

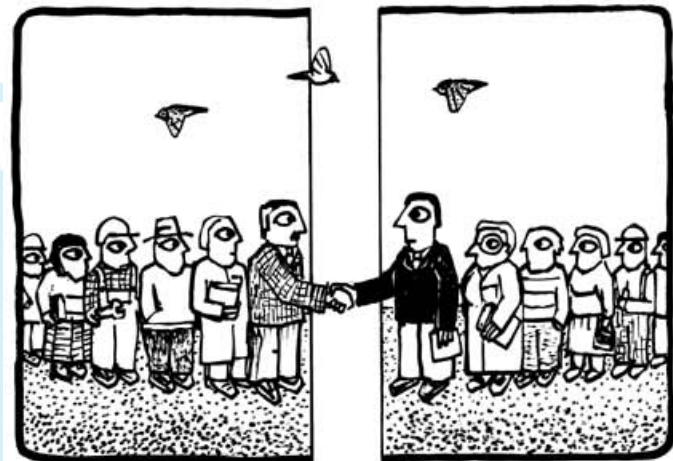
# The role of the Espoo Convention

Joint EU-Russia seminar on large-scale projects  
– the lessons for the future of the application of  
the Espoo Convention

Moscow, 20 May 2011

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[www.unece.org/env/eia](http://www.unece.org/env/eia)



## The role of the Espoo Convention ...

- Introduction
- Status
  - Bilateral & multilateral agreements
- Objectives
- Implementing the Rio Declaration
- Requirements
- Practical application
  - An example (Belarus-Lithuania)
- Benefits, and costs

## Introduction

- Convention on Environmental Impact Assessment (EIA) in a Transboundary Context
- Negotiated in late 1980s under United Nations Economic Commission for Europe (UNECE)
- Adopted and signed in Espoo (Finland) in 1991
- Came into force in 1997, with 16 Parties
- Now has 45 Parties

**UNECE**



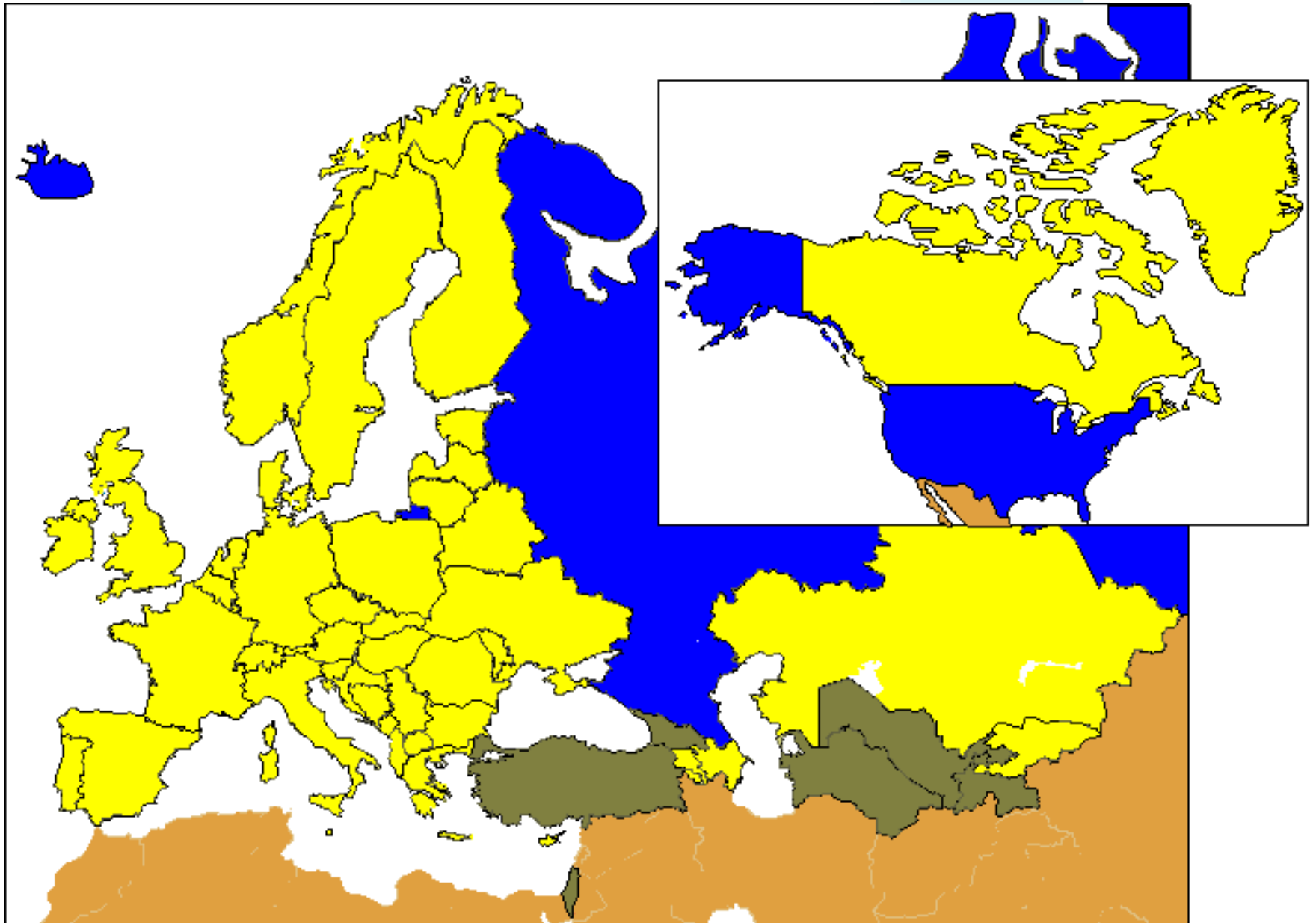
Parties



Signatories



other UNECE



# Bilateral & multilateral agreements

- Examples from Baltic Sea area:
  - Estonia and Latvia (1997)
  - Estonia and Finland (2002)
  - Germany and Poland (2006; in force 2007)
  - Lithuania and Poland (2004)
- Elsewhere in region:
  - Multilateral agreement for SE Europe (2008; in force 2011)
  - Caspian Sea protocol on EIA in a transboundary context
  - Recommendations for Black Sea
  - EU Directive on EIA

<i>Land neighbours</i>	<i>Espoo</i>	<i>Caspian</i>	<i>Black</i>	<i>Baltic</i>
Azerbaijan	Party	Yes	-	-
Belarus	Party	-	-	-
China	not UNECE	-	-	-
Democratic People's Republic of Korea	not UNECE	-	-	-
Estonia	Party	-	-	Yes
Finland	Party	-	-	Yes
Georgia	no	-	Yes	-
Kazakhstan	Party	Yes	-	-
Latvia	Party	-	-	Yes
Lithuania	Party	-	-	Yes
Mongolia	not UNECE	-	-	-
Norway	Party	-	-	-
Poland	Party	-	-	Yes
<b>Russian Federation</b>	Signatory	Yes	Yes	Yes
Ukraine	Party	-	Yes	Yes
European Union	Party	-	(Yes)	(Yes)

## Espoo Convention's objectives (*implied*)

- To ensure environmentally sound and **sustainable development**
- To enhance **international co-operation** in assessing environmental impact in particular in a transboundary context
- To develop **anticipatory policies**
- To **prevent**, mitigate and monitor significant adverse environmental **impact** in general and more specifically in a transboundary context
- To give explicit **consideration** to environmental factors at an early stage **in the decision-making** process by applying environmental impact assessment, at all appropriate administrative levels
- To improve the **quality of information** presented to decision makers so that environmentally sound **decisions** can be made paying careful attention to minimizing significant adverse impact, particularly in a transboundary context

## Implementing the Rio Declaration on Environment and Development (1992)

- Principle 17: Environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.
- Principle 19: States shall provide prior and timely notification and relevant information to potentially affected States on activities that may have a significant adverse transboundary environmental effect and shall consult with those States at an early stage and in good faith.



## Requirements (*indicative*)

- Requires Party to notify & consult other Parties on planned activity likely to have significant environmental impact across borders
- Requires preparation and sharing of assessment of environmental impacts
- Allows affected Parties – authorities & public – to comment on planned activities and on assessment of environmental impacts
- Provides for bilateral consultations between concerned Parties
- Party of origin makes final decision, taking into due account:
  - comments received (incl. authorities & public of affected Party)
  - outcome of environmental impact assessment
  - outcome of bilateral consultations
- Final decision is sent to affected Party

## Practical application

- Well over 700 cases to date
  - Growth from 10 cases per year a decade ago to almost 100 now
- Common examples
  - Power plants: nuclear, coal, hydropower, gas, wind
  - Cross-border infrastructure: road, rail, power lines, pipelines
  - Mining, major quarries & on-site processing



Moscow, 20 May 2011



## Practical application – pilot project Neman hydroelectric power plant, Belarus

- Pilot project implemented by Ministry of Natural Resources & Environmental Protection of Belarus, with support of UNDP
- Planned hydroelectric power plant on Neman River, 11 km from border with Lithuania
  - Developer: Belarusian State enterprise Grodnoenergo
  - EIA report prepared by Central Research Institute for Complex Use of Water Resources
  - Originally planned to involve authorities and public of Lithuania and Russian Federation

## Practical application – pilot project Neman hydroelectric power plant, Belarus

- Informal consultations on 22-23 June 2009 in Minsk, involving Belarus, Lithuania and Russian Federation (plus secretariat)
- Notification letter sent by Ministry of Natural Resources & Environmental Protection of Belarus to Lithuania's Ministry of Environment on 9 June 2009 and on 1 July 2009 (latter included deadline for submitting response), including first draft EIA report (in English & Russian)
- Notification also sent to Russian Federation on 1 July 2009
- Lithuania replied positively to notification
- Draft EIA report available on website of Ministry of Environment of Lithuania

## Practical application – pilot project Neman hydroelectric power plant, Belarus

- Lithuania comments on the draft EIA report sent on 7 August 2009 (in English)
- Lithuania comments sent to all interested institutions in Belarus on 17 August 2009
- Ministry of Natural Resources and Environmental Protection of Belarus replied to Lithuania comments on 21 September 2009 and submitted also amended EIA report
- On 25 September 2009 public hearing was held in Lithuania
  - representatives of Lithuanian higher education institutions, NGOs, civil engineering companies, state and municipal authorities
  - representatives of Belarusian State enterprise Grodnoenergo, Central Research Institute for Complex Use of Water Resources of Belarus and Ministry of Natural Resources and Environmental Protection

## Practical application – pilot project Neman hydroelectric power plant, Belarus

- Public comments on draft EIA report collected until October 9 2009; report in Lithuanian available on website of Ministry of Environment of Lithuania
- On 24 February 2010 at Grodno (Belarus) bilateral (Governmental) consultations held with Lithuania on results of public hearing
  - Resolution signed, including consultation results
- National public hearing at Grodno (Belarus) on 10 March 2010
- Positive conclusion of State ecological expertise issued on 6 July 2010
- Final decision according to Convention presented to Lithuania on 5 November 2010
  - Decision on approval of justification of construction investment

## Practical application – pilot project Neman hydroelectric power plant, Belarus

- Led to better mutual understanding of legislation and procedures in Belarus and Lithuania, and a better understanding of the requirements of the Convention
- Possibly led to legislative amendments in Belarus
- Included development of guidelines in Belarus
- Included initiation of negotiation of bilateral agreements with several neighbouring Parties

## Benefits: cooperation & sovereignty

- Provides framework for discussing with neighbouring States certain planned developments
- Being a Party obliges other Parties to notify & consult you about planned developments on their territory that are likely to have a significant adverse impact on your country's environment
- Can enhance international cooperation, including awareness of importance of the environment, and so help to avoid conflict
- Sovereignty is retained: decision-making power remains in country where the development is planned
- Confidentiality is respected: protects information the supply of which would be prejudicial to industrial & commercial secrecy or national security



## Benefits: better development

- Better development: project design can be improved, including
  - higher environmental standards
  - mitigation & compensatory measures to reduce environmental impact
  - measures to adapt to climate change
  - risk of costly mistakes reduced
- Project alternatives can be identified
  - suggestions may come from public, assessment experts, developer, others

## Benefits: better decision-making

- Better environmental protection
  - key environmental issues of a project can be identified
  - awareness of environmental consequences of project implementation raised
  - environmentally sensitive areas can be avoided by selecting new site
  - environmental impacts avoided or reduced by revising project design, so avoiding or reducing externalized environmental costs
- Better decision-making
  - decision-making can be better informed & more objective
  - assessment can provide a better framework for preparing conditions & legal agreements to govern future project operation

## Costs

- Generally EIA costs less than 0.5 % of overall capital cost (with 60-90% for preparing EIA documentation)
- Costs over 1% unusual
  - for particularly controversial projects in sensitive environments
  - where good EIA practice not followed
- Actual costs of EIA tend to rise with capital cost of project, but percentage declines – projects subject to the Convention tend to be larger ones
- Timescales – typically one year. (For a large project that would take 2 years if subject to domestic procedures only, might take 3 years in a transboundary procedure.)



## Espoo Convention

- Widespread and widely used – useful
  - Sovereignty of decision-making
  - International cooperation
  - Better decisions
- 
- For more information:
    - [eia.conv@unece.org](mailto:eia.conv@unece.org)
    - [www.unece.org/env/eia](http://www.unece.org/env/eia)

