing waters with EU countries will have a specific role to play: they are a bridge between western and eastern praxis in monitoring, and they could serve as models for introducing “modern” monitoring and assessment praxis as stipulated in the “Strategies” step by step.

### Emission Inventory Review and Improvement Programme under the Convention on LRTAP

The importance of improving data quality has been reiterated several times in recent years by the Executive Body, the Working Group on Strategies and Review and the Implementation Committee. The Executive Body has charged its EMEP Task Force on Emission Inventories and Projections , which provides guidance to experts to enable Parties to meet their emission reporting obligations, to develop an emission inventory review and improvement programme.

In 2005, the Executive Body approved **Methods and Procedures for the Technical Review of Air Pollutant Emission Inventories** reported under the Convention and its protocols (EB.AIR/GE.1/2005/7, Annex III) that had been proposed by the Task Force. The procedures include an annual review of air pollution emission data submitted by Parties in accordance with their emission reporting obligations. The review process is intended to be simple and transparent and is to be carried out in close cooperation with national experts. It involves the experts, representatives of the Task Force, the EMEP centres and the secretariat. The review will check and assess the data submissions with a view to improving their quality. The review also seeks to achieve a common approach to prioritizing and monitoring inventory improvements under the Convention with those of other organizations with similar reporting activities, such as the United Nations Framework Convention on Climate Change and the European Union's National Emission Ceilings (NEC) directive. The review programme will consist of three stages. Stage 1 is an initial check of submissions for timeliness and completeness. This information is routinely transmitted to the Implementation Committee to assess compliance with emission reporting obligations. Stage 2 is a synthesis and assessment of national submissions with respect to consistency and comparability of data with recommendations for data quality improvement. This is carried out by a review team of experts made up of representatives of the Centres, co-chairs of the Task Force and the secretariat. Stage 3 is an in-depth review of data from selected Parties.

The review programme will assist compliance and lead to improved data for work under the Convention.

## V. COMPLIANCE

### A. Progress achieved

75. Formal mechanisms for review of compliance have been established under the LRTAP Convention, the EIA Convention and the Aarhus Convention. Such a mechanism will also be established for the Protocol on Water and Health under the Water Convention at its first meeting of the Parties in January 2007.

76. The three compliance regimes which have been in operation for several year now share a number of common features in terms of composition of the respective committee, functions, procedural safeguards and triggering mechanisms. Cases of possible non-compliance can be referred by a Party about itself, by a Party about another Party, by the secretariat (in the case of the LRTAP Convention) or by the committee itself (in the case of the EIA Convention). An innovative feature of the compliance mechanism under the Aarhus Convention is that members of the public can make communications about possible non-compliance.

77. In the four years of its functioning, the Aarhus Convention Compliance Committee has received 18 submissions to date, including 17 communications from members of the public and one self-submission from a Party. Four of the communications from the public were not admissible. Of the remaining 13 communications considered by the Committee, 9 were completed and 4 are still under consideration. In all of the 9 cases, Parties were found to be in non-compliance with their obligations under the Convention. Recommendations were made to them by the

Meeting of the Parties or by the Committee. Progress made by these Parties in taking the recommended action is followed by the Committee and will be reported to the next MOP.

78. Since its establishment in 1997, the Implementation Committee under the LRTAP Convention has considered a total of 12 cases of individual non-compliance by Parties, including 6 self-submissions and 6 referrals by the secretariat. By 2006, compliance had been achieved in 6 cases. The Committee reviews compliance with the substantive obligations under the various Protocols to the Convention as well as their reporting obligations. A substantial improvement in the completeness of reporting of emission data has been noted since the start of the Committee's work.

### **B. Problems and challenges**

79. *Lack of communication/dialogue with non-complying Parties:* While some Parties found in non-compliance engage in a very active dialogue with the compliance/implementation committee and keep it informed of their progress towards achieving compliance, other fail to communicate with the secretariat or to respond to the requests contained in the decisions of the meeting of the Parties.

80. *Failure to meet reporting requirements:* The failure by some Parties to meet the reporting requirements hinder the operation of the compliance mechanism. Due to non-compliance with reporting obligation, the Implementation Committee under the LRTAP Convention for example is not in a position to evaluate compliance with the substantive obligations.

81. *Limited number of measures available:* Although the emphasis in the compliance regimes under the UNECE Conventions is on cooperation and assistance for achieving compliance, rather than a formal redress, and most of the Parties found to be in non-compliance have been sought cooperation on such matters, the limited number of measures available to the compliance/implementation committees to make a Party comply with its obligations may be a potential problem.

### **C. Good practices/lessons learned**

82. The existence of compliance regimes has increased awareness and action on national implementation of MEAs. Apart from addressing individual cases of non-compliance, they can also enhance the implementation of the Conventions in general.

83. The Implementation Committee of the LRTAP Convention carries out in-depth review of implementation for selected protocols with the aim of assessing the overall status of implementation. The Compliance Committee of the Aarhus Convention has also brought to the attention of the Meeting of the Parties some general issue of implementation and recommends appropriate measures.

One underlying problems related to non-compliance by Parties with the Aarhus Convention arises from the fact that some Parties, in particular those with legal systems that allow for ratification of an international treaty without prior transposition of its requirements into the domestic system, rely on the direct applicability of the Convention. Such Parties sometimes fail to adapt or adapt only parts of their legislation, or make inadequate institutional arrangements in order to implement the Convention. In some of these cases, while the Convention itself becomes a part of domestic legislation, it remains a framework. Such framework legislation fails to provide clear requirements, standards and guidance for those who implement and enforce it and those who make use of their rights under the Convention. This in turn leads to non-compliance with various provisions of the Convention in practice. In an extreme case, the failure to take sufficient legislative, regulatory and other measures, as well as proper enforcement measures, to establish and maintain a clear, transparent and consistent framework to implement the provisions of the Convention may constitute non-compliance with article 3, para. 1. On the other hand, some countries have a very complex regulation of access to information and, in particular public participation procedures through multiple, often conflicting laws and regulations. This lack of transparency and clarity in the legal framework can also significantly complicate implementation of the Convention by the authorities and lead to non-compliance. The Compliance Committee therefore recommended that Parties should review and where necessary update their legal and institutional frameworks, taking into account their practical experience implementing various provisions of the Convention and the need to fulfil their obligations under article 3, paragraph 1.

## **VI. FUNDING**

### **A. Progress achieved**

84. Resources provided by ECE from the regular UN budget to service each convention are limited to professional staff, secretarial support, offices, equipment, conference facilities and some staff travel. Other activities under the conventions are financed through mandatory or voluntary contributions by Parties paid into specifically established trust funds.

85. Except for the Convention on Long-range Transboundary Air Pollution (CLRTAP), the ECE conventions do not have any mandatory funding instruments.

86. The only exception, the EMEP protocol to CLRTAP, provides mandatory contributions based on the UN scale of assessment from Parties to that Protocol to support the activities of EMEP centres (collating monitoring and emissions data, modelling of air pollutant transport, and integrated assessment monitoring). Total contributions amount to approximately 2 million USD. They are paid to the Trust Fund for the Implementation of the Convention (the EMEP Trust Fund).

87. In addition, there are two voluntary trust funds under the Convention. One is for funding the core activities that are not covered by the EMEP Protocol (effects-oriented activities) and the other one is for support of countries with economies in transition. Each year the Executive Body agrees on the estimated costs for both activities.

88. After negotiations for a new instrument for mandatory contributions to fund the effects-oriented activities proved unsuccessful, the Executive Body of the LRTAP Convention adopted decision 2002/1 at its twentieth session which was supposed to facilitate voluntary contributions. In accordance with it, a recommended contribution

is identified for each Party (based on the UN scale of assessment) and a letter inviting a contribution is sent to Parties. In 2003, the total of voluntary contributions in cash and in kind amounted to USD 546,630, covering around 30% of the agreed budget (USD 2,008,500), in 2004 - to USD 930,238, covering 45% of the agreed budget (USD 2,085,750), in 2005 – to USD 1,075,247, covering 50% of the agreed budget (2,152,700). As of end September 2006, the voluntary contributions amounted to USD 484,605, covering less than 25% of the agreed budget (2,152,700). Thus, most programmes record a budget deficit for each year. Lead countries have presumably met this shortfall each year.

89. At its twenty-third session in 2005, the Executive Body reviewed the effectiveness of decision 2002/1. Summarized information of cash and in-kind contributions to the Trust Fund showed that the former had not increased significantly since decision 2002/1 was taken, and full payment of the recommended amount even appeared to be decreasing. In-kind contributions varied in amount from year to year, mainly due to inconsistent or delayed declarations by some Parties. The number of contributing Parties clearly increased after 2002, but this did not contribute significantly to the overall cash contribution, i.e. there was an increased number of small cash contributions.

90. The Executive Body decided that decision 2002/1 had not been effective in securing the necessary long-term financing of the core activities not covered by the EMEP Protocol and requested the Working Group on Strategies and Review to consider further the issues in order to identify more effective alternatives.

91. The Trust fund to support the implementation of the Convention in countries with economies in transition was established in 2002. It is used to cover both travel costs of participants from these countries as well as specific activities, projects and workshops. In 2006, the cash contributions made to the trust fund amounted to USD 137,864, representing an increase of nearly 40% over the previous year, but still covering only 50% of the agreed budget (USD 272,330).

92. At their third meeting in 2003, Parties to the Water Convention established a trust fund for voluntary contributions to support the promotion and effective implementation of the Convention and its Protocols. In the period 2004-2006 the total contributions amounted to 496,089. Ninety percent of them were earmarked for specific projects.

93. Interim financial arrangements to finance the core activities under the Aarhus Convention were adopted by Parties at the first Meeting in 2002. The scheme is based on voluntary contributions. The approximate budget covering all the core activities is divided into a number of equal shares and countries are invited to pay one or more shares into the trust fund. It was envisaged that, as a second step, there would be a shift towards a scheme based on the UN scale of assessments.

94. In 2003 and 2004 there was an approximate match between the total income received (approx. USD 1,283,000) and the total expenditure incurred (approx. USD 1,300,000) during the biennium. This covered what was estimated by the Working Group of the Parties to be the core requirement for the biennium, but the total contributions received covered only 56% of the estimated overall requirement (USD 2,287,120). In 2005, the contributions received (USD 638,283) amounted to 66% of the budget requirement (USD 959,515).

95. At the second meeting of the Parties to the Aarhus Convention, it was decided to continue with the interim voluntary scheme of contributions for a further intersessional period until a more stable and predictable system based on the UN scale of assessments is agreed upon.

96. Under the Espoo Convention, the Meeting of the Parties adopts a workplan covering the activities under the Convention until the next meeting of the Parties. The activities are financed through voluntary contributions paid to a trust fund. The third Meeting of the Parties endorsed a system of shares, whereby countries choose to make contributions equivalent in value to a number of shares of the budget. It also decided the budget for the activities under the workplan for the period 2004-2006 would be USD 1,312,000, represented by 1,312 shares of USD 1,000, of which 520 would cover the core requirements (priority 1 activities) and 792 shares would cover the remaining non-core requirements (priority 2 and 3 activities). As of 30 June 2006, the contributions paid to the trust fund for the core requirements amounted to USD 451,764, covering 87% of the budget, for priority 2 activities USD – to USD 59,160, covering approximately 11 % of the budget (USD 531,000). No contributions were received towards priority 3 activities.

97. The TEIA Convention operates under a system similar to that of the Espoo Convention. A two-year workplan together with the resource requirements is decided on by the Conference of the Parties. Parties are then invited to make financial and in-kind contributions on a voluntary basis to implement the planned activities.

## B. Problems and challenges

98. *Insufficient level of funding:* Whether based on the UN scale of assessments or not, voluntary financial contributions rarely cover 100% of the resource requirements; as a result not all activities in the workplan can be implemented.

99. *Unfair sharing of the burden:* where voluntary financing arrangements are not based on the UN scale of assessments, there is often an unfair sharing of the burden, since there are only a few donors.

100. *Irregular payment of the contributions:* Parties often pay their voluntary contributions for a given year late in that year, after the planned activities should have been carried out. This disrupts the organization of the act

### **C. Good practices/lessons learned**

101. Mandatory funding mechanisms are strong and reliable but are currently very difficult to agree. Trust funds offer much potential for a flexible approach to funding projects and capacity building, but they carry an overhead (13%).

102. Where voluntary financial arrangements cannot ensure stable, long-term and predictable financing to implement the activities under the workplan of the Convention, good prioritization of the items of the workplans ensures that at least the core activities are implemented, as shown in the cases of the Espoo and the Aarhus Convention.

## **VII. CAPACITY-BUILDING**

### **A. Progress achieved**

103. The vast majority of the EECCA and SEE countries are faced with insufficient institutional framework, limited human resources capacities and scarce financial resources, due to the difficult overall political and economic situation.

104. Parties to all Conventions have realized that without assistance these countries will not be able to build the capacity needed for proper implementation of the Conventions. Capacity building activities have been launched under all Conventions. In some cases these have evolved into consolidated programmes.

105. Parties to the LRTAP Convention adopted an action plan to support the implementation of the Convention in the EECCA countries and later decided to extend it to the SEE countries. Implementation manuals for the three most recent protocols have been developed and translated into Russian with donor assistance. A three-year project on “Capacity Building for Air Quality Management and the Application of Clean Coal Combustion Technologies in Central Asia” has been funded from the UNDA and implemented by UNECE in partnership with UNESCAP and UNEP.

106. One of the major objectives of the workplan 2004-2006 was assistance to EECCA countries to address this subregion’s problems and strengthen the countries’ capacity in integrated river basin management and water protection. To this end, the Capacity for Water Cooperation (CWC) project was established. The project, designed and implemented by the secretariat, has been carried out in cooperation with a number of national and international partners.

107. The CWC project created a framework for cross-fertilization and exchange of experience between river basin organizations (including joint bodies) and countries on regulatory, institutional, methodological and other aspects of integrated management of transboundary waters, and at the same time brought in valuable experience from other parts of the UNECE region. Under the CWC project, a network of EECCA experts involved in transboundary water management cooperation and able to share their knowledge was established.

108. Three workshops have been carried out under the project so far. Each workshop strives to define concrete proposals and recommendations for follow-up activities. Some of these proposals are taken on within the framework of the Convention's workplan. At the same time, the UNECE secretariat makes every effort to mainstream the CWC recommendations into activities carried out by other actors in the region. The fourth meeting of the Parties recognized the usefulness of the CWC project for strengthening transboundary water management in EECCA, promoting the Convention's products, testing their applicability under various socio-economic conditions, and identifying gaps and needs to be addressed in future work of the Convention. The project's rationale and approach have proven successful and have been replicated in Southeastern Europe by the International Waters Learning Exchange and Resource Network.

109. The workplan of the Espoo Convention, adopted at the third Meeting of the Parties in 2004, includes some capacity building activities for EECCA countries. These include: drafting of guidance on the practical application of the Convention for specific needs of the subregion, workshops in the region and active dissemination of the guidance, training course in transboundary EIA and supporting knowledge of the Convention and of transboundary EIA in Russian-speaking countries through the dissemination of a relevant Russian-language journal with 6 issues a year.

110. The approach towards capacity-building for the implementation of the SEA Protocol is more comprehensive. The Resource Manual to Support Application of the UNECE Protocol on Strategic Environmental Assessment, developed under the workplan of the Third Meeting of the Parties to the Espoo Convention, contains a trainer's guide which highlights the importance of a proper approach to ensure the overall effectiveness of capacity-development interventions for SEA. It sets a capacity-development framework for SEA, outlining the main issues that should be analyzed in the design of strategies that aim to develop capacities for effective implementation of the Protocol and outlines the key issues that should be addressed in capacity assessment.

111. A capacity-development initiative was implemented in 2003-2006 by the UNDP, REC and UNECE. It followed the capacity-development framework set in the Resource Manual and highlighted fundamental challenges and opportunities that lay ahead for the establishment of effective national SEA systems. It became clear that one isolated initiative was unlikely to raise the capacities in a country or a region significantly. It was rather a start-up initiative for a longer-term preparation of the EECCA countries to ratify or accede to the SEA Protocol. The most significant outcome of this initiative was raised awareness of national stakeholder about SEA and its benefits.

112. The Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents, at its third meeting held in Budapest on 27-30 October 2004

adopted an assistance programme for the East European, Caucasian and central Asian and the South-East European countries to enhance their efforts in implementing the Convention (ECE/CP.TEIA/12, annex I, decision 2004/1)

113. The internationally supported assistance programme identifies the basic tasks, which have to be undertaken by the EECCA and SEE countries themselves and the external assistance which can be offered upon completion of these tasks in order to fulfil the main obligations under the Convention. Fact-finding teams visit the recipient countries to verify the implementation of the basic tasks and to identify the needs of particular countries with respect to external assistance.

114. The mechanism of the Assistance Programme ensures that countries prepare themselves for receiving assistance in complex areas through implementing their own simple tasks; experience with this shows the approach is efficient and successful.

115. A capacity-building framework has been set up under the Aarhus Convention to streamline and rationalize capacity-building activities and promote synergies. The framework, facilitated by the Convention's secretariat involves some of the main international organizations involved in capacity building under the Convention. The partners organizations involved in the framework's activities include: UNEP, UNDP, UNITAR, OSCE, REC, CAREC, etc. The secretariat convenes annual coordination meetings to provide an overview of all major capacity-building initiatives and to ensure consistency and avoid duplication of effort among projects. In order to gather further information, the secretariat carried out a survey of projects and programmes implemented by these organizations. The survey aimed to assist with the review and assessment of capacity-building initiatives and to identify any resources such as materials, staff or office resources that were or would become available for use in other capacity-building activities in a particular country or region. It also attempted to identify the important lessons learned related to the project implementation itself. Finally, it looked a needs and challenges identified during the implementation of projects, further assistance needed and any follow-up foreseen as being needed.

116. National Profiles programme: Information provided by countries in their national implementation reports demonstrates that in some countries a comprehensive analysis of the national legislation, in particular implementing regulations and guidance materials, as well as institutional capacities of public authorities on all levels of government, was a prerequisite for ratification. In others, notably those in EECCA, direct applicability of an international treaty often replaces detailed analysis and legal approximation. This, in turn, may lead to lack of compliance, in particular in the light of the requirements of article 3, paragraph 1, of the Convention.

117. In early 2003, UNECE together with UNITAR developed the pilot programme to assist countries in preparing a national profiles to assess their capacities to implement the Aarhus Convention. It provides participating countries with a methodology for a comprehensive multistakeholder process of assessing capacities

and needs on the national level. The national profile documents prepared in the context of the project will provide an indication of what steps are required to implement the Convention effectively and will also facilitate identification of priorities for targeted capacity-building. The partner institutions developed a guidance document establishing the main areas and methodology for the development of national profiles, selected Kyrgyzstan, Serbia and Montenegro, and Tajikistan as pilot countries, and worked together with the national project coordination teams on the preparation of the profiles. The national profiles have so far been developed in two of the three pilot countries. Kyrgyzstan and Tajikistan also used the multistakeholder consultative process and the information in the national profiles to prepare of their national implementation reports under decision I/8 of the Meeting of the Parties. The methodology, which will be further improved, based on the feedback received in the course of project implementation, will be made available to other Parties and organizations.

### C. Good practices/lessons learned

118. A systematic approach to identifying capacity needs is an important priority. Parties need to structure and prioritize their needs, in particular in EECCA and South-Eastern Europe. Both short-term and long-term priorities should be systematically addressed. It is important for this process, currently often driven from the outside by the donor community, to have national ownership and to be driven by the beneficiary countries themselves. It is also important that this process, while coordinated by the national governments, should involve all the stakeholders.

119. While there is a significant need for funding and technical assistance from the outside, it is imperative that the countries with capacity constraints should take on the responsibility for making the changes required to comply with their international obligations and to enforce their domestic legislation. Capacity constraints and, in particular, those identified in the review of compliance would have to be addressed, first and foremost, by the Parties concerned, including through the allocation of resources, both human and financial.

120. The approach to capacity-building should be systematic rather than sporadic. It should develop from an in-depth assessment to the identification of needs, gaps and constraints, and from there to defining short- and long-term priorities and actions, and addressing them in a consistent and systematic way. There is a greater possibility of avoiding overlaps and better addressing priority constraints if this process is coordinated from within the country.

121. One of the main constraints in capacity-building projects is the fact that public officials are often overburdened, especially on the national level. A structured and systematic approach to capacity-building developed inside the country, which is taken into account by implementing agencies and donor institutions, would help to build

synergies between the capacity-building activities and avoid duplication not only for those implementing projects but first and foremost for those participating in them.

122. While concrete and consistent follow-up on projects is generally important for effective capacity-building, this consideration is particularly important when developing and using expertise. The use of experts and trainers from the region where the capacity-building is taking place should be further encouraged. This not only tends to ensure their continuous involvement and increases the effectiveness of projects but also provides for an exchange of experience within and between the subregions and enables the continuity of capacity-building initiatives. The expertise of such personnel has generally been developed in the context of similar legal and institutional frameworks.

The Internationally supported assistance programme for the EECCA and SEE countries under the TEIA Convention was designed to enhance the efforts of these countries to implement the Convention and through it improve industrial safety. The Programme comprises a preparatory and an implementation phase. The preparatory consists of a [High-level Commitment Meeting](#) and visits of [Fact-finding Teams](#) to the EECCA and SEE countries which will become participants of the programme

The High-level Commitment Meeting took place on 14-15 December 2005. It was organized in order to: (i) ensure a common understanding of the different tasks under the Convention and what it takes to implement them; and to (ii) obtain a firm commitment from the EECCA and SEE countries concerning the implementation of the Convention. 17 countries of EECCA and SEE made the commitment at the meeting.

11 fact-finding missions were organized in 2006. Fact-finding teams (2-3 experts) visited the capitals to meet high officials in the ministries and agencies involved in the Convention's implementation. The team's task was to: (i) Review the implementation of the tasks listed in the assistance programme to be implemented by the countries; (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 the neighbouring EECCA and SEE countries; and (iii) Report its findings. Further fact-finding missions to remaining countries of EECCA and SEE will be organized in 2007.

## VIII. SYNERGIES WITH OTHER PROGRAMMES AND OUTREACH

123. Other regions in the world may face similar environmental challenges as those addressed under the UNECE MEAs. The experience and achievements of the conventions could be shared with other regions, particularly in addressing transboundary environmental issues and in assisting them in the development of their own legal instruments.

124. Steps have been taken to open the UNECE Conventions and their protocols to non-UNECE members states. This means that it will be possible for the rest of the world to use the conventions' legal framework and benefit from the experience in transboundary cooperation that has been gained under them. This could be particularly important to the countries that border the UNECE region.

125. The Espoo Convention and the Water Convention have been amended to this effect, although the amendments have not entered into force yet. The Protocol on SEA and the Protocol on Civil Liability allows any non-UNECE member State that is a member of the United Nations to accede to the Protocol upon approval by the Meeting of the Parties. The Protocol on Water and Health does not contain a provision opening it up to non-UNECE member states. The Protocol is, however, also open to members of the World Health Organization's Regional Committee for Europe. The Aarhus Convention provides that Members of the United Nations may accede to the Convention upon approval by the Meeting of the Parties. The Convention's PRTR Protocol, which has not yet entered into force, was open for signature and is open for accession by all UN Member States without the approval of the Meeting of the Parties. So far, no non-UNECE member State has signed or acceded to these instruments. Discussion is ongoing for opening the LRTAP Convention to non-UNECE members states.

126. In view of the restrained capacity described above, it is of utmost importance to ensure that the synergies between the implementation of the UNECE Conventions and other programmes are exploited to the maximum extent possible.

127. The Bureaux of the UNECE Conventions and the Bureau of the Committee on Environmental Policy hold a joint annual meeting to discuss cross-cutting issues and find possible synergies in the implementation of the conventions. This cooperation could be further strengthened by improved coordination at the national level between the focal points for the conventions and heads of delegation to the Committee

128. The second meeting of the Parties to the Aarhus Convention adopted Guidelines for promoting the application of the principles of the Aarhus Convention in international forums. The guidelines were brought to the attention of the governing bodies of the other UNECE conventions.

129. Major industrial accidents can cause far-reaching transboundary effects and may lead to accidental water pollution. Therefore, Parties to the Convention on the Transboundary Effects of Industrial Accidents and the Parties to the Water Convention have decided to cooperate on issues related to the prevention of accidental pollution of transboundary waters through a joint expert group on water and industrial accidents. The workplan of the joint experts group includes an inventory of already existing safety guidelines/best practices for the prevention of accidental transboundary water pollution, assisting in the adaptation of these guidelines/best practices to the specific needs and circumstances of river basins in the UN/ECE region; facilitating the exchange of information on the functioning of existing alarm and notification systems at national, regional and local levels within the framework of the TEIA Convention and the international river commissions (Rhine, Elbe and Danube) through joint consultations of points of contact and river alarm experts, etc.

130. In the Caspian Sea, a number of activities, for example oil extraction, may adversely affect the environment, natural resources, and people's health across borders. Practical guidelines for the regional implementation of the requirements of the UNECE Convention on Environment Impact Assessment in a Transboundary Context (the "Espoo" Convention) were developed by the five Caspian littoral states (Azerbaijan, the Islamic Republic of Iran, Kazakhstan, Russia and Turkmenistan), with support from the United Nations Environment Programme (UNEP), the United Nations Economic Commission for Europe (UN/ECE), the European Bank for Reconstruction and Development (EBRD), and the Caspian Environment Programme (CEP). The guidelines aim to provide practical step-by-step procedures for the implementation of EIA in a transboundary context in the Caspian Sea region, based on the Espoo Convention.

131. The UNECE Industrial Accident Notification (IAN) System for notifying neighbouring countries, at national level, of a major accident, which has caused or is capable of causing transboundary effects, was accepted by the Conference of the Parties to the Convention on TEIA comprises three categories of reports: (i) early-warning, (ii) information and (iii) assistance request. The assistance request report is a joint, harmonized report for use by the points of contact within the UNECE IAN System and within the Joint United Nations Environment Programme/Office for the Coordination of Humanitarian Affairs (UNEP/OCHA) Environment Unit. Requests for assistance directed to the Monitoring and Information Centre (MIC) within the Civil Protection Unit of the European Commission's Directorate-General (DG) Environment can also be made using the new Assistance Request Report.

132. [Cooperation between LRTAP and EANET]

133. The lack of established mechanisms for cooperation with other regions may hamper the outreach activities with other regions.

## **IX. CONCLUSIONS**

134. The UNECE conventions and their protocols are efficient tools for protecting the environment and human health through strengthening international cooperation. Exporting their experience can benefit other regions in pursuing the goals of environmental protection and sustainable development. Further efforts for outreach activities and exchange of information with other regions of the world should be strengthened.

135. In spite of the obvious overall achievements of the conventions, their implementation across different subregions remains uneven. Further efforts should be made for strengthening their implementation in the EECCA and SEE countries.

136. There is a need to secure predictable long-term funding for implementation for the workplans agreed under the conventions. While mandatory funding mechanisms, such as the EMEP Protocol are very difficult to agree, experience with voluntary

financing arrangements has not been satisfactory. Further efforts should be made towards finding reliable funding mechanisms.

137. Countries, especially in the EECCA and SEE regions, should make an effort to provide ongoing domestic funds for the implementation of the conventions and to avoid the dependence on external assistance.

138. The information reported under the conventions provides the basis for assessing the overall effectiveness of the environmental conventions in achieving their environmental goals. Therefore, it is extremely important that this information is of good quality, reliable and reported in a timely manner. Parties to the Conventions should be encouraged to make further efforts in this respect, while the convention secretariat should try to further streamline and optimize the reporting process.

139. National coordination between the authorities involved in the implementation of an MEA should be further improved.

140. Capacity-building efforts for implementing the conventions should be pursued in a coordinated and consistent manner, with the maximum involvement of the recipient countries. Successful initiatives such as the internationally-supported assistance programme under the Convention on TEIA and the capacity-building framework under the Aarhus Convention could serve as an example.

### Status of ratification of the UNECE Conventions and Protocols by subregion

EU countries	LRTAP	EMEP	1st Sulphur	NOx	VOC	2nd Sulphur	HM	POPs	Gothenburg	Espoo	TEIA	Water	Aarhus	Wat&Health	SEA	PRTR	Civil Liability
Austria	X	X	X	X	X	X	X	-	X	X	X	X	X	-	-	-	-
Belgium	X	X	X	X	X	X	X	-	X	X	X	X	X	X	-	-	-
Bulgaria	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
Cyprus	X	X	-	X	-	X	X	X	-	X	X	-	X	-	-	-	-
Czech Republic	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-
Denmark	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-
Estonia	X	X	X	X	X	-	X	X	-	X	X	X	X	X	-	-	-
Finland	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-
France	X	X	X	X	X	X	X	X	-	X	X	X	X	X	-	-	-
Germany	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-
Greece	X	X	-	X	-	X	-	-	-	X	X	X	X	-	-	-	-
Hungary	X	X	X	X	X	X	X	X	-	X	X	X	X	X	X	X	-
Ireland	X	X	-	X	-	X	-	-	-	X	-	-	-	-	-	-	-
Italy	X	X	X	X	X	X	-	X	-	X	X	X	X	X	-	-	-
Latvia	X	X	-	-	-	-	X	X	X	X	X	X	X	X	-	-	-
Lithuania	X	X	X	X	-	-	X	X	X	X	X	X	X	X	-	-	-
Luxembourg	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	X	-
Malta	X	X	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-
Netherlands	X	X	X	X	X	X	X	X	X	X	X	-	X	X	-	-	-
Poland	X	X	-	-	-	-	-	-	-	X	X	X	X	X	-	-	-
Portugal	X	X	-	-	-	-	-	-	X	X	-	X	X	X	-	-	-
Romania	X	X	-	-	-	-	X	X	X	X	X	X	X	X	-	-	-
Slovakia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-
Slovenia	X	X	-	X	-	X	X	X	X	X	X	X	X	-	-	-	-
Spain	X	X	-	X	X	X	-	-	X	X	X	X	X	X	-	-	-
Sweden	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	X	-
United Kingdom	X	X	-	X	X	X	X	X	X	X	X	X	-	X	-	-	-
European Community	X	X	-	X	-	X	X	X	X	X	X	X	X	X	-	X	-
No of Parties	28	28	16	23	17	21	21	22	17	27	24	24	26	12	3	2	1

### Other

Andorra	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Iceland	X	-	-	-	-	-	-	X	-	-	-	-	-	-	-	-	-
Liechtenstein	X	X	X	X	X	X	X	X	-	X	-	X	X	-	-	-	-
Monaco	X	X	-	-	X	X	X	-	-	-	X	-	-	-	-	-	-
Norway	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
San Marino	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Switzerland	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	X	-
No of Parties	5	4	3	3	4	4	4	4	2	3	3	3	2	2	1	1	0

EECCA	LRTAP	EMEP	1st Sulphur	NOx	VOC	2nd Sulphur	HM	POPs	Gothenburg	Espoo	TEIA	Water	Aarhus	Wat&Health	SEA	PRTR	Civil Liability
Armenia	X	-	-	-	-	-	-	-	-	X	X	-	X	-	-	-	-
Azerbaijan	X	-	-	-	-	-	-	-	-	X	X	X	X	X	-	-	-
Belarus	X	X	X	X	-	-	-	-	-	X	X	X	X	-	-	-	-
Georgia	X	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-	-
Kazakhstan	X	-	-	-	-	-	-	-	-	X	X	X	X	-	-	-	-
Kyrgyzstan	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-
Moldova	X	-	-	-	-	-	X	X	-	X	X	X	X	X	-	-	-
Russian Federation	X	X	X	X	-	-	-	-	-	-	X	X	-	X	-	-	-
Tajikistan	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-	-
Turkmenistan	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-	-
Ukraine	X	X	X	X	-	-	-	-	-	X	-	X	X	X	-	-	-
Uzbekistan	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-	-
No of Parties	9	3	3	3	0	0	1	1	0	7	6	6	11	4	0	0	0
SEE																	
Albania	X	-	-	-	-	-	-	-	-	X	X	X	X	X	-	-	-
Bosnia and Herzegovina	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Croatia	X	X	-	-	-	X	-	-	-	X	X	X	-	X	-	-	-
Montenegro	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
The FYR of Macedonia	X	-	-	-	-	-	-	-	-	X	-	-	X	-	-	-	-
Turkey	X	X	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
No of Parties	6	4	0	0	0	1	0	0	0	3	2	2	2	2	0	0	0
North America																	
Canada	X	X	X	X	-	X	X	X	-	X	-	-	-	-	-	-	-
US	X	X	-	X	-	-	X	-	X	-	-	-	-	-	-	-	-
No of Parties	2	2	1	2	0	1	2	1	1	0	0	0	0	0	0	0	0
<b>Total No of Parties</b>	<b>50</b>	<b>41</b>	<b>23</b>	<b>31</b>	<b>21</b>	<b>27</b>	<b>28</b>	<b>28</b>	<b>20</b>	<b>41</b>	<b>35</b>	<b>35</b>	<b>41</b>	<b>20</b>	<b>4</b>	<b>3</b>	<b>2</b>