

Review of legislation on environmental impact assessment of the Republic of Tajikistan with regard to introduction and implementation of the Espoo Convention.

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Introduction

1. This review is prepared in the framework of the project “The Convention on Environmental Impact Assessment in a Transboundary Context: Capacity building and possible application in Tajikistan” in the framework of the UNECE-GTZ programme “Regional Dialogue and Cooperation on Water Resources Management” financed by the Government of Germany. The project is aimed at to build the capacity of governmental officials in Tajikistan to apply the mechanisms of the Convention on Environmental impact assessment in transboundary context (Espoo Convention, 1991, hereinafter Espoo Convention).

2. Main objective of this report is to review the legislation of Republic of Tajikistan (RT) on environmental impact assessment (EIA) in the context of the Espoo Convention application and

to identify gaps in the national legislation for the needs assessment and improvement of environmental legislation and its transboundary aspects.

3. This report includes not only analysis of the provisions related to transboundary issues; it also includes review of the national EIA system and its certain elements. Compliance to international principles and availability of certain elements in the national EIA procedure, such as mechanisms for identification of types of activities likely to have significant environmental impacts, public participation, the EIA documentation etc.; All this would support the application of the Espoo Convention and other international obligations of Tajikistan as well the application of relevant procedures required by International Financial Institutions financing various development projects in Tajikistan (such as the World Bank, Asian Development Bank, European Bank for Reconstruction and Development etc.).

4. Reference to the Espoo Convention is also mentioned in other UNECE Environmental Conventions, including Convention on the Protection and Use of Transboundary Watercourses and International Lakes; Convention on the Transboundary Effects of Industrial Accidents; and Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention). Other global environmental conventions, for example, Convention on biological diversity contain environmental impact assessment requirements and the recommendations for transboundary impact assessment are clearly emphasized¹.

5. For the purpose of obtaining necessary information to develop the first draft report series of meetings and consultations with representatives of the Ministry of Melioration and Water Resources of Tajikistan, Committee on Environment Protection, Ministry of Justice and other specialists and NGO representatives were held in March 2010 in Dushanbe. The report was drafted with support of national experts. The information, documents and legal acts provided by aforementioned partners were used for the purposes of this review. The review also was discussed and approved at the national seminar on "Legislation and procedures for application of the Espoo Convention in Tajikistan within the framework of the UNECE-GTZ programme "Regional Dialogue and Cooperation on Water Resources Management" 22-23 July 2010, Dushanbe).

6. Concerns were raised during the meetings with government authorities and NGOs, including, the lack or deficiency of actual environmental data and its components, absence of methodological guidance for the OVOS procedure implementation and the need to improve local expertise. Other concerns were related to possible ratification of the Espoo Convention and its application in Tajikistan that may cause problems to the ongoing projects and industries in Tajikistan and entail the other countries to blocking new project implementation. **It is worth noting that the Espoo Convention does not limit the rights of a government to independent decision making regarding implementation of development projects in their own territory. The Convention only requires that the environmental impact assessment results of current or planned activities together with comments from government authorities and general public of the Concerned Parties are duly taken into account.**

1. General approach to the environmental impact assessment system

7. The system of environmental impact assessment in the Republic of Tajikistan is the same as in majority of Eastern European countries, Caucasus and Central Asia (EECCA). It consists of two

¹ Tajikistan is the party to the Aarhus Convention and to the Convention on Biological Diversity.

main stages: 1 - environmental impact assessment (OVOS) and 2 - State ecological expertise (SEE).

8. The OVOS is implemented by the developer of the planned activity (investor, initiator or applicant)² or the entity authorized by the developer responsible for conducting environmental impact assessment of the activity and its proposed alternatives, and for preparing relevant OVOS documentation. The main SEE objectives are to define (and implement control over) by the state authorities the compliance of the submitted OVOS materials and other documents with the effective legislation and ecological requirements, and applicability of the planned activity. SEE is implemented by the authorized state body or authorized by such body experts or by the *ad hoc* established expert commissions.

9. Since translation of OVOS into English appears as *Environmental Impact Assessment* or *EIA*, sometimes when comparing the OVOS process with international legislation or Western EIA system (Environmental Impact Assessment- EIA) as understood in the EC countries or in the USA, it is often identified as the procedure for preparing impact assessment materials only *without* the SEE stage. In some other cases, only the SEE would be considered as the EIA analogue. This often leads to the confusion of terminology and definitions and may result in the international attempts introduction into either OVOS or into SEE the entire assessment process without the accounting to the entire system, and fail to reach the expected result.

10. By evaluating the environmental impact assessment system for its compliance to international norms and rules, and by comparing the OVOS system with the EIA in other countries it is advised to consider the entire environmental impact assessment process (OVOS) implemented by contractor, together with the State ecological expertise (OVOS+SEE).

11. Tajikistan's legislation, apart from the other EECCA countries, contains clearly defined and regulated by the law provisions with regard to OVOS procedure and also the correlation between OVOS and state ecological expertise³.

12. The main normative and legal act, the legal basis for the OVOS and SEE, is the Law "On Ecological expertise". The law also contains provisions about OVOS that is the part of the process for new projects: "New projects and types of activities which may have environmental impacts shall be subject to environmental impact assessment and to mandatory State ecological expertise". (Part 1 , Article 26 Law "On Ecological expertise")

2. Legal basis for OVOS and ecological expertise in Tajikistan

Legal regulation of the OVOS and SEE procedure

13. Main normative acts regulating the OVOS and SEE procedures are the Law on Environment Protection (1993), Law On Ecological Expertise (2003), Procedure of Environmental Impact Assessment (adopted by the Resolution of the Government of RT on 03.10.2006 № 464). Also, with the purpose to implement provisions of the above mentioned normative acts numbers of sub-laws were adopted to regulate the issues of competence and authority, payment for the SEE implementation and requirements for the project documentation.

² The legislation may provide different terminology as regards to the person initiating the planned activity. Further on, for the purposes of this report, the term "contractor" is used, unless otherwise stated.

³ It should be noted that in the General scheme of the OVOS procedure as set forth in the Procedure of Environmental impact assessment (adopted by the Resolution of the Government of RT on 03.10.2006.) SEE is incorporated into the OVOS General scheme as one of the stages of OVOS process (see Annex 1).

14. The Law On Ecological Expertise defines main goals, objectives, principles and objects of ecological expertise, types of ecological expertise (state and public) and the procedure, its arrangements and implementation. It also contains provisions for the state organs, public associations and citizens, sets up competences and authority in the sphere of ecological expertise, it provides rights and obligations of contractors and other entities subject to ecological expertise. Separate chapter of this law is devoted to environmental impact assessment of new projects and planned activities.

15. The Law defines a wide range of projects subject to ecological expertise and includes not only new planned projects and types of activities which may have negative environmental impact, but also materials of inspection of operating facilities and projects, territories affected by ecological disasters or environmental emergencies and materials to set up specially protected natural territories.

16. Law defines projects subject to mandatory ecological expertise which are listed below:

- 1) Draft technical normative, instructions and methodological documents to regulate economic and other activity related to the use of natural resources;
- 2) Materials, prior to draft development forecasts and economic capacities allocation in the territory of Tajikistan, including:
 - Drafts of state complex and special programs, scientific and technical and other programs;
 - Drafts of general development plans of territories of free economic zones and territories with special regime of use of natural resources and economic activity;
 - Projects for development of economy sectors, including industry;
 - Investment programs in the part of use of natural resources;
 - Projects of integrated state nature protection programs;
- 3) All types of city planning documentation, including:
 - General schemes of settlements allocation, nature use and territorial organization of industrial capacities;
 - Projects of integrated territorial schemes of nature protection and use of natural resources;
 - Plans and projects for district planning for territorial entities;
 - General city and settlements planning;
 - Projects of city and settlements administrative borders, including villages;
 - General plans of territories, executive authorities under jurisdiction on site, including residential, industrial, recreational and other functional areas;
 - Detailed drafts of public centers planning, residential areas, main roads in cities;
 - Projects of residential blocks build-up, parts of cities and other settlements;
 - Projects for lands reclamation disturbed as a result of prospecting, mining, explosions and other types of work;
- 4) Feasibility studies and projects for construction, reconstruction, expansion, technical re-equipment, conservation and liquidation of facilities and other projects regardless of their estimated cost, jurisdiction and form of ownership implementation of which may impact environment, including materials to establish joint ventures with foreign participation;
- 5) **Feasibility studies and economic activity projects which may negatively impact environment of the neighbouring states, or implementation of which may require the use of common with the neighbouring states natural resources, or which may impact interests of the neighbouring states that are defined by international legal acts recognized by Republic of Tajikistan;**

- 6) Materials to set up oil producing, oil and gas processing, coal and mining facilities and larger industrial facilities of other industries with foreign investments regardless of their charter capital;
- 7) Materials of inspection of operating ecologically dangerous plants, facilities, machinery, technologies, materials and substances, though duly observed, in case of Tajikistan government decide to carry out state ecological expertise as may be initiated by the authorized bodies on environmental protection;
- 8) Drafts of international agreements and contracts including agreements on produce sharing and concession agreements and other treaties as they may involve the use of natural resources and wastes from the facilities with foreign participation;
- 9) Technical documentation for new machinery, technologies, materials, substances and certified commodities and services, including those procured abroad;
- 10) Materials of integrated ecological surveying of the territories as they may justify requests for granting legal status of specially protected natural territories, areas of ecological disaster or environmental emergency;
- 11) Drafts of protection and use schemes of water, forest, land and other natural resources under the state jurisdiction;
- 12) Materials by types of activities that may entail ecological hazard;
- 13) Other types of documents duly adopted in compliance with legal requirements of Republic of Tajikistan.

17. This Review is discussing aspects related to the planned activity which may have environmental impact and assessment of such activity.

OVOS

18. The Law on Ecological Expertise defines that new facilities and types of activities, which may have environmental impact shall be made subject to environmental impact assessment and to mandatory state ecological expertise.

19. The list of facilities and types of activities which require mandatory elaboration of the environmental impact assessment documentation is defined by the Government of Republic of Tajikistan (art 26).

20. Organization and implementation of environmental impact assessment procedure at all stages of planning and design, financing of the documents preparation, organization of public discussions of the planned activity, submission of the OVOS documentation necessary for SEE, shall be done by the contractor.

21. Requirements for the environmental impact assessment procedure and the documentation shall be listed in the Regulation on environmental impact assessment that shall be adopted by the Government of the Republic of Tajikistan (art 27)

22. The Government Resolution dated 03.10.2006 № 464 adopted the Procedure of environmental impact assessment (hereinafter The Procedure)⁴ that defines the following:

- General provisions including main terms and definitions (Section I);
- OVOS objectives and principles (Section II);
- Legal basis for OVOS and main procedural aspects (Section III);

⁴ Some deviations are observed in the national legislation for the Law prescribes for the government to approve of the OVOS Regulation (see p 21 of the review). However, the effective Procedure approved by the government is the legal act to regulate requirements to the OVOS procedure and materials. It is advised to stick to uniform terms and titles.

- OVOS status in the decision-making system (Section IV);
- OVOS participants (Section V);
- Main functions of Contractor in OVOS (Section VI);
- Main functions of executive and management authorities (Section VII);
- Ecological and economic assessment of the planned activity during the OVOS procedure (Section VIII);
- Public participation in the OVOS procedure (Section IX).

23. The Procedure also defines the list of facilities and types of activities which may require mandatory elaboration of the OVOS documentation (Annex 1, see Annex 2 thereto); standard materials content on environmental impact assessment of the planned economic activity during the process of investment planning (Annex 2), content of the OVOS materials for developing specially protected natural territories (Annex 3), and the General Scheme of the OVOS procedure (Annex 4).

24. The Procedure integrates a number of provisions related to the Espoo Convention (for more details see Section 3 of the Report), and also contains definitions for the post-project analysis and the number of the related provisions.

25. According to the Procedure the results of the OVOS shall be:

- main recommendations on the nature and scope of environmental impacts of the planned activity and implementation alternatives, results of ecological and the related social, economic and other consequences of such impacts and their magnitude;
- description of activities for maximum possible impact prevention, mitigation and compensation for such impact;
- identification and record of public preferences during the decision-making process by the contractor related to the planned activity;
- contractor's decision on the alternatives for the planned activity implementation (including the project location, selection of technology etc), or waiver to proceed with this technology.

The OVOS materials are the integral part of the documentation used for the further administrative and other management decisions.

26. Requirements for pre-project and project documentation and materials on environmental impact assessment are also defined in the Instruction on the composition, order of development, coordination and approval of construction documents for construction of facilities, buildings and constructions in relevant sections of OVOS, environment protection and construction documents approved by the Order of the State Committee on Environment Protection and Forestry of Republic of Tajikistan dated 30.11.2006 № 77.

27. The Procedure also states that when concepts, perspective (general) plans and programs of social and economic development of the country are subject to the OVOS procedure then the OVOS is implemented as strategic environmental assessment (SEA).

State Ecological Expertise

28. The procedure for state ecological expertise is regulated by the Law on Ecological Expertise.

29. Objects that are subject to ecological expertise shall contain justification of the environmental safety of the planned activity, integrated ecological, social and economic assessment of the ongoing or proposed environmental impact, assessment of ecological risk and probable harm to human health and alternatives of the proposed options to mitigate such impacts.

30. State ecological expertise shall assess whether the form and the content of the submitted documents comply with the law, the procedure for state ecological expertise approved by authorized state organ in environment protection, and in the evidenced of the following materials:

- Documents subject to state ecological expertise in the scope defined in the procedure thereto supported by materials of impact assessment of the planned activity;
- Positive statements and (or) coordinated documents of the state supervisory body and executive authorities as may be obtained in line with the established by law procedure;
- Statement of public ecological expertise, if any (art 17 of the Law).

31. State ecological expertise shall be carried out on the condition that advance payment is provided by the contractor implementing the activity (art 17).

32. The timing for state ecological expertise shall be defined depending on the complexity of the project under assessment in line with normative acts of the organ authorized for state ecological expertise, but shall not exceed 45 calendar days.

33. The beginning date of the state ecological expertise shall be established after the fee paid and from the date of the acceptance of the full set of required documents.

34. The authorized organ for state ecological expertise is the Committee on Environment Protection which has a state ecological expertise department in its structure (see Annex 3 to the Regulation on the Environment Protection Committee adopted by the Resolution of the Government of RT dated April 24, 2008 № 189).

35. State ecological expertise shall be conducted by the expert commission set up by the authorized state body on ecological expertise.

36. The expert commission shall consist of no-staff experts and if required by normative legal acts of the state authorized body for state ecological expertise, the commission may include its permanent staff (art 15).

37. The results of the work of the expert commission shall be made in the form of conclusion that can be regarded as positive if supported by the simple majority of experts.

38. The state ecological expertise conclusion is the document developed by the expert commission set up by the authorized state body for state ecological expertise and containing justified arguments on the acceptance of environmental impacts of the planned activity, possibility to implement the planned activity and its compliance to the terms of reference to the state ecological expertise.

39. The separate and justified opinions of its members who were not agree with the statement of the commission shall be attached to the conclusion prepared by the expert commission of state ecological expertise.

40. The expert commission conclusion shall be signed by its chairperson, executive secretary and all of its members, and this conclusion may not be altered without their prior agreement.

41. Conclusion of the expert commission of the state ecological expertise, after its official approval by the authorized state organ for state ecological expertise, gains the status of the state ecological expertise conclusion. Para 14 of the Regulation on State Ecological Expertise in

Republic of Tajikistan, approved by the Decree of Cabinet of Ministers on 06. 04.1994 #156 defines that positive SEE statement acquires legal force for the period of 2 years since the date of its publication. Later, the article 11 of the Law on Ecological Expertise states that the term of validity for such positive SEE conclusion shall be defined by the authorized state organ on ecological expertise.

42. The legal consequence for the negative conclusion of the state ecological expertise is the prohibition for the project implementation. (Art 19).

43. State ecological expertise, including the repeated process, shall be financed by the contractor in full amount according to the expertise cost estimate as may be established by the authorized state organ for state ecological expertise in the procedure set forth by the authorized organ for state ecological expertise.

44. The finance for state ecological expertise implementation shall be credited by the contractor who submits the duly required documents for state ecological expertise to specialized account of the authorized state organ for state ecological expertise. The procedure to use such funds shall be established by the Government (art 30).

3. Environmental impact assessment in transboundary context

45. On February 17, 2004 President of Republic of Tajikistan issued his Decree № 1287 “On accession to the UNECE Convention Environmental Impact Assessment in a Transboundary Context” which stated to join the Espoo Convention, and assigned to the Foreign Ministry of Foreign Relations to duly inform the Convention Depository of of accession by the Republic of Tajikistan to the Convention.

46. This Decree was issued in compliance with the article 69 of the Constitution and with procedure set forth in Para 2 article 13 of the Law On International Agreements of Republic of Tajikistan” (1999); its states that accession to such types of agreements, as Espoo Convention, shall be enforced by the President and it does not require further ratification by the Parliament (the list of agreements subject to ratification is in article 8 of the Law On International Agreements of Republic of Tajikistan”).

47. Para 3 of the article 18 of the Espoo Convention states for each State or organization referred to in Article 16 which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the ninetieth day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession.

48. However, the Convention Depository⁵ did not receive any notice. Therefore, Republic of Tajikistan did not accomplish the accession procedure and legally may not be deemed as the party thereto. However, and actually, in the number of normative and legal acts and in international reports Republic of Tajikistan is demonstrating its intention to introduce and implement provisions of the Espoo Convention.

49. On December 3, 2004 the Government issued the Resolution № 161-p which approves the working group for the preparation of the rules and procedures for the Espoo Convention implementation.

⁵ The ratification documents on ratification, approval or accession shall be deposited with Secretary General of the United Nations , who shall perform the functions of Depository

50. Separate provisions concerning transboundary effect fixed in the Law on Ecological Expertise, and in 2006 a number of provisions on transboundary impacts were fixed in the approved by the Government Procedure for environmental impact assessment. These provisions are discussed in detail further in this review.

51. The Law on Ecological expertise, among the others considers the following subjects to ecological expertise: feasibility studies and economic activity projects which may entail negative environmental impact to the environment of the neighbouring states, or implementation of which may require the use of common natural resources, or may affect interests of the neighbouring states as established by international legal acts recognized by the Republic of Tajikistan (article 7)

52. The Law also renders the competence of coordination of the work of the state authorities on joint activities to implement ecological expertise of national and international importance, to the Government (art 10), while the competence of coordination in the due procedure with ecological- expert bodies of other States with the purpose of consultations, joint ecological expertise, scientific and methodological data sharing, foreign experts involvement assigned to the state authorized body on state ecological expertise.

53. State authorized body on state ecological expertise shall also have the right to organize, implement and take a part in international ecological expertise (art 11)

54. The aspects of environmental impact assessment in a transboundary context are defined in the Procedure for environmental impact assessment.

55. The Procedure defines general approach to organization and definition of probable environmental impact with account to legislative and normative base of Republic of Tajikistan and international experience, **including the Convention on environmental impact assessment in transboundary context.**

56. Section III of the Procedure states that for the planned activity with probable transboundary effect the OVOS procedure is mandatory and shall be carried out in compliance to the Convention on environmental impact assessment in transboundary context, and in compliance to the bilateral and multilateral agreements to which Republic of Tajikistan is a party.

57. The procedure contains some definitions almost identical to the definitions set forth in the Espoo Convention, namely “party of origin”, affected party”, “impact”, transboundary impact”.

58. However, the subsequent provisions of the procedure do not use such definitions as “party of origin” and “affected party”.

59. The number of other definitions also developed in compliance with the Espoo Convention, for example, definition of the “planned activity”.

60. The Procedure defines “public” as associations and public in general, and this is somewhat different from the definitions provided by the Espoo Convention and Aarhus Convention.

61. So, according to the Aarhus Convention and the first amendment to the Espoo Convention "The Public" means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups.

62. The Procedure introduces the term of “quality control of OVOS materials”. Quality control of OVOS materials is the mandatory procedure for the control of compliance with the legislation requirements, including the Espoo Convention of the OVOS documentation on the planned activity which can have likely transboundary impact and/or complex multi-factor consequences..

63. Section III of the Procedure also states that materials of OVOS for projects with likely transboundary effect and other complicated projects are subject to mandatory materials quality control to be implemented by organizations or experts with expertise to working in the frames of the Espoo Convention for not less than 3 years. However, it provides no greater detail neither of the essence of such control, nor of the procedures, nor of the timing thereto. It is also not clear at what stage, who and how will define such experts and organizations.

64 Among other functions the Procedure defines the contractor’s responsibilities to define all possible sources of likely negative environmental impact, including in transboundary context, as well as public informing including in the territories where the planned activity may render transboundary effect.

65. The procedure defines the list of objects and types of activities that require the mandatory elaboration of the OVOS documentation (see Annex 2). This list consists of 14 paragraphs and actually corresponds to the current list of activities identified in Appendix 1 to the Espoo Convention except for some types of activities which, to the opinion of some experts, are not critical and may not be implemented in the territory of Tajikistan. The following types of activities are included in the Espoo list, but not in the list of the Procedure:

- Nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load). (point 2 of the Espoo Convention list);
- Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste. (point 3 of the Espoo Convention list)
- Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes. (point 9 of the Espoo Convention list)
- Offshore hydrocarbon production (point 15 of the Espoo Convention list).

66. The omission of the last two bullet points can be justified, then towards the nuclear facilities, of course, today they are unreal, but hypothetically possible, and radioactive wastes management in the territory of Tajikistan are rather topical even today.

67. Also in the same list were included hydroelectric power stations.

68. The procedure also set forth requirements for the standard content of the documents for the assessment of the planned activity and its environmental impact in investments projects (Attachment 2, see Annex 3 to this Review). The information as listed in the Annex 2 to the Procedure corresponds to the requirements established by Appendix 2 of the Espoo Convention in terms of the content of documentation on environmental impact assessment.

4. Conclusions and Recommendations

General

69. The consistent stand in the development of normative and legal base on environmental impact assessment that is developed with account to international experience and aimed at quality system of the EIA, must be taken into account. This Review has already reflected numerous positive aspects of the legislation development in the field of EIA and its separate provisions.

70. By considering that one of the main tasks of this review document is to identify gaps in the national law with the purpose of needs identification to improve the EIA legislation and its transboundary aspects the Conclusions and Recommendations section will discuss the issues requiring improvement in the national EIA system in general and capacity building in particular in order to introduce and implement the Espoo Convention.

71. Among the general factors affecting effective implementation of environmental legislation in general, and that part of legislation directly related to environmental impact assessment, there are the following:

- lack of clear procedures and mechanisms for implementation of legal norms;
- inconsistency of separate normative legal acts;
- low level of compliance;
- low level of awareness of environmental legislation, both among citizens and among government officials, business representatives and other groups.

72. Recommendation: with regard to the environmental impact assessment procedure (OVOS+SEE) is regulated by different normative and legal acts (part of the procedure is regulated by law, while the other part – by the sub-laws), when improving the legislation and amendments thereto it is advisory to ensure the integrated approach and relevant norms coordination since they will require introduction of amendments (changes) both to the law and the sub-laws.

Sometimes development and improvement of certain laws is non systematic and poorly coordinated; this leads to the system misbalance, legal collisions and further failure to observe legal norms. This time a number of international and donor organizations implement various projects, including those aimed at legislation adjustment in the sphere of environmental impact assessment, hence, **the due information exchange and development of a unified approach and coordination of efforts would further the legislation development in this sphere.**

National EIA system

73. From the provisions of the Espoo Convention implies the need for a national EIA procedure that is implemented before the decision-making, and first of all, shall be targeted to the environmentally-sensitive types of activity, anticipates public participation, preparation of the EIA documentation and taking into account the EIA results during the decision-making on implementation (articles 2.2, 2.3, 4.1, 6.1 of the Espoo Convention).

74. Article 2.2 of the Espoo Convention states that each Party shall take the necessary legal, administrative or other measures to implement the provisions of this Convention, including, with respect to proposed activities listed in Appendix I⁶ that are likely to cause significant adverse

⁶ List of activities

transboundary impact, the establishment of an environmental impact assessment procedure that permits public participation and preparation of the environmental impact assessment documentation described in Appendix II.⁷

75. In general, the national environmental impact assessment system in Tajikistan has been established and its main provisions are fixed in the national law. Main normative legal acts are the Law on Nature Protection, Law on Ecological Expertise, the Procedure for the environmental impact assessment and other sub-laws.

76. The environmental impact assessment process in Tajikistan consists of 2 main stages: 1 – OVOS materials development and 2 – SEE. At the OVNS stage the main responsibility is vested on the contractor who shall undertake to develop all the OVOS materials, including probable alternatives, mitigation measures, involvement of public participation in discussions and integration of comments. The role of state at this stage is limited to the selection of project site and terms of reference approval. Main participation of the state authorized organ is at the stage of quality control of the developed documentation, the SEE stage.

77. The Law On Ecological Expertise contains main provisions on environmental impact assessment of new facilities and planned activity, however, it does not establish any procedure for preparation of the OVNS documents except for the indication that the list of types of activities and facilities, requirements to the OVNS procedure and documentation are defined by the Government of Tajikistan.

78. The procedure approved by the Government of Tajikistan defines the key elements for environmental impact assessment and they, in general, correspond to international practice, define functions of the OVOS procedure participants, however, in most of the cases, do not contain clear implementation mechanisms (see paras 84-90 of this review).

79. The procedure, in most of the cases, defines **what** and **who** shall do and also defines the OVOS materials content. However, it is not always clear **how** this shall be done.

80. The absence of clearly established norms regulating the entire OVOS procedure and its separate stages, and first of all, appropriate timing for their execution does not allow to fully assess the efficiency of this procedure implementation, including the aspects of transboundary effect.

81. In practice the applied approach is rather aimed at the final result, - preparation of the OVOS materials, rather than to observe the procedure of such materials preparation. Often it happens that the contractor approaches the authorized organ with already prepared documentation and, since that organ is vaguely involved in the OVOS preparation process, it is hard to identify whether the entire OVOS procedure and the rights of different process participants, were duly observed.

82. **Recommendation:** To change the aforementioned practice it is first of all advised to clearly define and legally cement the relevant procedures, including observation of certain stages and timing (e.g. the procedure and timing for notification and information disclosure, procedure for approval of the Terms of Reference (ToR), types and procedures for public participation etc), ensure their due collection and record, and also to improve control both within the OVOS process as well as within the acceptance of the documentation for the SEE. For more detailed recommendations see below.

⁷ Content of EIA documentation.

83. A great deal of attention in the Procedure is paid to public participation in the OVOS. Public participation is included in each stage of the OVOS materials development in accordance with the provisions of national legislation, other normative acts and the Procedure itself. Public participation in the development of OVOS materials and discussion shall be organized by the contractor.

84. The procedure indicates that public notification on the planned activity is the integral part of the OVOS process. At each stage of OVOS informing of the public and other stakeholders shall be done by the contractor. Information on the planned activity shall be disseminated by means of mass media (radio, TV, periodicals, Internet and other means) in the territory where the planned activity is expected and in the territories where such activity may have significant transboundary impact. However, in the Procedure the timing for public notification at different stages is not defined.

85. One of the important and positive aspects is the availability of provisions requiring development of the terms of reference (ToR), and its coordination with the authorized state organ, including the possibility for public to review the draft ToR and submit recommendations. In fact, this stage of the ToR development corresponds to the so-called “scoping”; at this stage the OVOS objectives shall be identified (identification of significant impact). However, in this case the timing for review of ToR and the timing for submission of comments are not mentioned. The procedure states that “the contractor shall accept and document notes and comments submitted by the public and interested parties in terms established by the legislation and other normative and legal acts of Republic of Tajikistan”. Yet, in the other normative and legal acts such terms and timing is not defined. Section VII of the Procedure “The main functions of state authorities” states that the specially authorized organs on environment protection and nature use and their territorial organs shall participate in the review of ToR for the OVOS, but on how this should happen (procedure), not described.

86. The same is applicable to the public inspection of the OVOS materials: “The draft OVOS materials shall be provided by the contractor to public for inspection and for public ecological expertise according to the procedures and terms defined by the law and other normative legal acts”. The procedure for public ecological expertise is defined in the Law On Ecological Expertise. But it is worth noting that public ecological expertise may not substitute the right of public on inspection of OVOS documentation, yet the timing and the procedure of such inspection are not defined.

87. The procedure also indicates the order how to register the results of public hearings, however, it is neither clear at what stage the public hearing take place, nor the hearings organization procedure.

88. Therefore, despite the procedure declares main requirements for public participation and they, in principle, correspond to international requirements, yet the absence of the clear procedures and timing may doubt the possibility of due implementation of such requirements and control over their implementation.

89. In practice public participation, in general, takes place during the preparation of the projects; that at financed by international financial institutions and the process complies with their requirements. Sometimes, at the latter stages, public participation takes place in the form of public ecological expertise.

90. A number of other provisions and regulations require clarification. Some paragraphs as stated in the Annex IV to the Procedure – the General Scheme of the OVOS procedure (Annex 1 to this Review) are not clearly defined in the main part of the Procedure. For instance, the projects screening process, the OVOS objectives identification (identification of significant impact), ZVOS⁸.

91. **Recommendation:** the environmental impact assessment procedure must correspond to its title and shall clearly identify the OVOS **procedure**, including stages, procedures and timing. The descriptive part of the Procedure must clearly reflect the Scheme as it is defined in the Annex 4 (see Annex 1 to this Review); and the names of certain stages as they are defined in the Scheme must correspond to the titles listed in the main part of this Procedure (see also Para 90, 92).

92. **Recommendations:** It is expedient to improve the role of the specially authorized state organ at the early stages, and one such stages is the declaration (statement) of intent preparation and its submission, or as it is defined in the OVOS Procedure, the stage to submit short description of the project (see Attachment 1 to this review). This Procedure suffers form certain deficiencies (omissions) and such declaration (statement) is mentioned only once among the content of OVOS materials (Annex 2 to this review), so as the project short description (mentioned in the Scheme). Their role, preparation, submission and consideration algorithm by the specially authorized organ not defined clearly and require additional regulation (see also Para 90).

When developing regulations concerning preparation of declaration (statement) of intent it is advised to include requirements to its content, procedure and timing for publication and public notice issue, so as the authorized organs and local governance and terms for its consideration. It is recommended to introduce amendments and changes both in the Procedure and in the Law on Ecological Expertise by adding provisions that submission of declaration (statement) shall constitute actual beginning of the OVOS process.

93. **Recommendations:** It is necessary to clearly define in the normative and legal acts the procedure for ToR elaboration and approval (procedure to identify OVOS objectives (identification of significant impact)), including the role and participation procedure of state authorities and public (see also Para 85).

94. **Recommendations:** It is necessary to clearly define and regulate forms and procedures for public participation including the procedure and timing:

- information about the project, the possibilities and procedures for public participation;
- inspection of OVOS materials;
- organization of public hearings;
- submission of comments and recommendations and taking them into account in decision-making;
- informing about the decision made (see also paras 79-89)

95. **Recommendations:** By taking into account that public participation process begins with the information on intentions before the adoption of the SEE conclusion (see Annex 1 to this Review), it is required to clearly define (coordinate) functions of various entities (especially authorized organs, contractor, local governance) in organizing of public participation process in OVOS and SEE.

⁸ Probably ZVOS means Environmental Impact Statement (EIS), or this is a misprint for in the text body this abbreviation is mentioned only once.

According to the Procedure public participation in the development of OVOS materials and discussion shall be organized by the contractor, while the authorized organs and their territorial units shall assist contractor in organizing of public participation in the OVOS procedure; shall implement control over the OVOS procedure compliance, including timely notification by the contractor about the planned activity via mass media; informing general public about the decision made on planned activity.

The Law On Ecological Expertise also empowers local authorities to facilitate public hearings, questionnaires and referendums regarding the planned activity of either kind which is subject to ecological expertise, and also decision-making, within their competence, on the ecological expertise issues based on the results of public hearings, referendums, polling and statements made by public and ecological organizations, information about the objects of ecological expertise (article 13).

Besides, article 11 of the Law establishes the obligation of the specially authorized organ to provide local authorities, public organizations and individuals, who have submitted justified comments regarding ecological aspects of the planned activity, the materials justifying taking into account their comments during the state ecological expertise.

So, the absence of distinct demarcation of functions and powers of different stakeholders in the field of public participation engagement at different OVOS and SEE stages may result either in inefficient public participation process, or in its complete omission (see Para 89).

ItI would have been reasonable to empower a state organ (e.g, specially authorized organ for ecological expertise) to ensure public participation in the OVOS and SEE process; such organ would be able to facilitate such participation either on its own, or delegate this function to other entity (entities) and control their implementation. The costs incurred by such public participation may be born by the contractor.

EIA in transboundary context

Accession to the Convention

96. Republic of Tajikistan decided to access the Espoo Convention, but failed to accomplish the legal accession procedure, and as a result is not a party to this Convention. However, in the number of normative and legal acts and in international reports and other documents Republic of Tajikistan demonstrates its intentions to introduce and implement provisions of the Espoo Convention.

97 Recommendations: In this regard, the first priority is to finalize the accession procedure to the Convention by duly informing the Convention Depositary. To introduce and duly implement the Espoo Convention it is necessary to identify a competent authority(s) and its (their) its functions and competency, and amend the effective law with provisions regarding the transboundary OVOS procedure (see Recommendation further in the review).

Competent authority(s)

According to Para ix article 1 of the Espoo Convention “competent authority” the national authority or authorities designated by a Party as responsible for performing the tasks covered by this Convention and/or the authority or authorities entrusted by a Party with decision-making powers regarding a proposed activity.

99. Thus, implementation of the number of functions, including the functions of the Contact Point of the Convention to receive notifications shall be clearly stipulated, also coordination center on administrative matters regarding the Convention implementation, and the Convention implementation control organ, a decision-making organ and other.

100. **Recommendations:** a specially authorized body is the best fit for such function; to-date it is the State Committee on Environment Protection under the Government of Republic of Tajikistan.

For example, according to the article 11 of the Law On Ecological Expertise the powers of the specially authorized organ in ecological expertise is empowered to coordinate ecological and expert organs of the other states for the purposes of consultations, joint ecological expertise, exchange of scientific and methodological materials, engagement of foreign experts; coordination of ecological and expert activities in Tajikistan, methodological guidance on ecological expertise of projects and facilities regardless of their subordination hierarchy and ownership; organization of and participation in international ecological expertise etc.

In the context of the final decision-making organ shall be the organ responsible for such decisions (see Para 108).

101. A number of provisions regulating aspects of environmental impact assessment in transboundary context do exist in the legislation. By considering the need of the further legislation improvement in case of the Convention accession and the need of due implementation of the Convention provisions into the national legislation it is necessary **to ensure national legislation to cover the following:**

- Requirements to official notification of the affected party, information disclosure and participation of public of the affected party.
- Requirements for EIA documentation preparation and its dissemination with the purpose to involve state authorities and public of the affected party.
- Requirements to consultations between the parties based on the EIA documentation.
- Requirements to final decision as regards to the planned activity and final decision documents transfer to the affected party together with the reasons and considerations on which it is based..
- Provisions regulating the issues when Tajikistan appears as affected party.

Identification of the activities with likely transboundary impact and notification

102 Paragraph 1 article 3 of the Espoo Convention reads: “For a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact, the Party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity”.

103. The Tajikistan’s legislation foresees the possibility to holding joint ecological expertise and consultations with other countries, however, it is not defined at what stage such cooperation may occur. Under the Espoo Convention requirements it is worth noting that such cooperation (information disclosure to the affected party, consultations with state organs and public of the affected party) shall take place at the early stage namely during the OVOS documents preparation, when tasks of the OVOS are identified together with the development of

alternatives, assessment of likely impact, mitigation measures. The SEE for this stage is too late, because a large part of the procedure, including the main stages of public participation has already passed. Besides, the Law establishes the minimal time for the SEE, - only 45 days, and this, in case of the transboundary case, is clearly not enough.

104. In most of the EECCA countries, including Tajikistan, one of the main OVOS system problems (OVOS+SEE) is the weak ability to identify at early stage by the state organs of likely transboundary impact, timely notification of the affected party and beginning of appropriate procedures for transboundary impact assessment. This, first of all, is because the OVOS preparation procedure is done by the contractor, while the role of state organs at this stage is insignificant (in fact, it is limited to ToR approval and assistance in public participation). The contractor cannot, without a competent authority of the country of origin, ensure due notification of the competent authority of the affected party, and continue the procedure of transboundary impact assessment, as this is required by Espoo Convention.

105. Recommendations: It is necessary to establish clear mechanism to warranty that types of activities with likely significant transboundary impact will be duly considered at early stages by the competent authority,, which will have the necessary capabilities for decision-making, in connection with any of these activities should be notified and, in accordance with the requirements of the Convention would be able to provide timely notification of affected parties and other procedures within the requirements of international treaties..

Such early stage can be the stage of preparation and submission of declaration of intent, or, as it is defined by the OVOS Procedure, the stage of submission of the short project description (See Annex 1 and Para 92).

106. **Recommendations:** New set of criteria can also be established for decision-making on notification, or additional list of types of activities subject to mandatory notification, can also be developed.

To-date such effective list approved by the Procedure is used for the “launching” of the national OVOS procedure, even despite its general compliance with the Convention. There are no references what activity from this list is subject to mandatory transboundary impact assessment.

It is worth noting that according to this list the activity not related to construction (reconstruction) such as deforestation, ground water pumping is subject to OVOS⁹, yet among the SEE activities (objects) (see Para 16), it is not clearly stated, though. Apparently, these provisions also need clarification.

Final decision

107. The issue of the “final decision” is very important in the Espoo Convention. According to the Convention (article 4) a country of origin is obliged to “disclose the OVOS materials at reasonable time before the final decision” and inform the affected party of such decision together with the reasons and considerations on which it is based (article 16). However, definition of the term “final decision” in the Convention is not defined.

108. The Convention implementation Committee “reckons that provided any requirements included in any decision can be altered over the time on the basis of other decisions, the

⁹ See Attachment 2 to this review

foregoing cannot be viewed as final according to the meaning of provisions stipulated in the Convention¹⁰”

109. **Recommendations:** In the context of the Convention in RT a final decision can be a decision in principle on the possibility to implement any planned activity drawn on the account of ecological and sanitary-epidemiological and other requirements.

Such final decision can be an SEE conclusion, however, such conclusion, according to the Tajikistan’s law, allows only for a decision on environmental impact and does not include issues of health. Such a decision is made by State sanitary and epidemiological service of RT.

Based on the foregoing and by considering the opinion of the Convention implementation committee (see Para 108), for the types of activities related to construction a final decision in the Convention context can be a conclusion drawn by the State expertise of projects (pre- and post-project documentation).

Such an expertise is managed by the Department of non-departmental state expertise on construction in the structure of State agency for construction and architecture under the government and its outlets¹¹.

According to the procedure for such expertise implementation, a final decision for a contractor requires to submit them to relevant organs to continue expertise procedure. Therefore, a conclusion drawn by the state expertise of projects shall be made following the SEE and other expertise positive conclusions and approvals.

As for the activities related to the use of natural resources (excluding construction, such as deforestation, ground water use), a final decision decision can be a permit for the use of natural resources.

In this regard, development of additional provisions on coordination of the aforementioned decision-making bodies with the authorized body on ecological expertise in order to comply with the Espoo Convention, including informing of the affected party about the final decision.

The final decision matters need in additional analysis and development.

Other issues

110. **Recommendations:** A number of other provisions related to impact assessment in transboundary context such as scoping, public participation, requirements to the final decision regarding the planned activity and documents transfer on the final decision to the affected party, together with the reasons and considerations on which it is based, post-project analysis etc, - all these require additional clear regulation, including terms, procedures and financing matters. Such provisions can be included into the effective Procedure, or their development and approval in the form of separate normative legal acts may be required. In any case, such key requirements shall be incorporated into a law.

¹⁰ ECE/MP.EIA/IC/2009/2, para 21

¹¹ Such an expertise is implemented in the RT Law on Architecture, city planning and construction activity” (2008), and the procedure to follow administrative steps related to construction activity in Tajikistan. (approved by the RT government decree on May 6, 2009 #282 “On the measures to implement the RT President Decree “On improvement of administrative procedures related to construction activity in Republic of Tajikistan”)

111. Recommendations: Special attention must be paid to the provisions related cases when Tajikistan appears not as a country of origin, but as the affected party. In the effective law such cases are not covered.

Abbreviations

EECCA – Eastern Europe, Caucasus and Central Asia

SEE – State ecological expertise

UNECE – The United Nations Economic Commission for Europe

OVOS – environmental impact assessment

RT – Republic of Tajikistan

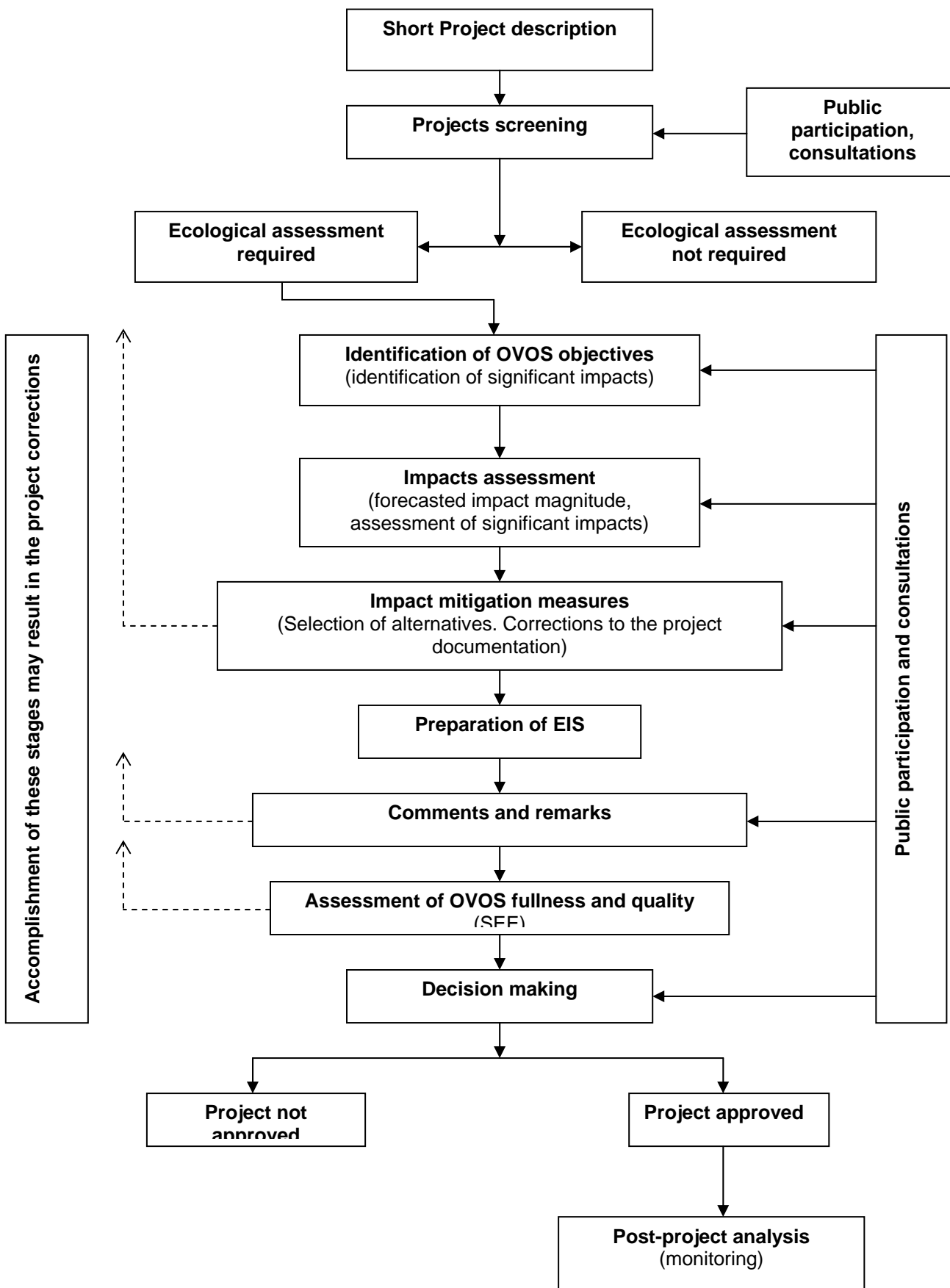
ToR – Terms of Reference

Legislation and list of references:

1. Constitution of Republic of Tajikistan
2. RT Law On Nature Protection (1993)
3. RT Law On Ecological Expertise (2003)
4. RT Law On Architectural, city planning and construction activity (2008)
5. RT Law On International Agreements of republic of Tajikistan (1999)
6. RT Presidential Decree of 17.02.2004 № 1287 “On Accession to the Convention of European Economic Commission on Environmental impact assessment in transboundary context
7. RT Government Resolution of 03.12.2004 № 161-p “On approval of the working group to prepare the rules and procedures to implement the Espoo Convention”.
8. Procedure for environment impact assessment (approved by RT Government Resolution on 03.10.2006 №464)
9. The Order for administrative procedures for construction activity in Tajikistan (approved by the RT Government Resolution on May 6, 2009 №282 “On the measures to implement RT President Decree “On improving administrative procedures related to construction activity in Republic of Tajikistan”)
10. Regulation of the RT Environment Protection Committee under the Government of Tajikistan (approved by RT Government decree on 24.04.2008 №189)
11. Instruction on the composition, development procedure, coordination and approval of cost estimates to construct industrial facilities, buildings, structures of the OVOS, OOS and engineering documentation (approved by the Order of RT State Committee on Environment Protection and Forestry on 30.11.2006 № 77)
12. Regulation on State Ecological Expertise in Republic of Tajikistan, 1994
13. UNECE Convention on environment impact assessment in transboundary context (the Espoo Convention, Espoo, 1991)
14. Guidance to implement environment impact assessment in transboundary context for Central Asian Countries, Almaty, 2005
15. Materials and presentation received from state organs, NGOs and other experts during the visit to Dushanbe (March 2010)

GENERAL SCHEME OF OVOS PROCEDURE

According to the Annex 1 to the OVOS Procedure



Objects and types of activities subject to the OVOS procedure
(according to the Procedure for OVOS)).

1. Hydropower stations, power houses and other furnace units with heat capacity 300 MW
2. units to extract asbestos, asbestos processing and transformation and asbestos products, regarding:
 - asbestos-cement products with annual production over 20000 tn;
 - friction materials with annual production over 50 tn, and
 - other types of asbestos use over 200 tn per year.
3. Chemical plants
4. Highways construction, speed ways, long-distance rail roads, airports with the length of the main airstrip of 2100 m and longer.
5. Oil and gas pipelines with pipes of large diameter.
6. Petroleum refinery plants (except for facilities producing only lubricants of crude oil), and units for gasification and coal liquefaction and oily shale with capacity 500 tn/day or more.
7. Large dams and water reservoirs.
8. Trees felling in large territories.
9. Units to utilize wastes for burning, chemical processing or depositing of toxic or dangerous wastes.
10. Large facilities to store petroleum, oil-and chemical and chemical products
11. Large units for blast-furnace and open-hearth process and nonferrous-metals industry.
12. Ground water intake in cases when the annual water volume is 10 mln m³ and more.
13. Large-scale mining, extraction and enrichment on site of ferrous ore and coal.
14. Cellulose and paper production with output of 200 metric tons products per day or more after the air drying.

MODEL CONTENT
Of materials for the planned economic activity environmental impact during investment projects design
(according to the Annex 2 to the Procedure for OVOS)

Materials for environmental impact assessment (OVOS) of the planned economic activity during investment projects design shall contain, but not limited to:

General information;

- Contractor's details with its official name (legal entity or individual), postal address, telephone, fax;
- Name of the object for investment planning and planned project implementation site;
- Name and contact details of the contact person.
- Supporting materials: application (declaration) of intentions, investments availability, feasibility study (draft), work project (substantial part).

Explanatory note for the substantial part.

Objective and the need of the planned or other activity.

Description of alternatives on the way to the planned activity objectives (project site options, technologies and other alternatives in the competence of the contractor), including the "zero option" (project waiver).

Description of possible environmental impact by the planned or other activity by alternatives.

Environmental impact assessment by the planned or other economic activity by alternatives including reliability analysis assessment of the expected and forecasted impact by the planned investment activity.

Prevention and mitigation measures of negative environmental impact by the planned economic or other activity.

Identification of uncertainties during identification of environmental impact by the planned economic or other activity.

Brief monitoring programs content and post-project analysis.

Justification of the selected options for the planned economic or other activity.

Materials of public discussions conducted during materials development on environmental impact assessment by the planned economic or other activity, which must contain:

- manner of public information disclosure on the public discussion venue, time and form of discussion;

- list of participants for public discussions with their names, organization names and positions, also postal address and phone numbers of the listed organizations and individuals.

- Matters discussed by the discussion participants, presentation thesis (if any), discussion records (if any).

- all the voiced comments and recommendations with the authors' names, including probable variance matters between the public representatives, local governance and the contractor.

- Discussion summaries regarding ecological aspect of the planned economical or other activity.

- a list of comments and recommendations voiced by public with indication which of those comment and recommendations were and were not accepted by the contractor supported by the justification in case of the latter.

- the circulation list for relevant information disclosure posted at every stage of environmental impact assessment.

- non-technical summary.

Annex 4

Main legislative acts, programs, concepts and strategies of Republic of Tajikistan on environment protection:

- *Law On Nature Protection (1993.¹²)*
- *Law On Flora and fauna Use and Protection (1994.)*
- *Law On Subsoil (1994.)*
- *Law On Fauna Use and Protection (1994.)*
- *Law On Ambient Air Protection (1996.)*
- *Law On Specially Protected Natural Territories (1996.)*
- *Land Code (1996.)*
- *Forest Code (1996.)*
- *Water Code (2000.)*
- *Law On Plans Quarantine (2001.)*
- *Law On Production and Consumption Wastes (2002.)*
- *Law On Ecological Expertise (2003.)*
- *Law On Sanitary and Epidemiological Safety of Population (2003.)*
- *Law On Prohibition of Unauthorized Collection and Implementation of medicinal bitumen and medicinal bitumen containing materials (1990.)*
- *Law On Production and Safe Handling of Pesticides and Agricultural Chemicals (2003.)*
- *Law On Protection and Use of Fauna (2004.)*
- *Law On Protection of Population and Territories from Emergency Eituations of Natural and Man-made (2004.)*
- *State Program of Ecological Education of Population of Republic of Tajikistan till 2000 and in perspective to 2010 (1996.)*
- *State Ecological Program for the period 2009-2019 (2009.)*
- *Economic Development Program of Republic of Tajikistan till 2015 (2004)*
- *National Program Clean Water and sanitation (2001.)*
- *National Program of health improvement and stabilization of social and ecological situation in the Aral Sea basin (for Tajik Republic, 2001.)*
- *National Action Plan on Desertification in Tajikistan (2001)*
- *National Program on termination of the use of ozone-depleting substances (2002.)*
- *Program of development of Forestry of Republic of Tajikistan for the period 2006-2015 (2005.)*
- *State Program of Development of Specially Protected Natural Areas for 2005-2015(2005)*
- *Specific Integrated Program on the wide use of renewable sources of energy, such as energy of small rivers, the sun, wind, biomass, subsoil energy till 2007-2015 etc. (2007)*
- *Poverty Reduction Strategy (2002)*
- *National Health Strategy (2002);*
- *National Action Plan of Republic of Tajikistan to mitigate climate change consequences (2003.)*
- *National Strategy and Action Plan to protect and rational use of biological diversity (2003.)*
- *National Plan for implementation of the commitments of the Republic of Tajikistan for the Stockholm Convention on Persistent Organic Pollutants*
- *National Action Plan on Environment and Health in the Republic of Tajikistan (2000)*
- *National Action Plan on Environmental Protection (2006)*
- *The concept of rational use and protection of water resources in the Republic of Tajikistan (2001)*
- *Concept development of the fuel and energy complex of the Republic of Tajikistan for the period 2003-2015. (2002)*

¹² With relevant amendments. Further the dates of laws or normative acts adoption is referred to.

- *Concept of the Republic of Tajikistan on the transition to sustainable development (2007), and others.*

The Government of Republic of Tajikistan accessed the following international agreements:

- *Vienna Convention on Ozone Layer Protection (1996) and Montreal Protocol on ozone depleting substances, London Amendment (1997);*
- *Convention of Desertification (1997);*
- *Convention on Biological Diversity (1997);*
- *UN Framework Convention on Climate Change (1998);*
- *Convention on Wetlands of International Importance especially as Waterfowl Habitat (2000);*
- *Convention on the Conservation of Migratory Species of Wild Animals (2000);*
- *Convention on Access to Information, public participation in the decision-making process regarding environment (Aarhus Convention, 2001);*
- *Stockholm Convention on Persistent Organic Pollutants (POPs) (2002);*
- *Convention on environmental impact assessment in transboundary context (EIA) (2004)(Espoo Convention) *(accession procedure is not completed).*
- *Framework Convention on environment protection for Central Asia Sustainable Development * (not yet enforced)*
- *Cartagena Protocol on biological safety to the Convention on Biological Diversity.*
- *Kyoto Protocol to the UN Framework Convention on Climate Change*