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Working Group on the Development of the Convention

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**Accession by Member States of the United Nations
from outside the United Nations Economic Commission
for Europe region**

Opening of the Convention for accession by United Nations Member States beyond the United Nations Economic Commission for Europe (ECE) region: Possible approaches to address budgetary implications

Note by the secretariat

Summary

At its eighth meeting (Geneva, 3–5 December 2014), the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) requested the Working Group on the Development of the Convention (Working Group on Development) to continue thoroughly considering all aspects related to the opening of the Convention for accession by United Nations Member States beyond the region of the United Nations Economic Commission for Europe (ECE) (ECE/CP.TEIA/30, para. 51).

At its fifth meeting (Geneva, 11–13 May 2015), the Working Group highlighted the need to continue the debate on the opening of the Convention before reaching a final decision and requested the secretariat to outline possible approaches on how to address the budgetary implications of opening (ECE/CP.TEIA/WG.1/2015/2, para. 29).

On the basis of this note, the Working Group will be invited to continue its deliberations on the opening, in particular with regard to the related organizational and budgetary implications.



I. Introduction

1. At its eighth meeting (Geneva, 3–5 December 2014), the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents (Industrial Accidents Convention) considered the opening the Convention for accession by United Nations Member States beyond the region of the United Nations Economic Commission for Europe (ECE) (ECE/CP.TEIA/30, paras. 50–52) on the basis of background information provided by the secretariat (see ECE/CP.TEIA/2014/6 and ECE/CEP/2014/6).

2. The Conference of the Parties took note of numerous benefits associated with the opening of the Convention for countries both outside and within the ECE region, such as:

(a) Improved and more structured institutional, administrative and legal frameworks related to industrial accident prevention, preparedness and response;

(b) Enhanced cooperation between national authorities, industry, civil society and the public;

(c) The establishment of transboundary cooperation between neighbouring countries and potentially affected Parties beyond the borders of the ECE region;

(d) Enhanced industrial safety standards, possibly resulting — in the longer term — in increases in foreign direct investment in countries implementing the Convention, as well as trade and development gains;

(e) Providing United Nations Member States beyond the ECE region with a legal instrument to support the implementation of the international sustainable development commitments, such as the Rio principles adopted in 1992.¹

3. Furthermore, the Convention offers a legal framework to support United Nations Member States in their implementation of global commitments for the period 2015–2030, in particular:

(a) The 2030 Agenda for Sustainable Development with its Sustainable Development Goals (SDGs) and targets put forward for adoption at the United Nations Sustainable Development Summit, 25–27 September 2015, in the framework of the sixty-ninth session of the General Assembly (A/69/L.85);²

(b) The Sendai Framework for Disaster Risk Reduction 2015–2030 adopted at the Third United Nations World Conference on Disaster Risk Reduction, 14–18 March 2015, Sendai, Miyagi, Japan and subsequently endorsed by the General Assembly at its sixty-ninth session in June 2015 (A/RES/69/283).³

4. The Conference of the Parties also recognized that there were organizational and budgetary implications associated with a decision to open the Convention that required careful consideration. It mandated the Working Group on the Development of the Convention (Working Group on Development) to continue thoroughly considering all

¹ Rio Principles 2, 4, 18 and 19 in particular could be addressed through the implementation of the Industrial Accidents Convention.

² Available from: <https://sustainabledevelopment.un.org/post2015/transformingourworld>. The Industrial Accidents Convention can be considered as a legal instrument supporting countries in particular in the implementation of SDG targets 3.9, 9.4, 11.b and 12.4.

³ The Sendai framework sets out the goal to prevent new and reduce existing disaster risk through the implementation of, inter alia, technological and institutional measures that prevent and reduce hazard exposure and vulnerability to disaster, increase preparedness for response and recovery, and thus strengthen resilience (A/RES/69/283, para 17, available from: www.wcdrr.org/preparatory/post2015).

aspects related to the opening of the Convention, including possible budgetary implications, and to present the outcome of its considerations to the Conference of the Parties at its ninth meeting (ECE/CP.TEIA/30, para. 51).

5. At the fifth meeting of the Working Group on Development (Geneva, 11–13 May 2015), the secretariat provided additional information on the financing and organization of activities related the opening and promotion of other ECE multilateral environmental agreements (MEAs). Taking into account the views exchanged, the Working Group expressed its support for the opening of the Convention in principle, while stressing the need to carefully consider the continued implementation of the Convention in the ECE region and related budgetary questions (ECE/CP.TEIA/WG.1/2015/2, para. 29).

6. This note serves as a basis for the further deliberations by the Working Group on the opening of the Convention, outlining possible budgetary as well as organizational implications and ways of addressing them. In this regard, the note provides examples of how other ECE MEAs have approached their opening with respective organizational decisions and approaches to limit related costs.

II. Decision on the opening of the Convention: related expectations and timelines

7. Several ECE MEAs provide for accession by United Nations Member States outside of the ECE region, either since their adoption, or as subsequently decided by their governing bodies. These experiences demonstrate that a decision to open an instrument does not automatically lead to accession by countries from other regions, at least not in the short or immediate term. To date, no Member State of the United Nations not member of ECE has acceded to an ECE MEA, though several have declared their interest, formally or informally, in the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), the Convention on Environmental Impact Assessments in a Transboundary Context (Espoo Convention) and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention). Accession by countries to the Water Convention is most advanced, several countries having initiated related processes.⁴ However, several non-ECE Member States have joined transport-related ECE treaties.

8. The Aarhus Convention and its Protocol on Pollutant Release and Transfer Registers (Protocol on PRTRs) have been open to all United Nations Member States since their adoption. Following their entry into force in 2001 and 2009, respectively, to date, no State outside the ECE region has acceded to them. The Protocol on Strategic Environmental Assessment (Protocol on SEA) to the Espoo Convention entered into force in 2010 at which point it opened to all United Nations Member States, while none have joined to date.

9. The governing body of the Water Convention adopted an amendment opening the Convention for accession in 2003 (ECE/MP.WAT/14). This amendment entered into force in 2013, while still not being operational, with the ratification of one additional Party required. The amendment opening the Espoo Convention, adopted by its governing body in 2001 (ECE/MP.EIA/4, Decision II/14), entered into force in 2014. In August 2015, thirteen Parties still needed to ratify the amendment for it to become operational. Both the Water and Espoo Convention amendments introduced a requirement that accession by non-ECE

⁴ Iraq, Jordan, Lebanon and Tunisia have declared their interest in accession to the Water Convention, Mongolia in accession to the Aarhus Convention and, on an informal basis, the Republic of Korea, with regard to the Espoo Convention.

countries was possible only once the amendment has entered into force for all States and organizations that were Parties to the instruments at the time of adoption.⁵

10. While such a requirement has not been proposed to be introduced in the draft amendment opening the Industrial Accidents Convention (ECE/CP.TEIA/13, para xx), the experiences of other ECE MEAs demonstrate that it is likely to take many years after the adoption of an amendment for non-ECE countries to deposit their instrument of accession to the treaties. The entry into force of the amendment itself will take several years, depending on the time required by Parties to embark on the necessary legal procedures. According to article 26 of the Industrial Accidents Convention, the amendment would enter into force for Parties which have accepted it on the ninetieth day following the day of receipt by the depositary of the sixteenth instrument of ratification, acceptance or approval.

11. In the light of the experiences of other ECE MEAs, it may be expected that no State from beyond the region would accede to the Convention earlier than ten to fifteen years following the adoption of the amendment. In the meantime, countries from beyond the region may become involved in activities and meetings organized under the Convention.

III. Organizational and budgetary implications

12. A decision to open the Industrial Accidents Convention for accession to United Nations Member States beyond the ECE region could have a number of organizational and budgetary implications. However, more significant budgetary implications are expected to arise only in the medium to longer term, considering the time required for several intermediary steps necessary for awareness-raising of the Convention, engagement of countries beyond the region and building capacity for their eventual accession. The budgetary implications related to the opening will depend largely on the strategy and approach developed by the Parties towards the Convention's opening, and the related decisions by the Conference of the Parties, including on the organization of activities on the opening.

A. Promotion and awareness-raising of the Convention beyond the ECE region

13. Subsequent to the adoption of a decision by the Conference of the Parties to amend the Convention including with regard to its opening, countries beyond the ECE region should be informed about the Convention and its value for enhancing transboundary cooperation on industrial accident prevention, preparedness and response, its tools and guidance materials. A network of contacts from other regions should be established over time in order to share information on the Convention and the activities organized under its workplan. The costs for this type of awareness-raising and promotion are estimated to be minimal and can be mitigated through partnerships.

14. As set out in its long-term strategy adopted in 2010 (ECE/CP.TEIA/22, annex), the Conference of the Parties seeks to enhance the Convention's relevance through strategic partnerships and the coordination of joint activities for strengthening industrial safety. Over

⁵ Furthermore, both amendments stipulated that approval by the governing bodies was a precondition for a non-ECE State to accede — a requirement which was subsequently waived through decisions by the Meetings of the Parties of the Water and Espoo Conventions in 2012 and 2014, respectively (ECE/MP.WAT/37/Add.2, decision VI/3, para. 4, and ECE/MP.EIA/20/Add.3–ECE/MP.EIA/SEA/4/Add.3, decision VI/5–II/5, paras. 3 and 5, respectively).

the past years, the Bureau has already identified numerous strategic partners⁶ and cooperation has been successfully pursued. The annual inter-agency coordination meetings on industrial accidents have become an effective platform for sharing information and identifying synergies with other international organizations. With regard to the opening, further synergies can be reaped by raising awareness of the Convention through partnerships with other United Nations regional commissions, relevant international organizations and other stakeholders, building on established contacts. As demonstrated by the experience of other ECE MEAs, such an approach would help to limit the additional costs related to promotion and awareness-raising of the Convention (see section IV.A below).

15. Specific costs that may arise already in the shorter term are related to the preparation and production of information materials on the Convention in different United Nations official languages and their dissemination. The Water Convention, for example, has produced a dedicated brochure on the Convention's global opening, translated also into Spanish.⁷ The costs for the design, layout and printing of a brochure can be considered to be in the range USD 7,000–10,000, and costs for translation USD 300–1,000 per language. Selected publications prepared under the Water Convention have also been translated into other United Nations official languages, including the Convention text itself.⁸ Translations into Arabic were financed by Iraq⁹ and the United Nations Educational, Scientific and Cultural Organization (UNESCO).¹⁰ A dedicated brochure on the opening of the Industrial Accidents Convention could build on available information materials developed in recent years.¹¹ As such, costs related to its preparation can be expected to be limited.

16. The overall costs related to promotion and awareness-raising would depend on the Convention's strategy and approach to reach out to countries beyond the ECE region. Such a strategy could initially target countries and regions neighbouring the region,¹² or only those outside the region that neighbour Parties to the Convention, before expanding the focus to other countries and regions. As such, the translation of information materials on the Convention's opening as well as the Convention text, as amended, into United Nations official languages countries used by these neighbouring countries, and their dissemination, could be foreseen in the shorter term, for example in the two bienniums following the adoption of the amendment.

17. To this end, the Conference of the Parties could envisage including in its future workplans an item on the promotion of the Convention including in countries beyond the

⁶ A list of strategic partners identified by the Bureau is available from <http://www.unece.org/environmental-policy/conventions/industrial-accidents/areas-of-work/strategic-partnerships.html>.

⁷ Brochure *The global opening of the UNECE Water Convention*, available from: www.unece.org/index.php?id=33695.

⁸ The *Guide to implementing the Water Convention* (ECE/MP.WAT/39), translated into Arabic and Spanish, contains the Convention text in its Annex.

⁹ Iraq translated the *Guide to Implementing the Water Convention* into Arabic.

¹⁰ UNESCO organized the translation into Arabic and printing of the *Model provisions on transboundary groundwaters* (ECE/MP.WAT/40).

¹¹ Such as, for example, a brochure developed in the framework of the inter-agency coordination meeting (to be published in the fourth quarter of 2015), the brochure *The Convention on the Transboundary Effects of Industrial Accidents: Twenty years of Prevention, Preparedness and Response*, available from www.unece.org/index.php?id=31253, and the *Summary of the Convention in cartoons*, available from www.unece.org/index.php?id=36970.

¹² The following United Nations Member States have land borders with the ECE region: Afghanistan, China, the Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Mexico, Mongolia and Syria.

ECE region. This is in line with the approaches taken by other MEAs such as the Aarhus and the Water Conventions.¹³ The 2015–2017 workplan for the Aarhus Convention (ECE/MP.PP/WG.1/2015/7) includes, for example, an item on awareness raising and promotion of the Convention, noting that, to the extent possible, the promotion of the Convention is carried out through the use of electronic tools and the secretariat is making every possible effort to ensure that financial implications are minimal. A similar approach could also be envisaged for the Industrial Accidents Convention.

B. Participation of countries from outside of the ECE region in Convention meetings

18. Over time, a successful opening the Convention can be expected to lead to an increasing participation by countries from outside the region in Convention meetings as observers. Some initial interest in the Convention from other regions has been witnessed so far, such as an informal request from Morocco to participate in the eighth meeting of the Conference of the Parties (Geneva, 3–5 December 2014) with financial support, which was not granted in the absence of a related decision by the governing body. Depending on the approaches and efforts to promote the Convention in other regions, the interest by countries from other regions in activities and meetings under the Convention can be expected to increase over time. At the same time, the interest by non-ECE region countries may not only depend on the content of meetings organized under the Convention, but also the organization, both in terms of content and timing, of meetings by other international or regional organizations with a mandate related to industrial accident prevention, preparedness and response. The joint ECE/Organization of Economic Cooperation and Development (OECD) seminar envisaged to be organized in the framework of the ninth meeting of the Conference of the Parties (expected in November 2016) will provide an opportunity to explore synergies for an event targeting participants from within and beyond the ECE region.

19. A reasonable assumption may be that in the medium term (e.g., as of the biennium 2019-20), 10 countries from beyond the ECE region request financial support, for example for their participation in a future meeting of the Conference of the Parties. The costs for supporting the participation of representatives from 10 non-ECE region countries for a two or two and a half day meeting can be estimated at USD 30,000,¹⁴ if the current approach to financial support would be expanded to developing countries¹⁵ beyond the ECE region. However, it would be for the Conference of the Parties to determine the budget, subject to the availability of funds.¹⁶ Because of higher average travel costs, these costs would be somewhat higher than for supporting the participation of representatives from within the ECE region. In the sixth session of the Meeting of the Conference of the Parties of the Water Convention (Rome, 28–30 November 2012), the participation of sixteen

¹³ The draft workplan for the Water Convention for the period 2016–2016 includes an item on “Opening, promotion and partnerships”, comprising activities within and beyond the ECE region (ECE/MP.WAT/2015/3).

¹⁴ Considering an average cost for travel of USD 2,200 and the daily subsistence allowance rate in Geneva of approximately USD 400 in September 2015.

¹⁵ Eligible developing countries are determined as per the list of recipients of official development assistance, maintained by the OECD Development Assistance Committee, available from www.oecd.org/dac/stats/daclist.htm.

¹⁶ For example, under the Espoo Convention’s current three-year workplan, USD 15,000 is foreseen for financial support of non-ECE countries in the next session of the Meeting of the Parties and USD 5,000 for each of the three planned meetings of the Convention’s working group (ECE/MP.EIA/20/Add.3-ECE/MP.EIA/SEA/4/Add.3, decision VI/4–II/4, annex I).

representatives from beyond the region was supported financially, amounting to an overall cost of approximately USD 40,000. At the same time, as witnessed by ECE MEAs, some countries from outside the region also participate in meetings without requiring financial support.

20. Additional costs would arise if countries from outside the region would also participate in technical workshops and seminars. In this regard, the Water Convention has witnessed significant interest and participation in its workshops and task force meeting on climate change adaptation and the water-food-energy-ecosystem nexus, addressing subjects of high relevance to countries from both within and outside the ECE region.

21. A further means to engage representatives from countries beyond the ECE region would be by providing for interpretation of key meetings, such as the Conferences of the Parties, into additional United Nations languages. The cost related to interpretation into the three ECE official languages (English, French and Russian) is covered through the United Nations regular budget with a specific quota for ECE. The costs for additional interpretation would need to be covered by extrabudgetary resources. These costs differ per language and the number of interpreters needed. For a three-day meeting, the costs for interpretation amount approximately to USD 13,000 for Chinese, USD 8,000 for Spanish and USD 14,000 for Arabic. The Water Convention provided for interpretation of its sixth session of the meeting of the Parties (Rome, 28–30 November 2012) into Spanish and Arabic. Other ECE MEAs have not yet pursued such an option. In the medium term, interpretation into one additional language may be useful, depending on the participation of representatives from other regions not fluently speaking any of the ECE official languages.

22. In addition to interpretation, selected meeting documents could also be translated into other languages, in case of particular interest with regard to the engagement of particular countries. For ECE, United Nations regular budget resources are only available for the translation and issuance of documents in the three ECE official languages. So far, none of the other ECE MEAs has issued meeting documents, formal or informal, in any other language for its intergovernmental meetings.

23. The overall cost related to the participation of non-ECE region countries in Convention meetings will depend on the guidance provided by the Conference of the Parties with regard to enlarging the scope of financial assistance to developing countries beyond the region, and the number of requests for financial support received. At a later stage, depending on the interest of engaging specific countries beyond the region, the provision of interpretation in other United Nations official languages would have additional cost implications.

C. Capacity-building support for countries beyond the region of the United Nations Economic Commission for Europe

24. In the medium to longer-term, eligible countries may request support to build capacity for the implementation of the Convention.

25. The cost for capacity-building activities beyond the ECE region depends on the duration of the activities, the number of participating countries and their location. The costs for a workshop in the ECE region are estimated at USD 30,000¹⁷. Travel costs of the secretariat to service capacity-building activities beyond the ECE region are likely to be

¹⁷ Corresponding to the indicative amount for the level of workplan resource requirements and for costing in-kind activities included in the Sustainable Financial Mechanism adopted at the seventh meeting of the Conference of the Parties (ECE/CP.TEIA/24, annex I, appendix).

somewhat higher than within the ECE region, depending on the location. Assuming two additional capacity-building activities per biennium, this would imply an additional cost of USD 60,000 with an average travel cost for one secretariat staff to service both meetings estimated at USD 4,400. The experience of other ECE MEAs has shown that the cost of capacity-building activities varies and could also be less expensive. The Water Convention has, for example, organized a workshop for eight Arab countries (Tunis, 11–12 June 2014) with an overall cost of approximately USD 20,000. The cost for the organization of a workshop for three North African countries under the Espoo Convention and its Protocol on SEA (Rabat, 14–15 April 2015) amounted to approximately USD 10,000.

26. Servicing capacity-building activities has also cost implications for the secretariat's human resources. The staff time required to service two capacity-building activities beyond the region per biennium could be estimated at approximately seven work months, i.e. approximately USD 120,000¹⁸. Those costs should normally be covered by the donors providing funding for the capacity-building activities beyond the ECE region. In the absence of the required resources, the Bureau will take decisions with regard to the mobilization of funds and the conduct of the respective activities.

27. The experience by the other ECE MEAs with regard to capacity-building in other regions differs. Under the Aarhus Convention, several expert and advisory missions aiming to promote the accession to the Convention or its application by non-ECE States have been organized. These included, for example, a mission to Mongolia, which expressed its interest in accession to the Convention and the secretariat's ongoing advisory support to the developing a similar multilateral instrument for the Latin American and the Caribbean region, provided at the request of the United Nations Economic Commission for Latin America and the Caribbean (ECLAC). Normally, costs for such missions have been covered by organisers or through in-kind or earmarked contributions. At the same time, the secretariat has not been able to promote the Convention proactively to non-ECE countries and respond fully to their calls due to its limited capacity. In addition to delivering two capacity-building workshops for countries in the Mediterranean region (Tunis, 20–21 April 2010, and Rabat, 14–15 April 2015), the secretariat of the Espoo Convention has participated in activities organized by the Republic of Korea, also engaging other Asian countries. The Water Convention has received numerous requests for capacity-building from countries beyond the region, including most recently from Algeria, Chad, Côte d'Ivoire, the Democratic Republic of Congo, Iraq, Mongolia and Tunisia, to which it is planning respond, building on activities carried out in these regions.

28. In offering capacity-building support to other regions, Parties may like to consider also the implications with regard to the Convention's Assistance Programme, which was specifically designed for countries in Eastern and South-Eastern Europe, the Caucasus and Central Asia in 2004 (CP.TEIA/2004/2). The majority of these countries committed to working towards the implementation of the Convention when adopting the High-level Commitment Declaration in 2005 (CP.TEIA/2005/12). At that time, most countries had already implemented the majority of the Convention's basic tasks as clearly defined by the Programme. During the past decade of delivering assistance, ECE-region countries have increasingly become familiar with the Assistance Programme and its tools, such as the national self-assessments and action plans that were introduced along with the Strategic Approach in 2008 (ECE/CP.TEIA/2008/5).

29. Assistance to countries beyond of the ECE region is likely to start from a different level than for countries within the region, as these countries are likely to be less familiar than Assistance Programme beneficiaries with the Convention, its approaches and tools.

¹⁸ At United Nations standard salary costs for 2015 for a professional staff at the P-3 level.

The approach to capacity-building could, at least in initial phases, focus on the organization of awareness-raising missions. The Conference of the Parties would need to determine, possibly at a later stage, how countries beyond the region could request assistance, and how such assistance requests would be evaluated, for example by the Convention's Working Group on Implementation on substance and by the Bureau with regard to the availability of financial resources from the trust fund.

30. Costs related to capacity-building in countries beyond the ECE region are likely to arise in the medium to longer term, following countries' increasing awareness of the Convention and their participation in meetings. The extent of these costs depends on the Convention's strategy towards its opening, and the related decisions by the Conference of the Parties. The experience by other ECE MEAs demonstrates that varying approaches towards the different regions are possible and that cooperation with other United Nations regional commissions, international and regional organizations provides for opportunities to mitigate related costs. In addition, the engagement of countries beyond the ECE region may unlock new sources of funding from donor countries. The Conference of the Parties could consider developing a differentiated approach to capacity-building, for example considering the proximity of countries to the ECE region.

IV. Possible approaches to address organizational and budgetary implications

A. Partnerships with other United Nations regional commissions, international and regional organizations

31. Partnerships with other United Nations regional commissions, international and regional organizations provide for opportunities to promote the Convention beyond the region, enhance its visibility at the technical and political levels and support the establishment of a network of contacts. In the longer term, partnerships could also support the implementation of the Convention in countries beyond the ECE region. As requested by the Conference of the Parties at its eighth meeting, the secretariat has maintained its contacts with other United Nations regional commissions and international organizations to promote awareness of the Convention (ECE/CP.TEIA/30, para. 51).

32. Initial steps have been taken by the secretariat to strengthen cooperation with the United Nations Economic Commission for Asia and the Pacific (ESCAP), of particular interest due to its proximity to the ECE region and the overlapping membership of several Parties¹⁹ and beneficiaries of the Assistance Programme.²⁰ ESCAP services the Committee on Disaster Risk Reduction and has recently established a Task Force on Disaster Risk Reduction under its Business Sustainability Network. ECE has been invited to present the Convention by videoconference at a meeting of the Task Force in September 2015. The Environmental Emergencies Forum (Oslo, 1–3 June 2015), organized by the United Nations Environment Programme (UNEP)/Office for the Coordination of Humanitarian Affairs (OCHA) Joint Environment Unit provided a platform for the secretariat to inform participants, including from other regions, about the Convention, its tools and approaches. Furthermore, the Organization on the Prohibition of Chemical Weapons (OPCW) invited the Convention secretariat to present during the workshop on the peaceful development and

¹⁹ Armenia, Azerbaijan, Kazakhstan, Russian Federation, France, Netherlands and United Kingdom of Great Britain and Northern Ireland.

²⁰ Georgia, Kyrgyzstan and Uzbekistan.

use of chemicals for member States of the OPCW in the Asian region (Seoul, 20–22 October 2015) organized for 30 Asian countries, including the five Central Asian countries, again with a possibility to participate remotely.

33. Other ECE MEAs have been able to enhance their impact and visibility in other regions through partnerships with regional organizations in particular. The Community for Eastern African States, the Intergovernmental Authority on Development (with members in North-east Africa and the Horn of Africa) and selected networks of river basin organizations offered their help in raising awareness of the Water Convention in Africa, including at different regional meetings.²¹ The Arab Water Security of the League of Arab States and the Global Water Partnership-Mediterranean (GWP-Med) co-organized a workshop under the Water Convention for countries of the Middle East and North Africa (Tunis, 11–12 June 2014), leading to engagement at the political level and subsequent interest by three participating countries in accession. The United Nations Economic and Social Commission for Western Asia also collaborated in the organization of this activity. In Central and Latin America, the Water Convention organized a workshop (Buenos Aires, 11–12 June 2013) jointly with ECLAC and other organizations, followed by expressions of interest by several Central America countries. The Espoo Convention cooperated with the German Corporation for International Cooperation (GIZ) and the United Nations Economic Commission for Africa in the organization of a capacity-building workshop for the Mediterranean region (Rabat, 14–15 April 2015).

34. Already-initiated partnerships under the Industrial Accidents Convention demonstrate existing opportunities for promoting the Convention outside of the ECE region in a cost-effective manner. The experience of the other ECE MEAs highlights the importance of involving partners at the regional level in order to tap into established networks and attract political attention. Following the Convention's opening, additional strategic partners in the regions should be identified to raise awareness of the Convention, and support the identification of interested contacts. At the same time, selected countries could also be identified which may be in a position to lead efforts and engage other countries in their region.

B. New financing sources

35. Opening the Convention for accession by all United Nations Member States would be an opportunity to attract new financing sources from donor countries within and outside the region and from global funding mechanisms for which a regional instrument is not eligible to apply.

36. The experiences by other ECE MEAs has demonstrated that dedicated financing has been provided by Parties, partner organizations or multilateral financing instruments for activities related to their promotion and opening. The Water Convention, actively promoting its work beyond the region, has particularly benefitted from new financing sources, which have at the same time benefitted core workplan activities. Increasing political support and awareness has attracted related financing from foreign affairs and development cooperation ministries. The Global Environment Facility (GEF) has supported the financing of the participation of representatives from developing countries in meetings under the Water Convention. The Protocol on PRTRs cooperates with global organizations such as UNEP and the United Nations Institute for Training and Research (UNITAR) in order to finance, through GEF-related funds, the participation of representatives from

²¹ Such as the fifth Africa Water Week (Dakar, 26–30 May 2014), and the General Assembly of the African Network of Basin Organizations (Addis Ababa, 12–14 February 2015)

outside the ECE region in the Global Round-tables on PRTRs (Geneva, 19 November 2013, and Madrid, 24–25 November 2015).

37. Financing provided by donor countries for the Industrial Accidents Convention is aligned with national priorities on the prevention of, preparedness for and response to industrial accidents and related transboundary cooperation, as well as development cooperation policies. Enlarging the geographical scope of the Convention may provide for opportunities to tap into a greater share of financing by national development cooperation agencies, which provide financing for countries eligible for official development assistance. Donor attention and financing might be targeted in particular at countries with lower safety standards and higher risks of industrial accidents and related transboundary effects. An outreach and communications strategy for the Convention, including with regard to its role to support the implementation of the post-2015 goals on sustainable development and disaster risk reduction, might support awareness-raising at the political level and attract national, regional or global financing sources for the Convention's opening.

C. Possible safeguards with regard to the use of financial and human resources

38. At the fifth meeting of the Working Group on Development, it was proposed that more thought be given to the creation of possible safeguards with regard to the use of the limited financial and human resources in the secretariat. The experience of other ECE MEAs demonstrates that different mechanisms are in place to determine whether and, in the affirmative, which activities to implement outside of the ECE region, depending on the financing available, as well as the workplan.

1. Differentiation between core and non-core activities in future workplans

39. In considering how to enhance the sustainability and predictability of the extra budgetary financing provided, the ECE MEAs have been considering a differentiation between the core and non-core activities and the respective services provided by the ECE secretariat, addressing the proposal set out in the information paper "Enhancing secretariat functions of ECE MEAs".²² Core activities²³ are activities for which dedicated core financing would be provided, consisting of the regular budget and predictable extra budgetary resources provided by Parties. Non-core activities are activities financed with additional earmarked funding, including capacity-building activities that are currently financed to a significant part through project funds. As such, capacity-building activities (within and outside the ECE region) could be considered as non-core activities. The provision of financial support for the participation of representatives from developing countries outside the ECE region could also be considered as non-core and, as necessary, the guiding principles on financial assistance adopted by the Conference of the Parties could reflect this accordingly. This would imply that such activities would only be carried out in case financing was available.

40. Some ECE MEAs have defined core and non-core activities already and have embarked on steps to encourage Parties to provide financing in a more sustainable,

²² Available from

www.unece.org/fileadmin/DAM/env/documents/2015/TEIA/WGD/2015_MEA_Financing.pdf

²³ In the 2011–12 and 2013–14 workplans, section I had been called "Core activities to implement the long-term strategy of the Convention". The term "core" used in these workplan descriptions is different from the term "core activities" used in the information note "Secretariats for ECE multilateral environmental agreements – the way forward."

predictable manner. The Meetings of the Parties of the Espoo Convention and its Protocol on SEA has defined core (priority 1) and non-core (priority 2) requirements as part of its workplan budget and has by means of a decision established that financing should be provided to the core activities as a priority (ECE/MP.EIA/20/Add.3–ECE/MP.EIA/SEA/4/Add.3, annex I). As such, the participation of non-ECE countries, as well as the participation of countries in transition, is considered to be a non-core activity (priority 2). The Bureau of the Aarhus Convention prepared, in cooperation with its secretariat, a proposal for the 2015–2017 workplan on operational costs needed for the effective functioning of the Convention, which should be clearly distinct from the cost of other activities that are subject to the availability of resources (ECE/MP.PP/WG.1/2015/7). As such, the professional support required for awareness-raising and promotion of the Convention is considered as operational, while the majority of the expenditure for the participation in events and country missions to promote the Convention and its principles are considered as other costs, subject to the availability of resources.

41. These experiences demonstrate that the Conference of the Parties can, through the adoption of a workplan differentiating between core and non-core activities, decide that activities related to the Convention's opening would only be carried out in case the respective resources are made available through dedicated project financing. This would be different from core activities financed through dedicated predictable trust fund resources, in addition to the United Nations regular budget.

2. Decisions on financing and priorities by the Bureau

42. The implementation of activities related to the opening of the Convention will depend on the financial resources available through extrabudgetary contributions. Should the resources not be sufficiently available to finance activities on the opening, the Bureau would be entrusted with taking decisions on the approach to the organization of activities beyond the ECE region.

43. The Bureau of the Industrial Accidents has already been entrusted with taking decisions on the financing of activities under the Assistance Programme, vis-à-vis available funds.²⁴ Should there be a need to decide on priorities for capacity-building activities in case there are too many requests and insufficient human resources to organize them, the Bureau could be entrusted with taking decisions with regard to the prioritization of activities. This could also concern the prioritization of activities beyond the region vis-à-vis activities within the region, should there be any conflict with regard to requests, available resources and staffing. At the same time, in the context of the Convention's opening, it is important to consider that countries that are beneficiaries of the Convention's Assistance Programme are expected to progress in their implementation of the Convention over the time and may be in less need of assistance in the future.

V. Conclusion and the way forward

44. A decision to open the Convention needs to take due consideration of the benefits associated with the opening – both for countries within and those beyond the ECE region. At the same time, organizational implications need to be addressed and budgetary implications — the costs — carefully considered.

²⁴ As set out in the report of the seventh meeting of the Conference of the Parties (ECE/CP.TEIA/24, table “Tasks and division of work between the Bureau and the Working Group on Implementation”), available from www.unece.org/index.php?id=29023.

45. Costs related to the opening of the Convention will differ in the short, medium and longer term and are likely to increase over time:

(a) In the short term (e.g., following the adoption of the amendment opening the Convention, before its entry into force, for a period of up to 5–8 years), limited costs can be expected in order to promote and raise awareness of the Convention beyond the ECE region, for example, through the production of information materials and their translation into other United Nations official languages. The establishment of a network of contacts and awareness-raising of the Convention in other regions and countries can be pursued in partnership with other United Nations regional commissions, international and regional organizations and possibly lead countries. Partnerships would provide a means to mitigate costs;

(b) In the medium term, following the entry into force of the amendment (e.g., in the period between 5 to 15 years), the interest of countries outside the ECE region in participating in Convention meetings is likely to gradually increase. There could also be initial requests for capacity-building support. As non-core activities of the Convention's workplan, they would be carried out in case dedicated extrabudgetary resources are made available. The Bureau would decide on their prioritization, with due regard to available funding;

(c) Budgetary implications in the longer term are difficult to quantify. Over time, there may be a stronger interest from countries beyond the region in activities under the Convention and increasing requests to support their national efforts towards implementation and eventual accession. The ability of the Convention to respond positively to such requests will depend on the resources available. Following the accession of countries beyond the region, there may be further budgetary implications, as the workplans and the number of Parties expand, including with regard to secretariat human resources. Countries from beyond the region would submit national implementation reports requiring review and may raise specific new proposals for activities to be included in the workplans. At the same time, it is important to consider that the priorities and focus of the workplan is likely to shift over time, considering that countries in transition will gradually increase their capacities to strengthen industrial safety.

46. The exact overall cost related to the opening is difficult to assess. It will depend largely on the guidance provided by the Conference of Parties regarding the eligibility of countries from outside the ECE region for funding to participate in the activities of the Convention and, most importantly, on the strategy for the Convention's opening. An active engagement of non-ECE countries, for example through promotional efforts with regional partner organizations and the conduct of awareness-raising missions, would naturally generate more interest in the Convention and likely result in more significant resource implications. At the same time, Parties may like to consider that the strategy on the Convention's opening take a gradual approach, considering the resources limitations for the implementation of the workplans so far. As such, promotion and awareness-raising could be initiated in the shorter term. Capacity-building support, for example through dedicated awareness-raising missions to countries neighbouring the region, could be foreseen in the medium to longer term. In the meantime, the participation of countries from beyond the region in Convention meetings could be supported financially, subject to resource availability.

47. Costs related to the Convention's opening will gradually increase with the number of countries from outside the region participating in meetings, requesting capacity-building support and eventually acceding to the Convention. This is likely to be a gradual process, taking many years, with due account to the ratifications needed for the entry into force of the amendment and also the experiences of the other ECE MEAs.

48. At the same time, it is possible to limit budgetary implications through:

(a) Partnerships with other United Nations regional commissions, international and regional organizations;

(b) Access to global funds with additional contributions presently not available to the Convention given its regional character, whether specifically for the opening or for other elements of the workplan;

(c) Carrying out activities on the opening, subject to the availability of financial resources, for example by considering activities on the opening such as related capacity-building and financial support to be non-core and through respective decisions with regard to the financing and prioritization by the Bureau.

49. On the basis of the elements described in this note, the Working Group on Development is invited to continue its discussions on the opening of Industrial Accidents Convention with due regard to the organizational and budgetary implications arising over time. In this context, the Working Group is invited to consider opportunities to attract new financing sources and to strengthen the Convention's relevance and outreach beyond the ECE region.
