

Opinion of nongovernmental environmental organizations regarding implementation of Aarhus Convention in Tajikistan

General points

References to insufficient material and financial support received by government agencies, specifically environmental ones, cannot be regarded as the main reasons preventing implementation of articles and principles of the Aarhus Convention. The nongovernmental organizations believe that those reasons are more deep-rooted and lie in inefficient governance, poor human resources management, inadequately developed structure of public authorities, duplication and discrepancy of functions of various agencies, overcomplicated systems of information acquisition, etc.

For many years now, government agencies and organizations, specifically the Committee of Environmental Protection under the Government of the Republic of Tajikistan, have received technical assistances from such major donor and international organizations as Asian Development Bank, World Bank, United Nations Environmental Program, Organization for Security and Cooperation in Europe and others to implement projects in the sphere of environmental protection. A substantial part of those resources was used for capacity building, procurement of necessary equipment and strengthening of monitoring systems and mechanisms for collection of environment-related information in environmental agencies. Despite all of the above no significant improvements can be observed in the system of collection and dissemination of environmental information and its quality.

Access to environmental information

The Committee for Environmental Protection does not have a web-site of its own in the Internet. The web-site of Aarhus Center under the Committee for Environmental Protection that was still functioning some time ago has stopped its operation. Therefore, stakeholders cannot gain quick access to basic environmental information, fundamental regulatory and legal documents related to environmental protection and reports on implementation of international environmental convention in the republic.

The Committee for Environmental Protection has no print publication of its own. Its formerly published newspaper "Navruzi Vatan" is no longer issued after yet another reform of that state authority several years ago. At present, the Committee does not publish any periodical information bulletins or newsletters. Stakeholders are denied all opportunities to receive information about the latest developments, plans and current activities of the environmental authority of the republic.

For several years now, the Committee has not published its official annual reports on environmental conditions and its activities. This precludes exercise of the civil right to access to environmental information and indirectly infringes the right to participation in decision-making with regard to environment since lack of readily available data makes it impossible to assess in an unbiased manner the on-going changes in the environment and take respective measures.

It is difficult, without access to such annual reports, to make an objective analysis and assessment of activities carried out by the committee itself within a certain period of time and determine whether they were successful and efficient or otherwise. The issue of collection of funds, specifically collected in the form of fines and other charges for violation of environmental legislation on the part of natural and legal persons, and their subsequent distribution remains completely nontransparent for the general public.

There is a Center of environmental information within the structure of the Committee for environmental protection. However, the nongovernmental environmental organizations have no notion of its functions and have not even once received any data or information related to environmental issues directly from that unit. It is still unclear who within the committee is immediately responsible for provision of environmental information and public relations.

Involvement of the public in decision-making process

The existing mechanisms of public information and involvement of the public in development of key documents on environmental policy and planning, decision making and putting the decisions into practice are inadequate which proves a major hindrance to implementation of provisions put forth in the Aarhus convention.

The practice employed by government agencies consists in involvement of nongovernmental organizations in development of fundamental environment-related projects, programs and documents at the final stage when it is essentially impossible to introduce any changes or amendments. This is nothing but a subrogation of the public's actual participation in the decision making process and represents an

infringement of civil rights entrenched in the convention. In our opinion, discontinuation of such practices and a drastic adjustment of the process of public involvement is a prerequisite for implementation of principles of Aarhus convention.

Involvement of the so-called quasi-NGOs (non-governmental organizations established by government officials or those highly dependent on their decisions) in development and discussion of key documents and programs is also a rather prevalent practice employed by various governmental agencies. Those "pocket NGOs" are actively used to create a semblance of broad public participation in preparation of environmental strategies, programs and regulatory documents. This being said, not only do they not voice the real opinion of independent environmental organizations, but they also undermine the public confidence in their activities. We have to perceive this kind of behavior of government authorities as an undisguised falsification of the process of the Aarhus convention implementation in the republic.

Examples of requests for environmental information

Information requests regarding Chinese metal scrap-recycling companies

On 19 February 2009, an information request from nongovernmental environmental organizations was submitted in writing to the Committee for environmental protection under the Government of RT. The letter contained a request to provide information about the number of metal scrap-recycling plants on the territory of Dushanbe and to confirm that those enterprises have been issued proper authorization documents, specifically environmental seals of approval.

An official response dated 18 March 2009 #2/13-03-190 was received by the Environmental NGO club as late as on 2 April 2009. Moreover the official reply contained just a list of respective enterprises indicating whether they had been issued environmental seals of approval. The reply did not fully meet the request of the environmental organizations and failed to provide the required information.

On 23 June 2009, several nongovernmental environmental organizations of Tajikistan submitted another written request to the Committee for environmental protection under the Government of RT to provide them with copies of environmental seal approvals issued to the scrap-recycling enterprises whose activities had been authorized by the Committee as well as data on sample probes of emissions for each of the enterprises. The request was received and registered by the front office of the Committee for environmental protection under the Government of RT under the Ref.No 380 on 23 June 2009.

Up until early September there had been no official response from the Committee for environmental protection to the second request. On 7 September 2009 the Environmental NGO club drew up a complaint to the prosecutor's office of Dushanbe regarding the violation of the law "On handling of citizens' appeals" and provisions of the Aarhus convention. The complaint was never dispatched since representatives of the Committee gave verbal assurances to provide a speedy reply.

On 10 September 2009, an order of the Committee Chairman was issued on establishment of a commission for environmental monitoring of environment at industrial facilities of Dushanbe. In September 2009, officials of the Committee for environmental protection suggested verbally that inspections to metal scrap-recycling enterprises be conducted jointly by the Committee and environmental nongovernmental organizations. The ad hoc team comprised three representatives of the Environmental NGO club.

An official reply was received on 6 October 2009 under the Ref.No 2/13-02-831. The letter stated that the Committee had established an ad hoc team with involvement of representatives of environmental NGOs to inspect activities of metal scrap-recycling enterprises on the territory of Dushanbe. A copy of an official report prepared as a result of the inspections was attached to the letter.

As a result of inspections of two enterprises the representatives of environmental organizations identified serious deficiencies in activities of those enterprises and significant discrepancies with the existing authorization documents, including the environmental seals of approval. Based on the inspection findings, the Environmental NGO club prepared a letter pointing out inconsistencies in the licensing legislation and the law on environmental impact assessment. The letter also contained a number of suggestions with regard to reviewing of the existing inconsistencies in the legislation. The letter with Ref.No 15 was dispatched to the Committee for environmental protection on 21 January 2010. Up to now we have not received any official reply from the Committee for environmental protection to that letter.

Information request to the Public Agency for Hydrometeorology

In March 2010, we dispatched a letter (Ref.No 27/11 dated 1 March 2010) to the Public Agency for Hydrometeorology (which is a division of the Committee for environmental protection) addressed to its Director, M.Safarov, requesting him to provide a copy of an official letter acknowledging that Tajikistan "associates itself" with the Copenhagen agreement and a list of measures for stabilization and reduction of emissions that member-states are supposed to submit to the Secretariat of the UN Convention of climate change by 1 February 2010 in compliance with the agreements reached at the 15th Conference of UNFCCC member-states held in Copenhagen in December 2009.

The letter was duly received by the front office of the Public Agency for Hydrometeorology. However, in contravention to the existing legislation, specifically the law "On handling of citizens' appeals" (and Aarhus convention itself to which Tajikistan is a party) setting forth the maximum deadlines for review of citizens' appeals, the Environmental NGO club has not received any official reply to its request so far.

List of the organizations signed this document.

1. Environmental organization "Little Earth", Mr. Timur Idrisov
2. NGO "Youth of the XXI century", Mr. Umed Ulugov
3. Youth environmental center, Mr. Yuriy Skochilov
4. Civil initiatives support foundation, "Dastgiri" Center, Mrs. Muazama Burhanova
5. Consulting company "Bars Consulting", Mr. Alihon Latifi