



ECOLOGY

INDUSTRY AND LEGAL UPDATE

KALIKOVA & ASSOCIATES

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Industry Update

Results from Durban Climate Talks

Governments that are part of Kyoto agreed in Durban (RSA) to a second commitment period to the protocol that will last five to eight years, which will be finally decided in 2012.

The **Kyoto Protocol** is a protocol to the United Nations Framework Convention on Climate Change (FCCC), which entered into force in 2005 and contains commitments of developed countries to reduce greenhouse gas emissions. The first commitment period under the protocol ends on December 31, 2012.

The second commitment period, in which Russia, Canada and Japan will not take part, starts on January 1, 2013. The parties failed to agree when it will end, either in 2017 or in 2020 – this will be determined later. The parties to the protocol must provide official information about their commitments for the second period by May 1, 2012.

Meanwhile, the conference considered three packages of amendments to the protocol related to the second commitment period, which are planned to be adopted in the end of 2012 at the negotiation talks in Qatar.

Besides, the parties plan to expand the greenhouse gas list by amending Annex A of the Kyoto protocol: by adding NF₃ gas, a toxic and very strong greenhouse gas, the concentration of which in the atmosphere is small but rapidly growing.

The parties also adopted decisions on the rules in the field of land use, land-use change and forestry (LULUCF), flexibility mechanisms provided by the protocol and methodological issues.

It should be noted that the Kyoto protocol to FCCC is ratified by KR Law №9 of January 15, 2003.

Legal Update

Government Resolution N 559 of September 19, 2011 approving the Guidelines for Determination of a Pollution Charge

These Guidelines were developed by experts of the UNDP/GEF Project on Capacity Building for Improved National Financing of Global Environment Management in Kyrgyzstan.

The new version of the Guidelines is based on the results of the analysis of the situation around the financing of environment management in the republic in the recent years.

The new provisions in the Guidelines contain more exact wordings which prevent ambiguous interpretation or incorrect determination of a pollution charge by the inspectors of the State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic during inspections of business entities.

Besides, under the new guidelines, pollution charges will be collected from the companies importing the fuel to the Kyrgyz Republic. Also, if previously pollution charges were paid by the receiving party such as organizations having treatment facilities, sumps, aeration fields, dumps, which were, in general, publicly or municipally owned enterprises, then under the new guidelines, pollution charges will be paid directly by the waste-producing enterprises. The principle that «polluter pays», set by the Kyrgyz Environmental Protection Law, is fully addressed by the new Guidelines.

Supposedly, tariffs of pollution charges will be raised but the population and budget organizations will be fully exempted from charges for emissions, discharges and waste disposal. Tariffs will be approved by the Kyrgyz Parliament.

Government Resolution N 599 «On

Astana meeting of Interstate Commission for Sustainable Development in Central Asia

The meeting of the Interstate Commission for Sustainable Development (ICSD) of the International Fund for saving the Aral sea (IFAS) was held on November 24, 2011 in Astana (Kazakhstan).

This meeting was preceded by the meeting of the Responsible Officials for regional environmental protection plan held on November 23, 2011.

The ICDS meeting was attended by the heads of environmental authorities of Central Asian countries, the ICDS Secretariat, the ICDS think tank and its units, officials of Central Asian environmental authorities responsible for regional environmental protection plan, representatives of the Civic Council and Youth Ecological Network, as well as representatives of international organizations, Chairman of the International Fund for Saving the Aral Sea (Mr. Ivatulin S.R.) and others.

At the meeting the ICSD Civic Council, Youth Ecological Network reported on the work done and on preparation for the UN Conference on Sustainable Development Rio+20 (Decision №2).

Head of the UN Secretariat group on institutional frameworks for sustainable development Rio+20, Mr. Surenda Shrest, made a presentation on preparation for the UN Conference on Sustainable Development Rio+20.

In his presentation, he told about Rio+20 process, the UN reforms, purposes of sustainable development and institutional frameworks for sustainable development, national perspectives and opportunities of the countries for making their contribution to the formation of the final document for Rio+20. Mr. Shresta noted the need to reform the current institutional frameworks for sustainable development (IFSD). The environment management is a constituent part of the IFSD and is often one of the weakest parts. At the UN Conference for Sustainable Development Rio+20, which will be held in 2012 in Rio-de-Janeiro, the parties will have to decide how to strengthen the environmental component of the sustainable development.

Also, in the course of discussion, the ICSD Chairman was instructed to send to the Secretariat for preparation of the Rio-de-Janeiro Conference a proposal to raise the status of the UNEP as the environmental organization for sustainable development (Decision № 1).

Kyrgyzstan's National Water Council

approval of action plan to ensure ecological safety of the Kyrgyz Republic for 2011-2015» of September 23, 2011

This Government Resolution approved the action plan to ensure ecological safety of the country for 2011-2015 stating the term, source of financing and implementers (responsible public agencies, institutions).

Thus, this action plan contains the following initiatives:

- 1) in the field of improvement of environmental legislation: adoption of the Law «On Hunting and Hunting Industry»; drafting of the Technical Rules «Ecological Safety of Communal Facilities»;
- 2) in the field of climate change: control and monitoring of greenhouse gas emissions from stationary and mobile sources to keep commitments to the Kyoto protocol; making researches of glaciers in the republic, development of recommendations on the deglaciation problem;
- 3) in the field of harmonization of national and international environmental quality standards: development of recommendations for decreasing radiation in certain sections of Issykul biosphere area;
- 4) in the field of forest ecosystems: creation of nursery facilities, supplying planting materials to the population, expanding the area of forest plantations, protection of forest ecosystems; drafting of the Concept of joint management of forests in the Kyrgyz Republic; creation of laboratories in the Chui and Jalalabad regions to assess the quality of forest seeds and ensure pest control;
- 5) in the field of waste control: opening of secondary materials recycling enterprises, etc.

There are also many other ecological safety initiatives, for example, in the field of emergency prevention, state ecological review and monitoring, water resources protection etc.

Most of initiatives shall be carried out by the State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic, respective line ministries, agencies, think tanks, local authorities.

Funding for initiatives will be provided, as planned, from republican and local budgets, or by donors or international organizations (UNDP, World Bank, UNEP, Global Ecological Facility etc.).

Government Resolution N 615 «On Approving Draft Law «On Conversion (Transformation) of Land Plots» of October 5, 2011

As part of the Kyrgyz water resources management reform and Water Code implementation there have been formed a number of new structures such as the National Water Council, the State Committee for Water Resources and Melioration, and the Talas and Jalalabad pilot basin councils.

The Talas Basin Council was formed in June 2008 and consists of the representatives from the public and private sectors, NGOs, water-users, civic organizations, and industrial enterprises.

The Jalalabad Basin Council was formed in mid 2010 and also consists of the representatives from the above-said sectors.

One of the main tasks of the Basin Council is to develop the Plan for development, use and protection of water resources and to submit it to the National Water Council.

Such plans were developed for the first time for the trans-boundary basin of the river Talas and in accordance with the decision of the Jalalabad Basin Council - for the river Kugart.

Among other achievements are: the drafting of Standard Provisions on the Basin Council of the river Chu, the formation of the Chu Basin Council, the development of the Financial Strategy for urban and rural water supply and drainage, the commencement of the pilot project: "Support of National Policy Dialogues Related to Integrated Water Resources Management in Kyrgyzstan".

The draft law of the Kyrgyz Republic «On Conversion (Transformation) of Land Plots» addresses the issues related to conversion from one category to another.

The draft law defines all types of land plots, sets procedures and terms of payment of compensation for loss of agricultural and/or forest resources resulting from conversion from agricultural category to another, and the procedure for calculating the amount of such compensation, etc.

Besides, it clearly divides the functions among the public agencies authorized to make decisions on conversion (transformation) of lands. Thus, the Government deals with conversions of especially valuable agricultural land (arable land or land occupied by perennial plantations, fallow land, radically improved hayfields) to other less valuable categories of land; conversions of land of forest or water or land of especially protected natural areas to other land categories.

The regional state administrations deal with conversions of reserve land to other land categories and conversions of more valuable agricultural land and land of forest and water and especially protected natural areas to other land categories. The district state administrations deal with conversions of especially valuable agricultural lands (hayfields, pastures, except land of forest) to other less valuable and (or) equally valuable agricultural lands or other land categories; conversions of land of settlements to other land categories and with a number of other issues.



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