

**LEGAL FORMS OF INTERNATIONAL ENVIRONMENTAL COOPERATION OF  
THE REPUBLIC OF KAZAKHSTAN**

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According to the Constitution of the Republic of Kazakhstan, our country can participate in interstate associations and transfer to them part of its powers in accordance with international treaties, if it does not entail restriction of human and citizen rights and freedoms and does not contradict the foundations of the constitutional order. This article reveals the main forms of international cooperation in the field of environmental protection is carried out are bilateral and multilateral activities on the basis of concluded contracts and agreements. At the same time, the universal nature of environmental issues dramatically increases the role of regional relations of a multilateral type as the main direction of coordination and coordination of collective efforts of states in this field. In turn, the content of this multilateral activity, the development of multilateral diplomacy under the influence of the complexity and expansion of the sphere of international relations, a significant increase in the length of the time period during which the interaction of states should take place, as well as a number of other factors inherent in such cooperation in the field of global environmental protection , - all this inevitably and unequivocally puts forward an institutionalized and stable form of multilateral relations [1].

International conferences are one of the traditional forms of international cooperation of states and peoples in achieving common goals. This form has long been used to develop coordinated positions on joint activities on issues affecting the interests of all mankind or individual countries and peoples. In the process of preparing and holding conferences, a study, synthesis, analysis and assessment of the state of affairs on the selected issue takes place, the interests and positions of the participants are determined, decisions are made that determine the directions and forms of the subsequent joint activities of states in a particular area of life. Conference decisions are not always legally binding, even for the participants themselves. But they almost always influence the international legal order, the political atmosphere in the world.

At the initial stage, the legal regulation of international relations on the use and protection of natural resources was developed on the basis of bilateral interstate treaties. To date, there are over 1600 multilateral universal (global) and regional international conventions in the world and over 3 thousand bilateral treaties fully or partially devoted to the protection of the environment and the regulation of the use of natural resources.

Recently, there has been an increase in the activity of adopting international documents that is of an environmental nature - this is explained by the state's desire to cooperate with other countries in the field of environmental protection. The growth in the number of international environmental legal acts has been going on. This issue is increasingly focused in the process of international cooperation.

The most important among these treaties are: the 1972 UNESCO Convention on the Protection of the World Cultural and Natural Heritage; The 1973 Convention on International Trade in Endangered Species of Wild Flora and Fauna; The 1977 Convention on the prohibition of military or any other hostile use of means of influence on the environment; 1979 Bonn Convention on the Conservation of Migratory Species of Wild Animals; The 1985 Vienna Convention for the Protection of the Ozone Layer; conventions relating to the protection of the marine environment, including the 1982 UN Convention on the Law of the Sea; 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, etc. [2], [3], [4],[5], [6],[7].

International disarmament agreements are not directly related to the protection of the environment, but they contribute to the protection of the environment. Along with international conventions, treaties and customs, recommendations of international organizations play a huge role in the development of international environmental law: the UN Stockholm Declaration of 1972 on the environment; The 1974 Charter on Economic Rights and Responsibilities of States; The 1980 General Assembly resolution on the historical responsibility of states to preserve the nature of the Earth for present and future generations; 1982 World Charter for Nature and, of course, the Rio Declaration on Environment and Development – 1992 .

Kazakhstan has ratified the Convention on Transboundary Air Pollution. This Convention and its three protocols have already entered into force and act as effective tools for reducing transboundary air pollution.

The signing of the Framework Convention on Climate Change and the Convention on Biological Diversity by 154 states is an essential step towards reaching a global agreement on environmental issues. It was signed at the UN Conference in Rio de Janeiro. The goal of the Convention is to stabilize greenhouse gas emissions, which would prevent harmful interference with the climate system, although the Convention also recognizes that some climate change is unavoidable.

The Convention on International Trade in Species of Wild Flora and Fauna governs the trade of tens of thousands of endangered animal and plant species. Perhaps this is the most successful of all international treaties on the protection of wildlife, which are parties to 136 states. This Convention was adopted and opened for signature on March 3, 1973 in Washington and entered into force on July 1, 1975 [8].

The regulation of international trade in species of wild flora and fauna is carried out through the licensing system, which is based on the distinction of the species listed in the three Annexes. Appendix I includes all species that are “endangered”, although it does not define the term itself. Trade in such species may only be allowed in exceptional cases for non-commercial purposes. Annex II includes all species that are not currently threatened with extinction, but may become so if their trade is not strictly regulated.

A State Party may include any species in Appendix III. Thus, a mechanism is provided that allows states that have stricter domestic legislation on the export of these species to enlist the support of other parties to the Convention in regulating trade in these species.

The Convention on Biodiversity, adopted on June 5, 1992 in Rio de Janeiro, is of primary importance for the conservation and protection of the planet's ecosystems. Kazakhstan signed the Convention on June 9, 1992 and ratified it on August 19, 1994. The purpose of the Convention is the conservation of biodiversity, the sustainable use of components and the fair and equitable sharing of benefits associated with the use of genetic resources. Based on the provisions of this Convention. In the Republic of Kazakhstan, the main directions of its environmental policy are developed, international cooperation in the field of environmental protection is carried out not only at the global level, but also within the regions of the CIS countries and Central Asia, and these provisions are applied in concluding bilateral agreements [9].

Implementation by the Republic of Kazakhstan of international multilateral legal obligations. The inclusion of Kazakhstan in international environmental cooperation is an integral part of its environmental policy. The Environmental Code of the Republic of Kazakhstan provides for article 193 “International Treaties”, which establishes the provision that “The legal form of intergovernmental cooperation in the field of environmental protection and environmental management is international treaties [10].

The procedure for the conclusion, implementation, amendment and termination of international treaties in the field of environmental protection and environmental management is regulated by the legislation of the Republic of Kazakhstan on international treaties.

The implementation of international treaties in the field of environmental protection may include:

- 1) development and approval of a plan of necessary actions to ensure their implementation;

2) determination of the state body responsible for ensuring the implementation of an international treaty in the field of environmental protection;

3) conducting an ongoing analysis of the effectiveness of the participation of the Republic of Kazakhstan in international treaties in the field of environmental protection and environmental management”.

However, at present, the implementation of international environmental obligations within the country under the conventions to which the Republic of Kazakhstan is a party and to which it plans to join is not fully possible. The transition to a market economy and genuine democracy, along with a positive impact on the formation of eco-politics, imposes certain restrictions on the solution of environmental problems in the republic and on the effectiveness of its participation in international cooperation. In this regard, our state faces several problems:

- increasing the effectiveness of participation in international environmental cooperation and the degree of fulfillment of accepted (or proposed to be accepted) international obligations;

- involvement of real environmental interests in the development of international environmental cooperation;

- reducing and bridging the gap between the adoption of the necessary programs and their actual implementation, and much more.

Like most other international legal instruments, environmental conventions generally do not provide penalties for their signatories for non-compliance. This, on the one hand, makes it easier to take on certain obligations, but, on the other hand, it jeopardizes their implementation and compliance. A significant brake on the implementation of environmental conventions can be:

- lack of knowledge of the documents;

- lack of an administrative structure for their implementation at the national level;

- the need for new legislation;

- lack of support for environmental policy;

- high economic costs associated with implementation.

Given the recent circumstances, the implementation mechanism of some conventions provides for the provision of financial support to countries experiencing economic difficulties, in particular, the financial support mechanism may include grants from the Global Environment Facility.

### **Literature**

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2. UNESCO Convention on the Protection of World Cultural and Natural Heritage
3. The 1973 Convention on International Trade in Endangered Species of Wild Flora and Fauna.
4. The 1977 Convention on the prohibition of military or any other hostile use of means of influence on the environment.
5. 1979 Bonn Convention on the Conservation of Migratory Species of Wild Animals.
6. The 1985 Vienna Convention for the Protection of the Ozone Layer.
7. 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
8. The convention of International trade of Wild Flora and Fauna.
9. The convention of Biodiversity, June 5, 1992.
10. The Code of the Rk № 212-III “Environmental Code of the Republic of Kazakhstan”, dated January 9, 2007 (with amendments as of 24.12.2012).