

AGENDA FOR KIEV 2003
THE VIEW OF THE EUROPEAN ECO FORUM

Adopted by the Plenary of the European ECO Forum
16 September 2000, Kiev, Ukraine

Representatives of 104 environmental citizens' organisations (ECOs) based in 33 pan-European countries met from 14 to 16 September in Kiev, Ukraine to prepare for the next step in the "Environment for Europe" (EfE) Ministerial Conference, in 2003. This coalition, known as the European ECO Forum, has formed a number of working groups to follow specific issues.

The aim of the European ECO Forum is to promote an active and constructive role for ECOs in the preparations for Kiev. We believe that our ongoing involvement in the "Environment for Europe" process has had a substantial and positive impact on the outcomes of this process.

Another essential and valuable part of the "Environment for Europe" process has been the process of learning to establish agreement and co-operation between environmental organisations throughout the entire pan-European area. In this way we have been contributing to overcoming barriers caused by different histories, cultures and economic situations.

We are still living in a world where political, military and private economic interests, leading to unsustainable consumption and production patterns, prevail over essential human interest in a clean and healthy environment and in social equity.

As a result, throughout Europe, the health effects of environmental degradation and pollution are still a main concern of communities and citizens. Some problems, like diseases caused by polluted water, air, soil and food, occur in parts of Europe. Other concerns are universal, including the spread of hazardous chemicals and other substances. But the right to a healthy environment is a basic human right. It is therefore an urgent task for governments to explicitly address health aspects in the discussions and policy making on all issues in the "Environment for Europe" process. The health sectors in society need to be involved in environmental policies to our mutual benefit. On the European level, the work of the Environment and Health Ministers needs to be co-ordinated.

The current Western consumption model is inherently unsustainable, tied as it is to economic growth, free trade and globalisation, yet it is this model that is being transferred to the East. New models of consumption are urgently needed, based on meeting fundamental human needs and on the principles of social equity and environmental justice. At the same time, the growing risks in

CEE and NIS countries from the transfer of hazardous technologies, facilitated by the impoverishment of the region, need to be addressed.

The ECOs consider the following key issues to be absolutely necessary for the Kiev Ministerial Agenda.

FROM WORDS TO ACTION

In the past nine years, the EfE process has produced a number of important decisions, programmes and initiatives. Whether they will have a real impact on the state of the European environment depends on their implementation. The Kiev meeting should in particular focus in an open and critical manner on the following EfE "products":

1.1. UNECE Convention on Information, Public Participation and Access to Justice

For ECOs this Convention is probably the most powerful and concrete result so far. We have been actively involved in its development and now we are active in this follow-up period. In Kiev we want to discuss in particular:

- the scope of the ratification and accession among UNECE countries;
- the quality of the implementation process on the national levels. In particular we would like to see a detailed country by country report from the Convention Secretariat on implementation, including a reflection of good practice;
- the state of the preparation for further instruments as agreed in Aarhus (the 1998 EfE meeting) and in the meetings of Signatories/Parties;
- the finalisation of a legally binding instrument on integrated Pollutant Release and Transfer Registers (as was discussed in the 2nd Meeting of the Signatories to the Aarhus Convention);
- the gap in the Convention on GMOs, which needs to be dealt with as soon as possible;
- an agreement to make the right to Access to Justice more concrete, clear and binding;
- practical steps to implement the Convention for international financial institutions and other relevant international bodies;
- assistance for achieving full implementation, in particular for NIS countries.

1.2. Environmental Action Programme (EAP)

We welcome the progress made on the implementation of the EAP in CEE and the NIS. We are satisfied with the process of preparation of the NIS High Level Consultation (Almaty 2000) which has involved Finance, Economy and Environment Ministers and ECOs. However, we are concerned that very little progress has been made to implement the refocusing on the NIS that was agreed in Aarhus. A review of the effectiveness of the technical assistance to the NIS countries should be prepared for the Kiev Conference. NGOs should be actively involved in the review process.

This review should include:

- clear criteria for the effectiveness of the assistance;
- an assessment of the current assistance programmes;

identification of bottlenecks in the receipt and use of the assistance offered.

Furthermore we demand:

- the strengthening of NIS capacity-building in the implementation of international environmental legislation;
- that work on National and Local Environment Action Plans and Environment and Health Action Plans needs to be linked, and ECOs should be actively involved in the elaboration and implementation of National Environmental Action Plans.

1.3. Financial Assistance

We express concern over the current investment policies developed in the Pan-European region and particularly in the countries in transition. These policies have a negative net impact on the environment and people's health and do not promote sustainable development.

We call for the PPC (Project Preparation Committee) to ensure that all investments in CEE and NIS countries follow environmental guidelines and are transparent and clear to the public. We insist on direct financial flows to projects which accord with sustainable development, human health and environment protection.

We demand the establishment of an effective dialogue between international financial institutions, other investment funds and credit organisations on implementation of environmentally friendly credit and investment policy.

1.4. Pan-European Biological and Landscape Diversity Strategy

This Strategy has been a useful tool to promote ongoing pan-European discussion on biodiversity and the elaboration of specific action plans, and some clear successes can be mentioned, including the Econet. However, we need a considerable increase in action in order to defend the species whose survival continues to be threatened.

From the Kiev meeting we expect:

- to re-confirm the importance of cross-sectoral co-operation in conservation and sustainable use of natural resources to create a framework for the implementation of pilot projects focused on the protection of biodiversity and species at the local, national and international levels;
- to strengthen the role of the Strategy as a basic tool to guarantee the rights to a clean environment and the protection of sustainable cultural and natural diversity in the Pan-European regions;
- to organise a side-event between NGOs and Ministers during Kiev 2002 on further implementation of the Pan-European Network in the context of cross-sectoral co-operation in biodiversity conservation.

1.5. Towards more sustainable energy structures for Europe

The Ministers in Aarhus decided to promote removal or reduction of environmentally harmful energy price subsidies and increasingly to internalise external costs, which should result in substantial progress in these fields in all countries before 2002.

The decision to ask international finance institutions (IFIs) to make energy efficiency a priority in their operations should be followed by an assessment of their progress, and, if necessary, with proposals for improvements, made in dialogue with the relevant IFIs.

The effect of “The Guidelines on Energy Efficiency” on progress in national energy policy should be assessed and proposals for improvements developed.

Of the many constructive proposals for international co-operation in energy efficiency, the most urgent and/or valuable should be developed into practical efforts, e.g. Pan-European energy efficiency labelling, energy and employment initiatives, initiatives for efficient district heating. In addition, we propose an initiative on renewable energy, with support directed to CEE and NIS countries.

The development since 1998 of an increasingly international electricity market calls for additional pan-European initiatives:

- an end to international trade in electricity made with unnecessary environmentally harmful or hazardous technology, including nuclear power;
- a Pan-European labelling scheme for electricity.

1.6. Protocols on Heavy Metals and on Persistent Organic Pollutants

The Aarhus Protocols on POPs and Heavy Metals are weak, but can be considered as a first step towards elimination of these hazardous substances. We call upon the governments to develop and implement in practice a Pan-European Strategy to Phase-Out Leaded Petrol.

2. NEW KEY ISSUES

A. MAINSTREAMING THE ENVIRONMENT

A.1. Environmental Policy Integration

Governments have recognised many times and in many forums the importance of Environmental Policy Integration, including in the Environment for Europe programme adopted in Sofia in 1995. In practice, environmental policy integration is going slowly, if at all. This is due to a lack of determination of governments, a lack of concrete agreed targets, timetables and indicators, and resistance from interest groups. It is also evident that European countries are so dependent on each other that such integration must be agreed and co-ordinated to a certain extent at the European level.

We propose that Environmental Policy Integration is the main theme of the Kiev 2002 conference. We welcome the proposal from the Chisinau consultation for a Kiev Charter on Environmental Policy Integration. However, a Charter that might really make a difference should include the following elements:

- Quantified targets, timetables and indicators, essential in order to provide guidance for policies, to define the “urgency” involved, and to measure and assess progress and additional measures needed.
- The standards and benchmarks should include ones based on protection of health in the most vulnerable stages of life, before and after birth, around reproduction and in old age.
- Inclusion of sectoral as well as cross-sectoral principles and instruments into legislation, in particular the principles of prevention, precaution and extended producer responsibility. Furthermore concrete agreements on environmental liability, ecological taxation reform, reform of subsidy policies and public procurement are indispensable.

Besides attention to sectors with a major impact (including energy, agriculture and transport), special attention is needed for land use and city planning.

- Institutional integration, resulting in intensive and ongoing co-operation between different Ministries and bodies, is an essential part of this process. We call upon the governments to provide assistance for capacity building, particularly in countries in transition, to meet their obligations made in international environmental legislation.
- The European Environmental Agency should be given the task to provide the Kiev 2002 meeting with an assessment of environmental policy integration in the UNECE countries to date, and to report regularly on progress made after the Kiev conference. The report should pay special emphasis to the “implementation gap” in relevant international agreements and the (potential) impact of public participation.
- Equal treatment of military establishments and activities, which should have to comply with the same rules and laws with regard to environment, access to environmental information, public participation and access to justice.
- The negotiations between the EU and accession countries should follow an integrated approach and take into account the environmental effects of, for example, trade, transport, and the Common Agricultural Policy.

We offer to organise an ECO-led roundtable on this topic between ECOs and Ministers during the Conference, similar to the session held on the second day of the Aarhus Conference (1998).

A.2. Framework Convention on Transport, Environment and Health

It is clear that existing or further soft-law instruments in this field will not be enough to turn around the unsustainable direction of transport policies in all European countries. Therefore ECOs strongly support the proposed Framework Convention on Transport, Environment and Health. We call upon all governments to open negotiations on such a framework convention where we will offer our constructive collaboration. The negotiations should involve the three Ministries of all governments and should respond to the regional differences in the nature of the problem.

A.3. Freshwater

Access to safe drinking water and sanitation is a basic right and must be respected as such. The right to water must encompass both the quality and quantity of water provision. There is a need for legal protection and political will to ensure equitable access with respect to both quality and quantity of water. The Protocol on Water and Health signed in 1999 in London in the framework of the Environment and Health process needs to be ratified as soon as possible by all European countries. A series of industrial and other accidents make the issue of liability on pollution water resources urgent. The introduction of the principle of river basin management is required. The Protocol on Water Liability and Responsibility to the 1992 Helsinki Convention on the Protection and Use of Transboundary Watercourses should be developed and signed in Kiev.

A.4. Strategic Environmental Assessment

Governments in Kiev should sign a Protocol on Strategic Environmental Assessment (SEA). We are determined to continue our intensive involvement in the preparations. The Protocol should oblige such assessments for plans and programmes as well as policies and legislation, on the local, national, as well as international levels. Impacts on human health must be explicitly included. We further refer to the Chisinau Declaration of April 18, 1999 by the European ECO Forum for details on the content of the SEA protocol. [See Annex].

A.5. Environmental Liability

There is an urgent need for a European agreement on environmental liability. The agreement must include minimum requirements for national environmental liability systems as well as establishing cross-boundary environmental liability systems and the types of issues that they should embrace. The agreement must cover nuclear issues and GMOs, so as to resolve current omissions in existing laws. We would like to propose the Lugano Convention of the Council of Europe, signed in 1993 by nine West European countries but not ratified yet, as the basis for the preparations. We call upon all UNECE countries to ratify or accede to the Lugano Convention. Furthermore, and without reopening the discussion on the Convention itself, concrete measures to make the Convention applicable to nuclear and international issues should be agreed in Kiev. We appreciate the Convention as its requirements help to implement the principles of prevention, precaution and the polluter pays, thus creating an ongoing and convincing disincentive for any private or public body undertaking activities with a potentially environmentally hazardous impact. The Convention is clearly inspired by environmental interests, whereas the White Paper on Environmental Liability from the European Commission is more influenced by business interests, severely watering down the essential elements for an effective instrument.

In addition to an agreement using the Lugano Convention as its basis, the Kiev conference should agree on guidelines for governments to reduce practical constraints for citizens wishing to use this instrument and to facilitate access to justice to enable citizens to bring cases to court.

Effective instruments need to be established to make sure that the money for compensation will be available in time, such as obligatory insurance and environmental liability funds.

B. HAZARDOUS TECHNOLOGIES

B.1. Stop Nuclear Power

Governments should agree a phase-out strategy for nuclear energy and a time frame for implementation. As a first step, the Lucerne, Sofia and Aarhus agreements to phase out the most dangerous nuclear plants must be implemented. We demand as key elements of the phase-out strategy:

- no new nuclear power installations and the phase-out of existing nuclear installations. An international Agency should be set up to facilitate the closing down of such installations throughout Europe;
- no export of nuclear waste and spent fuel into CEE and NIS countries;
- the establishment of an international fund to facilitate the phase-out of nuclear power, to reduce the risks of nuclear waste management, and to realise energy alternatives and to mitigate social effects;

- no export of nuclear technology.

B.2. Five years freeze on GMOs

The release of genetically modified organisms (GMOs) into the environment may cause irreversible harm to the biological diversity of ecosystems as well as to animal and human health. Given our limited knowledge about the nature of the risks involved, we call on governments to introduce a 5-year freeze on their commercialisation, to allow time to enable more monitoring to be undertaken.

There is an urgent need for training of officials in the regulatory oversight of genetic engineering activities and for institutional capacity building to enable implementation of the Cartagena Protocol, national biosafety and food safety regulations, and enforcement of marketing approval and labelling laws. Both training of officials and educational programmes need to be funded from independent sources to enable transfer of objective information.

The growing gap in public awareness of the potential threats of releasing GMOs between Western and Eastern Europe is being exploited to transfer this hazardous technology and its unwanted food products to the East. This has severe socio-economic impacts due to loss of EU food markets and the potential for undermining the human rights of food security and health protection in the East. For these reasons, we call on governments to harmonise biosafety and food safety requirements - to the highest standard - throughout the UNECE region. This could be achieved by starting negotiations on a regional biosafety protocol, one that would also impose strict liability on those commercialising GMOs.

B.3. Hazardous Chemicals

We demand to use the precautionary principle in the regulation of chemicals. Given the international character of chemical pollution there is a need to harmonise, at least on the European level and at a high level, national chemical policies. A European Chemicals Strategy should include the following:

- A full right to know, including which chemicals are present in products
- A deadline by which all chemicals on the market must have had their safety independently assessed. Those chemicals, for which safety testing has not been undertaken within this timeframe, should be phased out.
- A phase-out of persistent or bioaccumulative chemicals
- No introduction of new hazardous chemicals.
- A commitment to stop all releases to the environment of hazardous substances by 2020, with a proper compliance schedule.
- A ban on the transfer of hazardous chemicals and production facilities from Western to Eastern Europe.

A ban on chemical weapons production and storage. In addition, clean technology to phase-out stockpiles of chemical weapons to enable the clean-up of unsafe dumping sites should be introduced.

- A ban on the transfer of dioxin-generating incineration technologies to CEE and NIS countries. Safe alternative technologies should be promoted.

- Financial assistance for the development of safe techniques and the safe destruction of persistent organic pollutants (POPs), other obsolete pesticides, chemical weapons and particularly hazardous substances.

C. AWARENESS RAISING AND PUBLIC PARTICIPATION

C.1. Charter on Environmental Education

Environmental education is an essential precondition for public awareness, a change of consumption patterns, and a responsible and active attitude of people in their relationship with nature. Education should put the environment into the broader social context of sustainable development.

While in some countries in Europe such education is quite developed by combined or complementary efforts of the official education structures and NGOs, a European Charter could make a big difference in many other countries. The Charter could both define what is effective environmental education and trigger international and bilateral exchange of good practice, co-operation and innovative strategies. The scope of the Charter should extend beyond schools and the general public, and should include 'life-long learning' for all of society. Specific education and training is required for civil servants outside the environmental authorities as well as in the agriculture and business sectors and the media.

Therefore we support the proposal of the Ukraine Government to start preparing such a Charter to be adopted in Kiev.

C.2. Participation in Environmental Decision-making in Issues of Transboundary Importance

The public must have the right to participate in environmental decision-making, including in transboundary Environmental Impact Assessment, without discrimination as to citizenship or residence. The European ECO Forum therefore supports "the Guidance on public participation in EIA in a transboundary context", developed according to a Decision of the First Meeting of the Parties of the UNECE EIA Convention, with participation of representatives of national and international NGOs, including European ECO Forum.

3. KIEV AND RIO+10

We are aware that the ten-year review of the Rio process ("Rio+10") will take place in the year 2002, in conjunction with the Kiev conference. While we realise that the two events are complementary, we would like assurance that the Kiev agenda is complementary to the Rio+10 preparation, as there are a number of urgent agreements needed that require a more regional emphasis (including the ones mentioned above).

We call upon the governments to include poverty eradication and human environmental rights, while discussing European environmental problems and development policies. As Europe has a special responsibility for the globalisation of the economy, the negative consequences must be addressed. The militarisation of some societies and the consequences for civil society and environment must also be addressed.

We call upon governments to ensure that international agreements (in particular the Conventions on Biological Diversity and to Combat Desertification, and the Kyoto and Cartagena Protocols)

are properly implemented at all levels. Furthermore, we call on governments to promote the implementation of Principle 10 of the Rio Declaration, on the basis of the principles laid down in the Aarhus Convention.

We also call for support to the process of realising an Earth Charter at the Rio+10 Conference.

We call upon governments to allocate resources for ECO involvement in both the Rio+10 and the EfE processes.

4. THE ROAD TO KIEV

The European ECO Forum calls upon governments to facilitate the involvement of ECOs, in particular in the following ways:

- By guaranteeing open, transparent and accessible process. In the preparations for the previous conferences, the involvement of ECOs was increasingly accepted. We call upon governments to continue with this upward line. In particular we call for an observer position in the Executive Committee of the Working Group of Senior Officials, the systematic inclusion of ECOs in the preparatory work, no formal or informal working sessions that are not open to ECOs, and the continuation of this policy at the Kiev conference itself.
- By inviting ECOs on the national level into ongoing consultation processes in preparation for the Kiev conference.
- By involving ECOs in national delegations involved in the preparatory processes and the conference, and organise this in such a way that the delegates have a real advisory role to play.
- Providing the financial means and other facilities to raise public awareness, to involve an ever-growing part of the environmental movement, to work across national borders and to continue building pan-European links that increase opportunities for mutual learning.

We would like to thank those governments that have been supporting the international NGO Coalition/ European ECO Forum in the past, and in particular the Danish Government, that has made the European ECO Forum's Kiev 2000 Conference possible, and we call upon other governments to support us in our further work.

Annex on Strategic Environmental Assessment

From the ECO Forum Chisinau Declaration, April 18, 1999

Principles of Participatory Strategic Environmental Assessment

1. Governmental authorities responsible for drafting and adoption of governmental strategies in the field of energy, transport, agriculture, waste management, mining and tourism should make these strategies subject to Strategic Environmental Assessment (SEA).
2. The term "concerned public" should refer to all persons and entities that consider themselves affected by the proposed policy and who wish to formulate comments on the proposed strategy. The public concerned may consist of non-governmental non-profit organisations, professional associations, labour unions and citizens.
3. The following principles should guide national SEA systems:
 - A. SEA should begin immediately after approval of the Terms of Reference for the respective strategy. SEA should be organised parallel with elaboration of the strategy; this arrangement enables governments to save time while effectively using SEA to optimise the strategy.
 - B. The SEA process must be transparent and based on thorough public participation. The agency responsible for the strategy should notify all known and potentially "concerned public" and enable them to comment on all documents related to preparation of the strategy. Comments obtained can be effectively used in two ways - for further elaboration of the strategy and for its environmental assessment.
 - C. The SEA process itself should compare all reasonable strategic options that have been defined by its proponent and by the public concerned. SEA should, at a minimum, address the "do-nothing" alternative, the proposed alternative, and the "environmentally-friendly alternative" that corresponds with the national environmental protection strategy (or its equivalent).
 - D. SEA should address key impacts of the proposed strategy that have been identified through consultations with the public. Generally, SEA should focus on environmental and health impacts of the strategy as well as on its social and economic implications.
 - E. Impacts of the strategy should be determined for the entire life cycle of the strategy. Such impacts should, at a minimum, be determined for a time-span beginning with the implementation of the strategy until such time when major changes in the strategy implementation are expected (for example, depletion of resources needed for implementation of the strategy - i.e. depletion of coal mines in the energy sector, etc.). Proper understanding of the environmental impacts occurring after these key time horizons is also crucial for a well-based decision about proposed strategic options.
 - F. Environmental and health impacts of the strategy should be compared with the desired state of environment and public health, as determined by official strategies in the field of environment and health.
 - G. SEA processes can substantially benefit from public hearings organised under the auspices of national parliamentary bodies.
 - H. Approval of the strategy based on SEA should have a limited duration since SEA often relies on incomplete data and inadequate prognostic models. It is beneficial for the SEA to clearly outline the duration of its conclusions. When new or unknown facts emerge, a new strategy should be developed on the basis of a new SEA process. Thorough monitoring and post-SEA analysis is thus a crucial factor for the overall effectiveness of SEA.