

Economic Commission for Europe
Meeting of the Parties to the Convention
on Environmental Impact Assessment
in a Transboundary Context
Sixth session

Meeting of the Parties to the Convention
on Environmental Impact Assessment in
a Transboundary Context serving as the
Meeting of the Parties to the Protocol on
Strategic Environmental Assessment
Second session

Geneva, 2–5 June 2014

Item 6 of the provisional agenda

**Seminar on the globalization of the Convention and
the Protocol and the role of international financial
institutions**

Information on the seminar on the globalization of the Convention and the Protocol and the role of international financial institutions

**To be held at the Palais des Nations, Geneva,
(room XXVI) on Wednesday, 4 June 2014 (3–6 pm)**

I. Introduction

1. The seminar on the globalization of the Convention and its Protocol and the role of international financial institutions is held as decided by the Bureau at its meeting in January 2014. The seminar is co-organized by the European Investment Bank (EIB) and the secretariat, and brings together representatives of Governments, NGOs and other stakeholders, mainly from outside the ECE region, as well as from a number of international financial institutions (IFIs).

2. The aim of the seminar is to provide insights on the practice, needs and expectations of non-ECE countries regarding the implementation of strategic environmental assessment (SEA) and transboundary environmental impact assessment (EIA) procedures, including in view of their possible future accession to the Convention and the Protocol. The seminar will also showcase the experience of IFIs in applying environmental assessments within and beyond the ECE region, including to transboundary energy infrastructure projects. The seminar is then expected to explore means for expanding the awareness and the application of the two ECE treaties for the benefit of other regions, as well as to discuss the role of IFIs in supporting the development of the necessary legislation and institutional capacity for the implementation of the Convention and the Protocol, in particular in countries outside the region.

3. The seminar is moderated by Mr. Matthew Arndt, Head of Environmental, Climate and Social Policy at the EIB. The moderator and the Secretary to the Convention will first introduce the topic. Presentations will be clustered into two main groups. The representatives of non-ECE countries and experts will first be invited to each present their introductory key points (5 min each), and other speakers are expected to comment. After the discussion among speakers, the floor will open for discussion with the audience (20 minutes). The same will follow with the second group with representatives of IFIs and non-

governmental organizations (NGOs). The last 10 minutes of the panel are reserved for concluding remarks by the chair/moderator. The time foreseen for this agenda item is 180 minutes in total.

II. Provisional programme

1. **Introductory remarks** by the Chair/moderator, Mr. Matthew Arndt, EIB and Ms. Tea Aulavuo, Secretary to the Espoo Convention (up to 5 minutes/each).

2. **List of speakers and key points** (5 minutes per speaker: 40 min/ per group)

A. *Representatives of non-ECE countries and experts*

1. Dr. Young-Joon Lee, Director, Division of Planning and Cooperation, Korean Environment Institute (KEI): Strategies to promote Transboundary EIA system in Northeast Asia
2. Mr. Tsogtsaikhan Purev, Director, Division of EIA and Environmental Audit, Ministry of Environment and Green Development, Mongolia
3. Mr. Le Hoai Nam, Deputy Director, Department of EIA and Appraisal, Vietnam Environment Administration, Ministry of Natural Resources and Environment of Vietnam: Transboundary SEA/EIA in Vietnam
4. Mr. Jiri Dusik: Integra consulting: Application of SEA in Vietnam, Indonesia, Laos and China; similarities and differences with the Protocol on SEA.
5. Ms. Damghi Hanane, Ministry of Energy, Mining, Water and the Environment of Morocco
6. Ms. Dhekra Gharbi, Ministry of Environment and Quality of Life, Tunisia
7. Ms. Nahed Youssef Abdou Elsayed, Head of Central Department for EIA, Ministry for Environmental Affairs Egypt

B. *Representatives of IFIs and NGOs*

1. Ms. Adina Relicovschi, Senior Environment Expert, Environment. Climate and Social Office, European Investment Bank, “Addressing Transboundary Environmental Impacts in EIB operations”
2. Ms. Angela Filipas – Joint Technical Assistance EC, EIB, EBRD (JASPERS) “Capacity building on transboundary EIA
3. Mr. Anthony Nyong, Head of Compliance and Safeguards Division, African Development Bank: “Promoting Environmental and Social Sustainability in AfDB’s Investments
4. Ms. Agi Kiss, Lead Ecologist and Regional Safeguards Coordinator, Operational Services and Quality, Europe and Central Asia, World Bank: “World Bank’s policy and practice relating to EIA and SEA”
5. Mr. John Carstensen, Head of Profession, Climate and Environment, Department for International Development (DFID): “Environmental impact assessments of infrastructure development programmes in Africa – the experience of DFID”

6. Ms. Elizabeth Smith European Bank for Reconstruction and Development: “EBRD and the Espoo Convention: an IFI perspective”
 7. Ms. Iryna Holovko, Ukrainian national campaigner for CEE Bankwatch Network, The role of public financing in promoting the application of the Espoo convention in non-EU countries: experience from Ukraine
 8. Mr. Timothy Geer, International Director of Public Sector Partnerships, Policy, WWF, NGO IFI engagement on EIA/SEA for large infrastructure projects, including in the energy sector.
3. **Comments** by the speakers on the key points (time limit for interventions is 3 minutes per panellist) (20 min per group)
 4. **Observations** and **questions** from the audience to the speakers (time limit for interventions is 3 minutes) (20 min/per group)
 5. **Concluding remarks by the moderator (5-10 minutes)**

III. Key points by speakers

Young-Joon Lee

- Korea’s 10 year efforts to promote a transboundary EIA system in Northeast Asia
- Brief summary of the 2012 Seoul workshop on EIA in a transboundary context based on the key issues to increase cooperation and to introduce a transboundary EIA system in the East Asian region
- The role of the Espoo Convention in the sub-region, especially to address specific and practical methods for introducing legally binding TEIA system in Northeast Asia
- Collaboration with international financial organizations and their role in promoting the application of transboundary EIA in East Asia
- Pilot studies to develop practical application of transboundary EIA procedures as well as to enhance the interest of governments in Northeast Asia

Tsogtsaikhan Purev

- The 1998 EIA framework in Mongolia, procedures and guidelines for implementation
- The 2012 Law of the Parliament on EIA, also providing for SEA and Accumulative Impact Assessment
- Recent implementation of the 2012 EIA/SEA law in the mining sector: SEA for the State Mining Policy (process and recommendations)

Le Hoai Nam

- Major transboundary environmental issues in the region
- Existing mechanisms to address transboundary environmental issues:
 - Regional agreements
 - Related national legislation
 - The roles of the National Mekong River Commission and the SEA/EIA authorities
- Constraints and challenges in addressing transboundary environmental issues
- Recommendations on promoting regional cooperation on transboundary SEA/EIA

Jiri Dusik

- Outcomes of recent reviews of emerging SEA systems in East and South East Asia
- Comparison of these systems with the requirements of the SEA Protocol.
- Lessons for future practice, capacity development and promotion of SEA Protocol in non-UNECE countries.

Damghi Hanane

- EIA is an important instrument of prevention in Morocco's environmental policy
- Legal framework - the 2008 law on EIA (when is an EIA compulsory, content and scope of the EIA report, the final decision)
- Institutional framework and public participation procedures: the role of regional and national committees
- Improved implementation and capacity building (training events and guidance material, assessment of the system and prospective revisions)

Dhekra Gharbi Mezlini

- Background on EIA legislation in Tunisia: the new 2005 legislation replacing the 1991 framework, and implementing legislation
- The carrying out of an EIA procedure is obligatory for certain activities included in the law, as a result of screening of some activities, or for activities where authorities consider that an EIA is necessary
- Minimum legal requirement for the content of the EIA report and applicable deadlines
- The role of the National Agency of Environmental Protection
The law in Tunisia does not require the carrying out of an SEA for plans, programmes and policies: current trends and prospects for integrating SEA

Nahed Youssef Abdou Elsayed

- Introduction and overview – the EIA framework in Egypt
- EIA prospects and evolution
- Screening system
- Principles of reviewing
- EIA challenges
- Proposed fields of cooperation

Adina Relicovschi

- The EIA's new Environmental and Social Standards (in force as of 1 January 2014): prepared in line with EIB status as "EU bank"
- How transboundary assessment is addressed in EIB operations – application inside the EU and UNECE region and beyond
- Capacity building activities, including possible cooperation with the Espoo Convention and its Protocol on SEA

Angela Filipas

- What is JASPERS
- JASPERS horizontal activities, including capacity building
- JASPERS guideline related to implementation of article 7 of the EIA Directive (transboundary consultations)

Anthony Nyong

- The African Development Bank attaches great importance to the value of SEA as a tool for promoting sustainability and incorporating environmental and social considerations into policy, sector and program level decisions at the national and regional levels
- The Bank has progressively implemented SEA from its first Environment Policy in 2004 to making it mandatory in the recently adopted Integrated Safeguards Policy
- The Bank has learned vital lessons in implementing SEA in Africa, including the fact that the process of conducting the SEA is as important as the product of the SEA
- A key challenge is the potential push-back from the Bank's clients that the SEA adds an additional layer to project development with no clear benefits or on who has the responsibility for implementation where it involves multiple countries.

Agi Kiss

- Brief description of the World Bank EIA policy and practice, including how transboundary issues are addressed

- Other World Bank Safeguard policies in relation to transboundary issues (including policies on access to information – public disclosure and consultation)
- World Bank policy and practice relating to SEA
- Selected illustrative examples

John Carstensten

- DFID’s experience with risk and opportunity assessments for climate and environment
- Examples of EIAs in DFID-funded interventions
- DFID and SEA, with a focus on a recent topic guide on SEA produced by DFID (available at: http://dx.doi.org/10.12774/eod_tg.sea.march2014.yaronnelson)

Elizabeth Smith

- Changes in geographical scope of EBRD’s operations since the 2011 Meeting of the Parties to the Espoo Convention
- The 2013-2014 EBRD Environmental and Social Policy revision, with a focus on the wording with regard to transboundary issues and international conventions and treaties.

Iryna Holovko

- The important role of public finance in promoting ratification or effective application of the Espoo and Aarhus Conventions
- The EBRD experience
 - Initiatives supporting the carrying out of first SEAs in Ukraine relating to the energy sector (nuclear and small-scale renewables)
 - Evaluation on how important such initiatives are to transfer experience and raise awareness
 - Challenges: lack of transparency on the part of the financiers, its impact on the project, and the way forward

Timothy Geer

- NGO IFI engagement on EIA/SEA for large infrastructure, including energy
 - Working with industry organizations and IFIs to develop sustainability standards
 - Developing and applying tools to inform SEA and EIA decision making
 - Working with IFIs to develop and improve EIA/SEA systems and practices

IV. Biographies

Matthew Arndt (moderator)

Mr Arndt, a former consultant, has more than 20 years’ experience in developing sustainable transport solutions around the world. In 2006, he took over the management of the EIB’s Rail and Road division within the Projects Directorate, which handled appraisal and monitoring of all projects in those sub-sectors, as well as the definition of the Bank’s strategy in the sector, including the mainstreaming of climate issues and of road safety considerations. After taking the lead of the newly formed Environment, Climate and Social Office in 2011, with a mandate spanning policy definition and project safeguards, he was appointed Head of Environmental, Social and Climate Policy in 2014 with a focus on strategy and external relations.

Young-Joon Lee

Dr. Young-Joon Lee is Senior Research Fellow in the Environmental Assessment Group of Korea Environment Institute (KEI). He holds a Ph.D. in geology from Texas A&M University. Dr. Lee has worked as a professional reviewer for EIA documents in KEI since 2001. He has a special interest in international cooperation related to Environmental Impact Assessment (EIA) including Transboundary EIA in Northeast Asia, EIA to polar activities, and EIA capacity-building programs for developing countries. Currently he is also serving

as a vice president of the Korean Society of Environmental Impact Assessment. His major publications include: Final Comprehensive Environmental Evaluation – Construction and Operation of the Jang Bogo Antarctic Research Station, Terra Nova Bay, Antarctica (2012); Introduction of Transboundary Environmental Impact Assessment in Northeast Asia (II) (2009); Introduction of Transboundary Environmental Impact Assessment in Northeast Asia (I) (2007).

Tsogtsaikhan Purev

Mr Tsogtsaikhan Purev graduated in 1991 from the National University of Mongolia with a degree in wildlife biology-ecology. Since then, Mr Purev has been working in the environmental sector in Mongolia, including research institutions, the national park administration, UN/GEF funded projects and the Ministry of Environment and Green Development, with a special interest to wildlife conservation, land use and protected areas management. In 2012, Mr Purev was appointed Director of the Division of Environmental Assessment and Auditing at the Ministry, where he focuses on the elaboration of EIA laws, regulations and procedures, on guidelines on SEA, EIA and Accumulative Impact Assessment and on environmental auditing for implementation and development. Mr. Purev is interested in travelling in the countryside and in fishing. He is member of two local NGOs, the Taiga nature society and the Mongolian Fly Fishing Association. He has two sons.

Le Hoai Nam

Mr. Le Hoai Nam is the Deputy Director of the Department of EIA and Appraisal, Vietnam Environment Administration, Ministry of Natural Resources and Environment. He has 19 years of experience in EIA and a decade working on SEA. He has extensive experience in developing SEA/EIA legislation and in SEA/EIA capacity building. He is one of the key persons that established an SEA system in Vietnam and is still leading the development of Vietnam's SEA system, which is now considered as one of the most successful SEA systems in the East Asia region.

Jiří Dusík



Jiří Dusík is a Managing Partner at Integra Consulting with offices in Prague and Hong Kong. He specializes on strategic environmental assessments (SEA) and integration of environmental issues into planning and policy-making processes. During the last twenty years, he managed or supervised over forty SEAs in fifteen European and Asian countries. Mr. Dusík led the preparation of the European Communities Handbook on SEA in European Union's Cohesion Policy 2007-2013; and co-authored the UNECE manual for the Practical Application of the SEA Protocol to the Convention on EIA in a Transboundary Context. He served on the Board of Directors of the International Association for Impact Assessment (IAIA) and was honored with a prestigious "2007 IAIA Individual Award" for an outstanding contribution to development of SEA capacities in Eastern Europe and South Asia.

Hanane Damghi

Ms. Hanane Damghi, geographer by training with a specialization in cartography, holds a postgraduate degree in resource management and spatial planning. She joined the Department of Environment, in support of EIA, in 2002. Together with her colleagues, Ms. Damghi provides the secretariat for the National Committee of EIA, which she co-chairs, and is in charge of the EIA studies' review and validation. In addition, Ms. Damgui is responsible for other tasks, such as participating in several committees relating to impact

studies, including on investment, planning and tourism, thus ensuring that environmental aspects are integrated in the work of those committees.

Elle a intégré le Département de l'Environnement, au service des Etudes d'Impact sur l'Environnement (EIE) en 2002 et elle copréside le Comité National des Etudes d'Impact sur l'Environnement, en charge de l'examen et de la validation des études d'impact. Elle assure avec ses collègues le secrétariat du Comité National des Etudes d'Impact sur l'Environnement. Elle assure également d'autres tâches telles que la participation à plusieurs commissions en lien avec les études d'impact, notamment celles relatives aux investissements, à l'urbanisme et au tourisme, où elle veille à l'intégration de la composante environnementale lors de ces commissions.

Dhekra Gharbi Mezlini

An engineering geologist, Ms. Dhekra Gharbi has been working at the the Ministry of Environment of Tunisia for the past 15 years and is currently Head of the services and programmes against industrial pollution within the general directorate of environment and quality of life. She has supervised several strategic studies for de-pollution of fragile coastal ecosystems in Tunisia and in that respect she is Head of the “integrated project to depollute Lake Bizerte in the North of the country” which is part of the Horizon 2020 initiative aiming to de-pollute the Mediterranean. Ms. Gharbi is national focal point of the new Minamata Convention on Mercury. She is also responsible for strategic environmental assessment: she steers the process of institutionalization of that tool, prepares the appropriate legislative framework and develops SEA for the extraction of unconventional oil deposits in the Kairouan region, at the centre-west of Tunisia.

Ingénieur géologue de formation. Travaille au ministère chargé de l'environnement en Tunisie depuis 15 ans. Chef de service outils et programmes de lutte contre la pollution industrielle au sein de la direction générale de l'environnement et de la qualité de la vie. Ayant supervisé plusieurs études stratégiques pour la dépollution d'écosystèmes littoraux fragiles en Tunisie. Chef du «projet intégré pour la dépollution du lac de Bizerte au Nord du pays» qui s'inscrit dans le cadre de l'initiative Horizon 2020 pour la dépollution de la méditerranée. Point focal national de la nouvelle convention de Minamata sur le mercure. Chargée du dossier «Evaluation Environnementale Stratégique» pour mener le processus d'institutionnalisation de l'outil, préparer le cadre législatif approprié et élaborer l'EES pour l'extraction des hydrocarbures de gisements non conventionnels dans la région de Kairouan au Centre Ouest de la Tunisie.

Nahed Youssef Abdou Elsayed

Dr. Nahed Elsayed has over 15 years of experience in the field of environment and is Head of the central department of Environmental Impact Assessment (EIA), at the Egyptian Environmental Affairs Agency (EEAA) - Ministry of State for the Environment. She has been involved in the development of the national environmental law and modifications to the process of the EIA system in Egypt. For many years, she served in the programme for solid and hazardous waste management. As a chemist, Dr. Elsayed participated in the National Program for Manufacture of Water and Wastewater Treatment - Ministry of Scientific Research. She has also participated in the capacity building on EIA for environmental management units of EEAA regional branch offices, governorates and NGOs. She holds a Ph D in field of environment with a specialization in Biodegradable polymers.

Adina Relicovschi

Ms Relicovschi has more than 20 years of experience in the environmental sector and currently acts as Senior Environmental Expert at the European Investment Bank, Project Directorates/Environment, Climate and Social Office. Since 1990, she has been working in both the public and private sectors focusing on environmental policy and legislation - the

legal drafting, implementation and enforcement processes being her main area of interest. As a civil servant, between 1997 and 2000, she participated in the former Working Group on EIA, under the Espoo Convention, representing the Romanian Ministry of Environment.

Angela Filipas

Angela Filipas is an EIA specialist in JASPERS, i.e. the joint initiative of the European Commission, the European Investment Bank and the European Bank for Reconstruction and Development to assist Member States with the preparation of projects to be financed by EU Structural Funds. Before joining JASPERS, Ms. Filipas was the Head of Impact Assessment and Pollution Control Directorate in the Ministry of Environment of Romania, being strongly involved both in the negotiations with European Commission and EU approximation process, especially the horizontal legislation (EIA, SEA and access to information), the industrial pollution control and risk management. She has almost 20 years of experience as an environmental expert in horizontal legislation, environmental strategies, policies, and being certified as a trainer on the implementation of environmental legislation for civil servants.

Anthony Nyong



Dr. Anthony Nyong is the Manager of the Compliance and Safeguards Division at the African Development Bank where he leads the strategic interventions on environmental and social sustainability and climate change. Before joining the Bank, he was a Senior Specialist on climate change at the International Development Research Centre of Canada. Prior to that, Anthony was a Professor of Climate Change at the University of Jos, Nigeria. He was a Coordinating Lead Author for the Fourth Assessment Report by the International Panel on Climate Change.

Dr. Nyong has served on the Technical/Advisory Committees of major initiatives including: Agricultural Resilience in Nigeria, Technical Support Unit for the design of the Green Climate Fund; WHO Thematic Reference Group on Environment, Agriculture and Infectious Disease; Scientific and Technical Advisory Panel of the Global Environment Facility; Science Advisory Committee of the Global Environmental Change and Food Systems. He serves on the Boards of the Applied Center for Climate and Earth Systems Science, Council for Scientific and Industrial Research, South Africa and the International Centre for Climate Change and Development at the Independent University, Bangladesh as well as on the Editorial Boards of “Climate and Development”, and “Current Opinion in Environmental Sustainability”.

Mr. Nyong holds a Ph.D. from McMaster University, Canada and holds Fellowships of the African Academy of Sciences and the Royal Geographical Society.

John Carstensen

John Carstensen is Head of Profession for Climate and Environment in DFID. He has over 30 years of experience in the field of sustainable development, environment and climate change from Government, United Nations and NGO perspectives. He is Chairman of the OECD/DAC ENVIRONET. He was CEO of Society for the Environment, an umbrella body for UK’s professional bodies for environmental professionals that operates Chartered Environmentalists and Chief Operating Officer for INTRAC, a UK based civil society capacity development organisation. He worked for 9 years for UNEP and he has delivered poverty oriented environment programmes in Egypt, Thailand and Vietnam for the Danish Government. He was Private Secretary to the Danish Environment and Energy Minister and led international negotiations to protect the Ozone Layer as Chair of the Montreal Protocol working group from 1992 to 1995.

Dr. Agnes (Agi) Kiss



Dr. Agnes (Agi) Kiss is the Regional Environmental and Social Safeguards Advisor and also Biodiversity Lead Specialist for the Europe and Central Asia (ECA) Region of the World Bank. She has a PhD in Ecology from the University of Michigan and has worked at the World Bank since 1985 on environmental and natural resource management projects and studies, primarily focusing on ECA and Sub-Saharan Africa. Previously she was a Fellow in the Office of Agriculture in the US Agency for International Development, specializing on Integrated Pest Management and was the principle author of the USAID and World Bank's policies on pest management.

Elizabeth Smith

Elizabeth Smith is a Senior Environmental and Stakeholder Engagement Advisor with the European Bank for Reconstruction and Development (EBRD). She joined the EBRD in 1991, shortly after it opened, and works in the Environmental and Sustainability Department. She has been working with the Espoo Convention Secretariat and a number of working groups for over 15 years, including the regional initiative in the Caspian Region and a checklist for financial institutions regarding transboundary issues.

Iryna Holovko



Iryna joined CEE Bankwatch Network in September 2007 as a campaigner in Ukraine. For the last 7 years she has been involved in monitoring the EBRD's projects in Ukraine's energy sector. She participated in a number of public consultation processes on Environmental Impact Assessment (EIA) reports organised for EBRD projects as well as on the Strategic Environmental Review (SER) of the EBRD's Ukraine Sustainable Energy Lending Facility (USELF). She holds a Masters Degree in environmental science from the Ukrainian State University of Kyiv-Mohyla Academy.

Timothy Geer



Timothy Geer is WWF International's Director of Public Sector Partnerships. For more than fifteen years, he has guided the WWF Network's development and growth in this area; these partnerships now encompass many bilateral and multilateral organizations around the world. Prior responsibilities in WWF have included: leading business change and organizational development projects, managing the WWF Network's programme of field projects, and coordination of WWF's network of National Organizations. He has also served for more than 20 years as a Board Member of the WWF Pension Foundation, including four terms as President. Before joining WWF in 1983, Tim worked in marketing with major advertising agencies in New York City. He is a member of the Programme Strategy Committee of the Institut du Développement Durable et des Relations Internationales (IDDRI) in Paris, a member of the Reference Group of the Poverty Environment Partnership, and a frequent panellist on environment and development issues. Tim is a national of France, Switzerland and the United States and is married with three daughters. He holds a DPhil in Zoology from Oxford University and a BA in Biology from Beloit College (Wisconsin), and has numerous publications in the ornithological scientific literature.

V. **Background note on the global application of the Espoo Convention and its Protocol on SEA and the role of IFIs**

A. **Introduction to the Convention and the Protocol**

1. The global application of the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and its Protocol on Strategic Environmental Assessment (SEA) is opportune. As the complexity and magnitude of economic activity continues to grow, awareness over environmental impacts and the need for their prevention and mitigation become more and more a necessity. It is widely recognized that large-scale projects bring benefits beyond national territories – for instance, natural gas may be transferred for use to neighbouring countries and beyond via pipelines. It is also recognized that economic activities might have significant adverse environmental impacts that extend beyond national borders.

2. The **Espoo Convention** offers a legal framework under the umbrella of the United Nations to ensure international co-cooperation in assessing and managing environmental impacts of planned activities, in particular in a transboundary context. It contributes to economic growth and environmental protection, as well as helps to prevent conflicts. The Convention accomplishes these objectives by setting out procedural steps to be followed by Parties. Parties must notify and consult each other on all projects that are likely to have significant environmental impact across borders, at an early stage of planning. In addition, the Convention promotes public participation and stakeholder consultation and requires that all comments from the public and authorities as well as the findings of the assessment are taken into account when deciding on the planned activity. The transboundary EIA procedure provided for by the Convention allows for improvement of project design and identification of better alternatives and innovative approaches, enhances the understanding and public acceptance of the projects, as well as helps to reduce risks of costly mistakes. In brief, it leads to better development choices.

3. The Espoo Convention was supplemented by the **Protocol on SEA**, which concretely helps to lay the groundwork for sustainable development: it ensures that Parties integrate environmental, including health, considerations and public concerns into their plans and programmes, and to the extent possible also into policies and legislation, at the earliest stages. SEA is also recognized to be a key tool for planning and policymaking related to greening the economy and climate change adaptation. The Protocol provides for extensive public participation in the governmental decision-making. Unlike the Convention, the Protocol applies mainly at the national level, although it also provides for transboundary consultations and improved regional cooperation (e.g. to address shared protected areas, waterways or transboundary pollution).

B. **What does the global application of the Convention and its Protocol mean – for current (and future) UNECE State Parties?**

1. **Background**

4. The **Espoo Convention** was adopted in 1991 and it entered into force in 1997. It has 45 Parties across the UNECE region, including also European Union. Initially, the Convention was negotiated as a purely regional agreement, but already at the first session of the Meeting of the Parties, in 1998, the Parties to the Convention were invited to consider possibilities for allowing non-UNECE member countries to become a Party¹. Subsequently, in 2001, the Parties adopted an amendment to the Convention to allow accession by any Member State of the United Nations, upon approval by the Meeting of the Parties.

¹ Oslo declaration, 1998.

5. Such a decision was taken because Parties to the Convention had recognized the “significant achievements” of the treaty and wished to extend the area of application of its principles so as to share these benefits also with other regions of the world. Benefits included the Convention’s considerable impact on international and national environmental law and its promotion of environmental impact assessment and closer international cooperation, which had prevented and mitigated adverse environmental impacts at both transboundary and national levels.

6. To date, only one further ratification is missing for the 2001 amendment to enter into force, and to turn the Espoo Convention into a global legal framework for environmental impact assessment in a transboundary context. This is expected to happen in 2014. Moreover, at the sixth session of the Meeting of the Parties to the Convention, the Parties are considering a decision to waive the requirement for prior approval by the Meeting of the Parties, by providing blanket approval of any future request for accession by non-UNECE countries to the Convention (draft decision VI/5–II/5). This would make the procedure for accession by non-UNECE countries the same as the procedure for accession by UNECE countries.

7. Countries from outside the UNECE region will be able to join the Convention as Parties as soon as the amendment becomes operational, that is, once the amendment has entered into force for all States and organizations that were Parties to the treaty at the time of the amendment’s adoption. This is expected to take some more time, possibly even a few years, depending on the speed of the remaining ratifications. In the meantime, to promote the spirit and principles of cooperation in managing environmental issues within and beyond national borders, non-UNECE States are encouraged to unilaterally apply the procedures and to participate in the meetings and activities under the Convention.

8. The **Protocol on SEA** is a more recent instrument: it was adopted in 2003 and in force since 2010, and has to date, 26 Parties, including the European Union. The Protocol was negotiated to provide for the possibility of non-UNECE States to become Parties, upon approval by the Meeting of the Parties. With the adoption of draft decision VI/5–II/5, the requirement for prior approval would be lifted, rendering thus the Protocol a fully global instrument.

9. In recent years, countries outside the UNECE-region have expressed interest in the Convention and the Protocol. Government representatives and academics outside the region have participated in the meetings under the Convention and the Protocol as observers. The budgets adopted by the Parties have consistently included funding to support the participation of a number of representatives from non-ECE countries. Some activities have also been organized and planned in collaboration with countries from outside the region, including subregional workshops on the Convention in the Mediterranean Sea area (in Tunis, in 2010, and possibly in Morocco, in the first half of 2015) and workshops for Eastern Asia hosted by the Republic of Korea (Seoul, in 2010 and 2012).

2. Expanding benefits for the existing Parties

10. It should be borne in mind that the globalization of the treaties is not intended to benefit only non-UNECE countries. It also leads to the strengthening of the treaties, ultimately through broader and more diverse membership, and enriching the practical application. In other words, the application of the Convention and the Protocol outside the UNECE will not only mean that Parties to the two instruments share their principles and the best practices developed with non-UNECE States; but that Parties actually learn and benefit from the knowledge, practices and experiences in other regions of the world, involving new aspects and approaches; and that they further promote transboundary cooperation between neighbouring UNECE and non-UNECE countries, and globally. The opening of the Convention and the Protocol positively impacts on environmental policies and legislation of other countries, strengthens multilateral cooperation and leads to new opportunities for collaboration between intergovernmental organizations and for financing.

11. Workplans under a global Convention and Protocol will be supplemented to include outreach and capacity building activities targeting non-ECE countries. For the implementation of globalized workplans, strengthened cooperation and new partnerships with other international organizations, including UN agencies and regional commissions, and other actors are essential, especially for implementation of activities outside the UNECE region. Such partnerships are enriching in terms of knowledge and experience; lead to more effective implementation of activities, and, can also open up new financing opportunities that benefit countries both within and beyond the region. The early involvement of other regional commissions of the UN and other partners, such as international financial institutions engaged in operations requiring EIA or SEA, can smooth subsequent interactions and make the programming and implementing of activities more efficient.

3. Financial implications and perspectives

12. From a financial point of view, it is expected that with the broadening of cooperation and membership, the level of participation by non-UNECE countries in meetings and other activities under the respective workplans is likely to rise, leading in turn to increased costs from the treaty budgets. Countries from outside the UNECE region would also require assistance for the development of legislation and capacity building. This inevitably calls for more financial resources.

13. However, some non-UNECE countries, including developing countries, can fund participation of their experts themselves, while some participants could be funded by countries or partner organizations. Moreover, extra costs can also be offset by the growing interest in and the political support for a treaty that is – or, is about to be – global. This can lead to new opportunities for collaboration with intergovernmental organizations and, as mentioned above, for financing and joint project implementation. In addition, ministries of foreign affairs and those responsible for development cooperation are interested in the globalization of the instrument, and will be able to unlock funding for development assistance. For example, the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (the Water Convention) that recently became global is now receiving significant funding specifically for its opening and at least one quarter of its budget from ministries of foreign affairs or development cooperation. Such funding would not have happened without the Convention's global opening. The Water Convention has also been able to mobilize additional extrabudgetary resources from new sources and now cooperates with the Global Environment Facility, i.e. the well-known financial mechanism for several global MEAs.

C. The role of international financial institutions

14. As a rule, IFIs today have adopted internal policies and procedures on environmental assessment, including also transboundary procedures, applicable to the projects they finance. The Meeting of the Parties to the Espoo Convention, and since 2011 the Parties to the Protocol, have consistently encouraged IFIs and bilateral aid agencies to align their policies and procedures with those of the Convention and the Protocol – by encouraging them to apply the principles and procedures of the Convention to their development projects with potentially significant transboundary environmental effects; and to apply the principles of the Protocol to the development and implementation of their plans and programmes (see declarations adopted at the sessions of the Meetings of the Parties in 2011, 2004, 2001, as well as draft declaration submitted for adoption in 2014).

15. Under the 2008-2011 workplan adopted by the Meeting of the Parties at its fourth session in 2008, the European Bank for Reconstruction and Development (EBRD) was invited to take the lead in the preparation of a “checklist for financial institutions on projects with transboundary impacts”. The Parties subsequently welcomed the informal and voluntary checklist prepared by EBRD, including information that an IFI could request when considering financing of a project to document compliance by a country with the

requirements of the Convention and assisting it in identifying gaps in the information provided, including potential project risks. In 2011, at its fifth session, the Meeting of the Parties to the Convention requested the secretariat to promote the use of that list by IFIs and the possible development of a consolidated list reflecting the common practice of IFIs (decision V/4 on review of compliance). In November 2013, the Working Group on EIA and SEA welcomed the offer by EIB, together with EBRD, to promote the use of the checklist within the projects that they co-implemented with other IFIs. The list was also presented to the Multilateral Financial Institutions Working Group on Environment in 2013.

16. The Parties have also encouraged the IFIs and multilateral aid agencies to assist authorities in the country of origin to carry out EIA and SEA according to the principles and procedures of the Convention and the Protocol (see e.g. 2001 Sofia Ministerial declaration). This assistance will be particularly welcome in view of the globalization of the two treaties, to support awareness rising and the development of legislation and capacity building of countries outside the ECE. The strengthened cooperation and new partnerships with IFIs will indeed be particularly essential due to the key role these institutions play at the global level, and to the knowledge and long-standing experience they have gathered in operating in the non-ECE countries. With the growing interest of the non-ECE countries in the two treaties, the current Parties and the secretariat will not only need further resources but is likely to also encounter limitations in terms of expertise and knowledge to support workplan implementation at the global level. Funding and co-funding opportunities by the IFIs for the promotion of the application of the Convention and the Protocol (through bilateral aid or through contributions to the Convention trust fund) should be explored. The compliant standards and improved capacities on EIA and SEA in the countries would directly benefit the IFIs.

D. What are the advantages for States to apply the treaties and become Parties?

1. Solid international framework

17. In the Pulp Mills Case, the International Court of Justice in its judgement recognized undertaking EIA where there is a risk that a proposed industrial activity may have significant impact in a transboundary context as a practice that has become an obligation of general international law, although it found that international law does not prescribe the scope or content of such assessments.² That practice was above all built under the **Espoo Convention**. By becoming a Party to the Convention, a country joins the only international legal regime on the scope and content of transboundary EIA procedures, a regime that has already proven its effectiveness over the past two decades. By being Party provides rights to be notified and consulted about planned developments of other Parties that are likely to adversely affect its national territory.

18. By applying the Protocol, countries take a concrete step towards Millenium Development goal 7, and its first target: “to integrate the principles of sustainable development into country policies and programmes and reverse the loss of environmental resources”. Moreover, with the rising importance of procedural rights for the public to be informed and consulted in environmental matters as early as possible, by becoming a Party to the **Protocol** a country joins the only international legal regime detailing procedures for the adoption of plans and programmes while ensuring a high level of protection of the environment, including health. The Protocol materializes principles 4 and 10 of the Rio Declaration and furthers the principles of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) for plans and programmes..

² Pulp mills on the river Uruguay (Argentina v. Uruguay) 2010 I.C.J. (20 April 2010).

2. Recognition by the international community

19. Parties to the two treaties signal to other countries, international organizations and other actors, such as international financial institutions, their commitment to applying the norms and standards of the Convention and the Protocol and cooperate on the basis of the principles set. They gain respect and credibility for abiding to internationally recognized standards for SEA and transboundary EIA in their economic activities.

3. Access to technical and financial assistance and donor cooperation

20. Parties to the Convention and the Protocol may benefit from the use of the trust fund, which supports the effective implementation of the two treaties. Interested Parties contribute voluntarily to the trust fund, so allowing them to target efficiently their assistance and to join forces with other donors in a coordinated way. The trust fund can be used for technical support to Parties, particularly to promote and implement the Convention and the Protocol through technical assistance for the development of legislation; guidance documents; training workshops and pilot projects for capacity building, as well as for support to participation of experts from eligible countries in meetings, workshops and organized under the two treaties. While non-Parties can also benefit from the Convention's trust-fund, priority is given to Parties.

21. In particular, as a rule, IFIs today have adopted internal policies and procedures on environmental assessment, including to certain extent also transboundary procedures, applicable to the projects they finance. If a country is a Party to the Convention and has transposed its provisions into the domestic system, the chances to benefit from international aid and financing (notably co-financing) rise, because the procedures on EIA according to the Convention are already in place.

22. It should also be noted that the European Union (EU), as a Party to the Convention and the Protocol, has in place EIA and SEA legislation aligned to the two instruments. By promoting EU EIA and SEA legislation – as part of the so-called *acquis communautaire* – in its negotiations with third countries, the EU also promotes the application of the Convention and the Protocol and provides financial aid for legislative and institutional developments in countries on the way of association or accession.

4. Developed institutional platform and regime

23. A State that becomes a Party to the Convention and the Protocol can participate in their existing institutional structure and decision-making of their governing bodies, thus fostering implementation of the treaties and their further development, including by bringing in different legal traditions and practices in applying EIA and SEA procedures. States can initiate the negotiation of binding rules, such as protocols and amendments. They can also elaborate soft law instruments, such as guidelines, recommendations, checklists and other tools, to promote implementation of the provisions of the Convention and the Protocol.

24. While States outside the region that are not Parties are welcome to attend meetings under the Convention and the Protocol, in an observer-like capacity, by becoming Parties they acquire decision-making rights and can lead activities under the two treaties. Parties may appoint officers, e.g. to the treaties' Implementation Committee, and if elected, contribute to the expression of opinions by the Committee and thus provide interpretation of the treaties.

5. Advice and support from the community of Parties

25. A Party to the Convention and the Protocol benefits from the existing experience under both instruments, e.g. its guidance documents, thematic seminars held during meetings of the Working Group on EIA and SEA, sub-regional and national events and activities on the ground. The workplan under the two treaties is demand-driven and therefore able to respond to the differing and evolving needs of the Parties. All Parties – no

matter whether “new” or “old” – actively participate in the sharing of knowledge and experience and learn from each other.

26. The Convention and the Protocol constitute collectives fora. A Party may bring its needs and expectations to the attention of all other Parties. In other words, a Party may voice its concerns over the implementation of the two treaties at the governmental meetings, such as the Meeting of the Parties. Moreover, the assistance oriented, Implementation Committee under the Convention and the Protocol can help Parties in all questions regarding implementation of the two treaties and facilitate the settlement of the any differences and disputes.

6. Support to bilateral and multilateral cooperation – and contribution to international peace and security

27. The Convention and (the article 10 of) the Protocol provide procedures and a framework for discussing planned developments with neighbouring countries, including to address difficult issues, concerning for example shared natural resources. Participation in and cooperation through the intergovernmental platform of the Convention and the Protocol reduces uncertainty in relations among neighbouring States – and not only, in case of long-range transboundary impacts – and helps prevent potential tensions, disagreements and differences, so contributing to the maintenance of international peace and security.

28. Both treaties encourage and provide guidance to Parties to continue existing or enter into new bilateral or multilateral agreements in implementing the treaties’ transboundary procedures. The aim of those agreements is to provide for local conditions, and allow smooth implementation of the treaty obligations, and avoidance of difficulties, through prior clarification of and agreement on, for example, the time frames; cost sharing arrangements; the content and the language of the notification and documentation; or interpretation of various terms set out in the treaties. Such treaties are particularly valuable for neighbouring countries with intensive economic activities that may result in transboundary environmental impacts or that encounter difficulties in achieving ad hoc cooperation. Existing practice has also shown the benefits of joint bi-and multilateral bodies to assist in the conduct of the transboundary procedures.

7. Improved protection of the environment and management of shared resources

29. The implementation of obligations under the Convention and the Protocol, described earlier in this document, aiming primarily at prevention, control and reduction of significant adverse impacts, provides for a high level of protection of the environment, and human health, and improves natural resources management at the national and international levels.

8. Environmental governance

30. The procedures established by the Convention and the Protocol, based on the tenets of transparency and public participation, within and beyond national borders, significantly improve the quality of development projects for several reasons: the authorities have the opportunity to benefit from contributions by other authorities and experts in the decision-making and eventually take better and informed decisions; the authorities are accountable for the choices they make in decision-making; and importantly there is a participatory approach in promoting the development of the country and the well-being of its population. In general, there is an increase in trust of the public – not only national public – for the governing institutions and environmental concerns are prevented or mitigated at the local/regional level, before they develop to a problem of global concern.

E. How can a State become Party to the Convention and the Protocol?

31. A non-UNECE State may join the Protocol immediately. Awaiting the global opening of the Convention in the next couple of years, a non-UNECE State is encouraged to unilaterally apply its principles and procedures but also to prepare for accession to the Convention. It is invited to attend various meetings and events under the Convention and the Protocol.

32. Preparations for the accession can be made by assessing the required changes to the existing domestic legislation and policies, to fully meet the obligations of the two treaties. A possibly effective approach is to establish an official working group to assess the impact of the two treaties on domestic law and policies and on transboundary cooperation. Countries are also encouraged to develop sufficient capacity for the successful implementation of the treaties. If needed, a country can request assistance in the accession process from the Meeting of the Parties, the Implementation Committee or the secretariat. Numerous activities for pre-accession legislative assistance and capacity building have been carried out over the years under the treaties to promote their ratification and effective implementation in the UNECE region.

33. In order to become a Party, a State outside the UNECE region must deposit its instrument of accession for the Convention or the Protocol with the Secretary-General of the United Nations. Accession procedures should be separate for the Convention and the Protocol, since the two are distinct treaties under international law. Accession to either instrument implies that a State becomes bound by the decisions of the Meeting of the Parties taken before the time of its accession.