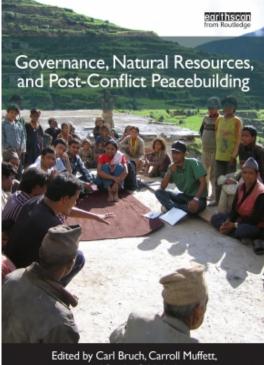


This chapter first appeared in *Governance, Natural Resources, and Post-Conflict Peacebuilding* edited by Carl Bruch, Carroll Muffett, and Sandra S. Nichols. It is one of six edited books on Post-Conflict Peacebuilding and Natural Resource Management. (For more information, see www.environmentalpeacebuilding.org.) The full book can be purchased at http://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/.

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Promoting Transboundary Environment Cooperation in Central Asia: The Environment and Security Initiative in Kazakhstan and Kyrgyzstan Saba Nordström^a

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Online publication date: 30 November 2016

Suggested citation: S. Nordström. 2016. Promoting Transboundary Environment Cooperation in Central Asia: The Environment and Security Initiative in Kazakhstan and Kyrgyzstan, *Governance, Natural Resources, and Post-Conflict Peacebuilding,* ed. C. Bruch, C. Muffett, and S. S. Nichols. London: Earthscan.

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Promoting transboundary environmental cooperation in Central Asia: The Environment and Security Initiative in Kazakhstan and Kyrgyzstan

Saba Nordström

The complex relationship between conflict and the environment is coming to be better understood. Competition over a finite supply of natural resources such as water, agricultural lands, and fisheries poses a threat to stability and peace. Because many of these resources do not respect political or geographic boundaries, competition over them may contribute to instability and violence between neighboring states. The Environment and Security Initiative (ENVSEC) is an international effort to address the linkages between conflict and environmental degradation, transboundary movement of hazardous pollution, and inequitable access to natural resources. It employs an integrated and multidisciplinary problem-solving approach that incorporates environmental, technical, economic, and political perspectives (Stiefel 2009).

This chapter describes how ENVSEC emphasizes the importance of information sharing, mutual memberships, and regional coherence to reduce the potential for violent conflict in Central Asia. The chapter explores the general structure of ENVSEC and describes its activities in Kazakhstan and Kyrgyzstan as an example of how the initiative focuses on and strengthens connections that already exist among parties. The chapter also examines ENVSEC's implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention) and its application of overlapping international memberships, which resulted in improved cooperation between Kazakhstan and Kyrgyzstan in identifying, at an early stage, possible impacts from the activities of a proposed new copper-gold mine.

THE ENVIRONMENT AND SECURITY INITIATIVE

ENVSEC was launched in 2003 during the United Nations Economic Commission for Europe (UNECE) Fifth Ministerial Conference, "Environment for Europe,"

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held in Kiev, Ukraine; and during the Organization for Security and Co-operation in Europe (OSCE) Economic Forum in Prague, in response to the growing awareness of the close links between environmental degradation, natural resource scarcity, and conflict in Central Asia. ENVSEC was created as a partnership of international institutions with specialized but complementary mandates and expertise. It presently includes OSCE, the UNECE, the United Nations Development Programme, the United Nations Environment Programme, the Regional Environmental Center for Central and Eastern Europe, and, as an associated partner, the North Atlantic Treaty Organization. Its primary mission is to reduce environmental and security risks through strengthened cooperation within and among countries in four regions: Central Asia, Eastern Europe, Southern Caucasus, and Southeastern Europe. ENVSEC believes that the best way to mitigate these risks is through confidence-building measures such as international dialogue, joint environmental monitoring, institutional strengthening, and neighborly cooperation. The initiative is based on the principles of ownership, alignment, harmonization, results, and mutual accountability for aid effectiveness.

The Paris Declaration on Aid Effectiveness (Paris Declaration), endorsed on March 5, 2005, by over one hundred ministers, heads of agencies, and other high-ranking officials from multiple countries, embraces these same principles (OECD 2005). It aims to make international assistance more effective by preventing project duplication and by promoting more effective collaboration among governments, civil society organizations, and international financial institutions.

ENVSEC has incorporated two provisions of the Paris Declaration that are directly relevant to work in post-conflict states. The first is the principle that, in fragile states, aid must be adapted to conditions of weak ownership and capacity and must address immediate needs for basic service delivery. The second is promotion of a harmonized approach to environmental impact assessments (EIAs), which involves considering relevant health and social issues, particularly gender equality, at the project level, as well as addressing global environmental issues such as climate change, desertification, and biodiversity loss. Also, donors and partner countries have committed to increasing stakeholder participation, to promoting EIAs at the sector and national levels, and to developing the technical and policy capacities that are crucial for environmental policy analysis and enforcement of legislation.

Preventing environmental issues from causing or contributing to conflict

ENVSEC raises awareness of environmental changes that can increase the potential for conflicts within a region and develops mitigation and response systems such as early-warning indicators. Understanding the potential triggers of conflict that are linked to the environment can help prevent outbreaks of violence. In order for conflicts to be prevented, early-warning indicators must be used to monitor a situation and inform measures to prevent the situation from turning destructive.

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Environmental issues are not the sole driver of conflict, but the cumulative impact of environmentally induced change, coupled with weak governance and political processes that are ill-equipped to mediate successfully between competing interests, may increase susceptibility to conflict when other drivers are also present (Snoy and Baltes 2007). Typically, underlying factors that cause conflict are in place long before any outbreak of violence. Preventive measures need to be directed at root causes.

ENVSEC addresses environmental problems that threaten or may be perceived to threaten various aspects of security within and across national borders (ENVSEC n.d.a). Specifically, to improve international, regional, and local cooperation ENVSEC aims to:

- Identify environment and conflict hot spots by carrying out desk and field assessments.
- Present the results of the assessments in graphically rich maps, reports, and web sites, and draw the attention of politicians and the public to situations and hot spots where risks are high.
- Help societies to deal with priority setting by raising awareness, building capacities, and strengthening institutions.
- Support concrete action and catalyze specific solutions for the identified security-relevant environmental problems on the ground.

ENVSEC is premised on the theory that transboundary environmental cooperation can contribute to peacebuilding (ENVSEC n.d.a), and its framework is based on several seminal analytical works in the field (Conca and Dabelko 2003). It employs a three-pronged approach to achieve its goals: (1) providing detailed vulnerability assessments, as well as early warning and monitoring of environmental and security risks; (2) increasing awareness about the linkages between the environment and security, strengthening environmental governance, and building the capacity of and expanding the role of all relevant institutions; and (3) improving remediation and cleanup activities by increasing technical and monetary support. ENVSEC also emphasizes the importance of cooperation, local ownership of projects, and harmonization of donor activities (Stiefel 2009).

ENVSEC has published a series of environmental and security risk assessments related to Central Asia that help provide a foundation for managing land, water, hazardous waste, pollution, industrial activities, natural disasters, and biodiversity issues (ENVSEC n.d.c). The current work plan also provides civil society strengthening mechanisms, such as training for journalists on the links between the environment and security; establishment of and support for the Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (commonly referred to as the Aarhus Convention); and creation of public environmental information centers, and organization of festivals for environmental and journalism activities (ENVSEC n.d.b).

Focusing on Central Asia as a region where states share interrelated security interests

An important element of ENVSEC's work in Central Asia—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—is the recognition of the area as a regional security complex: a group of states whose primary security concerns are linked sufficiently closely that the national security of each state cannot realistically be considered apart from that of the other states (Buzan 2007). The actions of one state to advance its security are likely to have consequences for other parts of the complex as well. The complex may also extend beyond the borders of the states in question.

If a region is dominated by a great power or a regional power, as was the case in Central Asia prior to the collapse of the Soviet Union, a regional complex will not necessarily appear (Buzan 2007). However, the common heritage of the five Central Asian states as integral parts of the Soviet Union contributed to the formation of a regional security complex in independent Central Asia (Allison and Jonson 2001).

Many concrete security interests link the Central Asian countries. An estimated 25 percent of the heroin produced in Afghanistan travels through Central Asia, which creates various issues related to security (UNODC 2010). The UN High-Level Panel on Threats, Challenges and Change commented that drug trafficking has a destabilizing influence, "threatening State authority, economic development and the rule of law" (UNGA 2004, 49).

Terrorism also poses a significant transboundary threat in the Central Asian countries (Council of the European Union 2008). A 2010 report prepared by the U.S. Congressional Research Service recounts numerous instances of terrorists and extremist groups traveling across borders in many directions (Nichol 2010). Similarly, energy and natural resource management are interlaced between the countries and are crucial to their security and development (Council of the European Union 2008).

The Central Asian countries and the international community have taken steps toward cooperation and collaboration to address their mutual security concerns. Kazakhstan, Kyrgyzstan, and Tajikistan are members (with Armenia, Belarus, and the Russian Federation) of the six-nation Collective Security Treaty Organization. Article 2 of the 1992 Treaty on Collective Security states that members "will consult one another on all important issues of international security infringing on their interests and coordinate their positions on these issues."¹ With the exception of Turkmenistan (which often does send representatives to meetings as guests), all of the Central Asian countries have also joined the Shanghai Cooperation Organisation, which includes regional security and stability among

¹ For the text of the Treaty on Collective Security, see www.dkb.gov.ru/b/azbengl.htm.



its stated goals (SCO n.d.).² All five countries agreed to the 2007 formation of the United Nations Regional Centre for Preventive Diplomacy for Central Asia, which is designed to help coordinate open diplomatic relations in the region and prevent conflicts from arising (UNSC 2007). Additionally, in September 2008 the European Union held its first convention on security issues for Central Asia, which identified several security concerns common to the Central Asian states and developed courses of action to manage these issues (Council of the European Union 2008).

Nonsecurity agreements between states can also lead to progress in the security sphere. What begins as interactions in an unrelated area, such as the economic field, may eventually develop into a mutual interest in establishing cooperation in security and military affairs (Allison and Jonson 2001). Intensification of a network of contacts and exchanges may foster the identification of common values and interests and eventually result in close cooperation in the form of the creation of a "security community" of states (Buzan, Waever, and de Wilde 1998).

² The Shanghai Cooperation Organisation has established relations with the European Union, the Association of Southeast Asian Nations, the Commonwealth of Independent States, the Organisation of the Islamic Conference, and the United Nations, where it is an observer in the General Assembly.

The regional approach of ENVSEC fully takes into account the transboundary nature of environmental challenges and provides a flexible framework for crossborder cooperation. This fundamental principle is one of the key elements of the ENVSEC concept that constitute its strength and define its comparative advantage. Since its launch in 2003, ENVSEC has successfully supported assessments at country and regional levels and established national ENVSEC mechanisms in program countries. The ENVSEC partners work in collaboration with national governments, particularly ministries of foreign affairs, defense, and environment; local authorities; national experts; and nongovernmental organizations (NGOs). On the country level, the work of ENVSEC is based on close collaboration with appointees who are designated ENVSEC national focal points, usually one in the ministry of foreign affairs and another in the ministry of environment.

Using organizational membership to strengthen diplomatic relationships

Another important element of ENVSEC's work is its use of the principle that memberships in intergovernmental organizations (IGOs) are a moral and social impediment to conflicts between states. Studies have found that the higher the relative number of shared and joint memberships in IGOs, the lower the likelihood of disputes between states (Oneal, Russett, and Berbaum 2003). Consistent with these findings, ENVSEC emphasizes membership and active participation in international and regional institutions as a means of identifying and capitalizing on states' mutually beneficial interests while managing potential sources of tension. IGOs build dialogue, confidence, and trust among members, and they collectively enforce mutually accepted principles.

Another of the strengths of ENVSEC is that the initiative builds on the combined strength of each IGO's expertise, experience, membership, and field presence. For example, OSCE engages with its members through their ministries of foreign affairs, as well as through an established field presence, while the United Nations Environment Programme connects to the ministries of environment. Regional conventions, such as those of UNECE, offer a more specialized membership and are also important in this context.

Additionally, ENVSEC strives to build stronger and more collaborative relationships among the states, civil society, regional bodies, and the international community to address environmental security issues. In post-conflict situations and within fragile states, ENVSEC promotes confidence-building measures, multistakeholder involvement, and collaboration. In countries where the social fabric has been weakened by conflict, collaborative projects help to build trust, increase communication, and address issues that could trigger social unrest or violence.

ENVSEC emphasizes good governance and principles of international and national environmental law. Its work in Central Asia started in 2002 with the identification of geographic hot spots and major linkages between environment and security issues. Since then, ENVSEC partners have undertaken detailed participatory assessments of the environment and security in the region, including assessments in the Ferghana Valley, the eastern Caspian region, and the Amu Darya River basin.

Key environmental issues threatening human security in Central Asia include the growing demand for water, increased pollution, changes in hydrological regimes, and industrial and agricultural practices. The countries need to adapt to environmental changes, increase cooperation and sharing of environmental information, and ensure cleaner development.

THE ESPOO CONVENTION

An integral component of ENVSEC is the support of cross-border capacity building and policy-development activities to further implementation of various multilateral environmental agreements, such as the Espoo Convention (UNDP 2008). Signed in 1991, the Espoo Convention calls on parties to assess the environmental impact of certain activities at an early stage of planning. It also obligates states to notify and consult each other on all major projects under consideration that are likely to have a significant adverse cross-border environmental impact.³ Through the Espoo Convention, transboundary EIA requirements ensure that international political, economic, social, legal, and procedural impacts are considered in internal decision-making processes.

The Espoo Convention also mandates the inclusion of NGOs and the public in decision making prior to the implementation phase of a project. Specifically, the public must be informed of and given the opportunity to make public comments on proposed projects and on the EIA documentation before final decisions are made. After the second meeting of the parties to the Espoo Convention, participants decided to further elaborate on the role of public participation in EIAs. In 2006, the parties to the convention created a document providing guidelines for public participation in the EIA process (UNECE 2006).

The involvement of NGOs and the public in decision making has many benefits. It improves relations among the public, the private sector, and national governments, and it prevents transboundary environmental conflicts. It leads to the development of civil society and democratic functions, including the drafting of relevant legislation. Because such involvement promotes timely disclosure of relevant information, people become more aware and better able to participate in decision making and thus more likely to contribute to, understand, and respect final decisions on projects. Finally, public and NGO involvement in decision making provides insight into regional environmental protection and long-term environmental problems (UNECE and OSCE 2009).

³ For the text of the Espoo Convention, see www.unece.org/fileadmin/DAM/env/eia/ documents/legaltexts/conventiontextenglish.pdf.

The many functions of the EIA process make it an important tool for ENVSEC. Transboundary EIAs can be used to minimize misunderstandings among stakeholders while increasing collaboration between countries and local entities. The process also ensures that the public will be well informed and active. This tends to reduce the possibility of tensions among affected parties. It is for this reason that ENVSEC has supported implementation of the Espoo Convention in Central Asia. In the early stages of implementation, ENVSEC emphasized projects where the risks of conflict were relatively low, providing an opportunity for the building of systems and of confidence within and between countries before it tackled potentially more controversial or problematic projects or issues. The ENVSEC experience of implementing a transboundary environmental assessment between Kazakhstan and Kyrgyzstan provides an instructive example.

CASE STUDY: THE ESPOO PILOT PROJECT

Assessment of the potential environmental impacts of facilities and activities, including their cross-border impacts, at an early stage of planning is a well-recognized process in modern environmental policy and an important factor in sound neighborly relations between countries. In Central Asia, a proper application of the Espoo Convention is crucial for improving environmental cooperation.

Kazakhstan and Kyrgyzstan are parties to the Espoo Convention and are improving their application of its provisions. A project based on the principles of the Espoo Convention and supported by ENVSEC focused on these two countries, and the results were also presented to and discussed with representatives of Tajikistan, Turkmenistan, and Uzbekistan. As a consequence of the project, Tajikistan and Uzbekistan, which are both upstream and downstream states in the region's shared river system, are (as of June 2014) preparing to ratify the Espoo Convention. The convention seeks to increase the environmental capacity of member states so they are more compliant with international standards on the environment and aim to incorporate EIAs as early as possible in the planning stages of projects (EU 2011).

The Andash copper-gold mine

With this pilot project, ENVSEC set out to demonstrate the cooperation benefits of effective implementation of the Espoo Convention by conducting a full transboundary EIA on a specific planned project in Kyrgyzstan, with the involvement of Kazakh authorities and the public. ENVSEC accomplished this by examining current legislation and guidelines, applying them to the project, identifying where there were gaps in legislation and procedures, and offering recommendations for improvement. The project selected for the pilot application was a new coppergold mine operation proposed by a mining company seeking a license in Kyrgyzstan. The proposed mine would be situated in Andash, which is located in northern Kyrgyzstan's Talas Oblast. It would be situated only 2.5 kilometers

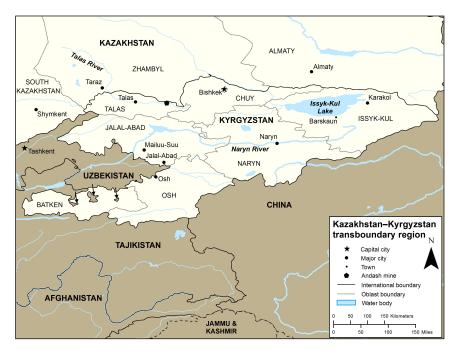


Figure 1. Kazakhstan-Kyrgyzstan transboundary region

south of the Kazakh-Kyrgyz border, near the Karakol River, which runs into the Talas River and Kazakhstan (see figure 1).

Due to water scarcity and previous mining accidents in the area, people were concerned about the potential transboundary effects of this proposed mine. For example, in Kyrgyzstan, in 1998, there was a cyanide spill in Barskaun River, which runs through the town of Barskaun (located on the southern shore of Issyk-Kul Lake), that left hundreds hospitalized or dead and damaged agriculture in the region. This damage was largely due to the lack of a prompt cleanup operation and ample warning to downstream residents (Norlen 2000). Other cross-border mining operations had left behind radioactive materials in the tailings—the waste material that remains after the valuable portion of the ore is extracted (Kyrgyz Republic 2006).⁴

As proposed, the Andash copper-gold mine would also place tailings close to the river, where they would have the potential to seep into the water. Much of Kazakhstan's water comes from rivers that originate in neighboring countries. It was clear that assessing the mine's effects on the flow and quality of water in

⁴ There have been numerous mines throughout Kyrgyzstan. Although most were situated within its borders, potential transboundary impacts have arisen in some cases. One in particular, in Mailuu-Suu, was a serious concern for Uzbekistan and caused some political tension. See UNDP (2009).

the Talas River was an important element of relations in the region, especially because there had already been reports of disputes about Kazakhstan's access to water (*Kazakhstan Today* 2008).

In both countries, several meetings were held to discuss the possible impacts from the proposed mine, as well as national EIA procedures. Several meetings, including public hearings, were conducted in Taraz, Kazakhstan, between February and May 2007, and the Ecological Forum of NGOs of Kazakhstan, supported by ENVSEC, undertook several preparatory activities. These included informing local civil society, members of Parliament, and mass media, and creating an efficient network among stakeholders linked to the planned mine activities in Andash. Similar activities took place in Kyrgyzstan. The process enabled the public, the private company, experts, and government officials to discuss and elaborate on the next steps collaboratively.

The effectiveness of the EIA system depends heavily on a nation's preparedness to fulfill specific EIA requirements and procedures. It is therefore important to ensure that national entities meet their commitments under the Espoo Convention. The ENVSEC project helped the Ministry of Environmental Protection of Kazakhstan to undergo training on the proper implementation of transboundary EIAs in the context of the Espoo Convention. Approximately thirty experts, mainly officials from the central and regional bodies of the Ministry of Environmental Protection of Kazakhstan, participated in an ENVSEC workshop together with a representative of Kyrgyzstan's State Agency on Environment Protection and Forestry and the Espoo Convention Secretariat.

Meetings in both countries reiterated that the guidelines for implementing the Espoo Convention in Central Asia needed to be included in the standard regulatory documents of the ministries. Issues discussed in the workshops continued in the framework of the Espoo Convention and its meetings. The project also ensured that bilateral meetings between the two countries took place and thus facilitated networking where there had previously been none or very little.

The process quickly revealed weaknesses in the procedures of both countries. National structures did not adequately link to local structures, and it was often unclear where various responsibilities lay. The guidelines were discussed in this context during several working meetings between the countries, including meetings with NGOs. The updated guidelines now contain a more detailed, step-by-step procedure for implementing the provisions of the Espoo Convention. They also provide a detailed description of the roles of all participants taking part in an EIA procedure. Perhaps the most important change is a modification for promoting public participation, which had not been included in the earlier version of guidelines. These updated guidelines have been published on the web site of Kyrgyzstan's State Agency on Environment Protection and Forestry.⁵

⁵ The agency's web site is www.nature.kg.

OSCE, which has a field presence in both countries, managed the project for ENVSEC and collaborated closely with government and civil society in both countries, while UNECE provided expertise, training, and guidance related to the Espoo Convention. Also, through regular regional meetings, ENVSEC ensured that all of its Central Asian national focal points were aware of the project and its progress. The project and its results were presented at the Interstate Commission for Sustainable Development of Central Asia, established by the five presidents in the region and chaired by the respective ministers of environment.

The project tried to place as much responsibility for implementation as possible in the hands of national entities. Kyrgyzstan's State Agency on Environment Protection and Forestry of the Kyrgyz Republic was largely responsible for implementing the project by setting up meetings, roundtables, and seminars. This coordination helped in terms of ensuring that contacts were maintained and issues were addressed in the everyday work of the agency and not left in the hands of ENVSEC. Other areas of implementation, such as public participation elements, were handled by national NGO networks, which received support to conduct workshops and discussions. As a result of the pilot project and its hands-on approach, two relevant laws in Kyrgyzstan—the Law on Environmental Protection and the Law on Environmental Expert Review—were amended in 2003 to clarify procedures and to require public participation in the spirit of the Espoo Convention (UNECE 2011).

Once completed, the pilot EIA successfully identified several potential transboundary environmental concerns that could result from the construction and operation of the copper-gold mine. However, none of these were considered unmanageable, and the mine operator committed to developing and employing mitigation procedures to minimize their effects. For example, the potential for water pollution will be addressed by spill prevention measures and the development of an emergency response plan that will be activated if a spill does occur. Local water-table levels and stream flow will be affected by operations, but the effects forecasted are minimal and will be monitored along the Talas River. Likely air-quality effects from dust and emissions will be handled with spaced blasting, water spray to reduce and prevent airborne dust, capture of gases, and monitoring (Wardell Armstrong International 2007).

The ENVSEC pilot project thus demonstrated that the Espoo Convention is an important instrument for promoting cooperation among its parties. Through the joint discussion of problems, establishment of contacts, and development of methods to preempt and resolve possible conflicting interests between neighboring countries, the Espoo Convention can increase dialogue and reduce potential security issues.

Findings and recommendations

The pilot project confirmed the importance of involving the public, NGOs, and governmental authorities at all levels early in the development process. Because

local authorities and the public are better informed about local conditions and plans, their involvement leads to mutual understanding and prevents possible future misunderstandings and conflicts between local and national authorities and between neighboring countries.

In the case of the copper-gold mine, the importance of increasing public participation was demonstrated when public hearings ensured that the parties were informed of possible plans for creating a national park within the impacted area. Another critical issue was that when the private company was developing its initial feasibility study, it did not have information about the local flora and fauna or about historical and cultural monuments located in Kazakh territory.

Furthermore, the ministries of foreign affairs' involvement in implementation of the transboundary EIAs proved important because these analyses are conducted at the interstate level. Although the ministries were informed of the process through ENVSEC mechanisms, they did not participate in all aspects of the project activities. The EIA was therefore an important tool for ensuring that all parties potentially affected by the proposed copper-gold mine were better equipped for risk assessment and decision making.

CONCLUSIONS

The complex relationship between conflict and the environment is becoming more evident as populations increase and natural resources are depleted. The importance of this relationship is particularly evident in major projects with potential cross-boundary environmental impacts. ENVSEC, through the use of conflict theory and the application of the Espoo Convention, proactively addresses these issues by increasing environmental cooperation and information sharing at the local, regional, and national levels. ENVSEC has found that effective tools for achieving its important goals include membership, networking, active participation, and relationship building in regional and international organizations.

This approach was successfully used in the pilot application of the EIA process for the proposed copper-gold mine in Andash, Kyrgyzstan. The process brought parties together to discuss, debate, and share information regarding the project. These efforts resulted in the potential resolution of several cross-boundary environmental issues. Although Kazakhstan and Kyrgyzstan were the two countries most directly involved and potentially affected by the proposed mine project, discussions were also held and information actively shared with the neighboring countries of Tajikistan, Turkmenistan and Uzbekistan. As a result, both Tajikistan and Uzbekistan are now preparing to ratify the Espoo Convention. Thus what began as a pilot project between two countries may have a far wider impact that will continue to yield positive benefits, including increased cooperation and information sharing among regional stakeholders.

ENVSEC's approach has proved to be an important tool for international efforts in environmental governance, peacebuilding, and security cooperation. Although ENVSEC currently focuses only on the regions of Central Asia, Eastern

Europe, Southern Caucasus, and Southeastern Europe, a similar strategy could be applied to other areas of unrest or potential instability.

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