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**ECONOMIC COMMISSION FOR EUROPE**

CONFERENCE OF THE PARTIES  
TO THE CONVENTION ON THE TRANSBOUNDARY  
EFFECTS OF INDUSTRIAL ACCIDENTS

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Geneva, 25–27 November 2008  
Item 7 (c) of the provisional agenda

**ASSISTANCE PROGRAMME**

**Strategic approach for the Assistance Programme<sup>1</sup>**

Note by the Bureau of the Conference of the Parties  
and the Working Group on Implementation

**BACKGROUND**

1. The main objective of the Convention on the Transboundary Effects of Industrial Accidents is to improve industrial safety across the entire UNECE region, especially through the prevention of industrial accidents with transboundary consequences. The Convention is complex and requires for its implementation the coordinated involvement of a number of competent authorities at the national level. Certain tasks under the Convention also require vertical coordination between national and regional and local authorities as well as industry and the public. Finally, implementing the Convention fully requires bilateral cross-border cooperation with neighbouring countries.

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<sup>1</sup> Submitted as a draft document for adoption.

2. Taking into account the difficulties facing the countries of Eastern Europe, Caucasus, and Central Asia (EECCA) and South-Eastern Europe (SEE), the Conference of the Parties at its third meeting (Budapest, 27–30 October 2004) launched the Assistance Programme, with the aim of enhancing the efforts of these countries in implementing the Convention and in particular to enable them to establish the necessary policies in 10 areas of work (see CP.TEIA/2004/2). The Conference of the Parties invited the EECCA and SEE countries to enter the preparatory phase of the Assistance Programme, to participate in the High-level Commitment Meeting and to receive fact-finding missions.

3. At its fourth meeting (Rome, 15–17 November 2006), the Conference of the Parties reviewed the results achieved by countries in the preparatory phase, and decided to initiate the implementation phase of the Programme for those countries that had successfully accomplished their preparations<sup>2</sup> (hereinafter, participating countries). Furthermore, it mandated the Bureau and the Working on Implementation to keep an operational approach, to organize the first assistance activities (based on ECE/CP.TEIA/2006/4) and at the same time to elaborate the action plan for the implementation phase of the Assistance Programme in such a way that it would establish specific activities and priorities for both the short and long term, including indicators and related financial planning, so as to form a strategic approach.

4. The present document forms the basis for this strategic approach, which is designed to enhance the efforts of participating countries in the implementation phase of the Assistance Programme. It outlines the mechanism for participating countries for identifying short- and long-term planning of activities and for measuring the progress achieved. It also forms the basis for supporting adequate financial planning.

## I. OBJECTIVES

5. The main objective of the strategic approach is to accomplish a continuous improvement and sustainability of the Convention's implementation by the participating countries by a more cyclic approach.

6. Specific objectives of the strategic approach are:

(a) To bring, complementary to the Assistance Programme, continuity in the implementation of the Convention;

(b) To enable a robust and “longer-term” approach that provides guidance for flexible and/or tailored funding of the activities needed under the Assistance Programme, as well as for strengthening the implementation of the Convention;

(c) To create with this mechanism an institutional sustainability and commitment of participating countries with respect to the Convention's implementation;

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<sup>2</sup> The countries accepted to the implementation phase before August 2008 were Armenia, Azerbaijan, Belarus, Bulgaria, Croatia, Georgia, Kazakhstan, Moldova, Romania, Serbia and Ukraine

(d) To provide participating countries with an instrument to measure the progress of the implementation of the Convention towards the desired level of implementation by periodical reviews;

(e) To provide the Bureau and the Working Group on Implementation, and through them the Conference of the Parties, with an instrument containing measurable indicators, making it possible to measure, monitor and stimulate the progress vis-à-vis the Convention's implementation.

## II. THE APPROACH

7. The strategic approach is a tool providing a robust basis for a comprehensive, carefully planned and coordinated implementation of the Convention. It is designed not to replace the plans already available or being elaborated, but to function as an umbrella for all the plans, integrating and linking them with each other.

8. The participating countries provide the core of the strategic approach by establishing and implementing policies (e.g. legislation, standards, institutions) through identifying shortcomings and challenges and taking steps to eliminate or address these, where needed with external assistance.

9. In this process, each country should apply a step-wise/cyclic mechanism to the working areas corresponding to the main obligations under the Convention. The following six working areas have a high priority:

- (a) Identification of hazardous activities;
- (b) Notification of hazardous activities;
- (c) Prevention;
- (d) Preparedness;
- (e) Response and mutual assistance;
- (f) Information to and public participation.

10. Work on these six areas is dependent on the level attained in two cross-cutting areas: legislation (i.e. primary and secondary legislation) and institutional capacity (at the national, regional and local levels). The six areas, together with the cross-cutting areas, reflect the 10 sections distinguished in the Assistance Programme.

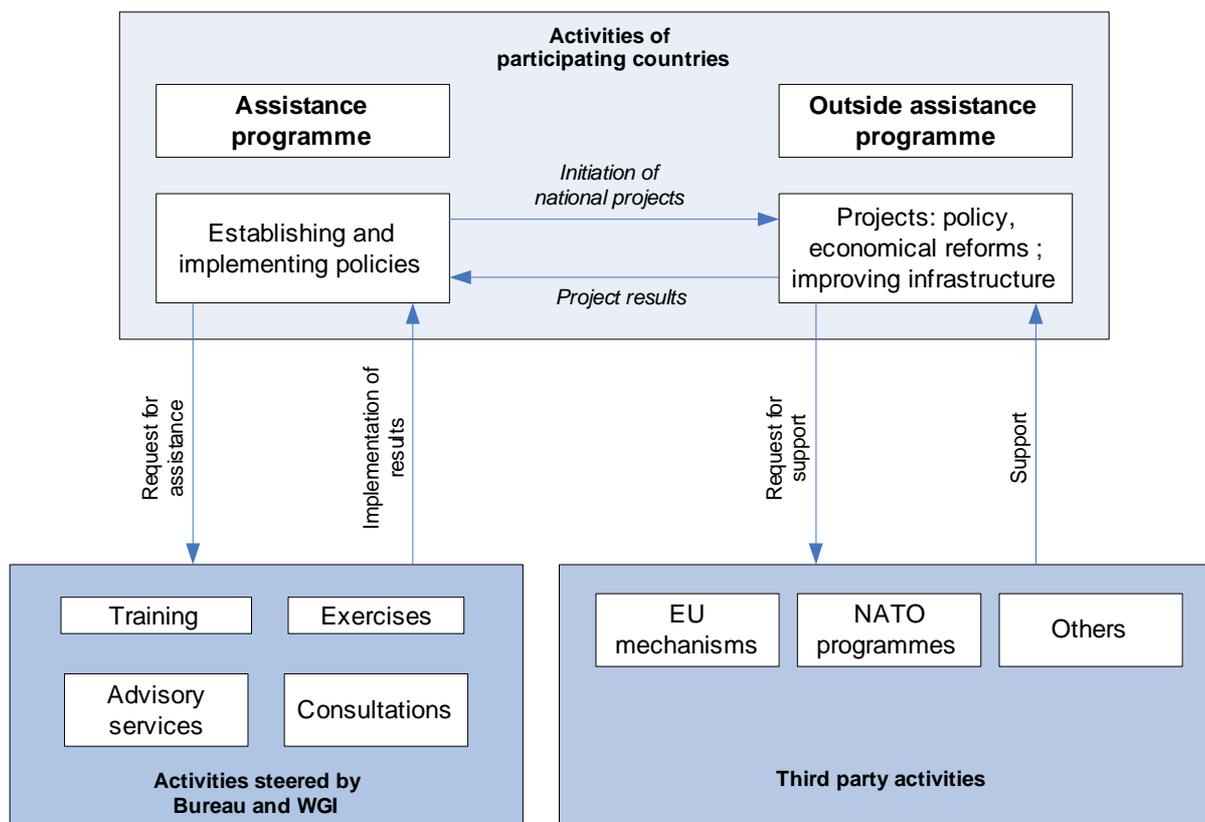
11. Two further working areas, g (siting of hazardous activities and of significant developments in areas which could be affected by effects of an industrial accident) and h (civil liability), are recognized as important. However, because of their complexity, these two areas should be addressed with the strategic approach only at a stage when most of the shortcomings or challenges in the six main areas have been tackled.

12. In addition to establishing and implementing policies, in order to achieve the industrial safety objectives, participating countries also need to carry out concrete activities focused on introducing or supporting policy, economic reforms (e.g. strengthening of the rule of law, further

development of civil society, the creation of favourable conditions for business) or improving the infrastructure at the level of authorities (e.g. rescue equipment, notification technology, information technology) and possibly at the operator level (e.g. modern production technology, safety management systems).

13. Such activities are not directly part of the Assistance Programme; nevertheless, the strategic approach provides a tool for participating countries to formulate concrete and convincing projects (e.g. new information/business centres, modernizing the rescue fleet), for which resources outside the Assistance Programme can be available.

**Figure 1. Activities within and outside the Assistance Programme**



### III. THE CYCLICAL MECHANISM AS A SPECIFIC APPROACH FOR THE NATIONAL ACTION PLANS

14. The specific approach is a cyclical mechanism requiring each participating country, on its own or with assistance if so requested: (a) to continuously analyse, monitor and evaluate the level of implementation per working area; (b) to identify shortcomings and challenges under each of the areas; and (c) to define and take actions one by one to address the challenges so that a desired level of implementation of the Convention can be reached.

15. To collect all the information resulting from these activities, participating countries should use a form that should also have a status of a national action plan. It is important to note that countries need to go through the cycle periodically and that the form needs to be updated after each measurement, thus always providing the most up-to-date version of the national action plan, which also contains the needs for assistance.

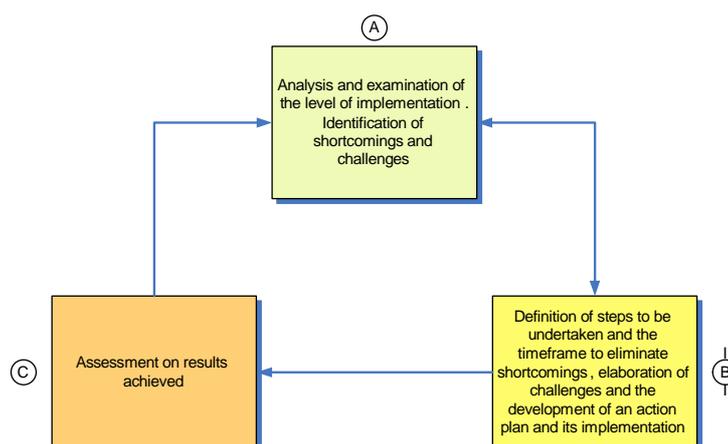
16. The cyclical mechanism distinguishes the following steps, to be taken for each of the work areas a–f and the two cross-cutting areas (g and h; see paras. 9 and 11):

(a) *Step 1*: Analysis and examination of the level of implementation – identification of shortcomings and challenges;

(b) *Step 2*: Definition of ways forward to be undertaken and the time frame to eliminate shortcomings and challenges; i.e. development of a national action plan and its implementation;

(c) *Step 3*: Assessment of results achieved.

**Figure 2. The cyclic mechanism**



**A. Step 1: Analysis and examination of the level of implementation**

17. Step 1 aims at analysing and examining the progress achieved with regard to the Convention's implementation of. It implies:

(a) A continuous analysis of the level of implementation under each working area by representatives of competent authorities;

(b) A continuous review of the format and accounting of shortcomings or challenges already addressed for particular working area and on new ones identified at a later stage.

18. The analysis and examination is to be repeated after an action aimed at eliminating particular shortcoming has been undertaken and a particular result has been achieved or when

changes affecting the implementation in one work area have occurred. The results of this examination are to be indicated in the format and communicated without delay to all concerned authorities within the participating country.

19. A basis for this cycle is already available as a result of the fact-finding missions and capacity-building activities organized for participating countries, in particular the capacity-building activity aimed at initiating a process to further strengthen the legal and institutional frameworks under the Convention's areas of work (Kyiv, 5–7 December 2007).

### **B. Step 2: Definition of ways forward (national action plan) and their implementation**

20. Step 2 aims at defining the ways forward (national action plan) for the next period, based on the identified shortcomings or challenges. It implies:

- (a) A definition of ways forward/actions to be undertaken per authority within a specified timeframe to address an identified shortcoming or gap;
- (b) A definition of external assistance, if needed, to implement a particular action;
- (c) Communication to the secretariat of defined needs for assistance;
- (d) A definition of project proposals for introducing or supporting the policy; economical reforms improving the infrastructure with an indication on resources needed and possible identification of international funds opportunity (e.g. European Union (EU) mechanisms, North Atlantic Treaty Organization (NATO) programmes<sup>3</sup>);
- (e) Implementation of the actions, if required with external assistance;
- (f) Carrying out step 1 (see para. 16).

### **C. Step 3: Assessment of results achieved**

21. Step 3 aims to measure the results achieved after an action or actions have been taken, based on a comparison of the situation before and after. The result might be a newly developed legal act, mechanism or procedure. This implies:

- (a) An assessment of actions taken and result achieved, identification of targets not completed;
- (b) Carrying out step 1.

22. To help participating countries evaluate their implementation of the Convention and progress achieved, measurement of progress is based on a set of result/performance indicators and criteria for each of the working areas.

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<sup>3</sup> Projects financed outside the Assistance Programme through EU mechanisms or NATO programmes are subject to the internal rules of those organizations and are steered by them.

#### **IV. FINANCIAL PLANNING AND FUND-RAISING**

23. Financial planning and fund-raising are part of the strategic approach. On the one hand, participating countries need to allocate human and financial resources for planned activities. On the other, the national action plans reveal the need for external assistance, and what short- and long-term financial planning is needed to render the support requested.

24. The application of cyclic mechanism requires from participating countries to use not only their own human resources, but also the financial resources in steps 1 and 3, i.e. when evaluating the level of implementation and measuring the results achieved. Participating countries may however seek support for some particular examination of a problem. Upon request, they may be offered, through the Assistance Programme, participation in capacity-building activities aimed at improving the analysis of the subject matter. In step 2, i.e. when defining ways forward, countries should similarly use their own resources, but can request additional support. Countries' own resources should be also used for the implementation of ways forward where no external assistance is needed. On the other hand, where possible, in-kind and financial resources can be raised to provide participating countries with the requested assistance, and information is provided on how the countries can make use of available financial programmes.

25. When raising funds for assistance activities aimed at establishing and implementing policies, donor countries and organizations are approached via correspondence and, where appropriate, donor meetings. Donors are presented with the work being carried out by participating countries, the results achieved and the challenges identified, including particular needs for assistance.

26. When addressing projects that are aimed at introducing or supporting policy and economic reforms or improving infrastructure, participating countries may receive assistance in formulating concrete and convincing projects to fundraise for them outside the Assistance Programme (e.g. EU mechanisms, NATO programmes).

27. To provide a basis for fund-raising, participating countries need to take active role in working on strengthening the Convention by applying the cyclic mechanism. This active role will be widely presented and can be an important key to raise funds to address new challenges.

#### **V. BENEFITS OF THE STRATEGIC APPROACH**

28. The benefits of the strategic approach for participating countries are:

(a) Continuous improvement and sustainability of the Convention's implementation through a cyclical mechanism where the results of self monitoring feed into specific action plans, which are carried out with the financial and in-kind support of other UNECE member countries;

(b) Strengthened cooperation and coordination between authorities in the same country dealing with safety and better insight into each other's undertakings;

- (c) An instrument to document and measure the progress made in implementing the Convention and to compare it with the desired level of implementation by periodical reviews;
- (d) An instrument to make a tailored planning of future actions (short- and long-term), including the human and financial aspects of implementation without external assistance;
- (e) Straightforward reporting on the Convention's implementation.

29. The benefits of the strategic approach for the Convention's bodies – The Bureau, the Working Group on Implementation and, through them, the Conference of the Parties – include the availability of an instrument to:

- (a) Measure, monitor and stimulate the progress of participating countries in enhancing implementation of the Convention;
- (b) Plan assistance activities in the short and long term, including planning for the financial and in-kind resources needed for providing needs-tailored assistance.

30. A main benefit of the strategic approach for the donor countries is the availability of up-to-date and reliable information on the impacts of past action, on the levels of achievement and commitment and on projects aimed at addressing new challenges – and hence on the overall effectiveness of the Assistance Programme in the short and the long term. Donor countries thus have a solid foundation to express a strong and durable commitment and to explore possibilities to provide the resources needed (in-kind or financial).

## **VI. ROLE OF THE BUREAU AND THE WORKING GROUP ON IMPLEMENTATION**

31. The Bureau and the Working Group on Implementation measure, monitor and when needed stimulate the progress of participating countries made in establishing and implementing policies aimed at further strengthening the implementation of the Convention. At their joint meetings, the Bureau and the Working Group:

- (a) Review national action plans (representatives of some participating countries may be invited to some meetings to present their national action plans, with a focus on most recent undertakings and results achieved, as well as priority needs for assistance);
- (b) Plan, in the short and long term, assistance activities and carry these out with the secretariat's support (i.e. training sessions, advisory missions, exercises and workshops), to address the priority needs as defined by participating countries in their national action plans. Priority is given to those assistance activities that address the common needs of a group of participating countries. Nevertheless, decisions are also taken to organize activities (e.g. advisory missions) addressing country-specific need(s);

- (c) Evaluate the results of the assistance activities, especially with a view to implementing the steps defined by participating countries as feasible for action upon receiving assistance.
32. To facilitate the work of the participating countries, the Bureau and the Working Group provide a format for collecting data within the stepwise/cyclic mechanism as well as criteria and indicators for self-measurements of progress achieved.
33. The Bureau and the Working Group, with the secretariat's support, raise funds for the assistance activities. To accomplish this, the Bureau and the Working Group organize donor meetings and circulate letters promoting the achievements of participating countries and encouraging robust and durable support from donors.
34. The Bureau and the Working Group provide the help required by participating countries (in particular, the most active ones) to formulate concrete and convincing projects that generate funds for their implementation outside the Assistance Programme. In doing so, the Bureau and the Working Group organize presentations, back-to-back with assistance activities, on the application of these funding mechanisms available from international organizations and financial programmes.
35. The Bureau and the Working Group report to the Conference of the Parties on the implementation of the mandates given, submitting reports on decisions taken according to the mandates received. They also submit a progress report on assistance activities organized and their impacts.
36. The Bureau and the Working Group, with the support by the secretariat, assess whether the strategic approach is working as intended, and if needed, may propose, with the participating countries, necessary amendments to it for consideration by the Conference of the Parties.

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