

Preface and Acknowledgements

This book grew from shared interests in international and regional law, global governance and environmental regimes. Each of us had recently completed a book project: *Transboundary Environmental Governance: Inland, Coastal and Marine Perspectives* (Marsden, with Warner, Ashgate Publishing, 2012); *Global Approaches to Site Contamination Law* (Brandon, Springer, 2013); and we wanted to collaborate on another, building on and developing this work.

Before commencing the book, Marsden had experience with several of the United Nations Economic Commission for Europe (UNECE) agreements (Environmental Impact Assessment (*EIA*), Strategic Environmental Assessment (*SEA*), and *Public Participation*, and developing interests in the *Water*, and *Water and Health* agreements); Brandon had experience with pollution and contamination regulation, which made enquiry into the remaining agreements very practical (*Pollutant Release and Transfer Registers*, *Industrial Accidents*, *Civil Liability*, and *Air Pollution*). The division of labour was therefore logical and straightforward, with collaboration on the remaining chapters to pull it all together.

It became apparent early on that, other than consideration of the relationship between two of the agreements (typically the *EIA* and *Public Participation* treaties), there had been no scholarly work on the combined effect of all of the agreements. The majority of existing research was also Europe focused, where most of the members of the UNECE are located. The focus on Asia came from the interests of each of us in the region in general and previous research. It became a practical prospect given UNECE membership of states in the Caucasus and central Asia, other UNECE Asian members with involvement in the development of one or more of the agreements (Turkey), or indeed those who had perhaps signed if not ratified the various agreements (Russia). The fact that Turkey and Russia are both European and Asian states is furthermore illustrative of the Eurasian dimensions of the UNECE.

The specific focus on practice made excellent sense given that implementation and compliance is the weakest part of environmental law, whether internationally or domestically. The fact that almost all of the agreements had provision for – either in the treaty text or as a result of

decisions of the meetings or conferences of the Parties – periodic reporting of implementation together with a non-compliance procedure, also indicated the potential for comparative analysis. Central Asia was suggested by one of the reviewers of the proposal as a case study for the combined effect of the agreements, which, as a fast-developing region emerging from the former Soviet Union, could potentially highlight challenges applicable elsewhere.

As to prospects, the global opening of the *Water* and *EIA* conventions in 2013 and 2014, and interest shown in these by non-UNECE Asian states suggested there was significant potential to give consideration to the broader application of the agreements, both in parts of Asia not part of the UNECE and globally. The absence of treaty-making efforts by the other four United Nations regional commissions, the interest shown by other states in some of the agreements (particularly the *EIA*, *SEA*, *Public Participation* and *Water* agreements); and the clear need for improved transboundary environmental governance in relation to the others (*Air Pollution* and *Industrial Accidents*) not open to global membership, suggested this should also form a key part of the deliberations.

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The manuscript was completed in September 2014 in Adelaide and Hong Kong and is dedicated to our parents:

Edward and Sylvia Marsden, and Trevor and Jan Brandon.