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# GUIDELINES ON INTEGRATED ENVIRONMENTAL MANAGEMENT IN COUNTRIES IN TRANSITION

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## FOREWORD

*In 1993 the United Nations Economic Commission for Europe (ECE) and the United Nations Environment Programme (UNEP) launched a joint activity on Strengthening Environmental Management Capabilities in Eastern and Central European Countries.*

*The main purpose was to assess the opportunities of applying methods, policies and procedures used in market economies in countries in transition from a centrally planned to a market economy, to exchange views and experience between environmental policy makers and administrators both from countries in transition and from the west, to improve information dissemination systems for environmental management in the ECE region, and to strengthen the institutional capabilities and skills in environmental management and planning in countries in transition.*

*The organization of a series of workshops was at the core of the joint activity. In all, some 150 experts from 32 ECE member countries, international organizations and institutions participated in the workshops on: Legal and Regulatory Framework for Environmental Management (Sofia, Bulgaria), Institutional Arrangements and Coordination Mechanisms for Environmental Planning and Management (Ljubljana, Slovenia), Environmental Policy Planning*

*and Management Techniques (Kiev, Ukraine), and Application of Economic Instruments for Environmental Management (Tallinn, Estonia).*

*The results of the workshops laid the basis for a set of recommendations to Governments of ECE countries with economies in transition to a market economy, in the form of the present Guidelines on Integrated Environmental Management in Countries in Transition. These Guidelines were prepared by the ECE secretariat, within the framework of the ECE/UNEP Project FP/2101-92-02 (3002), and with the assistance of experts from: Czech Republic, Germany, Hungary, Lithuania, Netherlands, Poland, Russian Federation and United Kingdom.*

*The ECE Committee on Environmental Policy at its first session in May 1994 gave its general approval to the Guidelines on Integrated Environmental Management in Countries in Transition and decided on their wide dissemination. In accordance with established practice, the Guidelines are published under the responsibility of the ECE and UNEP secretariats.*

## CONTENTS

	<i>Page</i>
Introduction .....	1
I. STRENGTHENING POLICY DEVELOPMENT .....	3
A. Environmental institutions .....	3
B. Legislation and enforcement .....	8
C. Policy planning .....	11
D. Public participation .....	13
II. INTEGRATION WITH THE REFORM PROCESS .....	16
A. Privatization in industry .....	16
B. Rural reform .....	18
C. Structural changes .....	22
D. Economic instruments .....	24
E. Financing environmental policy .....	28
III. INTERNATIONAL COOPERATION .....	30

## INTRODUCTION

Countries in transition have inherited a badly damaged environment, energy- and raw-material-intensive economies, and obsolete, polluting technologies. Furthermore, they are facing new constraints associated with the shift from a centrally planned to a market economy, such as mounting unemployment, high inflation, public deficits, protectionism, and the search for new markets for foreign trade following the collapse of the Council for Mutual Economic Assistance. It is, however, widely understood that the aim of the transition is not only to improve economic performance in the short and the long term but also to move towards sustainable economic development. In accordance with the Rio Declaration on Environment and Development, environmental concerns should form an integral part of the development process. This, in turn, calls for significant improvements in environmental planning and management and for the integration of environmental policy with other policies.

Given these legacies and ongoing changes and constraints, it is of the utmost importance to strengthen the environmental management capabilities of countries in transition. That is the reason why the 1993 Lucerne Ministerial Declaration put great emphasis on “institutional capacity building, including an efficient legal and administrative framework as well as managing capacity, training and education”, when undertaking “essential policy and institutional reform” in these countries. The Guidelines on Integrated Environmental Management in Countries in Transition attempt to assist member Governments to meet that challenge, and contribute, in particular, to the implementation of the Environmental Action Programme for Central and Eastern Europe.

The Guidelines do not pretend to cover comprehensively all environmental policy and management aspects, but rather focus on priority issues and key instruments, tools and techniques that should be considered when attempting to strengthen environmental management capabilities at various levels and to integrate environmental considerations into the economic reform process including price liberalization, privatization, fiscal reform and decentralization.

Although these Guidelines are primarily addressed to national environmental authorities (e.g. ministries of the environment) in countries in transition, they should be brought to the attention of all those concerned with environment-related activities, so that shared responsibility can be assumed for meeting the Guidelines' objectives. They could also be applied, as appropriate, in other ECE countries, as they draw on up-to-date, collective experience in the ECE region in environmental policy-making and management. These Guidelines aim, above all, to serve as a point of reference for administrators, policy makers and decision makers.

The Guidelines do not replace but supplement legal instruments and policy recommendations on the environment developed within ECE and other forums. They are without prejudice to the particularities of national legal and administrative systems.

## I. STRENGTHENING POLICY DEVELOPMENT

The efforts of countries in transition to strengthen institutional capabilities for environmental policy-making, planning and management are being undermined by numerous weaknesses, deficiencies and difficulties, such as weak or inadequate legislation, the lack of political clout of environmental authorities, low public awareness, lack of well-established target groups which represent specific interests, the lack of managerial skills, the inadequate information base, not to mention the general lack of financial resources. Whatever the constitutional, administrative, economic and cultural context of a specific country, the environmental authorities should nevertheless consider the approaches and measures recommended below when establishing the legal framework and institutional arrangements for effective environmental performance.

### A. Environmental institutions

A coherent system of environmental authorities with a clear division of competence should be established at the national (federal), regional (provincial) and local levels to develop and implement effective environmental policies. It is also important to establish close liaison with the parliament and its environmental committee(s).

At the national level, the main tasks of the environmental authorities (ministries of the environment) should generally centre on:

- (a) Formulating environmental objectives, policies, plans and programmes, and following them up;
- (b) Preparing relevant legislative proposals and setting standards;
- (c) Developing environmental policy and management instruments (permit systems, environmental impact assessment (EIA) procedures and methodology, economic instruments, etc.);
- (d) Promoting the integration of environmental and sectoral policies;
- (e) Coordinating and supervising environmental monitoring, standardizing monitoring methods and reporting, maintaining environmental data and information centres;
- (f) Promoting environmental research and development and the introduction of environmental technologies;
- (g) Coordinating environmental education and public information; and
- (h) International cooperation.

Opportunities should be explored for establishing agencies subordinated to the ministries of the environment. Such agencies can coordinate and carry out such functions as the management of water basins and nature conservation areas; monitoring; preparation of reports on the state of the environment; environmental research and development; and dissemination of information.

Environmental data centres need to be considered as important elements in environmental administration. Their main tasks are to collect, process and store data and to provide data to decision makers and the public. Their activities should also concentrate on the development of integrated monitoring methods and techniques, inter-laboratory calibration, certification, and the promotion of good laboratory practices in accordance with international requirements such as the OECD Good Laboratory Practice Principles and Compliance There-

with. The division of responsibilities and activities between the environmental data centres and the national statistical offices needs to be reasonable. Both, however, need to avoid unjustifiable duplication and overlapping. For the purpose of harmonization, the relevant activities of international organizations should be followed. Cooperation with existing international centres such as the European Environment Agency should be sought.

Advisory bodies to national environmental administrations should be considered as important instruments of environmental policy-making. Their members may include experts with particular expertise or responsibility from provincial authorities, municipal associations, industry and farmers' associations, academic institutions, and environmental non-governmental organizations (NGOs). Advisory bodies may be very helpful in the elaboration of environmental strategies, the development of new laws and regulations, public information, etc. They can also provide a forum for building consensus.

Environmental policies should be implemented as far as possible by regional (provincial) and local authorities. Permitting, monitoring of compliance with permit conditions, and enforcement should preferably be dealt with at the regional level. While decentralizing environmental management systems helps the performance of environmental activities, it should not be a simple shift of competence. The rights and obligations of the regional and local authorities should be clearly defined in the law and be compatible with their general capabilities and expertise.

In order to use the resources available at the regional level effectively, environmental functions may be concentrated either in environmental units of general regional administrations or in regional bodies subordinated to national environmental authorities. Any subordination to, or dependence on, regional development structures should be avoided, since the environmental impact assessment (EIA) of development projects should be carried out independently. If there is a

separate regional environmental body, the territory to which its jurisdiction extends should preferably correspond to that of the general regional administration. Powers should not be delegated from regional to local levels schematically. As a general rule, it should be done municipality by municipality, and only if the municipality in question has the necessary resources and know-how.

Environmental inspectorates should be established or strengthened to improve enforcement and compliance with environmental permits, licences and EIA requirements, to halt activities which violate environmental regulations, and to monitor preparedness measures for environmental emergencies. They should be authorized to inspect the state of the environment, assess a site in the light of applicable environmental legislation, and enter any business premises at any time to request information needed to assess the state of the site and to obtain access to documents and data relevant to the inspection.

The strategic and operational capabilities of environmental authorities depend not only on the infrastructure of the environmental administration at all levels, but also on their relations with other sectors. The long-term objective should be for the various ministries themselves to integrate environmental considerations into their specific activities.

Ministries of the environment should not attempt to manage everything on their own. Instead of attempting to concentrate all environment-related activities within the framework of the ministries of the environment, effective and appropriate inter-ministerial coordination and cooperation should be established based on partnership, particularly with public health authorities and such sectors as economic policy, energy, transport, agriculture, forestry, and trade. Relevant existing inter-ministerial bodies (councils), ad hoc working groups and task forces should be used, or new ones created, to coordinate cross-sectoral issues. At the same time, some sector-oriented

structures may be established in the ministries of the environment to improve coordination.

On the other hand, it may not be advisable to fragment responsibilities for environmental activities requiring a high level of expertise and to divide them between different national administrations. This is especially important in small countries where resources need to be concentrated; otherwise, it may be difficult to ensure that a critical mass of expertise is available to undertake activities or perform functions effectively. For instance, radiation protection and nuclear safety, the control of chemicals and genetically modified organisms are activities whose administrative control, monitoring and research cannot or should not be separated.

Environmental authorities together with the ministries of science and technology, as appropriate, should establish effective arrangements to coordinate environmental research and foster environmental technology. Multidisciplinary, integrated research programmes should be promoted to better understand pollution transfer mechanisms between environmental media and pollution effects, to apply the ecosystem approach to environmental management, as well as to develop low- and non-waste technology.

Ministries of the environment and/or ministries of science should earmark funds for the promotion of environmental research and development, and pool financial resources from various sources, including private and foreign assistance, to support priority environmental research programmes at scientific institutes with recognized expertise, which are currently short of funds.

Continuous training for environmental administrators at all levels should be organized. Particular attention should be given to building and improving skills and knowledge of environmental law, environmental economics, environmental impact and risk assessment and auditing, as well as conflict resolution techniques. The training for senior staff should also

cover policy formulation and policy assessment methods. The training should be customized to suit each category of administrators. Environmental training programmes should involve not only the staff of environmental authorities, but also those who deal with environmental issues in economic sectors, particularly staff involved in formulating policy and developing sectoral and multi-sectoral programmes.

## B. Legislation and enforcement

When developing new or revising existing legislation, environmental policies should be considered at least on a par with other policies. Furthermore, environmental requirements may be taken up in a country's constitution, and therefore observed by all actors at the national, regional and local levels.

Inconsistencies between different environmental regulations should be resolved. This may be achieved by means of comprehensive environmental protection acts or coherent sets of environmental legislation, and clear procedural and institutional rules concerning enforcement, prevention and the resolution of conflicts. Proper consideration should be given not only to enacting environmental legislation as such, but also to incorporating environmental provisions into privatization, industrial, commercial, fiscal, foreign investment, trade, customs, banking, insurance, regional-development and land-use laws. Comprehensive legislation with an integrated approach

(c) The processing of different permit applications for one project is coordinated. The ultimate objective should be to develop one single integrated permit covering the various environmental media;

(d) Environmental considerations are incorporated into sectoral policies, plans and programmes at the national, regional and local levels;

(e) The ongoing impact on the environment of existing plants and installations causing significant adverse impact is examined, and that, based on the results of the examination, the necessary adjustments or alterations are made (step by step, where necessary) to reduce, control or prevent it;

(f) Proposed new economic development projects are subject to an EIA procedure as part of the authorization process. ECE policy recommendations on the application of EIA and on EIA auditing may serve as guidance;

(g) Public authorities periodically report on the state of the environment, and companies/enterprises are obliged to provide, on a regular basis, environment-related information to the competent authorities;

(h) The public has the right of access to environmental information and that relevant procedures are in place, taking into account clearly defined restrictions for reasons of personal privacy, industrial and commercial confidentiality, and national security. The right to challenge administrative deci-

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