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The Framework Convention for the Protection of the environment for sustainable development in Central Asia

Source: http://ekh.unep.org/ISDC09/ISDC_210607/docs/01_preservation%20of%20the%20environment_ru.doc

Ashkhabad, 2006

Republic of Kazakhstan,

Kyrgyz Republic

Republic of Tajikistan,

Turkmenistan and

The Republic of Uzbekistan,

hereinafter referred to as the Contracting Parties,

Aware of the challenges in the environment and sustainable development in Central Asia,

Determined to cooperate to preserve the unique environment of Central Asia and the sustainable use of its natural resources,

Desiring to promote economic and social development, taking into account the environment for sustainable development of Central Asia in the interests of present and future generations,

Recognizing the importance of integrating environmental policy and legislation in the field of environment and development in order to meet basic human needs, improve quality of life and ensure a more secure future

Underlining importance of legal regulation regional cooperation in environmental protection and sustainable use of natural resources in Central Asia,

In an effort to further develop the existing agreements between the countries of Central Asia in the field of environmental protection and rational use of natural resources for sustainable development,

AGREED as follows:

Article 1. Using the terms:

For the purposes of this Convention:

"Central Asia" means a geographic region consisting of the States - Republic of Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan.

"Biological diversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are. This concept includes diversity within species, between species and ecosystem diversity.

"Land degradation" means reduction or loss of biological or economic productivity and complexity of rainfed and irrigated cropland, or pasture, forest and woodlands in arid, semiarid and dry sub-humid areas resulting from land use or the actions of one or several processes, including those related to human activities and habitation patterns, such as:

- i. wind or water erosion of soil;
- ii. deterioration of the physical, chemical and biological or economic properties of soil and
- iii. long-term loss of natural vegetation.

"Pollution" means introduction by man, directly or indirectly, of substances or energy into the environment, leading to the harmful effects of such a nature as a threat to human health, harm living resources and ecosystems and material property, as well as damage to the value of the landscape or other interference legitimate uses of the environment.

"Sustainable use" means the use of natural resources and other components of the environment in such a manner and with such intensity so as not to cause long-term depletion of these resources and components, and thus, maintain the environment's capacity to meet the needs and aspirations of present and future generations.

Article 2. Scope

1. Nastoyaschaya Convention applies:

(a) to all the territories situated within the national jurisdiction of the Contracting Parties, attaching great importance to the territory of the Aral Sea basin, and

(b) all activities undertaken by any Contracting Party within its national jurisdiction.

2. After application of each protocol to this Convention, each of the relevant protocols.

Article 3. The purpose

The purpose of this Convention is to ensure the effective protection of the environment for sustainable development in Central Asia, including the improvement of ecological environment, rational use of natural resources, as well as reduce and prevent transboundary environmental damage through the harmonization and coordination of environmental policies and actions of the Contracting Parties and by establishing reciprocal rights and responsibilities.

Article 4. Principles

To achieve the objective of this Convention and to implement its provisions, the Contracting Parties in accordance with the Charter of the United Nations and the principles of international law guided, inter alia, the following principles:

1. States have the sovereign right to exploit their own resources pursuant to their policies on the environment and are responsible for ensuring that activities within the national jurisdiction does not cause damage to the environ other states.
2. Environmental protection is an integral part of the process of achieving sustainable development and can not be considered in isolation from it.
3. Environmental protection is achieved through the best way to prevent damage to the environment than by attempts to correct, or compensation for such damage.
4. In cases where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a pretext for postponing the adoption of efficient, cost-effective, measures to prevent environmental degradation.
5. Natural resources and other environmental components are used the most rational way to ensure the needs and aspirations of present and future generations.
6. Cross-border damage and other harmful effects are prevented or reduced through cooperation of the Contracting Parties involved in bilateral and multilateral basis and through regional organizations and through:
 - a. assess the impact of relevant activities on the environment;
 - b. prior, timely and accompanied by appropriate information notification to the Contracting Parties at risk of adverse effects, and consultation in good faith with the Contracting Parties;
 - c. putting into practice environmental management principles of "polluter pays" and "polluter pays", according to which the polluter bears the costs of implementing measures to prevent, control and reduce negative impacts on environment.

Article 5. General obligations

In their actions to achieve the objectives of this Convention and to implement its provisions, the Contracting Parties:

1. cooperate in a spirit of global and regional partnerships;
2. adopt and implement appropriate national policies and actions;
3. integrate the interests of environmental policies, plans and programs of economic and social development;
4. fair and reasonable use of transboundary natural resources;
5. cooperate in the development of protocols to this Convention, prescribing additional measures, procedures and standards for the implementation of the Convention;

6. adopt and implement appropriate measures to improve the ecological situation in the Aral Sea Basin and particularly in the Aral Sea region.

Article 6. Environmental protection and sustainable development

1. Contracting Parties in their actions are guided by the fact that the management of natural resources as an integral part of national and regional programs and development plans, the development of which should pay particular attention to environmental and social and cultural factors.

2. To this end, Contracting Parties shall:

a. to the extent possible, take all necessary measures to ensure that activities and development projects based on sound environmental policy and do not adversely impact on natural resources and environment in general;

b. ensure that any plans, strategies, projects and activities that may have adverse effects on natural resources and environment in general, were at an early stage of the relevant impact assessment, and that is regularly carried out their environmental monitoring and audit.

Article 7. Monitoring and Evaluation

1. Contracting Parties shall cooperate in the establishment of regional mechanisms for monitoring the basic parameters and indicators of the environment.

2. Each Contracting Party shall take all necessary measures for the implementation and application procedures for assessing the environmental impact of any proposed activity likely to have adverse effects on the national or transboundary level.

3. Each Contracting Party shall take all appropriate measures for distribution to other Contracting Parties to the evaluation of environmental impact in a transboundary context.

4. The Contracting Parties shall cooperate in the development of the Protocol to this Convention, which establishes rules and procedures for assessing environmental impacts in a transboundary context.

Article 8. Air Protection

1. The Contracting Parties, using, as far as appropriate, regional projects and other bilateral and multilateral schemes and mechanisms for cooperation, take all necessary measures to limit, gradually reduce and prevent air pollution, including transboundary pollution.

2. The Contracting Parties shall cooperate in the development of the Protocol to this Convention, which establishes rules and procedures in the development of the commitments contained in paragraph 1 of this Article.

3. Such rules and procedures may, in particular, relate to:

a. improve monitoring of national structures and sources of air pollution;

b. a regional mechanism for exchange of information on transboundary air pollution;

- c. identification and prioritization of air pollutants and coordinating the timing of reducing their emissions;
 - d. development and implementation of a regional system of indicators of air pollution.
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Article 9. Water conservation and sustainable use of water resources

1. The Contracting Parties, using, as far as appropriate, regional projects and other bilateral and multilateral schemes and mechanisms for cooperation, take all necessary measures to protect and prevent water pollution and depletion of water resources, as well as measures for their sustainable use.
 2. Contracting Parties shall cooperate in the development of protocols to this Convention, establishing rules and procedures in the development of the commitments contained in paragraph 1 of this Article.
 3. Such rules and procedures may, in particular, relate to:
 - a. improvement of national structures for monitoring water quality and sources of pollution;
 - b. establishing a regional system of monitoring water quality in transboundary watercourses;
 - c. identification and prioritization of water pollutants and agree terms to reduce their discharges;
 - d. joint actions to ensure an adequate supply of quality drinking water;
 - e. measures and actions to prevent and reduce pollution to the extent, causes no damage to the territory of the Contracting Parties, downstream of the watercourse;
 - f. joint cooperation in the field of sustainable use and protection of water resources of transboundary watercourses.
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Article 10. The protection and rational use of land resources

1. The Contracting Parties, using, as far as appropriate, regional projects and other bilateral and multilateral schemes and mechanisms for cooperation, take all necessary measures to combat and prevent land degradation, including desertification.
2. The Contracting Parties shall cooperate in the development of the Protocol to this Convention, which establishes rules and procedures in the development of the commitments contained in paragraph 1 of this Article.
3. Such rules and procedures may, in particular, relate to:
 - a. improvement of national structures to monitor the processes of land degradation;
 - b. a regional monitoring system and develop a mechanism to exchange information about the processes of land degradation;
 - c. joint actions to combat land degradation;
 - d. joint action on sustainable agriculture and forestry;
 - e. joint action on sustainable livestock and rangeland management in arid zones.

Article 11. Waste Management

1. The Contracting Parties, using, as far as appropriate, regional projects and other bilateral and multilateral schemes and mechanisms for cooperation, take all necessary measures to limit, gradually reduce and prevent pollution from industrial and household waste, focusing on pollution by hazardous waste.
 2. The Contracting Parties shall cooperate in the development of the Protocol to this Convention, which establishes rules and procedures in the development of the commitments contained in paragraph 1 of this Article.
 3. Such rules and procedures may, in particular, relate to:
 - a. improving national registers of places of collection and disposal of waste;
 - b. create and maintain a regional register of places of collection and disposal of wastes with potential transboundary effects;
 - c. establishing a regional network of centers of clean production and technologies;
 - d. measures and action to prevent the transboundary spread of radioactive contamination from mining and test sites.
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Article 12. Conservation of mountain ecosystems

1. The Contracting Parties, using, as far as appropriate, regional projects and other bilateral and multilateral schemes and mechanisms for cooperation, take all necessary measures to prevent degradation of mountain ecosystems.
 2. The Contracting Parties shall cooperate in the development of the Protocol to this Convention, which establishes rules and procedures in the development of the commitments contained in paragraph 1 of this Article.
 3. Such rules and procedures may, in particular, relate to:
 - a. joint action to develop and implement mechanisms for sustainable development, tailored to the specific conditions of mountain areas;
 - b. cooperative measures to restore the disturbed mountain ecosystems;
 - c. establishment of effective regional structures for the sustainable development of mountain areas;
 - d. adoption of joint measures to prevent pollution and depletion of snow and ice surfaces.
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Article 13. Biodiversity

1. Contracting Parties, using, as far as appropriate, regional projects and other bilateral and multilateral schemes and mechanisms for cooperation shall take all necessary measures to preserve biological diversity and sustainable use of its components.

2. The Contracting Parties shall cooperate in the development of the Protocol to this Convention, which establishes rules and procedures in the development of the commitments contained in paragraph 1 of this Article.

3. These rules and procedures may, in particular, relate to:

- a. improve national systems for identifying and monitoring components of biological diversity, are essential for its conservation and sustainable use;
 - b. establishment of a regional ecological network on biological diversity;
 - c. joint measures for the conservation of biological diversity in-situ and ex-situ;
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Article 14. Cooperation in Emergencies

1. Contracting Parties, using, as far as appropriate, regional projects and other bilateral and multilateral schemes and mechanisms for cooperation shall take all necessary measures to develop national and regional strategies for emergency preparedness, man-made or natural origin, eliminate and reduce the impact of such emergencies .

2. The Contracting Parties shall cooperate in the development of the Protocol to this Convention, which establishes rules and procedures in the development of the commitments contained in paragraph 1 of this Article.

3. Contracting Parties shall cooperate in providing information and the monitoring of anthropogenic and natural processes that could lead to emergency situations.

Article 15. National authorities

Each Contracting Party shall designate a national authority and gives it the necessary authority to implement actions on its behalf on all matters relating to this Convention.

Article 16. The scientific and technical cooperation

1. Contracting Parties shall cooperate among themselves and with third parties to build capacities in the implementation of scientific and technological research in the field of environmental protection and sustainable environmental management, focusing on the development and deployment of clean technologies and industries, taking into account relevant environmental and socio-economic factors.

2. The Contracting Parties shall encourage the sharing and application of research results in developing and implementing strategies, plans and programs in the field of environmental protection.

3. The Contracting Parties shall strive to create and improve regional scientific and technological centers as an institutional framework of regional scientific and technical cooperation, including exchange programs and environmental education.

Article 17. Exchange and access to information

1. Contracting Parties directly or through the Secretariat to regularly exchange information and experiences on the implementation of this Convention.
 2. In accordance with their national law and taking into account the provisions of existing international treaties relating to public access to environmental information, the Contracting Parties shall strive to ensure public access to information on the status of the environment in Central Asia.
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Article 18. Public Participation

Conference of the Parties shall establish rules and procedures for the involvement of civil society in the implementation of this Convention, including by introducing a system of accreditation of NGOs.

Article 19. Implementation and compliance

1. Each Contracting Party shall take such measures as may be necessary to establish and strengthen their national infrastructures for the effective implementation of this Convention. These measures may include adoption or amendment of national legislation.
 2. Contracting Parties may cooperate with international organizations, financial institutions and donors on issues related to the implementation of this Convention.
 3. Conference of the Parties shall develop and adopt rules and procedures to promote compliance with the provisions of this Convention, taking into account the need to maintain the means of implementation and compliance, including assistance in cases of reasonable compliance.
 4. Nothing in this Convention shall be interpreted as restricting the right of Contracting Parties to adopt stricter measures for the protection of the environment, as prescribed in this Convention, provided that such measures are consistent with the provisions of this Convention and relevant international law.
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Article 20. Reports

Each national authority shall provide to the Secretariat reports on measures taken to implement the provisions of this Convention and its protocols. The format and frequency of such reports are determined by the Conference of the Parties. The Secretariat distributes the reports received to all Contracting Parties.

Article 21. Financial resources and mechanism

1. Each Contracting Party shall make every effort to provide financial resources sufficient to implement this Convention.
2. Financial resources for the present Convention, consists of contributions of Contracting Parties, as well as from funds received from international organizations, financial institutions and donors.
3. Contributions of the Contracting Parties to meet the scale of assessments approved by the Conference of the Parties at its first meeting. As required scale of assessments may be reviewed by the Conference of the Parties.

4. Conference of the Parties may appoint a financial institution to serve the financial mechanism of the Convention for the collection, management and expenditure of financial resources referred to in paragraphs 1-3 of this Article.

Article 22. Relationship with other international agreements

1. The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from other international agreements to which it is.

2. This Convention does not restrict the rights of Contracting Parties to conclude other international treaties on matters that are the subject of this Convention, and not contrary to the purposes and principles.

Article 23. Conference of the Parties

1. There is hereby established the Conference of the Parties.

2. Conference of the Parties shall consist of one representative of each Contracting Party having one vote. Each representative may have one or more advisers.

3. The first meeting of the Conference of the Parties shall be convened no later than twelve months after the date this Convention enters into force. Thereafter, ordinary meetings of the Conference of the Parties shall be held on a regular basis at intervals established by the Conference of the Parties at its first meeting.

4. Extraordinary meetings of the Conference of the Parties shall be convened when the Conference may deem necessary or upon written request of any Contracting Party, provided that the request is supported by at least two other Contracting Parties.

5. Meeting of the Conference of the Parties shall take turns in alphabetical order on the territories of the Contracting Parties or in the location of the Secretariat.

6. The Chairmanship of the Conference of the Parties executed at a time in alphabetical order by each Contracting Party. If the office of President shall be exempt, the Contracting Party, the Presidency of the Conference shall appoint a successor, remain in office until the expiration of such a Contracting Party.

7. The working languages of the Conference of the Parties shall be English and Russian languages.

8. All decisions of the Conference of the Parties adopted unanimously.

9. Conference of the Parties at its first meeting, decide on:

(a) the establishment of other bodies of the Convention as are deemed necessary;

(b) the organization of the Secretariat of the Convention, including its location and staff;

(c) rules of procedure and financial rules for itself and its subsidiary bodies.

10. At each ordinary meeting of the Conference of the Parties to adopt the program and budget for the next financial period.

11. The functions of the Conference of the Parties are:

- (a) the consideration and decision on implementation of this Convention and its protocols;
- (b) consideration and adoption of protocols or amendments to this Convention or the Protocols thereto, and the consideration and adoption of annexes to this Convention and its protocols;
- (c) the consideration provided by the Contracting Parties reports on the implementation of this Convention, as well as review and assessment of progress made by each Contracting Party, or difficulties, which arise or may arise in the implementation process;
- (d) review reports prepared by the Secretariat;
- (e) To establish and maintain communication and cooperation with relevant bodies of regional cooperation, as well as international organizations, agencies, financial and academic institutions on issues related to the implementation of this Convention;
- (f) establish such subsidiary bodies as may be necessary for the implementation of this Convention and its protocols;
- (g) appoint the Executive Secretary of the Convention and other required staff;
- (h) perform such other functions as may be necessary to achieve the objectives of this Convention.

12. The Contracting Parties shall regularly review at meetings of the Conference of the Parties to the interaction interstate structures and institutions cooperating in the field of environmental protection for sustainable development in the context of improving their work.

Article 24. Secretariat

1. Is hereby established a Secretariat.

2. The Secretariat consists of an Executive Secretary and other staff required to perform the functions specified in paragraph 4 of this Article.

3. The Executive Secretary shall be the chief administrative officer of the Secretariat and shall perform the functions necessary to guide the work of the Secretariat, as determined by the Conference of the Parties, in accordance with the adopted its Rules of Procedure and Financial Rules.

4. Functions of the Secretariat are:

- (a) organization and conduct of meetings of the Conference of the Parties and its subsidiary bodies;
- (b) prepare and transmit to the Contracting Parties notifications, reports and other information received;
- (c) consideration of requests and information from Contracting Parties and to consult with them on matters relating to the implementation of the Convention and its protocols;
- (d) preparing and distributing reports and reports on issues related to the implementation of the Convention and its protocols;

- (e) the establishment and maintenance of database and dissemination of national legislation and international rules relating to the implementation of this Convention and its protocols;
 - (f) the organization at the request of any Contracting Party providing technical assistance and advice for effective implementation of this Convention and its protocols;
 - (g) exercise other functions as may be established by the Protocols to this Convention;
 - (h) cooperation with the secretariats of the bodies of regional cooperation and other relevant regional and international organizations and programs in accordance with the instructions of the Conference of the Parties;
 - (i) perform other functions as may be established by the Conference of the Parties.
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Article 25. Settlement of Disputes

In the event of a dispute between Contracting Parties concerning the application or interpretation of the provisions of this Convention, the parties concerned to allow it through consultations and negotiations or other peaceful means of their choice.

Article 26. Minutes

1. Any Contracting Party may propose protocols to this Convention.
 2. The text of any proposed protocol submitted to the Contracting Parties at least six months before the opening meeting of the Conference of the Parties, which proposed the adoption of the protocol.
 3. Minutes accepted by unanimous decision of the Contracting Parties at a meeting of the Conference of the Parties.
 4. Enter into force upon ratification, acceptance or approval by all Contracting Parties, unless otherwise stipulated by the protocol. Protocols form an integral part of this Convention.
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Article 27. Amendments to the Convention or the Protocols

1. Any Contracting Party may propose amendments to this Convention. The amendments to any protocol may be proposed by any Party to this Protocol. Such amendments shall be adopted by unanimous decision of the Contracting Parties at the meeting Conference of the Parties, except in cases where a protocol provides a procedure for making amendments to it.
 2. Amendments to this Convention or to any protocol shall enter into force in accordance with the same procedure as that provided for the entry into force of the Convention or relevant protocol.
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Article 28. Annexes and amendments thereto

1. Annexes to this Convention or any Protocol thereto, respectively, are an integral part of this Convention or this Protocol, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such applications are limited to procedural, scientific, technical and administrative matters.

2. Annexes to this Convention or any Protocol and amendments to annexes shall be proposed and adopted in accordance with the procedure provided by paragraph 1 of Article 27 of this Convention. Annexes and amendments thereto shall come into force on the ninetieth day following the date of their adoption.

3. If an application or an amendment to an annex involves an amendment to this Convention or any protocol to the Convention, that annex or amendment shall enter into force only after the entry into force of the relevant amendments to this Convention or to the protocol.

Article 29. Signature, ratification, acceptance, approval and accession

1. This Convention is open for signature by the States of Central Asia in 2006 2007.

2. The Convention is subject to ratification, acceptance or approval of the Central Asian States in accordance with their national law. It will be open for accession by any State in Central Asia, beginning with the date it is closed for signature.

3. The instruments of ratification, acceptance, approval of this Convention or accession thereto, shall be deposited with the Depositary.

Article 30. Reservations

No reservations to this Convention.

Article 31. Entry into force

This Convention shall enter into force on the ninetieth day after the deposit of instruments of ratification, acceptance, approval or accession by all States of Central Asia.

Article 32. Depositary

Is the depositary of this Convention.

Article 33. Authentic texts

This Convention, of which the English, Kazakh, Kyrgyz, Russian, Tajik, Turkmen and Uzbek languages are equally authentic, shall be deposited with the Depositary. In the event of a dispute concerning the interpretation or application of the provisions of this Convention or its protocols used text in Russian.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Convention.

DONE in Ashgabat, twenty-second day of November, two thousand and six.

For the Government of the Republic of Kazakhstan

For the Government of the Kyrgyz Republic

For the Government of the Republic of Tajikistan

For the Government of Turkmenistan

For the Government of the Republic of Uzbekistan