



Présentation / Intervention

2014

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Tignino, Mara

How to cite

TIGNINO, Mara. Introduction to the Convention on environmental impact assessment in a transboundary context (Espoo Convention) and the Convention on the protection and use of transboundary watercourses and international lakes (Helsinki Convention). In: OSCE, Regional roundtable on strengthening public participation in transboundary water management: exploring the synergies of the Espoo, Helsinki and Aarhus Conventions. Tirana, Albania. 2014.

This publication URL: <https://archive-ouverte.unige.ch/unige:78314>



Introduction to the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki Convention)

Regional Roundtable on Strengthening Public Participation in Transboundary Water Management: Exploring the Synergies of the Espoo, Helsinki and Aarhus Conventions

Mara Tignino

Senior Researcher and Coordinator of the Platform for International Water Law, Faculty of Law, University of Geneva

Tirana, 25 March 2015

Outline

- **Aims**
- **Processes and features**
- **Challenges**



1991 Espoo Convention – General features

- Adopted on 25 February 1991 in the framework of the United Nations Economic Commission for Europe (UN/ECE) and entered into force on 10 September 1997
- Amendment to open the Convention beyond UN/ECE: entered into force on 26 August 2014
- Protocol on Strategic Environmental Assessment adopted in 2003 and entered into force in 2010

Aims of the Espoo Convention

- To ensure sustainable development (preamble)
- To develop ***anticipatory*** policies of preventing, mitigating and monitoring significant adverse environmental impact, especially in a transboundary context (preamble)

Processes and features of the Espoo Convention

The EIA process

- “EIA”: a ***national procedure*** for evaluating the likely impact of a proposed activity on the environment (art. 1 (vi))
- EIA must be undertaken ***prior*** to authorizing or undertaking a proposed activity (art 2.3)
- EIA must be notified by the Party of origin to the affected Party (art.2.4)

Processes and features of the Espoo Convention

The EIA Process

- List of activities submitted to an EIA : Appendix 1
- For activities not listed in Appendix 1: three criteria to be taken into account: size, location and effects (Appendix 3)
- Content of an EIA described in Appendix 2
- The Party of origin must furnish an EIA to the affected Party. The EIA must be transmitted through joint bodies if they exist (art.4.2)
- Distribution of the EIA to the authorities and the **public** in the areas likely to be affected by the project (art.4.2)

Challenges of the Espoo Convention

The 2003 Strategic Environmental Assessment Protocol

- Today the Protocol has 26 Parties
- Environmental assessment of policies and programs
- Early process in the decision-making and broader scope of a single project

1992 Helsinki Convention – General features

- The Convention is adopted in the framework of the UN/ECE
- Decision III/1 (amending Articles 25 and 26 of the Convention) allows all UN Member States to accede to the Convention. Amendments entered into force on 6 February 2013
- Two Protocols to the Helsinki Convention

Aims of the Helsinki Convention

- Environmental protection through different means
- ***Framework Convention***: the general obligations of the Convention are specified in further instruments adopted by the Parties (Protocols, Annexes, agreements on river basins)

Aims of the Helsinki Convention

- Complementarity between the Helsinki Convention and agreements between countries sharing the same waters
- The Convention is divided in three parts: provisions relating to all Parties; provisions relating to riparian Parties; institutional and final provisions

Processes and features of the Helsinki Convention

General obligations applicable to all Parties (art.2)

All the Parties must take measures

- To prevent, control and reduce pollution
- To conserve water resources and protect the environment
- To ensure the reasonable and equitable use of transboundary waters
- To restore ecosystems, where necessary

Processes and features of the Helsinki Convention

Obligations applicable to riparian Parties

- 1) Bilateral and multilateral cooperation (art.9)
- 2) Consultations between riparian Parties (art. 10)
- 3) Exchange of information between riparian Parties (art.13)
- 4) Warning and alarm system (art.14)
- 5) Public information (art.16)

Processes and features of the Helsinki Convention

Bilateral and multilateral cooperation (art.9)

“The Riparian Parties shall on the basis of equality and reciprocity enter into bilateral or multilateral agreements or other arrangements, where these do not yet exist, or adapt existing ones, where necessary to eliminate the contradictions with the basic principles of the Convention.

The agreements or arrangements shall provide for the establishment of joint bodies”

Processes and features of the Helsinki Convention

Public information (art.16)

“The riparian Parties shall ensure that the following information is made available to the public:

- a) Water-quality objectives;
- b) Permits issued and the conditions required to be met;
- c) Results of water and effluent sampling carried out for the purposes of monitoring and assessment.

The riparian Parties shall ensure that this information shall be available to the public at all reasonable times for inspection free of charge, and shall provide members of the public with reasonable facilities for obtaining from the riparian Parties, on payment of reasonable charges, copies of such information”.

Challenges of the Helsinki Convention

- 1) Relationship between the Helsinki Convention and the 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Watercourses Convention)
- 2) Support the implementation of the human right to water through the Protocol on Water and Health
- 3) Support the ratification of the 2003 Kiev Protocol on Civil Liability

Challenges of the Helsinki Convention

- The 1999 Protocol on Water and Health: first instrument to pursue the human right to water and sanitation in the context of transboundary waters
- National targets to achieve this objective
- Establishment of an Implementation Committee: members of the public have the right to make communications to the Committee

Challenges of the Helsinki Convention

2003 Kiev Protocol on Civil Liability

- First instrument to establish a comprehensive legal regime on civil liability for accidents on transboundary water resources
- Liability of the operator causing the transboundary impact
- Compensation to affected individuals



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