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Economic Commission for Europe

Meeting of the Parties to the Convention on Environmental Impact Assessment in a Transboundary Context

Eighth session

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

Fourth session

8–11 December 2020 (hosted online by Lithuania)
Item 6 of the provisional agenda

High-level event to mark the thirtieth anniversary of the Convention

Information note on the high-level event to mark the thirtieth anniversary of the Convention

To be held on-line on Friday, 11 December 2020

Tentative timing: 10.30 a.m.–12 p.m. (12.30)

Note by the secretariat

I. Introduction and objectives

1. To celebrate the thirtieth anniversary of the adoption of the Convention on Environmental Impact in a Transboundary Context (the Espoo Convention), the Meetings of the Parties will hold a special event.
2. In the event, a panel of invited ministers, other high-level representatives and other guest speakers will:
 - (a) Look back at the origins of the Convention, the reasons that motivated its development and adoption; and the objectives that it was set to achieve;
 - (b) Highlight benefits and achievements of the Convention since then in promoting environmentally sound and sustainable development; fostering international cooperation; enhancing the quality of information, environmental governance and transparency in planning and decision-making;
 - (c) Share visions for the Convention's future.
3. The event will take place during the high-level segment of the eighth session of the Meeting of the Parties to the Convention and the fourth session of the Meeting of the Parties

to the Convention serving as the Meeting of the Parties to the Protocol, as agreed by the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its eighth and ninth meetings (26-28 November 2019 and 24–26 August 2020).

4. The event will be moderated by Her Excellency, Ms. Krista Mikkonen, the Minister of Environment of Finland.

II. Draft programme

A. Written statement by Mr. Antonio Guterres, the Secretary General of the United Nations

B. Projection of a video on the Convention

C. Panel discussion

1. Introductory remarks

The moderator of the panel, H.E. Ms. Krista Mikkonen, Minister of the Environment and Climate Change, Finland (*up to 10 min*)

2. The creation of the Convention

“The father of the Convention”, Mr. Robert Connelly, President of Connelly Environmental Assessment Consulting Inc., Canada (*up to 7 min*)

3. Success stories and good practice examples in implementing and promoting the Convention; visions for the future (*up to 7 min each*)

- Mr. Vitalijus Auglys, Head of Pollution Prevention Policy Group, Ministry of Environment, Lithuania
- Ms. Martine Rohn-Brossard, Deputy Head, International Affairs division, Federal Office for the Environment, Switzerland

4. Progress made towards ratification and expectations v-à-v the Convention (*up to 7 min each*)

- H.E. Ms. Nino Tandilashvili, Deputy Minister of Environmental Protection and Agriculture, Georgia
- Mr. Sokhib Yuldoshev, Head of the Center for State Environmental Expertise; State Committee for Ecology and Environmental Protection, Uzbekistan

5. Views from the civil society and academia on the main achievements and the way forward (*up to 7 min each*)

- Mr. Andriy Andrusyevych, Senior Policy Expert, Society and Environment, Ukraine
- Ms. Mari Koyano, Professor, Hokkaido University, Japan

6. Question and answer session (*around 15 min*)

7. Concluding remarks by the moderator/summary of the key points (*up to 10 minutes*)

Annex

Background information

I. The origins of the Convention

1. International environmental law expanded rapidly during the two decades that followed the United Nations Conference on Human Environment – the first international conference held on environmental issues (Stockholm, 1972). One of the key principles asserted in the Stockholm Conference was the responsibility of States to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States. The same fundamental principle was later included in the Rio Declaration on Environment and Development.¹

2. In the 1980's, the concern about transboundary air and water emissions continued to increase in the United Nations Economic Commission for Europe (ECE) region. In parallel, environmental impact assessment was becoming widely established as an effective tool to reduce the environmental effects domestically. Furthermore, there was a growing desire for cooperation between countries, which, at that time, were still divided into eastern and western blocks. Against this background, the value of extending the use of the national tool of environmental impact assessment into a transboundary context and promoting cooperation among countries seemed evident. ECE was chosen as the most appropriate platform to host discussions on that subject, as ECE had been designated to follow up on the concept of environmental impact assessment by the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe, and had also established an intergovernmental expert group towards that end in 1982.²

3. The seminar on environmental impact assessment held in Warsaw in 1987 was a decisive step in the inception of the Convention. Building on a convincing and visionary report by Mr. Robert Connelly, from the Canadian Environmental Assessment Agency, the Warsaw seminar concluded on the need to develop an agreement on environmental impact assessment in a transboundary context. The ECE Member States (Senior Advisors on Environmental and Water problems) subsequently agreed to set up an ad hoc working group to draft the text of the Convention. The group held six meetings from October 1988 to September 1990 to negotiate the draft text.

4. The Convention was adopted in Espoo, Finland, on 25 February 1991. It entered into force in September 1997 and has at present 45 Parties in the ECE region extending across the Caucasus, Central Asia, Europe and North America, and, including the European Union as a regional organization.

5. The following year, in 1992, the United Nations Member States committed to the Rio Declaration principles some of which closely tracked the main elements of the Espoo Convention: “*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*”.³

¹ Principle 2, United Nations Conference on Environment and Development, 1992.

² The Espoo Convention – Ten years of greening our frontiers (February 2001), p.4; Jointly published by Bulgarian Ministry of Environment and Water; Norwegian Ministry of Environment and Swiss Agency for the Environment, Forest and Landscape.

³ Principle 19. Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3–14 June 1992, vol. I, Resolutions Adopted by the Conference, resolution 1, annex I (United Nations publication, Sales No. E.93.I.8 and corrigendum),

6. It has since then been recognized that all States have an obligation under general international law to “*undertake an environmental impact assessment where it is a risk that the proposed industrial activities may have a significant adverse impact in a transboundary context, in particular, on a shared resource.*”⁴ The Espoo Convention offers an international legal framework that specifies the scope and content of that procedure.

II. The amendments and the Protocol to the Convention

7. Since its adoption, the text of the Convention has been amended twice:

(a) In 2001, to allow States outside the ECE region to become Parties. This first amendment entered into force in 2014 but five more ratifications are still required for it to produce its effects;

(b) In 2004, to strengthen the Convention’s application through, inter alia: extending the list of activities subject to the Convention in appendix I; and including: measures for a review of compliance (led by the Implementation Committee); mandatory reporting; and a recommendation to involve affected Parties in the scoping procedure. The second amendment is in force since October 2017.

8. In 2003, the Convention was supplemented with the Protocol on Strategic Environmental Assessment to ensure that Parties integrate environmental assessment into their plans and programmes, and to the extent appropriate, also to policies and legislation. Unlike the Convention, the Protocol applies both in domestic and transboundary contexts. The Protocol entered into force in July 2010 and has currently 33 Parties, including the European Union.

III. The innovative and forward-looking features of the Convention

9. The Espoo Convention has shaped and continues to influence environmental law at international and national levels within and beyond the ECE region. Its procedures are also reflected in the requirements of certain international financial institutions. The Convention has proved its effectiveness in promoting environmentally sound and sustainable development; fostered international cooperation and contributed to improving the quality of information, environmental governance and transparency in planning and decision-making. The Convention’s benefits are demonstrated by the increasing number of Parties, its frequent use as well as the worldwide interest in its procedures.

10. The Convention has been an innovative and a forward-looking instrument in several respects, as described below.

A. Transboundary

11. At the time of its adoption, the Convention was the first multilateral treaty to specify procedural rights and duties of Parties regarding transboundary impacts of proposed activities.

12. The Convention has contributed to enhancing international cooperation in assessing environmental impact, through the establishment of networks of national contact points, timely and transparent sharing of information, transboundary consultations and opportunities for jointly addressing concerns regarding planned developments that could adversely affect the environment. Several Parties have negotiated bilateral agreements and established sub-

⁴ International Court of Justice’s judgment in Pulp Mills on the River Uruguay, 2010, ICJ Reports.

regional cooperation for specifying practical procedural steps and exchanging information for the implementation of the Convention. The longer-term cooperation and regular, established exchanges between Parties have helped clarify technical matters and resolve difficulties related to differences of legislation, administrative structures and responsibilities, traditions and cultures of communication, as well as diverging political and economic interests. In the spirit of good neighbourliness and cooperation, the Convention's implementation has helped minimize tensions and increase the acceptability of projects across borders.

B. Horizontal

13. The large majority of global and regional environmental legal instruments that were negotiated before the Convention addressed specific environmental or nature conservation issues. At the time of its adoption, the Espoo Convention was one of the few cross-cutting instruments to address environmental issues in a broad, integrated and horizontal way.

14. Sustainable development calls for an integrated, cross-sectoral approach. Therefore, today, the Parties to the Convention also believe in the treaty's potential to contribute to countries' implementation of Sustainable Development Goals.

C. Granting rights to public

15. The Convention was one of the first international legal instruments to grant the public rights to have access to information on projects and their environmental impacts and to participate in related decision-making procedures. In this sense, the Convention paved the way for the 1998 Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters. The Convention has been forward looking in promoting transparent, inclusive and accountable environmental governance, with public participation as a key component of transboundary consultations. From early on, civil society, and, in particular, non-governmental organizations (NGOs) have been encouraged to participate in the Convention's procedures; and to attend meetings of its treaty bodies, as observers. To date, NGOs contribute to raising awareness of the Convention and its benefits, and act as "watch dogs" by referring to the treaties' Implementation Committee information on Parties' alleged non-compliance with their obligations under the Convention.

D. Precautionary approach

16. In accordance with the precautionary approach and the principle of prevention, the Convention requires that adverse environmental impacts be anticipated and addressed early on in the planning of activities. Instead of attempts to repair damage that has already occurred, the Convention requires that Parties consider adverse environmental impacts and, take actions to prevent, reduce, control/mitigate them before authorizing an activity that may cause them.

IV. Strategic goals and priorities for the next 10 years

17. During the present intersessional period 2017–2020, Parties have reflected on long-term strategic goals and priorities for the Convention and its Protocol, and on how to build on the strengths of the treaties to achieve the goals and face any remaining challenges in their

implementation.⁵ The three strategic goals and some of the related priority objectives identified for the next ten years include the following:

(a) Full and effective implementation of the Convention and the Protocol, including by:

- (i) Unifying the treaties application and strengthening Parties' capacities;
- (ii) Providing stronger support for the treaties by decision-makers, economic sectors and the public, through enhanced visibility and better communication about the treaties' benefits;

(b) Increased impact by addressing new national, regional and global challenges, including by:

- (i) Making full use of the treaties' potential, e.g. for contributing to the implementation of Sustainable Development Goals
- (ii) Developing best practice concerning energy, transport and infrastructure development etc. to address climate change, biodiversity and waste management issues and pollution of air, soil and water;

(c) Wider implementation of the Convention and the Protocol within and beyond the ECE Region.

- (i) Increasing accession by ECE member States;
 - (ii) Enabling and encouraging accession and implementation by non-ECE countries.
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⁵ Draft long-term strategy and the action plan for the Convention and the Protocol ECE/MP.EIA/2020/3-ECE/MP.EIA/SEA/2020/3.