

Implementation Committee of the EIA Convention

**cc: Wiecher Schrage, Secretary to the EIA Convention
Division for Environment and Human Settlements
United Nations Economic Commission for Europe**

Subject: Specific issues, first questionnaire

The Kyrgyz Republic received a letter from the Committee of the EIA Convention dated 28 August. However, due to the long process of reorganization of Governmental organizations and ministries, there was not a chance for reply.

The Committee's letter based on information provided in the answers of the first questionnaire and that was generalized in the Review of Convention implementation. It assumes absence of notification procedures in the national legislation of the Kyrgyz Republic for the affected countries about impact assessment and assumes that there is a Kyrgyz Republic Government's pressure on the process of EIA implementation.

The letter contains explanation on affected issues:

The Kyrgyz Republic had one project, while filling up the questionnaire, that has transboundary affect especially: Project of construction of Chinese-Kyrgyz paper-mill in Tokmak city, Chuy oblast. Documents for the construction were rendered to the Ministry of Environment Protection in 1998.

Content and composition of the documentation falls short of National EIA procedure. The project did not provide construction of high effective waste disposal plants at that all wastes of polluted sewage from the production of cellulose had to be dropped to transboundary (with Kazakhstan) river Chu. That is why, all documentation was returned to Chinese planners.

At the same time, Governments of the Kyrgyz Republic and China signed the Agreement on construction of paper-mill in Tokmak city. Periods of construction were shown in the Agreement.

Showed periods in the agreement were expired, because of long duration for documentation revision. The Ministry did not allow beginning construction without revision of the documents.

Thereupon, we received requests from the Ministry of Industry, regional and local Tokmak's State Administrations.

Heads of the regional and local Tokmak's State Administrations informed us that the new construction in the region and in the city would improve situation with population employment, budget replenishment, reduce the social tension.

We have informed about the given project situation the closest Territorial State Body the Ministry of Environmental Protection of the Kazakh Republic and several NGOs working on environmental issues.

The Kyrgyz Republic NGOs informed the NGOs of the Kazakh Republic. With the common efforts of Kyrgyz and Kazakh NGOs were held meetings, round tables and public information. Information about the factory was in several newspapers.

At the same time, Ministry of Environmental Protection of the Kyrgyz Republic was negotiating with Chinese party and insisting on cardinal reconsidering the project documentations with the aim of exception of cellulose production from technological scheme of the factory, as the most dangerous component in the ecological sense of meaning.

At the result in 2000, documentation was reconsidered, and cellulose production was excluded now. At present, the factory works on imported ready raw materials and does not have any ecological threats. The Kyrgyz Republic does not have any claims to Kazakh part on the functioning and influence of Tokmak paper factory.

We consider it necessary to point out, those above-mentioned actions happened during the period of 1998-2000, when neither the Kyrgyz Republic nor the Kazakh Republic was the parts of Espoo Convention.

The Kyrgyz Republic ratified the Convention in 2001.

From the date of ratification of Espoo Convention the experts of the Ministry made efforts on strict matching national legislation of the Kyrgyz Republic with the requirements of Espoo Convention. At present, we are working on reconsidering national procedures on Environmental Impact Assessment, including transboundary projects procedures.

The experts of the Ministry took participation in the development of the following documentations:

1. Procedure EIA instruction for the CIS, in which the separate chapter is about transboundary procedures EIA (2001).
2. Guideline principles of public participation on EIA on transboundary context (2003).
3. Guidebook on practical implementation of Espoo Convention for Central Asian Countries (2004).

In the nearest time (January 2006) implementation of common project with the Republic of Kazakhstan will begin, in which practically worked out the regulations of Espoo Convention on the real project having transboundary influence.

By the results of the project will be included some changing and additions:

- in the Guideline “on trasboundary implementation of Espoo Convention in CAC”;
- in the Legislation of the Kyrgyz Republic “On Environmental Protection”, “On Ecological Expertise”;
- in the Instruction “on procedures of Environment Impact Assessment”

Yours Sincerely,

Arstanbek Davletkeldyev,
Director
The State Agency on Environment
Protection and Forestry of Kyrgyz Republic

Gulfiya Shabaeva,
Chief specialist of the Division on Ecological Expertise
The State Agency on Environment
Protection and Forestry of Kyrgyz Republic