

**THE DANISH MINISTRY OF ENVIRONMENT AND ENERGY**

**DANISH ENVIRONMENTAL ASSISTANCE AND  
ENVIRONMENTAL CONVENTIONS**

**Synergy and Prioritised Action Areas**

**March 2001**

**DANCEA - Danish Cooperation for Environment in the Arctic**  
**DANCED - Danish Cooperation for Environment and Development**  
**DANCEE - Danish Cooperation for Environment in Eastern Europe**

**Danish Ministry of Environment and Energy  
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**Abstract:**

This report describes the ministry's plans for enhancing coherence between international environmental agreements and Danish environmental assistance. A number of prioritised action areas are highlighted. The report briefly describes the prioritised environmental conventions and provides options for future environmental assistance.

**Terms:**

Convention, DANCED, DANCEE, DANCEA, Environmental assistance.

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## ABBREVIATIONS

AIA	Advance Informed Agreement (Cartagena Protocol)
CDM	Clean Development Mechanism (Convention on Climate Change)
CITES	Convention on International Trade in Endangered Species
COP	Conference of the Parties
CSD	Commission for Sustainable Development (United Nations)
CTI	Climate Technology Initiative (Convention on Climate Change)
DANCEA	Danish Cooperation for Environment in the Arctic
DANCED	Danish Cooperation for Environment and Development
DANCEE	Danish Cooperation for Environment in Eastern Europe
DEA	Danish Energy Agency
DEPA	Danish Environmental Protection Agency
DFLRI	Danish Forest and Landscape Research Institute
DFNA	Danish Forest and Nature Agency
DFSC	Danida Forest Seed Centre
EIA	Environmental Impact Assessment
EMS	Environmentally Sound Management
EPSF	Environment, Peace and Stability Facility
FAO	Food and Agriculture Organisation
GEF	Global Environment Facility
HFC	Hydrofluorocarbons
IFF	Intergovernmental Forum on Forests
INC	International Negotiating Committee
IPCC	Intergovernmental Panel on Climate Change (United Nations)
IPF	Intergovernmental Panel on Forests
JI	Joint Implementation (Convention on Climate Change)
LMO	Living Modified Organism
NEFCO	Nordic Environment Finance Corporation
NERI	National Environmental Research Institute (Denmark)
NIB	Nordic Investment Bank
NIS	Newly Independent States
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Cooperation and Development
PFC	Perfluorocarbons
PIC	Prior Informed Consent
POP	Persistent Organic Pollutants
ppm	parts per million
RTC	Regional Training Centre (Basel Convention)
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNFF	United Nations Forum on Forests
UNIDO	United Nations Industrial Development Organisation
WHO	World Health Organisation
WTO	World Trade Organisation
WWF	Worldwide Fund for Nature

## FOREWORD

Denmark has been an active player in international forums for many years, working on the basis that many environmental problems are transboundary, or global in nature, and can therefore be best regulated at an overall level. We are therefore party to a range of international environmental agreements and are working actively to encourage more countries to join and respect international agreements.

At the same time, Denmark is faithful to the commitments undertaken by rich countries at the 1992 Rio Summit and has, for years, been providing environmental assistance to developing countries and countries with economies in transition. Our years of experience in environmental technology and knowledge of environmental regulation will provide a shortcut for these countries to achieve a cleaner environment and better quality of life without repeating the mistakes made by rich countries.

Therefore, at my ministry, some staff are deeply involved in administering international conventions, while others administer environmental assistance programmes. Combining these two types of expertise was a natural step to take. It was also logical to expand the ministry's experience of linking environmental assistance together with implementing international environmental agreements in Danish legislation.

Over the years, a series of environmental assistance projects relating to international conventions and agreements have been implemented – activities that can be prioritised and systematised. This publication shows how coordinated work procedures can strengthen activities by uniting the efforts of those engaged in international conventions and environmental assistance. The reference section, including relevant conventions in the four priority areas (climate, biodiversity and natural resources, chemicals and hazardous wastes, and the general public) is for non-specialists. The section also describes the demands countries are expected to fulfil as a party to a particular convention and outlines options for environmental assistance that can contribute to compliance by partner countries with the demands set by the international environmental agreement in question.

Naturally, such coherence requires the active involvement of partner countries. A continuing dialogue is needed on the relation between environmental assistance and efforts to comply with international conventions.

I am sure that the principles described in this publication will contribute to sustainable development.

Svend Auken  
The Danish Minister for Environment and Energy

## 1. INTRODUCTION

The Danish Parliament recently stressed that Denmark must strengthen its efforts to implement environmental agreements in partner countries. This happened with the unanimous adoption of a decision on environmental assistance (V79) on May 4, 1999, and V101 of May 22, 2000, on strengthening active work to support the implementation of environmental conventions.

The Danish Ministry of Environment and Energy has prepared and implemented a wide range of environmental assistance projects that relate to international conventions and agreements. This is the case in Eastern Europe, Southeast Asia, Southern Africa and the Arctic region, and includes projects that relate to the Convention on Climate Change, the Montreal Protocol under the Vienna Convention, the Helsinki Convention, the Basel Convention, the Convention on Biological Diversity, the Ramsar Convention on Wetlands, the CITES Convention, the international forest recommendations and the World Heritage Convention. Activities so far have thus covered many areas of significant international interest to the work of the ministry but activities should be prioritised and strengthened further.

Denmark is an active participant in international environmental cooperation and is proactively building up an international society based on the rule of law. Denmark provides a significant amount of bilateral environmental assistance, both in relative and absolute terms. This is internationally acknowledged in the latest OECD evaluation of Danish environmental policy (April 1999).

This publication is meant for the staff of the ministry who work on a daily basis with international environmental agreements and those who administer environmental assistance programmes, i.e. DANCEE (Danish Cooperation for Environment in Eastern Europe), DANCED (Danish Cooperation for Environment and Development), DANCEA (Danish Cooperation for Environment in the Arctic) and the Sector Integrated Environmental Programmes – Energy (environmental assistance in the energy sector for the new democracies in the Baltic Sea Region).

The aim is to create a dynamic exchange, through which bilateral project cooperation continually develops in tandem with the development of Danish priorities in the multilateral environmental agreements and vice versa. In other words, the specific projects should reflect the Danish policy in the environmental sector, which, in turn should be inspired by the experiences from project cooperation and obtain the full political benefit of the resources applied in environmental assistance.

The publication is based on recent experience of actively linking environmental assistance to the implementation of international agreements in Danish legislation. This publication, therefore, outlines a systematic organisation of existing working methods, and introduces new tools and procedures developed on that basis.

It does not replace existing strategies such as e.g. *“Strategy for a strengthened involvement in the chemicals sector”*, but is primarily a tool to be used by those in the ministry who administer environmental assistance and those who are involved in international conventions, in an ongoing dialogue with counterparties in partner countries.

Chapter two describes priority areas that could strengthen coherence between implementing conventions and environmental assistance. However, we can still carry on working in other areas, e.g.



one such priority not included in this publication is the 1992 Rio Forest Declaration and subsequent global and regional recommendations on, for example, sustainable forestry. These result from as yet incomplete negotiations that also involve the issue of a Forest Convention. As the area of conventions is continuously developing, this publication will be revised every other year. However, updated information is always available at the web sites relating to the relevant conventions and the ministry's technical divisions and institutions.

Chapter two also deals with global environmental problems and prioritised conventions. Chapter three briefly describes the countries cooperating with the Danish Ministry for Environment and Energy and the major environmental issues in these countries. The publication includes a series of tools and routines, and identifies the organisations responsible for their execution (see Chapter four). Chapter five describes in detail the specific conventions and requirements parties must meet and suggestions for possible environmental assistance measures. And finally, Chapter six briefly describes the European Bank for Reconstruction and Development (EBRD) and the Global Environment Facility (GEF). GEF operates the financial mechanisms of the Convention on Climate Change and the Convention on Biological Diversity.

## **2. PRIORITISED ACTION AREAS**

### **2.1 Opportunities for better coherence between international agreements and environmental assistance**

The objective for both Danish environmental assistance and international agreements on the environment is to obtain a better protection of global nature and the environment. Many of the countries Denmark provides with environmental assistance have signed the same international agreements as Denmark, but lack the economic and administrative resources to live up to the obligations they bring. In the final analysis, this can weaken the agreements and have a negative effect on nature and the environment.

Through environmental assistance, Denmark can help create the basis for environment authorities in partner countries to access and then implement the agreements. Projects launched in the partner countries range from strategic measures (e.g. national action plans) through capacity development and methodology (education, data collection) to a tangible level (nomination of protected areas, management plans for natural areas, demonstration of energy savings, public participation, information and communication, etc). Moreover, projects that do not directly meet the obligations of the international conventions are required to harmonise with international commitments and recommendations.

Obviously, a need must be identified in the partner country before a certain initiative can be supported through resources from Danish environmental assistance. At an overall level, this identification takes place when programmes for environmental assistance for the respective countries are developed. More precise discussions on the nature and dimension of the need for assistance typically take place during annual negotiations between the counterparts in the countries concerned and representatives from the Danish Ministry of Environment and Energy. However, project proposals could also come from other international donors and project administrators from ministries taking part in international negotiations that are also attended by representatives from the countries concerned. However, the partner countries themselves ultimately finalise the definition of the need.

When a need for assistance has been identified, the next step is to clarify whether there are resources to provide the assistance and whether there is sufficient Danish knowledge and experience in the area to make the development of a Danish-financed project realistic. The source of the knowledge must be identified (private consultancies, NGOs, research institutions, the administrative agencies under the Danish Ministry for Environment and Energy, local authorities and others).

Specific assistance is often provided by Denmark so that a partner country can ratify a certain agreement, for example through assistance for the necessary management plans, for strengthening the administrative resources needed or phasing out specific substances. Thus, synergy can be established between Danish environmental assistance and Danish efforts on a global level to obtain environmental cooperation that is useful to both sectors.

In our experience, the Danish focus on international conventions and agreements encourages the participating authorities and organisations in the partner countries to pay closer attention to international commitments, including the desire for active participation in the relevant international fora, if this not already the case.

Environmental assistance can also help to build up credible cooperation between Denmark on one hand and developing and Eastern and Central European countries on the other - credibility that, in the long run, can encourage the forging of new alliances for future negotiations.

And last but not least, Denmark fulfils a series of commitments made by the industrialised countries to transfer additional resources to developing countries and countries with economies in transition in Eastern and Central Europe. We add to our credibility and the weight of our opinions by showing in practice that we live up to the aims of environmental assistance stated at the UN Conference on Environment and Development held in Rio de Janeiro in 1992.

## **2.2 Environmental problems, environmental conventions and environmental assistance**

Global environmental issues cover a wide range of problems that are prioritised differently by different countries. Global acknowledgement of the extent of some of the problems caused the adoption of environmental conventions. In this strategy, the Danish Ministry of Environment and Energy has chosen the following conventions that will be described further in Chapter 5.

**The Convention on Climate Change.** Global climate change ranks high on the international agenda. The Intergovernmental Panel on Climate Change (IPCC) has claimed that the emission of CO<sub>2</sub> and other greenhouse gases can lead to global warming within the foreseeable future. But there is uncertainty about the extent to which the global warming will take place. Global warming can have negative impacts on the economic, environmental and social development.

**The Kyoto Protocol.** Through the Kyoto Protocol under the Convention on Climate Change, the industrialised countries have committed themselves to reducing their emissions of greenhouse gases. Negotiations are being conducted to investigate the scope for industrial countries and private enterprises to invest in measures that will reduce CO<sub>2</sub> emissions in developing countries. Developing countries and countries with economies in transition with considerable economic growth will contribute more and more to the emission of greenhouse gases. The promotion of especially sustainable (including renewable) energy in these countries can contribute to the stabilisation of greenhouse gas emissions to the atmosphere.

**The Convention on Biological Diversity.** Global biodiversity is under pressure due to population growth and the irresponsible exploitation of natural resources. The opening up of new areas e.g. where wetlands and forest areas are cleared for cultivation or for plantations, often increases pressure on biological diversity. Reduction of biological diversity can reduce the welfare of future generations by reducing access to new and improved crops and medicine. The reduction in the wealth of species is a problem in itself, as it threatens stability and the continued existence of often vulnerable ecosystems. The UN Convention on Biodiversity aims to protect biological diversity (genetic diversity, diversity of species and habitats) and sustainable exploitation of these areas. The protocol on biosafety of the Convention (the **Cartagena Protocol**) regulates the safe transfer and use of living modified organisms (LMOs).

**The Ramsar Convention on Wetlands and the CITES Convention.** The challenge lies in helping developing countries to form policies and concrete measures to promote the sustainable exploitation of natural resources. Measures for protecting natural resources can include a broad range of activities, such as protecting wetlands (the Ramsar Convention) and measures against the trade in endangered plant and animal species (the CITES Convention).

**The Basel Convention.** Hazardous wastes are a growing problem, as every year more than 400 million tonnes of hazardous waste are produced globally, which must be transported and disposed of. Through the adoption of the Basel Convention, regulating transboundary movement of hazardous wastes, an important step has been taken towards safer handling of hazardous wastes. Finally, the recently imposed ban on the export of hazardous wastes from OECD countries to non-OECD countries has had a considerable significance for a number of developing countries that have traditionally received hazardous wastes from industrialised countries. The challenge is to ensure that more partner countries fulfil the goals of the Basel Convention, thereby ensuring responsible management of hazardous wastes globally.

**The POP and PIC Conventions.** In recent years, environmental problems linked to using chemicals have come more into focus internationally. In particular, persistent organic pollutants (POPs), including DDT, are considered to be serious threats, as they are largely non-biodegradable. When these substances accumulate in the food chain, they pose an increasing threat to the maintenance of important ecosystems, biodiversity and the water resources of the planet. Most industrialised countries have banned the use of the worst POPs and now focus more on how developing countries and their industries can be persuaded to stop using and producing these chemicals.

UNEP has taken the initiative for negotiating an international convention on these chemicals - including phasing out 12 POPs in developing countries. The issue of the use or elimination of the use of these chemicals is complicated by the fact that developing countries often lack practical alternatives. The Danish Ministry for Environment and Energy has participated actively in the negotiations leading to the forthcoming POP Convention and supports measures to phase out POPs in developing countries. The Rotterdam Convention (PIC Convention) demands prior informed consent in the trade in certain hazardous chemicals, promoting joint responsibility between exporting and importing countries.

**The Aarhus Convention.** The Convention on Public Access to Environmental Information, the so-called **Aarhus Convention**, spells out a series of certain minimum citizens' rights with regard to access to information on the environment, access to participation in environmental decisions through hearings and the like, and access to judicial reviews of decisions made in the environmental sector. The Convention will in many signatory countries, eastern and western, mean greatly expanding access so that common citizens and grassroots movements can influence specific environmental decision processes. In many Eastern European and developing countries, there is very poor public participation in environmental decision-making and there is a great need to work on a broad front in this area.

It makes good sense to focus efforts on a number of prioritised conventions to increase effectiveness and power of penetration. In the future, there should be a focus on the following high-priority areas:

- The Convention on Climate Change and the Kyoto Protocol (greenhouse gases)
- Biological diversity and the sustainable use and protection of natural resources:
  - The Convention on Biological Diversity and the Cartagena Protocol on biosafety
  - The Ramsar Convention on wetlands
  - The CITES Convention (trade in endangered animal and plant species)
- Chemicals and hazardous wastes:
  - The Basel Convention (movements of hazardous wastes)
  - The Rotterdam Convention (PIC, trade in hazardous agricultural and industrial chemicals)
  - The POP Convention (persistent organic pollutants)
- Public participation:
  - The Aarhus Convention

The Montreal Protocol has not been included in this list because there have been positive experiences over many years of implementing both bilateral (through DANCEE) and multilateral (e.g. through GEF) projects for phasing out ozone-depleting substances. This protocol is still important, but current Danish measures do not need to be prioritised higher.

In early 2000, the Danish Forest and Nature Agency prepared a “Strategy for coherence between international agreements and environmental assistance in the green sector”, which covers possible environmental assistance measures in a broader range of forest and nature-related areas than in this publication. This strategy, which can be obtained from the Danish Forest and Nature Agency or downloaded from [www.sns.dk](http://www.sns.dk), details the possibilities of planning and launching environmental assistance projects in the green sector, including assistance for the EU accession process in Eastern and Central Europe.

### 3. PARTNER COUNTRIES

#### 3.1. Danish environmental assistance under the auspices of the ministry

Danish environmental assistance under the auspices of the Danish Ministry of Environment and Energy was launched with the Danish parliament's adoption of the law on support to Eastern Europe in 1991, which was incorporated in 1993 into Danish foreign policy as a strategic element on the background of the memorandum "Denmark's International Initiatives"]. The specific economic framework for financing environmental assistance was based on the Danish parliament's decision in 1992, linked to Danish follow-up on the UN Conference on Environment and Development held in Rio de Janeiro the same year. Environmental assistance was expanded to include a series of developing countries and the Arctic Region. The economic facility that now covers environmental assistance is called the Environment, Peace and Stability Facility (EPSF). Its size is fixed annually in the Budget. The goal is for the total Facility to increase gradually until 2005, when it will constitute 0.5% of Danish GNP. The funds are to be divided equally between environmental measures and peace and stability measures. Environmental assistance will be about half of the appropriation, or about 3 billion Danish kroner a year in 1999 prices.

Danish environmental assistance is provided on the basis of guidelines and priorities spelled out in strategies for environmental assistance to developing countries (countries in Southeast Asia and Southern Africa), assistance to Eastern and Central European countries and assistance for the Arctic environment.

The strategies attempt to link assistance to international agreements, and increasingly, higher priority is being given to support for projects that directly follow up on or directly contribute to the specific implementation of commitments related to international environmental cooperation.

A brief description of DANCED, DANCEE, DANCEA and the Sector-Integrated Environmental Measures – Energy are provided below. More details on environmental assistance programmes are available at these web sites.

- DANCED: [www.mst.dk/danced/](http://www.mst.dk/danced/)
- DANCEE: [www.mst.dk/dancee/](http://www.mst.dk/dancee/)
- DANCEA: [www.mst.dk/dancea/](http://www.mst.dk/dancea/)
- Sector Integrated Environmental Programmes – Energy: [www.ens.dk/øststøtte/](http://www.ens.dk/øststøtte/)

#### 3.2 Environmental assistance for developing countries – DANCED

The strategy for environmental assistance for developing countries (1996) states:

*“The activities are based on the global prioritisation which stems from the Rio Conference and were articulated in Agenda 21, the Convention on Biological Diversity, the Convention on Climate Change, the Convention to Combat Desertification and the Forest Declaration as well as other international conventions.”*

The table below lists countries that are entitled to support from the Danish Ministry of Environment and Energy:

DANCED partner countries	
Southeast Asia	Malaysia Thailand
Southern Africa	Botswana Lesotho Namibia South Africa Swaziland

In **Southeast Asia**, a range of serious environmental problems are connected to rapid urbanisation and industrialisation, including the decline of forest areas and quality, poor management of protected areas, decreasing biological diversity, lower agricultural and forest productivity and pollution from agricultural chemicals. The total forest area has thus been severely reduced in recent decades, and now covers only half what it did about 40 years ago. Systematic accounts, monitoring and data from the protected areas are typically lacking and so there is no clear picture of the status of protected areas. Unsustainable agricultural methods and the use of marginal lands for agricultural production create severe problems and also cause people to move to the big cities.

Rapid growth in industrial production, urbanisation and traffic has taken place in a relatively short period and the authorities have not sufficiently planned or implemented mitigating measures with regard to air, water and soil pollution, waste management, sewage treatment, etc. Increased economic growth is, as a rule, still linked to growth in energy production, which also contributes to pollution and increased pressure on natural resources. Large amounts of biological waste from agricultural and forest-based industry are not utilised optimally for energy production, and energy efficiency is only now being put on the political agenda.

Finally, there is only a limited tradition for or experience of public participation in connection with environmental issues, and experience of decentralisation is scarce.

Environmental problems in **Southern Africa** result mainly from increasing pressure on natural resources caused by a combination of widespread poverty, increasing population growth, rapid urban growth and industrialisation. These factors combined create increasing resource consumption and water, soil and air pollution.

In rural areas, where the majority of the population live, increasing pressure on natural resources causes, for example, soil erosion and degradation, excessive deforestation with desertification as a consequence, over-fishing and loss of biological diversity due to general overuse of the natural resource base and increased use of natural habitats of flora and fauna for agricultural purposes.

In urban areas, the biggest problem is the lack of planning of urbanisation and industrialisation and the problems that arise from the emission of untreated sewage and industrial pollution, lack of waste collection and uncontrolled waste deposition, lack of sewerage and poor sanitary conditions, and ineffective and strongly polluting energy use in both the domestic and industry sectors. These environmental problems not only affect the towns, but also the country and coastal areas around the towns.

Regional strategies have been prepared for DANCED's environmental assistance to Southeast Asia and Southern Africa. In the light of the priorities of the cooperating countries and the extent of Danish expertise, the following topics have been chosen for project activities.

- Urban development and industrialisation
- Sustainable energy
- Agriculture
- Water resources
- Forest and timber resources
- Biological diversity
- Coastal zones

### **3.3 Environmental assistance to Eastern and Central Europe - DANCEE**

Activities are based on the 1993 strategy for environmental measures in Eastern and Central Europe, which is being updated with the following objectives:

- That the assistance helps as far as possible to protect the environment in Central and Eastern Europe by supporting Central and Eastern European countries that have applied for membership of the EU in their efforts to implement the demands of the EU and international conventions in the area of environment and energy.
- That the assistance helps the Commonwealth of Independent States and other countries not applying for EU membership in their approach to an enlarged EU and helps to reduce pollution that affects the health of the population, to reduce cross-border pollution that affects EU countries, to protect biodiversity and to implement international environmental conventions.
- To support initiatives for political and economic development towards environmental sustainability, especially by supporting market-based development and democratisation, including moves to increase responsibility in the private sector and include NGOs and the general public.

Memoranda of Understanding have been signed with 11 Central and Eastern European countries on the environment: Belarus, Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, Russia, Slovakia and Ukraine. Environmental assistance to Eastern Europe is administered by DANCEE under the Danish Environmental Protection Agency. Assistance to the Czech republic is being phased out and cooperation with Moldova is being established.

In partner countries outside the Baltic region, a range of energy projects are being carried out within the framework of DANCEE. The Danish Environmental Protection Agency administers these projects in cooperation with the Danish Energy Agency. Energy projects in the partner countries in the Baltic Sea Region are carried out within the framework of the Sector Integrated Environmental Programmes – Energy, described in section 3.5.

The partner countries are at quite different stages of transferring to market economies and reforming their administrative processes.



The objective for the 10 Eastern European countries seeking membership of the EU is the implementation of the EU Environmental Directives, which is the most important and expensive aspect of EU accession. The demand regarding implementing and meeting EU environmental standards places a heavy economic and administrative burden on these countries. As well as needing considerable investments in environmental infrastructure projects - especially in the areas of water, waste and air - these countries badly need to reform their legislation and administration in the environmental sector to adapt to EU demands.

The Newly Independent States are still struggling with economic reconstruction and to a large degree, their lack of resources has had a negative influence on the environmental infrastructure and environmental administration. Individual countries are making progress in the democratisation process, but they are generally losing considerable ground in solving health and environment related problems.

Danish environmental assistance is provided in the following priority areas: Water and air quality, waste treatment, chemicals, and nature protection, including biodiversity and sustainable forestry. Likewise, cross-sectoral initiatives are being supported to help strengthen the institutions and technical expertise in the countries, promote public participation in the decision-making process and strengthen the accountability of the private sector, encouraging companies to take their share of the burden in the environmental sector. Implementing international agreements and conventions is part of the aggregate support for environmental projects in Eastern and Central Europe in most of the action areas.

The country programmes for the individual countries spell out the specific priorities for initiatives. The criteria for granting project support are presented in the DANCEE "Project Cycle Management Manual", 1999.

### **3.4 Environmental assistance to the Arctic region - DANCEA**

The memorandum on "Denmark's International Initiatives" from 1993 prompted the government to adopt the "Regional Strategy regarding measures for the protection of the Arctic environment" in February 1994.

In harmony with Parliament's recommendation to the Government to strengthen EPSF initiatives in the Arctic, especially Greenland, resources have been set aside in the Budget since 1994, the so-called MIKA-Arctic facility, now called DANCEA. Resources for activities in the Arctic region are administered by the Danish Ministry of Environment and Energy.

The overall objective is to ensure environmentally sustainable development of natural resources and nature protection, and prevent and limit pollution of the Arctic environment.

Even though parts of **the Arctic environment** are relatively pristine, recent investigations have documented that the health of certain population groups in the Arctic, including Greenland, is threatened as a result of transboundary pollution caused by heavy metals, persistent organic pollutants and radioactive substances. In connection with global environmental problems, there is still a lack of sufficient knowledge of the effect of climate change and the breakdown of the ozone layer in the Arctic.

**Greenland** faces specific environmental problems in connection with waste (hot spots), energy supply to and consumption in the housing sector, commercial activities such as tourism, resource exploration and preserving the historical heritage.

**Russia** covers a very large part of the Arctic region and several places have huge environmental problems as a consequence of the irresponsible exploitation of mineral and fossil resources. Destruction of the indigenous peoples' traditional hunting and trapping areas is increasing, while unemployment is rising. The economic crisis in Russia has hit the indigenous people particularly hard and the mean life expectancy is 20 years lower than for the rest of the Russian population.

The Arctic part of EPSF - DANCEA, includes a series of activities and programmes directed towards the Arctic areas and their inhabitants:

- The Arctic Monitoring and Assessment Programme (AMAP)
- The Arctic Environment Programme - knowledge building (AMP-V)
- The Arctic Environment Programme - specific measures (AMP-K)
- Sector Programme for the Environment and the appropriate energy-based renovation of the housing sector in Greenland and Energy supply activity
- Support for the indigenous people of the Arctic

From the beginning, some of the environmental assistance for the Arctic has been earmarked for the national implementation of the Arctic Monitoring and Assessment Programme, that:

- Monitors the extent of transboundary pollution from industrialised countries
- Investigates and assesses the effects of climate changes and increased UV radiation in the Arctic

The results from AMAP form the basis for advising governments in the Arctic countries which measures are necessary to improve the state of the Arctic environment.

AMAP has launched activities to make the environmental problems of the Arctic visible and prepare "fact sheets" on the status of pollution in the Arctic. These fact sheets contain an overview of the Ministerial decisions and decisions of the Arctic Council and factual information on the state of pollution in the Arctic that can be used as documentation for negotiations at international conventions, etc.

AMP-V supports projects that contribute **documentation** and **new knowledge** of significance for the solution of environmental problems in the Arctic community, especially Greenland. The projects should thereby contribute to environmentally sustainable development in the Arctic.

AMP-K provides subsidies for projects in Greenland that aim to preserve the local environment, promote environmental consciousness and initiatives and ensure sustainable development of business and society. The work focuses on providing safe drinking water, modern waste management systems, energy-saving measures and energy production.

Furthermore, projects of relevance to the Arctic can be supported in the **Faeroe Islands**, demonstration projects in the **rest of the Arctic region**, including specifically areas in the Arctic part of Russia.

The following activities can be supported:

- Environmental investments and technical assistance, and capacity development, including the transfer of knowledge in the form of strengthening the environmental administration
- Education and training, research and development activities, information activities, awareness raising, communication, etc.
- Establishment of environmental funds where the capital is put at the disposal of local authorities and groups of the population for specific initiatives in the local community

The sector programme for environment and appropriate energy-based renovation of the housing sector was established in the light of an agreement with the Greenland Home Rule Government and the government for the support of an extraordinary measure of renovation. The programme is expected to run through 2000-2003.

The Danish Environmental Protection Agency and the Danish Energy Agency approve an annual draft programme that is worked out and implemented by the Greenland Home Rule Government.

Support for the indigenous people in the Arctic part of Russia and their NGOs is made to encourage sustainable development, environmental protection and nature conservation. This work has so far consisted of economic support for the RAIPON secretariat, which is an umbrella organisation for the indigenous people in the Arctic part of Russia, as well as training in project development. A programme for continuing the activities is being prepared.

Finally, DANCEA supports the operation of the Indigenous Peoples' Secretariat (IPS), which supports the participation of indigenous people in the Arctic in the environmental cooperation of the Arctic Council.

DANCEA is administered by the Division for Northern Cooperation and Environmental Export at the Danish Environmental Protection Agency in cooperation with, for example, the Danish Forest and Nature Agency and the Danish Energy Agency. The Danish Polar Centre helps provide DANCEA with secretarial services on a day-to-day basis.

### **3.5 Environmental assistance in the energy sector for the new democracies in the Baltic Sea Region - the Sector Integrated Environmental Programmes - Energy**

Since 1994, within the framework of Danish environmental assistance, the Danish Energy Agency has administered a series of energy sector programmes in Eastern and Central Europe. Since 1998, the measures have been provided in the framework of the sector-integrated environmental work, with an overall objective that stems from the Action Plan - Baltic Agenda 21 ([www.ee.baltic21](http://www.ee.baltic21)). This regional action plan aims to promote environmentally sustainable development based on market-led principles in the Baltic Region.

In geographical terms, the Sector Integrated Environmental Programmes - Energy are directed towards the new democracies of the Baltic Sea Region, i.e. Estonia, Latvia, Lithuania, Poland and Russia (the regions of St. Petersburg and Kaliningrad). Cooperation agreements concerning energy programmes have been entered into with all these countries.

Energy-sector programmes are to help promote the environmentally sustainable development of the energy sectors of the partner countries. The countries can then meet the requirements of international environment and energy agreements while achieving economic growth without increasing energy consumption and causing negative environmental consequences. Another objective is to support EU applicant countries with the implementation of EU environment and energy demands.

The energy-sector programmes focus on the following four major areas of activity:

- Energy efficiency (at supply and consumption levels)
- Energy savings
- Cleaner fuels, including renewable energy
- Institutional and capacity development

In recent years especially, Danish environmental assistance in the energy sector has supported projects on district heating and combined heat and power, energy savings for end-users, institutional and capacity building, cleaner fuels and energy planning.

Country programmes with the partner countries, which are renewed annually, spell out the details of priorities for activities. The criteria for granting project support can be found in the project manual for the Energy Sector Programme. (Sector Integrated Environmental Programmes - Energy. Project Cycle Manual, September 2000).

#### **4. CLOSER COOPERATION BETWEEN TECHNICAL DIVISIONS, ENVIRONMENTAL ASSISTANCE ADMINISTRATIONS AND RESEARCH INSTITUTIONS**

Close links must be ensured between bilateral environmental assistance and the specific fulfilment of the obligations stated in conventions, including the preceding international environmental negotiations. This involves strengthening co-operation between the divisions of the ministry working with bilateral environmental assistance and those that monitor the implementation of international conventions and recommendations on behalf of Denmark.

The ministry's research institutions play a distinct role in the international work. In many cases they are responsible for the technical implementation of the Danish commitments to conventions and the discussions in international professional fora associated with the work on international conventions. The experience they have gathered on procedures and systems for monitoring and data processing is of great significance both for conventions and environmental assistance work.

First, the tools and routines must be introduced into work procedures to ensure the ongoing exchange of information between ministry staff. This creates a climate of cooperation in which the ministry's criterion for success, and therefore the criterion for its management and employees, is the fruitful and creative development of the instruments. These instruments promote the desired synergy effect, create political results for implementing international environmental conventions and stimulate specific results from bilateral cooperation work that, through the EPSF, has high political priority in Denmark.

Some of the guidelines for better and closer coordination between the relevant units and ministry staff are described below.

A general orientation about the meeting and mission activities of the environmental assistance divisions can be obtained through the inset in the magazine *MiljøDanmark*, called "Environmental Assistance", the DANCED Newsletter, and the annual reports of the environmental assistance programmes. But this is insufficient for the daily work of strengthening interaction between work on the conventions and environmental assistance. The DEA publication *EnergiNyt* gives similar updates on tangible measures being taken on the energy front. Informal networks between staff working on the conventions and those involved in the administration of environmental assistance programmes must be set up to encourage the exchange of information, experience and news.

The specialised knowledge of staff members working on conventions ought also to be included in e.g. project formulation, assessment and evaluations to the extent that resources permit. Conversely, the technical divisions and institutions should be informed about relevant projects or other activities that support the implementation of particular conventions in the partner country concerned. There can also be political signals or changes in direction in cooperation with a partner country that would comprise useful information for the environmental assistance staff worker concerned.

The environmental assistance divisions will be kept informed of international meetings through the "international calendar" which will routinely be prepared by the ministry's department and is accessible at: [www.mem.dk/international](http://www.mem.dk/international). More direct orientation and updating will be needed from the technical divisions and institutions in connection with missions or visiting delegations, for example.

The technical divisions will require updated lists of convention-related projects in connection with Danish reporting to the convention secretariats and will receive, on request, contributions towards a description of the year's environmental assistance cooperation that is relevant to conventions from the environmental assistance divisions.

The environmental assistance divisions, including staff at the embassies, are responsible for taking the initiative for preparing and coordinating:

- That the political message in the publication concerned is communicated in an English-language version that can be used in a convention and project context, as the communicator of the importance Denmark wishes to place on the direct link between the words in conventions and actions taken (the specific cooperation in e.g. environmental assistance).
- That contracts for environmental assistance projects ask the project holder to prepare an English-language fact sheet containing information on the relevance of the project in relation to the international environmental agreement in question, and a summary. These fact sheets should be used by convention staff workers and the officers who administer environmental assistance.

## **5. INTERNATIONAL ENVIRONMENTAL AGREEMENTS**

This section briefly describes the objective of the convention, agreement or directive, its scope and function. The demands placed on member countries and their options for assistance are then outlined. These are not exhaustive and for inspiration only, i.e. there would be more options than those listed here. Finally, the Danish policy and future strategic work for each of the agreements are described. Each section also names the division in the Danish Ministry of Environment and Energy responsible for a certain convention, a relevant web site where readers can follow the status of the convention, and a calendar of the most important convention meetings in the immediate future. An ongoing update of environmental treaties and their parties can be found at: <http://sedac.ciesin.org/entri/>

### **5.1 THE FRAMEWORK CONVENTION ON CLIMATE CHANGE AND THE KYOTO PROTOCOL**

#### **Description**

##### **a) The Convention on Climate Change**

In 1988, the UN established the Intergovernmental Panel on Climate Change (IPCC) and at the UN General Assembly in autumn 1990, it was decided to continue the negotiations for a climate convention. The convention was negotiated between January 1991 and Spring 1992, signed by 154 countries at the Earth Summit in Rio de Janeiro in June 1992 and came into effect on March 21, 1994. It has now been ratified by 184 parties. Both the convention and the protocol are global and therefore have no geographical limits.

The objective of the convention is to “achieve stabilisation of the concentrations of greenhouse gases in the atmosphere, which can hinder a dangerous human influence on the climate system. This level must be realised within a time frame that is sufficient to ensure that ecosystems can adapt naturally to climate changes, so that food production is not threatened and so that economic development can continue on a sustainable basis”.

In principle, the Convention on Climate Change includes all greenhouse gases not regulated by the Montreal Protocol. Currently, six greenhouse gases are included: The naturally occurring gases carbon dioxide, methane and nitrous oxide as well as the industrially produced fluorocarbons: HFCs, PFCs and SF<sub>6</sub>.

As the commitments of the convention are inadequate to meet the long-term objective as far as restricting greenhouse gas emissions is concerned, the convention was supplemented with the Kyoto Protocol in December 1997.

The highest decision-making organ is the Conference of the Parties (COP), which meets once a year. The Conference of the Parties makes decisions regarding changes to the convention, and new obligations under the convention, both business matters such as budget and new protocols. The next COP will be held in Bonn in May 2001.

The Convention Bureau consists of a chairman, representatives from the five regional groups, the small island states, and the chairmen of the two assisting bodies – the Subsidiary Body for Scientific and Technical Advice (STAP) and the Subsidiary Body for Implementation (SBI). The Convention secretariat is institutionally part of the UN system. Since August 1996, the secretariat has been located in Bonn, Germany.

### **b) The Kyoto Protocol**

The Kyoto Protocol was adopted by COP3 in 1997 and has been signed by 84 countries. The Kyoto Protocol is an intensification of the demands of the Convention on Climate Change, particularly for industrialised countries. The protocol outlines binding reduction targets for the so-called Annex 1 countries, i.e. the industrialised countries and countries with economies in transition (in Central and Eastern Europe). The Kyoto Protocol comes into effect only when ratified by at least 55 countries. Of these countries, there should be so many industrialised countries whose CO<sub>2</sub> emissions make up at least 55% of the total emissions in industrialised countries in 1990. As CO<sub>2</sub> emissions in the USA and Russia equal 36% and 17%, respectively, the protocol needs these two countries if it is to come into effect. The protocol has currently been signed by 22 countries, mainly island states and developing countries.

The Kyoto Protocol includes a provision for trade in emission quotas, crediting of investments in joint projects in Annex 1 countries (Joint Implementation - JI) and trade between Annex 1 countries and developing countries (Clean Development Mechanism - CDM). This is to effectively reduce emissions of greenhouse gases by industrialised countries as much as possible. The CDM has two objectives: To reduce greenhouse gas emissions in industrialised countries and promote sustainable development in developing countries. The conditions, rules and guidelines for the use of the Kyoto mechanisms, which are under negotiation, are expected to be adopted by COP6. It is possible to gain credit for CDM projects initiated in 2000 or later, provided the projects meet the guidelines to be fixed for CDM.

The Convention on Climate Change and the Kyoto Protocol add new elements to cooperation between Annex 1 countries and developing countries, as well as among Annex 1 countries. Even though developing countries have not yet committed themselves to limiting greenhouse gas emissions, this is the long-term aim. Political and financial support is needed to lead the development in developing countries in a sustainable direction and contribute to technology and knowledge transfer.

### **c) Other international agreements concerning the climate**

The Convention on Climate Change and the Kyoto Protocol should be seen as the backdrop for related international agreements that work in the same or related problem areas. The agreement complex is largely mature and obligatory, largely geographically comprehensive and naturally overlapping. The agreements arise from initiatives under UN and EU auspices - the work of the World Commission and development of the Energy Charter concept from the late '80s. Only a few are named here.

The Energy Charter Treaty was signed in The Hague in 1994. The entire EU and 50 other countries have signed the Energy Charter Treaty, which was meant to secure the trade in energy between East and West, and promote the Protocol on Energy Efficiency and Related Environmental Aspects (PEEREA), which both came into force in April 1998 and which are now binding legal instruments



for the parties that have ratified the treaty and the protocol. The protocol, which is Danish-inspired, is meant to ensure that the environment and sustainability become part and parcel of the energy policy of the countries. The protocol instructions should therefore harmonise with the objectives of Danish environmental assistance in Eastern and Central Europe, and accommodate climate policy aspects. The Protocol is being developed further through current international cooperation. Denmark encourages recipient countries to ratify the protocol in order to contribute to a broad, adequate political foundation that supports environment and energy projects. Denmark chairs the international working group for the follow-up of the protocol, which came into effect in April 1998.

At the Environmental Ministers' Conference in Aarhus in June 1998, the ministers accepted the Aarhus Declaration, including the initiative that promotes energy efficiency nationally and internationally. The perspective is that a goal-oriented and powerful effort can reduce energy consumption and thereby reduce CO<sub>2</sub> emissions by 20-30%. Work on the Aarhus Declaration is to be continued at the next conference in Ukraine in 2002.

The Climate Technology Initiative (CTI) was formed by the International Energy Agency/OECD countries, and the EU Commission at the First Conference of the Parties of the Convention on Climate Change in Berlin in 1995. The aim of the CTI is to promote the objective of the Convention on Climate Change for technology transfer to developing countries and countries with economies in transition. CTI activities are divided into the geographic regions of Africa, Asia, Latin America and Central and Eastern Europe plus the Commonwealth of Independent States (CIS). The activities of the CTI in Central and Eastern Europe should be seen mainly as helping the Climate Secretariat in its work to transfer technology - the "consultative process".

The CTI aims to promote capacity development, technology analysis, assessment and strategies as well as research and development. A significant element is cooperation between CTI, the recipient countries and private enterprises when drawing up specific technology implementation plans. Such cooperation has been started in South Africa and negotiations have been initiated with Thailand.

The CTI operates on voluntary contributions. The chair is currently held by Denmark and the Danish Energy Agency makes an annual contribution to the CTI. According to the 2001 Budget proposals, this contribution will be increased.

The Danish Energy Agency will be continually evaluating international agreements with regard to creating the greatest possible coherence in relation to the Convention on Climate Change and the Kyoto Protocol for gaining full use of environmental assistance, including the energy sector programmes that support the work as a whole.

## **Member state obligations**

### **a) The Convention on Climate Change**

Beside the long-term objective already mentioned, the convention contains a series of commitments for ratifier countries.

Presentation of overviews of greenhouse gas emissions, presentation of programmes for the reduction/restriction of greenhouse gas emissions, protection of CO<sub>2</sub> sinks and drains, e.g. forests, promotion of scientific research on climate change and enhancement of public knowledge of and attention to climate changes.

The reporting of national communications, describing a range of national conditions with regard to the country's commitment. For industrialised countries, emission overviews, programmes that reduce greenhouse gas emission, and expectations of future emissions are especially important. Developing countries' obligations depend on industrialised countries with economies that are not in transition being prepared to help financially and technically.

There is a range of obligations for the industrialised countries. These are, however, flexible in the case of countries with economies in transition.

Industrial countries should make a political commitment to stabilising their emission in 2000 in relation to the 1990 level. Industrialised countries that are not economies in transition should also provide the required resources so that the developing countries can fulfil their obligations and cover the cost of adapting to climate change. To promote sustainable economic and social development in developing countries, industrialised countries have committed themselves to promoting and financing the transfer of knowledge and sustainable technology.

Finally, the convention includes the corollary that obligations, especially those regarding greenhouse gas emissions in industrialised countries, shall be evaluated at regular intervals with the aim of meeting the long-term goal of stabilisation.

### **b) The Kyoto Protocol**

The obligations are stated as a collective demand with regard to the mean emission value of the six greenhouse gases for the period 2008-2012 in relation to the 1990 level. The reduction for all countries is to be 5%. EU countries shall reduce emissions by 8%, USA by 7% and Japan and Canada by 6%, while other Annex 1 countries such as Norway, Australia and Iceland can increase their emission by 1%, 8% and 10%, respectively. Russia and Ukraine are to stabilise their emissions. Estonia, Latvia and Lithuania must reduce their emissions by 8% each while Poland faces a 6% reduction.

The EU adopted the "burden-sharing agreement" in June 1998, which entails internal distribution of the joint EU reduction obligation of 8%. Hence, Denmark has committed to a reduction of 21% and in a declaration has related the obligation to the baseline year 1990, adjusted for power imports.

<b>Major obligations</b>	<b>Options for environmental assistance</b>
<b>Convention on Climate Change</b>	
Presenting overviews of the greenhouse gas emissions, preparing programmes for reducing and limiting the emission of greenhouse gases, and registering national communications.	Supporting planning and registering data, and developing capacity and methods for systematising data. Building up relevant databases, developing statistics and planning tools and models.
Developing countries' obligations depend on the financial and technical assistance provided by industrialised countries that do not have economies in transition.	Supporting capacity development to help administrations include climate change considerations in relevant policies and strategies and prepare climate strategies. Developing rules and institutions to help reduce greenhouse gas emissions.

Promoting scientific research in the climate sector and monitoring climate conditions, as well as promoting public knowledge of and attention to climate change.	Communicating knowledge of climate issues, including information campaigns.  Supporting the expansion of national meteorological and monitoring systems and collecting climate data.
Protecting carbon sinks and drains, e.g. forests.	Supporting the development and implementation of policy, strategies and legislation regarding forests and biodiversity, which secure the establishment of CO <sub>2</sub> sinks and do not undermine but strengthen sustainable forest and natural resource development.
A series of special obligations apply to the industrialised countries. <ul style="list-style-type: none"> <li>• Industrialised countries should make the political commitment to stabilise their emissions in 2000 in relation to the 1990 level.</li> <li>• Industrialised countries that do not have economies in transition should provide the required resources for other parties to fulfil their commitments and cover the cost of adjustments to climate change.</li> <li>• Industrialised countries without economies in transition are obliged to promote and finance the transfer of knowledge and sustainable technology to other parties, including developing countries.</li> </ul>	Promoting energy efficiency at supply and consumption levels.  Promoting energy savings.  Promoting cleaner fuels, including renewable energy.
<b>The Kyoto Protocol</b>	
Binding reduction targets for Annex 1 countries for the period 2008-2012, though the Kyoto mechanisms can be used to meet parts of obligations.	Supporting the preparation of national strategies that will fulfil the Kyoto Protocol.  Supporting the preparation of national strategies for participation in Joint Implementation and Clean Development Mechanism projects, including preparing JI and CDM tools and baseline studies.  Preparing and executing specific JI and CDM demonstration projects.

### Danish policy and strengths

Since 1990, the Danish government has aimed to reduce CO<sub>2</sub> emissions from the joint energy and transport sector by 20% in 2005 compared with the 1988 level. It is the Danish position that only through significant and real reductions in the emissions of industrialised countries can credibility be

established as the basis for demanding long-term reductions in developing countries' emissions. Work must start on domestic measures and the execution of joint activities, firstly in the EU, but also in cooperation with other industrialised countries.

The Kyoto mechanisms may also be used. The government believes that the mechanisms can help fulfil the obligations by 2008-2012. The government therefore gives considerable importance to developing the Kyoto mechanisms and stresses that Denmark should play an active role in the future. Denmark emphasises that rules and guidelines must be engineered in a way that ensures real reductions.

The government will therefore establish a programme to analyse, develop and test the Kyoto mechanisms. As regards JI, the focus is on the Baltic region, which could include a Danish pilot programme. As for CDM, activities in the EPSF partner countries will be in focus.

The Danish Environmental Protection Agency has built up knowledge and experience for regulating the use of industrial greenhouse gases (HFCs, PFCs and SF<sub>6</sub>). Moreover, the extensive contact network that has been established will be useful for transferring technology. DEPA could then help prepare action plans to eliminate the use of these gases for almost all applications. Denmark can also draw on the competence of the National Environmental Research Institute within capacity development regarding the scientific research of climate change and the consolidation of monitoring and data systems, including emissions.

### **Future strategic initiatives**

At the COP5 Conference in Bonn in 1999, the EU encouraged all parties to ratify the Kyoto Protocol as soon as possible after COP6 to ensure that it could come into force before the Rio+10 Conference in 2002.

The EU will start the political procedure for the member countries and the EU to simultaneously ratify the Kyoto Protocol immediately after COP6. Correspondingly, the Danish government will present the proposal to the Parliament in early 2001.

Developing countries can be encouraged to ratify the Kyoto Protocol through the provision of new and additional financial means to ensure their sustainable technological development. Assistance to developing countries with low emission levels is not to be diverted for measures in middle-income countries.

Therefore, private investors are important for financing CDM activities, though investigations have shown that interest in CDM activities is quite limited in the Danish private sector. This is mainly because of the large measure of uncertainty in investing in developing countries, and uncertainty regarding CDM and the value of potential future emission credits.

The ongoing work on technology transfer linked to the convention and analyses completed during the Danish pilot programme for JI have shown that the success of technology transfer depends on a reasonable investment climate and the capacity to attract investments, whether for specific projects or other forms of financing. The main requirement is that environmentally sustainable energy investments must be identified that make sense in economic terms for the potential investor. This is often not the case, and, especially with project appraisals, the Danish Energy Agency emphasises

that the economic framework for the investment and the measures such as legislative and tariff sector reforms that are required to attract investments must be improved.

On the background of IPCC information, the EU and Denmark are working to encourage the Parties to fix the level at which greenhouse gases are to be stabilised in the atmosphere. The long-term objective of the convention can then be operationalised as specific long-term goals for the level and time frame for global emissions. The Council has declared that a maximum temperature rise of two degrees Celsius in relation to the pre-industrial level and a CO<sub>2</sub> concentration of not more than 550 ppm ought to be the aim for climate negotiations.

Environmental assistance for the climate aims to enable partner countries to implement the Convention on Climate Change and the Kyoto Protocol. At an overall level, the effort aims to contribute to sustainable development of the energy sectors in the partner countries. One significant element involves targeted efforts to reduce CO<sub>2</sub> emissions both in the short and long-term. This is to be effected through both assistance for energy efficiency (both supply and consumption), energy savings, cleaner fuels, including renewable energy and institutional and capacity development, and through an initiative linked directly to the convention and protocol.

### **Projects that support the Convention on Climate Change and the Kyoto Protocol**

Since the energy sector programmes were launched in 1994 in some Eastern and Central European countries, the EPSF has supported a host of projects on sustainable energy use. The projects have aimed to promote energy efficiency, energy savings and cleaner fuels, including renewable energy in the partner countries. One important way of ensuring sustainable energy use is to provide assistance for capacity development, e.g. establish the basis for energy planning and developing planning tools, etc. As part of the strategic activities, a number of projects on sustainable energy use will be launched. The aim of these projects is, directly or indirectly, to reduce CO<sub>2</sub> emissions. This work will have a positive effect on the climate and thus support the convention and protocol.

When programming environmental assistance, goal-oriented efforts should be made to identify and launch projects that directly address the Convention on Climate Change and the Kyoto Protocol. This is the case for projects that prepare climate strategies in partner countries and for projects that aim to prepare and implement specific JI or CDM projects under the Kyoto Protocol in partner countries. Projects that establish local capacity could be necessary for countries wishing to enter into such cooperation.

Environmental assistance will focus on projects that support partner countries in their efforts to implement legislation that addresses climate considerations in energy policy. One example, which concerns only the EU membership applicant countries, is assistance with implementing the EU-SAVE directive, aimed at reducing the CO<sub>2</sub> emissions of member countries through energy efficiency. This could include projects that provide legal assistance to secure the formal basic conditions for the SAVE directive, or projects that support the establishment of the institutional framework to ensure that the regulations of the SAVE directive are applied. Developing relevant and reliable energy data and statistics is yet another obvious field of cooperation. Such an effort will often be required if countries are to account for their emissions of greenhouse gases.

Carbon sequestration in agriculture, forestry and nature areas is part of a climate policy tool in the Kyoto Protocol, which also discussed its possible application in the CDM and JI mechanisms. It is

important that carbon sequestration does not cause non-environmentally sustainable development in agriculture or forestry, e.g. by establishing large monoculture plantations of fast-growing tree species. Instead it is to support sustainable development by securing the rehabilitation and expansion of natural vegetation. Social considerations should also be taken into account, so that carbon sequestration is not established at the expense of food security. This can be ensured provided carbon sequestration measures are implemented in the framework of national policies, strategies and legislation that aim for sustainable development, including the development of forest and natural resources. There could therefore be a need to strengthen the development and implementation of such national policies, strategies and laws, e.g. in the form of national biodiversity strategies, national forest programmes, forest legislation, nature protection laws, country planning, etc.

CDM faces many special administrative demands both with regard to the assessment of emission reductions (as recipient countries are not obliged to reduce emissions) and criteria for what contributes to sustainable development. Such a capacity development project is underway in South Africa. In the DANCED framework, the Danish Energy Agency and DEPA will promote:

- Building capacity, including prioritising local resources with the aim of preparing a climate strategy and procedures for the execution of CDM projects.
- Preparing and implementing specific CDM demonstration projects.

In the Budget for 2001, EPSF funds have been allocated to support a programme that will plan how CDM, in agreement with the above, could be applied in the Danish measures to combat climate change. Also, the international network cooperation in IEA/OECD is being supported with the aim of promoting the transfer of cleaner technology to developing countries and countries with economies in transition. The funds are to finance the planning and launch of the future activities alone and not projects as such. The specific measures of environmental assistance will be an extension of this programme.

### **Climate project proposals in the Baltic Region**

At a meeting in Helsinki in October 1999, the Energy Ministers of the Baltic region confirmed that the Baltic region should be developed as a testing ground for application of Joint Implementation, following COP6, which is to prepare the details of the guidelines for this purpose. The point of departure is that the Baltic region is a well-suited region for closer cooperation on climate.

The Baltic countries, Poland and Russia will have no immediate problems in meeting the stipulations of the Kyoto Protocol. On the contrary, since 1990, the baseline year, these countries have experienced a marked decline in CO<sub>2</sub> emissions due to a production drop in energy-intensive industries. For example, in 1997, Estonia's CO<sub>2</sub> emission level was 40% lower than in 1990, whereas the country's obligation to reduce emissions is 8% according to the Kyoto Protocol.

But it is feasible that future growth will be based more on sustainable energy solutions and new technology. Particular areas in which cooperation could be further developed include combined heat and power production, savings at end-users, in district heating and renewable energy as well as capacity development. When programming environmental assistance, the Danish Energy Agency will aim its strategic initiatives towards supporting the partner countries in the Baltic Sea Region along these lines. Simultaneously, the initiative for promoting sustainable energy use in the energy sectors in these countries will be strengthened through projects that are more directly aimed towards

the Convention on Climate Change and the Kyoto Protocol, e.g. projects that implement climate mitigation strategies. These efforts will be coordinated with other bilateral and multilateral initiatives. An example worth mentioning here is the World Bank National Strategy Studies Programme, which finances the preparation of climate strategies for transitional economies and developing countries. It specifically includes the potential and strategies for using the Kyoto mechanisms. The strategies are financed partly by the World Bank and partly by national trust funds. Finland has thus helped to prepare such a strategy for Russia. Efforts are on-going, both in the joint Energy and Environment Group in the Nordic region and in the ad hoc group under the GSEO (Group of Senior Energy Officials), which was formed at the Helsinki meeting to prepare the testing ground. A key issue is to ensure that projects are credible and that the process remains open. It is currently being considered how the Nordic Investment Bank and the Nordic Environment Finance Corporation (NIB/NEFCO) can be involved in the process. Coherence with other activities in the area, such as the Baltic Chain Project and implementing the Baltic 21 strategy must also be secured.

A “testing ground” is scheduled for launch in early 2003 and active Danish participation will be necessary if this goal is to be realised.

**Relevant institution/division:** DEA12 (Climate and Baltic Division), DEA13 (Division for Bilateral Cooperation, including environmental assistance in the climate sector).

**Relevant web sites:** [www.unfccc.de](http://www.unfccc.de)  
[www.ens.dk](http://www.ens.dk)

## 5.2 THE CONVENTION ON BIOLOGICAL DIVERSITY

### Description

The objectives of the Convention on Biological Diversity are to *conserve* biological diversity, to *use* biological resources sustainably, and to *ensure equitable distribution* of the benefits derived from using genetic resources.

The convention was adopted at the Rio Summit in 1992 and came into force in 1993. As of February 2000, 176 countries or parties have signed the convention, including all the partner countries including Russia and the countries seeking EU membership. The Conference of the Parties is the highest decision-making organ. There is also a scientific, technical and technological advisory body that advises the Conference of the Parties on the implementation of the convention. The secretariat for the convention is located in Montreal, Canada.

The most important aspect of the convention is that it combines nature protection with the development imperative, and that biological diversity, in harmony with the perception of developing countries, is considered mainly as a resource for humans and that its use must therefore be sustainable. Nature protection conventions have previously considered particular groups of species, ecosystems or specific geographically delimited areas.

A keystone principle of the convention establishes the role of sovereignty of nation states over their own natural resources. Natural resources are no longer considered as the collective, freely accessible property of mankind. This is particularly important for developing countries, with their rich biological diversity. The principle implies that the utilisation of genetic resources is not to take place without the consent and conditions imposed by the country of origin, including the economic benefits of exploitation.

The convention also establishes the principle that the exploitation of the knowledge of local and indigenous peoples and methods for sustainable use and conservation of biological diversity should occur with their consent and involvement and that benefits of such application of indigenous knowledge should be shared with them.

The convention acknowledges that developing countries should have more financial and technological resources to fulfil the obligations of protecting biological diversity.

The convention chiefly has the character of a framework convention, and its success depends on follow-up in individual countries. Its wide scope is both its strength and weakness. The strength is that it has a holistic approach and covers all aspects of biological diversity. Its weakness lies in its lack of focus on specific problems and it could therefore be considered less binding. The Cartagena Protocol on Biosafety agreed in 2000 is described in 5.3.

The major aspects of the five Conferences of the Parties of this convention held since 1994 have been: financial mechanisms, indigenous knowledge, cooperation with other conventions and forests and biodiversity. The 1995 COP confirmed that the GEF would continue to be the financial mechanism of the convention. And at the fifth Conference of the Parties held in Nairobi in Kenya in May 2000, the themes were biological diversity in arid and semi-arid areas, sustainable tourism and access to genetic resources.



## Principal obligations for parties and options for environmental assistance

As all present and imminent partner countries in both the East and South have signed the convention, Danish environmental assistance is directed towards securing suitable legislation and implementation.

Major obligations	Options for environmental assistance
<p>Developing/Integrating national biodiversity strategies, plans and programmes to ensure biological diversity.</p> <p>Integrating the consideration of biological diversity in relevant sectors, as well as intersectoral plans, programmes and policies.</p>	<p>Building capacity to enhance the ability of administrative incorporation of relevant policies, strategies and sectors.</p> <p>Preparing the required legislation (white papers).</p> <p>Involving the public in the legislative process and public access to data.</p>
<p>Identifying and monitoring biological diversity.</p>	<p>Supporting planning, registering data and building capacity, and methods for data systematisation.</p> <p>Supporting improved, systematic registration and monitoring of biological diversity involving the central authorities (to the extent that this has been done already, it has largely been done by universities and research institutions).</p>
<p>Establishing protected areas and restoring degraded ecosystems and controlling the release of alien species to protect habitats and conserve biological diversity.</p> <p>Securing the protection and development of indigenous knowledge and the knowledge of local communities in the sustainable use of biological diversity.</p>	<p>Developing the knowledge base or administrative capacity in connection with projects to rehabilitate nature. There will be a need to conduct investigations of land-use, protection and use of natural resources by local communities and the environmental consequences for the surrounding areas.</p> <p>Building up capacity and legislation to control the introduction of exotic species (ecological risk assessment).</p>
<p>Supplementing habitat protection by protecting biodiversity <i>ex-situ</i> (in zoos, botanical gardens, gene banks, etc.)</p>	<p>Environmental assistance focuses on <i>in situ</i> protection of biodiversity. Support can, however, be extended to seed projects where the focus is to protect biodiversity at gene or species level.</p>

<p>Executing educational and research programmes to conserve and utilise biodiversity and to support such programmes in developing countries.</p>	<p>Building capacity, developing curricula, etc., which can support interdisciplinary cooperation between research and educational institutions and the central administration.</p> <p>Information activities through rangers, environment education, etc.</p>
<p>Carrying out environmental impact assessments prior to projects that may reduce biodiversity.</p>	<p>Training, and developing procedures, cross-sectoral cooperation on environmental impact assessments.</p> <p>Developing procedures for including the public in EIAs.</p>
<p>Developing scientific and technical cooperation, especially with developing countries, to implement the convention and provide and facilitate access to technology.</p>	<p>Supporting the cooperation between research and administrative institutions, e.g. through training, staff exchange and other cross-cutting cooperation.</p> <p>Contributing to the development of systems that can support countries' implementation of the convention, e.g. by helping to develop databases, monitoring systems, etc.</p>
<p>Developing capacity and legislation in countries of origin to establish a regime of consent and conditions for use by countries of origin in relation to genetic resources.</p> <p>Exchanging information between Parties on all issues relevant for biodiversity, including through the convention's clearing house mechanism.</p>	<p>Building capacity, and developing administrative procedures, training, etc, to ensure that partner countries, as countries of origin for genetic resources, can effectively control the import and export of genetic resources.</p>

The following articles in the convention are particularly relevant to environmental assistance:

Article 20: Industrialised countries shall provide new and additional financial resources for developing countries. The potential of developing countries to meet the obligations of the convention will depend on the transfer of economic resources and technology with full consideration for the first and principal priority accorded by developing countries to economic and social development and poverty alleviation.

Article 21: Provision of a financial mechanism that will make available financial resources to developing countries. The mechanism is operated by the Global Environmental Facility (GEF), which is administered jointly by UNEP, UNDP and the World Bank and also operates the financial mechanism for the Convention on Climate Change.

## **Recommendations from the Pan-European Landscape and Biodiversity Negotiations**

At the Pan-European level, the Convention on Biological Diversity has been integrated into a Pan-European strategy. The strategy objective, which has a 20-year horizon, is to:

- Reduce the threats against biodiversity considerably
- Strengthen the ecological continuity in Europe
- Involve the public in conserving biodiversity

The strategy is part of the regional UNECE work and was approved by the Conference of Environment Ministers in the Environment for Europe process in Sofia, in 1995. The fourth Conference of Ministers was held in Aarhus, Denmark, where the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was adopted. The Secretariat of the Biological and Landscape Diversity Strategy is jointly run by the Council of Europe and the UNEP regional office for Europe.

The Pan-European Biological and Landscape Diversity Strategy is accompanied by an action plan for the period 1996-2000. The plan is then to be reconsidered for the next 5-year period. The action plan consists of 12 themes: The first four are of a general character, i.e. launching the strategy process itself, establishing the Pan-European ecological network, sector integration and information activity.

The eight other action themes are directed towards conserving the landscape, six specific types of ecosystems (coasts and marine ecosystems, river basins, freshwater areas, grassland ecosystems, forests and mountains) and, finally, endangered species. Each of the action themes includes sub-themes. It must be noted that questions of biotechnology do not form part of this strategy. A draft of the action plan for 2001-2005 is expected to be ready by spring 2001.

One integral part of the strategy philosophy is that development organisations are to integrate the priorities of the action plan in their criteria for assistance. In that context, it can be stated that almost all the sub-themes of the action plan are relevant in the perspective of development assistance. Development assistance can be extended as concrete projects in connection with landscape conservation or forests. Moreover, both the build-up of knowledge related to the action themes and capacity-building in connection with the launching of a strategy process, especially sector integration, will be relevant.

The Pan-European strategy is by itself only relevant with regard to development assistance to Eastern and Central Europe. Environmental assistance projects that help these countries to implement the Convention on Biological Diversity should therefore be matched to the work of these countries under the Pan-European process. In this connection, it can be mentioned that UNEP is working to establish a "Biodiversity Service" that will be provided for the Eastern and Central European countries to implement the strategy. Furthermore, in general, projects related to the Convention on Biological Diversity will also be relevant to this strategy.

## **Danish policy and strengths**

Denmark has played an important role, both in generating and following up on the Convention on Biological Diversity. Denmark has consistently promoted a holistic approach towards both integrating environment and development perspectives and protection and utilisation.

Naturally, we are aware of the unfortunate consequence of the extensive scope of the convention, namely that the discussions and decisions in the framework of the convention become too general and are not sufficiently action-oriented. It is actually to render the convention more action-oriented that Denmark emphasises the promotion of bilateral project cooperation with developing countries and Eastern and Central Europe, financed by GEF, other financing organs and individual donor countries. We also emphasise that the Technical and Scientific Committee of the convention is to achieve greater professional power, while avoiding becoming political to the extent possible.

As regards individual elements of the convention, Denmark has specially prioritised the articulation of the provisions concerning a fair and equitable sharing of the benefits of genetic resources, especially with regard to indigenous peoples. The success of the convention will be measured largely by the manner in which these provisions are executed.

Denmark also has a specific prerequisite for helping internationally with implementing the Convention on Biological Diversity, as the central administrative responsibility for nature, forest and cultural environment is located in the Danish Forest and Nature Agency. The OECD has, in its 1999 assessment of Danish environmental policy, noted the experience Denmark has in its national environmental impact assessment and open decision-making process.

The Danish resource base with regard to the convention includes:

- Central and decentralised administration, as well as research institutions (NERI, DFLRI, etc.) with experience in biodiversity inventurisation, mapping and monitoring. DFSC with experience in arboreal genetic resources and conservation in use as the approach method.
- Central and decentralised administration with experience in policy development, legislation and administration.
- Central and decentralised authorities, research institutions and private enterprises with experience in ecological risk assessment related to exotic species and genetically modified organisms as well as biotechnological research in general.
- Institutions, private enterprises and associations with practical experience in nature management, technology assessment, environmental education, public information, etc.
- Authorities, firms, associations and NGOs, etc. that are experienced in implementing projects related to biodiversity conservation in developing countries.

## **Future strategic initiatives**

Denmark should continue to enter into cooperation projects that range from being general and policy generating, e.g. including capacity development and legislation, to being very concrete and technical.

Bilateral assistance in general - Danish as well as foreign - has focused on the "classical" convention areas. Few projects have been implemented on the new and more controversial aspects of the

convention, such as access to genetic resources, benefit sharing, the property rights of indigenous people to applications of their knowledge, and technology transfer - topics that should be given higher priority in the future work because they are given high political priority in Denmark.

### **Relevant environmental assistance projects**

A large part of the environmental assistance projects that are launched in the “green area” in the East and South are relevant to the Convention on Biological Diversity. Two concrete projects are named here to show the nature of projects relevant to bilateral cooperation in the context of the Convention on Biological Diversity.

#### *South Africa: Developing a White Paper on Biological Diversity (1996-1998)*

Financial support and consultancy for a consultative process that developed a biodiversity strategy to help implement the Convention on Biological Diversity. After the transition to a democratic regime, South Africa has launched a series of processes through which new policies are formulated in a range of specific areas. One of these areas is biodiversity. The project provided financial resources and a consultant from the Danish Forest and Nature Agency and transferred Danish experience to South Africa.

*Danish contribution:* DKK 1.03 million. Implemented by the Department of Environmental Affairs and Tourism in cooperation with DANCED.

#### *Estonia: Protecting Biodiversity in Soomaa National Park (1997-2000)*

The project aims to strengthen nature conservation in the 37,000 ha Soomaa National Park. The area includes extensive, undisturbed biological diversity including bogs, unregulated rivers and natural forests with populations of brown bear, wolves, lynxes, otters, flying squirrels, eagles, woodpeckers, etc. The project includes developing a management plan, strengthening the administration, establishing a visitors’ centre, adjusting regulations, developing eco-tourism and involving the local population.

*Danish contribution:* DKK 7,164,306. Implemented by Soomaa National Park (Ministry of Environment) in cooperation with DANCEE. Danish Consultancy Firm: Carl Bro International.

**Relevant institution/division:** DFNA16 (Division of International Cooperation)

**Relevant web site:** [www.biodiv.org](http://www.biodiv.org)

**Calendar:** COP meeting in 2002 in the Netherlands.

## 5.3 THE CARTAGENA PROTOCOL ON BIOSAFETY

### Description

The Cartagena Protocol on Biosafety, related to the Convention on Biological Diversity, was adopted on January 29, 2000, by about 130 countries and the European Union. The Protocol aims to work towards an appropriate level of protection for the safe transfer, treatment and use of living modified organisms (LMOs) that are the result of modern biotechnology.

In principle, the Protocol covers all LMOs that can have negative effects for the conservation and sustainable use of biodiversity. Risks to public health should also be taken into consideration (Article 4).

The Protocol provisions are concerned exclusively with the export and import of LMOs, while the national regulation is covered in very general terms only.

The provisions for transboundary movement of LMOs, which make up the core of the protocol, vary depending on the LMOs in question.

The pivotal aspect of the protocol will be the future clearing-house mechanism that shall include information about LMOs, summaries of risk assessments, legislation and other rules about LMOs and decisions taken with regard to the protocol (Article 20).

As regards *multilateral financial resources*, the Global Environment Facility has been nominated as the financial mechanism that should finance initiatives for implementing the Protocol on Biosafety. A strategy for GEF activities is being prepared.

The Protocol was signed by 63 countries at the Conference of the Parties of the Convention on Biological Diversity in Nairobi in May 2000. 50 ratifications are required for the protocol to enter into force. It can therefore only be expected to enter into force by early 2002.

### Major obligations for parties and options for environmental assistance

There are various administrative systems depending on the purpose of a given LMO.

- The strictest regulations (Articles 7-10) are for LMOs destined for deliberate release into the environment. An Advanced Informed Agreement (AIA) between the exporter and country of import is required.
- As far as LMOs destined for feed, food or processing are concerned, other rules apply (Article 11). The principle valid here concerns the responsibility of informing importing countries. These countries can then decide whether to accept the import, either on the basis of national rules or, in the case of developing countries or economies in transition, in harmony with some specific rules in the protocol, including the risk assessment following detailed rules for Advanced Informed Agreement (AIA).
- The documents accompanying a transboundary movement of LMOs must clearly identify LMOs destined for release and for contained use. As far as LMOs destined for food, feed or processing are concerned, the documents of passage need only state that the shipment may contain LMOs not meant for release in nature.

- Pharmaceutical LMOs destined for humans, LMOs in transit and LMOs destined for contained use are generally not included by the protocol (Articles 5 and 6).

Some provisions also concern the unintentional transboundary movement of LMOs, for example, in the cases of release or escape of LMOs that can adversely affect biodiversity or public health in other countries (Article 17).

However, the basic rules are the same for LMOs whether they are meant for release in nature or for food, feed or processing.

<b>Major obligations</b>	<b>Options for environmental assistance</b>
<p>Developing national, regional and international capacity to ensure the legal and administrative regulation of gene technology for the protection of nature, environment and public health.</p>	<p>Assessing the current biotechnological activities in the country.</p> <p>Assessing the existing legal or administrative guidelines that regulate the exploitation, export and import of LMOs.</p> <p>Identifying the relevant stakeholders for implementing the protocol.</p> <p>Identifying the legislative changes that may be required to implement the protocol.</p>
<p><i>LMOs destined for release in the environment.</i> The exporting country must make an Advanced Informed Agreement that provides all relevant information for the importing country before the import can take place, the so-called AIA procedure.</p>	<p>Supporting capacity building, including support for the specific development of the AIA procedure concerning entering into agreements.</p> <p>Carrying out educational activities and training programmes.</p>
<p>In connection with decisions based on the AIA procedure, the importing country must carry out a risk assessment following a very detailed set of rules in the protocol (Art. 15 and Annex II) and (if import is allowed) measures to regulate, administer and control the identified risks must be implemented (Article 16)</p>	<p>Helping to expand the knowledge base and possible regional or bilateral cooperation between countries related to risk assessment and approval procedures.</p> <p>Supporting cooperation between research institutions.</p>
<p><i>LMOs destined for food, feed or further processing.</i> The exporting country must, within 15 days, submit relevant information concerning its approval of such LMOs to potential importing countries, via the protocol's clearing house mechanism or as written material that must be sent directly to the importing countries.</p>	<p>Preparing the legal framework and/or administrative guidelines, including guidelines for risk assessment.</p> <p>Support for registering data and data systematisation methods.</p>
<p>A national focal point in relation to the protocol secretariat and one or more national, competent authorities with regard to the protocol must be designated.</p>	<p>Supporting capacity development and cooperation between the relevant authorities and scientific institutions.</p>

Capacity building obligations for cooperation on the development and/or strengthening human resources and institutional capacity in connection with biosafety and biotechnology with special regard to implementing the protocol in developing countries and economies in transition (Article 22).	Exchanging staff and training course development.  Study tours, seminars held in Denmark or in recipient countries - including developing a professional network with the Danish resource base.
Promoting public awareness e.g. in the form of public access to information on LMOs that are likely to be imported and on decisions regarding the protocol. The public must also be consulted in connection with these decisions.	Assisting with communication and educational activities concerning the public, private enterprises, etc.  Supporting the preparation of materials, procedures for informing relevant NGOs and others, and developing IT-based information systems.  Supporting the development of procedures for public involvement in approval procedures, including hearings.

### **Danish policy and strengths**

Since the early 1980s, Danish policy has been that activities involving genetically modified organisms (GMOs) must be regulated to protect the environment and nature. The protection of human health has also been high on the agenda in Danish regulations. Therefore, since 1986, Denmark has had a “Law on Environment and Biotechnology”, regulating biotechnological activities, thus being the first country in the world to adopt this form of regulation.

Today, consideration for the environment/nature and human health is still central to the political and administrative regulation of biotechnological activities. A high level of protection, where the precautionary principle plays a significant role in preventing unintentional effects on the environment, nature and human health, is crucial for biotechnological application.

Over 15 years of experience and a tradition for regulating and administering the biotechnology sector have provided Denmark with extensive expertise in almost all aspects of biotechnology, including establishing administrative capacity, processing individual cases, assessing and managing risks, and identifying and controlling GMOs. This expertise is concentrated mainly within DFNA and NERI and a number of private enterprises.

In addition, expertise in “soft” areas is currently being built up in Denmark, especially the ethical dimension, but also regarding issues such as utility value, socio-economic effects (monopolies) and issues of indemnification and liability.

Denmark safeguards existing legislation and concrete cases also include involving the minister and the government as well as Parliament in the decision-making process – which is different from the conditions in other EU member states. Also, Denmark has a tradition of public hearings, involving organisations, etc.



Denmark already has close EPSF cooperation with a number of large developing countries where the need for capacity development in the area of biotechnology is particularly relevant, either because these countries have started using the technology or are about to start, as an element in their rapid economic development. The same applies for a number of Eastern and Central European countries.

### **Future strategic initiatives**

The objective for initiatives is for partner countries to be enabled to implement the protocol and manage biotechnology in a justifiable way in relation to environmental, health, socio-economic and ethical considerations.

This is to happen through helping countries to increase their technical and administrative competence, securing a high level of protection through sufficient and qualified risk assessments and an approval system based on the precautionary principle. Moreover, Denmark can assist with developing and establishing inspection and control frameworks and procedures. Generally speaking, the public are to be involved in decision-making as far as possible, as should ethical aspects in political and administrative regulations.

As a result of the great need for capacity development in many developing and Eastern and Central European countries, Denmark should take the initiative to coordinate assistance with other donor countries, including assistance under EU auspices. As far as the Eastern and Central European accession countries are concerned, there should be a synergy effect between Danish assistance and implementation relevant EU Directives and the Cartagena Protocol.

**Relevant institution/division:** DFNA16 (Division for International Cooperation), DFNA17 (Division for Agriculture and Biotechnology).

**Relevant web sites:** [www.oecd.org/ehs/service.htm](http://www.oecd.org/ehs/service.htm)  
[www.biodiv.org/biosafe/protocol](http://www.biodiv.org/biosafe/protocol)

## 5.4 THE RAMSAR CONVENTION ON WETLANDS

### Description

The convention aims to protect wetlands of international importance, especially as waterfowl habitat. The term “wetlands” is used here in a broad context and includes marsh, lakes, bogs, etc. and areas with brackish and saltwater of a depth of no more than 6 metres.

A wetland is considered of international importance, if:

- The area is regularly populated by at least 20,000 waterbirds
- The area is regularly occupied by one percent of a population of a species or sub-species of waterbirds
- The area is significant for indigenous fish species in certain stages of their life cycle, or if the representative fish species in the area constitute a major share of the global biodiversity
- The area is a major foraging, spawning, nursing or resting ground for the survival of important fish populations

This global convention came into force in 1975. In the past 5-10 years, it has achieved widespread acceptance. There were 123 signatories as of January 2001. All the countries in the Baltic Region have ratified the convention. So far, 1060 wetlands have been nominated, with a total area of 80.6 million ha.

Secretarial functions are looked after by the Ramsar Convention Bureau in Switzerland and a Standing Committee. There is close cooperation between the Ramsar Convention Bureau and the Secretariat of the Convention on Biological Diversity. In 1996, a Memorandum of Cooperation was issued, on the basis of which the secretariats of the two conventions were to work together, exchange information, coordinate work programmes and encourage the Parties to protect and manage the nominated wetlands in a reasonable manner. The Bureau likewise cooperates with GEF, which has approved an Operational Strategy that specifically refers to the Ramsar Convention in connection with support for the protection of international wetlands.

A Conference of Parties is held every third year. The latest COP was held in San José, Costa Rica, in May 1999 and the next is to be held in Spain in 2002.

In recent years, more and more developing countries have signed the convention and recommendations have been adopted for establishing a network of wetlands along the East Asian-Australian Flyway, protecting mangroves and coral reefs, peat bogs, for impact assessments and evaluating the influence of local people when preparing local management plans.

In the years ahead, efforts will be concentrated on expanding sustainable use of wetlands to ensure that all Ramsar areas gain the necessary protection, to increase the number of nominated areas and to mobilise international cooperation and financing for wetland conservation.

### Major obligations for parties and options for environmental assistance

As most of the current and future partner countries in the East and South have joined the convention, Danish environmental assistance will be principally directed at helping countries to develop

sufficient legislation and implementation. There is however, also the possibility of EU accession support.

<b>Major obligations</b>	<b>Options for environmental assistance</b>
<p>Nominating at least one wetland area to the List (minimum requirement for ratifying the convention).</p>	<p>Developing capacity with the aim of establishing a National Wetland Committee and supporting the identification of key persons in administration.</p> <p>Preparing the necessary legislation.</p> <p>Supporting better understanding of the areas of the convention through e.g. study tours, training exercises, supporting government cooperation with research institutions and NGOs, etc.</p> <p>Supporting building the knowledge base for further nominations to the List of Wetlands.</p> <p>Supporting initiatives that contribute to public information and educational activities, especially in the local areas (preferably as test cases) and promoting eco-tourism.</p> <p>Helping to prepare and implement management plans with local participation, and establishing institutions, councils, etc. that can ensure long-term national strategy after project completion.</p>
<p>Promoting the protection of listed wetlands. Countries are also to work to secure wetlands in general, protect the ecological assets in the areas and ensure that those areas are used in an ecologically sound and sustainable manner. In other words, the other plants and animals found in the areas must also be protected from over-exploitation.</p>	<p>Helping to develop administrative capacity in institutions responsible for protecting areas, e.g. through training, developing new/better monitoring procedures, etc.</p> <p>Supporting mapping and investigations in the identified areas including catchment areas, e.g. hydrology, biodiversity, land use, resources and the significance of the area for local communities, implications for local climate, as a buffer against floods and maintenance of water supply and quality in a larger area.</p> <p>Supporting the development of a National Wetland Strategy and Action Plan.</p>

Establishing nature reserves in the wetlands and cooperating for the exchange of information and educating personnel to manage the areas.	Supporting training, education and exchanges, e.g. supporting cooperation between institutions at a sufficiently local level to ensure the actual protection of the wetlands.  Building up administrative procedures to ensure that the necessary monitoring takes place.
Cooperating with other countries on wetlands and species in wetlands common to the countries.	Supporting the establishment of regional networks, e.g. training exercises for managers and administrators, etc.
Reporting before every COP to the Secretariat and ensuring ongoing feedback on the administration and knowledge of the areas.	Supporting expansion of the knowledge base and the systematic registration of data, and helping to produce the National Inventory of Wetlands i.e. the status of wetlands (biodiversity, ecological functions, sustainable use, threats. etc.)

### **Danish policy and strengths**

Denmark has nominated 27 areas as Ramsar sites, covering 740,000 ha, and has therefore gained experience in monitoring natural conditions in the areas and managing the sites in harmony with the wise use principles of the convention. As all Ramsar sites have subsequently been designated Spatial Protected Areas and nominated Sites of Community Importance (SCI) in the Natura 2000 Network, the administrative capacity has been further strengthened.

The knowledge base for nominations is founded largely on the national monitoring of waterfowl carried out by NERI, which also coordinates the Wetlands International Database for waterfowl (“Seaduck”). While administering the sites, much experience has been accumulated on the effects of the effluent of contaminants on the ecological balance and on the effects on waterbirds of hunting, mineral extraction and establishment of technical systems such as windmills. Considerable expertise has also been acquired in NERI and DFNA with regard to rehabilitating wetlands.

The Danish policy is to support the objectives of the Ramsar Convention in the Baltic Region and elsewhere. Through international projects that have been implemented or are being prepared, Denmark has obtained experience of wetlands of international importance, implementation of the convention, wise use and rehabilitation of wetlands.

### **Future strategic initiatives**

The effort to encourage the remaining countries to join the convention is prioritised, but the endeavour to strengthen the protection and sustainable use of wetlands has been given high priority. Moreover the countries that have nominated sites are expected to re-establish and restore degraded wetlands. Denmark could contribute expertise in this connection. DANCED partner countries such as South Africa, Namibia, Botswana, Thailand and Malaysia are all important in this regard. In Eastern and Central Europe, nominating Natura 2000 Sites is part of the EU accession process. This is therefore closely related to implementing the Ramsar Convention, which makes environmental assistance for the convention highly relevant.

## **Relevant projects for environmental assistance**

Several projects aimed at assisting the cooperation countries with implementing and fulfilling the obligations of the Ramsar Convention have been launched in environmental assistance programmes both in the South and East. The following project serves as a good example.

*Malaysia: Integrated Management of Tasek Bera (1996-99)*

The project aimed at helping Malaysia to establish the basis for and begin implementing a management plan for this wetland in Peninsular Malaysia, Malaysia's first Ramsar site. Tasek Bera is the largest lake and wetland area in Malaysia. The project focused on demarcating the actual area of the Tasek Bera Ramsar Site and on formalising protection of its buffer zone. Through baseline studies of the biological conditions, a scientific basis for the sustainable management of the area has been established. Guidelines have been drawn up for involving local communities in the area (including several indigenous peoples) in the future management, and a foundation has been laid for the sustainable utilisation of the natural resources of the area. Finally, concepts have been developed for eco-tourism in the area.

*Danish contribution:* DKK 10.4 million.

*Implemented by:* Wetlands International Asia-Pacific.

A follow-up of this project is in the pipeline for DANCED's work in Malaysia for 2001 with support for capacity development in the administrative unit that was subsequently established with about 25 officers from a range of relevant departments.

**Relevant institution/division:** DFNA8 (Division for Natural Resource Management)

**Relevant web site:** [www.ramsar.org](http://www.ramsar.org) (A List of Global Ramsar sites is available here.)

**Calendar:** Autumn 2002, COP8, Spain.

## 5.5 CITES (The Convention on International Trade in Endangered Species of Wild Fauna and Flora)

### Description

The CITES Convention aims to ensure that trade in species that are or could be endangered takes place in a sustainable manner, thereby preventing a decline in the conservation status or range of areas where the populations of given species are present.

CITES entered into force on July 1, 1975. Denmark joined the convention on October 24, 1977. CITES is considered to be one of the most effective and geographically extensive international agreements that concerns the protection of biodiversity. As of January 2000, 148 Parties have joined the convention, including the Baltic countries, though not Lithuania. Only the DANCED partner country Lesotho has not ratified the convention.

The CITES Secretariat (under UNEP) is located in Geneva, Switzerland. The Secretariat, in cooperation with the Conference of the Parties, prepare summaries of the national reports. At an international level, there is an ongoing revision and adjustment of CITES on the basis of the decisions made at the Conference of the Parties.

Political decisions and decisions on upgrading and downgrading species on the various appendices are made at the Conference of the Parties, which is held every 2 to 3 years. The next Conference, COP12, is scheduled to take place in Chile in the second half of 2002.

To ensure continuity in the interim periods between the Conferences of the Parties, a series of committees, sub-committees and working groups have been established. The principal among them is the Standing Committee, the Fauna Committee and the Plants Committee, which consist of a number of member countries chosen at the Conference of the Parties. There are regions nominated globally that are represented by the aforementioned member countries.

CITES is implemented in the EU as a statutory ordinance, which implies that accession to the convention is one of the criteria that Eastern and Central European countries have to meet when applying for EU membership.

### Major obligations for parties and options for environmental assistance:

Major obligations	Options for of environmental assistance
Regulating the trade in species covered by CITES in accordance with agreed procedures.	Developing capacity and building up the knowledge base in the responsible authorities e.g. through training programmes, helping to develop a system for the issuing permits, etc.
Nominating one or more authorities that are authorised to issue permits for the import or export of species listed in CITES.	

<p>Establishing conditions and prohibiting trade in species listed in Appendix I and monitoring the development of populations of listed species.</p> <p>This includes the conditions that:</p> <ul style="list-style-type: none"> <li>- penalise trade in or possession of such species or units;</li> <li>- ensure the confiscation or repatriation of such species or units to the exporting country.</li> </ul>	<p>Supporting the preparation of the legal basis and a system of checks and control.</p> <p>Supporting the development of procedures and cooperation between the administration and customs/police authorities.</p>
<p>Registering trade in species or specimens that appear in Appendices I, II and III that include names of exporters and importers, numbers and categories of issued permits and certificates, the countries with which such trade has taken place, numbers or volumes and types of units and names of the concerned species in Appendices I, II and III.</p>	<p>Preparing a system for the permission of import and export of the concerned species.</p> <p>Educating staff, training customs officers, etc.</p>
<p>Providing information for the public.</p>	<p>Supporting the development of targeted information campaigns, developing information material, etc. for the tourist industry, the public, etc.</p>
<p>Nominating one or more scientific authorities that will advise the administering agency about the sustainability of the trade and conditions for export and import permits for species in Appendix I.</p>	<p>Supporting the establishment and development of cooperation between the scientific institutions and administrative authorities.</p>

More than 4,800 animals and 25,000 plants are included in the CITES Appendices according to the degree of the threat of extermination.

Control occurs primarily through registration of the trade by means of a certification system. A total trade ban is valid only for species that, when traded, are threatened by extinction. The convention is relatively specific in its administration, and flexible in that altered conditions (typically the increase or decrease in the number of a certain species) can be relatively quickly adjusted by the administration.

As tropical and sub-tropical countries are often the sources of a variety of the species threatened by international trade, monitoring these species is decisive if the convention is to be effective. Execution of control demands close cooperation between the permit-issuing authority, police and customs authorities. Cooperation between different authorities has often proved to be problematic in developing countries, where institutions are often new and the administrative capacity is often low.

All EU member states have acceded to the convention and generally, there are stricter demands for import to the EU area. Decisions are made by the EU Committee on Trade every quarter on the extent to which certain species from countries with unreliable information may be imported. Within the EU, permits are required for the commercial use of species in Annex A of EU Regulation 338/97.

Naturally, this poses great demands on Eastern and Central European countries that are in the EU accession phase. The demands on these countries will therefore require that their legislation meets the demands for implementing CITES. Many applicant countries still lack the legal measures to fulfil the demands of the convention. Furthermore, these future member states will form the outer borders of the European Union.

### **Danish policy and strengths**

The Danish resource base is relatively limited and currently consists of about 15 biologists, half of whom are directly associated with DFNA's CITES unit - the Danish authority in question.

Close cooperation between the police and the customs authorities has been established and customs officers have been trained. There is, however, only a limited specialised capacity in the Danish police force and customs authority that could participate in environmental assistance. The customs authority currently has 1-2 officers and the police force has one officer with special experience in enforcing the convention.

An information campaign on the CITES Convention was launched in 1999 and carried out in close cooperation with WWF Denmark, the tourist sector, the zoological gardens and DFNA.

Thus, Denmark has a relatively good basis for assisting with CITES in the areas of information and administration.

### **Future strategic initiatives**

Future initiatives ought to concentrate on Eastern and Central European countries on the threshold of entry into the EU and on elaborating legislation that is in tune with EU ordinances, as well as providing assistance with enforcing the convention. The background for concentrating efforts in the East, and not in the South, is that Eastern and Central Europe face problems similar to those in Denmark, as they are also primarily import and transit countries.

Moreover, regional projects ought to be prioritised higher than national projects. A precondition for a well-functioning convention is international cooperation, including cooperation at borders. DFNA will consult the CITES Secretariat in Geneva about planning and prioritising possible CITES projects. The Secretariat's expertise may well prove useful for project identification and implementation.

Another option that ought to be considered in connection with a potential project formulation is establishing contact with TRAFFIC, the organisation under WWF International that is actively engaged in CITES. TRAFFIC has regional offices worldwide, and TRAFFIC International's office is in Cambridge, UK.



## Relevant projects

The following projects are examples of what environmental assistance projects could include:

### *Thailand: Wildlife Trade Awareness Campaign (2000-2001)*

The project aims to ensure that both suppliers of products from wild animals and foreign tourists (primarily Nordic) who visit Thailand respect the legal rules that apply to trade in endangered animals and to the threats that such trade constitutes to the biological diversity of the country. The project includes training programmes for the tourist sectors, government institutions and NGOs, building up cooperation and contacts with dealers in products from wild animals, and developing and distributing information materials for use in travel brochures, hotels, planes and airports.

*Danish contribution:* DKK 7.7 million.

*Implementing agency:* WWF Thailand, in cooperation with WWF Denmark.

Quality assurance of materials, etc.: Forest and Nature Agency, Denmark.

### *Estonia and Latvia: Implementation of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and related EU legislation (2000-2002)*

Though both countries have become parties to the convention, they have yet to formally and fully make the conventional legally and functionally operational. EU membership demands not only that the convention is implemented, but requires that rules are tightened. The project will help towards implementing CITES and the related EU Ordinances. It will also ensure the elaboration and adaptation of relevant legislation, development of registration and labelling systems, training of all involved authorities and stakeholders and the implementation of information campaigns. Activities in the three Baltic countries will be coordinated through this project.

*Danish contribution:* DKK 6.4 million

*Implementing agency:* Danagro Adviser on behalf of DANCEE.

### *Lithuania: Protection of Endangered Species and Habitats through Implementation of the CITES, Bern and Bonn Conventions (2001 – 2003)*

The CITES project in Lithuania will help to: Elaborate and adapt the necessary legislation, develop a registration and labelling system, establish a well-functioning administration, and train all involved authorities. The relevant sectors are to be involved, and information campaigns carried out. CITES activities in Lithuania will be coordinated with activities in the other Baltic countries. One activity under the project in Lithuania will elaborate management plans for selected species found in Lithuania in relation to the Bern and Bonn Conventions. The management plans will likewise include designated habitats of the selected pilot species. Activities linked to developing the management plans will be coordinated with the relevant DANCEE projects in Lithuania, and the process will take place with the participation of the public.

*Danish contribution:* DKK 4.8 million

**Relevant institution/division:** DFNA4 (Division for Game Management)

**Relevant web sites:**

Danish Forest and Nature Agency: [www.sns.dk/cites/index.htm](http://www.sns.dk/cites/index.htm)  
TRAFFIC: [www.traffic.org](http://www.traffic.org)  
CITES Secretariat: [www.wcmc.org.uk/CITES/index.shtml](http://www.wcmc.org.uk/CITES/index.shtml)  
EU Commission: [www.wcmc.org.uk/species/trade/eu](http://www.wcmc.org.uk/species/trade/eu)  
WWF Denmark: [www.wwf.dk/presse/vis.phtml?id=88](http://www.wwf.dk/presse/vis.phtml?id=88)

**Calendar:** 2002: COP12 Meeting in Chile

## 5.6 THE BASEL CONVENTION

### Description

The Basel Convention (BC) strictly regulates transboundary movements of hazardous wastes and imposes obligations on its Parties to ensure that such wastes are managed and disposed of in an environmentally sound manner.

The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was adopted in 1989 and entered into force on May 5, 1992. The convention is the response of the international community to problems caused by the annual world-wide production of 400 million tonnes of wastes that are hazardous to people or the environment because they are toxic, poisonous, explosive, corrosive, flammable, eco-toxic or infectious.

Denmark ratified the convention in February 1994 and it entered into force in Denmark on May 7, 1994. As of March 2000, 134 countries are parties to the BC.

The main principles of the Basel Convention are:

- 1) Transboundary movements of hazardous wastes should be reduced to a *minimum* consistent with their environmentally sound management.
- 2) Hazardous wastes should be treated and disposed of as close as possible to their *source of generation*.
- 3) Hazardous waste generation should be *reduced and minimised* at source.
- 4) Export of hazardous waste from annex VII to non-annex VII countries *is banned* (Annex VII lists OECD, EU and Liechtenstein). Hazardous waste is defined in (Annex VIII of the BC).

In order to achieve these principles, the convention aims to:

- 1) *Control all* transboundary movements of hazardous wastes.
- 2) Provide assistance regarding *implementation* of BC.
- 3) Provide assistance for the *environmentally sound management* of hazardous wastes.
- 4) Monitor and prevent *illegal traffic*.
- 5) Promote *cooperation* between Parties in this field.
- 6) Develop *manuals* for the implementation and enforcement (illegal traffic) of BC.
- 7) Develop *technical guidelines* for the management of hazardous wastes.

### Governance of the convention

**The Bureau** is responsible for directing the work of the Conference of the Parties. It consists of five delegates - the COP president, three vice presidents, and a rapporteur - who are elected by each of the five regional groups. Each subsidiary body also has its own bureau.

**The Extended Bureau** is composed of actual Bureau members and previous Bureau members of the Conference of the Parties. It provides general policy and operational directions for the Secretariat between COP meetings.

**The Conference of the Parties (COP)** is the governing body of the Basel Convention. It meets every other year to review the convention's progress. The COP can establish subsidiary bodies as deemed necessary to implement the convention. The next COP (COP6) is scheduled for 2002.

**Subsidiary bodies** are the Legal Working Group (LWG), the Technical Working Group (TWG) and the Working Group for the Implementation of the Basel Convention.

### Cornerstones:

#### 1) The control system - Articles 6 - 9

The Basel Convention has set up a very strict operational control system based on the prior written notification procedure and the requirement of prior written consent.

2) Management of hazardous waste - environmentally sound management (ESM). BC provides obligations for its parties to ensure that hazardous waste is managed and disposed of in an environmentally sound manner. For that purpose, technical guidelines have been and are being developed. The "*Decade Vision on ESM*" (the BC work programme for the next decade) emphasises waste minimisation, effective implementation and compliance and the need for capacity building.

#### 3) The Ban

At the second meeting of the Conference of the Parties (COP2) in March 1994, the parties agreed to an immediate ban on the export of hazardous wastes intended for final disposal from annex VII countries to non-annex VII countries (in popular terms from OECD to non-OECD countries). They also agreed to ban, by December 31, 1997, the export of wastes intended for recovery and recycling (Decision II/12). At COP3 in 1995, it was decided that the ban should be formally incorporated in the Basel Convention as an amendment (Decision III/1). The ban amendment has to be ratified by three-fourths of the parties present at the time of the adoption of the amendment in order to enter into force (i.e. 62 parties). At present only 20 countries have ratified the ban, of which seven are non-European countries.

#### 4) Liability Protocol

At COP5 in December 1999, the Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Waste and its Disposal was adopted. It establishes a strict liability on the notifier and the obligation to insure or provide a financial guarantee for this liability.

#### 5) Regional Training Centres (RTCs)

Article 14 of the convention provides for the establishment of regional training centres. The main objective of the RTCs is to strengthen the capacity of governments of the regions to implement the Basel Convention – both technically and legally/institutionally. At the moment, RTCs have been established or are being established in Bratislava, Moscow, Pretoria, Cairo, Dakar, Beijing, Jakarta, Buenos Aires, Port of Spain, Montevideo, New Delhi and San Salvador. Recently, a strategy for the centres was launched by the Secretariat and approved by the centres. The parties have also endorsed the elements of the strategy. The main elements are institutional arrangements, financial strategy and framework activities and operational arrangements. The centre in Bratislava is ahead of the others in implementing the strategy and serves as a model for the remaining centres.

### Implementing the convention in Denmark/the EU

The convention is implemented in Denmark/the EU through Council Regulation 259/93 of February 1, 1993 on the supervision and control of shipments of waste within, into and out of the European Union.

The export ban on transport of hazardous waste from OECD to non-OECD countries is also implemented through the regulation. Annex V of the regulation contains a list of waste flows covered by the export ban.

### Consequences for EPSF countries

Those EPSF countries that are not yet parties to the BC should aim to become parties – and ratify the convention and the export ban and, in due time, also the protocol on liability. Countries that are parties should aim to ratify the export ban and the liability protocol.

As a minimum, EPSF countries that are already parties to the convention must establish administrative procedures to enable the control of transboundary movements of hazardous wastes in accordance with BC. A regulatory and enforcement infrastructure that ensures compliance with applicable regulations, including ensuring ESM in a broad sense, should also be established. As far as Central and Eastern European accession countries are concerned, that requirement has already been established through the council regulation that implements BC in the EU. The export ban is “simply” an export ban for annex VII/OECD countries and not an import ban for the non-annex VII/non-OECD countries. In the future, the export ban obligation will apply to accession countries when they become EU members.

Concerning the Protocol on Liability and Compensation, countries have to establish a liability regime that is in accordance with the protocol – e.g. to establish strict liability for the notifier and the possibility for insurance or other financial guarantee for that liability.

### Project proposals supporting the Basel Convention

The proposals for activities mentioned below could be carried out either bilaterally or through the RTCs. For all proposals, it should be considered whether Denmark should support relevant NGOs or secretariats of the relevant IGO to carry out parallel activities, e.g. to promote the ratification and implementation of the export ban.

Major obligations	Options for environmental assistance
Ratifying the export ban.	Providing information, arranging workshops/training courses (DANCED). Feasibility study to uncover barriers for the non-ratification of the ban.
Signing and ratifying the liability protocol.	Providing information and assisting countries with their efforts to ratify and implement the protocol (DANCEE and DANCED). Legal assistance regarding implementing the protocol (DANCEE and DANCED).

Implementing the BC.	<p>Capacity building projects focusing on administrative and institutional strengthening, including implementing specific elements of the Decade Vision with emphasis on waste minimisation (DANCEE and DANCED).</p> <p>Technical assistance for managing specific problems of stockpiles of hazardous wastes (e.g. obsolete pesticides).</p> <p>Guidelines - technical and institutional/administrative/legal (DANCEE and DANCED).</p>
Environmentally sound management of hazardous waste.	<p>Hazardous waste inventory and study of hazardous waste flows between countries.</p> <p>Assistance with developing national strategies for minimising and preventing waste.</p>

### **Danish policy and strengths**

The export ban has always been a very high-priority issue in Denmark. Denmark put a lot of effort into adopting the decision and since its adoption, its ratification and implementation have been emphasised.

Another very important issue for Denmark is the relationship between Multilateral Environmental Agreements (MEAs) and WTO. The overall objective for Denmark is to ensure that WTO respects MEAs and instruments decided there (such as the ban) and to ensure that conflicts/disputes can be dealt with within the BC itself and are not transferred to a WTO panel for assessment. First step: Compliance mechanism - fighting for the establishment of a compliance mechanism to facilitate implementation and enforcement of and compliance with the BC. Second step: Binding dispute mechanism - fighting for the establishment of a binding dispute resolution mechanism within the BC. Possible coalitions could be very useful for Denmark when taking these steps.

### **Future strategic initiatives**

As mentioned earlier, the Ministerial Declaration of COP5 emphasises waste minimisation, effective implementation and compliance and the need for capacity building. In other words, the COP and the subsidiary bodies are moving their focus from developing technical instruments and assisting with solving problems of specific waste flows towards implementing the convention and its amendments. The parties should assure that the principles of the convention, including the ban, actually are being implemented and followed worldwide and should assist parties and future parties in their effort to comply with these principles. The COP also placed the regional training centres high on the agenda as an effective tool for strengthening capacity building.

**Relevant institution/division:** DEPA15 (Division for Commercial Wastes)

**Relevant web site:** [www.unep.ch/basel/](http://www.unep.ch/basel/)

**Calendar:** May 2002: COP6 in Geneva.

## **5.7 THE POP CONVENTION (PERSISTENT ORGANIC POLLUTANTS)**

### **Description**

In 1997, UNEP's Governing Council requested that UNEP establish an International Negotiating Committee (INC) to prepare a legally binding instrument aimed at reducing and/or eliminating environmental problems caused by Persistent Organic Pollutants (POP).

The POP Convention aims to prohibit the production and use (and possibly import and export) of 10 identified POP substances. In addition, the POP Convention aims to prevent, reduce and as far as possible, eliminate emissions of two identified POP by-products. These 12 substances are all persistent in the environment; transported long distances far from their source, and bio accumulate in the majority of living organisms. The 12 POPs that have been identified for a global initiative under the Convention are aldrin, chlordane, dieldrin, DDT, endrin, HCB, heptachlor, mirex, PCB, toxaphene, dioxins and furans.

The first INC meeting on the POP Convention was held in 1998, followed by two INC meetings in 1999. The last two INC meetings took place in 2000: INC 4 in Bonn, 20-25 March and INC 5 (funded by DANCED) in South Africa 4-9 December. The Convention is expected to be signed at a diplomatic conference in Stockholm 21-23 May 2001.

### **Obligations for countries under DANCED and DANCEE**

Adoption and ratification of the POP Convention is not expected to have visible consequences for Danish legislation, as the 10 appointed pesticides and industrial chemicals are already banned in Denmark. Denmark has already started several of the initiatives on legally binding restrictions for the two by-products (dioxins and furans), which will become obligatory under the POP Convention. Ratification of the POP Convention in developing countries and countries with economies in transition will have consequences for the Danish grant programmes, as ratification in those countries cannot be expected without financial contributions and technical assistance from donor countries.

For developing countries and countries with economies in transition, the POP Convention will imply that many new initiatives must be launched, generating a need for financial assistance. At central authority level, administrations in developing countries are often weak. Even in situations where the necessary knowledge is available and where legislation is in place, capacity may be needed to ensure that legislation is effectively implemented. At decentralised authority level, the necessary knowledge is often not available and therefore legislation is not enforced. For this reason, capacity building should be the cornerstone of Danish programmes of assistance.

Financial assistance will be needed, particularly in relation to the following obligations in the POP Convention.

#### **Prohibition of production and use**

Countries that ratify the POP Convention are obliged to take legal measures to phase out the production and use of POPs listed in Annex A of the convention. Nine substances is listed in Annex A (aldrin, dieldrin, hexachlorbenzene, toxaphene, chlordane, endrin, heptachlor, polychlorinated bi-



phenyls (PCB) and mirex). For PCB, an overview must be compiled of the products already in use that contain PCB and that are accumulated in society in order to remove PCB from such products. The countries must generate the knowledge and capacity needed to provide an overview of the production and use of the eight substances. In addition, the countries must take the necessary legal measures to ensure that production and use of the nine substances are phased out. Knowledge of the production and use of alternatives is also necessary. Finally, the countries face the major task of enforcing and controlling the ban on production and use.

### **Restricted production and use**

Countries that ratify the POP Convention are obliged to take legal measures to phase out the production and use of POPs with the exception of those substances listed in Annex B of the convention. One substance has been listed in Annex B (DDT).

The countries must restrict the production and use of DDT in accordance with WHO guidelines for disease vector control.

### **Minimising emissions**

The existing convention text introduces a long-term goal for eliminating POP emissions, where feasible. Countries that ratify the POP Convention will have to take the necessary steps to prevent and minimise emissions of dioxins and furans, which are listed in Annex C of the convention.

The convention describes the steps each country must take in order to reduce/eliminate emissions of dioxins and furans. Examples are provisions for substituting products, processes and materials that give rise to emissions of dioxins and furans. Countries must also formulate and adopt national action plans which, as a minimum, include an inventory of emissions of dioxins and furans and their sources.

The drafting of such national action plans represents a major task for many developing countries and countries with economies in transition. At present, the majority of these countries have no overview of existing emissions or their sources. As Central and Eastern European countries have already signed the UNECE POP Protocol (the Aarhus Protocol) and as this protocol contains provisions for minimising and reducing emissions that are similar to the provisions of the POP Convention, a specific project could be implemented that aims to ratify the POP Protocol in a selected Eastern European Country. This “demonstration project” could show other Central and Eastern European countries how both the POP Protocol and later the POP Convention can be ratified.

### **Ban on new substances**

The existing draft text of the POP Convention includes an article on new substances. Countries ratifying the Convention must, if they have one or more regulatory or assessment schemes for new pesticides and industrial chemicals, take measures which aim to prevent the production and use of newly developed pesticides and industrial chemicals with POP characteristics.

Continuous, updated knowledge of chemical substances and their inherent properties is necessary to prevent the production or marketing of new POPs. Developing countries cannot be expected to know enough about the many different chemicals. Therefore, general capacity building will be

needed in the area of chemicals and their inherent properties within the authorities in the developing countries.

### **Waste management**

The text concerning the management of POP waste or waste contaminated with POPs (e.g. textiles or wood treated with POPs) includes specific provisions for the destruction of POP waste and, where destruction is not possible, environmentally sound management and disposal of POP waste is to be carried out.

Environmentally sound management, disposal and destruction of POP waste will require the development of capacity in the developing countries and/or controlled transport of certain wastes for environmentally sound destruction in other countries. The necessary assistance within the area of waste should be co-ordinated with the Danish priorities in relation to the provisions of the Basel Convention. In addition to the need for general capacity building in the area of waste management, there will be a need for projects related to specific POP waste streams (e.g. PCB: collection, replacement and management of transformers and other wastes containing PCB).

### **Which projects should DANCED and DANCEE support?**

For both DANCED and DANCEE, a general objective could be introduced to ensure that Danish environmental assistance programmes comply with the obligations stated in international conventions in the area of chemicals. In particular, developing countries as well as countries with economies in transition must be able to ratify existing and future chemical conventions.

The following project proposals could be relevant in relation to the forthcoming ratification of the POP Convention.

<b>Major obligations</b>	<b>DANCED project options</b>	<b>DANCEE project options</b>
<b>Prohibiting the production and use of: aldrin, endrin, HCB, toxaphene, chlordane, dieldrin, heptachlor, polychlorinated biphenyls and mirex</b>	<ul style="list-style-type: none"> <li>a. Building capacity at all levels of the administration, which should lead to an overview of the production and use of the nine POPs.</li> <li>b. Developing the necessary legal measures to ensure that none of the nine POPs are produced or used (including control and enforcement of the ban on production and use).</li> <li>c. Building up knowledge on production and use of alternatives.</li> <li>d. Compile an overview of products containing PCB that are already in use and therefore accumulated in society.</li> </ul>	<ul style="list-style-type: none"> <li>a. Building capacity at all levels of the administration, which should lead to an overview of the production and use of the nine POPs.</li> <li>b. Developing the necessary legal measures to ensure that none of the nine POPs are produced or used (including control and enforcement of the ban on production and use).</li> <li>c. Building up knowledge on production and use of alternatives.</li> <li>d. Compile an overview of products containing PCB that are already in use and therefore accumulated in society.</li> </ul>
<b>Limited production and use of DDT</b>	<ul style="list-style-type: none"> <li>a. Identifying the necessary use of DDT for disease vector control</li> </ul>	

<b>Minimisation of emissions of: dioxins and furans</b>	<p>a. Drafting and adopting a national action plan that includes an inventory of emissions of dioxins and furans.</p> <p>b. After obtaining the overview of emissions and sources, measures must be taken to prevent, minimise and in the long term eliminate the emission of dioxins and furans, where feasible.</p>	<p>a. As the Central and Eastern European countries have signed the UNECE POP Protocol, which includes provisions to minimise emissions of dioxins and furans, a project to ratify the POP Protocol could be initiated in a selected country.</p> <p>b. Drafting and adopting a national action plan that includes an inventory of emissions of dioxins and furans.</p>
<b>Ban on new POPs</b>	<p>a. Building capacity in the area of chemicals: updated knowledge of chemical substances and their inherent properties.</p>	<p>a. Building capacity in the area of chemicals: updated knowledge of chemical substances and their inherent properties.</p>
<b>Waste management</b>	<p>a. Building capacity in developing countries to enable them to manage POP waste and/or perform controlled transport of specific POP waste for environmentally sound destruction at home or abroad.</p> <p>b. Implementing projects for specific POP wastes (e.g. PCB: Collection and management of transformers and other wastes containing PCB).</p>	<p>a. Implementing projects for specific POP wastes (e.g. PCB: collection, replacement and management of transformers and other wastes containing PCB).</p>

### Danish policy and strengths

As mentioned in the Danish Environmental Protection Agency strategy on chemicals, the major global challenge is to develop and support international conventions to phase out the production and use of hazardous chemicals. In addition, it is important to ensure that developing countries participate actively in global negotiations and ensure that future Conventions include financial mechanisms that will facilitate the transfer of financial and technical support to developing countries to facilitate implementation.

Capacity building within authorities in developing countries and countries with economies in transition is to be done to create opportunities for authorities to develop and enforce national legislation and obligations pertaining to international conventions.

It is important that Danish grant programmes do not give priority solely to ratification of the future POP Convention. Work should also focus on ratifying those conventions already adopted, such as the Montreal protocol (ozone depleting substances) and the PIC Convention (prior informed consent procedures for chemical substances).

The project proposals mentioned in this paper relating to the provisions in the future POP Convention are also relevant for the provisions in the PIC Convention. Particularly, knowledge and capacity must be generated regarding regulation of chemicals to implement the provisions of both the PIC Convention and the future POP Convention.

For selected Central and Eastern European countries, where there is already sufficient knowledge and capacity in the area of chemicals, the link between the PIC Convention and the future POP Convention can be used actively. For example, the condition for granting support for projects aimed at ratifying the POP Protocol or the POP Convention could be that the PIC Convention must be ratified. Thus, a synergy effect would be obtained in the Danish grant programmes in relation to ratification of international Conventions on chemicals. A targeted Danish environmental assistance programme for capacity building in the area of chemicals would also serve another long-term purpose, as developing countries and countries with economies in transition would be better prepared for negotiating future Conventions. Finally, the Danish contribution to international discussions on chemicals can be improved through the creation of a reliable alliance with developing countries and countries with economies in transition, which will increase opportunities for joining fruitful alliances in future negotiations.

**Relevant institution/division:** MST13 (Division for Biocides and Chemical Assessment)

**Relevant web site:** <http://irptc.unep.ch/pops/>

**Calendar:** May 21-23, 2001: Signing of the convention in Stockholm.

## 5.8 THE ROTTERDAM CONVENTION (PIC, PRIOR INFORMED CONSENT)

### Description

The PIC Convention requires exchange of information on certain banned or severely restricted hazardous pesticides and industrial chemicals. Export can take place only with the prior informed consent of the authorities of the importing country. The objective of the convention is to promote shared responsibility between exporting and importing countries. The 31 chemicals presently included in the PIC Convention are listed in Annex 1 of this section.

The growth in world trade in chemicals in the 1960s and 1970s led to increasing concerns about the risks of using hazardous chemicals. These concerns led, for example, to the development of the London Guidelines for the Exchange of Information on Chemicals in International Trade in 1987 under the auspices of UNEP. The voluntary PIC procedure was added in 1989.

Denmark signed the PIC Convention at the Diplomatic Conference in Rotterdam in September 1998, but has yet to ratify it. The convention will enter into force when it has been ratified by 50 states. By mid-January 2001, 73 countries had signed and 12 had ratified the convention. Annex 2 lists DANCED and DANCEE partner countries that have signed and ratified the convention.

The governments negotiating the PIC (Rotterdam) Convention agreed to apply the new procedures rather than the procedures of the old, voluntary PIC scheme until the convention formally enters into force.

Main principles of the convention:

- More chemicals that trigger the prior informed consent procedure are to be added to the list.
- When a chemical that is banned or severely restricted for use domestically is to be exported, notification must be sent to the importing country and consent received in advance.
- When the import is accepted, the chemicals are to be labelled by the exporter in a manner that adequately describes the risks and hazards to human health and the environment – including safety data sheets if the chemicals are to be used industrially.
- Decisions on refusing import must be neutral, i.e. all import and domestic production of the chemical must be stopped.

### Implementing the convention in Denmark and the European Union

The voluntary PIC procedure is implemented through Council Regulation No. 2455/92 (and subsequent revisions) concerning the export and import of certain dangerous chemicals. The regulation is to be changed to bring it into line with the new PIC Convention. The process is scheduled to be initiated by the Commission by mid-2001.

Regulation No. 2455/92 has a wider scope than the PIC Convention, as not only the export of PIC substances, but all substances that have been banned or severely restricted within the EU are subject to notification.

## Obligations for EPSF beneficiaries

One important aspect of the PIC Convention is that if a party refuses to import a PIC substance, any domestic production and use must be banned or severely restricted for the purpose the import was intended. The country rejecting the import of the PIC substance must have the national capacity to assess the socio-economic consequences of the rejection. Also, legislation is needed as the basis for bans and restrictions.

Countries must be aware of the chemicals being produced or imported into the country and the sectors in which they are used. Efficient structures for decisions on whether or not to accept the import must also be established.

<b>Major obligations</b>	<b>Options for environmental assistance</b>
Ratification (none of the DANCED/DANCEE countries have ratified the convention).	Assigning a contact person to assist with paperwork by e-mail to support the actual legal/formal ratification process.
Surveying the situation (Article 5).	A survey of which PIC chemicals the DANCED and DANCEE countries use or accept for certain uses would be relevant. Also, a list of all chemicals banned or severely restrictions at the time the convention enters into force should be made – such a report should be forwarded to the PIC Secretariat (unless this has already been done under the London Guidelines).
The parties to the convention are to establish and strengthen the national infrastructure and institutions needed to effectively implement the convention, including introducing or amending legislation and administrative procedures (Article 15).	<p>Projects in both DANCED and DANCEE countries could be based on <u>sound management of chemicals throughout their life cycle</u>. The project should include elements such as establishing a product register/database listing chemicals used in the country. Awareness initiatives should be promoted among both the industry and consumers on safe management and handling of chemicals. Safer alternatives should also be proposed.</p> <p>Existing <u>legislation</u> should be amended or new laws introduced to enable the country to ban or severely restrict imports and production of hazardous chemicals. Planning and performance of <u>enforcement activities</u> should form part of this type of project.</p> <p>Effective <u>administrative procedures</u> that define the responsibilities and sphere of authority for all stakeholders involved could be established, e.g. to meet the obligation of making timely decisions on whether or not the import of a certain chemical is acceptable. An aspect of this project could be – where necessary – to establish (or modify) a registration and control system for incoming and outgoing mail/documents, i.e. a <u>filing system</u>, and general procedures for handling paperwork.</p>

<p>The parties are to develop the infrastructure and capacity to manage chemicals under the convention (Article 16).</p>	<p>Capacity building projects will be very relevant, at least in DANCED countries. These should include training in evaluating the scientific documentation that is forwarded as part of the information procedure to enable the country to make sound decisions on whether or not to accept an import. Training in how to find more information, i.e. in operating internationally accessible databases on chemicals, is relevant. Part of this project should be to evaluate if the necessary <u>human resources</u> are assigned – both relating to education and whether manpower is sufficient.</p> <p>An element of this kind of project could be to <u>train local “teachers”</u> in the safe use of the various hazardous pesticides/chemicals, hygiene, safe storage, etc. These teachers should then tour the country and instruct those using the pesticides/chemicals.</p>
<p>Accident reporting (Article 6).</p>	<p>Establishing structures for <u>accident reporting</u> for severely hazardous pesticide formulations. Developing countries and countries with economies in transition that experience problems caused by severely hazardous pesticides may propose that such pesticides become PIC substances. For this to happen, the country must, for example, describe incidents related to the problem, including adverse effects. A project could be to make a focal point where reports on experiences could be collected and to develop a report form in order to standardise accident reporting.</p>
<p>Substitution.</p>	<p>Through PIC procedure and regulation 2455/92, DANCED and DANCEE countries will receive information prior to importing PIC chemicals and chemicals that have been banned or severely restricted in the EU. Relevant alternatives must be suggested if the countries are to be in a realistic position to reject a particular import. Such a project is a key element for making maximum use of the circulated information. The output should be a list of relevant alternatives based on socio-economic considerations in each country, indicating producers/wholesalers and other information that will facilitate a possible substitution.</p>

## Danish policy and strengths

Section 5.7 on Danish policy under the POP Convention may be referred to for an introduction.

The Rotterdam Convention is so recent that it has not yet come into force and a significant objective for the Danish work is to support its ratification. Until the Rotterdam Convention comes into force (after ratification by 50 countries), the existing voluntary Prior Informed Consent procedure will be applied with the modifications stated in the convention. In practical terms, the Rotterdam Convention is already being applied voluntarily. The Danish focus should aim to get as many substances as

possible included in the list, to give the importing countries a qualified basis for permitting or barring the import of hazardous pesticides and industrial chemicals.

It is also crucial to ensure that the finalised convention has a real influence. This implies that the specific realisation of the articles of the convention on technical assistance should be prioritised, primarily with regard to training relevant personnel and ensuring that the needed administrative procedures are introduced or strengthened.

### **Future strategic initiatives**

In the near future, the main task is to get the voluntary Rotterdam Convention to function. In the medium term, a key issue would be to get the Decision Guidance Document altered to include relevant alternatives and possibilities for substitution. This will support the countries' real scope for rejecting the import of a PIC substance.

Another significant action area should be, in cooperation with the other EU countries, to get consumer products covered by the convention to be considered in an independent category with relation to which the import could be rejected or permitted. The convention currently includes only pesticides and industrial chemicals and import can be prohibited for either one or both categories. By adding chemicals for private consumption as an independent category, a country could permit the use of the substance in industry or agriculture, but not by private consumers.

**Relevant institution/division:** DEPA13 (Division for Biocides and Chemical Assessment)

**Relevant web sites:** [www.fao.org/ag/agp/agpp/pesticid/pic/convlist.htm](http://www.fao.org/ag/agp/agpp/pesticid/pic/convlist.htm)  
[www.irptc.unep.ch/pic](http://www.irptc.unep.ch/pic)

**Calendar:** 2001, October 7-12: INC8, Rome, Italy.



## ANNEX 1

## Chemicals subject to the PIC procedure (December 2000)

Name	Pesticide	Industrial chemical	POP substances
2,4,5-T	X		
Aldrin	X		X
Binapalcryl	X		
Captafol	X		
Chlorobenzilate	X		
Chlordane	X		X
Chlordimeform	X		
Crocidolite		X	
DDT	X		X
Dieldrin	X		X
Dinoseb	X		
1,2-dibromoethane (EDB)	X		
Ethylene dichloride	X		
Ethylene oxide	X		
Fluoroacetamide	X		
HCH	X		
Heptachlor	X		X
Hexachlorobenzene	X		X
Lindane	X		
Mercury compounds	X		
Methyl-parathion (some formulations)	X		
Methamidophos	X		
Monocrotophos	X		
Parathion	X		
Pentachlorophenol	X		
Phosphamidon	X		
Polybrominated biphenyls (PBB)		X	
Polychlorinated biphenyls (PCB)		X	X
Polychlorinated terphenyls (PCT)		X	
Toxaphene	X		X
Tris (2,3 dibromopropyl) phosphate		X	

## ANNEX 2

List of DANCED and DANCEE partner countries that have signed and ratified the PIC Convention

Country	Signature	Ratification
<b>DANCED partner countries</b>		
Botswana	No	No
Lesotho	No	No
Malaysia	Yes (final act)	No
Namibia	Yes	No
South Africa	Yes (final act)	No
Swaziland	No	No
Thailand	No	No
<b>DANCEE partner countries</b>		
Belarus	No	No
Bulgaria	No	Yes
Czech Republic	Yes	Yes
Estonia	No	No
Hungary	Yes	Yes
Latvia	No	No
Lithuania	No	No
Poland	Yes (final act)	No
Romania	No	No
Slovak Republic	No	No
Ukraine	No	No

## 5.9 THE AARHUS CONVENTION

### Description

The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) was adopted at the 4<sup>th</sup> Ministerial Conference “Environment for Europe” in Aarhus, Denmark, on June 25, 1998. The convention will come into force 90 days after 16 states have ratified it.

When the period for signature closed on December 21, 1998, 39 states and the European Community (EC) had signed the convention. At the first meeting of signatories in Chisinau, Moldova, in April 1999, 23 European and Central Asian countries indicated that they would ratify the convention by the end of 2000. As of May 2000, seven countries have ratified, acceded to or approved and become parties to the Aarhus Convention.

Though a UNECE (United Nations Economic Commission for Europe) convention, the Aarhus Convention will also be open to member states of the United Nations from outside the UNECE region once it has entered into force. It is therefore a “global” convention.

The overall convention objective is to ensure that the general public has certain rights in the environmental sector. The preamble emphasises two concepts: (1) Environmental rights as human rights and (2) the importance of access to information, public participation and access to justice for sustainable and environmentally sound management. It is the first international convention that recognises the public’s right to live in a healthy environment, which is a unique milestone in international law.

The convention defines “environmental information” broadly, covering basically all kinds of information held by public authorities related to the elements of the environment and their interaction, including human health and conditions of human life.

### Obligations for parties to the convention

The convention is based on three “pillars” that are essential indicators for a democracy: Access to information, public participation and access to justice. The three pillars are equally important for fully implementing the convention objective.

#### *Pillar 1: Access to environmental information*

The convention provides a number of substantive rights with respect to environmental information held by public authorities. It requires parties to:

- Ensure that public authorities make environmental information available to anyone requesting it as soon as possible and, at the latest within one month, unless the information comes under certain specified exceptions.
- Define the practical arrangements by which such information is made available, e.g. public authorities intending to charge for supplying information must provide applicants with a list of charges that may be levied.
- Provide a system for judicial or administrative review if a person considers that his request has been unreasonably refused or inadequately answered.

The convention stipulates that public authorities have a positive duty to possess and update environmental information, including mandatory establishment of systems to ensure an adequate flow of information on proposed and existing activities. In the event of any imminent threat to human health or the environment, all information that may enable the public to take preventive or mitigating measures is to be communicated immediately.

Governments must inform the public of the types of environmental information held by public authorities and how it may be obtained. They must also establish and maintain practical arrangements for making this information accessible, e.g. publicly accessible lists, registers or files, and identification of points of contact. In addition, parties are to make environmental information progressively available in electronic databases that are easily accessible to the public. Finally, parties are to establish a coherent, nationwide system of pollution inventories or registers compiled through standardised reporting and made available in a computerised and publicly accessible database.

### *Pillar 2: Public participation in environment-related governance decisions*

Parties are required to provide the public with the opportunity to participate in decisions made by authorities concerning whether to allow certain proposed activities to proceed that may have a significant effect on the environment. The convention's Annex I lists categories of activities for which Environmental Impact Assessments (EIAs) with public participation are mandatory (e.g. certain activities within the energy sector, production and processing of metals, mineral industry, chemical industry, waste management, etc.). It specifies the information to be given to the public and the procedures for consulting the public. There are also provisions for public participation in decisions concerning operating permits, as well as during the preparation of plans, programmes and policies related to the environment.

The parties are also to promote effective public participation during the preparation of laws, rules and legally binding norms. Participation is to occur at an appropriate stage while options are still open, and the results of the participation are to be taken into account "as far as possible".

### *Pillar 3: Access to justice*

Parties to the convention are required to ensure the right to go to court or another independent and impartial review body in three situations:

- The right to appeal decisions made by public authorities in cases where requests for information are refused.
- The right to challenge the substantive and procedural legality of a decision, act or omission subject to the convention's provisions with respect to public participation in decisions on specific activities.
- Access to administrative or judicial procedures to challenge acts or omissions by private persons and public authorities if those acts or omissions violate provisions of national environmental law.

Access-to-justice procedures are to provide adequate effective remedies and not be prohibitively expensive. Parties may establish appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.

Major obligations	Options for environmental assistance
<i>Access to information</i>	
Making environmental information available on request as soon as possible, at the latest within one month; extension of up to two months only if justified.	Assisting with setting up administrative systems for quick response to public requests, including guidelines for civil servants.
Defining the practical arrangements by which such information is made available, e.g. public authorities intending to charge for supplying information must provide applicants with a list of charges that may be levied.	Devising regulations that define how various levels of government are to make information available.  Assisting with devising a system of reasonable levies for providing various kinds of information.
Providing a system for judicial or administrative review, if a person considers that his request has been unreasonably refused or inadequately answered.	Devising regulations that define judicial and administrative review processes.  Compiling citizens' guides that explain how to obtain environmental information from public authorities and seek judicial or administrative review if necessary.
Possessing and updating environmental information, including mandatory establishment of systems to ensure adequate flow of information on proposed and existing activities.	Assisting authorities with designing information systems and upgrading monitoring systems so that up-to-date information on environmental quality, etc. is regularly collected (e.g. the Moldova project below).
Immediately disseminating all information that could enable the public to take preventive or mitigating measures in the event of any imminent threat to human health or the environment.	Devising regulations that define terms and ways for information to be disseminated.  Assisting with establishing a system for broad public access to information on preventive or mitigating measures (e.g. via web sites, TV and radio announcements, etc.).
Informing the public about the types of environmental information held by public authorities and how it may be obtained.	Assisting governments with registering information and launching campaigns to inform the public about which information is held by whom, where and how to obtain it.
Establishing and maintaining practical arrangements for making environmental information accessible, e.g. publicly accessible lists, registers or files, and identification of points of contact.	Assisting public authorities with setting up necessary structures for making environmental information accessible (e.g. establishing environmental information centres).
Making environmental information progressively available in electronic databases easily accessible to the public.	Assisting public authorities with setting up electronic databases that are easily accessible to the public, including hardware provision.  Running training workshops for citizens and NGOs on information retrieval.
Taking steps to establish a coherent, nationwide system of pollution inventories or registers compiled through standardised reporting that is available in a	Assisting public authorities with setting up a computerised system of nationwide pollution inventories or registers, including training sessions for civil ser-

<b>Major obligations</b>	<b>Options for environmental assistance</b>
computerised and publicly accessible database.	vants on how to use and update this system, and training workshops for the public on how to access it.
<b><i>Public participation</i></b>	
Providing the public with the opportunity to participate in decisions made by authorities concerning whether to allow certain proposed activities to proceed that may have a significant effect on the environment.	Assisting public authorities with developing the capacity to implement public participation requirements.  Compiling citizens' guides explaining EIA procedures, mandatory requirements for public participation in EIAs for Annex I projects, and existing opportunities under national laws for involving the public in decision-making.
Providing the public with the opportunity to participate in decisions concerning operating permits, and take part in preparing plans, programmes and policies related to the environment.	Defining regulations for administrative processes that include public participation in making decisions concerning operating permits, and preparing plans, programmes and policies related to the environment.  Implementing pilot projects to develop public participation procedures appropriate for the recipient country.  Establishing small-scale grant programmes to promote public participation in making decisions concerning operating permits, and in preparing plans, programmes and policies related to the environment.
Striving to promote effective public participation at an appropriate stage during the preparation of laws, rules and legally binding norms.	Assisting public authorities with setting up administrative procedures that provide advance notice to the public on upcoming laws, rules and norms, sufficient time for public comments and taking into account public input.
<b><i>Access to justice</i></b>	
Providing the public with the opportunity to go to court or another independent and impartial review body to request the review of potential violations of the convention.	Assisting governments with drafting regulations that include the review of potential violations of the convention.  Compiling citizens' guides on access to justice.

<p>Providing review procedures relating to information requested under Article 4.</p> <p>Providing review procedures related to public participation under Article 6 and other relevant provisions of the convention.</p> <p>Providing the public with the opportunity to have access to administrative or judicial procedures to challenge acts or omissions by private persons and public authorities that violate provisions of national environmental law.</p>	<p>Assisting governments with drafting amendments to national laws to establish that NGOs that promote environmental protection and meet requirements under national law are deemed to have a sufficient legal interest, and that would allow private persons and public authorities to challenge acts or omissions that violate provisions of national environmental law.</p> <p>Providing support for NGOs to promote legal education among the public on available administrative and judicial procedures for challenging violations of national environmental laws.</p>
<p>Providing adequate effective remedies and affordable administrative or judicial procedures.</p>	<p>Assisting governments with revising available systems of remedies under national laws and developing appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.</p>

### Danish policy and strengths

The Aarhus Convention is considered to be a very important convention, not least because it promotes general democratic principles. A major effort was made to prepare the convention for signing in Aarhus in June 1998, and high priority has since been given to its implementation and ratification before the end of 2000.

Implementation in Denmark has been based on screening a number of national laws and consultations within the ministry and other related ministries. A major conference was held to start-up the implementation process, and all interested parties were invited to discuss recommendations for Danish implementation. On May 18, 2000, the Danish parliament adopted the new "Aarhus Law", creating the basis for early ratification on September 29, 2000.

Implementation in Denmark has taken almost two years and has provided useful experience that will be extremely relevant for other countries in the CEE and NIS countries of the UNECE region that are working on implementing and ratifying the convention. This experience will be particularly useful in countries that have yet to ratify the convention.

Moreover, Danish democratic traditions and national laws already recognise the rights guaranteed under the Aarhus Convention. Since most of the rights guaranteed under the three pillars described above are already in practice in Denmark, Danish officials, NGOs and the private consulting sector already have first-hand experience of these procedures. This should facilitate the transfer of know-how, including in the NGO sector.

Finally, Danish environmental authorities at national, regional and local levels have already established extensive systems for gathering and transmitting information to the public, e.g. through web sites and *Miljøbutikken*, the ministry's Environment Shop. Danish institutions responsible for environmental research and data gathering also have extensive experience of establishing and operating environmental information systems, indicator and monitoring systems which, based on electronic data processing and GIS tools, involve the internet and TV and radio for automatically updating and

disseminating on-line data and pollution warnings. These systems guarantee direct and broad access to environment and nature data and information. The activities are of great interest to officials in other parts of Europe.

### **Future strategic initiatives**

Future assistance to support the ratification and implementation of the Aarhus Convention is likely to fall within one or more of the following categories.

- Supporting measures aimed at the ratification of or accession to the Aarhus Convention, where appropriate.
- Changing national legal frameworks to ensure compliance with Aarhus Convention requirements.
- Building the capacity of central and local government agencies to provide information, including support for developing information management systems.
- Strengthening administrative capacity to implement public participation requirements.
- Providing the public and NGOs with information on rights available under the Aarhus Convention.

### **Relevant environmental assistance projects**

A number of projects have been started to help implement the Aarhus Convention. These projects focus on improving the set-up and capacity within central environmental authorities for dealing with the requirements of the convention, and/or strengthening NGOs and the general public:

#### *Moldova: DANCEE Project Assisting Moldova in the Implementation of the Aarhus Convention*

The project will assist the Ministry of Environment and Spatial Planning with honouring the requirements set forth in the Aarhus Convention's first "pillar", especially Article 5, specifying the obligation to collect and disseminate environmental information. The project includes assistance for the ministry with establishing an information centre open to the public and a library as well as the continuous provision of environmental information in electronic form to authorities and the public alike. A legal review will be implemented to ensure that Moldovan legislation is geared to implementing the three "pillars" of the convention.

**Relevant institution/division:** DEPA7 (Division for Legislation and Enforcement)

**Relevant web site:** [www.unece.org](http://www.unece.org)



## **6.1. GLOBAL ENVIRONMENT FACILITY**

### **History**

The Global Environment Facility (GEF) was initiated by donor countries in 1991 as a three-year pilot initiative.

The World Bank, UNDP and UNEP agreed to cooperate as implementing agencies to enhance the global environment by protecting biodiversity, combating climate change, protecting international waters and phasing out ozone-depleting substances in Central and Eastern Europe, which are not eligible for funding under the Montreal Protocol. After the Earth Summit in Rio, it was agreed that the facility should be restructured and established on a permanent basis and made more participatory by involving developing countries in making decisions and implementing projects.

The founding instrument for GEF was agreed in 1994 and establishes GEF as a mechanism for global environmental grant and concessional funding to meet agreed incremental costs of measures within the four focal areas to benefit the global environment.

### **Focal areas**

The facility operates the financial mechanisms of the UN Conventions on Climate Change and Biological Diversity on an interim basis under the guidance of the Conferences of the Parties. Support for phasing out the use of ozone-depleting substances in Central and Eastern Europe is provided in accordance with the principles of the Montreal Protocol and its amendments. International waters are defined as inland and coastal waters shared by two or more states. These are not covered by any global legal instruments, but the facility supports mutual efforts to protect shared rivers, lakes and aquifers, coastal waters and the Washington Plan of Action on the Seas. In addition, GEF helps to implement the Convention to Combat Desertification by making agreed incremental costs of activities concerning land degradation, primarily desertification and deforestation, eligible for funding if they relate to the four focal areas. Under the same circumstances, the council may also agree to make other relevant activities under Agenda 21 eligible. This is relevant for chemicals. In the energy sector, GEF actively seeks to promote energy efficiency and renewable energy.

Funding “agreed incremental costs” to achieve “agreed global environmental benefits” is the core of GEF’s mission and major efforts have been made to find practical ways of working with these concepts in projects, programmes and policies. Estimating incremental costs has caused considerable difficulty in the cooperation between GEF and the implementing agencies, and with recipient countries and project designers. This is due mainly to the problem of defining national and global benefits - not least in biodiversity projects.

An operational strategy has been formulated to guide the actions of the facility and ensure cost-effective use of its resources. The operational strategy defines the mission, strategy and operational principles on which the activities are to be based in the four focal areas and on land degradation. Key features of the strategy include a country-driven approach and the involvement of stakeholders – reflecting the emphasis on consistency with national and regional objectives and initiatives.

The principles of the strategy have been elaborated as 12 operational programmes to guide potential project designers:

- Four programmes on biodiversity based on the ecosystems approach.
- Four programmes on climate issues that focus on barriers to energy efficiency and conservation, promoting renewable energy, reducing costs for low greenhouse gas emitting technologies and promoting climate-friendly transportation.
- Two programmes on water, one waterbody-based and one contaminant-based.
- Two integrated programmes, one addressing land and water, and one on natural resources management addressing biodiversity and carbon sequestration (climate).

The funding of ozone projects has been considered a short-term measure with no need for an operational programme. Work is now underway to prepare an operational programme for agricultural biodiversity and a programme to follow up on the Cartagena Protocol on Biosafety. At the same time, GEF will serve as a major part of the Financial Mechanism of the POP Convention, as decided at the INC5 meeting in December 2000.

## **Organisation**

The council, which is responsible for developing policies and programmes, approving project funding and supervising their implementation, meets twice a year and consists of 32 members, each representing a constituency. Sixteen members come from developing countries, fourteen from industrialised countries and two from Central and Eastern Europe and the Russian Federation. To promote transparency, the NGOs have four observers of their own choice at council meetings and they hold coordinating sessions before each meeting. The work of the council is supported by a secretariat headed by a Chief Executive Officer (CEO). A Scientific and Technical Advisory Panel (STAP), consisting of 12 independent scientists, assists with the continuous development of policies. Every three years, an assembly consisting of all participants is required to review GEF policies and operations. Only one assembly has been held so far - in Delhi in 1998. The next will be convened in 2002 after Rio+10.

## **Funding**

During the pilot phase USD 750 million was allocated to 112 projects in 63 countries. When GEF was restructured in 1994, USD 2 billion was pledged by 34 nations to support activities. In 1998, a further USD 2.75 billion was pledged by 36 nations. The third replenishment is due in 2002 and a substantial increase is expected.

By August 2000, a total of USD 3.1 billion had been allocated to 730 projects, with 39% of the funding for biodiversity, 35% for climate change, 14% for international waters and 6% for ozone (where no further allocations are needed). Multifocal funding comprised 6%. As projects are country-driven, no decision has been made by the council as to the distribution of funding between focal areas, but climate and biodiversity are the two main areas. For example, national reporting and development of national strategies under the two conventions are fully financed by GEF.

There is ample opportunity for national and regional co-financing by recipient countries, implementing agencies and other international entities and bilateral donors. The co-financing leveraged by GEF funding has been USD 5.6 billion, bringing the total value of projects to which GEF has contributed to about USD 8.7 billion from 1991 to mid-2000.

## **Project administration**

It is important to note that GEF does not implement projects, but co-finances the operations of its three implementing agencies to reap global benefits. These agencies are accountable to the council for their GEF-financed activities. The World Bank has administered 60% of the funds allocated so far, UNDP 30% and UNEP 4%, while 5% were administered jointly.

The implementing agencies may execute projects themselves or select other entities as responsible on site. The World Bank uses the Regional Development Banks as executing agencies for many of its projects. GEF is currently seeking to involve UNIDO and FAO as executing agencies to strengthen its ability to deliver results on the chemicals agenda. National and international NGOs are working with UNDP to implement projects, and UNDP has a special small-scale grant programme under GEF to facilitate the speedy execution of minor projects. UNEP's relatively small role is due to its focus on knowledge. It is not a project organisation.

Two general problems seem to characterise GEF-funded projects to date. Firstly, there is the difficulty of integrating project activities in national policy frameworks that take broader contextual factors into account, such as legal and institutional capacity. Secondly, the effective involvement of stakeholders, nationally and locally, has proven to be a more difficult and lengthy task than initially expected.

In practice, the organisational structure means that the preparation of projects is subject to parallel processes of decision making in the GEF Secretariat and council and in the implementing agencies. Considerable effort has been put into streamlining and coordinating the GEF project cycle to suit the internal procedures of the agencies and to avoid delays. The CEO of GEF has been given a certain margin for making decisions without prior involvement of the council, and quicker procedures have been established for council decision-making between semi-annual meetings.

Some improvements have been made, but too much time still passes between project formulation, approval by the GEF, the commitment of the implementing agency and actual project implementation. Two years is not unusual, and on average more than a year passes before the World Bank and UNDP commit themselves after GEF approval is obtained. Regarding project preparation, it is worth mentioning that the CEO has the authority to grant funding for developing ideas and proposals from a very early stage (the Project Preparation Facility, PPF).

All relevant information on GEF - its structure, entities, policies and programmes, project portfolio, performance reports, evaluations and documentation from council meetings can be found at its internet home page. The information includes national focal points in member countries, regional NGO focal points and relevant contact points for implementing agencies.

**Relevant web site:**        <http://www.gefweb.org>

## 6.2. EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

The EBRD provides direct financing for private sector activities, restructuring and privatisation as well as funding for the infrastructure that supports these activities. Its investments also help to build and strengthen institutions.

The main forms of EBRD financing are loans, equity investments (shares) and guarantees. Project Summary Documents (PSDs) are released for public and private sector projects before the project is considered by the Board of Directors. PSDs are updated if material changes are made to the project following first release.

The EBRD places great emphasis on encouraging the involvement of other sources of financing in its operations, thereby increasing the total resources available to its countries of operations. Technical cooperation funds have an important role to play in supporting the EBRD operational objectives of sound banking, additionality and transition impact. The EBRD functions as the administrator of the Nuclear Safety Account (NSA) and the Chernobyl Shelter Fund (CSF).

The EBRD is directed by its agreement to "promote in the full range of its activities environmentally sound and sustainable development" (Article 2.1vii). The EBRD is the first international financial institution to have been given such a proactive environmental mandate by its founders.

The EBRD recognises that sustainable development is a fundamental aspect of sound business management and that the pursuit of economic growth and a healthy environment are inextricably linked. The bank further recognises that sustainable development must rank among the highest priorities of EBRD activities. The bank will endeavour to ensure that its policies and business activities promote sustainable development, meeting the needs of the present without compromising those of the future.

The overall mission of the Environmental Appraisal Unit (EAU) is to ensure that projects comply with EBRD commitment to environmentally sound and sustainable development. EAU staff screen and review all investment projects and screen all technical cooperation projects submitted to the EBRD Operations Committee, in compliance with the Bank's Environmental Procedures.

The Project Preparation Committee (PPC) is a networking mechanism established at the Second "Environment for Europe" Ministerial Conference in Lucerne in April 1993 to improve coordination and cooperation between international financing institutions (IFIs), donors and countries in transition to promote environment-related investment projects in Central and Eastern Europe and the Newly Independent States. The PPC forms an integral part of the Environmental Action Programme for Central and Eastern Europe (EAP). Specifically, the PPC is a mechanism and market place for identifying co-financing arrangements between donors and IFIs, matching donor grant funds with IFI credits in order to enhance project performance and sustainability. The PPC Secretariat is based at the EBRD in London, and officers are designated to implement the PPC mandate currently located both at the EBRD and the World Bank.

**Relevant web site:** <http://www.ebrd.com>