

Please note that Mr. Robineau elaborated upon the text presented below.

**CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT
IN A TRANSBOUNDARY CONTEXT
THIRD MEETING OF THE PARTIES**

Cavtat, Croatia, 3 June 2004

**Statement by Mr. Patrice Robineau
Acting Deputy Executive Secretary
of the United Nations Economic Commission for Europe**

Distinguished Ministers, Excellencies, Ladies and Gentlemen,

I am pleased and honoured to address this gathering of the Parties to the Convention on Environmental Impact Assessment (EIA) in a Transboundary Context. This meeting will undoubtedly provide an opportunity to reflect on the achievements of the past years and to move the Convention forward. It is important to note in this connection that, since your previous meeting in Sofia, Bulgaria, about three years ago, the number of Parties to the Convention has grown to 40. And we hope that soon the Governments of Bosnia and Herzegovina and Serbia and Montenegro will be able to ratify.

The United Nations Economic Commission for Europe attaches great importance to the EIA Convention as a legally binding instrument to tackle the problem of transboundary pollution in Europe. The Convention has taken environmental impact assessment to the international level, where it has set a standard. The Convention has put in place a system through which countries not only inform each other of transboundary impacts, but also hold a dialogue on cross-border environmental impact and are open to each other's reactions.

EIA is a cross-sectoral instrument that takes an integrated approach to protecting our environment. It's an approach that goes against the traditional, sectoral method because it requires a "comprehensive" assessment of the impacts of an activity on the environment. The basis for such a comprehensive assessment is laid down in the Convention's definition of "impact", which is explicit about the need to consider **all** components of the environment as well as human health and safety. Therefore, the environmental assessment methods that are included in the Convention – assessing the environmental effects of proposed strategic decisions and development activities – are essential tools for promoting sustainable development as well as preventing damage to the environment and health.

The adoption of the Protocol on Strategic Environmental Assessment in Kiev last year has further underlined this cross-sectoral approach of the Convention by integrating environmental health considerations into strategic decision-making and thus contributing to sustainable development and filling a gap in the environmental legal framework.

Public participation

The EIA Convention was also one of the first international treaties to contain provisions on public participation in decision-making procedures. The provisions on public participation in a transboundary context were drawn up because a public debate on proposed activities among all interested groups at an early stage of decision-making may prevent or mitigate conflicts and adverse environmental consequences of the decisions with transboundary impacts. There is also growing practical experience with the application of public participation in a transboundary context, as illustrated by the case studies from Azerbaijan, Bulgaria, Croatia, Finland, Italy and the United Kingdom. Members of the public are informed of a project planned in another country that may have an environmental impact

on their own country. They usually receive such information directly or through announcements in local newspapers in their own language. The public can make comments on the project or the environmental documentation either directly to the developer or during a public hearing. The case studies show that comments are treated the same, irrespective of boundaries, which means that the final decision on a project will reflect the comments of the public from the potentially affected countries.

Back in 1991, when the Convention came into being, providing for the public of the affected country to make comments or raise objections was a novel idea. By introducing it, the EIA Convention paved the way for another ECE Convention on this issue: the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. I suggest to further strengthen the cooperation with the Aarhus Convention in order to enhance public participation in general and to strengthen the application of the relevant provisions of the EIA Convention and the SEA Protocol in particular. As articles 7 and 8 of the Aarhus Convention clearly reinforce provisions that are developed in the SEA Protocol, it is, in my opinion, necessary that both legal instruments work together on substance. I understand that the discussion on the possibility of organizing a workshop on public participation in strategic decision-making, to be jointly organized by the two Convention bodies, is ongoing. I do hope that you will be able to find, in your busy schedule, time to discuss such activity. For the environment and the inhabitants of the ECE region, this cooperation will lead to a win-win situation.

Review of Implementation

It is encouraging to see that the Convention is increasingly being applied, as indicated in the review of its implementation. EIA is a well accepted instrument at the national level and is now included in national legislation throughout the UNECE region.

One of the major achievements of the Convention is that it has defined internationally accepted standards for EIA process development and implementation with regard to transboundary impacts. Over the seven years of entry into force the Convention has contributed to further harmonizing and improving EIA at national and international levels. The application of the Convention and its principles in transboundary cooperation has diminished the harmful impacts on the environment from planned projects and contributed to better international cooperation by increasing trust and understanding between Parties concerned. The Convention has had an increased impact on EIA arrangements and practice and we acknowledge that the Convention has also had an important role in building EIA capacity among Parties.

The review of the implementation of the Convention also indicated, for instance, that transboundary consultations have been aided by numerous bilateral and multilateral agreements, promoting links and understanding between countries as well as facilitating transboundary EIAs. These agreements usually provide further details on issues such as:

- The nomination of points of contact at local level,
- The language in which the information has to be submitted and who pays for the translation,
- How and in which stage of the EIA process the authorities and the public in the affected country are informed and when they can submit their comments, and
- Specific criteria for defining the significance of transboundary impacts.

The collaboration between the Convention, UNEP, EBRD and the Caspian Environment Programme illustrates how many organizations and countries can work together to facilitate effective transboundary EIA. In this context guidelines have been prepared for the countries around the Caspian Sea to help them apply EIA in a transboundary context.

At the time of its adoption, it was unusual for a country to take the trouble to inform others about transboundary impacts. The EIA Convention was the first multilateral treaty to specify the procedural rights and duties of Parties with regard to the transboundary impacts of proposed activities.

In this context I consider that the time is ripe to further analyse the experience that countries have gained in the implementation of the Convention and in particular to study carefully the report on the first review of implementation. This might help to ensure that the Convention moves with the times, remains a “modern”, effective legal instrument to protect our environment and that difficulties encountered with its implementation are identified at an early stage. It seems clear that further guidance needs to be prepared in areas such as (i) the responsibilities of national authorities, for example points of contact, (ii) the content of notifications, (iii) the content of final decisions, and (iv) support in the preparation of bilateral or multilateral agreements.

The EIA Convention, like any convention, needs to have a work plan which builds the framework for concrete action to underpin its application. It would be useful if the Parties could go beyond their mere legal obligations and take action to maximize the effectiveness of the Convention so that the best possible practical results are achieved. The work plan that you are about to adopt is therefore essential. It is indeed ambitious and I am happy to see that you attach great importance to capacity-building, including the preparation of a manual on Strategic Environmental Assessment in support of the new Protocol. It is also encouraging to see progress on such items as the review of the implementation of the Convention, the adoption of a new mandate for the Implementation Committee which will further enhance compliance with the Convention as well as the adoption of guidelines in areas such as good

practice, public participation and subregional cooperation, which will undoubtedly further support the endeavours of the Parties to implement the Convention. The work plan reflects the political will of ECE Governments to take an active and forward-looking approach to these issues and I hope that we are all ready to take on responsibilities to make this Convention even more effective.

However, as you are well aware, progress often comes at a price. The decisions that you are about to take will put an additional strain on the already stretched resources of the Convention's secretariat. In this respect I would like to thank the delegations of the Netherlands, Switzerland and the United Kingdom for their ad hoc support for an extrabudgetary post within the secretariat. I am also pleased to note that the Parties in their decision III/10 on the budget are promising to continue to strengthen the secretariat with extra resources on a stable basis. With these extrabudgetary resources, the Economic Commission for Europe will be better able to carry out the additional tasks requested of it.

I believe that, if we are to further strengthen the implementation of the Convention, it is also important that non-Parties participate fully in the activities under the work plan. It is my hope that for non-Parties such participation will be the first step towards ratification, so that the number of Parties will continue to rise and cooperation on EIA continues to broaden. In this respect I am pleased to see that also some countries outside the UNECE region are participating in this meeting, which seems to indicate that they are interested in joining the Convention, in line with the decision to "open it up", taken at your second meeting. Because of the value of these tools, there seems to be an increasing interest from around the globe in the Convention and its Protocol. I would also like to stress the importance of the proposal by the Government of Croatia to further amend the Convention in order to strengthen its

implementation. The adoption of this proposal would ensure that the Convention keeps abreast of recent developments in international environmental law.

I am pleased to see that many representatives of non-governmental organizations are present at this meeting, and we will further support the involvement of civil society in the work under the Convention. The representatives may recall the work done by the non-governmental organization “ECOTERRA” from the Russian Federation in the preparation of the guidelines on public participation. We invite you to follow this example and to participate actively in the implementation of the work-plan under the Convention. It is important that citizens feel that they have a say in what is happening around them. This is particularly essential in the field of environment.

Finally, allow me to thank Her Excellency, Ms. Kolinda Grabar-Kitarović, Croatia’s Minister of European Integration, for her statement and the excellent arrangements made to host this event. In this respect, I also would like to mention Mr. Nenad Mikulic and his team for their efforts to make this meeting a success.

Distinguished Ministers, Excellencies, Ladies and Gentlemen, your broad and high-level participation underscores the significance of this meeting and of the decisions that are before you. I hope that you will seize this opportunity to move the EIA Convention forward and wish you success in your deliberations. Thank you.