

The Espoo Convention

Ten years of greening our frontiers



The UNECE Convention on Environmental Impact Assessment in a Transboundary Context

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This brochure is published to mark the Second Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context - the Espoo Convention - which was elaborated under the United Nations Economic Commission for Europe (UNECE). The meeting, which also celebrates the ten years anniversary of the signing of the Convention, is taking place on 26 - 27 February 2001 in Sofia, Bulgaria.

The brochure is produced jointly by the Bulgarian Ministry of Environment and Water, the Norwegian Ministry of Environment and the Swiss Agency for the Environment, Forests and Landscape.

The editor of the brochure is Mr. Alex Kirby, a British environment journalist and broadcaster, who has also produced the unsigned articles. The views and opinions of the articles do not necessarily represent those of the above-mentioned governments, nor of the UNECE.

Photos:
Page 5: CEAA, Canada, 6: Anne-Line Biberg, Oslo, 7 and 9: Statoil, Norway, 11: Ph Holzmann AG, Hamburg, 13: Swiss Agency for the Environment, Forests and Landscape, 14: Ministry of Environment and Energy, Denmark.

WELCOME TO SOFIA!



Bulgaria attaches great importance to the fact that it is the host country for the Second Meeting of the Parties to the Espoo Convention. This gives the Government of Bulgaria the opportunity to show its own determination to work efficiently and constructively on reducing trans-boundary environmental impacts.

Here in Bulgaria we regard the Espoo Convention as a timely and important international instrument, which should help to stimulate the sustainable development both of long-established European states and of those which have become independent since 1989. Since then the number of member states of the United Nations Economic Commission for Europe has risen to 55 countries, which shows how independent participants are playing an increasingly important part on the European scene.

We hope this meeting will bring the UNECE members still closer, and will deepen the concern we all share for the state of the environment right along the entire "diagonal", all the way from north west Europe to the south east of the continent, as well as in North America.

So it's a special honour for me, on behalf of the Government of Bulgaria, to welcome the delegates from every UNECE member state to Sofia for this meeting on 26 and 27 February 2001. It's the Second Meeting of the Parties, and it also marks the Convention's tenth anniversary, because it was opened for signature on 25 and 26 February 1991, in the Finnish city of Espoo, whose name it shares. So the meeting provides us with another opportunity to use our time together in Sofia to discuss the experience we have gained so far, and to take the decisions which will determine our direction in the years to come. I wish you all a very successful meeting.

Evdokia Maneva
Minister of Environment and Water



In the ECE environmental framework, the Espoo Convention contributes to environmentally sound and sustainable development. Adopted in 1991, the Convention already has 33 parties and more countries are expected to ratify it shortly. So the Convention is set to become increasingly influential as it is used by more and more countries as an efficient tool to promote active, direct and action-oriented international cooperation at the regional level. The Convention is also a modern instrument in the sense that it allows for the public on either side of the border to have a say as well.

This does not mean that applying the Convention's provisions is always easy. The parties are working hard to find solutions that are acceptable to everyone and to make the Convention even more useful. The proposal that its parties will be negotiating a protocol on strategic environmental assessment to the Convention, which will allow for the assessment of environmental and health impacts of certain plans, programmes, policies and legislation, and that the Convention will be open to accession by countries outside the ECE region shows just how useful the Convention is considered.

This booklet shows that the Convention can make a difference. It is my hope that it will reach not only those involved in environmental impact assessment in general and in the application of the Convention in particular, but also the general public.

As the parties hold their second meeting, I would also like to seize this opportunity to express my gratitude to Ms Edvokia Maneva, Bulgaria's Minister of the Environment and Water, for organizing and hosting this crucial Second Meeting of the Parties, which will set the tone for the years to come.

Danuta Hübner
UN Under Secretary-General
Executive Secretary of the Economic Commission for Europe

FOREWORD



On the occasion of this Second Meeting of the Parties to the UNECE Convention on Environmental Impact Assessment in a Transboundary Context the Espoo Convention it is a pleasure for us to introduce this publication. It marks both the Sofia meeting and the Convention's tenth anniversary.

When you think about it, it is amazing how what started out as one person's idea has grown into an international environmental treaty with far-reaching implications for the parties to the Convention – there are now 33 of us – and for the other countries of the region as well. In this brochure you can learn how the Convention was born, how it developed during several years of negotiations, and how it is being applied in practice today, helping states to work together better



at protecting their common environment. And you can learn as well how the Convention may develop in the future.

These days, understandably, the Convention's work involves a large number of people in the ECE countries.

Much of that work is described in the documents which are being tabled at this Second Meeting of the Parties here in Sofia, and you will find some of it summarised in this brochure.

It has been our tasks – and our pleasures – to chair the Bureau and the Working Group of the Convention since the First Meeting of the Parties, and we should like to use this opportunity to thank you all for the valuable work we have done together. Thank you also to everyone involved in producing this brochure.



WELCOME TO SOFIA AND GOOD READING !

Vanya Grigorova
President of the Bureau

Alistair McGlone
Chairman of the Working Group

THE CREATION OF THE CONVENTION



BOB CONNELLY OF CANADA IS RECOGNISED AS "THE FATHER OF THE ESPOO CONVENTION", THE MAN WHOSE ORIGINAL VISION INSPIRED ITS CREATION. WE ASKED HIM WHERE HE GOT THE IDEA:

IN THE early 1980's, concern was growing about transboundary air and water emissions at the same time that environmental impact assessment was emerging as an effective tool domestically to reduce the environmental effects of new projects. The potential value of EIA to be used in a transboundary context seemed a logical extension at the time and the Economic Commission for Europe (UNECE) the most appropriate international body for discussions on the subject since it had just created a working group on EIA. While discussions on transboundary impacts were of value, it was also recognized that only the prospects of a formal agreement or a Convention would lead to serious attention being paid to the subject by governments.

Do you think the reasons which motivated you and others in the years leading up to the signing of the Convention remain the same today? Is the need for the Convention in fact as great as you had thought, or less, or more?

Yes, the reasons for developing the Convention are even greater today than before. Humans continue to have a profound effect on the world's environment and EIA has an ever-increasing role to

play in minimizing impacts of new developments on the environment. Governments are increasingly recognizing that environmental problems are not restricted to the boundaries of their respective countries. Hence the Convention will become a more valuable instrument to engage governments in an objective, meaningful dialogue on reducing impacts of new projects and activities.

You are known as "the father of the Convention". Are you happy with the way your offspring has developed?

First of all, we are always proud of the accomplishments of our offspring, and I am pleased to have played a role in the creation of the Convention. But I would like to point out that I had the great pleasure of working with many dedicated individuals, some of whom are still actively involved in its continuing work. There were in effect many "fathers" both male and female of this Convention. More specifically, it is gratifying to see that the Convention has led to the development of EIA legislation in a number of UNECE countries, based on the principles outlined in it. A further positive development is the fact that the Convention is a living document,

as illustrated by the proposal by governments to conduct a review in the coming year with a view to updating and strengthening its provisions in areas such as compliance. One disappointment is the progress of ratification which I wish would have been more rapid following the signing of the Convention. Until now there are 33 ratifications, many of them recent, and consequently experience with its application has been limited. I am pleased, however, that governments are examining the possibility of extending the ratification process to non-ECE countries, so that the potential of the application of the Convention on a broader basis is growing.

Ten years on, can you think of things you might have done differently in bringing the Convention into being? Or has the experience of the Convention's working in practice confirmed that it is the most suitable instrument for its purpose?

On reflection, I would say that the Convention was the right instrument to develop. Its framework was flexible enough to allow countries to implement it through existing or new national EIA instruments or policies. As noted, the Convention served as an impetus for the development

of EIA processes in some countries which did not have defined procedures and practices. As anticipated, governments began to pay greater attention to the potential transboundary effects of developments originating within their borders. The Convention remains a useful instrument for fostering co-operation and understanding on EIA issues among countries.

Are you encouraged or discouraged by the use Parties have made and are making of the Convention? Are they making as much use of it as you had expected, or more use, or less? Are they realising its potential, or failing to exploit a potent instrument for improving relations with their neighbours and at the same time safeguarding their shared environment?

The Convention is a relatively new instrument, and experience gained with respect to its application varies. A recent study undertaken by the Governments of Finland and Sweden concerning the practical application of the Convention confirms this. I am pleased to note, however, that efforts are being made to apply the Convention as diligently as possible. Many countries are going through a discovery phase with regard to the implementation requirements of the Convention. While some difficulties and challenges have been encountered in fulfilling the Convention's requirements, I am confident that, with time and more practical experience, these difficulties will be overcome. It should be noted that the Convention remains one of the very few international legal instruments in place concerning

the transboundary environmental effects of proposed activities.

Has the Convention's message about good neighbourliness got through to all Parties? Or do you get the impression that to some it is essentially a legal instrument, which they obey to the letter while sometimes forgetting the spirit?

I believe that there is a sincere interest among the Parties to move beyond the letter of the agreement. As noted previously, governments have made efforts to share experiences and define collaborative approaches on a number of implementation issues under the Convention.

Is the Convention working as well as you had hoped it would? If not, what suggestions would you make for enabling it to realise your vision?

Given the recent coming into force of the Convention, I believe it would be premature to draw any hard conclusions about its effectiveness. I understand that a review of the Convention will take place during the next two years with possible amendments after that time. The results of the review should provide more evidence on whether or not the Convention is working as well as we hoped it would when it was finalised in 1991.



THE HISTORY OF THE CONVENTION

THE ELABORATION OF THE ESPOO CONVENTION AS A FULLY-FLEDGED INSTRUMENT OF INTERNATIONAL LAW WAS A LENGTHY PROCESS. NOW IT IS IN FORCE, HOWEVER THE PROCESS OF FURTHER IMPLEMENTATION CONTINUES.

AT THE TIME of the signing of the Espoo Convention (Resolution ECE/ENVWA/19 on Environmental Impact Assessment in a Transboundary Context), the countries decided to work for its entry into force as soon as possible. And pending its entry into force, they decided, they would in the meantime seek to implement it as far as possible.

Meetings of the signatories, open to all member countries of the UN Economic Commission for Europe, were held from 1991 to 1998. The meetings reviewed what the signatories had done to implement the Convention while they were waiting for it to acquire legal effect by entering into force. They also looked at the legal, administrative and organisational questions involved in the practical application of the Convention.

The meetings also provided a forum for discussing how to strengthen the capacity of future parties to the Convention (especially countries with

economies in transition) to meet the obligations which membership imposes. And finally, they established a programme of work.

Draft rules of procedure for the meetings of the parties were also prepared. Significantly, ECE member countries used the opportunity to do what was needed to implement the Convention's provisions at sub-regional level.

What all this shows is that ECE member countries were intent on applying the provisions of the Convention, before its entry into force, whenever significant transboundary impacts were to be expected. They introduced new national regulations, or modified existing ones, to facilitate the EIA process, in particular when it might be likely to apply across boundaries. A number of countries decided to amend their existing EIA legislation by inserting the relevant provisions of the Convention. Others decided to develop specific legislation covering transboundary EIA.

The Convention did enter into force in September 1997, and the first Meeting of the Parties was held the following May in the Norwegian capital, Oslo. This meeting adopted several decisions, including an ambitious but realistic work plan, which concentrated on the practical application of the Convention's provisions. The work plan included workshops and compendia on bi- and multilateral co-operation, on the practical application of the Convention, on public participation in a transboundary context, and on recent developments in the field of EIA and relationships to other UNECE conventions, as well as work on the database and on compliance, and a regional workshop to promote the Convention in the Balkan and Black Sea region.

Oslo also adopted a ministerial declaration (agreed by parties and non-party countries as well), which outlined a long-term strategy for the Convention.



THE FIRST TEN YEARS

TEN YEARS IS NOT AN EXCEPTIONALLY LONG TIME FOR AN INTERNATIONAL AGREEMENT TO PROVE ITSELF. THE ESPOO CONVENTION HAS PROVED, OVER THE LAST DECADE, A POTENT INSTRUMENT – BUT WE STILL HAVE LESSONS TO LEARN.

THE ESPOO Convention is essentially a way of helping parties to get along together, to show one another consideration and respect. It sounds simple. But it is not always simple in practice. The Convention's design is good, but the way it is used is sometimes less than ideal. There is still some way to go before we realise its full potential. It is a very valuable tool-kit for the ECE region, but we need to improve the way we use it.

To contemplate initiating a cross-frontier environmental impact assessment (EIA) means thinking hard about the consequences for affected countries of your own actions.

Perhaps above all, it has established the fundamental need for officials on both sides of a frontier to give each other more information. That includes the need for countries planning potentially damaging projects ("countries of origin", as the Convention calls them) to give prompter and fuller warnings about the possible impacts to countries liable to be affected. One problem here is that parties often have different methods of assessing environmental impacts, and perhaps even different criteria for agreeing what they are. That simply underlines the need for information.

The better the existing cross-border contacts there are, the better

chance there will be of solving any EIA problems which do arise. And one of the lessons of this decade has been to stress the value of building on existing links. A good example is a joint EIA working group that works under the Nordic Council of Ministers to strengthen the operation of the Convention. It is also valuable in developing EIA work in the Arctic. And informal contacts – including non-governmental organisations – can be very useful.

The use of the Convention so far has been applied to individual projects. But it could perhaps be even more valuable at a higher level, reviewing the cross-frontier impact of policies, plans and programmes. This issue is not yet fully covered by the Convention.

A more basic criticism is the failure sometimes to share experiences and to learn from them. Ten years is long enough to have developed a respectable body of experience about the Convention's practical application, yet there is a real possibility that this knowledge could remain, at best, ignored, and could even be lost completely. Experience not shared is experience wasted.

Some challenges seem simple enough: deciding what constitutes a "significant" cross-boundary impact, for example, or providing reliable translations and agreeing



who should pay for them, and agreeing how long an EIA case should be allowed to continue.

Others are harder to resolve. One of the key challenges with making the Convention work well is the fundamental one of allowing a voice to citizens and authorities in both countries. There are often big differences between neighbours' formal national obligations on public involvement in decision-making, as well as in their informal understanding of the public right to know. The experience with the UNECE's Aarhus Convention on public participation can make a valuable contribution here.

And coupled with the need for simple procedures is the matching need for a clear guide on how to make this instrument work. It sometimes seems as if the Convention, an impressive new machine for protecting the environment and improving relations between neighbours, had been delivered without a user's manual. It has great potential. But its users remain too often mystified about how to unlock its powers.

So there are shortcomings to recognise over the last ten years, though they virtually all concern the application of the Convention, not the Convention itself. Far more important than the mistakes, though, are the

achievements. The Convention is a big step forward. It has encouraged the development of EIA within countries as well as between them. In essence it says three things about international relations: we need to think about the impact of our actions on our different countries and our one world; environmental threats do not respect national frontiers; and our concern to minimise damage cannot stop at those frontiers either. That is an important statement, one supported by millions of people across Europe, and a principle well worth enshrining in international law. Europe is the richer for having the Espoo Convention.

THE FIRST TEN YEARS: PITFALLS AND PROMISES

EXPERIENCE SO FAR OF USING THE ESPOO CONVENTION REVEALS A NUMBER OF PROBLEMS THAT CAN ARISE. IT ALSO DEMONSTRATES THE CONVENTION'S POTENTIAL.

Eeva Furman and Mikael Hilden

TEN YEARS into the life of the Espoo Convention is a good time to take stock, and to learn lessons for using it more effectively. The balance sheet is mainly positive, but there are also warning signs.

An appraisal of the Convention's working comes from a study led by Finland and Sweden carried out by the Finnish Environment Institute, Helsinki. And probably the main lesson to learn is the importance of countries planning carefully before applying the Convention. This includes a

regular exchange of information with their regional authorities, and with affected countries across the border.

It is also important to build up a routine on how to go about using the Convention in individual cases. The way any convention is applied on the ground is crucial, and experience shows that Espoo works better if the parties have guidelines on using it, and can also exchange their experiences. Although it is a decade since the Convention came into being, it entered into force

only in 1997, so experience in its actual use is still scarce. While some countries have used the Convention several times, most have applied it only once or twice. Some signatories have not used the Convention at all. So experience has been hard-won.

A workshop organised in 1999 discussed how to apply the Convention in practice. It raised some intriguing points. First, what is the role of international financing institutions in relation to the parties? The answer is not as



obvious as it appears, because two cases discussed involved international investment banks which played a major part in raising the issue of implementation and deciding whether negative transboundary impacts were significant. The cases pointed out the lack of clarity on the role of international organisations in the Espoo procedure. Then there is the question of who takes the initiative to apply the Convention. Sometimes it is a non-governmental body that takes the initiative. Sometimes the affected country raises the question, meaning that the country of origin has not taken the step to notify its neighbour.

Involving citizens in countries which have invoked the Convention is crucially important. The opportunity to participate in a transboundary EIA was not always offered to the same groups as when a purely national assessment was being made. In some cases, interestingly, the transboundary EIA offered people a wider opportunity of taking part, showing the relative lack of interest in public opinion at national level.

The discussions emphasised the value of transboundary EIA as a way of building trust and goodwill between countries, and of dispelling rumours by providing facts. It also identified three main topics of concern. The first is differences in national EIA procedure. These show up in areas such as the criteria for screening, determining the significance of impacts,

the entire EIA philosophy (which can vary widely), and the role of the developer and various authorities. Good practice would involve informing neighbouring countries of the national EIA legislation and the way of administering it, both in writing and in face-to-face meetings. Bilateral agreements work well, as they take account of both parties' policies.

The second topic was whether to have an organised system for transboundary EIA, or to apply it on an ad hoc basis. Several participants had found the application of the Convention formal, heavy and complicated. But where a routine had been developed for using it, the procedure was smooth. Difficulties arose when countries had not decided beforehand who was to be responsible for parts of the procedure and how to share the costs. Problems also arose, not surprisingly, when countries were involved in controversy with the affected country. Factors like these make it especially difficult to agree on the significance of impacts, on arranging translations, and on organising citizens' participation. The workshop agreed that it is more important to advise countries to decide their respective roles together beforehand than to recommend a specific routine. It agreed that informal meetings before the notification stage are helpful. These mean that countries can establish clear routines or guidelines, reach preliminary agreement on who bears the costs, and settle timing details.

The third main challenge in implementing the Convention concerned the choice between formal and informal contacts and procedures. The sort of relationship established between different players is key, especially that between the points of contact and regional authorities. The workshop identified a great need for transboundary links at regional level. Even so, the Convention is a legal instrument which should be applied properly: early regional reports to points of contact on emerging transboundary issues are important. So it is crucial to clarify the contact procedure and the rules for sharing responsibilities not only between countries, but within them.

The workshop and related studies reveal a danger that the Convention could create bureaucracy without producing results, unless parties think seriously about its practical implementation. An important factor in the difficulties that have arisen lies in differences between national EIA systems. Coupled with a lack of experience of transboundary EIAs, these can be fatal to the Convention's aims. Providing guidelines and exchanging experiences are useful, inexpensive steps. But the obstacles are not insignificant. Transboundary EIA is unlikely to work where countries have major disagreements on activities. Conversely, a successful series of EIAs will build up enough trust to tackle even the hardest cases.

THE FIRST TEN YEARS: LEARNING TO CO-OPERATE

THE CONVENTION IS ESSENTIALLY ABOUT RESPECT FOR OUR NEIGHBOURING COUNTRIES. AND ONE OF THE SIMPLEST WAYS OF USING IT IS TO REACH PRACTICAL AGREEMENTS WITH ONE OR TWO OF OUR CLOSEST NEIGHBOURS.

Janny Ratelband

THE CONVENTION contains the main principles and the procedures for achieving its aims – assessing environmental impacts across state boundaries. But applying it in practice is often not straightforward, for several reasons. Relevant national regulations are often not very detailed, legal and administrative systems may differ substantially, and countries may interpret the Convention in very different ways. They may even have quite different traditions on how far their own citizens have a right to information. So there is great scope for further implementation – about who has to send information to whom, in which language, how citizens should be informed, how to incorporate their views, even who pays for translations.

The Convention itself provides a solution: Article 8 allows signatories to continue existing bilateral or multilateral agreements, or to enter into new ones. And Annex VI contains suggestions for such agreements.

Many countries have felt the need for more detailed arrangements of this sort. A workshop in 1997 in Baarn in the Netherlands, held before the Convention had come into force, developed a set of key elements for this sort of co-operation between neighbours. They

included practical issues such as contact points, a joint working group shared by the countries involved, the involvement of citizens, and other potential problems.

The Baarn participants also concluded that getting the Convention to work effectively depended on a number of other factors. Every country involved should understand how EIA worked in its neighbours; everyone should agree what the Convention meant; good working links are needed between government authorities at sub-regional level, and roughly comparable environmental standards.

After the Convention entered into force some countries did embark on bilateral and multilateral agreements. To pool their experiences a second workshop gathered in 2000 in Oegstgeest, also in the Netherlands. That produced a directory of information, and of practical examples of agreements being developed. Almost all of them seemed to refer to agreements between neighbours, though the Convention does apply as well to long-range transboundary impacts.

The reason for embarking on a bilateral agreement is usually that two countries realise the crucial

importance of knowing how each other tackles EIA. And they want to make practical arrangements to implement the provisions of the Convention.

Experience has shown that some bilateral and multilateral agreements are general in nature, with short texts referring back to the Convention. Typically, they contain a declaration of intent to apply the Convention, are prepared by national governments, and leave practical details to be worked out later. Specific agreements, by contrast, contain detailed practical guidance on applying the Convention.

Usually countries start by setting up a bilateral working group, perhaps building on an existing body. Its first job is to exchange information on the countries' understandings of the Convention and on their national EIA laws and administration. Below is one example of the development of an agreement between two north European neighbours.

The experience of Germany and the Netherlands

In 1992 Germany (although not a party to the Convention) and the Netherlands set up an informal working group on how to apply the Convention in practice. It

involved representatives from the national and federal environment ministries, but no-one from the regions at that stage. Its first task was to exchange information about the different national legal systems and administrative practices.

Then it compared the Convention's provisions and the procedural steps enshrined in each country's laws. That led in 1995 to a draft agreement: it set out both general principles, and also a detailed, step-by-step description of the whole EIA process. The draft was the basis for several actual applications of the Convention. For political reasons the document was never formalised, but it was still a valuable aid to those involved.

And an important side-effect was the stimulus the process gave to cross-border contacts at national, federal and regional level. These have been vital to making the Convention work. An EIA of a project in the German state of Lower Saxony which had the potential to affect the Netherlands, outlined here, closely mirrored the 1995 draft agreement.

Lower Saxony and the district government of Weser-Ems planned to build a flood control dam/barrage on the river Ems near Gandersum. It is close to the Ems-Dollart estuary, not far from the Dutch border. The estuary, which is

Dutch and German territory, is subject to a German-Dutch protocol on environmental protection, navigation and water management. It is also covered by the European Union's Birds and Habitats Directives.

The project's aims were flood prevention and increasing the river's depth to allow larger ships to use it. But the Dutch were very worried at the possible impact on the Wadden Sea and the estuary, and at the possible impact of high water levels resulting from closing the barrage for stowing purposes.

The EIA completed in Germany recognised that the project would have a considerable effect on river life and the landscape, but concluded that its benefits would outweigh this.

Projects of this sort are listed on Appendix I of the Convention. A transboundary EIA went ahead simultaneously with the national assessment. It followed all the steps prescribed by the Convention: providing more information to the Netherlands, notifying a contact point, arranging meetings of experts, informing people in the Netherlands and inviting them to meetings in Germany. The Dutch Government became involved, and on the advice of experts proposed higher standards for parts of the project and asked to be involved in

the post-project evaluation and monitoring. Germany accepted this, a bilateral expert working group was established, and so far all seems to be going well.

ESSENTIAL INGREDIENTS OF A BILATERAL AGREEMENT

- **Area of application of the Convention**
 - **Yardsticks to decide what is significant**
 - **Naming people or organisations to act as contact points**
 - **Setting up a joint body**
 - **Notifying those who need to know**
 - **Providing information and publicity**
 - **Public participation**
 - public hearings
 - information meetings
 - ensuring comments are passed on
 - **Consultation between the countries involved**
 - **Reaching a decision**
 - **Post-project analysis**
 - **Preventing disputes, or settling them**
 - **Arranging translations**
 - **Deciding who pays**
-



THE FIRST TEN YEARS: SHARING WHAT WE KNOW

THE COUNTRIES WHICH HAVE APPLIED THE CONVENTION HAVE NOW AMASSED A BODY OF DATA ON THEIR EXPERIENCE OF USING IT. BUT THEY NEED TO DO MORE TO SHARE THEIR KNOWLEDGE.

Andrzej Kraszewski

THE ESPOO Convention has its own database, EnImpAs (Environmental Impact Assessment). And because it is an electronic system, it is ideally suited to a dynamic exchange of information between users in many countries.

The database contains the following elements:

- an archive of projects dealt with under the Convention
- an archive of laws on environmental impact assessment, both national and international
- the addresses of everyone involved in transboundary EIA, both individuals and organisations
- a means of communication between the people designated as focal points in individual countries
- a source of good examples for environmental administrators, of information on methods that work for EIA experts, and of information for media and citizens.

EnImpAs has been designed as an internet tool, and you can find it at <http://www.mos.gov.pl/enimpas/>. The information on the database should, in principle, always be up-to-date. Virtually any number of users can browse its contents, modify them and add material. It is available in English and Russian, and will soon have a French version as well.



The database information is divided into four sections:

1. Institutions

Name, address, and contact details of relevant people and institutions, including the focal point for implementing the Convention, the point of contact to be notified about a transboundary EIA, EIA

centres, local governments, and so on.

2. Current and archived projects

This section provides the key data on each project. General information is followed by details including countries affected by adverse impacts, relevant dates, public consulta-

tions, and the final decision. For each project the significance of the impacts must be specified, along with the geographical region, any special environmental conditions, and some basic impact characteristics. For archived projects the monitoring results will also be listed.

3. Legal aspects

This comprises a collection of legal regulations on EIA and environmental protection issues in both the national and international contexts. Every country which has signed the Convention provides the database with an overview of its legislation, a page written in plain, non-legal language. This covers the national system of environmental law, including EIA, and the country's understanding of EIA internationally. Texts of bilateral and multilateral agreements on EIA are also available, and a complete text of the Convention itself, together with its current status: a list of the countries that have signed or ratified it.

4. Ways and means

This section includes EIA methodologies, training courses, research, and literature to help in choosing the right resources for implementing EIA.

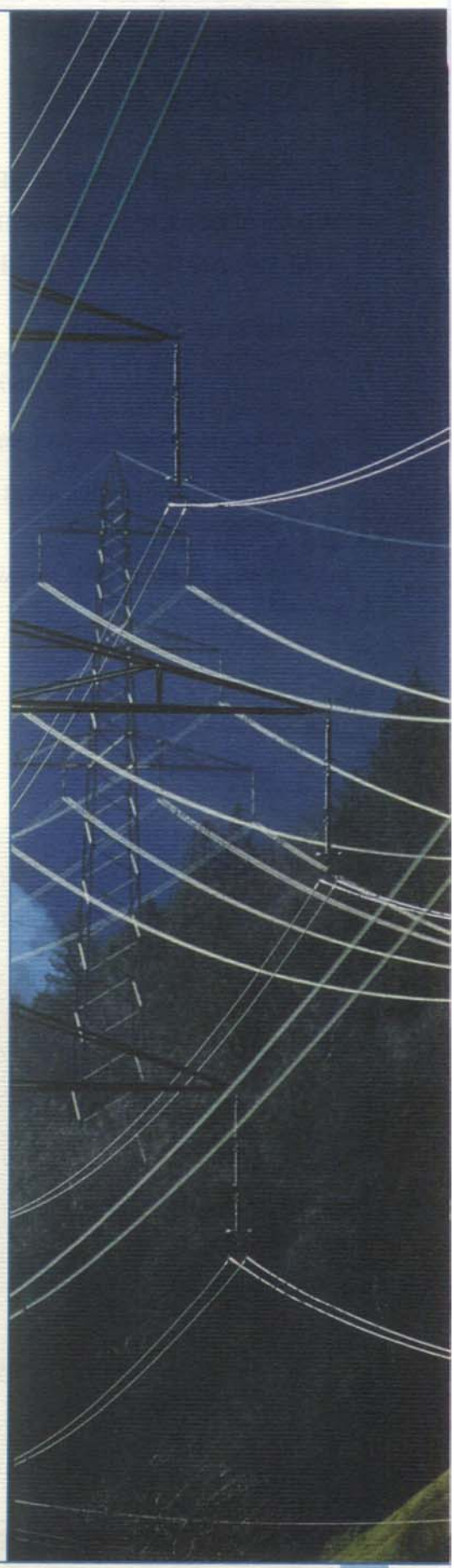
The database was recently enhanced by the addition of a **networking** facility, a communication tool available to the entire Espoo community. One part is a discussion list accessible to anyone. The other offers specific services and communication tools to authorised EnImpAs users (the focal points, country data managers, and a few other people). These authorised users will be able to use selected functions of the networking facility

only after logging on to the restricted part of EnImpAs.

The **database users** are all institutions and organisations that are concerned with EIA for any activity conducted under the Convention. They include the competent authorities in both the country of origin and the affected country: the country of origin is responsible for entering information on the project into the database and updating it during the EIA process. Other users are likely to be consultants and designers implementing EIA who will find the archive section particularly useful, local administrations, non-governmental organisations, citizens, and the media.

The First Meeting of the Parties to the Convention, which was held in Oslo from 18 to 20 May 1998, decided to establish the database for a trial period of two years. It was agreed that there should be an **evaluation**, with a report prepared for the Second Meeting of the Parties. Hungary was the lead country for the evaluation.

The **conclusion** is mainly encouraging. The evaluation report shows that most Parties regard the database as a potentially useful tool which can help them to implement the Convention. But there is a warning to be sounded. Despite the best efforts of the database administrator to gather data, the management of EnImpAs still needs improvement: it needs countries to increase the flow of data it receives. It goes without saying that the database can only function well if it is updated regularly.



THE FIRST TEN YEARS:

LESSONS LEARNT

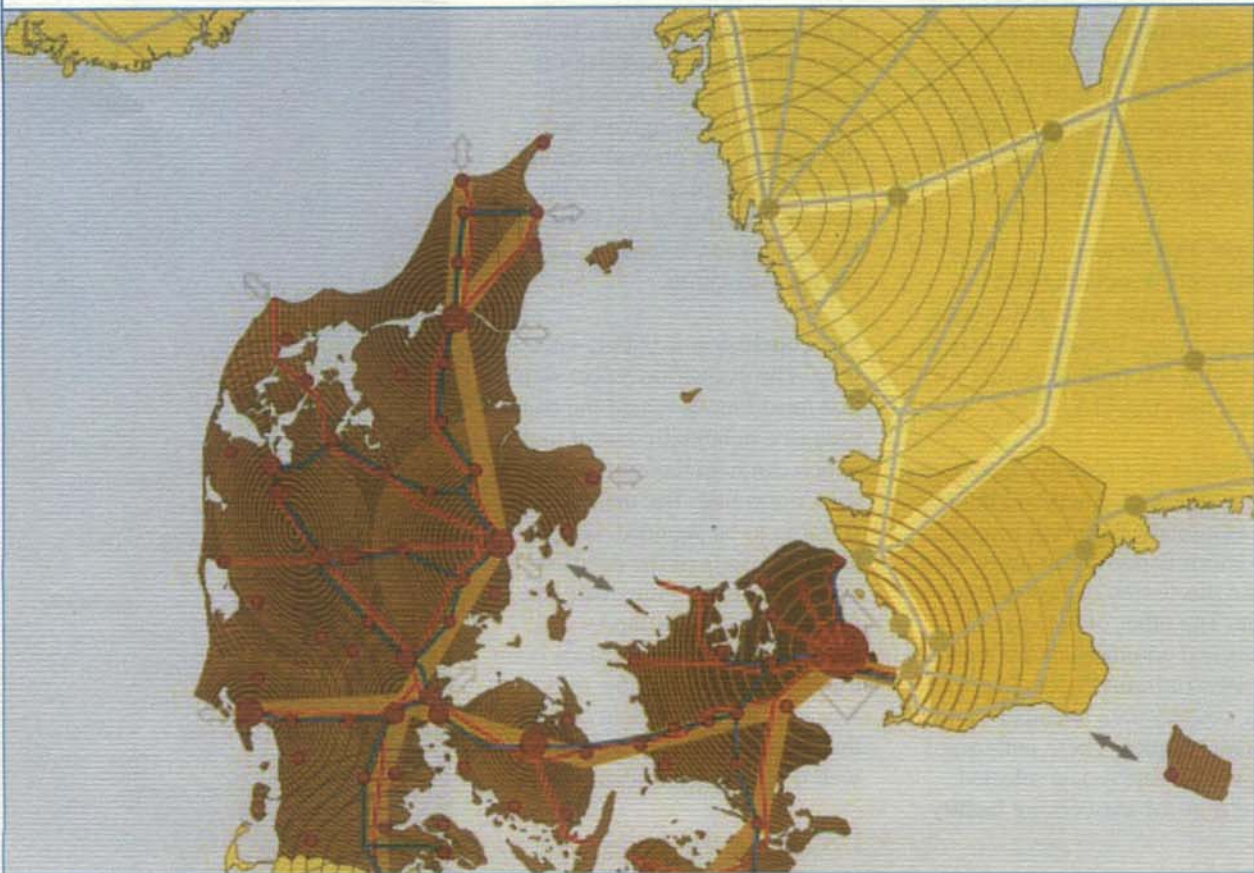
THE THREE PRECEDING SECTIONS OUTLINE SOME OF THE LESSONS WE CAN LEARN SO FAR FROM OUR USE OF THE ESPOO CONVENTION. THE BALANCE SHEET MIGHT LOOK SOMETHING LIKE THIS:

Making good progress:

- Encouraging the use of bilateral agreements
- Showing Europe (and the world) that transboundary EIA matters
- Building up knowledge and experience of EIA work
- Encouraging the application of EIA within countries
- Building trust across frontiers
- Extending citizens' right to know and to be consulted

Need to do better:

- Regular information exchanges within and between countries
- Established guidelines on implementation
- Clearer definition of "significance"
- Improve notifications
- Clearer definitions, e.g. of who is a Party
- Ensuring better public participation
- Recognising national differences on EIA
- More informality and flexibility in applying the Convention
- Sending information to the database, so that it can realise its potential
- Applying the Convention not only to projects but to plans, policies and programmes as well as legislation
- More advance planning



THE CONVENTION'S FUTURE: THE SECOND DECADE

THE CONVENTION HAS SOME WORTHWHILE GAINS TO CELEBRATE FROM ITS FIRST DECADE, BUT IT CANNOT STAND STILL. WHAT MAY LIE AHEAD ?

Stefan Ruchti

LOOKING BACK on the first ten years of Espoo, we are bound to notice considerable achievements in many aspects of environmental impact assessment. The Convention has contributed significantly to the improvement of EIA at both the national and the cross-boundary level.

At the same time, the implementation of the Convention is in many ways only in its early stages. The number of actual cases of transboundary EIAs has so far been comparatively low. In the future, though, we can expect a considerable extension of its application – both of the number of cases and of the number of countries implementing Espoo.

A primary focus for the second decade will be to foster further the implementation of the Convention and to help member countries with it. There is still considerable scope for reaping additional benefits from the Convention. Provided there is a strong commitment by all members to work in this direction, information sharing and consultation among countries in the ECE region can move further ahead. This mutual openness will benefit not only environmental protection, but ultimately also the quality of contacts and understanding across national boundaries.

The implementation of the present bilateral and multilateral agreements, and the promotion of new ones, will be a very important component of

the successful application of the Convention. While countries in the ECE region usually share a general philosophy of environmental impact assessment, their particular approach to EIA can vary considerably, particularly in terms of the procedure and the terminology used. Bilateral and multilateral agreements are a very valuable tool for relating differing national EIA systems to each other, and are the basis for an effective implementation of Espoo.

It is not only within the Convention that ten years of Espoo have brought change and evolution. At the UNECE level, new sister conventions were drafted and signed that reflected new concerns. The field of EIA evolved similarly, at both the national and the international levels. Influenced by those external changes, present experiences with Espoo point at possible ways to improve the Convention in future.

But we should not lightly start an overhaul – even a limited one – of a Convention that still satisfies many practical requirements. With the implementation of Espoo broadening continuously, the next few years will let us evaluate our experiences and assess the need for amendments. All countries within the ECE region will need to share in this. The Third Meeting of the Parties would then be in a position to make an informed judgement, and it could adopt the amendments necessary to make the Convention once more one of the

most innovative and trail-blazing multilateral instruments in the field of environmental protection.

The Convention invites Parties to apply the principles of EIA not simply to disparate projects, but at a higher level as well. It sees assessment of this sort applying just as much at the level of policies, plans and programmes. Although some countries have a history of Strategic Environmental Assessment spanning several decades, this invitation has recently become more significant, as SEA has made great inroads at the international level, especially within the European Union.

The time seems ripe to move beyond merely encouraging the use of SEA, and for ECE countries to draft a multilateral instrument that sets the tone for a further propagation of SEA. Perhaps the time has come to lay down the principles of SEA in a legal framework. The combined effect of EIA and SEA could then be considerable.

Looking back to 1991, the first ten years of the Espoo Convention present a picture of a Convention with an ever-increasing following. Looking forward promises a bright future for a Convention that stays abreast of the latest developments in the field of environmental assessment, a Convention which can contribute to the sharing of a common concern for the environment across the whole ECE region.

MEMBERSHIP

UNECE MEMBER STATES WHICH HAVE SIGNED AND RATIFIED THE ESPOO CONVENTION

Country	Signed	Ratified
Albania	26.02.1991	04.10.1991
Andorra		
Armenia		21.02.1997
Austria	25.02.1991	27.07.1994
Azerbaijan		25.03.1999
Belarus	26.02.1991	
Belgium	26.02.1991	02.07.1999
Bosnia & Herzegovina		
Bulgaria	26.02.1991	12.05.1995
Canada	26.02.1991	13.05.1998
Croatia		08.07.1996
Cyprus		02.07.2000
Czech Republic	30.09.1993	
Denmark	26.02.1991	14.03.1997
Estonia		
Finland	26.02.1991	10.08.1995
France	26.02.1991	
Georgia		
Germany	26.02.1991	
Greece	26.02.1991	24.02.1998
Hungary	26.02.1991	11.07.1997
Iceland	26.02.1991	
Ireland	27.02.1991	
Israel		
Italy	26.02.1991	19.01.1995
Kazakhstan		11.01.2001
Kyrgyzstan		
Latvia		31.08.1998
Liechtenstein		09.07.1998
Lithuania		11.01.2001
Luxembourg	26.02.1991	29.08.1995
Malta		
Monaco		
Netherlands	25.02.1991	28.02.1995
Norway	25.02.1991	23.06.1993
Poland	26.02.1991	12.06.1997
Portugal	26.02.1991	06.04.2000
Republic of Moldova		04.01.1994
Romania	26.02.1991	
Russian Federation	06.06.1991	
San Marino		
Slovak Republic	28.05.1993	19.11.1999
Slovenia		05.08.1998
Spain	26.02.1991	10.09.1992
Sweden	26.02.1991	24.01.1992
Switzerland		16.09.1996
Tajikistan		
The Former Yugoslav Republic of Macedonia		31.08.1999
Turkey		
Turkmenistan		
Ukraine	26.02.1991	20.07.1999
United Kingdom	26.02.1991	10.10.1997
United States	26.02.1991	
Uzbekistan		
Yugoslavia		
European Union	26.02.1991	24.06.1997

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Convention sur l'évaluation de l'impact sur l'environnement dans un contexte transfrontière
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FURTHER INFORMATION

Mr. Wiek Schrage

Secretary to the Espoo Convention

UN Economic Commission for Europe

Palais des Nations

CH - 1211 Geneva 10

Switzerland

Phone: +4122 917 2448

Fax: +4122 917 0613

E-mail: wiecher.schrage@unece.org

Home page: <http://www.unece.org/>

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