

NGO perspective: 10th anniversary of the Espoo Convention

Ten years after the entry into force of the Espoo Convention **on Environmental Impact Assessment in a Transboundary Context**, environmental law and decision-making are unthinkable in the majority of the UN-ECE region without pursuing an Environmental Impact Assessment (EIA) of projects having transboundary environmental impacts. The horizontal approach of the Espoo Convention, to have an **integrated view** on potential environmental impacts, was a tremendous step forward in environmental policy and decision-making. The obligations under the Espoo Convention to carry an EIA for transboundary larger-scale projects led to improvements in national legislation that, in principle, do not limit EIA to transboundary projects but include similar domestic procedures.

We stress the need for further improvement of the practical implementation of and compliance with the Convention. The application of the Convention by parties shows a **wide range of problems** that constitute obstacles to proper implementation of the Convention. It can be seen as a common problem that, in a transboundary context, signatory states do not show sufficient efforts to properly inform the public of the neighbouring country in an **understandable** (e.g. translations), **comprehensive** (e.g. not all documents shown) and **timely** (e.g. information after project has started) manner. It also appears that public authorities of most signatory states are not able or are not willing to communicate with each other appropriately.

Substantive deficiencies can be observed in most of the cases NGOs have participated in. From our experience one of the largest shortcomings is the **lack of alternative assessments**. This is an important tool to reduce environmental impacts since many projects might have less environmental impact if they would be carried out in other locations or by other means that serve for the same purpose. Further problems occur in the actual assessment of the environmental impact. In many cases some environmental impacts are not taken into account. Often projects are cut into smaller pieces that have less environmental impact if assessed separately (**salami slicing**). In addition **cumulative impacts** of other projects and **indirect effects** are rarely taken into account.

In many signatory states, the **Aarhus Convention** became the basic tool for NGOs to participate and enforce the Espoo Convention since it provides for public participation and access to justice in proceedings related to the Espoo Convention. Governmental authorities and the public **need better understanding of the value that public participation** adds to the decision-making process. Public participation ensures transparency and results in better decision taken by the governments. For both the Aarhus and Espoo Conventions it can be stated that there is a vital need for **financial assistance to the public concerned** since participation is time-consuming and very expensive due to need for technical and legal expertise.

The implementation of and compliance with the Convention require stronger daily commitments by UN-ECE members. The compliance mechanism, including the **Implementation Committee**, should become stronger to play an important role in promoting better compliance and implementation. It should allow a public trigger of non-compliance cases which overcomes political reasons that prevent countries from using the compliance mechanism.

It has been four year since the adoption of the **SEA Protocol** to the Espoo Convention. If this agreement is to contribute to environmental protection in Europe, and EECCA countries in

particular, two issues require further commitments by countries: **quick ratifications** and **early public involvement**. NGOs can play a significant role in facilitating this process in the countries and should be involved.

Ten years after its entry into force the Espoo Convention continues to trigger notable improvements in environmental decision-making. Further close cooperation between the governments and NGOs is a requirement for practical achievement of the goals of the Convention and the Protocol.

Statement by the NGOs EcoForum, EcoGlobe, and Justice & Environment

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