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**ECONOMIC COMMISSION FOR EUROPE**

**COMMITTEE ON ENVIRONMENTAL POLICY**

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**PROPOSALS FOR KIEV GUIDELINES FOR  
ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT**

Introduction

By letter of 17 July 2000, the Government of the Netherlands submitted a proposal for “Kiev guidelines for environmental compliance and enforcement.” The Government of the Netherlands further requested that this proposal should be submitted to the Committee on Environmental Policy for its consideration.

The Committee on Environmental Policy may wish to take this proposal into consideration for possible future work. Attention is drawn in particular to the suggestion of the Netherlands to establish an ad hoc task force to prepare draft guidelines on environmental compliance and enforcement for the UN/ECE region with a view to their adoption at the Fifth Ministerial Conference ‘Environment for Europe’ (Kiev, 2002). The Committee may also wish to bring the proposal to the attention of the Working Group of Senior Officials at its first meeting, on 29 September 2000.

The full text of the proposal follows.

Project proposal dated 14 July 2000  
Kiev guidelines for environmental compliance and enforcement

Earlier ministerial decisions

1. At Aarhus, Denmark, on June 25, 1998 the Environment Ministers concluded (ECE/CEP/41, annex II):

(a) "...[the need for] strong, efficient and effective compliance regimes backing legally binding commitments arising from multilateral environmental agreements (para. 9)";

(b) "... the importance of international cooperation in a non-confrontational and supportive fashion to strengthen the enforcement of national environmental law (para. 10)".

2. This is in keeping with the G-8 Environment Ministers' communiqué at Leeds Castle, United Kingdom, on April 5, 1998 voicing strong support for:

(a) Furthering compliance with multilateral environmental agreements; and

(b) The need to promote environmental enforcement and to combat organized crime and illegal trade in this area.

3. At Szentendre, Hungary, on June 19, 2000 at the 10<sup>th</sup> Anniversary of the Regional Environment Center, Environment Ministers concluded that guidelines should be agreed.

Networks

4. In the last few years we have witnessed the setting up of networks of environmental compliance and enforcement throughout Europe and abroad, including:

(a) The International Network for Environmental Compliance and Enforcement (INECE), which met the last time in Monterey, United States, in 1998;

(b) The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), meeting twice a year and with a small secretariat at Brussels; and

(c) The New Independent States Environmental Compliance and Enforcement Network (NISECEN), with a small secretariat at Paris in statu nascendi.

Guidelines

5. Recently a first step has been taken within the European Union in harmonising enforcement and compliance by formulating minimum criteria for environmental inspections in

the member States. The Environment Ministers have reached a common position on these criteria on March 20, 2000.

6. Furthermore, Environment Ministers mandated the United Nations Environment Programme to devise more binding mechanisms through its Working Group of Experts on Compliance and Enforcement of Environmental Conventions. At the moment the following drafts are available for comment and discussion:

- (a) Draft Guidelines on Compliance with Multilateral Environmental Agreements;  
and
- (b) Draft Guidelines for Effective National Environmental Enforcement and International Cooperation and Coordination in Combating Environmental Crime.

7. More recent UN environmental conventions and protocols (including those for which UN/ECE is secretariat) contain mechanisms to monitor and promote compliance. However, an overall and coherent compliance regime for the ECE region is still lacking. Also in the field of the enforcement of environmental requirements in the ECE region, a step towards a more consistent approach could be furthered to achieve a high level of environmental protection.

8. To link up with these processes and strengthen environmental compliance and enforcement in the region it seems logical to go for preliminary guidelines on environmental compliance and enforcement for adoption at the Fifth Ministerial Conference "Environment for Europe" at Kiev in 2002. The content of the "Kiev Guidelines" could be sought in between the general UNEP guidelines and the concrete EU criteria. At Kiev the Ministers may then decide to adopt these guidelines, and, if the guidelines merit, to be developed into more binding instruments.

9. The UN/ECE Committee on Environmental Policy, in cooperation with its Working Group of Senior Officials "Environment for Europe", may consider installing under its auspices an ad hoc task force to prepare draft guidelines on environmental compliance and enforcement for the UN/ECE region with a view to adoption at Kiev 2002. It is estimated that such task force will need to meet about six times for this purpose.