

CLIMATE CHANGE LEGISLATION IN
UZBEKISTAN
AN EXCERPT FROM
The 2015 Global Climate Legislation Study
A Review of Climate Change Legislation in 99 Countries



Michal Nachmany, Sam Fankhauser, Jana Davidová, Nick Kingsmill, Tucker Landesman, Hitomi Roppongi, Philip Schleifer, Joana Setzer, Amelia Sharman, C. Stolle Singleton, Jayaraj Sundaresan and Terry Townshend

www.lse.ac.uk/GranthamInstitute/legislation/



**Grantham Research Institute on
Climate Change and
the Environment**



G L O B E
The Global Legislators Organisation



Inter-Parliamentary Union
For democracy. For everyone.

Uzbekistan

Legislative Process

Uzbekistan is a presidential republic. The President is the head of state and the executive authority of the Republic of Uzbekistan. The president is elected by popular vote for a seven-year term and appoints the Prime minister and the Cabinet. The President issues decrees, enactments and ordinances binding on the entire territory on the basis of and for enforcement of the Constitution and the laws.

The bicameral national assembly exercises legislative power and consists of a 150-member lower chamber) and a 100-member Senate (the upper chamber), elected from different geographical constituencies for a five-year term. Sixteen of the 100 senators are appointed by the President and the rest are elected from each of the 12 regions, the City of Tashkent and the Autonomous Republic of Karakalpakstan.

The assembly enacts legislation, which may be initiated by the President, parliament, the high courts, the Procurator General, or the government of Karakalpakstan. The assembly should ratify international treaties, presidential decrees and declarations of a state of emergency. However the President can dissolve the assembly with the concurrence of the constitutional court, the members of which are appointed by the President. The government of the current President has remained continually in power since independence in 1991. The President was re-elected in 2007 and the next election is due in 2015, having been postponed from 2014 to avoid clashing with parliamentary elections.

The Supreme Court, Constitutional Court and the high economic court constitute the judiciary, with lower courts at regional, district and town levels. Judges at all levels are appointed by the president and those at the national level must be approved by the national assembly. Uzbekistan is divided into 12 regions, the autonomous Republic of Karakalpakstan and the capital city of Tashkent. The President appoints the regional governors.

The Constitution is the highest legal authority and is followed by the constitutional laws, codes, ordinary laws, decrees of the President, decrees of the Cabinet of Ministers and normative acts in decreasing order of importance.

Approach to Climate Change

Uzbekistan joined the UNFCCC in 1993 as a non-Annex I party and ratified the Kyoto Protocol in 1999. It became independent from the Soviet Union in 1991 and since then has been restructuring itself to integrate with the market economy and shaping its governance institutions to address various domestic and universal challenges. Uzbekistan does not have a focused and overarching climate change policy document to provide a strategic framework for national climate change adaptation and mitigation actions. Most measures have sector emphasis and are integrated with economic development strategies.

Different ministries and agencies focus on different aspects of climate change and there is no formal structure or a single institution to outline a vision or to integrate climate change-related concerns in national development programmes and policies. In 1995, under the Deputy Prime Minister, a National Commission of Climate Change was created, including representatives from the ministries and departments engaged in environmental management; this commission was soon

abolished, and its functions transferred to the Centre of Hydrometeorology (Uzhydromet) in 2000 (later restructured in 2004), mainly to fulfil UNFCCC obligations and to oversee participation in the Clean Development Mechanism (CDM). An Inter-Departmental Commission on fuel and energy saving was established in 2003 and an Inter-Departmental Council on CDM in 2007. Uzhydromet has expert groups on greenhouse gas (GHG) inventory, mitigation assessment, vulnerability and adaptation assessment, integration of climate change concerns into national plans for development and policies, environmentally safe technologies, public training, networking and information. It is also responsible for providing estimates of the potential impacts of climate change and making recommendations concerning adaptation measures and strategies.

The legislative base for implementing measures related to climate change mitigation first appeared in the 1996 law on atmospheric air protection. Several articles in that relate to GHG reduction – including articles on air protection standards and enterprises' responsibilities for GHG reduction by adopting energy efficient technologies, energy saving measures and shifting to safe energy sources.

The National Strategy on efficient use of energy in 1997 proposed implementation of a tariff policy, providing measuring devices for energy consumers, adoption of national standards on GHG emissions, promotion of energy saving measures, development of a regular inventory for GHG emissions, allocation of quotas on CO₂ and methane emissions, and establishment of a market infrastructure for trading. It proposed measures for focused reduction of emissions by 2010 to 16.4-33.5m tons – however, due to lack of financial resources the implementation of this strategy was limited to sector-based annual action plans. This strategy was reiterated in the first National GHG Emissions Reduction Strategy adopted by the Cabinet in 2000 (even though Uzbekistan does not have any binding commitments under the UNFCCC), with Uzhydromet and the Ministry of Economy appointed as the main implementers. This followed a World Bank study on the National Strategy for GHG reduction that emphasised economic tools like CDM and the need for institutional strengthening and technical activities.

The National Strategy on Sustainable development of 1999 emphasized integrated development and outlined policy goals such as supporting ecosystem integrity through efficient natural resource management, mitigating the impacts of economic growth on natural environment, environmental protection, leveraging international co-operation for climate change efforts and the need for a climate change policy.

There are specific policies and laws on water, efficient use of energy, emissions and forests; however they are not developed within an overarching framework of climate change policy. Reliance on CDM, information and public awareness, modernisation of infrastructure to enable efficient use of energy and resources, auditing the use of energy and resources and promotion of renewable energy sources dominate the measures across sectors. As a transition country, the emphasis is to integrate economic, social and environmental concerns using the language of sustainable development rather than using a climate change strategy to influence sectoral priorities. Many mitigation measures are pushed through market-based instruments such as higher tariffs, reliance on CDM projects and specific sectoral and regional programmes and projects.

As a non-Annex I party under the UNFCCC, Uzbekistan does not have obligations for annual reporting; the commitments are limited to measuring its GHG emissions and conducting vulnerability and mitigation studies. Twenty one years after joining the UNFCCC and 15 years after ratifying the Kyoto Protocol Uzbekistan has not developed a sustainable system of monitoring GHG emissions. The preparation of a national inventory and measurements has been externally funded. The first National Communication funded by the UNDP in 1999 offered estimates for 1990 and 1994. The measurements reflected in the inventory are largely based on estimates and proxies, not

on direct self-reporting from polluting companies. A coherent set of instructions for self-reporting does not exist. In 2008 as part of the 2nd National Communication to the UNFCCC, climate change-related research and assessment were expanded to include assessment of the mitigation potential in various sectors through upgrading technology and reforming practices and vulnerability assessments and risk management strategy.

Energy supply

Natural gas accounts for 85% of primary energy production, supplemented by fuel oil and coal. Thermoelectric power stations produce about 85% of electricity, with about 12% from hydroelectric. The energy sector is the highest emitter at 86.2% in 2005 followed by agriculture (8.2%) and industries (3.2%). Annual GHG emissions increased by 10% between 1999 and 2005. After independence in 1991, Uzbekistan expanded the use of indigenous natural gas resources for energy production and domestic usage instead of coal. This resulted in the increase of CH₄ emissions by 13.7% between the same period while CO₂ (due to lower use of coal) and N₂O (due to lower use of nitrogen fertilisers) declined. Forecasts suggest that GHG emissions will keep increasing up to 2020, primarily because of the reversion to the use of brown coal for two major power plants. Measures are in place to introduce energy saving technologies, increase the share of renewable sources (there is no major strategy on renewable energy) and reduce energy loss during production and distribution. Some pilot projects on expanding the renewable energy sources, like solar, hot water systems, photovoltaic systems and wind energy have been implemented.

Energy demand

Domestic energy consumption accounts for 41% of total consumption. Based on the 1997 Efficient Use of Energy law, Uzbekistan is installing meters to measure energy and resource consumption at all stages of energy flows from generation to consumption. Gas meters have been installed in 3.9m apartments. Further tariff increases are also an important tool; the price of gas doubled between 2005 and 2007, while the price of oil doubled between 2003 and 2007 and the price of electricity for households increased tenfold between 2000 and 2007.

Energy saving technologies are introduced through subsidies and programmes at the household level along with metering. Building codes have been revised to improve energy efficiency. A programme to provide natural gas to rural settlements, completed in 2005, reduced the use of coal and deforestation. A programme on energy saving in the oil and gas sector for 2007-2012 was expected to cut GHG emissions by 13.5m tons of CO₂. Energy saving technologies are implemented in three large power plants. Further technology upgrading programmes were implemented in various industries between 2007 and 2011. A Nationally Appropriate Mitigation Action on energy efficient lighting (UNDP supported) aims to increase the use of compact fluorescent lamps in public and administrative buildings and save about 852m m³ of natural gas. About 188,000 vehicles were converted to use gas-based fuel between 2007 and 2012 based on the Clean Air Programme. In 2013, the total emission reduction due to the implementation of 14 CDM projects (started in 2007) amounted to 6.7m tons of CO₂ equivalent.

REDD+ and LULUCF

Forests account for about 7.3% of the country. Desert forests accounts for about 78% of all forests; the rest comprised of flood-plain and valley forests and mountain forests. Mountain forests are considered to face the highest impact due to climate change. The UN Food and Agriculture Organisation notes the following threats: the current lack of information on forest condition preventing scientific planning, adverse effects due to spatial shifts in existing forest areas, reduction in forest-covered lands, density and productivity, impoverishment of species composition, threat of endangering of tugai forests due to increased water consumption for household and agricultural needs and disappearance of field-protective forest stands. Lack of institutional capacity, research,

legislation and viable initiatives poses serious question about the future of forest sector. A 2011 government resolution proposed the establishment of a State Biosphere Reserve, “Lower Amudarya”. Since 2013, all protected nature areas have developed management plans. Among the projects, a Canadian International Development Agency-supported programme, “Training Programme on GHG emission reduction in Caspian Region”, emphasised the training of specialists and demonstration plantation schemes for CO₂ sequestration.

Transportation

According to the World Bank, the number of motorised vehicles increased 2.5-fold from 1990 to 2006, when they accounted for 84.9% of passenger and cargo transportation. Emissions from the transport sector are an important concern for climate change policies but clear pathways to tackle them are not available. The World Bank notes that measures to develop natural gas compressor plants and natural gas stations to enable the gradual transition of motorised vehicles to liquefied and compressed natural gas are being implemented. By 2012, the aim was to convert 52% of all motorised vehicles to run on natural gas. However an update on this was not available.

Adaptation

Average annual temperature has increased by 0.29°C since 1951 and in the next 50 years, average temperature is expected to increase in the range of 2–3°C. Based on two 30-year comparisons (1950-1980; 1978-2007), the number of winter days with lower than -20°C has declined by more than 50%. Uzbekistan is predicted to be vulnerable to extreme temperatures, heavy precipitation, mudflows, floods and avalanches in increasing frequency. The country had a water deficit of 2,000 m³ in 2005 that is predicted to rise up to 7,000 m³ by 2030 and 13,000 m³ by 2050, which will impact agriculture, particularly the production of cotton, one of the country’s major exports. With no adaptation measures, 20%-50% reductions in yields are foreseen for all crops. Changes in the water cycle of water resources are predicted to further exacerbate precipitation, prolonged droughts, and extreme weather events. Water shortages, along with water and soil salinity and erosion, are already serious issues. About 6m people, around a quarter of the population, are affected by water salination). The situation is further worsened by the continuing disappearance of the Aral Sea, whose surface area fell by about 57%, the volume by about 80% and depth by 64% in the past 4 decades). The Aral Sea basin is now a salt desert called Aralkum that affects the ecological state of the entire country.

As with mitigation, there is neither a single institution responsible for co-ordination of adaptation measures nor any single adaptation strategy. The Ministry of Agriculture and Water Resources is responsible for formulation and implementation of policies related to agriculture and water, the Ministry of Emergencies is responsible for disaster risk management, the Ministry of Public Health develops policies and co-ordinates preventive health measures, and the State Committee for Nature Protection is responsible for the protection of environment and natural resources and promotion of clean technologies and recycling.

The 1993 Law on Water and Water Use is the key legislation regulating water relations and the efficient use of water and provides for the protection, improvement and access to water of individuals and institutions. A Global Environment Facility (GEF) grant-funded project on sustainability and climate change mitigation aims to promote introduction of renewable energy and energy-efficient technologies to agribusinesses and farms and to strengthen capacity for improving degraded irrigated land and water conservation in some parts of the country. Uzbekistan is also part of the UNDP Multi-Country programme on climate risk management in Central Asia, which aims to reduce the risk of occurrence of natural disasters. Updates on the implementation of these programmes are unavailable. Endorsed by the UNFCCC Adaptation fund, a new adaptation project started in 2014 to build institutional and technical capacity for drought management and early

warning, establish climate resilient farming practices, establish measures for soil conservation and moisture retention for about 1m ha of land and develop and disseminate knowledge about climate resilient agricultural and pastoral production systems in arid lands.

Uzbekistan: Legislative portfolio

Name of law	Law on the Rational Use of Energy; and the Parliamentary Decree regarding the procedure of enforcing the Law on the Rational Use of Energy
Date	1997
Summary	<p>The law aims to ensure efficient and environmentally sound use of energy in its production and consumption; encourage the development and application of energy efficient technologies; extraction and production of less expensive petroleum products, natural gas, coal and other types of natural fuel; ensure accuracy and uniformity of measurements, as well as accounting for energy produced and consumed in terms of both quality and quantity; execution of supervision and control by the state over the efficiency of energy production and consumption, as well as over the state of energy equipment and energy supply and consumption systems.</p> <p>The law establishes a general legal framework to secure the conservation of national energy resources and its efficient use and outlines the frameworks for extraction, production, refining, storage, transport, transmission, distribution and consumption of thermal and electric energy and also proposes various provisions for economic measures that would enable rational energy use.</p> <p>The 1997 Parliament decree on its enforcement ruled that the cabinet of ministers should bring all governmental decisions in accord with the law and any that are inconsistent or in contradiction or revision to be invalid.</p>

Uzbekistan: Executive portfolio

Name of Policy	Resolution of the Cabinet of Ministers No. 142– Action Plan of the Republic of Uzbekistan for Environmental Protection for the years 2013–2017
Date	27 May 2013
Summary	<p>The Action Plan is designed to implement a set of measures to achieve a guaranteed level of quality of the environment, the rational use of natural resources, improve and implement effective economic management of natural resources, the development of industries with the priorities of the environment, creating conditions conducive to the achievement of sustainable development, promotion environmental science and implementation of education for sustainable development, raise awareness of environmental knowledge, and improve the environmental culture.</p>

Name of Policy	Resolution of the Cabinet of Ministers No. 245 validating the Regulation on use of electric and thermal energy
Date	22 August 2009
Summary	<p>This resolution establishes rules and regulations regarding supply and consumption of electric and thermal energy. It included producer consumer relationships, framework for energy saving and efficiency standards by the industrial consumers, and established 'Uzbekenerginadzor' as the state supervisor to ensure compliance with rules and regulations in the sphere of energy production, distribution and it also established calculation modalities for thermal energy supply and heating standards.</p>

Name of Policy	Resolution of the Cabinet of Ministers No. 183 validating the Regulation on the State Hydrometeorological Service
Date	14 April 2004
Summary	This Resolution designates the State Hydrometeorological Service (Uzhydromet) as the state institution responsible for hydrometeorology, charging it with developing and improving the state hydrometeorological observation system, providing information on hydrometeorological conditions and climate change, environmental pollution, natural phenomena and disasters, registration of surface water, collecting, analysing and processing hydrometeorological data; monitoring pollution of atmospheric air, surface water and soil and forecasting atmospheric pollution level.

Sources

- A Guide to Legal Research in Uzbekistan, By Maria Stalbovskaya, GlobalLex, <http://www.nyulawglobal.org/globalex/uzbekistan.htm>. Accessed 28 December 2014.
- Asian Development Bank: Country Partnership Strategy: Uzbekistan 2012–2016. www.adb.org. Accessed 28 December 2014.
- Ecolex: The gateway to environmental Law. <http://www.ecolex.org>. Accessed 20 January 2015.
- Global information society watch – reference link. http://www.giswatch.org/sites/default/files/gisw2010countryuzbekistan_en.pdf. Accessed 28 January 2015.
- Evgeniy Botman 2010, UZBEKISTAN: Report of Food and Agriculture Organisation, UN, www.fao.org/docrep/014/k9589e/k9589e17.pdf. Accessed 20 December 2014.
- Evgeniy Botman 2012: Forest Rehabilitation In The Republic Of Uzbekistan. International Union of Forest Research Organizations. www.iufro.org/Download/File/7408/5123/Uzbekistan_Pdf/. Accessed 20 December 2014.
- Shah 2013: Uzbekistan: Overview of Climate Change Activities, Working paper series: 85566, The World Bank, October 2013, <http://documents.worldbank.org/curated/en/2013/10/19184510/uzbekistan-overview-climate-change-activities>. Accessed 28 November 2014.
- Sutton et al. 2013: Reducing the vulnerability of Uzbekistan’s agricultural systems to climate change: Impact assessments and adaptation options. A World Bank Study. Accessed 20 December 2014.
- Legislation Uzbekistan, <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxweuzb.htm>. Accessed 16 January 2015.
- The Government Portal of the Republic of Uzbekistan, http://www.gov.uz/en/oliy_majlis/1259. Accessed 28 December 2014.
- The Senate of the Oliy Majlis of the republic of Uzbekistan, <http://www.senat.uz/en/organization-and-the-rules/rules-of-consideration-of-laws-passed.html>. Accessed 28 December 2014.
- UN 2010: Environmental Performance Review, Uzbekistan 2001 Committee On Environmental Policy; Economic Commission For Europe. Accessed 20 November 2014.
- UNFCCC 2008. Second National Communication of the Republic of Uzbekistan under the United Nations Framework Convention on Climate Change, Government of Uzbekistan. Available from http://unfccc.int/national_reports/non-annex_i_natcom/items/2979.php. Accessed 28 December 2014.
- Uzbekistan 2001: Second Review: Environmental Performance Reviews United Nations Economic Commission For Europe: United Nations. Accessed 20 December 2014.
- WB 1999: Study on Uzbek National Strategy for GHG Reduction, Climate Change Team Environment Department, The World Bank, Tashkent, March 1999. Accessed 20 November 2014.