UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

CEP/2004/5
5 August 2004

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

COMMITTEE ON ENVIRONMENTAL POLICY
(Eleventh session, Geneva, 13-15 October 2004)
(Item 4 (a) of the provisional agenda)

MAJOR POLICY ISSUES EMERGING FROM THE CURRENT ENVIRONMENTAL PERFORMANCE REVIEWS

Report by the secretariat

Summary

1. At its eleventh session, the Committee on Environmental Policy will review the environmental performance of Bosnia and Herzegovina and of Tajikistan. This review will comprise a number of issues related to the framework for environmental policy and management, the management of pollution and natural resources, and economic and sectoral integration. It will also include a round-table discussion on 13 October, when the Committee will discuss two of the important cross-cutting policy issues emerging from these two environmental performance reviews. Both countries present similarities in their recent history with economic and environmental consequences. In particular, two issues will be discussed during the round table:
(a) The integration of the environment into other sectors, with an emphasis on institutional arrangements for environmental policy development and implementation; and
(b) Regional and subregional cooperation.

Introduction

2. The Committee on Environmental Policy will review the environmental performance of Bosnia and Herzegovina and of Tajikistan at its eleventh session.

3. During the meeting of the Ad Hoc Expert Group on Environmental Performance, scheduled for 13-15 September, in Geneva, experts will conduct a detailed review of the environmental performance of these countries. The topics to be covered for each country are listed in the annex.

4. The findings of the Ad Hoc Expert Group will be presented to the Committee on Environmental Policy during its eleventh session. On 13 October, in the afternoon, the Committee will have the opportunity to address any of the issues raised in the context of the environmental performance reviews (EPRs). This paper is intended to provide a basis for discussion.

I. BACKGROUND

5. Bosnia and Herzegovina and Tajikistan are quite different in many ways, but they do have some experiences in common: they were both constituent parts of larger unions (the Socialist Federal Republic of Yugoslavia and the Soviet Union, respectively); they were both among the poorest republics within their unions; and they both went through protracted civil wars, which have had a significant impact on their social and economic development.

6. As a result, the two countries have initially been handicapped in dealing with the difficult tasks of nation-building, particularly that of establishing a national identity. Both countries are striving towards reconciliation and the establishment of stable, democratic societies.

7. Prominent environmental concerns facing both of these countries today are:

- The management of biodiversity;
- Waste management, including hazardous and radioactive waste;
- Water management, including transboundary water;
- Moribund industries;
- Transport and urban air pollution;
- Emigration and internal migration (internally displaced persons); and
- Land degradation.

In addition, each country is facing specific problems (see annex). All will be discussed in depth during the expert review. The full EPR reports (CEP/2004/3 and 4), with recommendations, are before the Committee.

8. This paper examines two cross-cutting issues important for both countries as well as for many other countries in the region:

(a) The integration of the environment into other sectors, with an emphasis on institutional arrangements for environmental policy development and implementation; and

(b) Regional and subregional cooperation.

II. INTEGRATION AND INSTITUTION-BUILDING

9. Integrating environmental concerns and priorities into other sectors involves a range of tools, from policies, legislation and economic instructions to privatization, education and public participation. Paramount is the way in which the environmental administration is organized in a country, since such organization may define its national status, its relationship to other ministries and committees, its ability to attract or generate funding and its capacity to implement.

10. Both Bosnia and Herzegovina and Tajikistan are in institutional flux, and the decisions that are made now will have a significant impact on their success in integrating the environment into overall decision-making.

A. Bosnia and Herzegovina

11. Bosnia and Herzegovina was divided by the Dayton Agreement into two entities: the Federation of Bosnia and Herzegovina and Republika Srpska, and, in 2002, the District of Brcko was put directly under State administration. Under the State's and the entities' constitutions, almost all environmental powers are delegated to the entities. Consequently, until recently, environmental action was carried out by the entities.

12. In this regard, the country has made considerable progress. The entities, acting both individually and through the Inter-entity Steering Committee for the Environment established in 1998, have harmonized and passed a series of six laws, addressing environmental, air, water and nature protection, waste management and the establishment of an environmental fund.

13. The entities have also adopted a number of strategies, but, with the exception of the National Environmental Action Plan (NEAP) and the State Strategy for Solid Waste Management, these differ by entity. For example, the Federation of Bosnia and Herzegovina has a 2002 framework for an energy strategy, but Republika Srpska has not yet developed anything comparable. On the other hand, while the Federation of Bosnia and Herzegovina has no strategy for the development of the tourist industry, Republika Srpska has a long-term tourism development strategy for the years 2002 to 2020. Both entities have individual national environmental health action plans.

14. Decision-making within each entity also differs. The Federation is highly decentralized, with ten cantons and 84 municipalities. Republika Srpska is more centralized; it has no cantons and only 65 municipalities.

15. In view of the complexity of the administration, the country has achieved much. However, the greater challenge thus far has been to integrate environmental decision-making within each entity and across entities rather than to integrate it with other sectors.

16. The situation is beginning to change. The National Steering Committee for Environment and Sustainable Development was set up in 2002. The Poverty Reduction Strategy, or Mid-term Development Strategy (2004-2007), adopted at the State level in 2004, has identified a number of sectoral environmental concerns. And the State Council of Ministers decided in 2002 to draft a State strategy for environmental protection and sustainable development.

17. In addition, efforts have been under way to establish an environmental protection agency. In July 2004, a memorandum of understanding (MoU) on water institutional strengthening was signed between the Council of Ministers of Bosnia and Herzegovina (represented by the State and each of the two entities) and the Commission of the European Communities in which Bosnia and Herzegovina agreed to establish an environment agency at the State level. The MoU

identifies a number of specific obligations for the agency that deal with water management, but it also leaves open the question of what other obligations the agency might have.

B. Tajikistan

18. Tajikistan has a strong central Government responsible for environmental decision-making. It has made significant progress in adopting several national integrative programmes, including the 1996 State Environment Programme for 1998-2008, the 1996 State Programme on Environmental Education for the period 2000 to 2010, the 2003 National Strategy and Action Plan on the Conservation and Sustainable Use of Biodiversity, the 2003 National Action Plan for the Mitigation of Climate Change, and the 2001 National Action Programme to Combat Desertification.

19. Institutionally, however, Tajikistan is also in the process of change. In January 2004, the Ministry of Nature Protection was abolished and replaced by the State Committee for Environmental Protection and Forestry. A number of competing explanations were put forward for this change: some suggested that it was a response to an external demand for fewer ministries in the Government; some, that it was a move to strengthen environmental coordination, since State committees theoretically have greater coordination powers than ministries; others, that the change had no meaning at all. Whatever the reason, the fact is that the State Committee has had to devote much of its attention in 2004 to organizing itself.

20. Consequently, it has not yet begun to coordinate interministerial environmental activities, nor is its final structure clear. Moreover, the functions of the State Committee were expanded from those of the Ministry with the addition of forestry responsibilities. The particular challenge is this: forestry involves not only the protection of the forests but also a large number of production enterprises and approximately 2,000 staff (as opposed to around 400 for all other functions). The forestry inspectorate (State forestry guards) has also developed independently, and its relationship with the other environmental inspectorates (water, air, animals and plants, land and waste) needs to be defined.

Issues for discussion

Countries are invited to share their experiences on institutional arrangements to promote integration and environmental policy development and implementation:

1. Is it useful to combine policy-making and implementation functions with commercial enterprises within a State ministry or committee? What is the best approach to such an organization, particularly to ensure that there is no conflict of interest? What is the best way to integrate functions so that the ministry or committee operates in a coherent and holistic manner?
2. What is the role of a ministry compared to other possibilities for organizing national environmental decision-making, such as a State committee? What are the relative advantages and disadvantages of the different modes of organization?
3. What are the more useful ways to address environmental management, coordination and international relations at the State level in a decentralized system?
4. What should be the role and functions of an environment agency in a centralized system? In a decentralized system?

III. REGIONAL AND SUBREGIONAL COOPERATION

A. Bosnia and Herzegovina

21. Since the signing of the Dayton Peace Agreement, there has been considerable bilateral and multilateral support for Bosnia and Herzegovina. The high presence and support of the international community have exerted a particularly strong influence on the country's efforts to establish an appropriate institutional infrastructure and to initiate activities for environmental management.

22. Subregional cooperation through the Regional Environmental Reconstruction Programme (REReP) has been important, particularly for improving cooperation with neighbouring States.

23. More recently, the country's relationship with the European Commission has taken centre stage. The completion of the "road map to Europe" for EU integration and rapid progress in the Stabilization and Association Process have been declared top priorities by the Government of Bosnia and Herzegovina and were "substantially completed" in September 2002. The next stage in this process will be a feasibility report to assess whether the country is ready to open negotiations on a stabilization and association agreement.

24. If it is to catch up with its neighbours, Bosnia and Herzegovina must accelerate reform and develop truly self-sustaining structures. For the environment this would include, for instance, approximation to the EU body of environmental laws and policies, resource management and pollution control. It could also presuppose more centralized authority for environment, at the very least for international commitments and coordination between the entities.

25. Considerable support is being provided by donors, including the European Commission, for this process. However, the main responsibilities lie with the country's political authorities and the people themselves. The reforms required to adopt European standards will be costly. According to a World Bank estimate, full implementation of EU environmental law will cost the applicant countries €50 to 100 billion over the next decade.

B. Tajikistan

26. The most prominent concern of environmental transboundary significance for Tajikistan is water. The five Central Asian republics – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan – share the waters of the Syr Darya and Amu Darya basins. The current water allocation system was established by the Soviet Union when the water resources were allocated to favour the development of irrigation farming in downstream countries. Water regulating facilities were constructed on the territories of the upstream countries, Tajikistan and Kyrgyzstan, to supply water to the lower reaches. Development of irrigation farming in the upstream countries was less developed and in compensation, they received energy resources, agricultural and industrial products. At independence, the former principles of water allocation stayed in force, as agreed among the five countries, but Tajikistan, as an upstream country, was deprived of the previous compensation. As a result, conflicting national economic priorities have led to clashes of interest over discharge schedules.

27. The water regime in the Syr Darya basin has been the main subject of negotiations among the Governments for over a decade. Protocols and agreements have been signed annually since 1995. This has not solved the problem, however. Conflicting energy and irrigation needs of the five States have made compliance difficult, leading to calls for further negotiations.

28. In addition, the current approach has not taken sufficient account of a number of environmental problems in the watershed. Specifically, the following issues have been recognized as crucial and requiring joint action: (a) the conservation of glaciers and the feeding of rivers by glaciers; (b) the stability of mountain forests, which play a crucial role in river flow patterns; (c) the erosion of mountain slopes; (d) waterlogging of land caused by reservoirs and irrigation in areas generating run-off; (e) land subsidence in areas with loess soils and measures to prevent it; (f) safe operating conditions of industrial and municipal waste dumps, including the prevention of leaks of radioactive, toxic and other harmful substances into surface water and groundwater; and (g) the prevention of mudflows and their consequences for the environment.

29. Agreements on specific issues might be facilitated through the adoption by the Central Asian States of a regional water strategy that would provide a common perspective on the allocation and the rational use and conservation of water resources.

Issues for discussion

Countries are invited to share their experiences on subregional and regional cooperation.

1. Both Bosnia and Herzegovina and Tajikistan are struggling with poverty, unemployment, and post-conflict reconstruction. Overcoming these problems requires focus and substantial resources. What are the benefits to be derived from strengthening subregional and regional cooperation? What is the best way to respond both to domestic needs and regional concerns?
2. Subregional cooperation both in South-Eastern Europe and in Central Asia has advanced over the past few years, but it has been particularly strong in South-Eastern Europe. Among other driving forces has been the role of the Stability Pact and its Regional Environmental Reconstruction Programme. Are there lessons to be learned from this experience that could be useful to strengthening water and environment cooperation in Central Asia?

Annex

CONTENTS OF ENVIRONMENTAL PERFORMANCE REVIEWS