



**Economic and Social  
Council**

Distr.  
GENERAL

ECE/CP.TEIA/AP.1  
27 September 2006

Original: ENGLISH

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**ECONOMIC COMMISSION FOR EUROPE**

CONFERENCE OF THE PARTIES  
TO THE CONVENTION ON THE TRANSBOUNDARY  
EFFECTS OF INDUSTRIAL ACCIDENTS

Fourth meeting  
Rome (Italy), 15–17 November 2006  
Item 7 of the provisional agenda

**ASSISTANCE PROGRAMME FOR THE COUNTRIES OF EASTERN EUROPE,  
CAUCASUS AND CENTRAL ASIA AND SOUTH-EASTERN EUROPE TO ENHANCE  
THEIR EFFORTS IN IMPLEMENTING THE CONVENTION\***

**Report of the fact-finding team on its mission to Tajikistan**

**Summary**

The fact-finding team, as a result of its mission to Tajikistan on 10–12 May 2006, has concluded that 8 out of 10 basic tasks under the Convention – as described in the assistance programme – have been implemented. Unimplemented tasks include the designation of a competent authority responsible for notification of hazardous activities to neighbouring countries and implementation of the UNECE Industrial Accidents Notification System at the national level. The team recommends that the Tajik authorities take the necessary steps to implement the two tasks before the fourth meeting of the Conference of the Parties. Once they have been implemented, the country should participate actively in the next phase of the assistance programme.

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\* This document was submitted on the above date because of processing delays.

## I. INTRODUCTION

1. The fact-finding missions are being organized to those countries of Eastern Europe, Caucasus and Central Asia (EECCA) and South-Eastern Europe (SEE) which adopted the declaration at the High-level Commitment Meeting<sup>1</sup> (in Geneva on 14–15 December 2005) and committed themselves to implementing the Convention, in particular the basic tasks as defined in the assistance programme (chapter IV, first paragraphs of sections A–J<sup>2</sup>).

2. In accordance with the assistance programme and the terms of reference,<sup>3</sup> the fact-finding teams' task is to hold discussions with representatives of competent authorities at the national and local levels, of points of contact and of hazardous activities and to compile a report on:

- the implementation of the basic tasks; and
- the particular areas for which capacity-building activities and advisory services are needed, as well as the possibilities and needs for launching transboundary pilot projects and joint exercises with neighbouring EECCA and SEE countries.

3. The present document contains the report on the fact-finding mission to Tajikistan, which took place on 10–12 May 2006 at the invitation of the State Committee for Environmental Protection and Forestry (SCEPF).

### A. Basic information on the mission

4. The fact-finding team consisted of:

- Mr. Bruno Frattini, team leader, advisor to the Italian Ministry of Environment and Territory
- Mr. Massimo Cozzone, senior officer of the Italian Ministry of Environment and Territory
- Mr. Victor Novikov, UNEP/GRID-Arendal, environmental expert.

5. The programme for the mission was drawn up jointly by the mission coordinator, Mr. Saidakhmad Dustov (tel. +992 372 345 065) from the SCEPF, and the Convention secretariat. It included meetings with the following authorities and industrial entities:

- Presidential Executive Office, which is responsible for planning and coordinating activities of ministries. Its Department of Ecology and Emergencies coordinates the inter-

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1 Report of the High-level Commitment Meeting, Geneva, 14–15 December 2005 (CP.TEIA/2005/12).

2 Internationally Supported Assistance Programme for the East European, Caucasian and Central Asian and the South-East European Countries to Enhance Their Efforts in Implementing the Convention (CP.TEIA/2004/2).

3 Terms of reference for fact-finding teams established within the framework of the assistance programme under the UNECE Convention on the Transboundary Effects of Industrial Accidents.

ministerial cooperation in the field of environmental protection and disasters management.

- State Committee for Environmental Protection and Forestry (SCEPF), which is enforcing the environmental protection standards
- Ministry for Emergency Situations and Civil Defence and its Information Centre, which manage the emergencies, continuously monitor them and assess the sources of risk
- Khatlon Oblast Administration controls and assesses environmental pollution at oblast level. It is also responsible for enforcement of environmental standards in local development plans
- Vaksh Rayon Administration and local environmental authority, controls and assesses environmental pollutions at rayon level
- Tajik Azoti Factory, a key national manufacturer of mineral fertilizers
- Vaksh Pesticide Depot, the largest authorized pesticide dump in Tajikistan

6. The names and titles of the individuals who represented these entities at the meetings are shown in the following table. Mr. Dustov accompanied the team to all the meetings.

<b>Presidential Executive Office</b>	
Mr. Jumabek Kurbanbekov	Deputy Head of the Department of Ecology and Emergencies
<b>State Committee for Environmental Protection and Forestry</b>	
Mr. A. Karimov	Chair
Ms. T. Nosirova	Deputy Chair
Mr. F. Amiraliev	Deputy Chair
Mr. S. Rajabov	Deputy Chair
Mr. K. Boturov	Head of the International Affairs Department
<b>Ministry for Emergency Situations and Civil Defence</b>	
Mr. I. Usmanov	General, Deputy Minister
Mr. J. Kandov	Mayor, Head of Chemical and Radiation Protection
<b>Khatlon Oblast Administration and local environmental authority</b>	
Mr. S. Kabirov.	Head of the Khatlon Oblast Administration
Mr. K. Azimov	Head of the Oblast Committee for Environment Protection and Forestry (CEPF)
Mr. Z. Inoyatov	Representative of CEPF ecological expertise
Mr. I. Mirzoev	Head of the Sarband Rayon Committee for Environmental Protection and Forestry
<b>Vaksh Rayon and local environmental authority</b>	
Mr. T. Davlatov	Head of the Vaksh Rayon Hukumat
Mr. V. Safarov	Head of the Vaksh Rayon Environmental Authority

<b>Tajik Azoti Factory</b>	
Mr. T. Goziev	General Director
Mr. S. Komilov	Technical Director
Mr. T. Gadoev	Head of Technical Department
Ms. N. Dobeleva	Head of Health Laboratory
<b>Vaksh Pesticide Depot</b>	
Mr. K. Dostiev	Head of Vaksh pesticide depot

## **B. Basic information on the country**

7. Tajikistan is a landlocked country in Central Asia with an area of 143,100 km<sup>2</sup> and a population of 7 million. In September 1991 Tajikistan declared independence from the Soviet Union. Power struggles led to a civil war (1992–1997) that is considered the most violent internal conflict to have occurred in any of the post–Soviet Union republics.

8. After independence, the country experienced a steep economic downturn. Furthermore, its transition to a free-market economy was largely halted by the civil war. While the economy has improved since 2001, the current GDP remains at 50 per cent of the 1989 level.

9. The mainstays of Tajikistan's economy are hydropower, cotton and aluminium. The country has the potential to become the world's largest hydroelectricity producer, but to achieve this it needs investments. The industry is dominated by production of aluminium.

10. While Tajikistan is not a Party to the Convention, its representatives have participated in some activities under the Convention. They were present in Yerevan at the subregional workshop on the implementation of the Convention, and they have taken part in two Conferences of the Parties.

## **II. REVIEW OF THE IMPLEMENTATION OF THE BASIC TASKS UNDER THE CONVENTION**

### **A. Availability of the Convention and other documentation in the national languages**

11. The Convention and related documents are made available in Russian by the competent authority. Although Tajik is the official language and must be used in legal procedures, Russian is commonly used as a second language. It is readily understood by the public and it is also commonly used in contacts with neighbouring countries.

### **B. The Convention and the national legal framework**

12. Although Tajikistan has not yet acceded to the Convention, it has in place a number of laws concerning the prevention of, preparedness for and response to industrial accidents. These laws cover the following:

- System of identification and ranking of hazardous activities
- Environmental impact assessment standards
- Procedures for issuing licences, authorizations and permits
- Environmental protection and health prevention reference standards
- Inspections and compliance verification
- Enforcement and possible suspension/termination of hazardous activities
- Response to emergencies and population preparedness
- Civil liability at the national level according to the “polluter pays” principle.

13. The Convention’s provisions are therefore partly covered by national legislation. Its full transposition (once the Convention is ratified) will need additional regulations in the following areas:

- Identification of hazardous installations according to the Convention’s criteria and their notification to neighbouring countries
- Prevention measures and decision-making on siting of hazardous activities
- Provision of information to and participation by the public
- The UNECE Industrial Accident Notification (IAN) System
- Transboundary emergency response and mutual assistance
- Responsibility and liability

14. The authorities responsible for enforcing the national legislation are the SCEPF and the Ministry for Emergency Situations and Civil Defence.

### **C. Competent authorities**

15. The competent authorities for the implementation of the Convention are the SCEPF, which oversees and monitors the safe conduct of industrial activities, and the Ministry for Emergency Situations and Civil Defence (MESCD), which is responsible for emergency preparedness and response.

16. The SCEPF, in fulfilling its monitoring and enforcement duties, relies on its Ecological Expertise Department as well as on its inspectorates at the central and at local (oblast and rayon) levels. The Crisis and Territorial Defence Department of the MESCD is responsible for

preparedness for and response to major disasters, including industrial accidents. The MESCD is represented at both the oblast and rayon levels.

17. Interactions among the main competent authorities are limited at the central level, while they are more intense and effective at the local level.

#### **D. Identification of hazardous activities**

18. The MESCD provided a list of 47 types of hazardous activities which dates from the Soviet Union period. These include industrial and agricultural activities and are classified according to processes, type and quantity of dangerous substances handled, and possible effects on nearby residents. The activities are divided into three categories, with category I being the most hazardous.

19. Most (45) of the types of hazardous activities present in Tajikistan fall into category III. Only two fall into category II. At present there are no category I activities. The 47 types of activities are represented by a total of 100 hazardous installations in Tajikistan. A list of hazardous installations following the Convention's criteria needs to be drawn up.

#### **E. Notification of hazardous activities to neighbouring countries**

20. To date there has been no decision on which of the competent authorities will be responsible for cooperation with neighbouring countries and for notifying hazardous activities. The Parliament of Tajikistan has already ratified an Agreement on Cooperation in the Field of Industrial Safety at Hazardous Production Facilities, drawn up and signed by the countries of the Commonwealth of Independent States in Moscow on September 28, 2001.

21. According to this agreement, the Signatories continuously exchange information and data on the circumstances, causes and consequences of accidents at hazardous production facilities. They also exchange analytical and statistical data on various aspects of industrial safety. An Interstate Council on Industrial Safety has been set up to implement this Agreement.

#### **F. Preventive measures**

22. Preventive measures are established by means of technical regulations and terms of reference, criteria and national standards in force for occupational health and safety as well as for environmental and public health protection. Specialized bodies of the two competent authorities monitor the hazardous activities. They are responsible for issuing permits and for providing guidance in the field of industrial health and safety. State control is also exercised by means of recurrent and extraordinary inspections of hazardous facilities.

23. The staffing available for the management of industrial hazards prevention by the two competent authorities consists of less than 50 people, which at present seems to be sufficient.

**G. Point of contact for the purpose of industrial accident notification and mutual assistance**

24. The Information Centre of the MESCD was designated as the point of contact for accident notification and mutual assistance under the Convention. It is operational 24 hours a day and consists of four officers at the national level and two officers in each of the four oblasts. They are qualified and trained according to MESCD procedures.

**H. Industrial accident notification system**

25. The personnel of the point of contact are not familiar with the UNECE IAN System. They do operate another system for notification of natural and technical disasters at the national, regional and local levels.

**I. Emergency preparedness and response and mutual assistance**

26. On- and off-site contingency plans have been established at most hazardous installations in accordance with existing regulations and procedures. They are periodically tested in the presence of local officers of the MESCD. The inspections include verification of personnel preparedness and the availability of emergency equipment (detectors, analysers and monitoring instruments), of water and other fire-fighting systems.

27. Mutual assistance in transboundary emergencies can be provided in accordance with several multilateral and bilateral agreements in force between Tajikistan, its neighbouring countries and other countries of EECCA. These agreements refer to the prevention of natural and technical disasters, training and emergency management, notification and assistance, and joint exercises.

**J. Information to and participation of the public**

28. Tajikistan ratified the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters in July 2001. Several international and national meetings, workshops, round-table discussions and seminars have been held in Tajikistan in the last five years to promote the cooperation of authorities with the public and to increase public environmental awareness and participation.

29. The Convention's specific provisions (art. 9) have been partly implemented, and certain elements concerning the provision of information and public participation in decision-making are present at the local level. Transboundary cooperation, including provision of information and facilitation of participation by the public in neighbouring countries in decision-making, remains to be developed.

### **III. CONCLUSIONS ON THE IMPLEMENTATION OF THE BASIC TASKS**

30. From its mission to Tajikistan on 10–12 May 2006, the fact-finding team has concluded that 8 out of 10 basic tasks under the Convention – as described in the assistance programme– have been implemented. Unimplemented tasks include the designation of a competent authority responsible for notification of hazardous activities to neighbouring countries and implementation of the UNECE IAN System at the national level.

31. The team recommends that the Tajik authorities take the necessary steps to implement the two tasks before the fourth meeting of the Conference of the Parties. They should decide which authority should be responsible for taking the lead in notifying hazardous activities to neighbouring countries. For implementing the UNECE IAN System, they should organize basic training in System procedures for the personnel of the point of contact so that the latter can use the System for transboundary notification in case of accidents as well as be able to react properly in the System's test. The point of contact should express its readiness to participate in future tests of the system and should give its updated contact details to the Convention secretariat.

32. The team strongly recommends that Tajikistan, after it has demonstrated implementation of the two above tasks, participate actively in the implementation phase of the assistance programme.

33. The team would like to thank the representatives of the relevant authorities and the hazardous activities for the friendly reception in Tajikistan and for their cooperative approach in the discussions. The team especially appreciates the work done by Mr. Dustov to organize the mission.

### **IV. NEEDS FOR FURTHER ASSISTANCE**

#### **The Convention and the national legal framework**

34. Legal advisory services are requested for assessing existing legislation and identifying gaps and contradictions with regard to the Convention. Furthermore, the national authorities should be briefed on good practices for enforcement and allocation of tasks to different authorities. Assistance is also needed in implementing bilateral tasks under the Convention.

#### **Competent authorities**

35. There is a need for capacity-building regarding the understanding of the tasks under the Convention. There is also a need for advice on how to improve the effectiveness of the coordination between national authorities, as well as cooperation between them and authorities at the regional and local levels. Authorities should be given both information on good practices and training regarding how to cooperate with industry and how to involve the public in the prevention of, preparedness for and response to industrial accidents. Attention should also be given to bilateral cooperation, with a focus on exchanging information on hazardous activities.



**Identification of hazardous activities**

36. There is a need for services and training relating to the identification of hazardous activities according to annex I to the Convention and the location criteria. Personnel of national and local authorities as well as industry should be trained. Technical advisory services and workshops should be organized in the areas of risk analysis and risk management, including safety management systems. To demonstrate the above, a pilot project at a selected hazardous activity could be envisioned.

**Notification of hazardous activities to neighbouring countries**

37. There is a need to share good practices for cooperating with neighboring countries, with a focus on the exchange of information on hazardous activities at different levels.

**Preventive measures**

38. Good practices for drawing up and implementing effective preventive measures should be provided. Related training should be organized. As a form of on-the-spot training, joint inspections and audits of Tajik hazardous activities, with the participation of foreign experts, should be considered. Exchange of experiences could also take place through the participation of Tajik experts in inspections carried out in Western Europe.

**Point(s) of contact for the purpose of industrial accident notification and mutual assistance**

39. Further training of personnel of the point of contact in the UNECE IAN System is required.

**Industrial accident notification systems**

40. Advice and information on best practices are needed for operating industrial accident notification systems at regional and local levels and linking them with the UNECE IAN System that is used by the point of contact for transboundary notification at the national level.

**Emergency preparedness and response and mutual assistance**

41. Best practices need to be applied in drawing up emergency plans. Special attention should be given to off-site emergency plans in border areas with the aim of making them compatible between neighboring countries. A pilot project on drawing up joint, bilateral and multilateral (e.g. for the Fergana Valley) off-site contingency plans could be considered. This could be followed by bi- or multilateral response exercises, during which the plans would be tested.

42. National authorities should be trained in their role in implementing effective preparedness measures (issuing guidelines and standards for local authorities and operators of hazardous activities). Joint tests and verification of on and off-site contingency plans with participation of foreign experts at Tajik hazardous activities – training on spot, could be carried out. Tajik experts could also participate in such inspections in Western Europe

**Information to and participation of the public**

43. Competent authorities should be provided with information on best practices and on how to involve the public (including the public in neighboring countries) in the prevention of and preparedness for industrial accidents.