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on Environmental Impact Assessment in
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Meeting of the Parties to the Protocol on
Strategic Environmental Assessment**Working Group on Environmental Impact Assessment
and Strategic Environmental Assessment****Ninth meeting**

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**Compliance and implementation: draft long-term strategy and
an action plan for the Convention and the Protocol****Draft long-term strategy and an action plan for the
Convention and the Protocol****Note by the Netherlands and Poland***Summary*

The present document contains the draft long-term strategy and action plan for the Convention and the Protocol that were mandated by the Meetings of the Parties (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6) and foreseen in the workplan for the implementation of the Convention and its Protocol for the period 2017–2020 (ECE/MP.EIA/2017/1–ECE/MP.EIA/SEA/2017/1, decision VII/3–III/3, annex). It was prepared by the Netherlands and Poland, with support from the secretariat, building on three informal meetings among volunteering Parties, the first two of which were co-chaired by Austria and the Netherlands (London, 1 September 2018; Rotterdam, Netherlands, 7 October 2019; and Warsaw, 23 and 24 January 2020).

The present document revises an earlier, informal version of the draft strategy and action plan taking into account the comments from the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment at its eighth meeting (Geneva, 26–28 November 2019). While finding that the draft covered comprehensively all the important issues, the Working Group decided that, due to current resource constraints and uncertainty over the extent of Parties' future funding for the Convention and its Protocol,



there was a need to further prioritize and limit the scope of the strategic goals and priority activities, with the possibility of reviewing the situation again in 10 years' time (ECE/MP.EIA/WG.2/2019/2, para. 29).

The Working Group on Environmental Impact Assessment and Strategic Environmental Assessment is invited to consider and agree on the text of the draft long-term strategy and an action plan to be forwarded for the next sessions of the Meetings of the Parties (Vilnius, 8–11 December 2020) for adoption through decision VIII/3–IV/3 (presented to the Working Group in document ECE/MP.EIA/WG.2/2020/3).

I. Introduction

1. The Convention on Environmental Impact Assessment in a Transboundary Context and its Protocol on Strategic Environmental Assessment have contributed to improving international cooperation, the integration of environmental concerns into development activities, environmental governance and transparency in planning and decision-making.

2. The treaties have proved to be effective instruments for fostering environmentally sound and sustainable development, as is demonstrated by the steadily increasing number of Parties to and the worldwide interest in the treaties. The Parties to the Convention and its Protocol further believe in the treaties' potential to contribute to countries' implementation of a wide range of Sustainable Development Goals, as set out in the 2030 Agenda for Sustainable Development.

3. Although the treaties have many strengths, as outlined above, they face many challenges, the biggest of which is arguably that of achieving their full and effective implementation among the Parties. Making full use of the treaties to address national, regional and global challenges is also an important objective. As of February 2020, the Convention and the Protocol have 45¹ and 33² Parties, respectively, across the United Nations Economic Commission for Europe (ECE) region, including countries from the Caucasus, Central Asia, Europe and North America and the European Union. Part of the long-term vision of both the Convention and the Protocol is to build on this to achieve a wider implementation of the treaties within and beyond the ECE region.

4. The present long-term strategy for the Convention and the Protocol has been developed to specifically address the challenges outlined above, but also to build on the many strengths of the treaties.

5. In accordance with decision VII/7-III/6 (ECE/MP.EIA/23.Add.1-ECE/MP.EIA/SEA/7.Add.1), the long-term strategy and action plan have the following objectives:

(a) To set a strategic vision for the coming years, to address priorities and to meet new challenges, including those with respect to climate change, biodiversity, energy, land use and urban planning, agriculture, waste management and transport;

(b) To set priorities at the operational level, to ensure the best use of the limited resources of the Parties and the secretariat;

(c) To identify future activities, partnerships and funding mechanisms.

6. The strategy is focused on the following three strategic goals, which are set out in indicative order of priority:

(a) Full and effective implementation of the Convention and the Protocol;

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

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

7. Each strategic goal is linked to priority objectives at the national and international levels. The strategic goals and priority objectives are to be implemented through periodic workplans. The workplans should continue to be agreed upon by the Meetings of the Parties at their sessions for the duration of an intersessional period (usually three years), and their implementation regularly reviewed by the Bureau and the Working Group at their meetings.

¹ Up-to-date information on the status of ratification of the Convention is available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-4&chapter=27&clang=_en.

² Up-to-date information on the status of ratification of the Protocol is available at https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-4-b&chapter=27&clang=_en.

8. The strategy extends to 2030, with periodic reviews of its implementation to be conducted, as needed.

9. It should be noted that, in order to ensure the effective future implementation of the Convention and the Protocol, one of the priority objectives of this strategy is to ensure that all their Parties make financial contributions or increase existing contributions where possible. The delivery of the goals and priority objectives set out in the strategy is largely dependent on ensuring that Parties make or increase existing financial contributions, given that the achievement of many of the ambitious targets set out in the strategy is resource dependent.

II. Strategic goals and priority objectives until 2030 at the national and international levels

A. Full and effective implementation of the Convention and the Protocol

1. Building on strengths and addressing weaknesses

10. The first priority objective is to improve Parties' implementation by building on strengths and addressing weaknesses, in legislation and practice, including weaknesses listed in the reviews of implementation of the Convention and the Protocol, for example, with regard to public participation, translation and quality of environmental documentation/reports and monitoring/post-project analysis. Specifically, challenging issues include the following:

(a) Language and translation issues within transboundary procedures: identifying good practice concerning translations, language of translations and which documents should be translated, with a view to improving the timeliness and quality of translations;

(b) Timing of notification: notification of affected Parties should take place as early as possible (see the publications *Guidance on Notification according to the Espoo Convention*³ and *Guidance on the Practical Application of the Espoo Convention*).⁴

2. Unifying the treaties' application and strengthening Parties' capacities

11. The second priority objective is to unify the treaties' application and strengthen Parties' capacities by:

(a) Urging concerned Parties to ratify the second amendment to the Convention in order to achieve uniformity of its application; and possibly making available financial support to these Parties subject to their ratification of the amendment;

(b) Encouraging the Parties to make better use of existing guidance;

(c) Developing new guidance and updating existing guidance, as required;

(d) Exchanging best practice, including by introducing a platform/database on the ECE website for uploading examples of best practice that Parties volunteer to submit; and/or, collecting and compiling best practice in a more structured manner, with the help of a consultant to the secretariat;

(e) Clarifying the scope of the treaties and their relationship with other assessment tools, whenever needed, to increase efficiency and avoid duplication;

(f) Clarifying the terminology and obligations of the treaties, with specific emphasis on appendix I to the Convention, for example, to make clear that environmental impact assessment and strategic environmental assessment focus on the effects on the environment, including health, of economic development projects and planning and not on

³ United Nations publication, ECE/MP.EIA/12.

⁴ United Nations publication, ECE/MP.EIA/8.

social impacts or nuclear safety. (This does not mean that the Convention/Protocol should not take into account the effects of these broader issues, as relevant);

(g) Identifying Parties' need for legislative assistance and capacity-building, including through a review of their national legislation and administrative capacity, subject to the availability of resources. Matching the needs to the resources available and, to the extent possible, addressing them through technical assistance, capacity-building, guidance, sharing good practice and twinning procedures. As appropriate, making use of the review of compliance procedure.

3. Encouraging informal “pre-notification” contacts

12. The third priority objective is to encourage Parties to consult each other on the application of the Convention through informal “pre-notification” contacts for those projects not listed in appendix I to the Convention.

4. Strengthening support for the treaties

13. The fourth priority objective is to strengthen support for the treaties by decision-makers, economic sectors and the public, through enhanced visibility and better communication about the treaties' benefits. Related actions include the following:

(a) Development of a communication strategy to enhance visibility and to better convey the advantages of strategic environmental assessment and transboundary environmental impact assessment;

(b) Illustration of the benefits of the treaties by portraying examples of best practice on the treaty website;

(c) Making the links between the two assessment tools and Sustainable Development Goals, climate objectives and other national priorities more obvious and better known;

(d) Making better use of media, including social media, improving the ECE website and other communication tools;

(e) Preparation of innovative promotional material for different target audiences, such as videos and collections of best practice, short messages for policymakers and frequently asked questions;

(f) Organization of national awareness-raising events and public awareness campaigns; raising awareness among parliamentarians and increasing use of the advocacy role of non-governmental organizations;

(g) Attracting more high-level participation at official meetings of the treaty bodies and involving prominent actors in the promotion of the treaties.

5. Creating and increasing synergies and cooperation

14. The fifth priority objective is to identify opportunities to create and increase synergies with other relevant Conventions and international processes and to improve coordination among and within Parties. Related actions include the following:

(a) Identification of Conventions/legal instruments that show room for improved coordination/harmonization to generate synergies with regard to their implementation and that of their obligations (for example, synchronizing steps to be taken to meet the requirements for notification/information-sharing and public participation under various legal instruments);

(b) Avoid undertaking overlapping obligations and actions with other relevant Conventions and organizations, that could include, for example, the ECE multilateral environmental agreements, the World Health Organization, the Organization for Economic Cooperation and Development (OECD), the Organization for Security and Cooperation in Europe, the International Atomic Energy Agency, the United Nations Framework Convention on Climate Change and the United Nations Convention on the Law of the Sea;

(c) Aim to improve the cost-efficiency of the secretariats of the above-mentioned treaties and organizations, for example, by undertaking joint capacity-building activities, and, if feasible, by sharing staff and resources.

6. Increasing bilateral agreements

15. The sixth priority objective is to increase the number of bilateral agreements for the implementation of the Convention and the transboundary procedures of the Protocol and simplify their drafting.

7. Enhancing networking

16. The seventh priority objective is to improve transboundary cooperation through enhancing the use and functioning of the networks of national focal points and points of contact for notification, for example, through:

(a) Organizing regular meetings with focal points from neighbouring Parties/the region;

(b) Holding (informal) discussions on interpretation and implementation issues amongst national focal points of neighbouring Parties;

(c) Encouraging the establishment of more permanent subregional ad hoc groups of focal points and experts of neighbouring Parties to exchange information about projects and national systems and views.

8. Ensuring the effectiveness of the compliance mechanism

17. The eighth priority objective is to ensure that the review of compliance mechanism under the Convention and the Protocol functions well and its outcomes are respected, so that it can effectively assist Parties in fully meeting their obligations under the treaties. Related actions include the following:

(a) Reviewing the operating rules, funding and number of and election criteria for the Committee members to strengthen the mechanism;

(b) Ensuring that Parties respond to the Committee's queries in a timely manner.

9. Improving reporting and review of implementation

18. The ninth priority objective is to use the mandatory reporting mechanism under the Convention and the Protocol to better monitor and support the review of implementation. Actions to this end include the following:

(a) Improving the timeliness and quality of the mandatory reporting and the questionnaires;

(b) Adapting the reviews of implementation to: maximize their usefulness as a source of information; highlight progress achieved; draw attention to areas that need improvement; disseminate best practice; and inform the Implementation Committee of potential non-compliance.

10. Increasing funding

19. The tenth priority objective is for Parties to make adequate resources available, by contributing to the trust fund the necessary funding and by providing in-kind contributions that will adequately back all workplan activities and the secretariat services. Related actions include the following:

(a) Urging all Parties to contribute and/or increase their contribution;

(b) Proposing and seeking agreement on a new financial scheme;

(c) Supplementing the secretariat's staffing through Junior Professional Officers sponsored by Parties.

11. Improving interaction and reaching consensus

20. The eleventh priority objective is to improve Parties' interaction and ensure consensus-based decision-making at the meetings of the treaty bodies, by:

- (a) Limiting revisions to official meeting documents and decisions;
- (b) Providing any revision proposals on the meeting web page well in advance of the meetings.

B. Increased impact by addressing new national, regional and global challenges and goals**1. Advocating the treaties' role in addressing national and global challenges**

21. The first priority objective is to highlight and communicate the role that the treaties can play in addressing global and national priorities and challenges in the field of environment, including in relation to climate change, biodiversity, waste management, circular economy, air, soil and water. To this end, develop best practice concerning energy (nuclear, renewables), transport and telecommunication, land use and urban planning and infrastructure development (projects such as the Belt and Road Initiative).

2. Making full use of the treaties' potential

22. The second priority objective is to make full use of the treaties' potential to address new global, regional and national goals and commitments. For example, make the treaties' contribution to the implementation of the Sustainable Development Goals more concrete and measurable by developing guidance for environmental impact assessment and strategic environmental assessment practitioners for translation of those Goals, targets and indicators that are relevant to the assessment of a given proposed activity, plan or programme. The International Association for Impact Assessment could be invited to assist in the development of guidance based on its existing work.

3. Agreeing on related workplan activities

23. The third priority objective is to agree on workplan activities and corresponding funding that target key challenges and goals, including:

- (a) Exchange of best practice (thematic seminars, workshops, fact sheets);
- (b) Preparation of guidance;
- (c) Capacity-building, such as targeted training.

4. Coordinating and cooperating with relevant treaties and organizations.

24. The fourth priority objective is to coordinate and cooperate with relevant regional and global treaties and organizations.

C. Wider implementation of the Convention and the Protocol within and beyond the ECE region**1. Increasing accession by ECE member States**

25. The first priority objective is to increase accession to the treaties by ECE member States by:

- (a) Building political and public support among non-Parties;
- (b) Supporting legal reforms, awareness-raising and capacity-building in non-Parties, including via bilateral development support and twinning arrangements;
- (c) Creating a pool of experts on the Convention and the Protocol, with experts from the Parties who stand ready to answer questions or conduct short studies or country

visits to facilitate accession and implementation by non-Parties. Also supplement the pool with trained national non-Party experts and actors from academia and civil society.

2. Enabling and encouraging accession and implementation by non-ECE countries

26. The second priority objective is to enable and encourage countries from other regions to accede to the treaties and/or replicate and implement the treaty provisions and best practice by Parties in their region(s). The related actions include the following:

(a) Completing the remaining ratifications of the first amendment to the Convention (urging remaining countries to take the necessary steps; possibly making financial support to the concerned countries subject to their ratification of the first amendment);

(b) Carrying out awareness-raising, technical assistance and capacity-building activities;

(c) Developing information materials and guidance documents and translating them into other languages, such as Arabic, Chinese and Spanish;

(d) Using regional and international cooperation frameworks to disseminate information and raise awareness of and interest in the Convention and the Protocol;

(e) Creating a pool of experts on the Convention and the Protocol – nominated by the Parties – who stand ready to answer questions or conduct short studies or country visits to facilitate accession and implementation by non-Parties;

(f) Including activities of global interest in the workplans.

3. Preparing for accession by non-ECE countries:

27. The third priority objective is to prepare for accession by countries outside the ECE region, through the following actions:

(a) Developing guidance and/or criteria for the global application of the treaties;

(b) Identifying and agreeing on possible changes to the modus operandi of the treaty bodies (the Working Group on Environmental Impact Assessment and Strategic Environmental Assessment, the Meetings of the Parties and the Implementation Committee);

(c) Agreeing on a budget and a funding mechanism, for example, to fund the participation of non-ECE countries in the meetings and outreach, awareness-raising and assistance activities;

(d) Identifying possible tools and their benefits and drawbacks, for example: bilateral partnerships; development assistance and twinning arrangements between current and prospective Parties; outreach arrangements; cooperation with international organizations and financial institutions such as the European Investment Bank, the World Bank Group, OECD, etc. This involves learning from approaches used, for example, by the ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes.
