

# DRAFT REPORT OF THE 2<sup>ND</sup> EPR OF KYRGYZSTAN

## Proposal for recommendations

### PART I. POLICYMAKING, PLANNING AND IMPLEMENTATION

#### CHAPTER 1: Policymaking framework for environmental protection and sustainable development

##### Recommendation 1.1:

*The Government should ensure that the approved programmes and plans for environmental protection and sustainable development are financed and directly linked to the system of budgetary financing, monitoring and evaluation of planned and financed activities. In order to do so, they should go through the parliament process.*

##### Recommendation 1.2:

*To improve the current situation, with effective and timely implementation of national environmental protection and natural resources laws, the Government should:*

- (a) Request ministries, committees and State agencies to combine lawmaking with the planning of effective further implementation of initiated laws, e.g. by preparation in advance of a list of legislation to be adopted or amended, and also of implementation guides defining in particular time frames for implementation;*
- (b) Establish a general procedure for the drafting and approval, by competent ministries, committees and agencies, of regulations to newly adopted laws, with timelines practicable and consistent with public participation requirements.*

##### Recommendation 1.3:

*To enable the national environmental authority to ensure environmental security and promote sustainable development, the Government should:*

- (a) Review the needs and options to raise the status of the State Agency of Environmental Protection and Forestry to that of a ministry;*
- (b) Ensure the Agency's active participation in the coordination of intersectoral cooperation on sustainable development at the national level either by initiating its participation in the National Council for Strategic Development or through the establishment of a national council on sustainable development in which it would play a major role.*

##### Recommendation 1.4:

*To establish effective and practicable mechanisms for cooperation and to clarify environmental protection and sustainable development competencies at the interregional, regional and local levels, the Government should:*

- (a) Initiate consultations between competent central governmental bodies, the regional and local administrations, and local self-governance bodies on this matter;*
- (b) Develop, on the basis of outcomes of the above consultation, legislative frameworks clarifying responsibilities at every level, and ensure necessary institutional and organizational arrangements for the establishment of regular mechanisms of such cooperation.*

#### CHAPTER 2: Compliance and enforcement mechanisms

##### Recommendation 2.1:

*(a) The State Agency of Environmental Protection and Forestry should separate the inspection and permitting functions at both the national and regional levels. An information exchange mechanism needs to be established to ensure feedback between environmental permitting and inspection.*

*(b) The State Agency of Environmental Protection and Forestry should ensure that the inspection staff at regional level adjusts their skills to the advanced enforcement requirements. For this purpose, the Agency should provide regular training to inspectors, using the support of international projects as well.*

Recommendation 2.2:

*(a) The State Agency of Environmental Protection and Forestry should ensure that the draft amended Instructions on EIA and SEE are in line with best international practices, and should adopt them as soon as possible;*

*(b) The State Agency of Environmental Protection and Forestry should use the results of the OSCE/UNECE project (EIA in a transboundary context: pilot implementation project in Central Asia) to regulate and implement the three existing environmental assessment instruments (SEE, EIA and PEE) in a more systematic and transparent, but simplified, manner.*

Recommendation 2.3:

*The State Agency of Environmental Protection and Forestry should:*

*(a) Differentiate the permitting approaches and procedures used for large industry and small and medium-sized enterprises (SMEs), with a view to simplifying the permitting procedure for SMEs with no significant environmental impact;*

*(b) In parallel, differentiate the responsibilities of the regulating institutions so that major industry falls under the jurisdiction of the central authority and SMEs fall under the jurisdiction of the interregional administrations;*

*(c) Increase the duration of permit validity to 5–10 years and formulate permit conditions more precisely, with a possibility to review them whenever significant changes are introduced in production processes and volumes, or when regulatory requirements are amended;*

*(d) Introduce gradually the integrated permitting system, based on the concept of BAT.*

Recommendation 2.4:

*The State Agency of Environmental Protection and Forestry, in cooperation with concerned sectoral ministries and the National Statistics Committee and in dialogue with business and industry, should develop an appropriate system of environmental monitoring and reporting by enterprises, using as a basis the UNECE Guidelines for Strengthening Environmental Monitoring and Reporting by Enterprises. Together with this process, current legal requirements for self-monitoring system should be implemented.*

Recommendation 2.5:

*To improve the efficiency in the environmental protection enforcement and compliance system:*

*(a) The Government should increase the level of the environmental fines. Another option would be to increase penalties when violations continue over a given period or are repeated.*

*(b) Enforcement authorities should define sector-specific frequencies of inspection and a methodology to follow to adjust facility-specific frequencies of environmental risk rather than having inspections be fixed once a year for all sites. Inspections without prior notice should also be made possible.*

*(c) The State Agency of Environmental Protection and Forestry should introduce internal auditing practices for the services involved in inspection and control.*

## **CHAPTER 3: Information, public participation and education**

Recommendation 3.1:

*The Government should review, without delay, the situation with regard to environmental monitoring in the country, to develop a strategy with an action plan for urgent modernization and upgrading of the monitoring*

*networks in line with international guidelines and best practices. Such an action plan should establish time frames and specify budgets:*

- (a) To restore soil monitoring and to bolster and expand air- and water-quality monitoring networks linking monitoring objectives with priority environmental problems;*
- (b) To increase the number of parameters measured, in particular, ground-level ozone, PM<sub>10</sub>, heavy metals and persistent organic pollutants in ambient air and biological parameters in water;*
- (c) To switch, step by step, to automatic measurement, and improve data quality control and storage procedures;*
- (d) To link environmental quality data with emission data by enterprises;*
- (e) To establish an integrated environmental database at the central environmental authority, which is interlinked with environmental databases of the other public authorities operating environmental monitoring programmes.*

**Recommendation 3.2:**

*The State Agency for Environmental Protection and Forestry, together with the National Committee on Statistics, should develop proposals for adoption by the Government to strengthen environmental reporting in the country. These proposals should address legal requirements and operational procedures for regular environmental reporting by the principal polluting enterprises to the environmental and statistical authorities, and for the regular publication of indicator-based environmental assessment reports at the national and territorial levels. UNECE Guidelines for environmental reporting endorsed at the Belgrade “Environment for Europe” Ministerial Conference (2007) should be used as guidance to this end.*

**Recommendation 3.3:**

*To improve considerably public access to environmental information:*

- (a) The State Agency for Environmental Protection and Forestry should establish operational procedures obliging its structural units to prepare, on a regular basis, environmental information inputs for uploading on the Agency’s website, and prepare annual plans for environmental publications to be financed from the Environmental Fund;*
- (b) The Ministry of Emergencies, the Ministry of Health and the other ministries and agencies that possess environmental information should establish information focal points and develop mechanisms for active dissemination of environmental information to the public.*

**Recommendation 3.4:**

*The State Agency for Environmental Protection and Forestry and the Ministry of Justice should complete the adjustment of the national legislation to the requirements of the Aarhus Convention, so as to promote its practical implementation by authorities as well as application by the courts of the Convention’s provisions, especially at the local level. The Agency, in cooperation with other public authorities and NGOs, should prepare a detailed strategy for the implementation of the Aarhus Convention aimed, in particular, at building the capacities of civil servants to promote public access to environmental information and public participation in environmental decision-making.*

**Recommendation 3.5:**

*The Ministry of Education and Science, in cooperation with the State Agency for Environmental Protection and Forestry and other stakeholders, including NGOs and the mass media, should establish, without delay, the composition of the Coordinating Council on ESD to help promote and facilitate the implementation at the national level of the UNECE Strategy for ESD at the earliest appropriate level of schooling as well as in non-formal and informal education.*

## **CHAPTER 4: Implementation of international agreements and commitments**

**Recommendation 4.1:**

*To improve the implementation of MEAs and to optimize international assistance, the Government should bolster its participation in coordination efforts of donors and international organizations, local institutions, NGOs and the private sector in order to:*

- (a) Identify the priorities and objectives of highest national importance in the international conventions and agreements and their related tasks; make them known to the foreign donors so that they can adjust the Joint Country Support Strategy accordingly;*
- (b) Identify and evaluate resources needed for achieving these objectives from both domestic and external sources;*
- (c) Establish common guidelines for the implementation of projects to ensure their steady implementation, better coordination between national implementing agencies and efficient collaboration with foreign partners.*

**Recommendation 4.2:**

*The Government should:*

- (a) Prioritize the MEAs that still need to be ratified and establish action plans for the accession procedure, including the drafting of implementing laws;*
- (b) In particular, proceed with preparatory work for ratification of the UNECE Convention on Industrial Accidents and the protocols to the LTRAP Convention, in particular the EMEP Protocol and the Protocol on Heavy Metals;*
- (c) Ratify the Protocol on Water and Health;*
- (d) Ensure that sufficient and stable funding is allocated to the implementation of the international environmental conventions that have been ratified.*

**Recommendation 4.3:**

*Recognizing the importance of the sustainable use, sharing and protection of water resources in the region, the Government should:*

- (a) Strengthen its participation in the regional cooperation on the sustainable management of transboundary water resources and in negotiations of future agreements on shared water use;*
- (b) Establish a national strategy for joint action with the neighboring States, to ensure the sustainable use and protection of these waters.*

## **PART II. MOBILIZING FINANCIAL RESOURCES FOR ENVIRONMENTAL PROTECTION**

### **CHAPTER 5: Economic instruments and expenditures for environmental protection**

**Recommendation 5.1:**

*The State Agency of Environment Protection and Forestry and Ministry of Finance should:*

- (a) Review the system of pollution charges, aiming at its simplification and proposing the necessary legislative changes to the Government for adoption;*
- (b) Assess the appropriate level of rates for selected pollutants, to generate changes of behaviour toward increased environmental care;*
- (c) Entrust revenue collection tasks to the ordinary tax authorities, without modification in the earmarking of these charges for environmental protection.*

**Recommendation 5.2:**

*The State Agency of Environment Protection and Forestry, the National Agency on Local Self-Governance Bodies, the Ministry of Industry, Energy and Fuel Resources and the Ministry of Labour and Social Development should gradually eliminate price distortions in the provision of public services with environmental impact, through a reinforcement of payment discipline and increases of tariffs to reflect full costs. Mechanisms of support should be provided to the most vulnerable sectors of the population.*

**Recommendation 5.3:**

*The State Agency of Environment Protection and Forestry and the Ministry of Finance should align expenditure by environmental funds more closely with well-defined environmental priorities as well as enhance project*

*planning, monitoring and assessment mechanisms. Annual reports should be published on the activities of the funds and methodological criteria for project appraisal should be adopted.*

Recommendation 5.4.

*The Government, together with the State Agency on Environment Protection and Forestry, should integrate environmental concerns in development plans and medium-term budgetary frameworks in an explicit way, with clear financial implications. Environmental programmes should include detailed consideration of the costs involved, expected outcomes and sources of funding, so that they can be adequately assessed, monitored and evaluated.*

*See also Recommendation 1.1 in chapter 1.*

## **PART III. INTEGRATION OF ENVIRONMENTAL CONCERNS INTO ECONOMIC SECTORS AND PROMOTION OF SUSTAINABLE DEVELOPMENT**

### **CHAPTER 6: Sustainable management of water resources**

Recommendation 6.1:

*The Government should entrust the National Water Council to develop and implement without delay a comprehensive and coherent national strategy for the integrated management of water resources. The strategy should be elaborated in cooperation with all relevant national, regional and local authorities as well as NGOs. The strategy should focus on the sustainable use of water resources, and should include protection of water quality, water supply, water pollution control, flood protection, use of water for energy purposes and international obligations.*

Recommendation 6.2:

*The Government should take immediate actions, together with international donors and affected neighbouring countries, to reduce the threat that high-risk uranium impoundments pose to human health and the environment, including water bodies.*

Recommendation 6.3:

*The Ministry of Agriculture, Water Management and Processing Industry, together with the other ministries involved, should take appropriate actions to protect the groundwater resources from pollution by:*

- (a) Stopping illegal activities within the sanitary protected zones by establishing regular inspections and by sanctioning illegal activities;*
- (b) Ensuring delimitation and demarcation of sanitary protection zones;*
- (c) Strengthening the legal basis for sanitary protection zones, with due consideration to preventing drinking water contamination and the need to protect human health.*

Recommendation 6.4:

*The Ministry of Agriculture, Water Management and Processing Industry together with the oblast authorities and water users' associations should give priority to speed up the process of restoring the water irrigation infrastructure by:*

- (a) Making an assessment of the status of the irrigation infrastructure and estimating rehabilitation costs;*
- (b) Prioritizing the most needed and most cost-effective actions;*
- (c) Increasing the financial resources in the State budget available for this purpose ;*
- (d) Increasing the charges set by the water users' associations, aiming at full cost recovery of the operational and maintenance costs of irrigation waters as soon as possible;*
- (e) Striving to attract foreign donors and new investments.*

Recommendation 6.5:

*The Government should, as soon as possible, establish basin water administrations and basin water councils for each principal basin in line with the Water Code. The management of each principal basin should be based on the concept of integrated water resources management, including the involvement of all relevant*

stakeholders in the decision-making process. Technical assistance from the international community should be sought to make further progress in this matter.

Recommendation 6.6:

*In order to ensure a sustainable management of national water resources and to attract foreign investment funds in water infrastructure, the National Water Council should work towards:*

- (a) establishing an effective national water resources monitoring system in line with the provisions in the Water Cod;*
  - (b) developing a detailed plan for restoring the monitoring networks for water quality and quantity and laboratory capacity, and for increasing the frequency and coverage of samplings.*
- See also Recommendation 3.1 in Chapter 3.*

## **CHAPTER 7: Land management and protection**

Recommendation 7.1:

*The Government, the Ministry of Agriculture, Water Management and Food Processing Industry, the State Agency of Environmental Protection and Forestry, the State Agency of Registration of Immovable Property Rights and local authorities should act in concert to implement the 2000 National Action Programme to Combat Desertification and the 2006 National Framework Programme on Land Management, by carrying out specific pilot projects as a first step. Furthermore, they should ensure that pilot steps further concretize into large scale projects or programmes.*

Recommendation 7.2:

*The Ministry of Agriculture, Water Management and Food Processing Industry should the application of good agricultural practices, including organic farming, and sustainable land and water management. To this end, agricultural extension services should be strengthened. Where farmers cannot afford these services, they should be provided free-of-charge.*

Recommendation 7.3:

*The Government should ensure that decentralization of pasture management and the development of local farmer cooperatives are properly reflected in the draft Law on Pastures, and should submit the draft law to the Parliament for approval. Further to the draft law, a State programme should be developed and implemented to promote traditional cattle-raising practices as well as modern, scientifically grounded and environmental friendly animal husbandry technologies, community-based pasture management and pasture conservation and restoration.*

Recommendation 7.4:

*The Government, the State Agency of Registration of Immovable Property Rights and the State Agency on Architecture and Construction should develop a national framework on spatial planning, including a law, a strategy, an action plan, and corresponding budgets. Responsibilities of national, regional and local authorities vis-à-vis spatial planning should be clearly defined, and adequate resources allocated. As a first immediate step, the national land inventory should be made available.*

Recommendation 7.5:

*The State Agency of Registration of Immovable Property Rights, the Ministry of Agriculture, Water Management and Food Processing Industry and the State Agency of Environmental Protection and Forestry should take the necessary measures to establish and develop land monitoring that corresponds to national priorities and needs and meets criteria and approaches defined for regional cooperation under the Central Asian Countries Initiative for Land Management and the 10-year Strategic Plan and Framework to Enhance the Implementation of the United Nations Convention to Combat Desertification.*

## **CHAPTER 8: Biodiversity conservation and sustainable management of forests**

Recommendation 8.1:

*The Government should increase the effectiveness of the management of natural resources and biodiversity conservation by creating a single coordination body for protected areas, biodiversity and the sustainable management of forestry, fishing and hunting. Upgrading protection status to current forest and hunting areas should also be considered.*

*Recommendation 8.2:*

*SAEPF should elaborate a national strategy and action plan for protected areas development. It should address in particular:*

- *Varied objectives and needs of individual protected areas;*
- *Enlargement and/or establishment of new protected areas;*
- *Subordination aspects at the national, regional and local levels;*
- *Increased capacity-building of the coordinating body;*
- *Improvement of human resources management;*
- *Stable financing of protected areas.*

*Recommendation 8.3:*

*SAEPF should strengthen the legal base for threatened species conservation. De-listing, down-listing and recovery planning for listed species should be addressed by Red List regulations.*

*Recommendation 8.4:*

*SAEPF should elaborate a national biodiversity monitoring scheme with internationally recommended and nationally adopted indicators, data gathering and processing systems and participatory tools.*

*Recommendation 8.5:*

*SAEPF should elaborate integrated national strategy, programme and action plan to ensure sustainable use of biological resources and ecosystem services (wetlands, pastures, forests, hunting and fishing.) Such a programme should build upon and incorporate the National Forest Programme using a similar participatory and cross-sectoral approach.*