

UNECE environmental conventions and activities in Central Asia

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UNECE Environmental Conventions

UNECE acts as a secretariat for five environmental conventions negotiated under its auspices and for their protocols. The UNECE Conventions offer a strong and comprehensive legal framework for dealing with diverse environmental issues, in particular transboundary cooperation. Four out of five Conventions have a clear focus on promoting transboundary cooperation. For Central Asian countries, the availability of modern, coherent and tested frameworks for cooperation in form of the UNECE Conventions is the primary benefit of accession since it would provide legal and institutional frameworks and mechanisms to address the challenges in protection and management of natural resources and to make progress towards environmental democracy.

The Convention on the **Protection and Use of Transboundary Watercourses and International Lakes (Water Convention, 1992)**¹, in force since 1996, strengthens national measures and transboundary cooperation for the protection and ecologically sound management of transboundary surface waters and groundwater. The three-pillar normative cornerstone of the Convention is based on (a) the no significant harm rule; (b) the equitable and reasonable utilization principle; and (c) the cooperation principle, as the catalyst for the realization the prior two. The Convention obliges Riparian Parties to conclude specific bilateral or multilateral agreements providing for the establishment of joint bodies, and to enter into consultations upon request. The Water Convention has served as a model for transboundary cooperation agreements throughout the UNECE region, and has an important role to play in Central Asia by providing framework for interstate institutional and legal cooperation. The 1999 Protocol on Water and Health², in force since 2005, aims to protect human health by better water management. Parties are required to establish national and local targets for the quality of drinking water and the quality of discharges, as well as for the performance of water supply and waste-water treatment.

The Convention on the **Transboundary Effects of Industrial Accidents (Industrial Accidents Convention, 1992)**³, in force since 2000, is designed to protect people and the environment against industrial accidents. The Convention aims to prevent accidents from occurring, reduce their frequency and severity and mitigate their effects if required. The Convention encourages its Parties to help each other in the event of an accident. The Assistance Programme has been developed to enhance the capacities of countries in Eastern Europe, Caucasus and Central Asia, and South Eastern Europe in implementing the Convention. In the first phase of the Programme countries need to express commitment at high level to work on implementing the Convention and to prepare to receiving assistance through implementing basic tasks under the Convention. In the second phase assistance is provided to help countries with more complex tasks required under the Convention. The Convention and its Assistance Programme could play an important role in improving the industrial safety in the region and foster bilateral and multilateral cooperation between the countries.

¹ <http://www.unece.org/env/water/welcome.html>

² http://www.unece.org/env/water/text/text_protocol.htm

³ <http://www.unece.org/env/teia/welcome.html>

The Convention on **Environmental Impact Assessment in a Transboundary Context (Espoo Convention, 1991)**⁴, in force since 1997, requires that an environmental impact assessment be carried out for an activity planned in the territory of one Party that is likely to have a significant environmental impact within an area under the jurisdiction of another Party. It lays down the obligations of the Parties concerned to notify and consult each other and the public of such an activity. The Convention does not diminish a State's power to decide on development activities in its territory. The Convention requires only that the outcome of the environmental assessment of an activity, and comments received from the authorities and the public in any affected Party, are taken into due account. The Convention has been applied successfully to hundreds of projects, facilitating the flow of information, consultations between States, the avoidance of disputes, and strengthened environmental protection. The Convention could play an important role in Central Asia by settling differences and preventing disputes between the countries in various areas where developmental activities and projects are planned. A pilot project⁵ between the two Parties in the Central Asia, Kyrgyzstan and Kazakhstan, demonstrates the usefulness of the procedures of the Convention. The 2003 Protocol on Strategic Environmental Assessment⁶, in force since 2010, requires its Parties to evaluate the environmental consequences of their official draft plans and programmes that set the framework for subsequent development activities.

The Convention on **Long-range Transboundary Air Pollution (LRTAP Convention, 1979)**⁷, in force since 1983, commits Parties to gradually reduce and prevent air pollution including long-range transboundary air pollution. Parties shall by means of exchanges of information, consultation, research, and monitoring, develop policies and strategies which shall serve as a means of combating the discharge of air pollutants. The Convention is extended by eight legally binding protocols covering a range of harmful pollutants including sulphur dioxide, persistent organic pollutants, volatile organic compounds, lead and mercury, amongst others. In 2004-2008, the project Capacity Building for Air Quality Management and the Application of Clean Coal Combustion Technologies in Central Asia (CAPACT Project), was implemented to strengthen the capacity of air quality management institutions in Kazakhstan to implement the LRTAP Convention and its protocols as well as to promote the application of appropriate clean coal combustion technologies for heat and power generation from solid fuels. Since this project concluded, the Convention's Executive body recognized furthered cooperation with Central Asia as a key priority.

The Convention on **Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention, 1998)**⁸, in force since 2001, links environmental rights and human rights. The Aarhus Convention grants the public rights and imposes on Parties and public authorities obligations regarding access to information, public participation and access to justice. The 2003 Protocol on Pollutant Release and Transfer Registers⁹, in force since 2009, is the first legally binding international instrument aimed to enhance public access to information through the establishment of coherent, nationwide pollutant release and transfer registers (PRTRs). Although regulating information on pollution, rather than pollution directly, the Protocol is expected to exert a significant downward pressure on levels of pollution.

⁴ <http://www.unece.org/env/eia/welcome.html>

⁵ http://www.unece.org/env/eia/documents/ActivityReports/BishkekMar09/Pilot_project_report_en.pdf

⁶ http://www.unece.org/env/eia/sea_protocol.htm

⁷ <http://www.unece.org/env/lrtap/welcome.html>

⁸ <http://www.unece.org/env/pp/welcome.html>

⁹ <http://www.unece.org/env/pp/prtr.htm>

Project activities in Central Asia

UNECE-GTZ Programme “Regional Dialogue and Cooperation on Water Resources Management in Central Asia”

This Programme supports Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan in analyzing the effectiveness of the current institutions and legal frameworks for transboundary water cooperation and developing proposals for institutional and legal reform. The project also provides assistance to Central Asian states in developing an effective Aral Sea Basin Programme – 3 with strong involvement of international and donor organisations. These overall efforts on improving transboundary water cooperation in the region are supplemented by strengthening the understanding and application of international water law in the region through regional and national capacity-building seminars on UNECE environmental conventions, in particular the Water Convention, Espoo Convention and Industrial Accidents Convention. The project also strengthens the basis for informative decision-making through supporting Central Asian countries and regional organizations to develop regional guidelines for water monitoring and data exchange.

Dam safety to protect the population

Central Asia has more than 100 major dams and other water control facilities, mostly on rivers shared by different countries. The dams are aging and are not always adequately maintained. A recent accident in Kyzyl-Agash, Kazakhstan led to more than 40 casualties.

A regional project¹⁰ supported by the UNECE resulted at an earlier stage in: (i) a model national law on safety of large hydraulic facilities, including dams, intended to be a basis for national harmonized legal frameworks for dam safety and (ii) a draft of the regional agreement on cooperation on dam safety, which stipulates, inter alia, exchange of information and notification of other countries in case of accidents with dams.

In a follow-up phase of the project the Central Asian countries are active to improve or revise the existing legal provisions and institutional modalities for dam safety. In Tajikistan and Turkmenistan, it has been decided to develop a national law on safety of hydraulic structures including dams by adapting the model law; in Kyrgyzstan, the creation of a national commission on safety of dams is underway; in Kazakhstan, the Water Code has incorporated provisions for regulating dam safety and a separate law on the safety of hydraulic structures is being discussed. In Uzbekistan, work is underway to enforce the Law on safety of hydraulic structures, adopted already in 1999. All the countries pursue regional cooperation on dam safety by setting up a legal and institutional framework along the lines of the proposed regional agreement.

Development of new water relations – The Chu and Talas rivers

Water relations in Central Asia took a significant step forward in 2006 when the Kazakh-Kyrgyz Chu and Talas Rivers Commission was inaugurated with the support of UNECE. The Chu-Talas Rivers Commission¹¹ gives a mutually beneficial way for Kyrgyzstan and Kazakhstan to share the responsibility for water infrastructure used by both countries. As part of the bilateral agreement, Kazakhstan has agreed to pay part of the operating and maintenance expenses for a number of Kyrgyz dams and reservoirs supplying water to both countries. This addresses a contentious issue and is a breakthrough in water relations in

¹⁰ <http://www.unece.org/env/water/damsafety.htm>

¹¹ <http://www.chutalascommission.org>

Central Asia, as the sharing of water resources, in particular between upstream and downstream countries, is often characterized by tension and insecurity.

A new project that started in 2007 supports the further broadening of the cooperation to improve the management of water resources in the two rivers.

Better water information for better water decisions

Central Asian Regional Water Information Base Project, CAREWIB, improves the availability and exchange of information in water and environmental sectors in Central Asia. A regional Internet portal www.cawater-info.net provides access to up-to-date information on water and related issues in Central Asia.

The portal is based on existing though not yet always easily accessible information maintained by the Scientific Information Centre of the Interstate Commission for Water Coordination in Tashkent. Publications in paper format are regularly produced and distributed to increase outreach towards policymakers, NGOs and the general public. What started as an effort to improve information exchange and coordination between donors is now a much more ambitious project aiming to make information flow on water issues more efficient and transparent in Central Asia. A second phase of the project started in autumn 2007.

Water Quality in Central Asia

Downstream on the major rivers SyrDarya and AmuDarya, the low quality of water has serious negative health effects. Management of water quality is highly inefficient and insufficient both on the national and regional levels - national policies and regional cooperation need to be improved with the ultimate aim to improve water quality.

In cooperation with CAREC, UNECE implements a project¹² in 2009-2011 to improve the cooperation and national policies on water quality. A first step is to establish common principles for the measurement, exchange of information between countries and joint assessment. The development of more efficient national policies including the standards and principles applied in the permitting of environmentally harmful activities is another key aspect. As the monitoring of water quality has seriously deteriorated since the beginning of the 1990s, it is also a challenge to establish a monitoring network.

¹² http://www.carecnet.org/en/programmes/water/water_quality/