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**INTERLINKAGES BETWEEN ECE MULTILATERAL ENVIRONMENTAL
AGREEMENTS
A REVIEW OF SYNERGIES TO BE DERIVED FROM CLOSER COOPERATION**

Discussion paper prepared by a consultant
with the assistance of the secretariat

Introduction

1. Environmental problems have been tackled within the framework of the ECE through the development of five legally binding conventions and nine protocols since 1979. ^{1/} The development of such instruments has taken place in response to separately emerging concerns for the protection of the environment and human health, but not on the basis of an overall and integrated plan for such protection. Although it may be argued that, while ignoring possible synergies, such an individualized ad hoc approach has given strength to each separate instrument, gaps and overlaps may have been created to the possible detriment of the overall effectiveness of the legislation. It is therefore not surprising that the ECE Committee on Environmental Policy has initiated a review of the scope for further cooperation between the five conventions, based on the obvious, and less obvious, interlinkages between them. This report attempts to assess the potential for synergy gains through cooperation on three levels: national, intergovernmental and inter-secretariat.

^{1/} The ratification status and full names of these conventions and protocols are given in the annex.

I. BASIC PRINCIPLES

2. The ECE environmental conventions were negotiated to address topical concerns for the protection of the environment and human health. While the first one, the 1979 Convention on Long-range Transboundary Air Pollution was a pioneering agreement, it provided only a political framework for further negotiation of substance-specific protocols. This flexibility offered a very successful procedure, which was fully taken benefit of in the preparation of eight protocols to date. The other four ECE conventions were negotiated and concluded drawing on the experience of other instruments, as appropriate. In this way, informal coordination took place among delegations and with the support of the ECE secretariat.

3. The purpose of coordination among the Conventions is to avoid overlap and conflict and to provide a basis for efficient use of international and national resources, be it staff, expert institutions, equipment or data. The point of departure for international law and policy development is usually the sovereign State which, together with other States, responds to a challenge. The fact that ECE has offered a recognized neutral forum for negotiation of all the conventions is, in itself, a source of coherence which minimizes the risk of fragmentation. The services of the ECE secretariat are instrumental to any progress, not only during the preparatory phase of negotiations and the negotiation proper, but also during the subsequent period of administrative support, review, implementation and follow-up. The secretariat is the only permanent body with overarching responsibilities for the conventions.

4. Governments which cooperate within the framework of ECE can ensure that the environmental conventions are mutually supportive. It is only through intergovernmental collaboration that new agreements can be harmonized, e.g. regarding coverage of environmental and public health protection, scientific basis and measures and procedures. Such collaboration can facilitate a concerted approach to competing international agendas in the field of trade, transport, energy, etc.

5. The ECE conventions, although addressing various issues, offer a framework for coherence. This coherence is manifest through formal and informal mechanisms that promote coordination at national, intergovernmental and, not least, inter-secretariat levels. The co-location of the secretariats in the same Division in ECE is a significant strength when organizing work, arranging intergovernmental meetings and preparing documentation. The approach to implementation also benefits from the interlinkages between the conventions as represented by the secretariat.

6. On the policy level it can be seen that possible conflicts and disputes between the different regimes have been avoided thanks to the self-restraint of governments which strive for coherence of rules and norms, for concerted behavioural change and for solutions that do not undermine the objective of another convention.

7. The ECE conventions have created a number of functions and procedures, and institutions and bodies have been set up both within and outside the conventions to carry out these functions. Coordination of such efforts may reveal strong vested, institutional interests and the governing

body can, with the assistance of its secretariat, turn such interests into fruitful competition within a coherent context. Bodies for scientific and technical advice and for assessment of information, as well as bodies for reviewing implementation and assessing compliance and consequential action in case of non-compliance, are key actors under their respective governing body. With the understanding of the governing body, the secretariats servicing these bodies may play major roles in harmonizing approaches and may take initiatives, propose action and develop modes of cooperation.

II. MAJOR ISSUES

A. Information

8. Public access to environmental information can be a powerful force for environmental improvement, enabling the public and the media to play an active role in publicizing problems and exerting pressure for mitigating measures. Some provisions on public access to information are found in the more recent ECE conventions, but the Aarhus Convention naturally contains the most detailed and far-reaching provisions on this topic. As that Convention is, by its nature, a cross-cutting instrument with a broad definition of environmental information, the subject matter of the other conventions would, for those States which become Parties to the Aarhus Convention, be covered for the most part by the provisions of this Convention.

9. The importance of harmonization of methods for information gathering and exchange of information is linked to the fact that all conventions and protocols were negotiated on the basis of available information and that information is crucial for follow-up of implementation and compliance. Therefore, the methodologies, procedures, formats and analysis might be streamlined to guarantee common reliability.

10. The preparation and use of information may vary between the ECE conventions. This may create difficulties at the national level, where the lack of consistency exerts an unnecessary burden on government offices and national institutes. It may also hamper the exchange and sharing of knowledge between the secretariats, which may be to the detriment of overall efficiency in the intergovernmental work.

11. More harmonized information gathering could facilitate Parties' reporting on implementation and could make monitoring more effective. It could also provide a better means for public awareness-raising. Most likely, further harmonization would also offer cost-savings in governments and secretariats. The increasing use of modern information technology for databases and harmonized Web sites will vastly improve the accessibility to high-quality information.

12. It is suggested that the secretariats for the five conventions, in accordance with the provisions of those conventions and their associated protocols, should review the present status of information gathering and dissemination and explore the potential for synergies by learning from each other, e.g. regarding questionnaires, timing, analysis of responses, compilation and presentation. The secretariats may also take further steps towards drawing conclusions and

making recommendations regarding reporting and implementation, for consideration by the governing bodies or their appropriate subsidiary bodies. The full involvement of governments will facilitate this process. However, the secretariats should refrain from any legal considerations of compliance, but rather provide a high-quality basis for such considerations.

13. In their review the secretariats should address data collection from a technical and administrative point of view; definition of terms; harmonization of reporting by Parties; analysis, compilation and presentation; possible integration of data; reporting back to the governing bodies; public information; and need for capacity building on all levels.

14. The secretariats should also coordinate their approaches to information management practices in general, with the assistance, if possible, of a shared data manager. They should facilitate integration, where appropriate, of information between the conventions, and they should ensure that only necessary information is requested from Parties and that the compiled information is presented in an efficient manner, which will facilitate its use in an equally efficient manner.

15. When all five conventions have entered into force it might be contemplated to prepare a cross-convention summary of achievements. Such a summary could highlight not only the commonalities of the conventions but also the separate and divisive features as a means to assess the overall performance of ECE environmental legislation. A joint workshop might provide the necessary guidance for such a summary.

16. Apart from the obvious interlinkages between the ECE environmental conventions in the field of information management, it is clear that strong interlinkages also exist between individual conventions and non-ECE entities. The most prominent are those pertaining to regional or subregional emission data reporting under the Convention on Long-range Transboundary Air Pollution, the European community's CORINAIR, the Helsinki Commission and the Oslo-Paris Commission. In particular, the close cooperation between the Convention on Long-range Transboundary Air Pollution's monitoring programme (EMEP) and EC CORINAIR, which has led to a joint emission inventory guidebook, is an example of successful collaboration yielding benefits and cost-savings to Parties, member States and secretariats. Another example is the common emission reporting requirements for carbon dioxide of the Convention on Long-range Transboundary Air Pollution and the United Nations Framework Convention on Climate Change. This type of harmonization could be further developed, as appropriate. Yet another example of efficient information sharing among United Nations bodies is the cooperation between the secretariat of the Convention on Long-range Transboundary Air Pollution and UNEP Chemicals regarding risk assessment and criteria for selecting compounds in the preparation of a global convention on persistent organic pollutants. In this process information collected in a regional context was fully taken advantage of in a global context. It is very likely that other ECE conventions and protocols will also be used as springboards for action in other regions and worldwide. For this purpose it is essential that the regional body can offer coherent and reliable information for use within a wider scope. Harmonization of reporting schemes concerning past industrial accidents between the Convention on Industrial Accident and the Seveso II Directive is planned. So is the harmonization of procedures for requesting assistance

in the event of an industrial accident (Economic Commission for Europe (ECE)/Office for the Coordination of Humanitarian Affairs (OCHA)/United Nations Environment Programme (UNEP)).

B. Finance

17. While some of the global environmental conventions (ozone, biodiversity and climate change) are interlinked, in terms of financing the implementation, through the Global Environment Facility (GEF), no such links exist between the ECE conventions. These regimes do not enjoy any coherent, stable and long-term funding with the sole exception of EMEP, for which a protocol provides for mandatory cost-sharing of essential international coordination of monitoring, modelling and evaluation. Instead, voluntary mechanisms are in place, not least through a system of assumed lead country functions for projects and programmes operating under the conventions. Again, the Convention on Long-range Transboundary Air Pollution provides the most developed scheme for such arrangements, by which numerous monitoring activities, task forces and international centres are financed at a total annual cost estimated to be in the order of US\$ 60-70 million. Such arrangements, although extremely useful, are neither stable, nor long-term, and can be maintained only through the extraordinary generosity of a handful of countries. While all Parties benefit from these arrangements only a few pay for them and this lack of equitable cost-sharing has raised serious concern.

18. None of the ECE conventions and protocols provides for any funding of implementation of obligations, or for the introduction of preventive safety measures in the operation of hazardous activities as stipulated in the Convention on Industrial Accidents. This may be seen as a weakness of the agreements, in particular for those requiring major investments for fulfilling the obligations, as is the case with the recent protocols to the Convention on Long-range Transboundary Air Pollution. The lack of resources may prevent many governments, in particular in countries with economies in transition, from signing and ratifying agreements that they initially supported in the negotiations. This could be a substantial obstacle to regionwide progress of ECE conventions and protocols.

19. The relationships between the global conventions and GEF may suggest that similar arrangements could also be beneficial for the ECE conventions. The ECE secretariat could explore, if so requested by the governing bodies of the conventions, which financial mechanisms could be put forward for a discussion of funding of the implementation of conventions and protocols. It could involve international banks and financial institutions, funds and foundations among intergovernmental and private sector actors. This matter could be addressed as a joint intergovernmental concern but geared towards bilateral solutions, i.e. agreements between individual governments and financial donor institutions.

20. While all ECE environmental conventions are serviced by the ECE secretariat within its regular budget, there are no provisions in any of the conventions for separate funding of the secretariats for the conventions. This implies that the convention secretariats compete with other United Nations activities for resources. In budget allocations within ECE, this may be to the disadvantage of individual secretariats, which all service treaty bodies which are smaller than the

ECE constituency. The willingness of individual parties and signatories to the conventions to provide funding on a voluntary basis for staff, travel, equipment, consultancies, etc., for the secretariats is instrumental in achieving progress, but this type of funding suffers from a lack of long-term consistency and security.

21. Synergies could be derived from a coordinated approach between two or more agreements, e.g. between the Convention on Transboundary Watercourses and Lakes and the Convention on Industrial Accidents. Funding agencies may want to promote projects and programmes that create synergetic effects across several areas of environmental concern, e.g. various aspects of human health protection (drinking water, hazardous products and air). The opportunity for such agencies to develop a systematic approach to recipient and project eligibility requirements, as well as monitoring and evaluation, offers a potential for synergy.

22. The full implementation of all the conventions and protocols requires considerable capacity building in many countries. Financial resources made available for this purpose may not be channelled in the most optimal way, since interests are vested and may compete with each other without having the full scope of environmental protection in place. It might be useful to organize a joint workshop with all conventions, their secretariats and potential financial institutions to review the needs in the short, medium and long term and to prepare a plan of action.

23. At the national level it might also be useful to review the need for funding of the implementation of all the agreements that the country has entered into and to allocate resources accordingly. This should be done as a natural part of an integrated national development plan. The competing interests would then have to be justified and reconciled and any perceived future shortfalls should be reported to the governing bodies and the secretariats since that may have implications for the implementation of and compliance with agreements.

24. To make governments, institutions and industry more willing to bear the cost of supporting and implementing the conventions and protocols, the benefits of the agreements need to be made widely known, be it in terms of prevented damage to the environment and human health, improved productivity, or better quality of life in general, including the individual's right to know and to influence political decisions. Awareness-raising can here be seen as an ingredient for improved funding.

25. The governing bodies may, according to their own priorities, at some stage consider setting up mandatory schemes for some of their support activities. The 1984 EMEP Protocol offers an example regarding procedures, trust fund arrangements, scale of assessments, implementing instruments with cooperating centres and auditing that may be of guidance and assistance.

26. The existing Trust Fund for Assistance to Countries with Economies in Transition (TFACT) was established to facilitate the wide participation in intergovernmental meetings in Geneva and elsewhere. With voluntary donations by Parties, the Fund has proved very successful for promoting the necessary cooperation. While the specific criteria for funding participation are decided by the individual governing bodies, the secretariats are entrusted with the application of these criteria in an administratively harmonized way. The handling of TFACT arrangements is

time-consuming for the substantive secretariats. The difference in criteria and available resources for the conventions leads to differences in financial arrangements. This has to be accepted since there would be no significant benefit in having identical arrangements.

27. Individual conventions may find it appropriate to seek cooperation with non-ECE entities to secure funding for activities of mutual interest. Such arrangements could be cost-effective and could avoid wasteful duplication of work. The existing cooperation with the European Commission, the World Health Organization (WHO) and the World Meteorological Organization (WMO) are a case in point.

C. Issue Management

28. Issue management is, in this particular context, a term for describing a practical method of coordinating activities which require an integrated, systematic approach to matters mandated by the conference of the parties or the meetings of the signatories to the five ECE environmental agreements. The term was used in the Report of the Secretary-General: Renewing the United Nations - A Programme for Reform (A/51/950, 14 July 1997). According to the report, issue management requires the setting-up of task forces and similar working groups to promote a coordinated follow-up to global conferences and other initiatives, including environmental conventions.

29. The implementation and promotion of the five ECE environmental conventions and the nine protocols may be facilitated by applying an adjusted version of the concept of issue management. It can be done on all three levels of concern - national, intergovernmental and inter-secretariat - but without the setting-up of any new body. Some of the issues which coherent management could make more relevant and visible will be identified below. It must, however, be left to the conferences of the parties and the meetings of the signatories to provide guidance to their secretariats as to the practical application of issue management. As mentioned before, the experience gathered over more than 20 years of work under the Convention on Long-range Transboundary Air Pollution may offer some particular guidance for other governing bodies. But the more recent agreements have also introduced novelties that are of wide interest. At the national level, a coherent approach would facilitate progress, not only on that level, but also internationally. Intra-governmental coordination of issues between ministries is crucial.

30. The regional approach of the ECE conventions simplifies issue management. All the conventions have a core constituency of the same signatories and parties. The shared familiarity with the actual problems in the region and the awareness of their environmental linkages add to the potential for cooperation which will yield synergies across the board.

31. It might also be useful to design "issue clusters" from among the provisions of the conventions and protocols which could facilitate coordinated institutional support of the agreements. Examples of issue clusters are: protection of human health; fresh waters; soils; forests; wildlife; ecosystems; as related to pollution from air, water, food, products and waste. Similar clusters can be designed based on pollution sources, related to economic activity in the various sectors of society: energy, transport, agriculture, etc. Other clusters could be made up of

administrative, political or legal concerns: terms of reference, public participation, infrastructure in countries, monitoring, enforcement procedures, non-compliance schemes, arbitration, sanctions, amendment requirements, etc. The inter-secretariat management of issues should, where appropriate, attempt to relate to the ongoing intergovernmental processes for negotiations, implementation and follow-up.

32. The following concrete issues have a cross-cutting character and may benefit from being addressed in a coherent way between the conventions concerned. Cooperation, in particular, on the intergovernmental and inter-secretariat levels might be further developed to this end.

Exchange or transfer of environmentally sound technology

33. To facilitate the implementation of obligations, an article on the exchange of technology was introduced already in the 1988 NO_x Protocol. All subsequent protocols to the Convention on Long-range Transboundary Air Pollution, as well as the Convention on Industrial Accidents, contain provisions for such an exchange. The Convention on Transboundary Watercourses and Lakes and more recent agreements provide for the exchange of information on best available technology.

Ecosystem protection and management

34. Several conventions and protocols have explicit or implicit provisions for measures to be taken to protect the various compartments of the environment from, in particular, transboundary pollution. An integrated view on this matter could improve the degree of protection. For example, the interest in the environmental situation and problems of urban areas has increased and the concept of urban ecology has been introduced, expressing an integrated and interdisciplinary approach to environmental problems in urban settlements. It is also characterized by the involvement of local citizens. The ECE Committee on Human Settlements has addressed these issues through a group of experts working on guidelines on human settlements planning and management.

Protection of human health

35. The development of environmental legislation under ECE has, over the years, increasingly targeted not only the hazards caused by pollution to the environment, but also those to human health. The three most recent protocols to the Convention on Long-range Transboundary Air Pollution (persistent organic pollutants; heavy metals; acidification, eutrophication and ground-level ozone) and the Protocol on Water and Health clearly address public health issues. The other agreements directly or indirectly refer to human health protection as one of the end points of the legislation. This concern introduces the need for medical expert advice, epidemiological data and risk assessments, be it regarding drinking water, air or food. A common approach to these matters would be beneficial. The newly re-established European Environment and Health Committee has, in its terms of reference, among other tasks to: (a) monitor, facilitate and promote the implementation of actions defined by the Environment and Health Ministers at the 1999 London Conference; (b) assist in the identification of emerging environmental and health

issues that require collaborative action or further study; and (c) further develop the environment and health process in Europe by facilitating and promoting partnerships and intersectorality at all levels leading towards sustainability.

Energy

36. Energy has significant downstream effects on industry and transport, which, together with agriculture, are key driving forces behind Europe's environmental problems. Energy is targeted directly or indirectly by several of the agreements. Promoting energy efficiency and conservation, increasing the production and use of cleaner energy sources, managing energy demand and internalizing environmental externalities in energy prices are major approaches to breaking the trend. Market-based mechanisms aimed at motivating energy producers and users to reduce pollution are gaining in importance in governments' approaches to integrating environmental policy with sectoral policies and promoting sustainable development. A number of international initiatives have been taken to support national efforts to improve the environment by reforming energy pricing. The Organisation for Economic Co-operation and Development (OECD) has recently prepared a series of studies on the internalization of environmental and social costs of economic activities through taxation and the removal of price support.

Transport

37. The transport sector is a major generator of pollution and a joint programme for transport and environment is operating under ECE. The conventions and protocols that address the transport sector, in particular the Convention on Long-range Transboundary Air Pollution, provide input to the programme in the form of emission data and effect studies. The impact of transport offers interlinkages between all ECE environmental conventions. An overview of the agreements and legal instruments relevant to transport, environment and health is being prepared. There is growing recognition in ECE countries of the need to consider the environmental implications of land-use and transport patterns in an integrated manner. There is strong evidence that the prevailing means of transport shape the patterns of land-use. Integrating land-use and local transport policies, strategies and plans, means more than merely making sure that they complement each other. Rather it means integrating action across all policy areas and at all levels of decision-making.

Land use and human settlements

38. Land use and human settlements is a truly cross-cutting issue with interlinkages to all conventions and protocols. Although the legislation does not contain any direct provisions on this issue, it might be useful to examine how international and subregional mechanisms affect the way that land is used and the biodiversity it supports - and vice versa. Such an examination might lead to a common set of priorities, which could encourage sustainable use of land, indicating the possible need for revisions of the existing agreements.

Public participation

39. The 1998 Convention on Public Participation offers a detailed set of provisions for engaging, and giving rights to, the general public in environmental matters. The other agreements have articles on public awareness and/or on public information. A common approach to this issue can be applied.

Education and awareness-raising

40. The conventions and the activities carried out under them are not well known and public awareness could be increased through improved communication strategies. There may be added value in developing a coordinated communication strategy involving all five convention secretariats, which could include a regular bulletin on the activities being undertaken, as well as improved links between the conventions' Web sites. The willingness to take on obligations increases when the reasons for the obligations are fully understood and their benefits visible. For this purpose an information package should be prepared and made available to all interested parties. A mentor system could also be contemplated, not least to attract further attention in countries considering acceding to the conventions.

Environmental impact assessment (EIA)

41. EIA is a cross-cutting issue and is referred to in many ECE agreements. It is a major tool for an integrated approach to the protection of the environment since it requires a comprehensive assessment of the impacts of an activity on the environment, contrary to the traditional sectoral approach. Moreover, it considers alternatives to the proposed activity and brings facts and information on environmental impacts of relevance to more than one convention to the attention of decision makers and the general public.

Ratification and implementation

42. Ratification and implementation are the key indicators of a convention's or a protocol's success. It is an issue that lends itself very well to cooperative initiatives. The biennial reviews of Parties' strategies and policies to abate air pollution (under the Convention on Long-range Transboundary Air Pollution) offers an example of how parties and non-parties can inform each other about progress or lack of it. This system reveals any shortcomings and invites the parties to consider each other's performance. The Convention's secretariat reviews the national reports and notifies any Party that fails to meet the deadline. A programme of assistance to countries in need, including training and awareness-raising (see above), could be worked out. Such a programme should be a shared responsibility between the respective conference of the parties and the secretariat, possibly assisted by lead countries or consultants. It is suggested that all conventions, as necessary, consider similar action. A particular feature of the Convention on Public Participation and the Protocol on Water and Health is that they can be opened for accession by non-ECE countries. There is scope for similar worldwide applications also for other agreements and guidance can be obtained from the aforementioned treaties. The Parties to the Convention on EIA, parties are preparing an amendment to this effect.

Access to justice

43. Many of the ECE environmental conventions deal with decisions taken by the competent authorities in a polluting country that can have implications for other countries. In some ECE countries affected by such pollution individuals have the right to appeal against those decisions. In the light of the relevant provisions in the Convention on Public Participation, this right of appeal or access to justice should be made available in relation to all ECE environmental conventions throughout the region.

Interlinkages

44. The interlinkages between the conventions and protocols are, in themselves, an issue for concerted management. It is therefore suggested that the secretariats should identify the provisions, policies and practices of each agreement that have a positive, a negative or no impact on the objectives of the other multilateral environmental agreements, including non-ECE ones. Such an exercise could improve the visibility of the ECE environmental legislation, highlighting its obvious strengths while finding remedies for its possible weaknesses.

D. Scientific mechanisms

45. Scientific findings in the 1960s regarding the relationship between sulphur emissions in continental Europe and the United Kingdom and the acidification of Scandinavian lakes, with subsequent fish-kill, became a driving force for negotiations of the first ECE environmental convention, the Convention on Long-range Transboundary Air Pollution. Ever since, sound science has been a necessary foundation for negotiations of protocols to it. The link between science and policy has become the strength of that Convention.

46. Other conventions have also been negotiated on the basis of scientific findings. This mode of operation is paramount to achieving success. While it operates well in general, it is also important to secure and further develop this link for the future. One way of doing this is to sensitize the governing bodies to the importance of maintaining close links with the scientific community, to set up scientific expert groups and task forces when necessary, and to encourage peer-reviewed input for negotiations, review and follow-up. A common understanding of scientific knowledge facilitates progress in policy-making.

47. A more integrated approach to scientific mechanisms and processes in all the ECE environmental agreements could be of benefit for environmental and health protection. The increasing recognition of the co-dependence of ecosystems and environmental media means that further cooperation between the various actors of the five ECE conventions may be called for. This could be done on an intergovernmental level, i.e. in the governing bodies and their expert subsidiary bodies, but also, not least, on the national level, i.e. among government ministries and institutes. It must be noted that actions to protect human health and the environment taken within the provisions of one convention must not be contradictory to actions of any other convention, or, worse, must not create new environmental problems. For instance, the

desulphurization techniques prescribed in protocols on air pollution may result in the generation of considerable volumes of sulphur-containing by-products and wastes, which, if not used or disposed of properly, may lead to contamination of waters, including transboundary ones.

48. The possible scope for further cooperation between the conventions on scientific matters should be examined. The existing mechanisms should be evaluated, taking into account all dimensions of the issues, e.g. environmental, health-related, technical and policy-oriented, and opportunities for synergies and trade-offs among the agreements should be assessed. It might be useful to explore the feasibility of identifying a joint panel for independent effect studies and risk assessment, or of setting one up if none exists. Such a panel could possibly work not only for the ECE conventions, but also for other agreements, including global ones. A case in point is the need for uniform scientific advice on the risks of chemicals to be proposed for addition to the ECE Protocol on persistent organic pollutants (POPs) and the UNEP draft convention on POPs.

49. The ECE secretariat could propose to set up an open-ended ad hoc panel of scientific, technical and economic experts and policymakers to explore the current mechanisms for identifying and examining key scientific issues and gaps in scientific and policy interlinkages. The panel should also include the convention secretariats, environmental NGOs and private sector. The aim of the panel would be to provide direction for future work. The panel could also examine how the precautionary principle is interpreted in the various conventions and draw a conclusion as to the degree of coherence and adequacy of its application. Such a conclusion, while prepared for the benefit of ECE conventions, could be an important contribution to the necessary discussion within the global scientific community.

50. The panel may also prepare a draft agenda for an intersectoral workshop in which scientists would exchange views on how the ECE environmental legislation and related activities could be geared towards more comprehensively protecting human health and all compartments of the environment. It could also discuss priorities for further work including the implications of proposed action. It may also be necessary to address ethical questions, e.g. regarding choices for human health protection in the short and long term, tolerable risk and damage, mortality and morbidity and behavioural aspects.

51. There is a need for stable and long-term scientific capacity-building among parties to the conventions. Especially in countries with economies in transition, such capacity-building may facilitate negotiations of agreements and their subsequent implementation. National and subregional scientific centres that carry out research on topical issues related to the conventions should be recognized as important partners for cooperation and development.

52. Most likely, there will be an increased need for interdisciplinary research incorporating the natural, economic and social sciences. To facilitate contacts, effective networking of experts and institutions in all parties should be supported with the purpose of enhancing the dialogue. With the approval of the governing bodies, the ECE secretariat could take steps to identify such a network and to maintain and update the corresponding database and provide information upon request.

53. Scientific findings must be presented not only to the governing bodies but also, and probably more importantly, to the general public. The complexity of scientific research makes it necessary for the data to be translated into easily assimilated information. There is an increasing need for adjusting the scientific language so that it can be understood by decision makers and the general public. That task may best be carried out by professional journalists with a broad understanding of science. In fact, such writers may be the best suited to present interlinkages and possible synergies between conventions since they are not influenced by convention-specific vested interests. The Internet offers a particularly interesting forum for disseminating such popularized scientific information and should be fully used. The secretariats may explore the potential of and possibilities for preparing and disseminating such information, possibly with the assistance of lead countries or consultants. It is important that this work is carried out in a continuous and coherent way without compromising the scientific validity of the information.

E. Institutional aspects

54. On the global level a Task Force on Environment and Human Settlements has been set up. In its review of structures and arrangements in the field of environment and human settlements, the Task Force found that this field was riddled with basic and pervasive overlaps, unrecognized linkages and gaps. In view of its findings, the Task Force recommended that the Executive Director of UNEP should sponsor joint meetings of the heads of convention secretariats to ensure that work programmes are complementary, gaps can be filled, synergies identified, and overlaps and duplication avoided. The Task Force further recommended that new convention secretariats should be co-located.

55. The five ECE environmental conventions do not suffer from the same problems as described on the global level. Nevertheless, there is scope for reviewing the present institutional situation within the secretariats, and also on the national and intergovernmental levels. No existing ECE body has a mandate for such a cross-cutting review. It must be understood that each governing body is sovereign, operating independently of other bodies. This arrangement may be the most suitable for promoting and protecting the interests of the individual convention, but may not be beneficial to integrated approaches. Nor will any potential synergies at the national, intergovernmental or inter-secretariat level become evident if the interlinkages are not made fully visible.

56. For a possible review of the institutional aspects of the conventions, four main clusters of functions carried out by intergovernmental bodies can be envisaged:

- (a) Agenda-setting in a broad sense;
- (b) Gathering and management of information;
- (c) Capacity-building and funding arrangements;
- (d) Country performance, implementation and compliance.

57. Agenda-setting here means the determination of issues to be addressed on each particular occasion. On the national level the planning processes for implementing the provisions of

conventions and protocols should be interlinked, with the aim of identifying cost-effective approaches and synergies. The process should take into account local, municipal, provincial and national programmes related to the implementation of international agreements. On the intergovernmental level, joint bureaux meetings, or meetings of chairpersons of governing bodies, might from time to time be envisaged to address potential synergies of interlinked agenda-setting. The main purpose of such meetings would be to exchange information, to ensure compatibility and to promote harmonized approaches. On the inter-secretariat level, collaboration for agenda-setting takes place on an informal and case-by-case basis. The small size of the ECE convention secretariats facilitates such collaboration within the Environment and Human Settlements Division.

58. With regard to information gathering and management, the governing bodies should diligently review the need for information and refrain from requesting information not necessary for the performance of the regime. National governments are burdened by the increasing demands for compilations of data from international bodies and would benefit from common and realistic reporting obligations and formats. There is probably scope for synergy on all levels by streamlining the various reporting systems. Such streamlining, however, would have to be decided by the governing bodies. On the inter-secretariat level, much improvement has already taken place, e.g. regarding format for questionnaires and subsequent compilation. Increased application of new information technologies will facilitate the gathering, management and dissemination of information. The secretariats should, to the extent possible, keep abreast of developments and, subject to the availability of resources, further facilitate information sharing in a harmonized fashion.

59. Capacity-building should be thematic and institutional so as to ensure that synergies within a cluster, e.g. air, water and soil, or the energy sector, or the transport sector, are fully taken advantage of. To guarantee some degree of continuity, it should be institutional.

60. On the national level, capacity-building should be geared towards identifying the interlinkages between the conventions and the possible synergies among them. Training sessions on the various agreements for national experts could be organized with a view to sharing information on practices and experiences of the work with the conventions. National forward-looking seminars could also be held to prepare new negotiations and inform delegates of the agreed national positions and bargaining possibilities in intergovernmental cooperation, including the availability of funds for support activities.

61. On the intergovernmental level, the governing bodies should develop priorities for capacity-building and funding, in particular in countries with economies in transition and in countries considering becoming parties to ECE conventions and protocols. Recognizing that the transboundary character of many forms of environmental impact is a driving force for international cooperation, subregional, bilateral or multilateral arrangements for capacity-building should be explored. The secretariats should facilitate this process.

62. It is in the interest of each governing body that agreements entered into are fully implemented within the stipulated time frame. In certain cases it may be necessary to provide

training and assistance to government authorities so as to secure that all parties comply with their treaty obligations. Lessons can no doubt be learned from compliance procedures applied by other conventions. A common national framework for legislative design and regulatory enforcement exists in many countries and other countries could benefit from the sharing of information. The ECE secretariat could assist in such training and information sharing. The ECE Environmental Performance Reviews provide an excellent example of in-depth reviews of countries compliance with all conventions and protocols to which they are parties. The Reviews could be further developed to assess the degree of attainment of obligations and the perceived implications of non-attainment. Certain salient points from clusters of countries, parties and non-parties, could be summarized from time to time and used as a basis for recommendations on the subregional level.

63. On the global level, UNEP has set up a Working Group of Experts on Compliance and Enforcement of Environmental Conventions. In its 1999 report (UNEP/EC/WG.1/5), the Group proposes that non-binding guidelines be adopted in order to facilitate the effective implementation of global multilateral environmental agreements. Many of the concerns voiced in the report are also valid for the regional ECE conventions and protocols. It is therefore suggested that the findings and recommendations of the Group should be reviewed by the bureaux and secretariats of the ECE conventions in order to assess their possible applicability in the regional context. The experience and views of the Implementation Committee under the Convention on Long-range Transboundary Air Pollution could provide a useful foundation for possible action under other ECE conventions.

64. The Committee on Environmental Policy could provide a forum for discussion of commonalities, discrepancies, gaps and overlaps between the agreements. In their annual presentations of information to the Committee, the secretariats of the governing bodies could be requested to provide more demand-oriented assessments, stressing the interlinkages between the treaties. It is suggested that an exploratory informal meeting between the chairpersons of all governing bodies, the Chairperson of the Committee and the secretariats should be organized to share information on progress and to prepare proposals for further cooperation for the consideration of the various treaty bodies.

Outreach

65. Benefits could be achieved by a more developed cooperation between ECE conventions and, as appropriate, other subregional or global conventions. In particular, in terms of reporting obligations, further harmonization between the Convention on Long-range Transboundary Air Pollution, the United Nations Framework Convention on Climate Change, the Helsinki Commission, the OSPAR Commission and the Barcelona Convention would offer synergies. The ECE convention secretariats could be requested to make contact with the secretariats of the relevant conventions in order to prepare inter-secretariat meetings to discuss common reporting requirements and the scope for harmonization. A joint guidebook, like the one on air pollution emission inventories (see para. 16 above), might also be useful for other reporting schemes. For the Convention on Industrial Accidents, the harmonization between ECE, OCHA and UNEP is also a good example.

IV. SUMMARY CONCLUSIONS

66. ECE has offered a neutral forum for negotiation of its five environmental conventions and nine protocols and has facilitated a coherent approach on the intergovernmental level. The services of the secretariats have been instrumental in achieving progress.

67. It is only through intergovernmental collaboration among competent and well-informed national authorities that new agreements can be further interlinked with the existing ones, e.g. regarding coverage of environmental and public health protection, scientific basis, and measures and procedures. The regional approach simplifies the coherence in issue management.

68. The co-location of the secretariats for the five conventions in the same Division in ECE is a significant asset.

69. The secretariats play major roles in harmonizing approaches and taking initiatives, proposing action and developing modes of cooperation.

70. Strong interlinkages exist, not only between the ECE environmental conventions themselves, but also between them and non-ECE entities. The ECE conventions do not enjoy any coherent, stable and long-term funding mechanism to facilitate implementation.

71. Individual conventions may find it useful to seek cooperation with non-ECE entities in order to secure funding for activities of mutual interest.

72. Synergies on all levels can be derived from a coordinated approach between two or more agreements.

73. The full implementation of the conventions and protocols requires considerable capacity building in many countries and training and assistance are means to improve the situation.

74. It is necessary that the benefits, not only the costs, of the agreements are publicized. An awareness-raising programme can lead to improved performance.

75. Sound science is a necessary foundation for negotiations and follow-up and there is a need for stable and long-term scientific capacity building in the countries parties to the conventions.

76. Scientific findings and relationships must be presented in a language that can be fully understood by decision makers and the general public.

77. The present institutional situation within the secretariats and within the national and intergovernmental levels should be reviewed.

78. Synergies can be derived from streamlining the various reporting systems.

79. Benefits can be achieved from increased cooperation between ECE conventions and other subregional, regional and global conventions.

V. SUGGESTIONS FOR ACTION

80. The secretariats of the five conventions should review the present status of overall information gathering and management and explore the potential for synergies by learning from each other.

81. The governing bodies are invited to examine to what extent the provisions and/or principles of the Aarhus Convention could or should be taken up within the other conventions directly, and also the extent to which they could or should be applied within the procedures of all five governing bodies.

82. A joint workshop with all the conventions, potential financial institutions and the secretariats should be organized to review the funding situation in the short, medium and long term, and a plan of action should be prepared.

83. Governments, parties or signatories to the conventions or protocols, should develop schemes for coordination between ministries and institutes regarding activities and initiatives linked to the ECE environmental treaties.

84. Cooperation should be sought with non-ECE agreements and organizations to raise funding for activities of mutual interest.

85. An open-ended ad hoc panel of scientific, technical and economic experts and policy makers should be set up to explore the current mechanisms for identifying and examining key issues and gaps in scientific and policy interlinkages. The panel should also prepare a draft agenda for an intersectoral workshop on how the ECE environmental legislation and legal activities could be geared towards more comprehensively protecting human health and the environment.

86. To promote interdisciplinary research, the active networking of experts and institutions for enhanced dialogue should be initiated.

87. The Internet should be increasingly used for disseminating up-to-date information aiming at interactive communication.

88. Joint bureaux meetings, or meetings of chairpersons of the governing bodies, should be organized to address the potential synergies of interlinked agenda-setting.

89. National reporting should be facilitated through streamlined questionnaires and timing requirements.

90. Capacity building should be geared towards identifying the interlinkages between, and possible synergies among, the conventions. National and multilateral forward-looking seminars should be held to prepare new negotiations and the intergovernmental bodies should develop priorities for capacity building and funding, in particular in countries with economies in transition and in countries considering becoming parties to ECE conventions and protocols.

91. The preparation of common guidelines to support compliance and enforcement should be considered by the bureaux of the governing bodies.

92. The ECE Environmental Performance Reviews should assess the degree of attainment of obligations and the perceived implications of non-attainment in countries under review. Important points from clusters of countries - parties and non-parties - could be summarized from time to time.

93. The ECE convention secretariats should be requested to make further contact with the secretariats of other relevant conventions in order to prepare inter-secretariat meetings for discussion of common aspects, e.g. regarding reporting requirements.

94. The ECE Committee on Environmental Policy could provide a forum for discussion of commonalities, discrepancies, gaps and overlaps, stressing the interlinkages between the treaties. Exploratory informal meetings between the chairpersons of all governing bodies, the Chairperson of the Committee and the secretariats could be organized to share information on progress and to prepare proposals for further consideration of the treaty bodies.

Annex

RATIFICATION

The following multilateral environmental agreements have been concluded under the auspices of ECE:

- (a) 1979 Convention on Long-range Transboundary Air Pollution, entry into force 1983; 47 Parties:
 - (i) 1984 Protocol on Long-term Financing of the Cooperative Programme for Monitoring and Evaluation of the Long-range Transmission of Air Pollutants in Europe (EMEP), entry into force in 1988; 38 Parties;
 - (ii) 1985 Protocol on the Reduction of Sulphur Emissions or their Transboundary Fluxes by at least 30 per cent, entry into force in 1987; 22 Parties;
 - (iii) 1988 Protocol concerning the Control of Emissions of Nitrogen Oxides or their Transboundary Fluxes, entry into force in 1991; 27 Parties;
 - (iv) 1991 Protocol concerning the Control of Emissions of Volatile Organic Compounds or their Transboundary Fluxes, entry into force in 1997; 19 Parties;
 - (v) 1994 Protocol on Further Reduction of Sulphur Emissions, entry into in force 1998; 22 Parties;
 - (vi) 1998 Protocol on Persistent Organic Pollutants, signed by 36 Parties, ratified by five;
 - (vii) 1998 Protocol on Heavy Metals, signed by 36 Parties, ratified by six;
 - (viii) 1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone, signed by 31 Parties;
- (b) 1991 Convention on Environmental Impact Assessment in a Transboundary Context, entry into force in 1997; 30 Parties;
- (c) 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes, entry into force in 1996; 30 Parties
 - (i) 1999 Protocol on Water and Health, 35 Signatories; ratified by one;
- (d) 1992 Convention on the Transboundary Effects of Industrial Accidents, entry into force in 2000; 19 Parties;
- (e) 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 40 Signatories; ratified by seven.