Environmental Assessment Sourcebook
UPDATE

Environment Department
The World Bank

March 1996
Number 10

International Agreements on Environment and Natural Resources: Relevance and Application in Environmental Assessment

Public international law governs conduct among states and international public organizations. The World Bank, an organization created and governed by public international law, undertakes its operations in compliance with applicable public international law principles and rules. These principles and rules are set forth in instruments such as treaties, conventions, or other multilateral, regional, or bilateral agreements. In addition, certain legally significant non-binding instruments, such as statements of policy reflected in Agenda 21 of the U.N. Conference on Environment and Development, or international guidelines concerning international trade in hazardous chemicals, reflect other international law principles and obligations. Environmental Assessment (EA) is a vehicle for, inter alia, assessing and ensuring a World Bank-financed project's compliance with relevant international environmental instruments.

*Since the Environmental Assessment Sourcebook was issued in 1991, significant developments have taken place in the area of international environmental law, particularly with regard to the entry into force of conventions addressing global concerns such as climate and biological diversity. In addition, the Law of the Sea Convention entered into force in November, 1994. This Update revises the Sourcebook (pp. 63-65) on these conventions and provides more in-depth information on some particularly important agreements.**

Background

Environmental protection and conservation frequently come within the ambit of public international law. One reason is that many natural resource and environmental issues (such as those affecting the global community (e.g., pollution of the high seas, the atmosphere) can be properly addressed only if states adopt common rules. The same need applies equally within a narrower geographic scope (e.g., regional seas or rivers). Similarly, the sustainable management of shared resources (e.g., fish stocks) can only be achieved by action on the regional or sub-regional level. Another reason is that actions taking place within one state may affect resources or environmental quality in one or more other states, or beyond the limits of national jurisdiction. These impacts may be direct, as in the case of air pollutants affecting a state downwind of their sources; or, they may illustrate more complex consequences, as when a lower riparian state suffers from flooding or siltation caused by deforestation in a state upstream.

Scope of international environmental law

Since the late nineteenth century, over 300 multilateral treaties and formal agreements relevant to environmental protection have been adopted. Many of these carry substantive obligations for states that are parties to the treaty. In addition, a larger number of bilateral agreements have been concluded, ranging from understandings between states about the exchange of information and research cooperation, to substantive questions like those on boundary water management. Where a state has assumed obligations under international or bilateral environmental law, these duties should be taken into account in development planning to prevent violations and, if possible, promote compliance. EA is a useful tool for assessing whether there are international environmental law obligations of the borrower that may affect or be affected by the project. EA can also identify appropriate responses to ensure that legal obligations are met.

**This version of the update contains minor revisions and corrections to the earlier version issued August, 1995.*

International environmental instruments cover subjects traditionally considered to be of "global" or transboundary environmental interest. They have especially important meaning when ecosystem linkages or resource use considerations make international cooperation necessary. Historically, marine pollution from international shipping received the most attention; however, recent years have brought increased focus to other global issues such as atmospheric pollution and the conservation of biodiversity.

In the category of conservation of nature and shared natural resources, much of the recent international law activity has concerned the conservation of species, habitats and ecosystems. This activity includes, in particular, the *Convention on Biological Diversity*, 1992 (which seeks to promote the protection and sustainable use of biological diversity) . Also of note is the *Convention on Wetlands of International Importance Especially as Waterfowl Habitat*, 1971, (commonly known as the Ramsar Convention), providing international mechanisms for the declaration of national wetlands of international significance and which, once declared, carry state obligations. A number of treaties or bilateral agreements address regional resource management issues, such as regional fisheries and use or protection of wildlife habitat. The *ASEAN Agreement on the Conservation of Nature and Natural Resources*, 1984, the *African Convention on the Conservation of Nature and Natural Resources*, 1968, and the *Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere*, 1940, incorporate principles for the protection of wildlife and parks and the sustainable use of living natural resources. A recent convention in this field is the *United Nations Convention to Combat Desertification in those Countries Experiencing Drought and/or Desertification, Particularly in Africa*, 1994.

The Bank assists countries in complying with international environmental agreements, through its policy dialogue as well as in the design of economic and sector strategies and investment projects and programs. The Bank will not finance projects that contravene any international environmental agreement to which the member country concerned is a party. For certain projects, especially those financed by grants through the Global Environment Facility (GEF), ratification of the relevant convention is a prerequisite to receive financing (e.g., for strengthening a country's biodiversity conservation program or for addressing climate change). The GEF provides financing for activities related to carrying out the goals of a number of international environmental conventions including acting as the interim financial mechanism for the *Convention on Biological Diversity* and the *Framework Convention on Climate Change*. For those purposes, the GEF is administered by the World Bank in partnership with UNDP and UNEP and has been entrusted with the main responsibility for providing funds for projects in developing countries aimed at protecting biological diversity and for avoiding, abating and reducing emissions of greenhouse gases.

International obligations and EA

The EA process

During project environmental screening and scoping, the Bank should assist the borrower to determine if the project, as conceived, could violate relevant international environmental conventions. If there is any such risk, the project should normally be classified in category A (requiring full EA), as environmental aspects would likely be significant and sensitive. The Bank should ensure that Terms of Reference (TOR) for the EA specifically require: (a) an in-depth analysis of any potential violations of such conventions; (b) that the analysis of alternatives include consideration of options (location or design) that would avoid such violations; and (c) should there be no alternative, an appropriate plan to ensure that the project will be designed and financed in a manner to enable it to meet the convention's requirements in an agreed upon timely manner. The EA's handling of these issues should be examined by Bank staff prior to appraisal and followed up through appraisal, negotiations, and implementation of the project. Box 2 features examples of projects where international environmental conventions have been an issue in EA and project preparation work.

Analyzing obligations

Among the areas to be examined in environmental assessment, OD 4.01 calls for analysis of a project's legal framework. It is important to determine (1) a country's international environmental law obligations in relation to a proposed project; and (2) the country's capacity to implement and enforce such relevant obligations.

When identifying a borrower's international environmental law obligations, it is important to look beyond the text of formal treaties to a number of subsidiary devices which may be used to facilitate or accelerate the implementation of multilateral treaties. One of the most common forms of subsidiary agreements is the "protocol" which is authorized by the treaty in question and usually contains more detailed provisions on specific aspects of the subject matter of the treaty, than does the main text of the treaty. Examples include protocols under the *Regional Seas Agreements* relating to oil-pollution control, control of land-based sources of pollution, and specially protected areas. Similarly, there is the *Montreal Protocol on Substances that Deplete the Ozone Layer*, 1987, under the *Vienna Convention for the Protection of the Ozone Layer*. It is necessary to be aware of the protocols to which borrower

Box 1. Bank policies and procedures in support of international environmental agreements

A number of Bank policies and procedures may expressly or indirectly reference or require consideration of international environmental legal instruments, and generally reinforce such instruments. All Operational Directives (ODs) are in the process of being reformatted to the OP/BP/GP (Operational Policy, Bank Procedure, and Good Practice) categorization.

	Relevant policies and procedures include:
OD 4.01	Environmental Assessment (to be issued as OP/BP/GP 4.01)
OD 4.02	Environmental Action Plans (to be issued as OP/BP/GP 4.02)
OD 4.03	Agricultural Pest Management (to be issued as OP/BP/GP 4.03)
OP/BP/GP 4.04	Natural Habitats
OP 4.07	Water Resources Management
OD 4.20	Indigenous Peoples (to be issued as OP/BP/GP 4.10)
OD 4.30	Involuntary Resettlement (to be issued as OP/BP/GP 4.12)
OP/GP 4.36	Forestry
OP/BP 7.50	Projects on International Waterways
OD 9.01	Procedures for Investment Operations under the Global Environment Facility (to be issued as OP/BP/GP 10.20)
OP/BP 10.21	Investment Operations Financed by the Multilateral Fund for the Implementation of the Montreal Protocol
OP/BP/GP 10.04	Economic Evaluation of Investment Operations (see especially, para. 8)
OMS 2.36	Environmental Aspects of Bank Work
OPN 11.03	Management of Cultural Property in Bank-Financed Projects (to be issued as OP/BP/GP 4.11 under the title Cultural Heritage)

states are parties, for such agreements often impose specific state obligations.

Another subsidiary legal device used to accelerate implementation and regular updating of treaties is to place technical references in a treaty appendix or annex, provided that the treaty specifies that annex amendments may be formed by less complicated means than required to the treaty itself. Examples of this approach include the London and Copenhagen "adjustments" to the Montreal Protocol, the list of protected species in the appendices to the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*, 1973, (CITES), various annexes to conventions dealing with marine pollution from different harmful substances, and the annex of wastes listed in the *Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and their Disposal*. As part of the analysis of a country's treaty obligations, it is important to understand the specific content of such technical annexes and the applicable legal relationship to the borrower (e.g., has the borrower accepted, renounced, or made reservations).

Analyzing implementation capacity

Most multilateral or bilateral treaties are not self-executing. Standing alone they have little direct impact on environmental quality or natural resource conservation. They operate primarily through domestic statutes, policies, and programs. Typically, when a treaty is ratified, the state has an obligation for implementation. In some cases, the treaty in question may be entirely consonant with domestic law and practice, and thus be implemented exactly as domestic law. In other cases, while consonant in all material respects

Box 2. Bank projects, EA and international environmental agreements

Since the Bank's EA policy became effective in October 1989, relatively few EAs have analyzed compliance with international environmental agreements because projects that could violate such conventions rarely are considered for Bank financing. To the contrary, an increasing number of projects are intended to support implementation of conventions and improve countries' compliance with them. Below is a selection of proposed and ongoing projects where efforts have been made, as part of EA or in regular project preparation, to support compliance with international environmental agreements:

Philippines: Manila Sewerage II Project: Relevant agreement: London Convention (see below). Issue: Ocean disposal of septic tank sludge on a temporary basis until land-based treatment facilities are constructed. Actions taken: EA is analyzing the environmental impacts of the ocean disposal and identifying mitigation measures to minimize damage to the ocean environment and ensure compliance with the Convention. Public consultation is an important part of the EA process, to help design a project with broad public support.

Indonesia: Integrated Conservation and Development Project: Relevant agreement: Biodiversity Convention (see below). Issue: Protection and sustainable resource management in the Kerinci-Seblat National Park in Sumatra. Action taken: A regional EA study was done to ensure a project design that would protect biodiversity while improving living conditions and economic opportunities for local populations. (Bank and GEF Funding.)

Yemen: Safir-Hadramout Road Project: Relevant convention: Convention Concerning the Protection of the World Cultural and Natural Heritage (see below). Issue: The road right-of-way runs close to archaeologi-cally significant sites. Action taken: EA included a significance assessment of sites and specified measures to avoid impacts on significant cultural heritage. These measures were incorporated into the project.

Egypt: Northern Sinai Agricultural Development Project: Relevant agreement: Convention on the Conservation of Migratory Species of Wild Animals (see below). Issue: The project could affect Lake Bardawil International Protected Area, which is an essential habitat for many species of migratory birds. Action taken: A special Migratory Bird Study was carried out sponsored by the International Council of Bird Preservation. Preventive and mitigatory measures designed.

Organization of Eastern Caribbean States (OECS): Waste Management Project: Relevant agreement: MARPOL Convention (see below). Issue: Ocean dumping of ship-generated wastes. Action taken: The purpose of this project is to implement the Convention in the Caribbean region. (Bank and GEF Funding.)

with domestic law, the treaty may require the government to monitor or report on environmental conditions or natural resource degradation to an international body or another country; thus, the treaty may assign government authorities a new role in implementation (e.g., CITES reporting, toxic dumping reporting, CFC reporting). In addition, the treaty may require a material change in the domestic law.

Another implementation consideration resides with domestic agencies having implementation responsibility. While commonly it is the role of the Ministry of Foreign Affairs (or equivalent) to negotiate treaties on behalf of the country, once a multilateral treaty or agreement has been ratified, a technical agency will usually be responsible for implementation. Frequently, local capacity to deal with the technical complexities and reporting and enforcement requirements may lag far behind that anticipated during the treaty negotiation process. Therefore, an analysis of existing institutional capacity to implement treaty obligations may provide important information on whether compliance is practical and what measures might be necessary to obtain compliance.

Summaries of key agreements

Key international agreements are briefly summarized below. They are divided into two broad categories: "green" (flora and fauna, natural resources) and "brown" (pollution control and prevention). Additional agreements are listed in Box 3. For more detailed information, the reader should consult the references listed at the end of this *Update*.

Agreements related to biological diversity and natural habitats

Convention on Biological Diversity (Rio de Janeiro, 1992). This convention entered into force in 1993 and had 131 parties as of October 20, 1995. It seeks to ensure conservation of biological diversity and sustainable use of its components. It also promotes a fair and equitable sharing of the benefits that can be drawn from genetic resources. The Bank is one of the Implementing Agencies for channeling resources available from the GEF to viable biodiversity projects in developing countries and is engaged in project lending for environmentally sustainable development. The Bank may

assist parties to meet their obligations under the Convention, including for the following:

- development and implementation of national strategies, plans, or programs for the conservation and sustainable use of natural resources;
- integration of measures of conservation and sustainable use of natural resources into the relevant sectoral and cross-sectoral plans, programs, and policies; and
- promotion of developing country access to the results and benefits arising from biotechnologies based upon genetic resources provided under the Convention by its contracting parties.

At the project level, the Bank ensures that its lending operations comply with international obligations to protect biodiversity. EAs should take into account the impacts of proposed projects on a country's biodiversity.

A number of international agreements complement the Convention on Biological Diversity, including the following:

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington 1973). The Convention (CITES) has been in force since 1975 and had 130 parties as of November 20, 1995. It establishes lists of endangered species for which international commercial trade is either prohibited or, via permit systems, regulated to combat illegal trade and overexploitation. This convention seeks to ensure, through international co-operation, that the international trade in species of wild fauna and flora does not threaten the conservation of the species concerned and to protect certain endangered species from overexploitation by means of a system of import/export permits issued by a management authority under the control of a scientific authority. Each state must designate national management and scientific authorities to grant and review the Convention permits; records of permits granted are supposed to be sent annually to the Convention Secretariat for review. The Secretariat is provided by UNEP.

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn 1979). The Bonn Convention entered into force in 1983 and had 47 parties as of November 21, 1995. The Convention obligates parties to protect endangered migratory species and to try to conclude international conservation agreements for vulnerable species yet to be endangered. At least three such agreements have come into force. Some 50 migratory species are listed as "endangered" by the Convention, including four species of whales, several species of antelopes, 24 bird species, and six marine turtles. The Convention precludes commercial taking of listed species and encourages member states to conserve and restore habitat areas for migratory species. The fundamental principles of this Convention are the following: (a) parties acknowledge the importance of migratory species being conserved and of "Range States" agreeing to take action to this end whenever possible and appropriate, paying special attention to migratory species whose conservation status is unfavorable, and taking individually, or in cooperation, those appropriate and necessary steps to conserve such species and their habitat; (b) parties acknowledge the need to take action to avoid any migratory species becoming endangered; and (c) parties promote, co-operate in and support research relating to migratory species. The Secretariat is provided by UNEP.

The Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar 1971). Objectives of this Convention are to stem the progressive encroachment on and loss of wetlands now and in the future, recognizing the fundamental ecological functions of wetlands and their economic, cultural, scientific, and recreational value; and to co-ordinate international efforts for this purpose. The obligations under this Convention for contracting parties are limited. Requirements for Convention parties are that they: (1) specify at least one wetland on a List of Wetlands of International Importance; (2) encourage the wise use of wetlands regardless of whether they are on the list or not; (3) establish wetland nature reserves, cooperate in the exchange of information, and train personnel for wetlands management; and (4) cooperate in the management of shared wetlands and shared wetland species. As of November 20, 1995, there were 90 parties, with several poised to join in the near future, and 765 sites designated to the Ramsar list of Wetlands of International Importance, totalling just under 44 million hectares. The GEF has provided support for some projects. The Bonn Convention supports the Ramsar Convention in conserving aquatic and bird habitats. The Secretariat is provided by the International Union for Conservation of Nature (IUCN).

Agreements related to control and prevention of pollution

Framework Convention on Climate Change (New York, 1992). This Convention entered into force in 1994. It had 144 parties as of October 27, 1995 and seeks to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, within a time frame sufficient to allow ecosystems to adapt naturally to climate change, ensure that food production is not threatened, and enable economic development to proceed in a sustainable manner.

The Convention is important to the Bank for at least three reasons: (i) many of the countries with which the Bank works have ratified the Convention

and almost all of the Bank's member countries have signed it; and (ii) the Bank is a major source of financial and technical assistance to these and other developing countries for projects aimed at meeting the rapidly growing demand for energy, the sector that most profoundly contributes to greenhouse gas emissions.

Vienna Convention for the Protection of the Ozone Layer, including the Montreal Protocol on Substances that Deplete the Ozone Layer (Vienna, 1985). This Convention, in force since 1988, seeks to control human activities found to have adverse impacts on the ozone layer. It is supported by the Montreal Protocol, which had 151 parties as of May 9, 1995. The Montreal Protocol is supplemented by two amendments (London and Copenhagen), which commit the parties to take strong actions to sharply reduce and eliminate emissions of substances found to deplete the ozone layer. Under an agreement with the Multilateral Fund of the Montreal Protocol, the Bank is trustee of the Ozone Trust Fund (OTF). Like the climate and biodiversity conventions, this Convention is important for the Bank, because it assists the economic development process of most of the developing country parties to the Convention—a process that could potentially increase overall emissions of ozone depleting substances; the Bank also has a central role in the execution of activities funded by the GEF to provide financing for certain countries seeking to reduce ozone depleting substances.

In certain industrial sectors and for certain activities that emit ozone depleting substances, EA is useful to help avoid additional emissions of such substances and reduce and even eliminate existing emissions. If Bank resources are considered for investments (directly or through financial intermediaries) to address activities where ozone-depleting substances may be involved, EA TORs should specify that the EA must assess emission levels and help design measures to reduce and eliminate emissions. As in the case of climate change, however, successful and cost-effective reduction of ozone-depleting emissions will depend on a sound strategy for the country as a whole.

1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel, 1989). This global Convention entered into force in May 1992, and had 95 parties as of November 2, 1995. It seeks to control and reduce transboundary movements of hazardous wastes; minimize the hazardous wastes generated, ensuring their environmentally sound management, including disposal and recovery operations, as close as possible to the source of generation; and to assist developing countries in environmentally sound management of the hazardous and other wastes they generate. In the course of its implementation the contracting parties have agreed to take stricter measures, including a complete ban on exports of hazardous wastes from industrialized to developing countries.

The Bank will not finance projects in any of its borrowing countries that involve the disposal of hazardous wastes transported from another country. EAs for projects that may generate or involve transportation of hazardous wastes should carefully assess potential risks and impacts and help design ways to avoid, minimize and mitigate such risks and impacts. The EA should ensure that the project would comply with all rules and standards under the Convention, particularly with regard to any possible transboundary movement of hazardous wastes. The capacity of the borrower to comply with, and to monitor and enforce the Convention, should be carefully considered when a project has the potential to generate or involve transportation of such wastes.

United Nations Convention on the Law of the Sea "UNCLOS" (Montego Bay, 1982). This Convention entered into force on November 16, 1994 and has received 82 ratifications as of October 27, 1995. It operates as an umbrella agreement and seeks to establish a comprehensive legal order to facilitate international communication and promote peaceful uses of the oceans, rational utilization of their resources, conservation of living resources and protection of the marine environment. It also seeks to establish basic environmental protection principles and rules on global and regional cooperation, monitoring and environmental assessment.

The Convention emcompasses longstanding principles of customary law and covers all sources of marine pollution, including those from vessels. It allocates enforcement responsibility for vessel-source pollution among the *Flag State* (state of vessel registry), *Coastal State* (state whose coastal waters the vessel transits), and *Port State* (state whose ports, including off-shore terminals, are entered by the vessel).

Parties are committed to monitor any activities which they permit or in which they engage, in order to determine whether these activities are likely to pollute the marine environment. Results of such monitoring must be made available internationally. States are also committed to enforce national and applicable international standards, settle disputes by peaceful means, and adopt measures for the conservation of living resources. Countries should be supported in developing adequate monitoring and enforcement capabilities.

International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). This Convention has a narrower scope than the Law of the Sea Convention as it is limited to vessel-generated pollution. It had

95 parties as of November 20, 1995, including those with the largest fleets. It seeks to prevent, minimize and control marine pollution from ships.

The World Bank assists member countries in meeting their obligations under the MARPOL Convention. As part of Bank lending or along with the GEF's "International Waters" window, the Bank may assist countries with projects that reduce or eliminate pollution from ships. In addition, when funding ports and harbor projects, EAs should take into account existing or potential pollution problems from ship traffic.

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention). This Convention is closely linked with the Law of the Sea as well as to the MARPOL Convention. It had 74 parties as of November 21, 1995, and seeks to prevent indiscriminate disposal within the territorial sea of wastes liable to create hazards to human health, harm living resources and marine life, or interfere with other legitimate uses of the sea. The Convention prohibits dumping of certain wastes; requires a specific permit prior to dumping of other wastes; and demands a general permit for all other waste. In the future, the Convention may be extended to apply to "internal waters." (Some regional conventions already apply to internal waters. For example, the Convention on the Protection of the Marine Environment of the Baltic Sea Area was recently amended to include internal waters of the Baltic Sea area, which means "waters on the landward side of the base lines from which the breadth of the territorial sea is measured up to the landward limit according to the designation by the Contracting Parties." The Convention for the Protection of the Marine Environment of the Northeast Atlantic has also recently been amended to include internal waters, defining them similarly to the Baltic Sea convention, and noting that they extend "in the case of watercourses up to the freshwater limit.")

When a project supports activities likely to generate wastes covered by the Convention, the Bank should work with the borrower to determine an appropriate disposal strategy to ensure compliance with the Convention and to monitor compliance through the life of the project.

Convention on Long-Range Transboundary Air Pollution (LRTAP). This Convention entered into force in March 1983. Its objectives are to limit and, as far as possible, gradually reduce and prevent air pollution, including long-range trans-boundary air pollution. Its geographic scope is Europe (including Russia) and North America. As of November 2, 1995, 40 states were parties to the Convention.

The Convention is supported by specific protocols on: (a) monitoring and evaluation of long-range air pollution; (b) reduction of sulphur emissions; (c) control and / or reduction of nitrogen oxide emissions; and (d) control and reduction of volatile organic compounds.

When preparing projects in Central and Eastern Europe that may result in increased overall emissions of these substances, the EA should consider the local and transboundary effects and whether the project complies with the Convention.

Other relevant conventions

The Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris 1972). The Convention, in force since 1975, recognizes the obligation of all states to protect unique natural and cultural areas and recognizes the obligation of the international community to help pay for these resources. A World Heritage Committee, drawn from the 111 state parties, establishes and publishes the World Heritage List of sites of exceptional cultural or natural value. Under the Convention each party must (a) contribute to a fund to support these sites and related research (contributions are set at 1 percent of contributions to the annual budget of UNESCO); (b) recognize that the duty of identification, protection, conservation, and transmission to future generations of the cultural and natural heritage belongs primarily to that State; (c) integrate the protection of their heritage into comprehensive planning programs, set up services for the protection of their heritage, develop scientific and technical studies, and take necessary legal, scientific administrative, and financial steps to protect their heritage; and (d) assist each other in the protection of the cultural and natural heritage. The "List of World Heritage in Danger" covers sites threatened by serious and specific dangers. Its Secretariat is provided by UNESCO.

Bank guidance on cultural heritage and EA is provided by *Environmental Assessment Sourcebook Update* no. 8: *Cultural Heritage and Environmental Assessment*.

Regional Seas Conventions. The regional seas conventions and their protocols are part of a global network of treaties. The first of these conventions to enter into force was the *Convention for the Protection of the Mediterranean Sea against Pollution*, 1976. To date, seven other UNEP-supported Regional Seas Conventions have entered into force, all with the objective of protecting the marine environment in each of the geographically identified regional seas. Each convention is accompanied by at least one protocol providing coverage for a specific aspect of marine protection; such as a protocol to present marine pollution by dumping of wastes and other matter from ships and aircraft. Another prominent regional seas treaty is the Convention on the Protection of the Marine Environment of the Baltic Sea Area, which entered into force in 1980.

Box 3. Other Global and Regional Treaties

GLOBAL

- International Convention on Oil Pollution, Preparedness, Response and Co-operation (London 1990).
- International Tropical Timber Agreement (1994).

REGIONAL

- Regional Seas Conventions (eight Conventions under the auspices of UNEP - Abidjan, Barcelona, Cartagena, Jeddah, Kuwait, Lima, Nairobi, Noumea with protocols which involve the following areas: pollution from land-based sources, protection of the continental shelf, radioactive contamination, specially protected areas and wild flora and fauna, prevention of pollution by dumping from ships and aircraft, co-operation in combating pollution in cases of emergency).
- ASEAN Agreement on the Conservation of Nature and Natural Resources (Kuala Lumpur 1985).
- Convention on the Ban of the Import into Africa and the Control of Transboundary Movements of Hazardous Wastes within Africa (Bamako 1990) (expected to soon enter into force).
- Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area (1992)
- Paris Convention for the Protection of the Marine Environment of the North East Atlantic (1992).
- Convention on Environmental Impact Assessment in a Transboundary Context (Espoo, 1991) (expected to enter into force during 1996).

The Bank will not finance projects which are not in compliance with the Regional Seas Conventions and their protocols.

Sources of information

There are several periodically-updated publications on international treaties and agreements. Task Managers can obtain the most recent convention-related information for a particular country by consulting the Environment Unit (LEGEN) in the Bank's Legal Department. Identification of national environmental obligations under public international law generally requires the assistance of legal experts in the country concerned. Typically, the Ministry of Justice and / or Ministry of Foreign Affairs (or equivalent) can provide assistance identifying these obligations. These government offices also maintain a list of international and bilateral agreements to which the state is a party. With this list, it is possible to identify obligations which may have a relationship to proposed development projects both with respect to specific sites (e.g. protected areas) as well as to specific projects (e.g. obligation to eliminate ozone-depleting substances). LEGEN and the assigned country lawyer can help identify and work with local lawyers to review details of particular treaty obligations and their implications for proposed projects.

For further reading

I. F. I. Shihata. 1994. The World Bank and the Environment: *Legal Instruments for Achieving Environmental Objectives*. Chapter 5 in Shihata, *The World Bank in a Changing World*, Volume II, (Martinus Nijhoff Publishers, 1995). See also I. F. I. Shihata 1992 *The World Bank and the Environment: A Legal Perspective*. 16 Maryland Journal of International Law and Trade 1 (1992) based on Chapter 4 in Shihata, *The World Bank in a Changing World*, Volume I (Martinus Nijhoff, 1991).

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This *Update* was prepared by Charles Di Leva and Olav Kjørven. Based on Bank policy and procedures on environmental assessment (EA) (Operational Directive 4.01), the *EA SOURCEBOOK UPDATE* provides up-to-date guidance for conducting EAs of proposed projects. This publication should be used as a supplement to the *Environmental Assessment Sourcebook*. Please address comments and inquiries to Olav Kjørven, Managing Editor, EA Sourcebook Update, ENVLW, The World Bank, 1818 H St. NW, Washington, D.C., 20433, Room No. S-5123, (202) 473-1297. The Bank is thankful to the Government of Norway for financing the production of the *EA Sourcebook Update*.