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ECONOMIC COMMISSION FOR EUROPE

Report of the National Seminar on
“Legislation and procedures for the application of the Espoo Convention in Tajikistan”
held in the framework of the UNECE-GTZ Programme
“Regional Dialogue and Cooperation on Water Resources Management”
Dushanbe, Tajikistan, 22-23 July 2010*

* This report has been issued without formal editing by Environment, Housing and Land Management Division of the United Nations Economic Commission for Europe (UNECE).

A. ORGANIZATION OF THE SEMINAR

1. The national seminar “Legislation and procedures for the application of the Espoo Convention in Tajikistan” took place in Dushanbe, Tajikistan, on 22-23 July 2010. The seminar was organized by the United Nations Economic Commission for Europe (UNECE), in close cooperation with the Ministry of Land Reclamation and Water Resources of the Republic of Tajikistan, within the framework of the UNECE- Gesellschaft für Technische Zusammenarbeit (GTZ) Regional Dialogue and Cooperation on Water Resources Management Programme, which is funded by the Government of Germany through GTZ.

1. Objectives of the national seminar

2. The main objectives of this seminar are to discuss findings of the review of existing legislation of the Republic of Tajikistan in the field of environmental impact assessment (EIA) in the context of the Espoo Convention; to identify gaps in national legislation in this area; to identify the need to improve legislation on EIA and its transboundary aspects; and to provide an explanation of the procedures and obligations under the Espoo Convention

2. Attendance

3. The seminar was attended by representatives of: the Parliament of the Republic of Tajikistan, the Executive Office of the President of the Republic of Tajikistan, the Ministry of Land Reclamation and Water Resources, the Ministry of Energy and Industry, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Economic Development and Trade, the Environmental Protection Committee, the Committee for Emergency Situations and Civil Defense, the National Center for Legislation to the President of the Republic of Tajikistan; the State Agency for Environmental Protection and Forestry of the Kyrgyzstan; the Ministry of Ecology of Moldova; the Swiss Agency for Development Cooperation and the Organization for Security and Cooperation in Europe and the Programme of GTZ “Transboundary Water Resources Management in Central Asia.” Together with the UNECE Secretariat staff and international experts, the meeting was attended by thirty-seven people, a list of participants is included in Annex 1 to this report.

3. Opening of the seminar

4. The national seminar was opened by Mr. Anwar Zoirov, Deputy Minister of Land Reclamation and Water Resources. He warmly welcomed the participants and thanked the UNECE and the Government of Germany for cooperation on several projects related to water management in Central Asia. In his speech, Mr. Zoirov noted that Tajikistan, although it has not completed the procedure for accession to the UNECE Convention on Environmental Impact Assessment in a Transboundary Context, wouldn't need lots of efforts in order to apply the provisions of the Espoo Convention, also considering and taking into account the provisions of the international water law. He stated that the efforts under the UNECE-GTZ will serve to strengthen cooperation and increase confidence in the region of Central Asia, as well as address water and energy issues for the benefit to all peoples of Central Asia.

5. Mr. Rustam Latipov, Chair of the Environmental Committee of the Parliament of the Republic of Tajikistan, welcomed participants and thanked the Ministry of Land Reclamation and Water Resources for the invitation to participate in the seminar. In his presentation he noted that the Parliament of the Republic of Tajikistan had always attached great importance to environmental issues. Leaders of the newly elected Parliament of the country intensified work in this direction, as evidenced by the establishment of the environmental committee in the lower house of Parliament, established to ensure environmental sustainability by enhancing national

legislation. Mr. Latipov thanked the Secretariat of the Espoo Convention and the European countries for capacity-building efforts in Tajikistan. He stated that experience with applying the the Espoo Convention in practice would be useful for addressing current environmental issues. For the Republic of Tajikistan, which is making preliminary steps towards a multidimensional, comprehensive approach to address transboundary issues, environmental protection is important.

6. The meeting was welcomed by Mr. Kurbanbek Djumabekov, Head of Emergencies and Ecology of the Executive Office of the President of the Republic of Tajikistan. In his speech, Mr. Djumabekov noted the need for increased attention to Central Asia on issues, such as climate change and increased frequency of recurring low-water years; the likelihood of increased frequency of natural disasters related to water--especially in the upper watershed; continued rapid population growth coupled with a decrease in natural water resources and unsustainable water use in the agriculture sector; environmental protection from depletion of resources and pollution. Mr. Djumabekov stressed Tajikistan's willingness to cooperate with neighboring countries in a constructive manner, to apply the principles of mutual trust and respect for the common interests. In conclusion, he wished the participants fruitful deliberations and expressed hope that the seminar would give an enormous impetus to the further development of the cooperation between Central Asian countries.

7. Mr. Ibrahim Saidov, Head of the Department of Hydrometeorology, also welcomed participants on behalf of the Committee for Environmental Protection under the Government of the Republic of Tajikistan. In his statement, Mr. Saidov noted that the evaluation of environmental impact assessment (EIA) was a procedure to assess the social and environmental impact of any major planned project. Furthermore, Mr. Saidov stated that EIA tends to avoid adverse impacts on the environment, including the natural resources, the human health and the welfare. Mr. Saidov also expressed that EIA represented an important management tool to enhance a long-term viability of projects and its use could help avoid mistakes that could be expensive and cause damage in the future. However, EIA was a procedure that did not interfere with investment decisions, rather, it supported decision-making. The Committee on Environmental Protection required an EIA implementation in accordance with the provisions of the Environmental Protection Act, the Regulations "On State Ecological Expertise," "On environmental impact assessment by the Committee" and "On the payment scheme and use of public funds for the environmental assessment in the Republic of Tajikistan."

8. Mrs. Sandra Ruza, the Secretariat of the Espoo Convention (UNECE), welcomed participants and expressed gratitude to the Government of the Republic of Tajikistan and the Ministry of Water Resources for assistance in organizing the seminar. She informed participants that the seminar is organized in the framework of the capacity-building component of the program "Regional Dialogue and Cooperation on Water Resources Management," and aimed to discuss the review of legislation on the EIA/State ecological expertise and the legislative changes, necessary to provide for the full compliance with the Espoo Convention, as well as to discuss specific needs for capacity building of the state and specific future actions. Mrs. Ruza presented the agenda of the seminar and introduced with the international experts. She also summarized the five UNECE conventions, emphasizing their importance. She noted that the following UNECE Conventions: the Convention on Long-Range Transboundary Air Pollution, the Industrial Accidents Convention, the Espoo Convention and the Water Convention, were transboundary in nature and were aimed at strengthening the cross-border cooperation. The seminar covered only the Espoo Convention. Mrs. Ruza explained that the UNECE is planning to hold another seminar in Tajikistan, on the Convention on transboundary waters, during the autumn of 2010, in order to provide additional information about the Convention and its role in international water law and the cooperation on the transboundary waters. Mrs. Ruza stressed that during the current two-day seminar she would provide participants with detailed information on

the Espoo Convention provisions; the EIA application procedures with regard to the newly planned facilities; the procedures for informing the affected parties in the construction of planned facilities; and many other aspects and provisions of the Espoo Convention. In conclusion, she wished the participants fruitful deliberations and expressed hope that the seminar would not be the last one on the implementation of the Espoo Convention and that its results could be discussed at the future meetings.

9. Mr. Marian Wojciech Szymanowicz, GTZ Programme “The Transboundary Water Management in Central Asia,” Tajikistan, welcomed participants and briefly informed them about the program, which was implemented by GTZ in close collaboration with national partners, the UNECE and the International Fund for Saving the Aral Sea (IFAS).

4. Agenda

10. The following agenda was presented to the participants of the national seminar.

1st Day 22 July 2010

1. Opening of the seminar and Welcome by:

Rustam Latipov, Chair of the Environmental Committee of the Parliament of the Republic of Tajikistan

Sulton Rahimov, First Deputy Minister of the Ministry of Land Reclamation and Water Resources of Tajikistan

Oykhon Sharipova, Deputy Director of the State Committee on Environmental Protection of Tajikistan

Sandra Ruza, UNECE Espoo Convention Secretariat

Marian Wojciech Szymanowicz, GTZ Programme “Transboundary Water Management in Central Asia”

2. Introduction to the Espoo Convention - presentation on the provisions and key issues (costs & benefits, and practical approaches to implementing the Convention in OVOS/SER systems), by Sandra Ruza, UNECE Espoo Convention Secretariat.

3. Experiences with implementing the Convention in different subregions of UNECE - strategies and measures applied, by Wiek Schrage, international consultant.

4. Presentation on the project results: “The Espoo Convention: Capacity building and possible application in Tajikistan” by Dmytro Skrylnikov, international consultant.

5. Tajikistan’s view of the project results, by Malika Babadzanova, Regional Ecological Center, Tajikistan.

6. Discussions on possible legal and administrative measures for the application of the Convention in Tajikistan, facilitated by Dmytro Skrylnikov.

7. Brief introduction to the objectives and expected outcomes of a pilot project by Marian Wojciech Szymanowicz, GTZ Programme “Transboundary Water Management in Central Asia.”
8. Discussion continues with questions and answers, facilitated by Dmytro Skrylnikov.

2nd Day 23 July 2010

1. Espoo Convention application in Kyrgyzstan, by Rakia Kalygulova, State Agency on Environmental Protection and Forestry, Kyrgyzstan.
2. Espoo Convention application in Moldova, by Tatiana Plesco, Ministry of Environment of the Republic of Moldova.
3. Protocol on Strategic Environmental Assessment, presentation by Sandra Ruza, the Espoo Convention secretariat.
4. Benefits for Strategic Environment Assessment in the context of Tajikistan’s planning system, presentation by Wiek Schrage.
5. Round table discussion on follow up activities of the project.
6. Summing up of the project results.

B. SUMMARY OF DISCUSSIONS

11. On agenda item 2 (Day 1), Ms. Sandra Ruza, the UNECE Secretariat, informed participants about the Espoo Convention, which currently has 44 parties, including the European Union. She referred to such issues as the status of the Convention, the basic obligations under the Espoo Convention, the EIA procedures, the participation of representatives of the Parties in the monitoring of environmental impacts of proposed construction sites and provided examples of satisfactory transboundary EIA cases. Citing examples of construction of a nuclear power plant in Finland and a bridge over the Danube between Vidin (Bulgaria) and Calafat (Romania), Ms. Ruza informed participants about: the benefits of the Convention and the EIA process; the Work Plan under the Espoo Convention; elaborated on sub-regional cooperation; capacity building; as well as on the sharing of the best practice; and key guiding documents, prepared under the Espoo Convention, such as:

- Guidance on Public Participation in EIA in a Transboundary Context
- Guidance on the Implementation of the Espoo Convention
- Review of the Implementation of the Espoo Convention
- Guidelines for Notification in Accordance with the Espoo Convention

12. During the discussion, many participants noted that Tajikistan is not a Party to the Convention and has not completed the process of accession to the Convention. In this regard, participants were interested in learning more about economic, social and environmental advantages that Tajikistan would acquire by becoming Party to the Convention. There were practical questions regarding cooperation with neighboring states on water management projects and how the Convention could help build such cooperation.

13. On agenda item 3, an international expert, Mr. Wiek Schrage, deliberated on the theme “Experience in Implementing the Convention in the Different Subregions of the UNECE - the Strategies and Measures Applied.” He noted that documents for ratification must be submitted to the Office for Legal Affairs of the United Nations in New York and recalled that the lists of focal points and persons authorized to receive notices under the Convention on the website of the Convention should be kept up-to-date in order to avoid misunderstandings. He noted that some participants misunderstood the basic functions of the Espoo Convention. He attempted to clarify some of the misunderstandings about the application of the Convention, in particular, that the Affected Party would be able to stop a project in the Party of Origin. He explained that the Convention is applied only between Parties and was not legally applicable between a Party and a non-Party. He expressed his opinion that the Espoo Convention is a “win-win” Convention, because for one project a country can be a Party of Origin but for another project - an Affected Party. He invited Tajikistan authorities to provide to the Secretariat a list of issues explaining why the Espoo Convention might be disadvantageous for Tajikistan. He also expressed the hope that it could be possible to undertake a pilot project, for example, between Tajikistan and Kyrgyzstan, and to further update the Guidelines on the Espoo Convention, specifically designed for Central Asia. Mr. Schrage also informed participants about the benefits of bilateral agreements.

14. During the question and answer session, seminar participants noted that Tajikistan might join the Espoo Convention in the future, but it was not yet ready to become a Party to the Convention. After the debate and discussion, Mr. Wiek Schrage requested that participants review the following suggestions: (a) to inform Espoo Convention secretariat on the new Point of Contact and Focal Point of the Espoo Convention in the Republic of Tajikistan; (b) to consider the EIA application to the pilot project among the neighboring countries of the Republic of Tajikistan, in order to enhance the EIA legislation of Tajikistan and to identify possible gaps in it, as well as to adapt the provisions of the Espoo Convention to the conditions in Tajikistan. Meanwhile, the pilot project should not have political aspects.

15. On agenda item 4, Mr. Dmytro Skrylnikov, an international expert, reported to the participants that the Espoo Convention did not restrict the right of the State to decide itself on the implementation of development projects within its territory. Mr. Skrylnikov explained that the Convention only requires that the impact assessment of a proposed activity on the environment and the comments received from the authorities and the public in any affected Party are duly taken into account. He also reported to participants that on February 17, 2004, the President of Tajikistan adopted the Decree № 1287 “On Joining the European Economic Commission Convention on Environmental Impact Assessment in a Transboundary Context, deciding to accede to the Espoo Convention”, and requested the Ministry of Foreign Affairs of the Republic of Tajikistan duly notify the depositary of the Convention on the accession of the Republic of Tajikistan to the Convention. The depositary of the Convention, however, had not received that notice. Thus, the Republic of Tajikistan did not completed the process of accession and is not legally a Party to the Convention. In his presentation, he also informed the participants about the main legal acts of the Republic of Tajikistan, regulating the EIA and the State Ecological Expertise (SEE) implementation.

16. After completion of the presentation, Mr. Skrylnikov asked the representatives of ministries and departments to provide their comments and suggestions, as soon as possible, on the draft “Review of legislation on environmental impact assessment of the Republic of Tajikistan with regard to introduction and implementation of the Espoo Convention”, prepared in the context of the above project.

17. On agenda item 5, Ms. Malika Babadzanova, Regional Ecological Center, Tajikistan, elaborated on the potential of the Espoo Convention application in the framework of the pilot projects among the states.

18. On agenda item 7, the participants were briefed by Mr. Marian Wojciech Shimanovich on the implementation of the GTZ Programme on Transboundary Water management in Central Asia (TUVRTSA). He noted that the GTZ TUVRTSA was part of the Berlin process, which had been launched in 2008 by the Ministry of Foreign Affairs of Germany. The program was scheduled for 2009-2011 and consisted of three components. Tajikistan, under the second component of the Programme, was to support the implementation of the basin approach for the selected rivers (Isfara and Khoja Bakirgan Project). The project aimed at improving the institutional capacity of Kyrgyz and Tajik partners for the management of transboundary basins of Isfara and Khoja Bakirgan rivers. In particular, it provided technical support to the interdepartmental working committee to review water issues between Kyrgyzstan and Tajikistan. The project was also open to Uzbek partners, because Isfara is a transboundary river. The third component of the Programme provided for the implementation of national pilot projects to improve water management. In Tajikistan, it included an assessment of alternative ways of water supply for irrigation schemes Garauly and development and construction of a small hydropower station in Dasht Obburdon.

19. In the discussion of agenda item 8, views were expressed about the possibility of selecting a pilot project between the Republic of Kyrgyzstan and Tajikistan for EIA within the framework of the GTZ TUVRTSA.

2nd Day 23 July 2010

20. On agenda item 1, Mrs. Rakia Kalygulova shared the experience of the Espoo Convention in Kyrgyzstan. In her presentation, Mrs. Kalygulova presented several issues related to the procedure of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context in relation to a proposed development in the Kyrgyzstan: Andash copper-gold deposit, gold deposits Jeruy and Taldy-Bulak Levoberezhny. Kazakhstan was involved in these projects as concerned Party. She also addressed issues, such as the organization of EIA in the Kyrgyzstan and the basic documents governing the EIA. Moreover, she elaborated on a EIA pilot project in Central Asia, funded by the Norwegian Government and the OSCE Centre in Astana.

21. On Agenda Item 2, Mrs. Tatiana Plesco shared the experience of the Espoo Convention in Moldova. In her presentation she spoke about the reform of national legislation in the area of EIA in the Republic of Moldova, in order to pursue government policy aimed at European integration, harmonizing national legislation with EU legislation and complying with the Espoo Convention. In the context of reforming legislation in the field of environmental protection, the development of “horizontal” legislation was prioritized, which included the following: an assessment of environmental impact; a strategic environmental assessment and public participation in decision-making in the field of environmental protection; access to environmental information and access to justice. She also cited practical examples of the EIA procedure in the cases, when the Republic of Moldova had been a Party of origin.

22. On agenda item 3, Mrs. Sandra Ruza, Secretariat of the Espoo Convention (UNECE), provided information about the Protocol on Strategic Environmental Assessment (SEA). This protocol was adopted in Kiev in 2003 and entered into force on 11 July 2010. The final meeting of the Signatories to the Protocol will take place in November 2010. The First Meeting of the Parties will be held in June 2011. To date, the Protocol has 18 Parties. The main purpose of the

SEA Protocol was to ensure that public authorities recognize issues relating to the environment and take them into consideration while making strategic decisions in the interests of environmentally friendly and sustainable development. The SEA protocol also aims at supporting public authorities responsible for drafting a plan or program and decision makers to take into account key environmental trends, capabilities and challenges that might affect the plan or programme, the environmental goals and indicators relevant to the plan or programme, possible significant environmental impacts of the proposed plan or programme, measures to prevent, reduce or limit the negative impacts and to increase the positive impact, as well as the views and information from relevant public authorities, general public, and (as applicable), potentially affected States. The presentation also highlighted issues, such as the benefits of SEA, the added value of SEA, as comparing to the EIA, SEA guidelines, promoting the ratification and implementation of the Protocol on SEA, and examples of application in the form of pilot projects to build capacity to implement the SEA Protocol.

23. In his speech, Mr. Wiek Schrage elaborated on the advantages of a strategic environmental assessment in the context of the planning system in Tajikistan.

24. In their questions and answers, participants noted that great powers, such as Russia, China and America, had not yet become parties to the Espoo Convention. To date, Tajikistan had ratified nearly 419 international treaties. According to participants, the Convention should be further explored before Tajikistan ratifies it. The UNECE secretariat was requested to conduct another seminar for representatives of ministries and departments to highlight opportunities for application of the Espoo Convention in Tajikistan.

25. After a round table discussion on follow-up activities, participants summed up the results of the national seminar.

V. Results of a National Seminar

26. The seminar adopted the following resolution:

National Seminar
“Legislation and procedures for the application of the Espoo Convention in Tajikistan”
*organized within the framework of the UNECE-GTZ Programme “Regional Dialogue and
Cooperation on Water Resources Management”*
22-23 July 2010

Expresses its gratitude to the Government of the Republic of Tajikistan, the Ministry of Land Reclamation Water Resources of the Republic of Tajikistan and the Committee on Environmental Protection under the Government of the Republic of Tajikistan for their assistance in organizing and conducting the seminar,

Expresses its appreciation to the UNECE and GTZ for their support and to the international experts and representatives of Kyrgyzstan and the Republic of Moldova,

Expresses its gratitude to Dmytro Skrylnikov, the international expert, for his work on preparing a review of the legislation of the Republic of Tajikistan on environmental impact assessment within the context of the introduction and application of the Espoo Convention, the draft of which was sent to interested agencies and was presented and discussed at the seminar,

Requests the Government of the Republic of Tajikistan and other interested agencies to consider the draft review and submit comments on the draft review as soon as possible (no later than 31 July 2010),

Requests the international expert to take into account the comments received when finalizing the review,

Takes into account the information that the Espoo Convention does not restrict the right of the State to decide itself on the implementation of development projects within its territory,

Encourages the secretariat of the Convention to continue to strengthen the capacity of the Republic of Tajikistan in environmental impact assessment in a transboundary context, inter alia by further clarifying the provisions of the Convention, and including through the organization of a two- or three-day training course for the authorities concerned.

Requests the Government of the Republic of Tajikistan:

- To take into consideration the recommendations provided in the review when further improving legislation in the field of environmental impact assessment in a transboundary context (OVOS);
- To consider the possibility of a pilot project with Kyrgyzstan in the field of environmental impact assessment in a transboundary context (for example, within the wider GTZ Programme “Transboundary Water Resources Management in Central Asia.”)

LIST OF PARTICIPANTS

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Dushanbe, Tajikistan July 22-23, 2010

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National Seminar Program
"Legislation and procedures for the application of the Espoo Convention in Tajikistan"

In the framework of the UNECE-GTZ programme "Regional Dialogue and Cooperation on Water Resources Management"

Agenda

**Venue: Center of Strategic Research, 2nd floor (press center "Ittiloot Muoshirat")
Rudaki street 40**

The major objectives of the Seminar are:

- (a) discuss results of review of national legislation for the application of the Espoo Convention in Tajikistan,
- (b) share experiences in applying the Convention by presenting concrete transboundary projects,
- (c) raise awareness and better understanding of the provisions and opportunities of the Convention among relevant ministries and agencies in Tajikistan,
- (d) propose concrete steps for the implementation of the Convention in Tajikistan's legislation and for developing experience in its practical application.

1st Day	22 July 2010
9.30-10.00	Registration of participants
10.00 -11:00	<p>Opening of the seminar and Welcome by: Rustam Latipov, Chair of the Environmental Committee of the Parliament of the Republic of Tajikistan Sulton Rahimov, First Deputy Minister of the Ministry of Land Reclamation and Water Resources of Tajikistan</p> <p>Oykhon Sharipova, Deputy Director of the State Committee on Environmental Protection of Tajikistan</p> <p>Sandra Ruza, UNECE Espoo Convention Secretariat</p> <p>Marian Wojciech Szymanowicz, GTZ Programme "Transboundary Water Management in Central Asia"</p>
11:00-11.30	Introduction to the Espoo Convention - presentation on the provisions and key issues (costs & benefits, and practical approaches to implementing the Convention in OVOS/SER systems), by Sandra Ruza, the Espoo Convention Secretariat
11.30-12.00	Coffee break
12.00-13.00	<p>Experiences with implementing the Convention in different subregions of UNECE - strategies and measures applied, by Wiek Schrage, international consultant.</p> <p>Presentation on the project results: "The Espoo Convention: Capacity building and possible application in Tajikistan"</p>

	by Dmytro Skrylnikov, international consultant
13.00 -14.00	Lunch break
14.00 – 14:30	Tajikistan’s view of the project results, by Malika Babadzanova, Regional Ecological Center, Tajikistan
14:30-16:00	Discussions on possible legal and administrative measures for the application of the Convention, in Tajikistan, facilitated by Dmytro Skrylnikov.
16.00-16.30	Coffee break
16.30-16:50	Brief introduction to the objectives and expected outcomes of a pilot project by Marian Wojciech Szymanowicz , GTZ Programme “Transboundary Water Management in Central Asia”
16.50 – 17.30	Discussion continues with questions and answers, facilitated by Dmytro Skrylnikov
18.00	Reception

2nd Day	23 July 2010
	Practical application of the Espoo Convention in other countries:
9.30-10.00	Espoo Convention application in Kyrgyzstan, by Rakia Kalygulova, State Agency on Environmental Protection and Forestry, Kyrgyzstan
10:00-10.30	Espoo Convention application in Moldova, by Tatiana Plesco, Ministry of Environment of the Republic of Moldova
10.30 -11:00	Protocol on Strategic Environmental Assessment, presentation by Sandra Ruza, the Espoo Convention secretariat
11:00 -11:30	Benefits for Strategic Environment Assessment in the context of Tajikistan’s planning system, presentation by Wiek Schrage <i>Discussions</i>
11.30-12.00	Coffee break
12.00-13.00	Round table discussion on follow up activities of the project
13.00 -14.30	Lunch break
14.30 – 16:00	Summing up of the project results Closing of the seminar