

Environmental Performance Review Programme

**THE NEED TO STRENGTHEN THE NATIONAL ENVIRONMENTAL
AUTHORITY OF KYRGYZSTAN**

Introduction

At its fifteenth session (21-23 April 2008), the Committee decided that issues related to on-going country reviews would be proposed for discussion during its sessions. On the occasion of the Peer-review of Kyrgyzstan during its January 2009 special session, the Committee will hold a discussion on the need to strengthen the national environmental authority of the country, as reflected in the recommendations addressed to the Kyrgyz Government in the EPR report.

This issue is not specific to Kyrgyzstan only. As a general rule, the existence of an effective, properly staffed and resourced national environmental authority is a prerequisite for effective environmental protection and sustainable development in all countries. The paper “Critical Issues in Implementation of Environmental Policies” presented under the EPR Programme at the EfE Ministerial Conference in Belgrade (October, 2007) tackle this issue in the following recommendation:

Governments in all EECCA and SEE countries should urgently address the serious bottlenecks caused by weak environmental institutions. They should strengthen the level, mandate and capacities of the environmental authorities to make these more competent and effective, and should consolidate and empower enforcement structures, in particular at the subnational level. They should also clarify institutional task sharing by assessing the role of environmental bodies and should improve institutional coordination mechanisms, both horizontally (between sectoral authorities, between divisions of the same ministry) and vertically (between the national and subnational levels).

I. Background and recent history of environmental institutional changes in Kyrgyzstan

Since its first review in 1999-2000, Kyrgyzstan has experienced significant institutional changes in its Government which, in turn, have affected the institutional and policymaking framework for environmental protection and sustainable development. Specifically, until February 2001, the role of the national environmental authority was filled by the Ministry of Environmental Protection (MEP). Then, the MEP was merged with the Ministry of Emergencies and formed the Ministry of Ecology and Emergencies. The merged Ministry was split in November 2005 in two parts, the re-emergent Ministry of Emergencies and the national environmental authority, i.e. the State Agency of Environmental Protection and Forestry (SAEPF).

II. Impact of institutional changes

The above institutional changes were not linked to changing priorities of environmental policy, but rather to political restructuring and processes. Nevertheless, they did impact upon the institutional and operational ability of the national environmental authority in multiple ways. The frequent institutional changes (in 2001 and 2005) mentioned above resulted in a lack of management continuity between old and new institutions. The effects of these changes were felt in terms of status, staffing, resources, functions and fragmentation.

Status

A key negative consequence of the downgrading of the status of the national environmental authority is that, while the competence of SAEPF appears to be broader than the competences of the former MEP or the Department of Ecology and Nature Management of the former Ministry of Ecology and Emergencies, the status of the State Agency is lower than that of a ministry or even a committee. This creates difficulties when it comes to defending ecological interests, raising environmental priorities, and securing regular budget resources.

Moreover, issues dealt by the national environmental authority are by their very nature cross-sectoral and often require cooperation and coordination between the central executive bodies, including influential ministries in the areas of agriculture, industry, transport, and energy. Such issues are commonly being tackled through the creation of governmental and inter-agency coordinative and consultative bodies. A state agency is not positioned as well as a ministry to organize and manage the activities of such bodies, since it is lower in the hierarchy. Additionally, the Director of SAEPF is not a Government member and, therefore, is not able to raise environmental issues during Government meetings.

One example of the adverse impact of the status of the State Agency is the case of the National Council for Strategic Development that is headed by the President. SAEPF is not included in the structure of the Council (see chapter 1, 2nd EPR Kyrgyzstan) and therefore cannot directly influence development priorities or promote sustainable development principles.

Other negative implications of the low status of the environmental authorities include the weak enforcement of environmental legislation, the need to rely on the collection of fines and tariffs (because of the inability to secure regular budget funding), and the lack of the necessary technical infrastructure for adequate regular monitoring of the environment.

Functions, staffing and resources

Despite the above, SAEPF competence has been expanded to include functions on forest protection and management as well as biodiversity conservation. At the same time, SAEPF is responsible for the development and implementation of national environmental policy, rational use of nature, including hunting, and environmental safety and monitoring. On the other hand, however, the competence of SAEPF does not include usual key functions of environmental authorities, such as the environmental monitoring of water bodies, ambient air, groundwater quality and land resources, and the monitoring of the rational use and conservation of mineral resources. Furthermore, the institutional restructuring that took place at the regional level in May 2008 as an adjustment to the newly enlarged functions at the national level, was not accompanied with sufficient capacities, competences and staffing, resulting in weak enforcement of, and compliance to, environmental legislation.

III. Issues for discussion

On many occasions, the 2nd EPR of Kyrgyzstan emphasizes the need to strengthen the national environmental authority, both at the central and regional levels (Recommendations 1.1, 1.3, 1.4; 2.1(a), 2.4; 3.2; 5.4; 6.1, 6.5 and 8.1). A series of recommendations in the report are addressed directly to the Government, as addressing them to the State Agency would not have ensured they would reach the decision making level.

The critical issues addressed in this note are not exclusive of Kyrgyzstan as noted above. Member countries are therefore invited to share and discuss their experience guided by a series of questions:

Do you consider the status of the national environmental authority important in order to:

- *Ensure adequate (or influential) high-level political participation in interagency and inter-ministerial coordination mechanisms and bodies?*
- *Ensure its participation in key decisions regarding economic development patterns, therefore making it able to influence decision towards sustainable development principles?*
- *Guarantee adequate funding for environmental protection at national and regional levels, including for the financing of sufficient capacities for environmental permitting, inspection and monitoring?*