

Report

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Fifth Meeting
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***ENVIRONMENTALLY CONSISTENT UTILIZATION
OF NATURAL RESOURCES: LEGAL SUPPORT***

I. INTRODUCTION

1. During the fourth meeting of the Commission on Environment and Natural Resources held in Bishkek on 14 September 2018 it was proposed to take up subject "Environmentally Consistent Utilization of Natural Resources: Legal Support" for the fifth meeting as a main item of agenda.
2. Mankind has experienced robust economic and population expansion during last two centuries. Industrial development and rise in the life level expectancy were accompanied by increasing consumption of natural resources. It did not take much time for people to imagine possible consequences of growth by running out of its fundamentals.
3. Human wealth is based on the use and consumption of natural resources. Continued increase in resource use and the related environmental impacts can have a multitude of negative effects leading to ecological crises and security threats. The sustainable use and management of natural resources have therefore come into focus and have been the subject of many policy discussions over more than a decade, beginning with the summit in Rio de Janeiro in 1992.
4. Over the past 50 years, humans have changed ecosystems more rapidly and extensively than in any comparable period in human history, largely to meet rapidly growing demands for food, fresh water, timber, fibre and fuel. This has resulted in substantial gains in human well-being and economic development, but these gains have been achieved at growing costs in the form of the degradation of many ecosystems.

5. As can be seen in many other countries, TURKPA member countries are also very interested in finding solutions to the problems regarding environmental protection and rational utilization of natural resources, as the rapid development of all spheres of economics and human activity has led to an increasingly negative impact on the environment, including the inefficient usage of natural resources.
6. The purpose of this report is to work out priorities of regional cooperation on the issue. Report is based on the contributions received from the relevant ministries of Azerbaijan, Kazakhstan, Kyrgyzstan and Turkey, as well as data of relevant international institutions.

I. SITUATION IN MEMBER COUNTRIES

AZERBAIJAN

7. Azerbaijan possesses rich natural resources and developed industrial areas. From this point of view, it is possible to reach 9 out of 11 climate types in Azerbaijan. In addition, oil and gas deposits, useful ore deposits, and non-ore-bearing minerals are also very rich. Biological resources, including forest resources and water resources are related to these riches.
8. Azerbaijan Republic has joined to more than 20 multilateral international convention and protocols on environment including the UNESCO Convention on the Protection of World Cultural and Natural Heritage, the UN Framework Convention on Climate Change, the Convention for the Protection of Wild Fauna, the Convention on the Protection of Wild Fauna, the UN Convention against Desertification, the Convention on Environmental Impact Assessment in the Transboundary Context, the European Convention for the Protection of the Wildlife and Conservation of Europe, including the Montreal Convention on Substances that Deplete the Ozone Layer, the Convention on Biological Diversity, the UN Framework Convention on the Control of Hazardous Waste Transfers and Disposal and others.
9. At the same time, 30 bilateral agreements and memorandums of understanding were signed between the Republic of Azerbaijan and various countries. Among that countries especially neighbouring countries are Georgia, Turkey, Islamic Republic of Iran, at the same time Central Asia Republics, Moldova, Germany, Korea, China, Czech Republic, Latvia and others.
10. Documents signed in the Republic of Azerbaijan in the recent years on the environment have been documented in the National Strategy for Biodiversity Conservation and Sustainable Use in the Republic of Azerbaijan for 2017-2020, a

strategic roadmap for major sectors of the national economy and economy, Azerbaijan 2020 Outlook to the Future Economic Concept, State Program on Socio-Economic Development of Regions of the Republic of Azerbaijan in 2019-2023, National Strategy and Action Plans for Improvement of Solid Waste Management in Azerbaijan for 2018-2020 et c.

11. The laws of the Republic of Azerbaijan play a decisive role in regulating the legal relations in the field of ecology. After restoration of state sovereignty in the Republic of Azerbaijan, a number of laws were adopted to regulate legal relations in this field. These laws include the Forest Code of the Republic of Azerbaijan (30 December 1997), the Water Code of the Republic of Azerbaijan (26 December 1997), the Land Code of the Republic of Azerbaijan (25 June 1999), "On Environmental Protection" of the Republic of Azerbaijan (8 June 1999), "On Earth" (13 February 1998), "On Atmosphere Air Protection" (March 27, 2001), "On Specially Protected Areas" (March 24, 2000), "On Wildlife" (04 June 1999), "On Environmental Information" (March 12, 2002), "Radiation Safety of Population (30 December 1997), "On Fishing" (March 27, 1998), "On Protection of Greening" (2 May 2014), "On Ecological Safety" (04 June 1999), "On Environmental Education and Enlightenment of the Population" (10 February 2002), "On Hydro Meteorological Activity" (April 17, 1998), "On Environmental Impact Assessment" (June 12, 2018) and others.
12. As it was mentioned above, there were adopted numerous laws on Environment. These laws are based on the Constitution of the Republic of Azerbaijan. In 1999 The Law on Environmental Protection has been adopted. The Law on Environmental Protection covers all fields – waste management, protection of fauna, environmental expertise et c. In 2007 there were made some amendments to the Law on Environmental Protection. In 2008-2009, with the presidential decree control functions were handed over to the Ministry of Ecology and Natural Resources, the Ministry of Internal Affairs and the Ministry of Health.
13. According to the Decree of the President of the country dated July 16, 2018, State Mineral Raw Materials Use Agency was established with the aim of protecting the mineral raw material base and rational utilization of natural resources.
14. In general, the ecological situation in the country, natural resources, their protection and reproduction have become an integral part of the sustainable development concept. In this regard, the Ministry of Ecology and Natural Resources is cooperating in all bilateral and multilateral formats of the UN system in the field of environmental protection.

KAZAKHSTAN

15. The fundamentals of the state environmental policy are fully set out in the Constitution of the Republic of Kazakhstan. Environmental protection, political documents, and strategies are reflected in the legislation of Kazakhstan.
16. The Environmental Code of the Republic of Kazakhstan was adopted on January 9, 2007. This Code regulates relations in the field of protection, restoration, and preservation of the environment, use, and reproduction of natural resources during economic and other activities related to the use of natural resources and environmental impact within the territory of the Republic of Kazakhstan.
17. The ecological bases for the sustainable development of the Republic of Kazakhstan are the achievement by the state of a goal to provide a favorable environment for human life and health; environmental protection and biodiversity conservation; ensuring and implementing the right of the Republic of Kazakhstan to develop its natural resources and uphold national interests in the use of natural resources and environmental impact; equitable satisfaction of the needs of present and future generations; developing sustainable production and consumption patterns; the compliance of environmental standards with the conditions of social and economic development, taking into account the state of the environment; Observance of the right of every person to access to environmental information and full public participation in addressing environmental issues and sustainable development; ensuring publicity of measures taken in the field of environmental protection; a global partnership to preserve, protect and restore the healthy state and integrity of the Earth's ecosystem; promoting the development of international law relating to liability for environmental damage; deterring, preventing the transfer to other countries of any activities and substances that cause severe damage to the environment or are considered harmful to human health, as well as taking precautions in cases where there is a threat of severe or irreversible damage to the environment.
18. As regards international treaties, the Republic of Kazakhstan actively participates in environmental issues. Kazakhstan is partner to more than 30 biodiversity, water and other international agreements. On August 2, 2016, the Republic of Kazakhstan signed the Paris Agreement. Under this agreement, Kazakhstan has decided to reduce carbon dioxide emissions up to 15 per cent by 2030.
19. In general, there are conditions for the development of the country's environmental legislation. The Ministry of Energy of the Republic of Kazakhstan is the responsible body. It includes the Committee for Environmental Regulation and Control. Also,

- the relevant ministries of the Republic of Kazakhstan are involved in the implementation of legislation in the field of environmental protection.
20. At the same time, the Parliament of the Republic of Kazakhstan has the basic authority to adopt these laws and regulations. It is the main competent authority in the area of improvement and development of legislative acts.

KYRGYZSTAN

21. At the UN Conference on Sustainable Development "RIO + 20" in 2012, Kyrgyzstan expressed its commitment to sustainable development in the long term through the promotion of priorities of the "green economy".
22. In January 2013, as part of the National Sustainable Development Strategy for the period 2013-2017, the country's political course on sustainable development was adopted, and a little earlier, in November 2012, the National Council on Sustainable Development was established. Within the framework of the Strategy, for the first time, the priority of human development, human and natural capital is put forward as the main central priority.
23. In the National Development Strategy of the Kyrgyz Republic until 2040 and the Government Development Program of the Kyrgyz Republic "Unity, Trust, Creation", the issues of conservation and effective management of natural resources are cross-cutting with the economic development of the country.
24. In its development, the Kyrgyz Republic faces problems that pose a threat to the future sustainable development of the country, including: exhaustion of natural resources without creating effective alternatives, loss of natural ecosystems, low resource and energy efficiency, and low rates of human capital development.
25. A serious challenge is the expected climate change, which will have a significant impact on the living conditions and health of the population, but the republic's water resources will be the most vulnerable, which will reduce the opportunities for developing hydropower and agricultural production.
26. Rational use of natural resources should be aimed at their economy, gradual abandonment of extensive use and transition to the economical use of non-renewable and sustainable use of renewable resources, as well as the development of alternative energy sources - solar, wind, etc.
27. In the Kyrgyz Republic, the Resolution of the Jogorku Kenesh of the Kyrgyz Republic dated June 28, 2018 No. 2532-VI adopted the concept of a green economy in the Kyrgyz Republic "Kyrgyzstan is a country of green economy". As part of the

- implementation of this Concept and the National Development Strategy of the Kyrgyz Republic until 2040, a draft Program for the Development of a Green Economy in the Kyrgyz Republic for 2019-2023 was developed.
28. The environmental legislation of the Kyrgyz Republic regulates a wide range of legal relations related to environmental protection and the preservation of natural resources. They set norms and requirements for environmental protection during economic and other activities, define types of environmental offenses, liability measures and procedures for bringing to responsibility, establish procedures for the use of natural resources, exemption rates and quotas, and provide for protective and restoration measures.
 29. The basic legal and regulatory document in the field of environmental protection is the Law of the Kyrgyz Republic “On Environmental Protection”, which establishes the legal basis for policy and legal relations in the field of environmental management and environmental protection.
 30. In order to prevent the impact of possible negative consequences of the planned economic and other activities on public health and the environment, in accordance with the Law of the Kyrgyz Republic “On Ecological Expertise”, state ecological expertise is carried out. At the same time, the mandatory and integral part of all types and stages of the development of project documentation is the environmental impact assessment (EIA). The initiator of the activity submits the EIA documentation for the state environmental impact assessment. A positive conclusion of the state environmental review is one of the prerequisites for authorizing financing, lending, investing, and realizing the object of examination.
 31. In conclusion, the inclusion of issues of ensuring environmental sustainability and sustainable environmental management in the country's development priorities allows for a long-term basis to ensure stable economic growth that does not lead to degradative changes in the natural environment.

TURKEY

32. Mining is the extraction of reserves available underground and presentation them to service of the community. The removal of mines that are consumed from the crust and bringing them into the economy is an inevitable necessity. Unfortunately, mining is not a renewable resource and, depending on the nature of the work done, it is needed to take various measures to prevent damage to nature when presenting mines to the economy.
33. Unfortunately, one of the most problematic areas in mining sector is the environment. Mining is an engine of development today, as it was yesterday. It is

almost a sector that touches on all aspects of our lives. For this reason, it is a very high sector in terms of economy and labour force.

34. The Ministry of Energy and Natural Resources have made and continue to make necessary adjustments to Turkey's legislation for finding, operating and post-mining.
35. Turkey took important steps within the local and national mining policy. In Turkey, in the mining sector, a culture has been formed not only for the human being and nature, but also activities with the environment and human.
36. In mine statement the mining project also includes the rehabilitation phase after the operation of the mine by taking action on environmental issues. Thus, the entrepreneur takes into consideration the rehabilitation phase before starting the work.
37. As mentioned in the law on mining, up to the end of January, 70 percent of the duty on the operation of the mining is transferred to the general budget, and 30% are transferred to the head office for the implementation of the environmental plan. Thus, when the economic situation of the entrepreneur does not allow to be rehabilitated, the rehabilitation by the state is ensured. When the function period ends, the license holder must hand over the area in accordance with the environment and submit relevant documents to the General Directorate. The license holder is given one year to do this rehabilitation work. If the necessary measures are not taken during this time, all the responsibility remains with the license holder and the situation is reported to the executive power and prosecuted locally.
38. In case of mining activities determined in non-licensed areas, rehabilitation of these fields is carried out by state agencies. Mining activities and licensing activities are restricted to a number of known causes such as environmental impacts and urbanization.
39. Mining, especially coal mining, have environmental problems. It is important to pay attention to environmental pollution. Water, air pollution, solid waste and fume pollution are included here. At the same time, due to the use of the area, it is possible to talk about the violation of the territories. A lot of work has been done by the Ministry of Energy and Natural Resources in order to normalize this sphere. The most important of these is the Environmental Law. Additionally, many activities related to Waste Management, Water Pollution, Water Pollution Control Regulations, and more on Oil Waste and other issues are being implemented.
40. The mining sector continues its activities in the form of a complete integration from the ecological point of view as well as from the mining sector. Thus, a mining activity begins with the licensing phase in Turkey. The second stage is environment-friendly, environmental assessment. In order to carry out mining activities in Turkey, a

company must have a license and have to get an Environmental Impact Certificate. Then the company provides the ownership and location-related documentation. Later, workplace opening and work permits are received. Then the General Directorate on Mining and Petroleum Affairs will allow the company to operate. Later other relevant permits are received.

41. There are many mining wastes in mining, both in processing and recycling. In terms of their environmental impact and elimination of negative impacts, many activities within the framework of Turkey are being implemented.
42. The first is the identification of the nature of mining waste. Following a number of testing and laboratory activities, the nature of mining waste is identified and categorized as hazardous waste or safe mining waste. At the same time, Waste Management Legislation is being developed and implemented.
43. Underground water analysis in mining operations in Turkey is carried out with regard to waste water, and the necessary permits are issued to the nature. In this context, The Ministry has established underground and well water treatment facilities. These companies are functioning.
44. At the same time, there is a normative act on prevention of air pollution in Turkey for many years, with regard to coal production and reducing the impact of coal on direct air pollution. In this context, the use of non-conforming coal for the purpose of heating in Turkey is prevented. At the same time, there are oil and oil garbage legislation that are used during mining activities.
45. Mining sector should be invested and supported by all partners in this area. In this regard, it is important to open the front of mining activities, to investigate risks, and to make appropriate warnings to mining companies.

II. COOPERATION OF TURKPA MEMBER COUNTRIES AND CONCLUSIONS

46. Natural resources are the foundation of economic activity, the most important factor in the quality of life, the basis of the well-being and well-being of present and future generations. Therefore, effective management of natural resources, their rational use is the main condition for economic development and environmental conservation.
47. As it seen, in support of TURKPA member countries' environmental protection goals, a number of important laws, legal documents and state programs, all of which conform to European law requirements, have been developed and approved in order to improve the ecological situation in these countries. These measures have been

- undertaken within the framework of the corresponding state programs to solve the urgent ecological problems at the very foundation of development principles.
48. It should be noted that the expansion of relations with international organizations and developed countries is one of the main directions of the environmental policy of TURKPA member countries in order to minimize environmental pollution and protection.
 49. There is a problem of low awareness among the public on the issue of sustainable use of natural resources. The level of awareness and understanding of the problem among people on issues of sustainable use of natural resources are an important factor in the successful solution of the problem.
 50. TURKPA member countries can cooperate in the relevant fields within the framework of international organizations they are members and in the framework of international agreements in which they are partner.
 51. “Workshop on Protection of Natural Wealth of Forests and Environmental Use of Natural Resources - Legislation and Practices” held by TURKPA on 23-24 January 2019 in Ankara with the support of the Grand National Assembly of Turkey (GNAT) played an important role in strengthening cooperation among our relevant structures. Experts from member countries met and changed information and their contacts with each other.
 52. Wide range of opportunities exists for TURKPA member countries to mutually cooperate on this issue. Expansion of their interaction by holding of joint events and actions such as seminars or conferences, experience exchange programs would strengthen cooperation for the benefit of their people, as well as in the interest of the region.