

NEWS MAY 22 PAN-EUROPEAN LETTER ECO'S ENVIRONMENT FOR EUROPE ER

ECO-Forum International
Conference
May, 21 Review

NGOs WERE NOT ALLOWED TO SPEAK AT THE OPENING CEREMONY

There was hardly a speaker at the opening ceremony at Kiev Environment for Europe Ministerial Conference who did not refer to the crucial role of civil society and environmental NGOs in his/her speech. Ms. Brigita Schmognerova, the UNECE Executive Secretary, stressed that NGOs made the Environment for Europe process what it is now. "We need NGOs as watchdogs", - the EC Commissioner Ms. Margot Wallström highlighted. However, the European ECO-Forum was thrown from the agenda of the opening ceremony about a week ago. 2 minutes would be enough for us to raise our concerns, but ECO-Forum was denied an opportunity to speak. Are we still viewed as an important partner in the Environment for Europe process?

In her intervention after the opening ceremony, ECO-Forum's Chair Victoria Elias stressed that ECO-Forum insists on transparency and

inclusion of environmental citizens' organisations into all bodies and sessions, formal or informal, in the course of the EfE process.

INTERVENTION BY VICTORIA ELIAS, ECO-FORUM'S CO- ORDINATION BOARD CHAIRPERSON:

"State of the Environment has always been one of the major issues for environmental NGOs. I would like to thank the EEA for producing the comprehensive report that for the first time includes information from the entire Pan-European region. More than 300 representatives of Environmental organisations from UNECE region working on a platform of the European ECO-Forum, came to Kyiv to support you taking decisions that will help to effectively fight environmental degradation, and ensure that UNECE countries take the lead in addressing the global challenges that were re-discussed in Johannesburg last year.

The ECO-Forum has been active in the preparations for the Conference at all levels and in all processes. Today we present you our final document expressing views, proposals and concerns of ECOs.

We will address specific points during later sessions, and now let me please stress our call upon you to start work on a pan-European regional strategy to phase out unsustainable production and consumption patterns, to be ready one year after the Kyiv conference, and with a period of implementation of 10 years.

An important element of this strategy shall be the systematic promotion of environmental policy integration, including the broader use of price mechanisms to support policy integration, the removal of environmentally harmful subsidies, increasing market access to environmental goods and services,



including by public procurement, extended producer responsibility, as well as specific objectives for sectoral policies, in particular transport, energy and agriculture. In market economies, it is important that corporate interests cooperate fully and are accountable to the public. It should also promote the systematic provision of information to all levels of society and authorities on how environmental factors influence economic and social development.

Furthermore we urge you to take decisions on reducing the environmental burden and risks related to energy production

In particular

- Phase out environmentally harmful subsidies
- Agree on regional and national targets for renewable energy
- phase out nuclear installations as soon as possible.

We call upon in particular USA, Russia and Turkey to ratify the Kyoto protocol without any further delay.

We call for a moratorium for the use of GMOs until there is undisputed evidence about lack of potential threats to the environment or effective measures to prevent such threats.

We also urge the return of ethical values in the Ministerial environmental and sustainable development agenda. This was recognised by the first EfE conference but this notion was not given a follow up.

The European ECO-Forum strongly supports the EfE process to continue on a pan-European level and to be the platform for regional and sub-regional initiatives,

including several that are now running in parallel.

We insist on continued transparency and inclusion of environmental citizens organisations into all the bodies and sessions, formal and informal, relevant to the implementation of EfE decisions and preparations for future meetings.

In conclusion I would like to wish you successful work and fruitful results and express our willingness and preparedness to cooperate and contribute all our knowledge and experience to this work. Thank you.

CHERNOBYL IN KEYNOTE SPEECHES

“Ukraine can not cope with Chernobyl on its own”, Ukrainian President Mr. Leonid Kutchma said at the opening of Kiev Conference. “EC is fully aware that Ukraine has suffered a lot”, the EC Commissioner Wallstrom noted mentioning that EC will continue to support eradication of consequences from Chernobyl accident.

Ukraine and its neighbours have experienced one of the greatest environmental catastrophes. Kiev is the best place to stop ignoring the reason instead of talking about the consequences. ECO-Forum pledges Ministers to agree here in Kiev on a phase out of all nuclear installations as soon as possible. ECO-Forum is also proposing the establishment of international decommissioning support funds for closing the “highest risk reactors” in the region.

MARGOT WALLSTROM ON KYOTO AND EPI

In her keynote address, the EC Commissioner Ms. Margot Wallstrom made remarks on some key issues of ECOs agenda. In

particular, she urged all countries to ratify the Kyoto Protocol. European ECO-Forum finds it totally unacceptable that the two largest producers of greenhouse gases, the USA and Russia, still have not ratified Kyoto. ECO-Forum calls upon Russia to ratify Kyoto without delay and urges USA to feel responsible towards the rest of the world on this issue.

The EC Commissioner also highlighted the importance of environmental policy integration and said that by choosing Environmental Policy Integration as a topic for the joint session with ministers NGOs are again showing the governments the way to go ahead.

ADOPTION OF THE SEA PROTOCOL

The Protocol on SEA to the Espoo Convention on Environmental Impact Assessment in Transboundary Context was adopted by acclamation today, on May 21 at 16:15 pm during the Extraordinary Meeting of the Parties to the Espoo Convention. The representatives also adopted a declaration welcoming the Protocol.

After the introduction of the Protocol by Terje Lind, the chairman of the Working Group, which developed the Protocol over the last two years, many countries welcomed the Protocol as a progressive regional tool for the protection of the environment.

Some countries, such as Norway, urged for rapid ratification and implementation of the Protocol, while others already have plans for its future realization. Romania plans to reach bilateral agreements with neighbor countries to further SEA Protocol implementation in dealing with transboundary risks.

Svitlana Kravchenko on behalf of European ECO Forum welcomed the Protocol, acknowledging its strong provisions and expressing concerns about insufficiency of

public participation provisions, application to policies and legislation and absence of access to justice guarantees in the Protocol.

“The ECO Forum, representing environmental citizens’ organizations and civil society in the negotiations of the Protocol on Strategic Environmental Assessment –SEA – welcomes the Protocol and urges countries of the UNECE region to sign it, and to ratify it quickly.”

“However, we express our concern that the Protocol is:

- *insufficient on policies and legislation, and public participation, and*
- *silent on access to justice, and budgeting and other financial decisions.*

Nevertheless, we do believe that the final product can serve as a significant step forward and can be a platform upon which further improvements can be built.”

“This is the “floor, but not a ceiling” provision of the SEA Protocol. Every government in the UNECE region has the right to go beyond the minimal requirements of the Protocol and many have already done so.”

“We in civil society will be asking ourselves: How can we work to defend existing legislation and practice, particularly in Central Europe and in parts of Eastern Europe, Caucasus, and Central Asia — where requirements already exceed the minimums in the Protocol?”

“In all regions of Europe, we urge reform and improvement in national legislation to implement the new SEA Protocol effectively.”

“We also urge development of administrative and regulatory measures, and capacity building, for the implementation of this Protocol on the national and local levels – and not to forget the

importance of supporting NGOs who help citizens to participate in these processes.”

“Let me say a couple of words about the importance of public participation in SEA. Public participation both helps to promote democratization and leads to better decisions. Of course one role of the public is to criticize mistakes and see negative sides of a proposal. But experience shows that the public also will often suggest alternative ways and solutions, which produce better decisions. This is even more true for plans, programmes, policies, and legislation, than for individual projects.”

“The SEA Protocol in Article 3.3 explicitly calls upon its signatories to treat civil society organizations as full partners in improvement of environmental policy. We suggest to donors — who will surely be asked to assist in funding to ratify and implement the SEA Protocol in countries in transition — to include appropriate financial support for environmental citizen organisations in the ratification process.”

“We also ask them to provide financial support for civil society organizations afterwards in implementation — for participation in environmental assessment, and even for legal challenges where implementation does not take place.”

ADOPTION OF THE PROTOCOL ON CIVIL LIABILITY

The Protocol on civil liability and compensation for damage caused by the transboundary effects of industrial accidents on transboundary waters was adopted by acclamation today, on May 21 at 17.00 pm during the Extraordinary Meeting of the Parties of Convention on Transboundary Impacts of Industrial Accidents. The representatives also adopted a

declaration welcoming adoption of the Protocol.

Switzerland, Armenia, Moldova, Greece, Hungary and the Regional Environmental Center took part in the discussion on Civil Liability Protocol 21 May afternoon. Switzerland said it would not sign the Protocol now but it plans to finalize necessary negotiations and would sign and ratify the Protocol in the nearest future. Greece presented the position of the EC: the EC will not sign Civil Liability Protocol in Kiev, but it is ready to consider further this issue.

ECO-Forum had a chance to present its position to the delegations.

STATEMENT OF THE EUROPEAN ECOs on the PROTOCOL ON CIVIL LIABILITY

By Sergey Vykhryst, European ECO-forum

“Environmental Citizens Organizations (ECOs) welcome the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and to the 1992 Convention on the Transboundary Effects of Industrial Accidents (hereinafter referred to as “the Protocol”). We very much appreciate the opportunity to be actively involved in elaboration of the texts of the Protocol and remain committed to participate in all stages of the process of its further development and implementation.”

“The Protocol is a welcome step towards furthering the polluter pays principle in international environmental law. It is aiming at establishing a standardised comprehensive regime for civil liability and for adequate and prompt compensation for

environmental damage throughout UNECE region.”

“Welcoming the Protocol we regret however that it is not as comprehensive as we consider it should be. The final text of the Protocol fails to cover with its regime the range of issues where standardised civil liability provisions are most needed: GMOs, viruses and bacteria have been left outside its scope. Moreover, the Protocol does not address sufficiently the so called “Aarhus principles”. It does not provide for any clear rules concerning access to information, public participation and access to justice in matters falling within its scope. In particular it fails to provide obligations concerning active dissemination of information in case of industrial accident. It does not develop rights of those seeking in public interest the redress for environmental damage.”

“Despite its deficiencies, we call upon all governments to sign the Protocol at the Fifth Ministerial Conference “Environment for Europe” (Kyiv, Ukraine) and take necessary steps towards its earliest entry into force.”

“We hope that prospective parties and signatories to the Protocol will work to apply its provisions to the maximum extent possible pending its entry into force;

We call prospective parties and signatories to the Protocol to consider development of guidelines for governments to reduce practical constraints for citizens wishing to use the Protocol to be adopted at the first Meeting of Parties;

We call also prospective Parties and signatories to undertake steps to enable the first Meeting of Parties to review the Protocol to broaden its scope of application in particular to encompass the potential adverse impact from the accidental release of bacteria, viruses and GMOs.”

ADOPTION OF PRTR PROTOCOL

The Protocol on Pollutant release and Transfer Registers to Aarhus Convention on Access to Information, Public Participation in Decision making and Access to Justice on Environmental Matters was adopted by acclamation today, on May 21 at 18.00 pm during the Extraordinary Meeting of the Parties to the Aarhus Convention. The representatives also adopted a declaration welcoming adoption of the Protocol.

Karl Blaha, the chairman of the Working Group, which developed the Protocol, presented the Protocol and noticed that it will have an evolution as any country could go further than its requirements.

The Minister of the Environment of Georgia stressed the responsibility of countries for providing information on the release of 86 pollutants to three media. She mentioned difficulties that EECCA countries could face while providing reporting on 9 sectors of different types of activities including point and diffuse sources. The Minister also confirmed the decision of Georgia to sign the Protocol in Kyiv.

Belarus and Canada expressed satisfaction with the text of the Protocol. Canada noted the need to take into account national priorities while working on the development of national PRTR systems.

REC for CEE countries congratulated governments, international organizations and NGOs on the Protocol. It was mentioned that the Protocol is a significant step forward for most countries and stressed that each country could go beyond its requirements. REC also confirmed its readiness to provide assistance to countries in implementing this new legislative document.

Fe Sanchis-Moreno on behalf of ECO Forum welcomed the Protocol, acknowledging of both the ambition and the limitations of this document.

PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTER

Statement to Environment Ministers by Fe Sanchis-Moreno, European ECO Forum

“We are well aware of both the ambition and the limitations of the Protocol. We see that when it deals with public participation rights, the Protocol is weaker than the Aarhus Convention and it fails to include in its scope very important issues.”

“However, Environmental Citizens Organisations recognise that its implementation will be a significant step forward. We hope that all countries will discover how useful PRTR systems can be. They provide information for the public who surely has a right to know about pollutants and wastes and their sources. They also provide information for authorities who are regulating companies, for governments engaged with environmental policy, for companies themselves who are stimulated to see the benefits of reducing wastes and using cleaner and greener technologies. The information will drive pollution reduction.”

“The protocol with its annexes and hard detail – chemical names and threshold systems - the need for monitoring equipment, estimation techniques – may look daunting to some. But there is a wealth of experience already in our region and elsewhere. We look forward to countries and organisations sharing this expertise, including through the “Virtual Classroom” web site, but also we think that bilateral programmes and support

for capacity-building on PRTRs will be of huge help.”

“We find it hard to look at the Protocol without being very conscious of the holes. We are well aware of many things that are not in this Protocol despite our efforts – the use of water resources by companies for example, or the storage of hazardous pollutants. But we will here just highlight our regret that NUCLEAR FACILITIES are not in the scope of the protocol. There can be no justification for this. Why should a coal burning power station report its releases of acid gases? But a nuclear power station avoids reporting on radioactive wastes? This is hardly fair even from one power generator to another – and to deny the public such information is a grave injustice. We call upon governments to ensure the right to know in this area.”

“As I said before, we must also express our dismay that the Protocol does not fully incorporate and reflect the RIGHTS that are set out in the Aarhus Convention. Final compromises damaged the integrity of this. Countries that are Parties to the Convention will still need to respect the Aarhus rights of course in relation to the Protocol, but we hope that other countries will also join the Protocol, and embrace principles of access to information, public participation, and access to justice despite their weak standing in this instrument.”

“Environmental Citizens Organisations do believe that this Protocol is a significant achievement. So please take a bold step and sign, and then, back at home do ratify it and implement it rapidly.”

Signing procedure

As a result of signing procedure the following countries signed all three Protocols:

Armenia, Belgium, Bulgaria, Bosnia, Cyprus, Denmark, Luxembourg, Norway, Portugal, Moldova, Romania, Sweden, Estonia, Finland, Georgia, Greece, Hungary, Latvia, Lithuania, Ukraine, UK

Russia, Belarus and the USA didn't sign anything.

SEA Protocol was signed by 36 countries.

Protocol on Civil Liability was signed by 22 countries.

Protocol on PRTR was signed by 37 countries.

ECOS DISCUSS ENERGY SUBSIDIES AND TARGETS

The workshop of ECO-Forum Energy & Climate Group was devoted to energy subsidies and renewable energy targets. The participants were quite satisfied that the ministers address the issue of environmentally harmful energy price subsidies and that they would endorse guidelines on subsidy reforms. If the phasing-out of environmental harmful subsidies are addressed globally, this could lead to 8% reduction on CO₂ emissions of as much according to a study that was presented at the workshop. The ministerial agreement reached in 1998 on subsidy phase-out was followed by little international action. Significant changes are needed to assist countries in phasing-out harmful energy subsidies.

Another issue raised by the participants were hidden and cross-subsidies. While direct price subsidies are actually phased out in many countries, cross-subsidies are growing.

The workshop dealt with prospects of renewable energy, starting with

a discussion of the situation in Russia that has the largest renewable energy potential in Europe and that according to the International Panel on Climate Change has a potential to cover all its energy demands with renewable energy. At the same time the target for renewables set out in Russian Energy Strategy is low and estimated to be 2% by 2020. A number of interesting projects on wind power and biomass use in Russia were presented, but they face problems because of the priority traditionally given to nuclear electricity and fossil fuels.

Finally the workshop dealt with renewable energy targets for the Pan-European region. On the basis of the current use of renewable energy in Pan-Europe (Western Europe, Central Europe and former USSR) which is 6% of total energy use, the participants discussed targets of 10% renewables by 2010, 17-20% by 2020, and 30-35% by 2030 including large hydropower stations. It was also noted large hydro power stations could cause problems to the environment.

POVERTY AND ENVI- RONMENT – MAKING THE LINKS

Some sixty people took part in an ECO-Forum workshop on Poverty, Environment and Sustainable Development. ECO-Forum Board member Chris Church opened the workshop by highlighting the need for new approaches and for anti-poverty work to be genuinely sustainable. Svetlana Sleseranok and Yelena Panina both described the situation in Ukraine where poverty and inequality have risen rapidly.

A full discussion identified many obstacles and several examples of good practice by environmental NGOs. These include work to develop participation in decision making by women and children, the new framework for Environmental and Poverty Assessment (where this is being used by NGOs) and work

to promote small-scale enterprise and better local farming practices.

Many priorities for action were also developed. Some require co-ordinated national and global action, but there are many things that any NGO can do. These include understanding and monitoring local anti-poverty plans and their environmental impact; making better links with NGOs working on poverty and social development; developing training so that NGOs can use regulatory frameworks and help make these work. Most importantly NGOs need to learn about and understand the realities of poverty and how it affects the lives of those in poor communities. This can form the basis for effective co-operation in order to achieve sustainability and environmental justice.

LEAP IN UKRAINE

LEAP in CEE was the topic of discussion at a side-event devoted to the outcomes of LEAP in Ukraine. The programme on local environmental action plans in Ukraine is a 4-year programme. In 7 pilot communities it will show the advantages of common participation of citizens, local authorities, business and other stakeholders in decision-making on vital issues of community life. For 12-24 months the representatives of each community work together to determine priority environmental problems and possible solutions.

This cooperation resulted in the development by communities of detailed descriptions of the state of the environment in a locality. These documents are easily accessible and will provide local residents with objective and detailed information about water they drink and air they breath. The main task of the programme today is an awareness campaign to disseminate skills and experience and raise public capacity to participate in environmental decision-making.

EDUCATION FOR SUSTAINABLE DEVELOPMENT

is a among key issues on the agenda of Kiev Ministerial Conference. The Conference will discuss and adopt the Ministerial Statement on education for sustainable development. Basic Elements on Education are attached to the Statement and may serve as a basis for development of the region-wide Strategy on Education for Sustainable Development in the future. Since unclear relationship and poor cooperation between the Ministries of Environment and Ministries of Education is often viewed as a barrier to the development of the Strategy and work on ESD, the goal of the side-event organised by the Regional Environmental Center and European ECO-Forum was to provide evidence of the positive outcomes of such cooperation.

Swedish Environment Minister Lena Sommestad and Deputy State Secretary on Education and Science Carl Lindberg presented Swedish experience of cooperation between the ministries that was very convincing. In addition, the participants discussed Polish experience in the use of Green Pack – an educational tool in a REC-led project.

INFORMATION AND COMMUNICATION TECHNOLOGIES - A TOOL FOR COOPERATION

How information and communication technologies can help developing public environmental movement and cooperation between NGOs? This issue was addressed by participants of the side-event “ICT as a tool for building democracy and cooperation for the civil society and environmental NGO community”.

The 1-year joint project of MilieuKontakt Oost Europa and Ukrainian NGOs was devoted to the preparatory process to Kiev-2003. Various Ukrainian NGOs tried to find a common language by means of ICTs. Thematic working groups were formed during the project to act on specific issues using electronic mail as means of communication. Similar networks were created in Bulgaria, Slovakia, Moldova.

The participants of side-event agreed that such networks of NGOs communicating via working groups and e-lists are an excellent way to find forum for cooperation especially when NGOs have conflicts or misunderstanding. Undoubtedly, the cooperation with the use of ICTs should be enhanced and would contribute to public access to environmental information as required by the Aarhus Convention.

CEE VOICES FOR A NEW VISION ON SUSTAINABLE DEVELOPMENT

The REC project “The CEE countries Think-Tanks voices in the enlarged Europe” presented the experience of four countries (Poland, Czech Republic, Slovakia and Hungary) during last 10 years in the area of sustainable development. It is important to analyze what happened in these years and share this experience with other countries. T-Ts aim to distribute knowledge, promote innovative solutions for implementing sustainable development and participate in international activities. The experiences they collected should be available to the others. And the critical look at the achievements towards sustainable development should mobilize organizations with related profiles to build common actions.

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