Long-range Transboundary Air Pollution: New Protocol

by Harm Dotinga*

A new multi-effects and multi-pollutant Protocol to the 1979 Convention on Long-range Transboundary Air Pollution is being negotiated within the Working Group of Strategies of the Executive Body of the Convention. This Protocol is intended to strengthen the commitments contained in the existing Protocols to the Convention, in particular those dealing with the control of emissions of nitrogen oxides and volatile organic compounds.

The new agreement will be the eighth Protocol to the Convention. The five Protocols that have entered into force include the 1984 Protocol on the European Monitoring and Evaluation Programme (EMEP); the 1985 Protocol on Reductions of Sulphur Emissions; the 1988 Protocol concerning the Control of Nitrogen Oxides; the 1991 Volatile Organic Compounds Protocol; and the 1994 Oslo Protocol on Further Reductions of Sulphur Emissions. Recently, two more Protocols on Heavy Metals and on Persistent Organic Pollutants (POPs) were adopted at a special session of the Executive Body in June 1998.

Although the States Parties to these Protocols have committed themselves to significant reductions of their emissions of the pollutants involved, the existing measures are still considered insufficient to resolve the environmental, human health and other problems caused by these substances in the long-term. Hence the need for a new Protocol.

The new agreement, which has been characterized as a “second-generation” Protocol, will deal simultaneously with emissions of nitrogen oxides, volatile organic compounds and ammonia and their combined environmental effects. The agreement will build on the commitments contained in the first generation of Protocols dealing with these substances, which applied a single-substance approach. Whether the new Protocol will be extended to include also further reductions of sulphur emissions beyond those required under the 1994 Oslo Protocol is still under consideration.

The rationale for applying a combined and coordinated approach in the new Protocol is to improve the cost-effectiveness of adopted measures and to allow better consideration of the national interests and priorities of the States Parties. The Protocol will apply the “critical loads-approach” (an approach also used in the 1994 Oslo Protocol for sulphur emissions) and will establish differentiated emission reductions based on the effects of the pollutants. On a step by step basis and subject to a review process, each party will be required to reduce its emissions of these substances to limits established under the Protocol by a specified target year.

Progress towards the adoption of the new Protocol was discussed at the most recent meeting (sixteenth session) of the Executive Body for the Convention, which was convened from 8 to 11 December 1998.

At this session the Executive Body also adopted a decision on the review foreseen under article 8 of the 1994 Oslo Protocol on Further Reduction of Sulphur Emissions, a direct result of the entry into force of this Protocol on 5 August 1998. This decision concerns the review of information supplied by the Parties to the Protocol and by EMEP and the evaluation of data on the effects of depositions of sulphur and other acidifying compounds. It also comprises a review of compliance by the Parties with their obligations in relation to the calculated and internationally optimized allocations of sulphur emission reductions, the adequacy of the obligations and the progress made towards the achievement of the Protocol’s objectives. In view of the fact that many elements of this review are or will be considered during the negotiations for the new multi-effects and multi-pollutant Protocol, the Working Group on Strategies was requested to perform this review in cooperation with the Implementation Committee and to present their findings at the next meeting of the Executive Board.

* Research Associate, Netherlands Institute for the Law of the Sea (NILOS), Utrecht University, Institute for Public International Law.
The Implementation Committee was established under the 1994 Oslo Protocol and its structure and functions were set out by a subsequent decision of the Executive Board adopted at the fifteenth session (1997/2). The main task of this new committee is to review and report on the implementation of the 1994 Oslo Protocol and compliance with the obligations contained in this Protocol as well as the other Protocols.

The negotiations for the new multi-effects and multi-pollutant Protocol are expected to be concluded by the end of 1999.

### UNEP

#### Governing Council: 20th Session

The twentieth session of the Governing Council of the United Nations Environment Programme (UNEP) was held at UNEP headquarters, Nairobi from 1–5 February, 1999. This was the first meeting of the Council since the adoption of the Nairobi Declaration on the Role and Mandate of UNEP, the UN General Assembly Special Session to review the implementation of Agenda 21, and the appointment of Klaus Töpfer as UNEP Executive Director.

Approximately 600 delegates, including ministers and senior government officials from over 100 countries, as well as representatives from environmental non-governmental organisations (NGOs), UN agencies, international organisations, business and industry, and youth organisations attended the week-long meeting.

The session was opened by Sid-Ali Ketranji (Algeria), Vice-President of the Council at its nineteenth session.

Shafqat Kakakhel, UNEP Deputy Executive Director, read a message to delegates from Kofi Annan, United Nations Secretary-General in which the Secretary-General noted that the 53rd session of the UN General Assembly (see also page 64), had reaffirmed the role of UNEP as the UN’s principle environmental body. He remarked that the General Assembly had yet to take a decision on the recommendations of his Report on Environment and Human Settlements, and emphasised the importance of the Governing Council’s discussions on reform. The Secretary-General noted linkages between environment, sustainable development, poverty eradication and peace making. He stressed the need for a solid manifestation of the UN in Africa, and the importance of a strong and defined role for UNEP within UN reform.

The opening meeting was also addressed by representatives of youth organisations, who referred to the call to youth in Agenda 21 to participate actively in environmental matters and pledged their commitment to mobilise youth in their own countries to work for the good of the environment. To this end, their forum had established a youth advisory council for UNEP, which would facilitate the involvement of youth in all aspects of the Organisation’s work, including in the negotiation and preparation of environmental legislation and treaties and the formulation of work programmes.

The representative of Venezuela read out a statement from Arnoldo Gabaldon (Venezuela), President of the Council at its nineteenth session. He recalled that he had assumed the presidency at a time of crisis for the Organisation and noted, with gratification, that UNEP had largely overcome that crisis over the intervening two years, thanks to such measures as the adoption of the Nairobi Declaration on the Role and Mandate of UNEP taken at the 19th Session of the Governing Council; the strengthening of the Committee of Permanent Representatives; and the establishment of the High-Level Committee of Ministers and Officials.

Sid-Ali Ketranji then addressed the Council. He said that the forthcoming session marked an important stage in the process of change and renewal of UNEP. The proposed programme of work for the period 2000–2001 aimed to give effect to the reforms instituted by the Executive Director and included among its areas of focus support for Africa and the addressing of regional concerns. He stressed that UNEP must be given the necessary financial resources to perform its role as a global moral authority and efficient instrument in the field of the environment. In that respect, he welcomed the strengthened coordination between UNEP and the Global Environment Facility (GEF), and drew attention to the important task faced by the Council at its current session in preparing the UNEP contribution to the forthcoming session of the Commission on Sustainable Development (CSD).

Francis Nyenze, Minister for Environmental Conservation of the host country, welcomed all participants on behalf of the people of Kenya. He urged delegates to look for all possible ways and means of further enhancing the role of UNEP as the principal United Nations body in the field of the environment by supporting it with adequate, stable and predictable funding.

The Council then heard a statement from Executive Director Klaus Töpfer, in which he praised the invaluable efforts of the Committee of Permanent Representatives (CPR) in the preparations and discussions over the months leading up to the current session.

The areas of concentration agreed by the Council at its fifth special session remained of key relevance, he