CLIMATE CHANGE LEGISLATION IN

TAJIKSTAN

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A Review of Climate Change Legislation in 99 Countries

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Tajikistan

Legislative Process

Tajikistan is a democratic, secular and unitary state, as established by the Constitution, which was adopted in 1994 (amended in 1999 and 2003). Tajikistan is a bicameral parliamentary democracy. The highest legal power lies upon the Constitution, and the supreme legislative body is the Supreme Assembly, which consists of the lower Assembly of Representatives and the upper National Assembly. The Parliament is elected for five years. The Assembly of Representative consists of 63 seats and is selected by direct elections. 22 seats are selected by proportional representation and 41 seats by single-seat constituencies. The National Assembly consists of 33 seats and 25 seats are elected by local deputies and 8 seats are appointed by the President. Former presidents are entitled to be life-long members of the National Assembly. The last parliamentary election for the Council of Representatives was in 2010, overseen by the Organisation for Security and Co-operation in Europe (OSCE). The next election will take place in February 2015.

The executive power is vested in the President, who is elected every seven years for a maximum two terms. Laws and resolutions are adopted by a parliamentary majority vote, and laws are presented to the President for signature. Parliament adopts constitutional laws, laws and resolutions, the President adopts decrees and orders and the Cabinet of Ministers adopts governmental resolutions and orders. Laws can be turned down by the President within 15 days, but the President must sign if the two-thirds of the Parliament votes for the previously adopted decision. Presidential decrees are asserted by the Assembly of Representatives. The legal system is based on civil law, and therefore there is no judicial review of legislative acts. The Prime Minister and other ministers are appointed by the President, and the Parliament can override presidential decrees by a two-thirds majority. The last presidential election took place in November, 2013 also overseen by the OSCE; the next election will take place in 2020.

Approach to Climate Change

Tajikistan is a non-Annex I country that ratified the UNFCCC in 1997 and the Kyoto Protocol in 2008. The First National Communication to the UNFCCC was prepared by The Committee for Environmental Protection (CEP) with support from the Global Environmental Facility and UNDP in 2002, which focused on GHG emission trends, environmental vulnerability, national economy and human health. The Second National Communication was submitted in 2008, and the Third National Communication was finalised and submitted in December 2014.

Tajikistan is ranked as the highest among Europe and Central Asian countries on the Index of Vulnerability to Climate Change and the least able to adapt according to the World Bank. Variation in precipitation patterns, glacial and permafrost degradation, forest fires, outbreaks of pests and diseases and increased occurrence of extreme weather events are key phenomena that could be exacerbated by climate change. With 73% of the population living in rural areas and depending on the land for their livelihood and food, climate change is seen as a poverty issue. Tajikistan's physical vulnerability is attributed to its diverse landscape: 93% of its territory is mountains, half of it 3,000 meters above sea level; there are deserts and semi-deserts in the west and wide mountain ranges to the east, while glaciers cover 6% of the country surface. Water from glaciers and rivers is crucial for the country's socio-economic well-being and development, so changes in water flows due to temperature variations directly threaten people's livelihoods. Given the high exposure to climate change, mitigation and adaptation top the country's concerns.

The Committee for Environmental Protection (CEP), established in 2008, is a specialised agency overseeing the use of natural resources and environmental protection. The State Administration for

Hydrometeorology is an institution under the CEP that co-ordinates the implementation of the UNFCCC, compiles national GHG inventories, assesses vulnerability to climate change, distributes information on UNFCCC implementations in Tajikistan and co-operates internationally with the UNFCCC Secretariat, IPCC and other relevant organisations. It is currently developing a climate change adaptation strategy up till 2030 and formed a working group to draft an Action Plan on Climate Change Adaptation.

The main policy addressing climate change is the National Action Plan for Climate Change Mitigation (2003). Response measures include development of renewable energies, including small scale hydropower, promotion of sustainable forest management and introduction of modern technologies into industries and enhancement of education system. A number of climate-related strategies and programmes were designed before the plan's introduction: the National Programme of Action to Combat Desertification in 2001 provides a range of measures to protect and improve the state of forests and land resources, which would enhance natural carbon sinks.

In December 2013, the Government endorsed a water reform package. The Ministry of Land Reclamation and Water Resources was reorganised into the Ministry of Energy and Water Resources, with water systems management and operation delegated to a new Agency for Land Reclamation and Irrigation. The Ministry of Energy and Water Resources is responsible for policy on water resources management, hydropower and state energy policy. The Ministry of Energy and Water Resources also serves as the national authority for CDM, and is in charge of energy-related policies and regulations including promotion of renewable energy, specifically hydropower. Tajikistan receives financial and technical support from a wide range of international banks and organisations, including Asian Development Bank, United Nations Development Programme, Global Environment Facility, European Bank for Reconstruction and Development, World Bank, Climate Investment Funds and German Federal Enterprise for International Co-operation.

Energy Supply

Tajikistan has one of the world's largest hydropower potential. It is the first country globally in terms of hydropower reserves per territorial unit. Hydropower provides more than 90% of the country's energy demand. However, energy production from hydropower fluctuates seasonally. Output is lowest in autumn and winter. At these times, the country faces an acute energy deficit and has to drastically limit electricity supply to the detriment of economic development, especially in rural areas.

At present, Tajikistan uses less than 4% of the available potential of technical and cost-efficient hydropower resources and less than 1% of other renewable sources of energy. About 10% of the population lives in remote mountainous areas, far from centralised power supply systems. The most accessible sources for them are non-traditional sources of renewable energy: small hydro, solar, geothermal water, wind and bio energy. The even distribution of rivers throughout the country creates huge potential. At present, priority is given to the construction of small HPPs close to consumers in order to avoid the construction of expensive power transmission lines. As of 2012, almost all installed renewables was in small hydro (132MW), with a very small amount of solar power (less than 1MW) and no wind or biomass power. This compares to technical potential for installed renewable electricity capacity in hydro, solar, wind and biomass of 23GW, 195GW, 2GW and 300 MW, respectively. The lack of power availability results in the use of biomass for heat and cooking by rural populations, leading to unsustainable use of resources and deforestation.

The use of renewable energy is recognised as a means of achieving development goals. The Second National Communication to the UNFCCC stated that Tajikistan has a large potential for development of small hydropower, and estimates that the use of existing technical potential for small hydropower would lead to an annual reduction of 5m to 6m tonnes of CO2 emissions. There are a number of laws and policies that support the development of renewables. The Long-term Programme for Building Small Hydropower Plants 2009-2020 envisages the construction of 190

small hydropower plants with a total capacity of 100MW. The Complex Programme for the Widespread Use of Renewable Energy Sources, such as run of river hydro, solar, wind, biomass and thermal underground waters 2007-2015, also known as the Renewables Programme, sets out a scheme that offers incentives to investors. The 2010 Law on Promoting the Use of Renewable Energy establishes policies to support and incentivise investments in renewable energy, including state support for programmes targeting promotion of renewable energy and scientific and technical support for establishing renewables facilities. This Law provides a framework for setting up feed-in tariffs to promote wind, solar, geothermal, biomass and small hydropower (up to 30MW) energy production, which are based on individual project costs and guaranteed for 15 years.

Energy demand

Energy-saving and efficient use of energy are key factors for sustainable development and environmental protection. Energy intensity is three times higher than in most developed countries and energy efficiency potential is assessed by the Ministry of Energy and Water Resources at 30% of current power consumption. Some estimates put potential savings much higher; recent UNDP research has found that houses in rural areas are losing 50% to 60% of the generated heat. The Presidential Decree "On additional measures on efficient use of energy" and "Programme of standardisation in energy conservation and energy efficiency 2010-2012" aim to promote energy saving.

The Energy Efficiency Master Plan, prepared in 2012 by the UNDP, sets the policy framework for promoting energy efficiency in all sectors of economy. According to this plan, the key approaches to improve energy efficiency in urban areas are: construct new and renovate existing urban buildings based on energy efficiency criteria; and energy efficient refurbishment of the public lighting system. For rural energy efficiency, proposals consist of basic and affordable measures to reduce waste of electricity and fuel. This plan implements and elaborates the measures stipulated in the Law on Energy Saving.

Adaptation

The 2003 National Action Plan for Climate Change Mitigation it identifies problems, indicates priorities and measures to tackle climate change. It also includes a section entitled 'Strategy of Adaptation to Climate Change, Prevention and Minimization of Its Adverse Effects'.

The Pilot Programme for Climate Resilience (PPCR), approved in 2008, was the first programme developed and operational under the Strategic Climate Fund (SCF), one of two funds within the design of the Climate Investment Funds (CIF). The pilot programmes and projects implemented under the PPCR are country-led, build on National Adaptation Programmes of Action (NAPA) and other relevant country studies and strategies.

The PPCR, implemented by multilateral development banks and a wide range of stakeholders, aims to pilot and demonstrate ways in which climate risk and resilience may be integrated into core development planning and implementation. The PPCR provides incentives for scaled-up action and initiates transformational change and is composed of two Phases. Phase 1, approved in 2010, encompasses six technical assistance activities to strengthen capacity and the analytical evidence base and help refine the investments needed under Phase 2. The PPCR Secretariat co-ordinates daily PPCR-related activities in the country and reports to the PPCR Focal Points. The PPCR Focal Points are advised by the Inter-Ministerial Committee, a governmental body made up of the Deputy Prime Minister and representatives of relevant ministries and state agencies. The Secretariat is informed through a steering committee that gathers stakeholders and a technical group that provides expertise.

Many projects are led and funded by international organisations to increase resilience and manage climate risks, which include the UNDP's Climate Risk Management project; the World Bank's Community Agriculture and Watershed Management and Improvement of Weather, Climate and

Hydrological Service projects; Community Participatory Flood Management project in Khatlon province by the ADB and a livelihoods project by German Federal Enterprise for International Co-operation.

In July 2014, a USD76m project was agreed by the European Bank of Reconstruction and Development (EBRD), the Government of Tajikistan and Barki Tojik OJSC to modernise the Kayrakum Hydro Power Plant, as part of the PPCR. The Kayrakum Hydro Power Plant is the major energy generation facility in Northern Tajikistan. The project is funded by Climate Investment Funds and administered by multilateral development banks including the EBRD. The UNDP's programme on technology transfer and market development for small-hydropower, launched in 2012, is financed by the GEF and the UNDP to improve access and application of renewable energy and to strengthen local ownership and sustainability.

Tajikistan: Legislative portfolio

Name of law	**Law No.587 on Promoting the Use of Renewable Energy (Renewable Energy Law)**
Date	12 January 2010
Summary	This law regulates legal relations between state bodies, natural and legal persons on the efficient management of renewable energy. It sets out the legal and economic framework for sustainable solution for increased energy savings and reduction of anthropogenic impacts on the environment and the climate from energy sectors. It provides definitions and regulations in the management of renewable energy sources. The law provides: principles and goals of the state policy in the development of renewable energy sources; methods to integrate renewable energy sources to the national energy system; research and regulatory activity aimed to increase the use of renewable energy sources; registration, transportation and distribution of renewable energy sources; and incentives for production and management of renewable energy sources. These sources include solar energy, wind power, hydropower, geothermal energy and biomass (including wood waste, industrial waste from agriculture and forestry, housing and communal services and household waste). This law aims to institute a set of actions to transform the storage, distribution and consumption of renewable energy, as well as the logistics of such actions. Priority sites for renewable energy installation are: decentralised energy zones, where due to low population density, building conventional power plants and high-voltage lines is not practical; zone district energy, where the poor state of the energy network or power deficiency result in significant economic losses and negative social consequences; settlement and places of public recreation, where harmful emissions of industrial activities have resulted in complex environmental problems; and settlements, cottages and places of temporary residence for people where problems of heating electricity and hot water supply exist. The law provides that state support could be provided for the: establishment and implementation of targeted programmes to promote the use of renewable energy sources; scientific and technical support for the establishment and implementation of facilities for the use of renewable energy sources; participation in international and/or regional organisations on the use of renewable energy sources; and other activities aimed at promotion of renewable energy use. Methods of standardisation include: switching performance in accordance to technical provisions and standards; commissioning technical regulations and standards; establishing methodological, organisational and technical base of the efficient use of renewable energy sources; inclusion of the technical provisions and standards to the energy production from renewable energy sources; and inclusion of energy efficiency in the technical regulations in the field of construction, vehicles, appliances for households and other types of goods and services consuming energy from renewable sources. Certificates confirm that the energy produced by the installation of renewable energy corresponds to the technical regulations, standards and other requirements.

Name of law	**Law No.29 on Energy Saving**
Date	10 May 2002
Summary	This law provides an energy saving framework to enable the more efficient use of energy resources. It states that energy saving is a priority of state energy policy. Energy consuming devices and energy resources are subject to compulsory certification for compliance with energy efficiency, and the management of energy saving shall be carried out by the authorised state institutions. This law applies to: energy production, conservation, storage, reuse and transportation; renewable energy; scientific research; state supervision over the rational and efficient utilization of energy sources; and access to and security of information on energy sources, use of renewable energy and new fuels. Regulation on energy conservation is accompanied by tax, credit, financing of investment, social, scientific and technical policy, monitoring of energy enterprises and regulation on consumer energy efficiency. Actions include: development of state energy conservation policy; co-ordination to improve efficiency use of energy resources in the country at all levels: state support for the implementation of energy efficient projects and programmes; organise state control over efficient use of energy resources (including compliance with state standards); examination of energy in construction projects; ensuring accountability and control of legal and physical entities that produce and consume energy; and monitoring of energy consumption and its efficiency. In regards to standardisation, performance indicators include: production, processing, transportation, storage, use and disposal of energy. Energy efficiency is considered for energy-using products including: equipment, appliances, mass assignment, building structure, thermal insulation materials and consumer figures in production, process and residential sphere. Energy-using products and energy resources are subject to mandatory certification indicating the appropriate energy efficiency. Manufactured equipment is required to indicate the efficiency and consumption standard by mandatory labelling. Mandatory control applies on the supervision of the energy efficiency and its compliance for energy extraction, production, storage and consumption (including certificate). The law also provides that the higher education and research institutions should provide introductory education of energy conservation and efficiency use of energy. Any breach of the provisions under the law is subject to legal penalties.

Name of law	**Law No.228 on Protection of the Atmospheric Air (Law on Air Protection)**
Date	01 February 1996
Summary	This law provides that climate and the ozone layer are protected from the impact of economic and other activities, by: complying with standards of maximum permissible emissions; reducing greenhouse gas emissions; applying sanctions for violations; and performing other activities stipulated by the Law on Environmental Protection. The purpose of this law is to regulate the activities of individuals and entities associated with the emissions of pollutants into the air. It aims to: preserve, improve and restore the atmospheric air; prevent and reduce the chemical, physical, biological and other harmful impacts on the air; ensure the rational use of atmospheric air; strengthen the rule of law in the field of air; and to ensure environmental safety. The basic principles stipulated under this law are as follows: economic and other activities leading to emissions must meet the valid requirements; payment should be made for economic and other activities leading to emissions of pollutants; air quality needs to be standardised; air pollution and harmful impacts on the environment should be prevented; measures to protect air quality are supported by scientific knowledge and a systematic and integrated approach; information on air quality and measures of impacts on air quality should be accessible; and violations of this law as a result of economic and other activities face penalties. Target gases include nitrogen, oxygen, rare gases, carbon dioxide, ozone and other gases. This law provides that any emission (termed as entry of the gas substance into the air that leads to negative changes in air quality (includes long term adverse impact on environment) is subject for this law. This law indicates a creation of air quality standards, norms of permissible emissions of pollutants into the air and permissible standard of emission limits. This law regulates state bodies, legal entities and individuals engaged in economic and other activities related to emissions of pollutants and also persons with

	motor vehicles. Penalties include payments for emissions that exceed established standards for maximum permitted emissions and charges for accidental releases to the air. Chapter 24 is dedicated to the protection of climate and ozone layer, which calls for: compliance to the standards of maximum permissible emissions that affect climate and ozone layer; reduction of greenhouse gas emission; sanctions against any breaches; and performance of any other activities stipulated under this law.

Tajikistan: Executive portfolio

Name of policy	**Government Order No.73 on the Long-term Programme for Building Hydropower Plants for 2009-2020**
Date	2 February 2009
Summary	This Order approves the Programme to construct small hydropower plants between 2009 and 2020. The Programme intends to install 190 small hydropower plants with total capacity of 100MW. The following government bodies own the means and possibilities to use the government budget to implement measures related to this Programme: • Ministry of Economic Development and Trade • Department of Energy and the Industry • State Committee on Investment and Management of State-owned Property • Barka Tochik's Open Joint-Stock Holding Company.

Name of policy	**Governmental Order No.189 on the Committee on Environmental Protection**
Date	24 April 2008
Summary	This Order establishes the Committee on Environmental Protection (CEP). It repeals the following Government Orders: from April 3, 2007 of No. 184 about service of the state control of use and nature preservation; from April 3, 2007 of No. 185 about the hydrometeorology agency; from May 2, 2007 of No. 248 about the forest husbandry and hunting agency. The CEP is defined as the central executive body to carry out single state policy in environmental protection, hydrometeorology, efficient use of natural resources and to exercise the state control of environmental protection and the management of nature. The CEP is in charge of co-ordinating activities on environmental protection among government agencies, and its decisions are considered mandatory for all legal entities and individuals. The CEP has a mandate for climate change policy and oversees the Tajik Met Service. The Board of Committee consists of seven people, including two vice-chairmen. The employees of the CEP are limited to 403 (without service personnel) including 41 employees for the Central Office. The number of cars is limited to eight including three for the Central Office.

Name of policy	**Governmental Order No.41 on the Complex Programme for the Widespread Use of Renewable Energy Sources**
Date	2 February 2007
Summary	This Order implements the Complex Programme on Alternative Energy Sources, also known as Renewables Programme. This Programme, running between 2007 and 2015, sets out schemes to attract investment on alternative energy sources. Alternative energy sources include small rivers, solar, wind, biomass and geothermal energy. The Programme is divided into three phases: • Phase 1 (2007-2009): Compiling a cadre of alternative energy sources; assessing the potential effectiveness of various technologies, taking into account geo-climatic conditions; and developing new renewable energy technologies; • Phase 2 (2010–2012): Introducing pilot programmes to test the effectiveness of

	renewable energy technologies; establishing an industrial base for production; training and capacity building; and • Phase 3 (2013–2015): Production of equipment for alternative energy generation.

Name of policy	**National Action Plan for Climate Change Mitigation**
Date	06 June 2003
Summary	The National Action Plan for Climate Change Mitigation was approved and adopted by the Governmental Decree No.259. The Action Plan identifies the major policy directions and priorities to reduce GHG emission and adapt to climate change under national policy. This policy functions as the basis for implementation by all levels of governments and sectors. The Action Plan starts with an analysis of trends and scenarios of climate change and anthropogenic GHG emissions. The gases subject to analysis are: carbon dioxide, methane, nitrous oxide and perfluorocarbons. Impacts on water resources are regarded as the key concern in the face of climate change, due to glacier retreat, increase in evaporation and decrease in river flow due to temperature rise. Change in regional hydrological cycles is expected to have destructive impact on the scale and impact of natural disasters. Change in water quality is considered a significant threat to ecosystems, biodiversity and economy (e.g. irrigation). Vector-born and other dangerous diseases (including malaria), agricultural pests and diseases strong winds and sandstorms, heavy rainfalls, floods and mudflows, high temperature, extreme temperature variation and hot winds derived from climate change are expected to damage agriculture and public health. To mitigate such climate change impacts, the proposed approaches are to reduce GHG emissions and to adapt to climate change. The measures to reduce GHGs (as a fulfilment of UNFCCC obligations) include: enhancement of energy efficiency in relevant sectors of the national economy; application of effective technologies and use of energy sources in the national economy (that promotes high economy growth rate and reduce or limit GHG emissions); protection and enhancement of natural sinks and reservoirs of GHGs; promotion of sustainable forest management practices, afforestation and reforestation; promotion of sustainable agriculture; development and research on renewable (and new) energies and environmentally sounds technologies for use; and encouragement of appropriate reforms in relevant sectors aimed at promoting policies and measures that reduce GHG emissions. Principles and direction of adaptation include: research on climate change and its impact on national resources, economy public health and development of additional adaptation measures; improvement of the systematic observation network and environmental monitoring to renew adaptation measures; improvement of systems to collect, analyse, interpret and disseminate data among end users; enhancement of weather forecasting, climate modelling and early warning systems to minimize the risk of natural disasters; capacity building to strengthen institutional, technical and human resources to promote adaptation in the fields of climate change and hydrological research, geographical information systems, environmental impact assessment, protection and re-cultivation of lands rational use of water resources, conservation of ecosystems, sustainable agriculture, infrastructure development and health protection; and implementation of actual projects on adaptation on priority areas related to rational use of natural resources, economy and health protection.

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