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Ad Hoc Preparatory Working Group of Senior Officials
“Environment for Europe”
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(Item 5 of the provisional agenda)

CONCEPTUAL FRAMEWORK FOR THE KIEV CONFERENCE

Note by the secretariat^{1/}

Introduction

1. The Working Group, at its first session in September 2000, had an extensive discussion of issues that might constitute the agenda for the Kiev Ministerial Conference. The discussion was based on a secretariat note CEP/AC.11/2000/4 and Addendum 1 as well as information by various actors involved in the “Environment for Europe” process. While the Working Group decided to keep the agenda open until substantive progress had been made on individual issues, there was wide agreement that the integration of environmental considerations into sectoral policies could serve as an overarching theme for the Conference as a whole.
2. The integration of environmental policy with other policies is a key strategic tool to promote sustainable development in accordance with Agenda 21. The Environmental Programme for Europe that was endorsed by the 1995 “Environment for Europe” Conference to make Agenda 21 more operational in the European context, establishes that environmental policy should be the concern of the entire Government and that all governmental levels should set an example by reducing the adverse environmental impact of their own activities. One of its key recommendations is to

^{1/} Prepared in cooperation with the Government of Ukraine.

ENSURE the integration of environmental considerations into decision-making, including the consideration of environmental costs and benefits and the assessment of risks involved and the application of the precautionary principle in all key sectors, and TAKE FURTHER STEPS to promote partnerships between ministries, parliaments, business and industry, non-governmental organizations (NGOs) and other major groups. (ECE/CEP/25).

3. At the 1998 “Environment for Europe” Conference, the Ministers re-confirmed that further integration of environmental considerations into policies in all sectors was of critical importance to the improvement of the environment. They agreed furthermore that the “Environment for Europe “ process should focus more of its resources on the Newly Independent States (NIS) and those countries of central and east Europe not included in the European Union pre-accession process, to promote a convergence in environmental policies and conditions within the European region (ECE/CEP/41, paragraphs 2 and 4).

Towards a Kiev agenda

4. For different reasons integration has proven to be difficult in many countries: (i) there is a lack of understanding of the added value of integration, particularly among the NIS; (ii) there is often a lack also of high-level political support; (iii) the sectoral administrations have little environmental expertise; (iv) there may be disagreement on the environmental priorities and environmental impacts; (v) there are no effective methodologies and mechanisms to implement the integration at different levels; (vi) the sectoral authorities are most interested in the outcome of their prime responsibilities, and are not necessarily aware of or concerned with environmental impacts; and (vii) there is often a lack of sectoral expertise in the environmental administrations.

5. Various approaches have been applied in different parts of the region to resolve these difficulties and to implement policy integration in practice. The key issues are integrated decision-making at the national and local levels, integrated decision-making through multilateral environmental agreements with a focus on compliance, and integration through active involvement of major groups like industry, environmental citizens’ organizations and youth. All positive experience gained so far should be pooled to offer NIS and other countries in transition effective practical ways to promote integrated planning and decision-making at various levels.

6. There is the need for the Kiev Ministerial Conference in 2003 to send a strong political message on policy integration to all countries concerned. It should represent a combination of general and specific commitments and recommendations. These should be targeted primarily at national environmental administrations and should assist those involved in developing national policies, plans and programmes, and in cooperating with the main economic sectors. At the same time, it should encourage strong social pressure on economic sectors to integrate environmental considerations into their policies.

7. It is proposed that the agenda for the Conference would cover the main integration issues as follows:

- (a) Strategic environmental assessment ;
- (b) Integrated land-use planning: biodiversity, mountains, agriculture and transport;
- (c) Improving compliance with international obligations;
- (d) Information for integrated decision-making;
- (e) Strengthening industry's responsibility and involvement;
- (f) Public awareness and participation.

8. Work has already begun to prepare substantive contributions on the above-mentioned issues. These will be in the form of legally binding instruments, policy recommendations or progress reports. Some earlier expected contributions such as an instrument on transport, environment and health may not be ready in time for the Kiev Conference. At the same time, the Working Group of Senior Officials may wish to suggest additional inputs to the Kiev Conference.

9. The Working Group may consider clustering the discussion points and individual contributions as follows:

A. Strategic environmental assessment

10. The application of the principles of environmental impact assessment to strategic decision-making may further strengthen the systematic analysis of the environmental effects of proposed policies, plans, programmes and legislation and thus promote integrated decision-making. Strategic environmental assessment that has been successfully introduced in a number of countries in the region can put the main responsibility for implementation of environmental targets on the sectors themselves. This instrument is of critical importance to all countries, but it may have particular relevance to the NIS and other countries in transition as they undergo privatization and decentralization as well as try to address a number of social issues.

11. A protocol to the Espoo Convention on strategic environmental assessment is expected to be ready for adoption and signature in Kiev. Furthermore, the Working Group may wish to accept the proposal of the European Eco-Forum to organize a round-table between the Ministers and environmental citizen's organizations on mainstreaming the environment in sectoral policies.

B. Integrated land-use planning: biodiversity, mountains, agriculture and transport

12. Land-use planning is increasingly recognized as a powerful tool to integrate environmental consideration into regional development, agricultural and urban policies. It has a great potential of bringing together economic, social and environmental interests and stakeholders and to offer effective solutions for environmentally sound development of urban and rural areas. Integrated land-use planning can be particularly instrumental for the conservation of biological and landscape diversity, protection and sustainable management of mountain areas and coastal zones, and for the promotion of environmentally sound agricultural practices and

urban transport. This is especially important for NIS and some other transition economies where legal and illegal land privatization poses significant risks to biodiversity, forests and water-protection areas.

13. The Kiev Conference could discuss a pan-European Biological and Landscape Diversity Strategy to be revised by the Strategy Council to better integrate biodiversity strategies with land-use planning, pollution control and sectoral policies. The Ministers might also consider the outcome of the High-level Conference on Biodiversity and Agriculture to be convened by the Strategy Council in France in July 2002. The Carpathian and Caucasian States are expected to develop instruments on sustainable development of the respective mountain regions for adoption in Kiev on the occasion of the "Environment for Europe" Conference.

14. Guidelines on urban-transport management and land-use planning could be presented to the Ministers for endorsement and a side event might be organized with the participation of mayors from cities involved in the relevant project. The Ministers might also discuss the issue of the preparation of more effective tools, including binding regional legislation, to tackle the environment and health problems caused by transport.

C. Improving compliance with international obligations

15. New international agreements (e.g. protocols on transboundary air pollution and water and health, and conventions on environmental impact assessment and on industrial accidents) have been developed that impose region-wide environmental obligations on other sectors. However, even though this is a clear indication of progress, the difficulties of some parties, particularly among NIS, in ratification of and compliance with these agreements, weaken overall implementation.

16. Guidelines on strengthening compliance and enforcement under preparation by the Task Force led by the Netherlands could be submitted to the Ministers for endorsement. They could discuss possible additional measures to broaden participation in and strengthen implementation of the regional and sub-regional agreements that promote the integration of environmental considerations into sectoral policies and ensure a substantive reduction in adverse environmental impacts.

17. Progress reports might be made available by secretariats of relevant environmental conventions.

D. Information for integrated decision-making

18. Needs for integrated information on environmental conditions, driving forces, and policy effectiveness are felt at all levels from senior decision makers in government to individual citizens who are concerned about their health or living conditions. It is crucial that a reliable and up-to-date system of economic, social and environmental information is developed to underpin the drafting and evaluation of policies. This is particularly important for NIS and some other

transition economies where compartmentalized environmental monitoring and lack of integrated indicators hinder the supply and flow of information to decision-makers.

19. A Kiev Assessment Report, to be prepared by the European Environment Agency in cooperation with the Ad Hoc Working Group on Environmental Monitoring, will be submitted to the Kiev Conference together with a series of recommendations to Governments in countries in transition on environmental monitoring and indicators resulting from the Working Group activities. Countries may wish to use this Assessment Report as a basis for a further assessment of the benefits of integration, both in OECD and non-OECD countries of the region and assess the possibility of developing guidelines for policy integration.

20. A progress report might be made available on the implementation of the Environmental Performance Review Programme for countries in transition. The Task Force on the Implementation of the Environmental Action Programme for Central and Eastern Europe and the Project Preparation Committee might be invited to prepare progress reports on the Aarhus decision to refocus their activities on NIS. The preparation of these reports might facilitate, *inter alia*, a discussion among the NIS of their specific problems and needs, and possible submission to the Conference of a common document.

E. Strengthening industry's responsibility and involvement

21. Business and industry have a special responsibility for ensuring environmentally friendly production methods, products and services, taking into consideration environmental effects at all stages of the product life cycle. Various approaches have been applied (e.g. enterprise environmental reporting and management systems) to improve environmental performance of industries. Furthermore, legal regimes have been established in many countries to make those who cause injury to persons or their property, contaminate sites or cause damage to biodiversity legally liable. For NIS and some other transition economies these issues are of priority together with the establishment of liability for past pollution in the privatization process.

22. A legally binding instrument on civil liability for transboundary damage caused by industrial accidents will be elaborated under the Conventions on Protection and Use of Transboundary Watercourses and International Lakes and the Convention on the Transboundary Effects of Industrial Accidents. A protocol under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) will also be ready in time for the Kiev Conference. This Protocol on Pollutant Release and Transfer Registers would require companies to report to the public on their polluting emissions.

23. The Ministers may wish to discuss opportunities for improving environmental management in enterprises, with a special focus on enterprises in NIS. Following the experience in Aarhus, a dialogue with prominent representatives of the business sector could be organized on the promotion of public-private partnerships to achieve common environmental objectives.

24. Progress reports would be submitted on the implementation of the Pan-European Strategy to Phase Out Leaded Petrol and the energy-related decisions of the Aarhus Conference.

F. Education and public participation

25. Countries in the region recognize the need to improve education systems to provide children and adults with tools to examine linkages among economic, social and environmental issues, and to design learning programmes to assist people of all ages in gaining a better understanding of how to integrate environmental concerns into decision-making, consumer choices and individual behavior. Active involvement of major groups, including environmental non-governmental organizations (NGOs), consumer groups and youth, is widely considered as indispensable for achieving policy integration. Promotion of the Aarhus Convention principles into decision-making at the international level is a priority.

26. The Working Group might launch the preparation of a charter on environmental education as was originally proposed by the host country of the Kiev Conference and supported by NGOs. Such a document would contain practical recommendations for relevant public authorities, particularly in NIS and other countries in transition. The charter may be supplemented by an action plan to move forward its implementation without delay. The Working Group may also consider the organization of a possible side event in conjunction with the Kiev Conference with participation of youth representatives.

27. Following a joint meeting on public participation of the Bureaux of the regional environmental conventions and the UNECE Committee on Environmental Policy held in June 2001, the Committee is expected to decide, at its session this September, to develop guidelines on public participation in international environmental decision-making. These guidelines might be submitted to the Kiev Conference for endorsement.

28. A progress report would be made available on the implementation of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention).

29. The ministerial declaration of the Kiev Conference (accompanied by legally binding and soft law instruments) would constitute a high-level policy message of participating countries on policy integration. The declaration would be finalized when the form and substance of other conference documents become clearer.