

Participation of Azerbaijan in the Environmental Activities of the UNEP, the Council of Europe and the CIS

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Abstract: Ecosystems of the Azerbaijan Republic have a lot of unique characteristics that demand the special focus in the context of the environmental protection. Taking into account their importance, it is necessary to apply whole potential of international cooperation including institutional dimension. The purpose of the article is to describe the characteristics of the participation of the Azerbaijan Republic in the activities of the United Nations Environmental Programme (UNEP), the Council of Europe and the Commonwealth of Independent States (CIS) on the protection of environment. As the basic method of research, the author proposes the method of legal comparison. The generalization of the results of the cooperation of the Azerbaijan Republic allows to define the respective traits of interaction with every international organization from the abovementioned list. They are determined by the purposes, functions, opportunities and mechanisms of interaction in every respective case. For example, the Azerbaijan Republic focuses its attention on development and improvement of the environmental management mechanism and resilience to natural and human-induced hazards. At the same time, the environmental cooperation of the Azerbaijan Republic and the Council of Europe is based on the participation in the regional conventional mechanisms and formation of the necessary conditions for the realization of the environmental rights of humans, including the activity of the European Court of Human Rights. Additionally, based on the examples of cooperation of the Azerbaijan Republic with the UNEP, the Council of Europe and the CIS, the author reveals the presence of dynamic, complex and systemic approach to cooperation with the aforementioned international organizations.

The global, comprehensive nature of the environmental challenges facing the world community contributes to the formation of a new worldview and practice of international economic interaction between the participants of the world economy, based on the support of the strong States to the weak in ensuring the most important, generally significant tasks of the economy and the environment.

Keywords: Azerbaijan, institutional cooperation, protection of environment, CIS, Council of Europe, UNEP.

INTRODUCTION

One cannot but agree that in the field of environmental protection and sustainable development “the problems accumulated over the years ... are very difficult to solve in a short time, using only the internal resources of the country. The problem of the protection and protection of all components of the environment is of a global scale, and it is quite natural that the international community came to the conclusion that the efforts of one state or even their associations cannot solve this kind of problem. Success in this direction can be achieved only under the condition of active cooperation, coordinated actions of states in this direction (Valiullina, 2018). Therefore, the Azerbaijani government makes extensive use of the possibilities of

international, regional, bilateral and multilateral interstate cooperation in environmental protection” (Hasanov 2014). The most important element of such cooperation is institutional cooperation that contributes to the formation of a dialogue between the participating states on a permanent and systematic basis on a wide range of topical issues caused by environmental challenges of our time.

According to N. A. Sokolova, “the UNEP [United Nations Environment Program], established in 1972, became the first organizational structure within the United Nations that deals exclusively with environmental problems” and “at the UN level it has been repeatedly emphasized that UNEP is the main coordinating UN body in the field of the environment (Country program document for the Republic of Azerbaijan 2020). The role of UNEP is also assessed in a similar way by representatives of the science of international law (Damirli, 2008).

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In the UNEP Medium-Term Strategy 2018-2021 regional priorities in Europe include the following issues (UNEP Medium Term Strategy, 2018): 1. Water: meeting the growing demand for water consumption, while ensuring the conservation of freshwater ecosystems; enhancing cooperation among agriculture, planning, energy and transport sectors to ensure sharing and management of water resources within sustainable limits; 2. Chemicals and Waste: Implementation of the sound management of chemicals and wastes, include the usage of relevant provisions of multilateral environment agreements; promoting technical guide and capability in country with economies in transition; 3. Air quality: improving it and raising knowledge of people about the health and air quality interaction; the signing and ratification by the countries of Eastern Europe, the Caucasus and Central Asia of the protocols to the Convention on Long-Range Transboundary Air Pollution; 4. Efficient use of resources: mitigating the environmental impact of the production, processing and use of goods and services; taking into account aspects of efficient use of resources in sustainable development planning policy and regulatory framework; 5. Climate change: improving energy efficiency and the use of renewable energy sources; 6. Biodiversity and ecosystem management: assessing the values of biodiversity and ecosystems.

METHODS

Methodology for preparing the data based on the "Proposal for voluntary common reporting guidelines for voluntary national reviews at the high-level political forum" which was provided in the Annex to the UN Secretary-General Report A/70/684 and other guiding documents. The method of system-structural analysis was used, which helps to reveal the importance of the issue of the influence of the international legal status of the Khazar Sea on ensuring the protection and protection of its waters and resources from pollution. For the purpose of modern interpretation of conventional norms, the most promising methodology is a combination of methods of historical and political science, international legal analysis. ENPI SEIS Country Report of Azerbaijan Page 13 Convention on the Transboundary Effects of Industrial Accidents 16.06.2004 (Rt) Convention on the Protection and Use of Trans-boundary Waters and International Lakes 03.08.2000 (Rt) Amendment Protocol on Water and Health 09.01.2003 (Ac) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Fitzmaurice *et al.*, 2018) 23.08.2000 (Ac) Amendment

Protocol on Pollutant Release and Transfer Register Convention on Environmental Impact Assessment in a Transboundary Context 25.03.1999 (Ac) Amendment 1 Amendment 2 Protocol on Strategic Environmental Assessment Convention on the Conservation of European Wildlife and Natural Habitats 01.07.2000 (EIF) Sub-regional Framework Convention on the Protection of the Marine Environment of the Caspian Sea (Teheran, November 4, 2003) 04.11.2003 18.05.2006 (Rt) Reporting to the Inter-state Statistical Committee of the Commonwealth of Independent States Yes 2.2. Monitoring In Azerbaijan monitoring of quality of air, precipitation, soil, surface and ground water, biological resources, radioactive pollution of the environment, assessment and forecast of environmental processes under the anthropogenic impact, as well as creation of the state-of-environment database and data distribution (including via internet – <http://eco.gov.az>.) is performed by Ministry of Ecology and Natural Resources. Each entity submits information on used energy and gas emissions filling specific statistic form. The Statistics Committee collects the data and calculates fuel and energy balance. Ministry of Ecology and Natural Resources calculates GHG based on IPCC methodology

DISCUSSION AND RESULTS

Today, UNEP plays an important role as an international partner of the Republic of Azerbaijan, which is a reflection of the key importance of UNEP in the institutional mechanism of international environmental cooperation of the UN member states (Sokolova 2018).

In the medium term (2016 - 2020), the development of cooperation between the Republic of Azerbaijan and UNEP is developing and deepening in accordance with a number of goals. Among them, special attention should be paid to such a goal as improving the environmental management mechanism and increasing resilience to natural and human-induced challenges, which contains the following priorities [7]: improving the organizational component of monitoring, analysis and reporting on greenhouse gas emissions; developing national and regional capacities for planning, management and sustainability for coastal and marine ecosystems of the Caspian Sea; agricultural policy development to support the conservation and sustainable use of local crops important for biodiversity and sustainable land use; a wide range of measures to reduce greenhouse gas emissions in the energy sector; developing the resilience of vulnerable mountain

communities in order to reduce the negative impact on them of land degradation and climate change.

It should be especially noted that these priorities contain clear indicators, which facilitates monitoring of the process of their achievement and allows coordinating the efforts of the parties in order to ensure maximum efficiency of cooperation. Achieving progress in the implementation of such priorities will require a significant concentration of efforts and resources of both UNEP and the Republic of Azerbaijan, which predetermines the further development of forms and methods of interaction between both sides. For example, in February 2017, UNEP and the Ministry of Agriculture of the Republic of Azerbaijan signed an agreement to implement a five-year project in the field of agrobiodiversity, funded by the Global Environmental Facility and UNEP [8]. However, it should be noted that general issues of the effectiveness of UNEP's work cannot but affect cooperation with the Republic of Azerbaijan: "UNEP has not yet realized its potential," which raises the question of "transforming UNEP into a more effective authoritative global environmental institution" (Ministry of Agriculture, 2018).

Compared to UNEP, the Council of Europe, as the oldest regional organization, has been working on environmental issues since the 1960s. The starting point, according to S. Renborg, in this context can be considered the adoption in 1966 of an intergovernmental work program entitled "Man in European Society", which for the first time took into account the idea that intergovernmental cooperation within the framework of the Council of Europe is an essential element of countering many of the challenges of "modern society, which are today associated with environmental protection" (Semyannikova, 2006).

The inclusion of a number of protected areas in the list of the Network of Areas of Special Interest for Conservation Emerald (Emerald Network) may become promising from the point of view of the development of cooperation between Azerbaijan and the Council of Europe in the field of environmental protection. It "is a useful tool for the conservation of areas of high ecological value, and creates a basis for cooperation within a homogeneous network of territories covering the whole of Europe" (Renborg, 1973).

In the light of the development of environmental rights, special attention is drawn to the participation of the Republic of Azerbaijan in the Convention for the Protection of Human Rights and Fundamental Freedoms of 04.11.1950 and the extension to its

territory of the jurisdiction of the European Court of Human Rights (hereinafter - the ECHR) (Vasilyuk *et al.*, 2017). As examples confirming such a development of the ECtHR practice, one can refer the decisions of 20.03.2008 (Kravchenko 2012). Azerbaijan also did not escape this fate, which can be confirmed by the case of Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan (application 37083/03), in which the ECHR recognized violations of the human right to association, enshrined in Art. 11 (Environment and the European Convention on Human Rights, 2018). In the context of the characteristics of the corresponding dimension of cooperation between the Republic of Azerbaijan and the Council of Europe, one cannot but note the presence of a number of debatable points. In particular, "the decision of the issue of binding all decisions of the European Court for Azerbaijan is considered one of the rather controversial problems." (Case of Tebieti Mühafize Cemiyeti and Israfilov v. Azerbaijan, 2018).

Cooperation in the environmental protection demonstrates a significant role in the activities of not only the Council of Europe, but also other associations, of which the Republic of Azerbaijan is a member. According to Art. 7 of the Agreement on the Establishment of the Commonwealth of Independent States of 08.12.1991 (hereinafter - the CIS) stipulates that the sphere of joint activities of the member states includes issues of cooperation of environmental protection and participation in the creation of a comprehensive international system of environmental safety (Aliyev and Maharramov, 2013). It was indicated that "the governments of the Republic of Azerbaijan, the Republic of Kazakhstan, the Russian Federation, and Turkmenistan will prepare a special agreement on the conservation of fish resources in the Caspian Sea" (Agreement on the establishment of the Commonwealth of Independent States, 1991). Today, "the interaction of the Republic of Azerbaijan with partners in the CIS in the foreign policy sphere presupposes the formation of common positions on key international problems, the promotion of joint initiatives. This also applies to coordinated statements on such pressing issues as environmental protection (Minutes of the Meeting of the Heads of Independent States, 2018).

SUMMARY

The participation of the Republic of Azerbaijan in the relevant treaty mechanisms confirms that, at the international legal level, "Azerbaijan undertakes to strive for universal environmental security, actively participate in solving regional and global environmental

problems, not violate the sovereign rights of other states to their natural resources, participate in international information exchange, cooperate in eliminating the negative consequences of environmental disasters, expand scientific and technical ties in the field of ecology and nature management” (Mamed-zadeh 2016).

The Republic of Azerbaijan is actively referring to the acts of model rule-making of the CIS in the context of the development of the domestic framework for regulating the sphere of environmental protection. This is confirmed by the use in legislative work of such model laws as “On environmental safety”, “On radiation safety of the population”, “On ecological expertise”, “On ecological education of the population” (Pavlova, 2007).

At the same time, it seems reasonable to state that the potential of the CIS in the development of cooperation between the member states on environmental protection issues remains not fully used.

CONCLUSIONS

Thus, it can be stated that the cooperation of the Republic of Azerbaijan with international organizations in the field of environmental protection (for example, UNEP, the Council of Europe and the CIS) is dynamic, productive and multilateral, but the content of such cooperation in each specific case directly depends on its potential, taking into account the existing challenges and political, socio-economic conditions.

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