

Policy Brief – Tajikistan

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Legislative framework of the sericulture sector in Tajikistan

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Tajikistan

1. Introduction

The silk production and processing traditions of Tajikistan have been shaping the Central Asian region for centuries. Until today, silk weaving remains a key part of the local economy in the region and is targeted at national level.

As part of the project RUTSIS, this report aims to illustrate the policy framework which surrounds the sericulture value chain in Tajikistan, emphasize some of the legal gaps, identify the most important stakeholders as well as to recommend a way forward in order to improve framework conditions of the sector. The policy framework covers the government development programs, environmental action plans, environmental laws as well as production and consumption regulations regarding the sericulture sector.

2. Background

Tajikistan is a land-locked country, covering a territory of 143.1 thousand sq. km of which 93% are mountainous areas. Some of the most important natural resources are coal, oil, natural gas, iron, zinc, antimony, mercury, gold, tin, tungsten, boron, table salt, fluorite, precious and semi-precious stones, aluminium. Important industries are mining, hydropower, textiles and agriculture (cotton, fruits, vegetables, silk, grain, tobacco). But the silk industry has also been an economic foothold as a symbol of heritage and tradition in the country.

The country is following a national Strategy for the revival and development of sericulture. The industry has strong historical roots and is one of the leading Central Asian countries regarding the production of silk cocoons. Mulberry, silkworm farming and silk processing is among the oldest occupations of the population. The climatic conditions of the region provide silkworms with ideal living conditions.

Several sustainability implications are connected to the sector which concern both social and environmental aspects. This includes for instance high land use of mulberry farming and the use of pesticides for tree cultivation, consuming high amounts of water during farming as well as spinning and dyeing, risks of water pollution with synthetic dyes, particularly hazardous substances if wastewater treatment facilities are absent.

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3. Important Policies and Initiatives

3.1. Policy Framework

- **Governmental Development programmes on sericulture**

One of the earliest programs which were introduced by the Tajik government after the dissolution of the Soviet Union was a decree of the Council of Ministers of the Republic of Tajikistan №188, April 21, 1994. The decree concerned the **“development of silk production in the Republic of Tajikistan”**. It was followed in 1998 by another decree on **“on the Restoration of the Historical Silk Road”**.

In 2001, the Government of the Republic of Tajikistan introduced another decree on the **“approval of the Program for the development of silkworm breeding and the silk industry in the Republic of Tajikistan for 2001-2005”**. After the completion of the aforementioned program a new program was initiated in 2011 for the **development of silkworm breeding and processing of mulberry silkworm cocoons** which expired in July 2020. In 2013 the **“2012 - 2020 Programme on Development of Sericulture in the Republic of Tajikistan”** was initiated.

Most recently, the Government of the Republic of Tajikistan has adopted a new decree dated on 25 June 2020 on the **“Program for the development of silkworm breeding and processing of mulberry silkworm cocoons in the Republic of Tajikistan for the period of 2020 - 2024”**. This most recent programme aimed to analyse the current state of silkworm breeding and processing of mulberry silkworm cocoons in Tajikistan in order to apply various improvement measures for instance to strengthen the mulberry silkworm fodder base, ensure high-quality mulberry silkworm eggs and increase the production of mulberry silkworm cocoons. Measures may include the introduction of new technologies that meet the conditions of the market economy with the association Pillay Tojik as a lead organization to promote R&D for identifying adequate technology solutions. Sericulture methods in countries such as Japan, China and the Republic of Korea are some of the best practice examples for this initiative. Science support and trainings are supposed to go hand in hand with innovation development in this regard. Priority areas of scientific support for the silk industry are breeding and the introduction of hybrids as well as new productive and disease-resistant mulberry seedlings and silkworm breeds that produce high-quality silk threads. The programs objective is to contribute to sustainable development of the silk industry in Tajikistan through the modernization of the value chain while integrating of state-of-the-art technology. In that way the competitiveness of finished products should increase on global markets. Compliance of production with current standards may further strengthen the position on the domestic and foreign markets as well as improving quality control systems at enterprises. Additionally, the program aims to increase the efficiency as well as productivity of manufacturing facilities while preserving current working opportunities and creating new ones. In order to strengthen the mulberry silkworm farms' forage base, it is planned to plant 4,375 thousand mulberry seedlings and create 180 hectares of new plantations until 2024.

Furthermore, in December 2021, the President of Tajikistan announced a message on **“the main directions of domestic and foreign policy”** to exempt mulberry fields and legal entities involved in processing cocoons and producing silk, satin, adras and other handicrafts from the single land tax for 10 years in full (Statement by the President of Tajikistan, Leader of the Nation "On the Main Directions of Internal and Foreign Policy of the Republic", 2021).

- **Environmental Action Plans**

Tajikistan's first National Strategy and **Action Plan on the Conservation and Sustainable Use of Biodiversity** (NBSAP) was adopted in 2003 and updated in 2016 with a roadmap until 2020. It focuses on five strategic goals: (1) economic and social evaluation of national biological resources; (2) regeneration and conservation of the genetic pool of plants and animals; (3) in situ and ex situ biodiversity conservation; (4) provision of biological safety for the country; (5) sustainable use of biological resources to reduce poverty and improve the quality of human life (Global Environmental Facility, 2016).

The **Concept of Transition of the Republic of Tajikistan to sustainable development** (2007-2030) defines the vision, principles, goals, objectives and key mechanisms for achieving sustainable development by integrating economic, environmental and social issues aimed at improving the living standards of the population of Tajikistan. This document was approved by the Government's Resolution No. 500 as of October 1, 2007 (Global Environmental Facility, 2016).

- **Environmental Law**

A variety of laws exists that regulate the responsibilities, duties and authorizations of producers and consumers in Tajikistan.

In 2002 the law on **production and consumption waste** was introduced and updated in 2011. This law regulates the relations arising in the process of waste generation, collection, storage, use, transportation and disposal, as well as state administration, supervision and control in the field of waste management to prevent the waste negative impact on the environment and human health, as well as the waste usage in economic and industrial turnover as an additional source of raw materials (Tax Reform Program Tajikistan).

The main **framework of environmental law** in Tajikistan was the Law "On Nature Protection" after it was enacted in 1994 and amended sequentially in 1996, 1997, 2002, 2004 and 2007. This law presented a legal foundation for the state policy in the field of environmental protection and aimed at ensuring sustainable socio-economic development, human rights guarantees for a healthy and favourable environment, strengthening the rule of law, preventing the negative impacts of economic and other activities on the environment, and ensuring the management of natural resources and ecological safety. The law was replaced by the **Law on Environmental Protection** in 2011. This law defines the legal basis for state policy in the field of environmental protection and is aimed at preventing the negative impact of economic and other activities on the environment. The law defines the process of developing standards in the field of environmental protection, including the maximum permissible concentration (MPC) standards for chemicals; standards for maximum permissible emissions (MPE) and discharges of harmful substances (Tax Reform Program Tajikistan). Chapter five of the Law on Environment Protection (2011), introduces the concept of state environmental or ecological review, which seeks to examine the compliance of proposed activities and/or projects with the requirements of the current environmental legislation and the standards and ecological safety of the society.

The **Water Code** (introduced 2000, amended in 2012) stipulates the policies on water management, issuance of water use permits, dispute resolution, usage planning and cadaster. It promotes rational use and protection of water resources and defines the types of water use rights, authority and roles of regional and local governments for water allocations among various users, collection of fees, water use planning, water use rights and dispute resolution (Global Environmental Facility, 2016).

Other relevant environmental regulations are for instance the **Law on Environmental Monitoring** (2011), the **Law on Environmental Audit** (2011) and the **Law on Biological Management and Production** (2013).

Environmental norms and standards are set for air and water pollution, noise, vibration, magnetic fields and other physical factors, as well as residual traces of chemicals and biologically harmful microbes in food. Several ministries determine environmental quality standards, each in its field of responsibility (Global Environmental Facility, 2016).

With regards to **Persistent Organic Pollutants** POPs, Tajikistan signed the 2001 Stockholm Convention on Persistent Organic Pollutants on May 21, 2002. It was ratified on 8 February 2007 by Parliament. It is an international environmental treaty that aims to eliminate or restrict the production and use of POPs. Its 2009 amendments listing 9 new POPs were joined by Tajikistan in 2011.

A number of legal acts establish **liability for violations of environmental laws**, which can be enforced by several state bodies and agencies. In particular, the 2010 Code of Administrative Violations establishes administrative liability for organizations and individuals according to a range of violations, from the careless treatment of land to violation of the rules for water use or water protection, or failure to comply with a State ecological expertise. The administrative sanctions for environment related violations can be imposed by the administrative commissions of Hukumats, Courts, CEP's inspectors, Veterinary Inspectors of the Ministry of Agriculture, and the State Committee for Land Use, Geodesy, and Cartography. The most common administrative sanction is a fine of up to 10 minimal monthly salaries for individuals and up to 15 minimal salaries to employees of organizations.

- **(Sustainable) Production and Consumption Regulations**

The **Law on Licensing of Separate kinds of Activities** from 2016 determines the types of activities subject to licensing including activities for the collection, use, disposal, transportation and disposal of hazardous waste. Licenses are important legal instruments in Tajikistan to regulate certain potentially hazardous activities where minimal qualifications and strict adherence to rules are required to ensure that they are carried out efficiently, safely and do not result in potentially significant and irreparable damage to the environment and human health. In particular, licenses are required for handling hazardous waste and for activities in industrial safety. They are issued by the relevant sector Authorities.

The **Labor Code** narrates the roles and responsibilities of employers and employees related to occupational health and labour safety. The law requires employers to be responsible for ensuring safe working conditions and safety of work at every workplace and to take measures to protect workers individually and collectively (including protective clothing and equipment) during civil or installation works (Tax Reform Program Tajikistan).

Introduced in 2018, the **Law on government control of economic entities** regulates the responsibility of audit bodies taking into account also the authorized state body in the field of environment protection: protection of the environment, control over the rational use of resources of course. (The law "On government control of economic entities", Tajikistan, 2018).

The **Law on trade and household services** (2014) regulates trade and consumer services: technical standardization, standardization, confirmation of conformity to requirements of regulatory legal acts technical in the field of technical standardization and standardization and registration of goods, certification recipes (recipes) of food, culinary and confectionery products and other catering products. It specifies for instance that a seller at the point of sale must have the following materials: i. a poster with the name of the organization, information on its location; ii. a book of complaints and suggestions; iii. documents indicating the source of the goods; iv. documents confirming the quality and safety of goods; v. medical record of the established sample; vi. seller's card.

The **Law on public procurement of goods, works and service** (2012) provides the legal, economic and organizational basis for public procurement of goods, works and services defining and uniform procedures related to public procurement of goods, works and services, which are complete or partly at the expense of public funds for the needs of the Republic of Tajikistan. This law provides a single economic space for public procurement of goods, works and services, use targeting public funds, expanding the range of participants, and promoting fair competition as well as improving the performance of executive bodies in public procurement of goods, works and regulates the service.

The **Law of the Republic of Tajikistan on protection of consumer rights** (2015) states that the consumer has the right: i. awareness in the field of consumer protection; ii. information on goods (works, services) as well as on manufacturers(performers, sellers) it; iii. safety of goods (works, services); iv. free choice of goods (works, services); v. good quality of goods (works, services); vi. full compensation of damage (loss) caused by defects in goods (works, services); vii. apply to the court and other authorized state bodies to protect their rights and interests; viii. creation of public associations of consumers; ix. submission of proposals and requests to improve the quality of goods (works, services) to the manufacturer (seller). Indication of the standards at which the goods (works, services), trademark or service mark are registered obtained (patented) must meet the mandatory requirements of these standards. The consumer has the right to information about the manufacturer (executor, seller) necessary and reliable.

3.2. Stakeholders and Initiatives

- **Governmental stakeholders**

According to the Resolution of the Government of the Republic of Tajikistan of 2014, “**The Statute of the Ministry of Industry and New Technologies of the Republic of Tajikistan**” is approved as the ministry, mainly responsible for developing policies and laws on silk production. The Ministry of Industry and New Technologies is the central body of executive power that carries out the functions of conducting a unified state policy and legal regulation among others, also in areas of industry and development of new technologies, as well as food and processing industries. The Ministry is also in charge of management, coordination, and control over the activities of industrial organizations and enterprises, regardless of their form of ownership and departmental subordination. It carries out its activities in cooperation with other state bodies, local executive bodies of state power, research and higher educational institutions, public and other organizations. Monitoring and evaluation regarding the implementation process of programs such as illustrated above is carried out by the Ministry of Industry and New Technologies of the Republic of Tajikistan. The Ministry collects and analyses annually the data for the Government of the Republic of Tajikistan considering specific information on the implementation of the program received from the executive bodies of state power, ministries and departments, enterprises, institutions and other organizations, regardless of their organizational and legal form and the form of ownership. Other ministries including the **Ministry of Agriculture, Ministry of Energy and Water Resources, Ministry of Labour, Ministry of Healthcare, Ministry of Economic Development and Trade, Ministry of Finance, Agency for Land Reclamation and Irrigation** further play a central role in promoting environmental and sustainable regulations. Other environmental institutional stakeholder groups include for instance the following institutions: **Committee for Environment Protection (CEP), the State Committee of Statistics, the Tajik Standard Agency, Tajik Forestry Agency, Tajik Meteorological Service under CEP.**

- **Associations**

The silk association **Pillay Tojik** works closely with the **departments of light (textile) industry and cocoon farming** under the Ministry of Industry and New Technologies.

A subsidiary joint-stock company “**Enterprise for cultivation of pedigree silkworms in Vahdat**” stored the source material, the gene pool of the industry, super elite silkworms and elite eggs for subsidiary joint-stock companies, the silkworm plants in Dushanbe and Khujand. The Limited Liability Company “**Production Enterprise Ganj**” is another relevant industry stakeholder as well as the company “**Atlasi Khujand**” which is engaged in the production of satin fabric. The Association of Dekhan farms is another relevant association from this stakeholder group as well as the Union of private sector development.

- **Academia stakeholders**

Scientists of the National experimental silkworm breeding station under the Tajik Academy of Agricultural Sciences are academic stakeholders which research to increase production of high-yielding mulberry species. Important scientific stakeholders in this regard include the **Tajik Academy of Science** in general, **but specifically the Tajik Academy of Agricultural Science and its research institutes.**

- **Other stakeholders**

From the private sector companies, producers of sericulture products and ikats are central stakeholders which are affected by any policy developments in the country. Private sector stakeholders also include state-supported production and training centres in various rural areas. Furthermore, Village councils (djamoats), which disseminate cocoons also play an important role.

Currently, few **international organizations** and private companies have worked on developing laws on sericulture development.

Tajikistan’s current policy pays particular attention to international co-operation on environmental issues. The country has been actively involved in the international agreements and conventions. Presently, the Government is also a member of the UN and its agencies such as UNEP, UNDP, UNECE, among many others; the WTO; the OSCE and the Shanghai Cooperation Organization (SCO).

4. Way forward

Despite the progress in aligning the country environmental framework, several parts of legislation concerning air, water, and nature protection are still to be regulated and several standards are not consistent with best available practices.

Tajikistan experiences various challenges in the implementation of environmental legislations:

- the allocation of environmental responsibilities among government institutions often remains unclear;
- mobilization of financial resources for investments in environmental issues is insufficient;
- use of a variety of economic instruments for environmental purposes (including specific taxes, charges, emission trading systems) in Tajikistan is not used at full potential;
- environmental management systems for industry development including public-private partnerships are rarely adopted;
- the potentials of green public procurement have not been explored sufficiently;
- capacity of provincial and local authorities for ensuring compliance with environmental law remains low; and
- application of the principles of polluter pays and user pays is not effectively implemented through a shared approach.

The RUTSIS project aims to address these challenges by initiating and driving a dialogue on the strengthening the policy framework surrounding the sericulture sector. In the course of the project various round tables will take place to assess policy gaps further and address the through several sessions of policy prototyping with relevant stakeholders. Among them an initial regional roundtable was implemented in June 2021 in Dushanbe. Relevant stakeholders were invited such as representatives from the Ministry of Innovation and New technologies of the Republic of Tajikistan, Committee on Environmental protection of Tajikistan, Standardization Agencies from both countries, Pillay Tojik, Agency of intellectual property of Uzbekistan, private sector including producers etc. The following recommendations were drawn up and summarised as a result of the discussion that was part of the event:

1. Tax exemption: i. for cocoon producers, ii. on export of production and raw materials; iii. import of materials for production, production machinery and their replacement parts including VATs, customs duty, etc.;
2. Social security for people engaged in cocoon farming could be provided through counting seasonal work (3 months) by farmers as one full year of work for pension for increasing their years of pensionable service
3. Financial support was stated as needed in the forms of soft loans that could be supported by governments and incentives for people planting mulberry trees for enhancement of the forage resources for silkworms.
4. Collaborations between Tajik and Uzbek producers, research institutes and National agencies on Standardization are expected to be beneficiary for both sides. Research Institutes could collaborate on productivity research of mulberry tree species selection processes, on selection work on silkworm breeds. As mentioned before research on silkworm breeds is ongoing in both countries but cooperation could bring synergy effect.
5. Legislative regulation for strengthening forage resources for silkworms in the form of recommendations from government on the use of mulberry trees as windbreaks for example could bring additional benefits for the sector.

These recommendations gathered during the roundtable are the result of experience exchange between Uzbekistan and Tajikistan in the form of prepared inputs and discussions among participants.

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