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**Ad Hoc Preparatory Working Group of Senior Officials  
“Environment for Europe”**

(Fourth session, 7-8 November 2002)  
(Item 3 of the provisional agenda)

**FUTURE OF THE “ENVIRONMENT FOR EUROPE” PROCESS**

Submitted by the Chair of the drafting group

This document is submitted to the Committee on Environmental Policy for information. The Ad Hoc Preparatory Working Group of Senior Officials will discuss it at its fourth session under agenda item 3.

1. The Working Group of Senior Officials “Environment for Europe”, at its third session, exchanged views on how to organize the debate at the Kiev Ministerial Conference in May 2003 on the future of the “Environment for Europe” (EfE) process. Document CEP/AC.11/2002/14 served as a basis for the discussion. To continue consideration of this issue, the Working Group established a drafting group composed of Belgium, the Czech Republic, Netherlands, the Russian Federation, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, the United States of America, the European Commission and Eco-Forum (CEP/AC.11/2002/2, para. 34).

2. The drafting group met twice in Geneva, on 12 September and 2 October 2002, respectively. It worked on the basis of document CEP/AC.11/2002/14, comments made at the Working Group 's third session and written comments submitted by interested delegations thereafter. The drafting group concluded that a review of the EfE process, the identification of challenges that it was or would be confronting in the future, and the definition of an evolved EfE mission should be the necessary starting points for a comprehensive paper on the EfE process's future. It held the view that it could proceed with the development of options to adjust or reform the EfE process once the Working Group had given general support to the drafting group's first findings and approach. The drafting group was prepared to meet again on 3 December 2002 to complete the paper for submission to the Working Group at its fifth session in February 2003.

3. Elements for a summary, an introduction and on part one "Analysis" of the paper on the EfE process's future are annexed.

Annex

**ELEMENTS FOR A PAPER ON THE FUTURE OF  
THE “ENVIRONMENT FOR EUROPE” PROCESS**

**Summary**

Ministers in Kiev may wish to discuss the wider question of the future aims and direction of the “Environment for Europe” (EfE) process. Such a discussion could reflect on the need:

- (a) To follow up on the political commitments and programme of action agreed at the World Summit on Sustainable Development (WSSD) in Johannesburg, South Africa;
- (b) To ensure the coherence and comprehensiveness of regional environmental agreements, to increase their efficiency and effectiveness, to reduce overlaps among them, and to strengthen their implementation;
- (c) To reverse the widening gaps in environmental quality and health between Western Europe, on the one hand, and Eastern Europe, the Caucasus and Central Asia, on the other;
- (d) To adjust the architecture of the EfE process to new challenges.

**Introduction**

1. This paper reviews the cooperative environmental framework established by North America, Europe, the Caucasus and Central Asia and assesses the needs and opportunities for strengthening this cooperation and coordinating it better. Its goal is not only to stimulate the debate at the Kiev Ministerial Conference in May 2003, but also to offer and evaluate some options. The paper draws on the results achieved under the EfE process so far, the development of regional environmental agreements, major political changes going on within the region, new challenges for environmental policy development, and the outcome of the Johannesburg Summit that have a bearing on regional cooperation on environment and sustainable development.

Part One

**ANALYSIS**

**I. FROM DOBRIS TO KIEV: MAJOR ACHIEVEMENTS**

2. The EfE process was launched in 1991 at Dobris Castle near Prague at the initiative of Mr. Josef Vavrousek, Environment Minister of the then Czechoslovakia, who saw the importance of the environment as a theme for building cooperation across the entire pan-European region. The Dobris meeting marked a new departure for the region: helping the countries in transition from a centrally planned to a market economy to attain the standards of environmental protection established in western democracies, and, at the same time, working to raise these standards throughout the region.

3. During the subsequent conferences in Lucerne, Switzerland in 1993; Sofia, Bulgaria, in 1995; Aarhus, Denmark, in 1998; and the preparations for the fifth in Kiev, Ukraine in May 2003, the process has involved all countries of Europe, North America, Caucasian and Central Asian States, as well as international organizations and institutions including the European Commission, UNECE, the United Nations Environment Programme (UNEP), the World Health Organization's Regional Office for Europe (WHO/EURO), the Organisation for Economic Co-operation and Development (OECD), the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the World Bank, the European Bank for Reconstruction and Development (EBRD), the Regional Environmental Center (REC) for Central and Eastern Europe, as well as civil society organizations and other major groups.

4. The major driving forces of the EfE process have been:

(a) The engagement by countries in all parts of the region – often with the host country in a key position to ensure success for its “own” conference;

(b) The engagement by all sorts of international organizations and NGOs to draw attention to their own agenda in a unique cooperative setting;

(c) The ministerial conferences themselves, the organization of which has required the selection of the most demanding policy issues and tight deadlines for producing substantive documentation.

5. The agendas of EfE conferences have reflected the priority concerns of countries in the region and struck a balance between subregional and regional issues. The EfE process has evolved steadily into “the major long-term pan-European political framework”<sup>1</sup> to discuss key policy issues, develop programmes, prepare legally binding documents and launch various initiatives including new institutional structures for the environment.

6. In response to the urgent need to promote policy reform, strengthen institutions and promote environmental investments in economies in transition, the Lucerne Conference adopted the Environmental Action Programme (EAP) for Central and Eastern Europe and established an EAP Task Force and a Project Preparation Committee (PPC). The EAP Task Force has been playing an effective role in promoting environmental policy reform and capacity building in economies in transition, particularly in the preparation of national environmental action programmes, environmental financing and environmental management in enterprises. The PPC has been instrumental in mobilizing and channelling external financing to resolve priority environmental problems in countries in transition, as well as in ensuring coordination among clients, host governments, donors and international financial institutions (IFIs).

7. The EfE process initiated the extension of the OECD programme of environmental performance reviews (EPR) to countries in transition. Since 1994, nearly 20 countries have been reviewed through the UNECE EPR programme. This has made it possible not only to assess, through the international review mechanism, the effectiveness of countries' efforts to manage the environment, but also to offer the Governments concerned tailor-made recommendations on how to reduce the overall pollution burden, to better integrate environmental policies into sectoral policies and to strengthen cooperation with the international community.

8. The publication of periodic pan-European assessment reports on the state of the environment is another achievement of the EfE process. The reports that were produced by the European Environment Agency (EEA) in 1995 and 1998 helped to identify major threats and challenges for the development of regional environmental policies. They laid the ground for the preparation of the Environmental Programme for Europe, which was endorsed by the Sofia Conference as the first attempt to set long-term environmental priorities at the pan-European level and to make Agenda 21 more operational in the European context.<sup>2</sup> The ongoing preparation of the third report ("The Kiev Assessment") has been accompanied by an intensified exchange of environmental data and information between countries and international organizations as well as by specific efforts to improve national systems to monitor the environment and collect, process and manage data, particularly in economies in transition, and to make these systems compatible throughout the region.

9. The EfE ministerial conferences have led to a number of important legally binding instruments promoting environmental protection and sustainable development in the region. These include the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, and the Protocols on Heavy Metals and on Persistent Organic Pollutants adopted in Aarhus in 1998. Furthermore, the preparations for the Kiev Conference have given a fillip to the drawing-up of protocols on strategic environmental assessment, civil liability, and pollution release and transfer registers. The environmental law-making that has been undertaken within the EfE process has added value to EU legislation (e.g. on public information and participation) and UNEP global initiatives (e.g. on persistent organic pollutants). Environmental agreements developed under the EfE process complement and strengthen the regional environmental legal infrastructure that has been built by the conventions on air pollution, environmental impact assessment, transboundary waters and industrial accidents.

10. Other important policy tools highlighted by the EfE conferences include the Pan-European Biological and Landscape Diversity Strategy (PEBLDS), the Policy Statement on Energy Efficiency and the Guidelines on Energy Conservation in Europe, as well as the Strategy to Phase out Leaded Petrol. Their development and implementation have required cooperation and joint effort by various international organizations. An example is the establishment by UNEP and the Council of Europe of a joint secretariat for PEBLDS. Coordination has also been established between the EfE process and other pan-European ministerial processes such as environment and health, transport and environment, and the protection of forests.

11. The preparations for and the organization of ministerial conferences have made it possible to involve civil society organizations, local authorities, trade unions, and business and industry in the EfE process. A great number of environmental non-governmental organizations (NGO) participating in the process organized themselves in the Environmental NGO Coalition, which later evolved into the broader ECO-Forum. The EfE process initiated the establishment of new RECs in Eastern Europe, the Caucasus and Central Asia. The Aarhus Convention is recognized as the most ambitious venture in the area of “environmental democracy” so far undertaken under the auspices of the United Nations.

## II. CHALLENGES

### A. Recurrent issues to be addressed within the process

12. Many environmental problems in the region remain unsolved<sup>3</sup> – not least in South-Eastern Europe, Eastern Europe, the Caucasus and Central Asia - and political leadership would have to be strengthened to tackle these problems in close cooperation. A communication strategy may need to be developed, maybe even before Kiev, to get recognition for the EfE process from a wider audience of actors and the general public.

13. The EfE conferences agreed to give high priority in the future to improving environmental data collection and assessment to support decision-making and to improve the availability of reliable environmental information to the public, to ensure compatibility of data and reporting standards throughout the region, and to provide the necessary information for the pan-European state-of-the-environment reports.<sup>4</sup> A new regional intergovernmental mechanism, with the active involvement of EEA, was initiated to address these issues. The Kiev Assessment report will cover, for the first time, the Asian part of the Russian Federation, the Caucasus and Central Asia. A further step may be envisaged to involve North America in future regional assessments. Better coordination and optimization of environmental reporting may be another area for concerted regional action.

14. In spite of the progress made in many countries to strengthen national capacities for the development and implementation of effective environmental policies and for the integration of environmental considerations into other policies, much is still to be done, especially in economies in transition. No effort has been made so far to address the multiplicity of policy integration aspects in a comprehensive manner. The EfE process could provide strong political leadership to promote the sectors' own environmental initiatives and the broader use of price mechanisms to support policy integration, to remove trade-distorting, environmentally harmful subsidies and to increase market access to environmental goods and services.

15. Environmental financing has been recognized within the EfE process as vital for improving environmental conditions in economies in transition. While stressing the primary role of domestic financing based on the polluter-pays principle, the importance of external financial assistance has been highlighted as a catalyst for environmental investment projects and technical assistance programmes in economies in transition.<sup>5</sup> The EfE process may stir the efforts of IFIs, EU and bilateral donors, as well as of the private sector, to mobilize and channel financial resources to resolve priority environmental problems in South Eastern and Eastern Europe, the Caucasus and Central Asia, and to help them harmonize their environmental approaches and policies with the rest of the region.

16. Business and industry have a special responsibility for ensuring eco-efficiency, technological innovations and environmentally friendly production methods, products and services, taking into consideration the environmental and health effects at all stages of the product life cycle. The Environment Ministers, at their EfE conferences, have repeatedly invited the business community to an active dialogue on how to promote public-private partnerships to achieve common environmental objectives and more generally to promote sustainable development. Not much progress has been made, however. More efforts would be needed to stimulate business and industry, in particular to promote the transfer of environmental knowledge and experience to Eastern Europe, the Caucasus and Central Asia in a most direct and practical way.

17. Five legally binding conventions and nine protocols have been developed at the regional level since 1979 to tackle common environmental problems. The development of such instruments has taken place in response to separately emerging concerns. Some gaps and overlaps have inevitably been created to the detriment of the overall effectiveness of the legislation.<sup>6</sup> Synergies on all levels can be derived from a coordinated approach among the agreements and with global and subregional ones, for instance in the areas of compliance and enforcement, reporting and public participation. The full implementation of the conventions and protocols requires considerable capacity building in many countries, and training and assistance are means to improve the situation. The upcoming three regional environmental protocols add urgency to these tasks and the EfE process could strengthen the efforts that have already been launched by UNECE in this regard.

## B. New issues

18. The Johannesburg Summit expressed deep concern over the continuous degradation of the global environment and decided “to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development – economic development, social development and environmental protection – at local, national, regional and global levels”.<sup>7</sup> This region itself has acknowledged that many of the environmental problems of the world have their origin in this region and countries of the region have repeatedly reaffirmed their special responsibilities for contributing to solving these problems.<sup>8</sup> The Environment Ministries of the region might use the EfE process to contribute to the development of “objectives that could include specific goals and targets to confront negative environmental, economic and social impacts of present development inside and outside the region”.<sup>9</sup>

19. There is growing consensus today that environmental degradation and resource depletion can amplify or cause conflict and instability. Environmental or resource problems that substantively diminish incomes or employment result in increasing poverty and crime, cause environmental and health hazards, aggravate insecurity, social tensions and political instability, and pose threats to national security. Furthermore, conflicts over shared natural resources and ecosystems may lead to tensions within and between States. Conflicts in some parts of the region may have an impact also on other parts, directly or indirectly. All this undermines the efforts of the countries themselves and of the international community to promote an economically prosperous, and environmentally and socially sound region. The EfE process could contribute to strengthening environmental security and human safety in the region in close cooperation, in particular, with OSCE.

20. The regional assessment<sup>10</sup> of progress made in the implementation of Agenda 21 highlighted the diversity in our region and underscored major problems on the road to sustainable development in individual subregions. The Regional Ministerial Meeting for the WSSD recognized “that different levels of economic development in countries of the region may require the application of different approaches and mechanisms to implement Agenda 21”.<sup>11</sup> Important initiatives on environment and sustainable development have been developed or are under way in the subregions such as the development of an environmental strategy for the twelve countries of Eastern Europe, the Caucasus and Central Asia; the Central Asian Agenda 21; OECD work on sustainable development, the EU sustainable development strategy; the North American Commission on Environmental Cooperation; the Baltic Agenda 21; and the Mediterranean Agenda 21. The EfE process could encourage experience sharing and inter-subregional cooperation promoting the environmental pillar of sustainable development.



21. The upcoming enlargement of the EU is another challenge for the EfE process. Some twenty-five countries will soon be implementing the same environmental policies, standards and rules. New EU members that require financial or technical support will have access to Community funding. There will be implications also for EU internal policy development and for technical cooperation with the economies in transition of South-Eastern Europe, Eastern Europe, the Caucasus and Central Asia. The EfE process would therefore focus more of its resources on the latter countries in order to promote a convergence in environmental policies and conditions.<sup>12</sup> Opportunities might be explored, for instance, for building bilateral or subregional partnerships as part of an overall regional cooperation, making it more effective.

### **III. GOALS FOR THE REGION-WIDE ENVIRONMENTAL PROCESS**

22. The region has come a long way since 1991. Faced with evidence of environmental stress, and given a new impetus by their new-found unity, are region's policy makers have been exploring the potential for concerted action to tackle environmental problems on a region-wide basis and to harmonize tools and approaches.

23. The EfE process has been successful in many aspects. It has been a unique multilateral process that brings all countries in the region together on an equal footing. It has allowed many international organizations to produce synergy by working jointly. It has provided a wider political platform for environmental initiatives of subregions, thus making them more effective and visible. It has promoted active involvement of civil society.

24. The Regional Ministerial Meeting for the WSSD underscored that sustainable development must be supported by a common regional approach. It acknowledged that EfE conferences, along with other ministerial processes in the region, regional environmental conventions and EPRs, should continue to play a significant role in developing the region in a sustainable way.<sup>13</sup>

25. In view of the current problems and new challenges, the region needs:

(a) To promote region-wide cooperation in the areas of environmental monitoring and assessments, policy responses, integration with other sectors towards sustainable development, and involvement of civil society, business and industry;

(b) To help to ensure coherence and comprehensiveness, to increase efficiency and effectiveness, to reduce overlaps, and to strengthen the implementation of regional environmental conventions and protocols;

(c) To provide a broad political platform for environmental initiatives for or by subregions, primarily South Eastern Europe, Eastern Europe, the Caucasus and Central Asia (e.g. the environmental strategy of twelve countries); as well as for cooperation between the enlarged EU and its neighbours (e.g. East-West Partnership);

(d) To help coordinate the regional approaches of United Nations bodies and organizations (UNECE, UNEP, United Nations Development Programme (UNDP) and WHO/EURO), OSCE, OECD, the Council of Europe and the European Commission;

(e) To support intraregional cooperation (e.g. with the Economic and Social Commission for Asia and the Pacific (ESCAP) and links with the global environmental regime.

26. There is still a great need for long-term region-wide environmental cooperation and the EfE process should be continued, though in a way that responds to the challenges mentioned in chapter II above. In considering possible adjustments or reform, if any, that might be needed to make the process even more effective, we should overcome weaknesses and inefficiencies that exist in both the process itself and overall regional environmental governance.

#### **IV. IMPROVING THE EFE PROCESS**

27. If the interval between the EfE conferences remains as wide as between Aarhus and Kiev, there will be a need or temptation to convene, at least, subregional ministerial preparatory meetings like those held in Szentendre (Hungary) in June 2000 and in Almaty (Kazakhstan) in October 2000. Furthermore, Environment Ministers will continue to take part in the "Environment and Health" conferences (the next one to be held in Budapest in 2004) and the "Environment, Health and Transport" ministerial or high-level meetings. Many Environment Ministers participated in the Regional Preparatory Meeting for the WSSD, which took place in September 2001 in Geneva, and the regional follow-up process may require similar ministerial meetings in the future.

28. The existing preparatory mechanism for the EfE conferences needs to be adjusted, in particular, to avoid duplication between the Committee on Environmental Policy and the Working Group of Senior Officials. Topics for ministerial conferences could be set well in advance to avoid unnecessary competition and overproduction of "initiatives" and meeting documentation.

29. A variety of institutional mechanisms and instruments have been established in the region to address specific environmental issues. In order to achieve prompt and concrete results in response to political demands, these institutional mechanisms and instruments have sometimes been created without due consideration of how they might interact with the overall system. Questions have arisen concerning the coordination of this multifaceted institutional and instrumental architecture. There is a risk that environmental meetings, processes and legal documents in the region are dealing with similar issues, leading to competition and contradiction.

30. The increasing number of meetings puts a strain on human resources of the Environment Ministries, particularly in small countries, and complicates the coordination at both national and international levels. In addition to the regular environmental committees' meetings of UNECE, OECD and EU, senior officials today have to attend meetings of parties or signatories to an increasing number of regional and subregional legally binding instruments on the environment. Often the high-level segments of these meetings involve the participation of ministers. Once the three expected protocols have been signed in Kiev, the number of meetings will further increase.

31. Donors are currently requested to make financial contributions to preparatory processes and meetings (paying for organizational costs, international staff and travel compensation for experts from countries in transition and NGOs). Most of the money is raised from individual donors; they are not many, they have their own conditions (both political and bureaucratic) and it takes a lot of effort to gain their commitment every year. Efforts to increase the number of donors, to simplify their conditions and to gain their long-term commitment are sometimes – but for a short period – successful. Proposals for more structural changes (membership fees, multi-annual commitments, untied trust funds) have not received much support.

32. The challenge is how to ensure sufficient coherence – both in principle and through the coordinated implementation of activities - within the multitude of institutions and mechanisms that have been built since the early 1990s, and in a political context vastly different from that of 1991. The proper response might be coordinating and clustering meetings, programmes and instruments.

33. Clustering could be seen as an organizing principle for addressing common issues and rationalizing resources. This may not be always appropriate, however, for all programmes and legally binding instruments. To adjust and strengthen the process, a more effective (avoiding overlap and contradictions) and a more efficient architecture (using information, money and expertise more coherently) would be needed with regard to both the instruments (conventions, strategies and guidelines) and the institutions (organizations, processes and meetings).

34. Any adjustment or reform should not affect the level of environmental ambition nor lessen the relative importance of the legal instruments approach versus the policy coordination approach, however.

35. When considering possible options, effective linkages would need to be established between a renewed Efe process and the global environmental and sustainable development regimes. The WSSD made some important decisions to improve intergovernmental governance. It called for the strengthening of international bodies and organizations dealing with sustainable development, while respecting their existing mandates, as well as for the strengthening of relevant regional, national and local institutions. It urged the international community, among other things, to fully implement the outcomes of decision I on international governance adopted by the UNEP Governing Council. Specific provisions of the WSSD Plan of Implementation address institutional arrangements at the regional level.<sup>14</sup>

36. UNECE at large has started a consultation process to this end and it is expected to take a decision on a possible institutional arrangement in spring 2003. The time is ripe for the regional environmental community to enter into these discussions and to offer its vision of the place and role of the Efe process in both the future regional sustainable development infrastructure and the global environmental regime.

37. Consideration should be also given to establishing links with a strengthened United Nations Commission on Sustainable Development, which was called upon by the Johannesburg Summit, among other things, to more effectively use regional experience.<sup>15</sup> The unique experience gained in the EfE process in developing a common platform between very diversified subregions with their specific needs, bringing together various international actors to work on joint agendas, involving sectoral ministers in cooperation on environmental issues, and in raising public support through the active participation of civil society organizations, might indeed be relevant to other parts of the world. The EfE process would support the Commission on Sustainable Development by strengthening the environmental pillar of sustainable development at the regional level.

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<sup>1</sup> *The Aarhus Declaration, ECE/CEP/41, annex II, para. 2.*

<sup>2</sup> *Environmental Programme for Europe: <http://www.unece.org/env/europe/epe.htm>.*

<sup>3</sup> *See, for instance draft chapters of the Kiev Assessment report: <http://www.unece.org/env/europe/meeting1.htm#special>.*

<sup>4</sup> *The Aarhus Declaration, ECE/CEP/41, annex II, para. 18.*

<sup>5</sup> *See Sofia Declaration, paras. 11-19: Environment for Europe. Third Ministerial Conference, Sofia, 1995; and ECE/AC.22/2001/2.*

*Ministerial Statement to the World Summit on Sustainable Development.*

<sup>6</sup> *See Interlinkages between ECE multilateral environmental agreements. A review of synergies to be derived from closer cooperation, CEP/2000/1.*

<sup>7</sup> *The Johannesburg Declaration on Sustainable Development, paras. 5 and 13:*

*[http://www.johannesburgsummit.org/html/documents/summit\\_docs/1009wssd\\_pol\\_declaration.doc](http://www.johannesburgsummit.org/html/documents/summit_docs/1009wssd_pol_declaration.doc).*

<sup>8</sup> *ECE/AC.22/2001/2, Ministerial Statement to the World Summit on Sustainable Development, para. 2.*

<sup>9</sup> *ECE/AC.22/2001/2, Ministerial Statement to the World Summit on Sustainable Development, para. 2.*

<sup>10</sup> *Sustainable Development in Europe, North America and Central Asia: Progress Since Rio, United Nations, New York and Geneva, 2002, ECE/CEP/84.*

<sup>11</sup> *ECE/AC.22/2001/2, Ministerial Statement to the World Summit on Sustainable Development, para. 2.*

<sup>12</sup> *The Aarhus Declaration, ECE/CEP/41, annex II, para. 4.*

<sup>13</sup> *ECE/AC.22/2001/2, Ministerial Statement to the World Summit on Sustainable Development, paras. 34 and 36.*

<sup>14</sup> *World Summit on Sustainable Development. Plan of Implementation, paras. 141-144:*

*[http://www.johannesburgsummit.org/html/documents/summit\\_docs/2309\\_planfinal.doc](http://www.johannesburgsummit.org/html/documents/summit_docs/2309_planfinal.doc).*

<sup>15</sup> *World Summit on Sustainable Development. Plan of Implementation, para. 130 (c):*

*[http://www.johannesburgsummit.org/html/documents/summit\\_docs/2309\\_planfinal.doc](http://www.johannesburgsummit.org/html/documents/summit_docs/2309_planfinal.doc).*