

**INSTITUTIONAL, POLICY AND LEGISLATIVE
FRAMEWORK OF FOOD SECURITY OF TAJIKISTAN**

TAJIKISTAN

Report
Prepared by
Lidija Knuth, Legal Consultant,
Right to Food Unit, Economic and Social Development Department,
Food and Agriculture Organization of the United Nations (FAO)



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LIST OF ACRONYMS

TajikStandart	Agency on Standardization, Metrology, Certification and Trade Inspection
ECHO	European Office of Humanitarian Aid
FAO	Food and Agricultural Organization of the United Nations
FS	Food Security
FS WG	Food Security Working Group
GDP	Gross Domestic Product
Goskomstat	State Committee on Statistics
HACCP	Hazard Analysis and Critical Control Point
MDG	Millennium Development Goal
MoANP	Ministry of Agriculture and Nature Protection
MoMWR	Ministry of Melioration and Water Resources
MoH	Ministry of Health
MoF	Ministry of Finance
NFSP	National Food Security Programme
NGO	Non Governmental Organizations
NNS	National Nutrition Surveys
OECD	Organisation for Economic Co-operation and Development
PRSP	Poverty Reduction Strategy Paper
REACT	Rapid Emergency Assessment and Coordination Team
UN	United Nations
UNICEF	United Nations Children's Fund
WG	Working Group
WUA	Water User Associations

1. INTRODUCTION

This report ¹ was prepared by the author following a mission in Tajikistan from 12 to 26 November 2007. It provides an overview of the policy, legislative and institutional frameworks for food security in Tajikistan, and makes recommendations as to how such frameworks can be improved.

It is hoped that this report will provide the analytical basis for further actions in the food security sector.

In order to undertake this analysis, the concept of food security is first briefly discussed, and then followed by an overview of some economic and social aspects relevant to Tajikistan's food security. The second part of the analysis provides an overview on the institutions relevant to food security, while the third part examines policies and legislation governing various sectoral areas that are relevant to food security. It also identifies some of the gaps, inconsistencies and overlaps found in the policy and legal framework from a food security perspective. These gaps should be addressed by a general food security law and/or by the specific legislation for each sector. Therefore, each sectoral analysis will be concluded with a paragraph of recommendations from a food security perspective. It needs to be highlighted that the sectoral analysis does not provide a detailed review of all policies and laws of each sector. A detailed analysis of all sectoral areas and laws impinging on food security would also go beyond the scope of this report, which prioritizes areas of analysis based on their direct relevance to food security in Tajikistan. However, it will be necessary to proceed to a full review once a Food Security Act--its adoption is strongly recommended in this report--is developed and/or adopted. The review of sectoral areas and legislation demonstrates that some gaps, overlaps and inconsistencies from a food security perspective will need to be addressed by the Food Security Working Group of the Ministry of Trade and Economy or by a new Food Security Authority.

An additional criterion for the selection of sectoral areas was also the availability of material.

This analysis aims at providing analytical support primarily to the Food Security Working Group of the Ministry of Economy and Trade in addressing institutional and legal inadequacies in the framework of food security.

The report will recommend the adoption of a Food Security Act as there is no specific law on food security in Tajikistan and as such an Act would provide the necessary legal basis for the effective institutional and legal coordination of all relevant sectors from a food security perspective.

¹ Comments and inputs have been provided by Daniele Manzella and Jessica Vapnek, Development Law Service (LEGN) and Margret Vidar, Economic and Social Development Department (ESAD). Saidhuja Sangakov, National Consultant, provided legal advice and prepared the figures of this report.

1.1 DEFINITION OF FOOD SECURITY USED IN THIS ANALYSIS

The concept of food security was first developed in the 1970s. Food security has acquired a number of meanings over time. Some estimate that approximately 200 definitions and 450 indicators of food security exist.²

This report is based on a definition that derives from public policy documents that represent the negotiated consolidation of a diversity of states' views and commitments. The definition of food security most widely used and accepted at present is a complex formulation adopted at the World Food Summit in 1996:

Box 1. Definition of food security, World Food Summit, 1996

*“Food security, at the individual, household, national, regional and global levels [is achieved] when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”.*³

The widely accepted definition points to the following dimensions of food security:

- ▶ **Food availability:** The availability of sufficient quantities of food of appropriate quality, supplied through domestic production or imports (including food aid).
- ▶ **Food access:** Access by individuals to adequate resources (entitlements) for acquiring appropriate foods for a nutritious diet. Entitlements are defined as the set of all commodity bundles over which a person can establish command given the legal, political, economic and social arrangements of the community in which they live (including traditional rights such as access to common resources).
- ▶ **Utilization:** Utilization of food through adequate diet, clean water, sanitation and health care to reach a state of nutritional well-being where all physiological needs are met. This brings out the importance of non-food inputs in food security.
- ▶ **Stability:** To be food secure, a population, household or individual must have access to adequate food at all times. They should not risk losing access to food as a consequence of sudden shocks (e.g. an economic or climatic crisis) or cyclical events (e.g. seasonal food insecurity). The concept of stability can therefore refer to both the availability and access dimensions of food security.

The definition adopted at the World Food Summit 1996 comprises the elements of earlier definitions, but adds ‘safe’ and ‘nutritious’, recognizes dietary needs as well as the importance of cultural factors and sees an active and healthy life as the broader goal beyond food security. This definition was refined in “The State of Food Insecurity 2001” as follows: *“Food security [is] a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life”*⁴.

² FAO. 2002. The State of Food Insecurity in the World 2001. Rome; Sage, C., ‘Food Security’, in Page, E. and Redcliff, M., Human Security and the Environment-International Comparisons (Elgar, 2002), 128, 129.

³ FAO. 1996. Rome Declaration on World Food Security and World Food Summit Plan of Action. World Food Summit 13-17 November 1996. Rome.

⁴ FAO. 2002. The State of Food Insecurity in the World 2001. Rome.

The international community has accepted these increasingly broad statements of common goals and implied responsibilities. But its practical response has been to focus on narrower, simpler objectives around which to organize international and national public action. Essentially, food security can be described as a phenomenon relating to individuals. It is the nutritional status of the individual household member that is the ultimate focus, and the risk of that adequate status not being achieved or becoming undermined is the main concern. The latter risk describes the vulnerability of individuals in this context.

1.2 BACKGROUND INFORMATION ON TAJIKISTAN

Tajikistan is a landlocked country in Southeast Central Asia bordered by Kyrgyzstan, Uzbekistan, China and Afghanistan. Years of conflict in the 1990s led to the deterioration or destruction of much of the existing social and economic infrastructure. Furthermore, the country is subject to frequent natural disasters such as earthquakes, mud/landslides and flooding.

Using the nutritional status of the population as a barometer of food security, annual national nutrition surveys (NNS) reveal consistently high malnutrition rates. Malnutrition is among the highest in the region. Tajikistan has the highest rate of infant mortality among the Central Asian states, with approximately 60 deaths per 1 000 live births,⁵ caused mostly by nutrition-related issues and prenatal diseases contracted during delivery. According to the 2003 Living Standards Measurement Survey, 67 percent of the total household expenditure went for food, which showed that food remains to be the principal household expense.

The Government of Tajikistan participated in the adoption of the Rome Declaration on World Food Security and the World Food Summit Plan of Action at the World Food Summit in 1996. At the World Food Summit (1996), Tajikistan also reaffirmed the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger. The right to food is a legal concept that goes beyond the policy concept of food security.

The policy framework of food security at the national level in Tajikistan consists of the following main documents:

- the Poverty Reduction Strategy of the Republic of Tajikistan for the period 2007-2009;
- the National Development Strategy of the Republic of Tajikistan for the period to 2015; and
- the Draft Food and Nutrition Security Programme (pending adoption).

These strategy and policy documents refer explicitly to the food security concept. The Poverty Reduction Strategy and the National Development Strategy contain one section on food security. The Draft Food and Nutrition Security Programme is the most comprehensive and only policy document dealing exclusively with food security.

⁵ UNICEF, United Nations Population Division and United Nations Statistics Division, April 2007.

1.2.1 ECONOMY

Tajikistan has one of the lowest per capita GDPs among the 15 former Soviet republics. Only seven percent of the land area is arable; cotton is the most important crop. Mineral resources (which are varied but limited in amount) include silver, gold, uranium, and tungsten.

Industrial facilities include only a large aluminium plant, hydropower facilities and small obsolete factories mostly in light industry and food processing. The civil war (1992-97) severely damaged the already weak economic infrastructure and caused a sharp decline in industrial and agricultural production. While Tajikistan has experienced steady economic growth since 1997, nearly two-thirds of the population continues to live in abject poverty. Economic growth reached 10.6 percent in 2004, but dropped to 8 percent in 2005, 7 percent in 2006, and 7.2 percent in 2007. Tajikistan's economic situation remains fragile due to uneven implementation of structural reforms, weak governance, widespread unemployment and the external debt burden.⁶

Despite the turnaround in economic growth, 64 percent⁷ of the population remains below the poverty line. Tajikistan is unlikely to meet the Millennium Development Goals (MDGs) targets by 2015. The Tajik government has published the National Development Strategy for 2006-2015, in an effort to realize the type of economic reforms that will allow for sustainable high economic growth and poverty reduction. It is also hoped that the new strategy will streamline reform efforts and avoid the duplication and inconsistency that characterized earlier strategic programmes.

However, despite the stated commitment to privatization and reform in the National Development Strategy, much of the economy is still controlled by a resource-poor government. In some instances, policy and legal reforms lag behind structural transition, creating seemingly insurmountable disincentives to private sector initiatives and growth. In other instances opportunism and ineffective implementation of reforms undermine the fulfilment of legal and policy objectives. All of these factors contribute to or aggravate the existing vulnerability of the population and food insecurity.⁸

The official unemployment rate in Tajikistan is approximately twelve percent,⁹ but the actual rate may be as high as 40 percent nationwide, with some areas having up to 60 percent unemployment. Government statistics indicate that the average salary per month is US\$27.¹⁰ Many well-educated Tajiks have sought employment abroad because of greater job availability and higher wages. Estimates of the number of labour migrants working outside Tajikistan (mainly in Russia) at any given time range from 500 000 to as high as one million. Labour emigration leads to shortages in the workforce in parts of the country.

⁶ The information of this paragraph is taken from CIA World Fact Book (last accessed on 30 January 2008). Available at <https://www.cia.gov/library/publications/the-world-factbook/geos/ti.html>

⁷ Estimate of 2003 (see Poverty Reduction Strategy Paper 2007-2009, Dushanbe 2006, p. 17).

⁸ Tajikistan Food Aid Review 2005, p. 6.

⁹ 2004 est. (Source: CIA World Factbook (accessed 30 January 2008).

¹⁰ 2006 Investment Climate Statement - Tajikistan, available at <http://www.state.gov/e/eeb/ifa/2006/62038.htm> (last accessed January 2008).

1.2.2 AGRICULTURE

Tajikistan is primarily an agricultural country, with as much as 70 percent of its population living in rural areas and 60 percent of the workforce employed in the agricultural sector, especially the cultivation and production of cotton.¹¹ The agricultural sector accounts for about 20 percent of GDP. The Soviet Union had designated much of Central Asia's agriculture, including that of Tajikistan, as a cotton monoculture (i.e. production of one type of crop). Before independence, production of raw cotton averaged more than 800,000 metric tons per year. In 1999, by contrast, raw cotton production was only 316,000 metric tons.

The government continues to issue area quotas for cotton, e.g. 70 percent of a given area must be planted with cotton. Not surprisingly, cotton in 2003 occupied approximately 30 percent of the area under cultivation, and generated 30 percent of the export earnings and tax revenues. It is the second largest export earner after aluminium.

Law No. 6 was promulgated in 1991, initiating the privatization of state property including land, equipment and other assets. Starting in 1992, land could be leased and numerous work brigades began to enter into short-term (under 5 years) rental agreements with kolkhoz managers or hukomats (i.e. district administrators).

In 1995, the government, through the hukomats, made 50 000 hectares of land available to vulnerable households for supplemental cultivation. These lands are commonly referred to as presidential land. New legislation in 1996 provided for the introduction of dekhan farms (i.e. land with individual usufruct rights), allowing for the reallocation of kolkhoz land to brigade workers. Typically, brigades negotiate for land collectively, but work the land individually.¹² While these changes presented good new opportunities for poor households, some serious infrastructure limitations hampered performance. Many of the kolkhoz farms had accumulated significant debt, which is currently being passed on to the new "owner".

1.2.3 ORGANIZATIONAL STRUCTURE

The executive power at the local level is implemented by the representative of the President, i.e. the Chairman of oblast, city or rayon (Article 78 of the Constitution). Local authorities consist of representative and executive bodies with the task of enforcing legislation.

There are four levels of administration in Tajikistan: national,¹³ oblast (province), rayon (district), and kishlak (village). The 1994 Constitution defines the administrative duties of the territorial administrative units and their relationship to central government. At each level there is an executive body (hukumat) and an advisory body (majlisi).

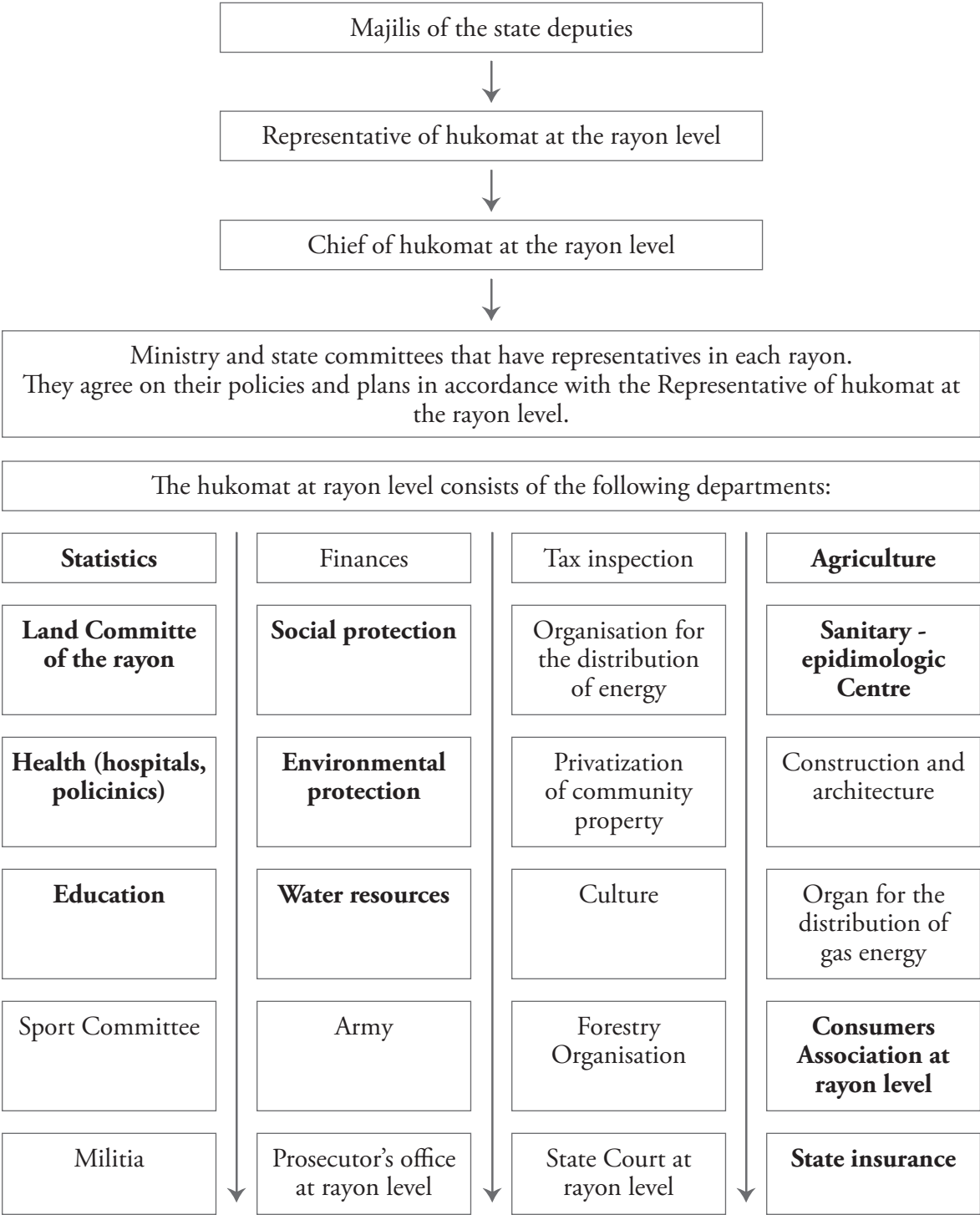
¹¹ Tajikistan State Statistical Committee, 2004.

¹² Tajikistan Food Aid Review 2005, p. 4, available at http://www.untj.org/files/reports/Tajikistan_Review2003_with%20DEC.pdf

¹³ See Annex 2 for an overview of the state structure at national level.

There are oblast/city and rayon level administrations (hukomats), as well as village administrations (jaomats). The country is divided into five main administrative units. The regional and local administrative areas have been changed several times since 1992. The following table explains the structure of the government at the local and central levels.

Figure 1: State structure of the local government of Tajikistan (the administrations with competence on food security are in bold character)



2. INSTITUTIONAL FRAMEWORK

Institutions that are currently playing or should play a role in food security in Tajikistan are quite numerous and have different functions, from service provision to planning, policy making and programme/project implementation. Institutions operating at national level have essentially regulatory and policy mandates whilst implementation functions are essentially delegated to the other government tiers, in particular to the local government. Five institutions are particularly relevant to food security in Tajikistan. These are the Ministry of Economy and Trade with the Food Security (FS) Working Group (WG), the Ministry of Agriculture and Nature Protection, the Ministry of Health with its associated State and Nutrition Centre, the Ministry of Finance and the Ministry of Labour and Social Protection.

2.1 NATIONAL ORGANIZATIONAL STRUCTURE

The following section presents a detailed description of different institutions that play or should play a role in food security.

The **Ministry of Economy and Trade** has established a FS WG consisting of representatives from various ministries and agencies, the Academy of Agricultural Sciences and the Strategic Research Centre. The members are middle-level officials who are not full-time working analysts. The FS WG is chaired by the Minister of Economy and Trade. Its task is to coordinate and monitor the food security programme (comparable to a food security policy – in Russian the term ‘policy’ is not used in this context). The FS WG has the authority to draw upon the resources of all government agencies and to coordinate with the executive Administration of the President. This, in theory, facilitates coordination on food security issues throughout the entire government, making it possible to greatly reduce the administrative fragmentation that has hindered previous efforts to improve the country’s food security.

The FS WG was established in accordance with the *Regulation of the Government, as of 9 November 2006 (#31273/60746 (12.-3))*. On 19 December 2006 the Regulation of the FS WG was approved by Presidential Decree ¹⁴ according to which, the FS WG membership consists of representatives from the following institutions ¹⁵:

1. Ministry of Finance
2. Ministry of Economy and Trade
3. Ministry of Labour and Social Protection
4. Ministry of Health
5. Ministry of Education
6. Ministry of Agriculture and Nature Protection
7. Ministry of Milioration and Water Resources

¹⁴ The regulation (“reglament” and “polozhenie”) is the basic legal document defining the structure, powers and duties of a government agency in Tajikistan. It requires confirmation by a decree of the Head of the Government (the President).

¹⁵ Please see Annex I for a detailed list of all FS WG members.

8. State Committee on Statistics
9. Agency for Land Tenure, Geodesy and Cartography
10. Centre for Strategic Research
11. National Economic Research and Agricultural Centre/Institute.

FS WG's main functions are:

- Collection and coordination of all documents and information related to food security;
- Preparation and development of legal documents/legislation relevant to food security;
- Development of a food security programme;
- Development of monitoring mechanisms and basic food security indicators;
- Monitoring of the food security programme.

The FS WG approved a FS programme on 17 July 2007 which still awaits final adoption by the government. The main objective of the Food Security Programme is to determine socially applicable, economically efficient and also financially and technically implementable measures to achieve food security.¹⁶

According to the regulations of the **Ministry of Agriculture and Nature Protection (MoANP)** confirmed by *Decree of the Government No. 199 of 5 May 2004*,¹⁷ the MoANP is the agency of the executive branch of government that is charged with “organizing the development and implementation of a unified national policy on agriculture and food processing.” On 30 November 2006 the President of Tajikistan adopted *Decree No. 9*, implementing the government reorganization.¹⁸ With *Presidential Decree No. 143 on the Structure of the Central Organs of the Executive (of 20 January 2007)*, many functions were reallocated among the different ministries, governmental committees and agencies.

The State Committee on Protection of Nature and Forestry was merged into the Ministry of Agriculture to create a new Ministry of Agriculture and Nature Protection. At the same time, the former Ministry of Agriculture's food processing activities were transferred to the Ministry of Economy and Trade. Thus, the MoANP does not have any functions in the area of food processing anymore.

The Ministry used to have much less authority and responsibility for the agro-food sector than comparable ministries in OECD countries. However, it is not expected that the transition will affect MoANP operations in a fundamental way.¹⁹

¹⁶ Food Security Programme, II.

¹⁷ However, this decree was amended by Decree No. 263 adopted on 3 June 2005.

¹⁸ Decree of the President of Tajikistan number 9, “O sovershenstvovanii struktury tsentralnykh organov ispolnitelnoi vlasti Respubliki Tadjikistan (on the improvement of the structure of the central agencies of the executive authorities of the Republic of Tajikistan)” (30 November 2006).

¹⁹ Von Atta, D. 2007. Functional Review of the Ministry of Agriculture of the Republic of Tajikistan, (17 January 2007), p.1.

MoANP's functions relevant to food security according to *Decree No. 199* are:

- 1) organizing the draft of standards, regulations, instructions and recommendations;
- 2) analysing statistical data of agro industrial production;
- 3) establishing the unified state agricultural policy including policy in the field cotton-growing, animal husbandry and other fields of agriculture and processing;
- 4) developing measures that favour food security in the country;
- 5) developing measures to foster food security in the country through coordination of agricultural production in the country;
- 6) removing obstacles to the establishment and operation of dekhan farms;
- 7) conducting laboratory tests of produced goods; and
- 8) organizing implementation of veterinary inspections and coordinating the activity of seed processing.

The draft Food Security Programme aims to reform the approach and the functions of the MoANP in the following way:

Reform of the management system in the agriculture sector: “It is necessary to review and restructure the current system of the agricultural sector. It is necessary to reform the Ministry of Agriculture and Nature Protection (MoANP). The objective of the reform is to transform from the old command and control methods employed by the old MoANP to a market-oriented structure. The main role of the MoANP should be the elaboration and implementation of the agricultural policy and its effective implementation. Functions that could also be performed by the private sector need to be reallocated. This requires the following necessary measures:

- Conduct a complete assessment and analysis of legal instruments that govern functions of the MoANP;
- Restructure the MoANP by merging and redefining functions of concerned agencies and departments;
- Strengthen professional staff through capacity building, training of personnel, and ensure high inflow of individuals with an adequate knowledge of market economy;
- Develop a programme for sustainable development of the agricultural sector;
- Provide conditions to avoid emergency situations by establishing early warning systems, and taking prophylactic measures.”

The FS WG comprises also a representative from the **National Economic and Agricultural Research Centre**²⁰ which is linked to the MoANP. This Centre was established by *Governmental Decree No. 353* and continued its work based on the *Presidential Decree No. 597 of 21 May 1998*. For the FS WG, the representative of the Centre develops recommendations for the agricultural sector.

The mandate of the **Ministry of Melioration and Water Resources (MoMWR)** is, amongst other responsibilities, to promote the development of sustainable irrigation and drainage projects through the coordination of stakeholders, with the aim of contributing to food security and creating employment. The MoMWR is responsible for the irrigation works and water supplies which are fundamental for agriculture in Tajikistan.

²⁰ Nauchno isledovalskij institut ekonomiki i selskogo khozaistva Akademii selskokhosaistvenikh nauk.

The Draft Food Security Programme suggests also reviewing the functions and approach of the MoAMR according to market-oriented principles (*“Besides the MoANP, it is also necessary to review the role and functions of the Ministry of Melioration and Water Resources according to the above mentioned principles.”*)

The **Ministry of Education** has functions in the area of professional-technical education (*Order No. 143 and Governmental Regulation No. 594 of 28 December 2006*). The representative of the Ministry of Education in the FS WG is required to provide information on measures for increasing awareness and education of households and families on nutrition. Moreover, the representative of the Ministry of Education in the FS WG has the mandate to take action in regards to issues and problems associated with food products by raising awareness of food security among households.

The **Ministry of Finance (MoF)** is responsible for the budgeting process for all areas of food security. The Ministry of Economy and Trade plays little part in these budgetary decisions. The central food security budget comes from the MoF and goes to oblast administrations (*hukomats*) to be managed by their finance departments.

The representative of the MoF in the FS WG has the mandate to provide information and make recommendations on various matters such as the influence of the financial policy on food security, taxes that reduce household income, taxes that influence the income of producers and purchasing power of consumers, state expenditures for food subsidies leading to lower consumer food prices, state expenditures for social assistance and protection in order to guarantee minimum food assistance, state investments in the socio-economic sphere influencing food security and state expenditures in the area of education and health influencing food security.

The Governmental **Agency for Land Tenure, Geodesy and Cartography**²¹ is the state agency responsible for development, implementation, monitoring and evaluation of state policies on land tenure and land management, including the on-going land reform in the country. It is responsible for the development of the land registration/cadastre system. According to *Decree No. 9* its activities are guided by the statute of the committee, by the State Constitution and the Land Code, by relevant decisions of the President and the Government of the Republic as well as by related international legal agreements.

The Governmental **Agency on Standardization, Metrology, Certification and Trade Inspection (TajikStandart)**²² has the functions of the former Agency on Standardization, Metrology, Certification and Trade Inspection under the Ministry of Economy and Trade (*Decree No. 143*). TajikStandart is the organization that develops and maintains standards within Tajikistan. It has coordination and controlling functions. The *Law on Certification of Products and Services (No. 314 dated December 13, 1996 with amendments No. 24 dated*

²¹ See <http://www.komzem.tj/> (last accessed January 2008). Based on Presidential Decree No. 9 of 30 November 2006 on the structure of central bodies of the executive of the Republic of Tajikistan, the Agency for Land Tenure, Geodesy and Cartography was established within the government. It carries out the tasks of the former State Land Committee and the National Agency for Space, Geodesy and Cartography (TojikKoinot).

²² see http://standard.tj/eng/index.php?option=com_frontpage&Itemid=1 (last accessed January 2008).

3 May 2002) and other regulatory acts govern certification procedures in Tajikistan. According to this law, TajikStandart carries out mandatory certification and supervises compliance with state standards.

Tajikstandart has various departments dealing with food security issues, namely: state control and supervision of standard and product quality requirements, the metrological support of measurement and accreditation uniformity; product certification; certification and examination of products and services. The functions of TajikStandart, are governed by the laws '*on standardization*', '*on provision of measure unification*', '*on products and services certification*', '*on quality and safety of food products*', '*on consumers' rights protection*' and by accompanying governmental decrees and regulations.

Food products and processed agricultural products are subject to mandatory certification. Tajikstandart accredits and supervises inspection of accredited laboratories, involving certification bodies, consumer associations and representatives of producers.

In theory, Tajikistan has a comprehensive system of mandatory standards, but it cannot properly administer the complex and demanding standards system due to a lack of well-equipped laboratories, qualified staff and effective enforcement capacities.

The **State Committee on Statistics (Goskomstat)** ²³ was established under the *Law on State Statistics No. 431 of 15 May 1997* that grants its functional and technical independence from other government agencies that are required to provide statistical data for the purpose of verification, consolidation and publication. The functions of this body are laid down in the *Governmental Decree No. 606 of 28 December 2006*. According to Article 4 of the Law, Goskomstat and its territorial statistical sub-divisions compile, control, process, analyse, aggregate, disseminate and store statistical information. The website of Goskomstat does not contain information on food security as a subject area but it includes data and relevant information on:

- *Foodstuff consumption per capita, 1991-2006*
- *Structure of consumer disbursements of households, 1998-2004 (it includes concrete data on nutrition and consumed food products per household member)*
- *Cash incomes and expenditures of the population per year, 1998-2006.*

Goskomstat is the central statistical office of the country and carries out household surveys, demographic statistics, agricultural and social statistics. It collects data on food prices and based on this information develops price indexes. For this purpose, Goskomstat compiles data from administrative records of corresponding ministries. Goskomstat publishes Information Bulletins on Food Security and Poverty, which provide up-to-date information and analyses on a variety of relevant indicators associated with food availability, access to food, access to food and developments concerning food consumption. Goskomstat, in collaboration with the World Food Programme, collects information on prices of food commodities.

The most relevant divisions of Goskomstat working on food security issues are: the

²³ See <http://www.stat.tj/english/home.htm> (last accessed January 2008).

statistical division for agricultural statistics, national accounts and financial statistics and the registration of prices, tariffs, income indices and household surveys as well as the division for demographic statistics, employment and social statistics.²⁴

According to the *Decree of 19 December 2006*, the representative of this body in the FS WG is responsible for monitoring “food security systems” and food security indicators.

The **Ministry of Health (MoH)**²⁵ has a nutrition unit that lacks sufficient resources.²⁶ The MoH is responsible for the national health policy (but has no control over the overall health budget), and directly manages only national level health facilities. Although not fully implemented, its main responsibilities in the area of food security according to the *1997 Law on Health Protection and the Governmental Regulation No. 603, of 28 December 2006*, are the development of health care policy and the identification of related priorities; implementation of national programmes such as disease control; coordination of the health care system; direct management of state level institutions, scientific research institutes and educational institutions for health professionals; development of human resources and training policies for health professionals; and licensing and certifying individuals and institutions engaged in health services.

According to the *Law on Food Quality and Safety No. 176 of 3 March 2006, last amendment No. 305 of 30 July 2007*, the supervisory function and state control over the quality and safety of food products is carried out by an authorized national body - the **State Centre on Sanitary-Epidemiological Control** within the MoH. National standardization and control over the quality and safety of food is exercised through the development of standards, sanitary norms and hygiene regulations compulsory for implementation by individuals and legal entities.

The **State Nutrition Centre** has been established under the Ministry of Health. The executive organs of the Centre and of the corresponding regional branches have the main tasks of developing an economic and legal basis for food quality and safety; educating and informing the population on principles of good nutrition; and monitoring the nutrition status of the population. The State Nutrition Centre develops, coordinates and implements nutrition policies (including the elaboration of indicators such as the percentage of population affected by malnutrition, anemia and goitre among children and women; the average daily consumption of fruits and vegetables, sugar and concentrated fatty acids).

The representative of the MoH in the FS WG has the task of disseminating information on infectious and resistant diseases caused by poor quality food or malnutrition, and on different aspects of food products, such as the quality of drinking water and general food hygiene.

The **Antimonopoly Service of the Ministry of Economy and Trade** has important

²⁴ See for more detailed information, the Governmental decree no 606, dated 28 December 2006.

²⁵ See <http://www.health.tj/> (last accessed January 2008).

²⁶ Tajikistan Food Aid Review, p. 20.

functions in the area of food security. According to article 38 of the *Consumer Rights Protection Act No. 72 of 9 December 2004*, the former Antimonopoly Agency²⁷ was the central state body charged with the protection of consumer rights. The functions have been taken over by the Ministry of Economy and Trade which is charged with the enforcement of the law on consumer rights protection. Amongst other functions, it can prohibit the sale of a product or service jeopardizing consumers, and can request seizure thereof. It also has the authority to request the withdrawal of licences and impose penalties in case of violations of the Consumer Rights Protection Act. It can appear in court to protect the rights and lawful interests of consumers as representative of the plaintiff or defendant or as a third party with independent claims. There is no member of this service represented in the FS WG.

The **National Commission on Emergency Situations** is the overall disaster management coordination body in Tajikistan, chaired by the Head of the Government (the President). According to *Governmental Decree No. 323 of 3 August 2002*, the Chairman of the Commission has the power to allocate and use food stocks in a state of emergency. The **Committee on Emergency Situations and Civil Defence**²⁸ is the national body responsible for the implementation of all laws and decrees (including decisions taken by the National Commission) related to disaster risk reduction, prevention and disaster response, including food aid.

The Tajikistan Disaster Management Partnership – Rapid Emergency Assessment and Coordination Team (REACT) was set up in 2000. The objectives of REACT are to improve coordination and information sharing amongst all actors in the field of disaster management, as well as to strengthen the Ministry of Emergency Situations leadership in disaster management activities. REACT has around 65 partners representing different government authorities, international organizations and NGOs. One of the five sectoral groups, which have been formed to facilitate contingency planning and response, is in the area of food aid.

The international community is also playing a crucial role with respect to the food security institutional set-up particularly with respect to humanitarian assistance. At present there are about 20 international organizations active in the field of food security. Amongst them are the Food and Agriculture Organization of the United Nations, the Asian Development Bank, the European Bank for Reconstruction and Development, the United Nations Development Programme, the United Nations Development Fund for Women, the European Commission, the European Office of Humanitarian Aid (ECHO), the World Bank and the World Food Programme.

According to the *Decree of 19 December 2006*, representatives of inter-governmental and non-governmental organizations can participate in meetings of the FS WG. However, based on information collected in interviews with concerned NGOs and intergovernmental organizations, the meetings of the FS WG are currently held without

²⁷ The State Committee on Investment and Management of State Property takes over the functions of the former Anti-monopoly Agency in the area of business development.

²⁸ See <http://www.khf.tj/index.php> (last accessed January 2008).

Figure 2 summarizes the institutional set-up of food security in Tajikistan at the national level:

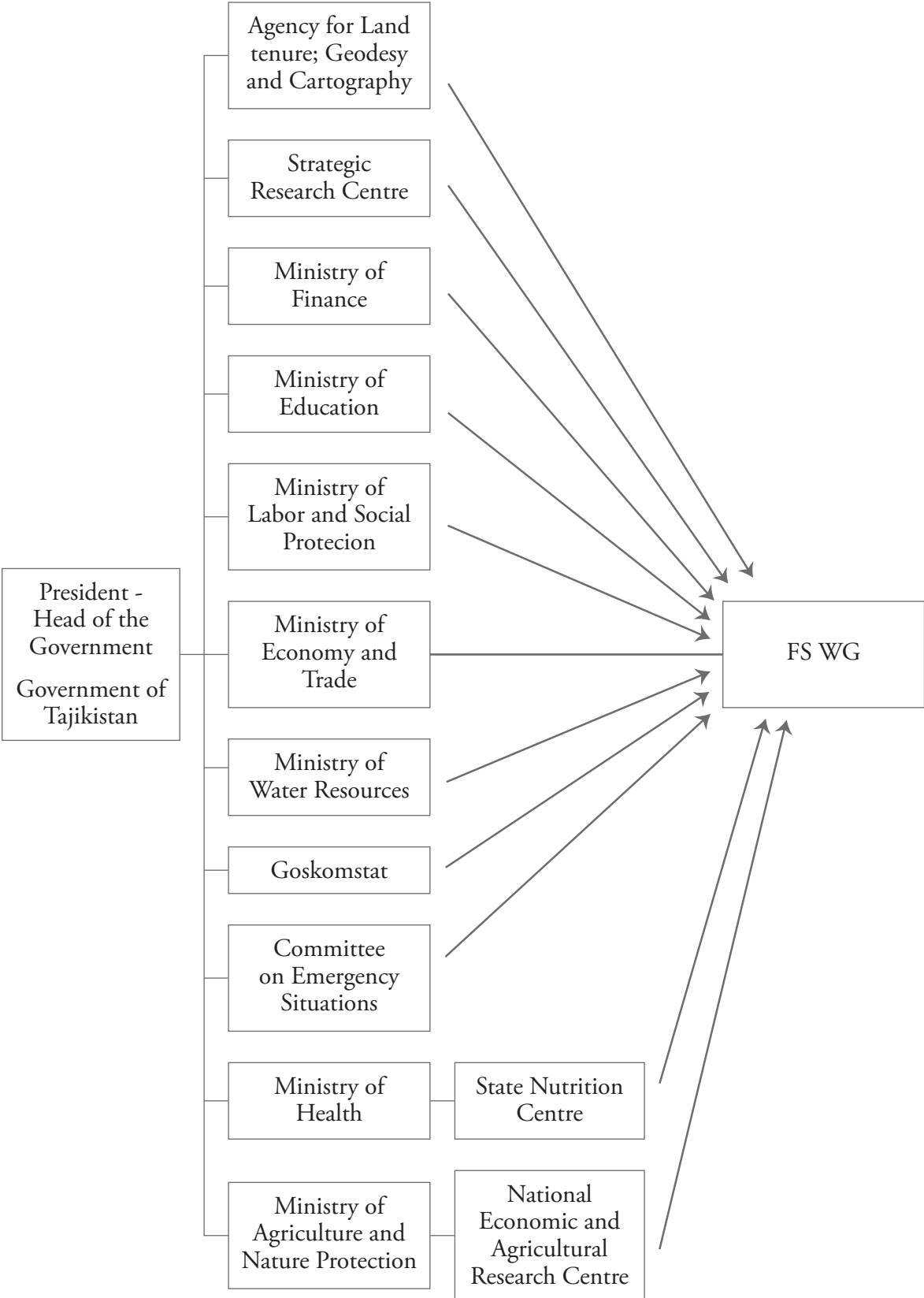
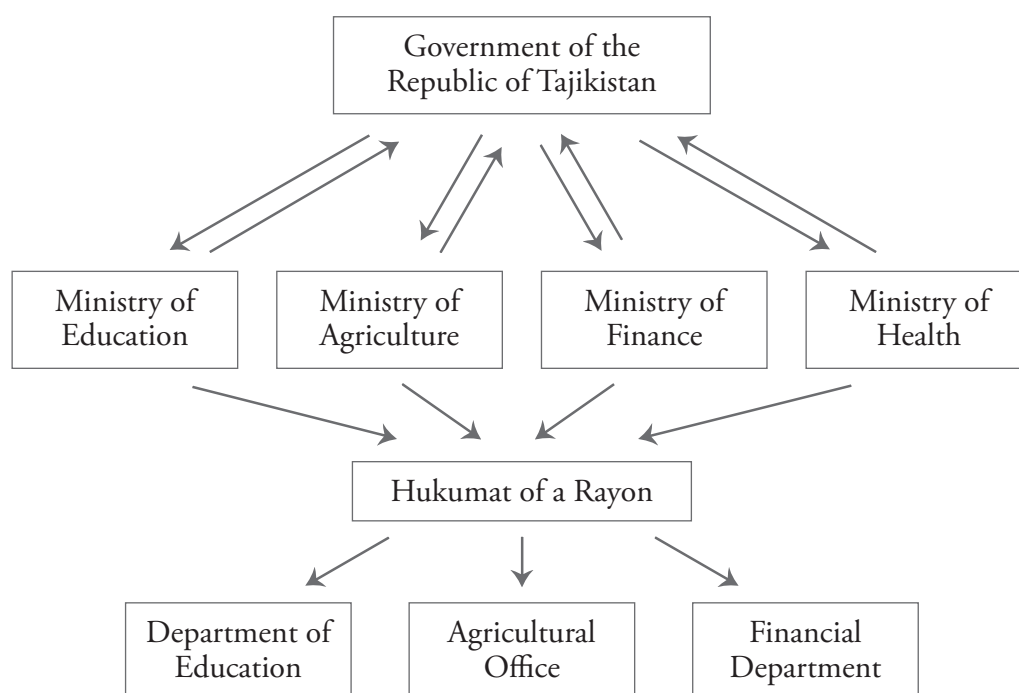


Figure 3 provides an example of the vertical structure of institutions involved in the planning, coordination and implementation of food security issues:

Structure of the Executive of Tajikistan for food security



2.2 THE LAND ADMINISTRATIONS INVOLVED IN THE LAND REFORM PROCESS

Ensuring access to land and re-establishing rural institutions mean securing access to food (see the different dimensions of food security in section 1.1). Considering the significance of the agricultural sector for food production and thus for the food availability dimension of food security, a more detailed analysis is necessary of key institutions involved in the important land reform process that is re-shaping agriculture in Tajikistan.

The land reform aims also at securing access to resources (land, water, means of production, etc.) and thus has relevance for the ‘food access’ dimension of food security (see section 1.1 of this report).

The institutional land reform in Tajikistan aims at improving rural livelihoods and increasing food security by addressing structural barriers to land reform.

The land reform process began in Tajikistan in 1992, with the objective of improving agricultural production and developing the rural economy. Since then, various Presidential decrees have been passed requiring the reorganization of collective and state farms into dekhan farms. Restructuring has led to a significant increase in land afforded to dekhan farms and an associated drop in land for collective and state farms. Yet to date, the overall progress has been rather slow. Nevertheless, in a number of areas, land reform has laid a good ground for successful results.

The following are the institutions involved in the land reform process of Tajikistan.

The **State Commission on Restructuring of Agricultural Enterprises** was established by *Presidential Decree No. 1775 of 30 June 2006*. The commission consists of thirteen people occupying certain positions in various branches of the national economy, in the ministries and committees. The chairman of the commission is the Prime Minister of the country. The basic function of the commission is to ensure appropriate implementation of the land reform programme through the restructuring of agricultural enterprises within the framework of the current laws and acts of the country. Various working commissions for the restructuring of have been created. The working commissions consist of the representatives of local authorities, the land committee, the public and workers of farms being restructured.

The **Agency for Land Management, Geodesy and Cartography under the Government of the Republic of Tajikistan and its local branches** were established by the *Presidential Decree No. 522 of 25 June 1996*. The functions are also laid down in the *Land Code and Government Resolution No. 613 of 28 December 2006*.

The **National Association of Dehkan Farms and Agricultural Cooperatives** is a public structure established under the voluntary association of existing local associations of dehkan farms and agricultural cooperatives, the operations of which are regulated by a by-law. The highest authority of the Association is the Congress. The main activity of the Association is aimed at creating favorable conditions for agricultural production processes as well for the protection of dehkan farms’.

The **National Centre for the Support of Privatization of Farms under the Government** was established by *Presidential Decree No. 216 of 16 June 1998*. The centre deals with issues of land registration, rehabilitation of irrigation systems and loans to agricultural processes in ten pilot restructured farms.

2.3 CONCLUSIONS

Despite the existence of the FS WG, Tajikistan lacks a coherent system for coordinating, monitoring and evaluating the food and nutrition security situation in the country. This stems from unclear mandates (the *Decree of 19 November 2006* defines perhaps too broadly the mandates and functions of the FS WG), differences in priorities of the FS WG members, system rigidities, lack of communication among the various government sectors involved and insufficient human and financial resources.²⁹

The FS WG lacks collaboration across sectors, institutions and actors, both public and private. The FS WG does not have any role in the chain of command according to which administrative and policy decisions affecting on food security are taken. In this regard, its coordination with relevant government ministries, agencies and offices needs to be improved. Food security cannot be ensured without interdisciplinary collaboration at high level.

²⁹ MDG 2005, p. 32.

To have a more significant impact on food security, representatives from other institutions need to be involved in the work of the FS WG. The FS WG should include additional representatives from the following sectors:

- emergency (preferably the National Commission on Emergency Situations);
- consumer protection;
- food safety and quality control (preferably from the State Centre on Sanitary-Epidemiological Control).

Additionally, the participation of members from:

- civil society;
- the private sector; and
- inter-governmental organizations

is recommended.

The fact that the FS WG is attached to the Ministry of Economy and Trade is another problem because of the competing interests of other ministries. Having a national food security authority attached to one line ministry exacerbates problems of fragmentation and duplication in governmental activities related to various components of food security, in priority setting and resource allocation, as well as in implementing a truly holistic approach to food security. More importantly, being attached to one line ministry, the FS WG does not enjoy the political authority necessary for ensuring active collaboration on the part of other governmental bodies.

The legal status of the institution responsible for coordinating state activities in the area of food security is one of the key factors for ensuring its effectiveness. Two institutional options for establishing a food security authority could be considered: either enhanced coordination within the existing structure, thus under the aegis of the Ministry of Economy and Trade, or the establishment of a food security authority at the highest level of government, thus under the President of the Republic of Tajikistan.

The establishment of a national authority as a strong coordinating body for food security – directly under the President – is the most advisable solution for achieving food security in Tajikistan. In exercising its powers and duties, the national food security authority under the President should:

- cooperate closely with representatives of civil society and take their views in serious consideration (the FS WG as any other governmental body has no practice of consulting or seeking views on for example, budgetary and related issues from representatives of employees, labour groups, and civil society);
- utilize, to the fullest extent possible, the services, facilities and information (including statistical information) of the relevant public and private bodies and organizations in order to prevent duplication of effort and expenses.

Establishing a stand-alone national food security authority at the highest level of government would be the most effective means to ensure a clear view across ministries and divisions, and the authority needed for achieving an effective collaboration by all

relevant state and non-state actors. The high hierarchical position of the authority and its exclusive focus would facilitate systematic consideration of food security issues or of its relevant components when decisions are made on economic, social, fiscal, agricultural, trade and other state policies. In addition, it would also place food security and the role of coordination higher on the political agenda.

A food security law, adopted as a Food Security Act, would be the most appropriate legal instrument to set up a food security authority whose main task will be the coordination of food security activities of the relevant ministries, state committees, local governmental bodies and other institutions involved.³⁰ A law can provide the food security authority with the necessary status to exercise effectively the above described functions and powers. Furthermore, such a law would include a section on definitions and lay down the guiding principles that provide the framework for all decisions taken on the basis of such law.

In case the adoption of a food security law proves difficult, the food security authority could also be established by Presidential Decree. A Presidential Decree could also regulate food security issues of substance. A number of different authorities under the President have already been established by Presidential Decree, like for instance the National Development Council (*Presidential Decree No. 355 of 19 December 2007*).

The Food Security Authority could also be established as a body under the Government of the Republic of Tajikistan and be chaired by the President (see section 2.1). Existing Governmental Bodies are, for instance, the Committee on Emergency Situations and Civil Defence as well as the Agency for Land Management, Geodesy and Cartography. However, a decree could be limiting as it can regulate only those cross-sectoral food security issues which are not already regulated by law.

³⁰ There already exists a body under the President which has been established by Law. For example, the Agency for Drug Control has been established by the *Law on Narcotic Drugs, Psychotropic Substances and Precursors No. 37 of 10 May 2002*.

3. LEGISLATIVE AND POLICY FRAMEWORKS

This section will analyse the legal and policy basis of food security and related sectors. Not all subject areas that affect the food security sector are outlined here, as they would be too numerous. The discussion focuses on the most important areas to review in an examination of the national legislative structure for food security. In the analysis that follows, some gaps, overlaps and inconsistencies in the legislation of Tajikistan relevant to food security will be identified.

3.1 CONSTITUTION

*The Constitution of 1994*³¹ is the main Law of Tajikistan. All laws and legislative acts are based on the Constitution. Article 39 is relevant to economic access to food as it establishes that: “Each person is guaranteed social assistance in old age, in the case of illness, disability, or loss of ability to work, in the case of loss of a provider, or in other cases determined by law.” Other articles of the Constitution that regulate subjects of relevance to food security will be discussed below along with sectoral provisions.

3.2 AGRICULTURAL SECTOR, LAND AND WATER

3.2.1 AGRICULTURE

Agriculture plays a key role in food production, which in fact is the main source of sustenance for the major part of the country’s population. Thus, effective agriculture is the key factor for ensuring food security in Tajikistan.

Tajikistan does not have a specific national strategy for agriculture and food security. However, a number of strategies and programmes set forth partial strategies or policies for specific sub-sectors of agriculture and the food industry (e.g. National Development Strategy for the period to 2015³²).

The MoANP has prepared a number of commodity-specific programmes that contribute to food availability and which have been enacted as law (e.g. the *Law on Grain No. 200 of 28 July 2006*) or as government resolutions. At present, there are the following four main programmes in operation on: *seed potatoes; horticulture; development of bee-keeping; and development of tobacco cultivation.*

3.2.2 LAND LAW AND LAND REFORM

Secure land (i.e. tenure) rights constitute one of the most important preconditions for food security. Without equitable access to land, malnutrition and hunger will continue to be an issue in rural Tajikistan. Article 13 of the Constitution lays down that land and its natural resources are state property. The Civil Code also stipulates that land is under state ownership (see articles 239 and 289). The Constitution, however, does not

³¹ Constitution of 6 November 1994, amended in 1999 and 2003.

³² The strategy includes a few explicit references to food security.

limit the right to property and inheritance (see articles 12, 17, 32). As noted above, in 1996, Tajikistan started the process of restructuring state and collective farms to smaller, independent farms.

Understanding the changes related to cotton farmland privatization that had an impact on the structure of the farmland economy is important because of the predominance of the agricultural sector in the economy and its relationship with food security. Unless land privatization—especially in cotton growing areas—is carried out in such a way as to directly improve farmers' welfare, its benefits will translate into little real reduction of food insecurity.

The *Land Code No. 23 as of 28 February 2004* provides for the right to use a land plot for natural persons and legal entities; lifelong and inheritable land use rights of individuals, collectives and citizens organized as dekhan farms (article 12) and the right to long-term lease (article 14). The Land Code also provides that every family has the right to a household plot of up to 0,25 hectares of dry land. Presidential land was allocated by Presidential Decrees in 1995 and 1997 in order to supplement household plots, with low income families and big families having the first priority access. The current Land Code is criticized for lacking clarity in regards to local government's obligations regarding implementation of the Land Code and the transfer of use rights. In Parliament, an amended Land Code that addresses these issues awaits adoption.

Expanding production in a low-income food-deficit country like Tajikistan is frequently one of the primary means to increase the availability of food and income for those living in poverty.³³ The vast majority of those who are undernourished either cannot produce or cannot afford to buy enough food. They have inadequate access to means of production such as land, appropriate technologies and farm credit. The effective implementation of the land reform process is key to achieving this objective in Tajikistan.

The Law on Land Reform, adopted in March 1992, laid the ground for creating the conditions to shift to a market economy and provide access to land. The land reform aims also at achieving economic independence of citizens (including their food security), hence the improvement of the people's material well-being. The law establishes principles for the implementation of the land reform, e.g. the restructuring of agricultural farms into new forms of land management. However, the law did not address the restructuring of state agricultural experimental stations, high-quality seed growing nor nursing facilities. Pedigree products and research establishments are also not subject to restructuring. The Law on Land Reform stipulates that the decision regarding the redistribution of land for farm restructuring is taken by the district administration.

The *Law on Lease No. 185 of 6 December 1996* allows for the development of lease relationships, in particular the use of land resources of state and collective enterprises subject to lease agreements.

The law includes the possibility to transfer leased and collective enterprises to lease enterprises (farms) by transferring the entire or part of an enterprise for lease.

³⁰ See supra note 3, Rome Declaration and Plan of Action, para. 25.

The widest land reform in Tajikistan came with the adoption of the *Law on Land Reform* and the *Law on Dehkan (Private) Farms No. 48 of 10 May 2002, amendment No. 173 of 3 May 2006*, which is the main legal basis for the development of dehkan farms in the country. According to this law, dehkan farms are established as independent subjects by one person or members of one or more families and other citizens, for the joint production of agricultural products deriving from the land and technologies, which are in the possession of dehkan farm members (article 3). Dehkan farms, as a rule, are established by members of one family or through the merger of several families. Dehkan farms have the same rights as any other economic entity. The preference for dehkan farms is due to the fact that the government is not allowed to interfere in the activities of the farms unless they are unlawful. According to the law each member of a created dehkan farm is entitled to a certificate on the land use right and a land share certificate is issued for each dehkan farm.

The Law on Land Reform and the Law on Dehkan Farms did not cover all questions of the land reform and did not provide for its full realization. Therefore, the additional subsidiary legislation adopted to achieve equitable land reform included: *Presidential Decree on the Reorganization of the Agricultural Entities and Organizations No. 522 of 25 June 1996*; and *Presidential Decree on the Realization the Right to Land Use No. 1021 of 22 June 1998*. On the basis of the last, the *Governmental Decision No. 1232 of 9 June 1999 on measures for the realization of land use rights* was taken. It specified the structure of a Reform Commission and the reorganization of 160 large agricultural entities up to a certain date.

Another step of the land reform was the adoption of *Presidential Decree No. 478 of 2 February 2001* on the Reorganization of Agricultural Enterprises and Organizations, which resulted in a reorganization of 120 farms and the creation of 1355 dehkan farms. *Governmental Decision No. 385 of 1 October 2002 on the Reorganization of Agricultural Enterprises and Organizations for the Period 2002-2005* provided for the reorganization of 40 farms in 2002, 100 farms in 2003, 45 farms in 2004 and 40 farms in 2005.

The head of a dehkan farms receives a certificate on the land use right and the members are issued land share certificates. This provision has led to uncertainties in the law and a lack of transparency in title ownership, which leads to insecure land rights and a resultant negative impact on food security in the country. This is particularly problematic considering the large number of dehkan farms in Tajikistan; as of 1 January 2007, 698 state and collective farms were reorganized and over 29.880 dehkan farms were established.³⁴

One of the land reform challenges concerns systematic data collection. The availability of accurate and complete land tenure data is necessary to enable informed debate and the generation of appropriate land tenure and rural development policies. This makes it difficult to monitor the reforms properly in order to address its gaps and inconsistencies through legislation. Therefore, for example, new cartography material is needed and can be used as a basis for drafting other documents. Food production and rural development,

³⁴ See Land Reform and Land Tenure in Tajikistan monitoring report (Status as of 1st January 2007) at <http://www.tajikistan-landreform.tj/>).

more so in a country with significant food security weaknesses, require appropriate and up-to-date information which highlights gaps and inadequacies of policies and programmes. This data can be used for reform. The coordination of the collection and analysis of information on the food security situation (including land tenure data) in the country will be one of the key tasks of a Food Security Authority to be established under a Food Security Act.

3.2.3 WATER

Water is important for food security because people who have better access to water tend to have lower levels of malnourishment. In Tajikistan, where people depend strongly on local agriculture for food and income, lack of water can be a major cause of malnourishment. Therefore secure access to water for production purposes is fundamental to providing access to food. A well developed and adequately implemented water policy and law ensures the food security of a country. Article 13 of the Constitution establishes that water is state owned and that the state guarantees its effective utilization in the interests of the people. Relevant legislation in the water sector includes: the *Water Code* as the main legal instrument; the *Nature Protection Act*; the *Land Code*; the *Law on Dehkan Farms*; the *Law on State Sanitary Inspection*; the *Law on the Payment for Land*; the *Civil Code*; and the *Criminal Code*.

The *Water Code No. 34 of 29 November 2000* regulates relations between the state and water users under different regimes of property rights. The amended Water Code introduces provisions on fees for water use (article 31) and the right to form water user associations (article 43). It establishes the right of specialized local and foreign legal entities to manage state owned water supply projects (article 10). Tajik agriculture relies extensively on irrigation. If irrigation facilities further deteriorate, the country's irrigated area could shrink, resulting in an immense disruption in the primary livelihood of a large and poor farming population. Therefore, the promotion of water users' associations (WUAs), whose main task includes the operation and maintenance of irrigation systems, plays an important role in ensuring access to water. The Law on Water Users Associations regulates the organization, activity and management of WUAs as non-commercial organizations to operate and maintain irrigation systems of public interest. However, the existing WUAs show that they are performing differently than expected, primarily due to a lack of independence from local governance structures.

Most shareholders of all categories of farms occupy a significant share of irrigated arable land.³⁵ At present, the legal basis of WUAs is the *Law on Water Users Associations*, the *Water Code*, the *Civil Code*, and the *Governmental Decree No. 281 of 25 June 1996 on the Collection of Fees for Water Supply Services from government-owned irrigation systems* and other subsidiary legislation. The amendment of the Water Code in 2000 improved the operating environment for the establishment of WUAs by regulating relations between

³⁵ See Land Reform and Land Tenure in Tajikistan monitoring report (Status as of 1st January 2007) at <http://www.tajikistan-landreform.tj/>).

³⁶ See also supra note 3, Rome Declaration and Plan of Action, para. 15, objective 1.2.

government-owned water organizations, water suppliers and WUAs. It also provided for the transfer of rights to manage water schemes to special organizations (i.e. WUAs). The above mentioned *Governmental Decree No. 281 of 25 June 1996* regulates financial relations between water organizations and water users.

3.2.4 RECOMMENDATIONS

Legal mechanisms should be strengthened, where appropriate, that advance land reform, recognize and protect property, and consolidate water and user rights, thereby enhancing access for the poor and also women to resources. Such a mechanism should also promote conservation and sustainable use of land and water and have the added benefit of encouraging investment.

The process of land reform should be expedited and the Land Code, other relevant land reform laws as well as subsidiary legislation would need to be reviewed in order to strengthen and ensure the security of land tenure and regulate the powers of government agencies and local authorities. Those reforms would benefit the farming communities whose role is pivotal to the achievement of food security. For example, land use rights, granted in form of individual land use certificates, as collateral for securing of loans for farming purposes from licensed financial institutions could be introduced. Rules on withdrawing or compression of land use rights should be tightened in order to strengthen these rights. This would entail embodying in the law robust and unqualified public purpose and non-discrimination requirements, as well as establishing clear and transparent standards of valuation and compensation.

3.3 FOOD SAFETY/QUALITY AND CONSUMER PROTECTION

Improving food safety is an essential element of improving food security.³⁷ Food safety is an integral aspect attached with utilization, availability and accessibility of food. Food safety issues need to be addressed in order to improve food security. Food safety issues must be addressed to ensure the availability of food of appropriate quality as well as accessibility of food.³⁸ Enhanced food safety is key to improvements in health and nutrition, which, after all, is the ultimate goal of enhanced food security. Improvements in food availability will not benefit many of those at nutritional risk without corresponding improvements

³⁷ Unnevehr, L.J. 2003. *Food Safety in Food Security and Food Trade*, International Food Policy Research Institute, Washington, U.S.A.

³⁸ The importance of food safety for food security is also stated in the Rome Declaration on World Food Security, 1996, amongst others in Objective 2.3 of the World Food Summit Plan of Action: “*To ensure that food supplies are safe, physically and economically accessible, appropriate and adequate to meet the energy and nutrient needs of the population. ... (b) Apply measures, in conformity with the Agreement on the Application of Sanitary and Phytosanitary Measures and other relevant international agreements, that ensure the quality and safety of food supply, particularly by strengthening normative and control activities in the areas of human, animal and plant health and safety;*”

³⁹ On the other hand, there is the view that food safety is receiving too much attention relative to its importance for food security and that the issue emanates from the concerns of high-income consumers and producers in the developed world, and does not truly reflect the most compelling food safety issues in developing countries (for an overview of the discussion see supra note 37).

in the nutritional quality and safety of food.³⁹ However, in order to address food safety in this context, Tajikistan must evaluate such investments within the overall scope of public health, nutrition, and food system policies.

Legislation relevant to food safety and consumer protection in Tajikistan includes:

- ▶ *Act on Food Quality and Safety No. 54 of 10 May 2002, last amendments 3 March 2006, No. 176, 30 July, No. 305;*
- ▶ *Law on Consumer Rights Protection No. 72 of 9 December 2004;*
- ▶ *Law on Standardization of 14 December 1996, No. 25 (last amendments 3 May 2002, No. 25);*
- ▶ *Law on Certification of Products and Services No. 313 of 13 December 1996 (last amendment No. 25 of 3 May 2002);*
- ▶ *Law on Sanitary-Epidemiological Safety No. 49 of 8 December 2003;*
- ▶ *Decree of the Government on the protection of the consumer market from the introduction of unsafe food from 16 March 1999, No. 97;*
- ▶ *Regulation of the Government on measures for the prohibition of processing of foodstuff, feedstuff No. 396 of 15 August 1994;*
- ▶ *Norms on Public Nutrition Services, adopted with the Governmental Decree No. 209 of 6 June 2005 (with amendments No. 419 of 3 August 2007);*
- ▶ *Rules to analyse and dispose of food products and goods, not suitable for consumption, confirmed with the directive of the Director of Tajikstandart on 17 April 2006;*
- ▶ *Standards on the Certification process of imported and exported food and other products, adopted with the Governmental decree No. 97 of 16 March 1999; and*
- ▶ *Regulation of the Agency of Standardization, Metrology, Certification and Trade Inspection under the Government of the Republic of Tajikistan, adopted with the Governmental Decree No. 615 of 28 December 2006.*

Food safety in Tajikistan is primarily regulated by the *Law on Food Safety* and the *Act on the Protection of Consumers' Rights*. The *Act on Food Quality and Safety* regulates the procurement, processing, transportation, packaging, storage of and trade in foodstuffs, materials, commodities and their ingredients. Its objective is to guarantee the availability of safe and wholesome food. It applies to food, materials and commodities, including dietetic food, infant food and biologically active additives. The Act empowers the government to adopt subsidiary legislation on food quality and safety and specifies the requirements for ensuring the quality and safety of foodstuffs. The Act also provides for offences and penalties.

Labeling and marketing requirements for products in Tajikistan vary depending on the type of product and the intended use. Information must include the name of the product, name of producer, country of origin, expiration date, and in some cases, instructions for use. Labels for some products, such as foods and beverages must also provide content and composition (see article 18 of the *Act on Food Safety and Quality*).

The *Law on Certification of Products and Services No. 313 of 13 December 1996 (last amendment No. 25 of 3 May 2002)* is one of the main acts regulating certification

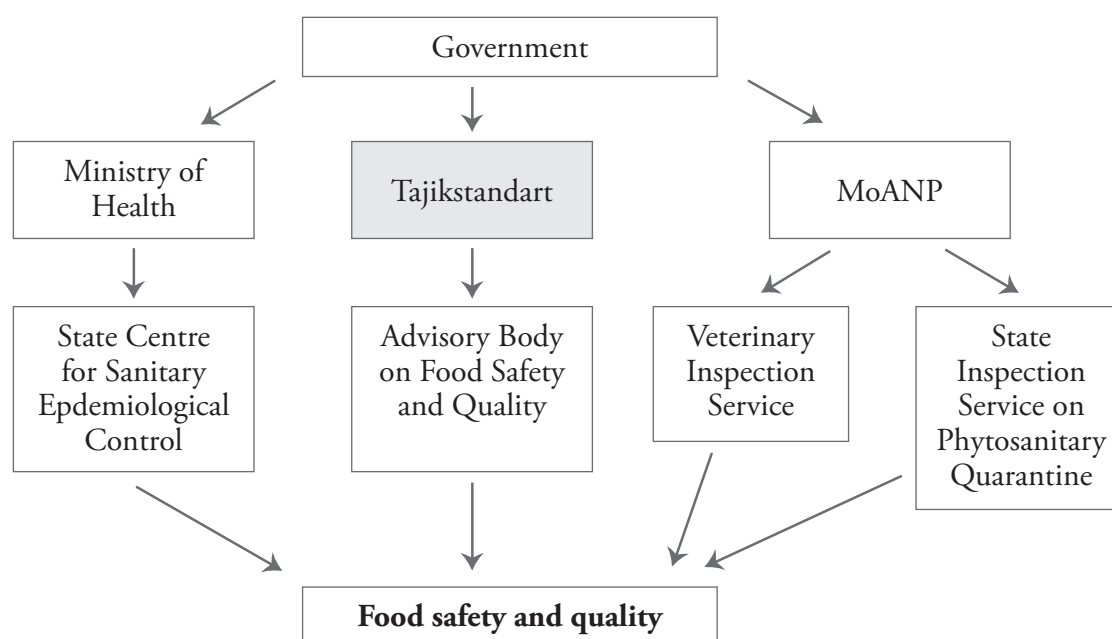
procedures in Tajikistan. Standardization and certification are two processes of a single system both aimed at providing consumers with products of acceptable quality and safety. Standardization sets norms, regulations and characteristics of a product, processes and services for use and reproduction. Certification confirms compliance of products, goods, works and services to established norms. According to an analysis carried out by the World Bank, the certification legislation contains unclear definitions as well as gaps for certain types of certification. This may result in state bodies developing their own standardization, certification and licensing regulations that lead to the creation of many sub-types of products to be certified and licensed.⁴⁰

As stated in section 2 above, the state control and supervision over the quality and safety of food products is carried out by the State Centre for Sanitary-Epidemiological Control established under the Ministry of Health. According to article 13 of the *Law on Food Safety and Quality*, additional authorities responsible for state control and supervision of food safety and quality are:

- the Veterinary Inspection Service,
- the State Inspection Service for phytosanitation and plant quarantine, and
- Tajikstandart and trade inspection authorities.

Figure 4 provides an overview on state organs involved in food safety and quality supervision and control (according to article 13 of the Act on Food Safety and Quality).

Figure 4: State organs involved in food safety and quality supervision and control



⁴⁰ Press Coverage: Workshop on Improving the Investment Climate in Tajikistan, June 29-30, 2005, available at <http://web.worldbank.org/> (last accessed February 2008).

Subsidiary legislation sets forth standards, sanitary norms and hygiene regulations compulsory for implementation by individuals and legal entities. Sanitary control of food products is performed in accredited laboratories of the State Centre for Sanitary-Epidemiological Control whose activities are regulated by the *Law on Epidemiological Security* and the *Law on Food Safety and Quality*. However, the State Centre hardly performs any laboratory analysis or tests on imported and domestic food products because of internal organizational and financial difficulties. It is working on the rehabilitation of the laboratory and certification functions. In this regard, the State Centre and Tajikstandart seem to have overlapping functions.

As already stated above, Tajikstandart, which is affiliated with the Ministry of Economy and Trade, ensures compliance with standards and prevents prohibited and non-compliant food products from gaining access to market. It tests food and other products in its 30 accredited laboratories. New imported food products must undergo a state registration in accordance with the *Act on Food Quality and Safety*.

► International standards

Harmonization of legislation with international standards on food safety and quality (namely, Codex Alimentarius standards) is still under way. For example, the establishment of a Food Safety Management System based on HACCP (Hazard Analysis and Critical Control Point) principles⁴¹ is considered to be one of the main conditions for the production of safe foodstuff and access to developed countries' food markets. The implementation of this system in Tajikistan's food production companies is essential. HACCP certification, if effectively implemented, would increase the level of food safety control in Tajikistan.

► Biosafety

Biosafety refers to the protection of human health and the environment from the possible adverse effects of the products of modern biotechnology. Biotechnology is widely used in agriculture and food production and is recognized as having a great potential for the promotion of human well-being, particularly in meeting critical needs for food.⁴²

The food security implications of biosafety pertain to the potential benefits of agrobiotechnology. For example, this would extend the development of plant varieties that help to meet some food security challenges. Other issues raised would be the potential socio-economic and environmental (biodiversity and biosafety) ramifications.

The Cartagena Protocol on Biosafety regulates the transboundary movement of genetically modified organisms in an attempt to minimize the possible risks to the environment and human health. Tajikistan ratified the Cartagena Protocol on 12 February 2004. The *Act on Biological Safety of 1 March 2005* domesticates the obligations of the Protocol. The Law establishes state authorities on biosafety as well as mechanisms for decision

⁴¹ HACCP was adopted by the Codex Alimentarius Commission as an international standard for food safety.

⁴² See Secretariat of the Convention on Biological Diversity (2000). *Cartagena Protocol on Biosafety to the Convention on Biological Diversity: text and annexes*. Montreal: Secretariat of the Convention on Biological Diversity, page 1.

making. The Act includes provisions on state management of biosafety; intentional release into the environment of genetically modified organisms; trade in genetically modified organisms and derivatives thereof; and the import and export of genetically modified organisms and derivatives thereof. According to the Law, all individual and legal entities must apply before the National Biological Safety Commission for the release of genetically modified organisms into the environment (for experimental purposes) or on the market (for marketing purposes) by presenting a dossier with technical information and risk assessment. The National Commission has the power to authorize or ban the import or to request additional information thereon.

The National Centre on Biological Diversity and Biological Security⁴³ was established with the adoption of the *Governmental Resolution No. 392 issued on 1 September 2003*. Its mandate includes risk assessment and risk management associated with the use and production of genetically modified organisms. The National Center is authorized to develop and implement guiding principles to ensure biosafety. It oversees the creation of institutional biosafety units within all the concerned state institutions. According to the available information, the National Biosafety Commission has not been set up yet.

► Consumer's rights

The *Law on the Protection of Consumer Rights* stipulates that consumers have, amongst others, the right to obtain information on the safety of goods and services offered as well as on aspects concerning the protection of health, property and economic interests (articles 8-10). Consumers have the right to access goods and services of acceptable safety and quality (article 6). Further, consumers have the right to obtain necessary and truthful information on the goods and services offered in order to make informed purchasing decisions and on any risks relating to the goods or services (article 9).

The Act also contains provisions on consumer associations. According to article 42, consumer associations have an extensive list of rights, including the rights to participate in the development and implementation of consumer protection policy; to coordinate the dissemination of information; to organise consultation and training on consumer protection; to advise and assist consumers; to represent a consumer in court and before state authorities; and to co-operate with supervisory authorities engaging in consumer protection.

Tajikistan is in the process of harmonizing its food legislation and standards with international norms. The unregulated de-monopolization of the food industry, the increased volume of imported goods and weak official controls over manufacturing of food ingredients and food products have a negative impact on food safety and quality and thus also on food security.

Recommendations. A review of food safety and quality legislation, including laws regulating biologically active food additives, is urgently needed. The legal basis of food control systems needs to be revised and strengthened. It is important for Tajikistan to implement and enforce a food control system using the modern concept of risk

⁴³ See <http://www.biodiv.tj/> (last accessed February 2008).

assessment. The Guidelines for Strengthening National Food Control Systems⁴⁴ could provide important information on the principles and practices of food control.

Responsibility for food control is shared between different agencies. The roles and responsibilities of these agencies are quite different and there is duplication of regulatory activities, fragmented surveillance and a lack of coordination. There are wide differences in expertise and resources between the different agencies and the responsibility for protecting public health may conflict with obligations to facilitate trade or develop an industry or sector.

The Act on Food Safety and Quality and subsidiary legislation will need to clearly identify and delineate the competences, functions and activities of state organs in the area of food safety and quality; to introduce provisions to ensure food safety and consumer protection in matters other than those relating to health, such as fraud and deception; provide a mechanism for the introduction of subsidiary legislation and specific regulations, regulations on hygiene, use of food additives and labeling.

Regulatory and enforcement activities such as:

- inspection, testing, certification;
- state standards and technical regulations;
- risk assessment and determination of the appropriate level of protection

should be open and transparent.

In that context, the task of a Food Security Authority would be to ensure the coordination of food safety issues from a food security perspective. In substance, the authority should collaborate with the responsible organs for food safety issues and indicate the occurring problems from a food security perspective to the state agencies responsible for regulatory and enforcement activities. The authority should also address those problems in its food security strategies and policies.

3.4 SOCIAL SAFETY NET AND SOCIAL PROGRAMMES

Any individual (or group) that does not have, for reasons beyond his/her control, sufficient means to procure food independently is threatened by food insecurity. In this case, the state should provide food directly or means for its procurement. This can be done either by distributing food aid to concerned individuals or groups, or by providing them with income subsidies, financial assistance, food stamps or other social security schemes that will enable them to access food.

Safety nets play a much broader role than temporary providing food, by providing fungible resources which individuals or households can invest in productive activities, whether producing their own food or pursuing some nonagricultural micro enterprise.

Although many laws in Tajikistan provide for non-cash benefits, including food, not

⁴⁴ See Joint FAO/WHO. 2003. Assuring Food Safety and Quality: Guidelines for Strengthening National Food Control Systems.

many of the intended beneficiaries fully benefit from them. The *Law on the Minimum State Social Standard* has yet to be adopted. Social benefits, such as the programme of cash compensations for children, are also very low and their application not sufficiently targeted. Although the programme is intended to assist children from poor families, the methodology used for identifying 25 percent of children from the poorest families does not rely on reliable poverty criteria, and as a result does not provide a useful mechanism for identifying intended recipients.⁴⁵

The Guaranteed Benefit Package and Paid Services Programmes were approved by *Government Decree No. 279*. The key objective of this programme is to improve access to essential services, notably at the level of primary care, for vulnerable groups.⁴⁶

The legal and administrative framework of public funds is generally clear but fragmented. The *Law on Social Insurance (Law No. 517 of 1997)* and the *Regulation on the National Social Protection Fund* define the scope and coverage of the social protection fund. These laws provide for the financial support of workers and individuals covered by mandatory insurance in case of unemployment, disability, pregnancy and loss of breadwinner *inter alia*.

The MoF plays a dominant role in fiscal management and its role has been strengthened through various mechanisms, including the introduction of organizational changes in the ministry. Pension payments from the social protection fund follow a “pay-as-you-go” principle and are essentially funded through employers’ contribution.

According to the *Concept Note on Social Protection*, approved by *Governmental Decree No. 783 on 29 December 2006*, the social policy of Tajikistan needs to be based on a system of minimum social standards. The system should consist of two main pillars. The first pillar should be the regulatory framework to promote an enabling environment providing each citizen with sufficient economic resources that allow the purchase of basic goods and services for himself/herself. The second pillar comprises all minimum social benefits provided by the state. Both pillars require the determination of minimum social standards comprising the calculation of a minimum food basket. According to the concept paper, the minimum food basket should be determined for three different demographic groups (children, pensioners and people capable of work).

Food safety nets exist in Tajikistan and target specific groups. For example, staff of the military benefit from special protection schemes. Their food security is ensured through the establishment of special food safety nets (see for example, the *Regulation on food safety nets for servants of the armed forces of the Republic of Tajikistan, adopted with the Governmental Decree No. 545 of 30 December 1998*).

Recommendations. Budgetary limitations may mean that the State is not able to provide for everyone in need. In this case, the State should use a maximum of available resources, including those available from external sources to, at the very least, provide the minimum essential level required to be free from hunger. The key principle that should be respected

⁴⁵ Poverty Reduction Strategy Paper 2007-2009, Dushanbe 2006, page 65.

⁴⁶ MDG 2005, p. 91.

in the design and implementation of safety nets is non-discrimination. Thus, targeting must be based on objective criteria and the safety net must neither in intent nor effect be discriminatory. Safety nets may thus have to specifically target traditionally disadvantaged groups, for example women during pregnancy.

3.5 HEALTH SECTOR AND NUTRITION

Health care has both a direct and indirect influence on food security. The lack of adequate food utilization contributes to malnutrition. The food utilization dimension of food security relates to an adequate diet and health care in order to achieve a state of nutritional well-being (see also section 1.1.). In this context, adequate food utilization refers to the proper digestion and absorption of nutrients in food by the human body and requires adequate diet, water sanitation, health services, and health education.⁴⁷

The draft National Food Security Programme (NFSP) proposes to adopt the following reforms for the health sector:

- *“Development and approval of subsidiary legislation;*
- *Development and approval (adaptation) of temporary, recommended physiological norms for the consumption of food stuffs and energy intake for the population at inter-sectoral level;*
- *Acceptance of medical and biological requirements and sanitary norms of food quality and safety;*
- *Development and endorsement of the programme on “Prophylaxis and treatment of malnutrition in the Republic of Tajikistan*
- *Development and endorsement of the scientifically approved “Strategy for ensuring healthy nutrition among school children”;*
- *Development of an Action Plan at the inter-sectoral level to increase physical activity of the population;*
- *Development of recommendations for food fortification and dietary supplementation for children.”*

The NFSP proposes to undertake amongst others the following measures in order to improve the nutritional status of the population in the country.

- *“Implementation of the programme on country-wide salt iodization, implementation of the Law on Salt Iodization;*
- *Enrichment of locally produced wheat flour with vitamin-mineral additives for anemia prophylaxis, implementation of the Law on Flour Enrichment;*
- *Establish a monitoring system on the nutritional status and food security of the population,*

⁴⁷ See Rome Declaration on World Food Security adopted at the World Food Summit 1996. Objective 2.4. of the World Food Summit Plan of Action also addresses the importance of health in the context of food security and calls the Governments: *“To promote access for all, especially the poor and members of vulnerable and disadvantaged groups, to basic education and primary health care provision in order to strengthen their capacity for self-reliance.”*

as well as the adoption of a nutrition programme in accordance with selected and approved indicators;

- *Development of a Law on the Minimum Social Standard.*”

A variety of laws and subsidiary legislation related to food security issues exist in the area of nutrition and health. The State Nutrition Centre has been established under the Ministry of Health (see above). Currently the Centre is developing a *State Policy of Nutrition Food for the Population of Tajikistan till 2015* together with the Poverty Reduction Strategy Paper (PRSP) Monitoring Department and Health Department at the Office of the President of the Republic of Tajikistan.⁴⁸ Actions to be taken for controlling the quality and safety of food in Tajikistan are also laid down in the framework of the project. Its declared objective is to strengthen health and prevent diseases linked to poor nutrition.

3.6 EMERGENCY SITUATIONS

Tajikistan is a chronic food deficit country with only 7 percent of its territory being arable. Food production has followed a declining trend over the past three years, while the effects of a severe drought are likely to be felt for some time to come, affecting both short-term and long-term food security. In any emergency situation, food availability is essential in saving the lives of the affected population.

Tajikistan is the third most disaster-prone country in Eurasia (after Russia and Afghanistan). This frequency of disasters, together with the low capacity within the government to both prepare and respond, as well as the current hardship faced by the population, are major concerns.

Early intervention as and when emergencies occur is necessary to avoid further destitution and suffering of population, and to prevent a disaster. Therefore, a state must be ready to adequately and timely respond to an emergency. In-country capacity must be such as to ensure adequate monitoring, risk assessment, early warning and preparedness for possible crises. Most countries in the world use some intervention system allowing them to deal with food emergencies; often, a food reserve provides a first line of defence for coping with a food emergency.

In a situation of emergency, a population's ability to produce or purchase food and other essentials will be significantly reduced. While direct provision of food will often be a primary means to ensure food security for persons unable to pursue their usual livelihood strategies due to an emergency, other measures will also be necessary.

In Tajikistan, there are two main laws governing emergencies and civil defence, namely the *Law on the Protection of Population and Territories against Natural and Man-made Disasters of 2004* and the *Law on Civil Defence No. 6 of February 2004* that do not explicitly address issues of food emergencies. Food supplies and the establishment of food stocks for emergency situations is not part of the tasks of the FS WG (see also section 2).

⁴⁸ The decision no 12.3-2/16.3-2 on the development of this policy was taken on 20 May 2003.

The main issue concerning food security and emergencies is to meet the basic needs of the population including food; and to coordinate national, local authorities and civil society efforts to meet those basic needs. Thus coordination of food emergency issues with all other sectors relevant to food security is important and should be addressed in a Food Security Act.

Recommendations: A Food Security Act could also include provisions on food emergency, including the procurement and maintaining of emergency food supplies and food aid. The coordination of food emergencies could also be part of the mandate of a national food security authority and decisions concerning the coordination of food emergencies should be taken in accordance with a food security authority.

More attention needs to be paid to information, analysis and monitoring systems aimed at assessing the real, priority needs of the affected people and taking measures that will allow them to recover the ability to feed themselves by their own means than to providing food. Such mechanisms and procedures should be generally laid down in relevant sectoral legislation. In many countries however, the existing legislation is insufficient or inadequate for ensuring an appropriate system for emergency response ensuring food security. The Food Security Act could play a role in ensuring that the response is adequate. The Food Security Act could require that the national institution in charge of coordinating emergency response be additionally responsible for supervising and coordinating distribution of food response received through international assistance. The national institution for emergencies could also be required to report on assistance received (e.g. data on the form of assistance received and distributed), possibly to the National Food Security Authority as well as to regularly publish the most relevant data.

3.7 MISCELLANEOUS

3.7.1 GENDER ASPECT AS PART OF THE NON-DISCRIMINATION PRINCIPLE

Food insecurity for women is one of the most damaging outcomes of gender inequality. It undermines women's health, stunts their opportunities for education and employment and impedes progress towards gender equality and empowerment of women.⁴⁹ Indeed, in order to address issues of food insecurity related to gender equality, the Rome Declaration stipulates as an objective that gender equality and empowerment of women should be achieved (see Box 2).⁵⁰

⁴⁹ The State of Food Insecurity 2005, p. 4.

⁵⁰ FAO. 1996. Rome Declaration on World Food Security and World Food Summit Plan of Action. World Food Summit 13-17 November 1996. Rome.

Box 2. ROME DECLARATION ON WORLD FOOD SECURITY AND WORLD FOOD SUMMIT PLAN OF ACTION 1996

16. Objective 1.3:

To ensure gender equality and empowerment of women.

To this end, governments will:

- (a) Support and implement commitments made at the Fourth World Conference on Women, Beijing 1995, that a gender perspective is mainstreamed in all policies;
- (b) Promote women's full and equal participation in the economy, and for this purpose introduce and enforce gender-sensitive legislation providing women with secure and equal access to and control over productive resources including credit, land and water;
- (c) Ensure that institutions provide equal access for women;
- (d) Provide equal gender opportunities for education and training in food production, processing and marketing;
- (e) Tailor extension and technical services to women producers and increase the number of women advisors and agents;
- (f) Improve the collection, dissemination and use of gender-disaggregated data in agriculture, fisheries, forestry and rural development;
- (g) Focus research efforts on the division of labour and on income access and control within the household;
- (h) Gather information on women's traditional knowledge and skills in agriculture, fisheries, forestry and natural resources management.

The principle of non-discrimination is among the most fundamental elements of international human rights law. It requires that the level of protection of a human right be objectively and reasonably the same for everybody irrespective of sex, age, race, colour, religion or any other ground. Besides specifically prohibiting discrimination on any ground, this principle requires providing for specific measures aiming at correcting *de facto* discrimination or eliminating conditions which cause or help to perpetuate discrimination as well as measures promoting equality. In the context of the food security law, this will mean to pay particular attention to vulnerable groups and focus on gender equality.

Legislation is an important tool for social change and reform. The Constitution of Tajikistan recognizes equality before the law and prohibits discrimination on the basis of sex. Statutory laws aim to reform discriminatory customary practices. The Government's efforts to promote gender equality is reflected in its policy and legislative efforts such as: the implementation of the National Plan to increase the Status and Role of Women for 1998-2005; the State Programme Setting the Key Directions of Government Policy on Providing Equal Rights and Opportunities to Men and Women for 2001-10; the State Programme Concerning the Access to Land for Rural Women; and the Law on State Guarantees of Equal Rights of Men and Women adopted in 2005. Women have obtained equal access to property and are able to participate freely in economic activities. Tajik legislation provides for inheritance rights for women equal to those of men and

give women equal rights to matrimonial or common household property. However, the country's overall progress in the field of gender development remains slow and this affects women's food insecurity.

The regulation on the establishment of a FS WG does not include a general provision on non-discrimination but stipulates that gender issues should be taken into consideration by the FS WG. A Food Security Act should take this important aspect into account for example by emphasizing gender equality in the area of food security as a guiding principle for the implementation of the Food Security Act.

Recommendation: A Food Security Act should establish the non-discrimination principle with a focus on gender as a guiding principle. All food security related legislation should be gender-sensitive, providing women secure and equal access to and control over productive resources including credit, land and water thereby promoting women's full and equal participation in the economy.

3.7.2 MONETARY AND FINANCIAL LEGISLATION

Fiscal policy affects food security through various ways. For example, direct taxation leads to reduced income; indirect taxes result in reduced actual incomes of producers and consumers dependant on markets (depending on the volume of purchased production taxed by indirect taxation); state expenditures on wages/salaries of the workers and employees ensure employment and incomes; state expenses on food and other subsidies lead to a reduction in foodstuff prices; state expenses the social services system, for example through financial aid/benefit or food aid, provide for minimum living wage; state expenses on education and healthcare could positively affect the use of food; state investments in social and economic infrastructure may have a long-term positive impact on food security.

Price regulation is one of the most widely used practiced agrarian policies of Tajikistan. The main justification for limiting prices is that even the poorest people should be able to purchase sufficient amounts of basic food products. Food prices are regulated by a number of legal instruments in Tajikistan. One of the most important is the *Governmental Decree on the confirmation of Prices for Agricultural Products No. 45 of 29 January 2005*. The decree includes an annex with a list of agricultural products that are subject to price regulation. A problem linked to price regulation for agricultural products is low prices that cause losses to agricultural enterprises, processing firms and trade.

These negative effects of price regulation are not offset even by the very substantial amount of subsidization available in the Tajik agricultural sector. Price regulation is a very complex issue, and used excessively, it is inefficient. Instead, strictly targeted income support schemes should be introduced that ensure all individuals vulnerable to malnutrition have access to food.

The main problem Tajikistan needs to solve concerning the financial and other sectors is the issue of debt. Debt hinders sustainable development of the agricultural sector in the country and is directly related to food security. In order to solve the debt issue, the Government of Tajikistan with the support of international organizations and donors

developed *A Strategy for the Resolution of Farm Debts in Cotton Growing Areas*, which was approved by the President of the Republic of Tajikistan on 4 of March 2005. According to *Presidential Decrees No. 1769 of 17 March 2005 and no 8 of 21 July 2006*, an Independent Commission on Resolving Debts (of cotton farms) has been established and the Governmental Strategy on Debt Resolution was adopted.

3.7.3 EDUCATION

Contributing to malnutrition is the lack of adequate food utilization which, in this context, requires adequate health education. Inappropriate or insufficient education and knowledge on food use and nutrition generates poor self-feeding choices. Education enables consumers to make food choices for optimal health and nutrition. On the other hand basic education develops human skills and capacities and secures access to employment, so as to increase the incomes of the poor.

One reason why the drive for universal primary education has lagged behind is the persistence of hunger and malnutrition. Just as a lack of education condemns people to lives of poverty and hunger, hunger and malnutrition deprive millions of children of the opportunity to acquire an education.

Poor, food-insecure families often cannot afford school fees and depend on children, particularly girls, for tasks such as fetching water. Also, poor health and stunting caused by malnutrition often prevent or delay enrolment in school. Malnutrition in Tajikistan occurs even when access to food and health-care is ensured because of the poor knowledge about health and nutrition. In order to improve the knowledge, education in the area of food security encompasses education of the population, in particular children and mothers, on issues such as healthy nutrition, feeding practices, hygiene and food preparation to advance nutrition, food safety and health.

Responsibilities on education of food security aspects are included in a variety of laws and subsidiary legislation relevant to food security. For example, the *Act on the Protection of Consumer Rights* provides for the inclusion of information on consumer issues into the programmes of basic general education institutions (article 4). The *Law on Sanitary-Epidemiological Safety* states that education and information on hygiene issues is part of the educational programme of pre-schools, schools and other education institutions, of higher education institutions as well as part of the training and additional qualifications of teachers (article 34). Many subsidiary legislative acts defining the responsibilities and functions of state organs refer also to education on food security *inter alia* food safety aspects. For example, the education on hygiene issues of the population, workers of agricultural and private enterprises dealing with food storing, transport and production of food and drinking water is the responsibility of the State Sanitary-epidemiological Service of Tajikistan (see *Regulation on the State Sanitary-Epidemiological Service of the Republic of Tajikistan approved by Governmental Decree No. 575 of 29 December 2003*).

⁵² The State of Food Insecurity, p. 15.

⁵³ Draft Food Security Programme, see section I.2.

Recommendations: Education on food security issues needs to be coordinated by the FS WG, and in the case of the establishment of a Food Security Authority, by the latter. The coordination on food security aspects should also include education and awareness raising on the concept of food security itself.

Tajikistan could use food subsidies to improve the welfare of needy populations. Food could be used as an instrument to enable a child from a poor family to go to school while also reducing hunger. School feeding programmes and food for schooling programmes combine educational opportunity with food-based incentives. Such programmes attract children to school and retain them by offering hot food or nourishing snacks. They have proven effective in many countries in encouraging enrolment, increasing attention spans and improving attendance in school.⁵⁴ A basic provision for the coordination of policies and programmes on school feeding, education about nutrition, sanitation, and health education for the public with particular attention to children, especially female, in rural areas should be laid down in a Food Security Act.

⁵⁴ For example, in Bangladesh, see IFPRI. 2002. Food for Education Program in Bangladesh: An Evaluation of its Impact on Educational Attainment and Food Security, Discussion Paper 138, International Food Policy Institute, Washington, U.S.A.

4. CONCLUSION AND RECOMMENDATIONS

There is no specific law on food security in Tajikistan, but a wide range of laws and subsidiary legislation governing food security issues are in place. The multifaceted character of food security necessitates concerted national action. There is a need for a comprehensive, multi-sectoral and holistic approach to realizing food security in Tajikistan. The adoption of a Food Security Act is highly recommended as it would enable the effective coordination of all issues relevant to food security in Tajikistan.

There does exist a wide range of scattered provisions governing food security issues. However, as shown in the analysis, there is no law that provides a conceptual framework that effectively articulates these issues for the comprehensive development of food security. Tajikistan has been implementing education, health, water access, sanitation, food safety, etc in isolation, but today experience shows that this piecemeal approach to addressing food security problems makes it impossible to achieve sustainable results.

A Food Security Act would set out goals and mechanisms for coordinating, developing and controlling the implementation of food security and thus organise the various sectors of the State to implement a comprehensive food and nutrition security policy.

In substance, a law is the most appropriate instrument to take a holistic approach to food security and regulate all the linkages that food security has with sectoral areas such as those reviewed in this report. The most appropriate form for the Food Security Act would be the form of a Law or a Code of Law. Often, Tajik laws are adopted in the form of a Code of Law. According to the *Law on Normative Legal Acts No. 54 of 8 December 2003*, a Code is a complete collection of rules in an entire subject area, such as water and labour. Although Laws and Codes are usually supplemented by numerous pieces of special legislation, they retain their pre-eminence as major sources of law in a given area. In case the adoption of a food security law proves difficult, the food security authority could also be established by Presidential Decree (see section 2.3).

The legal principles on which a sound food security should be based are: participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law. The food security law should establish the institutions responsible for food security, lay down their functions and responsibilities and stipulate the guiding principles of the law by which all decisions and actions of the responsible bodies acting on the basis of this law will be guided. It should also include provisions on definitions, measures to enhance food security, the institutional setting for its implementation ensuring participation of civil society as well as financial and budgetary arrangements. Based on this law, other primary legislation and accompanying subsidiary legislation will need to be adopted or amended. If such a law is adopted, existing sectoral legislation will have to be harmonized with it.

Of course, the law is not the only instrument to implement the holistic approach to food security. The policy and institutional elements, for instance, are equally important. This implies incorporating food security policies and actions in wider poverty eradication and development policies, including, in particular, rural poverty plans. The need to address the situation of (rural) women needs also to be stressed. A holistic approach also

implies that parallel measures are needed in sectors such as health, irrigation, sanitation, education, finance, employment and social protection.

This requires coordination between different levels and sectors of government as well as between government and civil society organizations including the commercial sector. Thus, as already stated in section 2 of this report, a food security authority should be established under the President.

The recommendations in this report provided for each sector should be addressed by a Food Security Act and by the specific legislation of each sector. Once established under the framework of a law setting forth its mission and its guiding principles, the food security authority's task will be to identify existing gaps, overlaps and inconsistencies in state's actions, and to address them through a well articulated framework, for example within a planned strategy for food and nutrition security.

ANNEX 1: MEMBERS OF THE FS WG

(as of January 2008)

Name	Institution	Role
Zainab Kenzhaeva	Ministry of Economy and Trade	Head of the Monitoring Department of the MoE and Focal Point of the FS WG
N. Cholmirzo	Ministry of Finance	Deputy Head of the Budget Policy Office
R. Radzhab	Ministry of Labor and Social Protection	Head Specialist of the Department for Labor Relations (<i>upravlenie trudovich otnosheniach</i>)
Ch. S. Chairov	Ministry of Health	Director of the State Nutrition Centre
R. Mirzoeva	Ministry of Education	Head Specialist for Statistics
G. Saralief	Ministry of Agriculture and Nature Protection	Chief of the Investment Monitoring
Ch. Islomov	Ministry of Water Resources and Irrigation	Deputy Head of the Office of Water Use Resources
S. Soibnazarova	Strategic Research Centre	Head of the Department
T. Barot	State Committee on Statistics (Goskomstat)	Head of the Department for the Registration of Prices and Budget Research
Sch. Davlotov	Agency for Land Tenure, Geodesy and Cartography	Head of the Department (<i>upravlenie</i>) on land policy development
T. Nazarov	Ministry Of Agriculture and Nature Protection	Head of the Department of Ecological Monitoring
D. Piriev	Scientific Research Institute of Economy and Agricultural Production	Deputy Director
Ch. Gulomov	Government at Presidential Level	Main Specialist of the Monitoring Department of the President

ANNEX 2: STATE STRUCTURE

STRUCTURE OF CENTRAL EXECUTIVE BODIES OF THE REPUBLIC OF TAJIKISTAN

1. Bodies under the President of the Republic of Tajikistan: Civil Service Department under the President of the Republic of Tajikistan; Agency for Fight against Corruption and Economic Crimes under the President of the Republic of Tajikistan; Agency for Drug Control under the President of the Republic of Tajikistan.

2. Government of the Republic of Tajikistan

3. Ministries of the Republic of Tajikistan

Ministry of Justice of the Republic of Tajikistan

Ministry of Agriculture and Nature Protection of the Republic of Tajikistan

Ministry of Internal Affairs of the Republic of Tajikistan

Ministry of Foreign Affairs of the Republic of Tajikistan

Ministry of Education of the Republic of Tajikistan

Ministry of Melioration and Water Resources of the Republic of Tajikistan

Ministry of Labour and Social Protection of Population of the Republic of Tajikistan

Ministry of Finance of the Republic of Tajikistan

Ministry of Defence of the Republic of Tajikistan

Ministry of Transport and Communications of the Republic of Tajikistan

Ministry of Economic Development and Trade of the Republic of Tajikistan

Ministry of Health of the Republic of Tajikistan

Ministry of Culture of the Republic of Tajikistan

Ministry of Energy and Industry of the Republic of Tajikistan

4. State Committees of the Republic of Tajikistan

State Committee for National Security of the Republic of Tajikistan

State Committee for Statistics of the Republic of Tajikistan

State Committee for Investments and State Property Management of the Republic of Tajikistan

5. Bodies under the Government of the Republic of Tajikistan

Tax Committee under the Government of the Republic of Tajikistan

Women and Family Affairs Committee under the Government of the Republic of Tajikistan

Committee for Youth Affairs, Sports and Tourism under the Government of the Republic of Tajikistan

Committee on Television and Radio under the Government of the Republic of Tajikistan

Committee on Emergency Situations and Civil Defence under the Government of the Republic of Tajikistan

Customs Service under the Government of the Republic of Tajikistan

Agency for Land, Geodesy and Cartography under the Government of the Republic of Tajikistan

Agency for Construction and Architecture under the Government of the Republic of Tajikistan

Agency for Standardization, Metrology, Certification and Trade Inspection under the Government of the Republic of Tajikistan

General Records Office under the Government of the Republic of Tajikistan

General Office of Geology under the Government of the Republic of Tajikistan

General Office on State Supervision over the Safe Conduction of Works in Industry and Mining Supervision under the Government of the Republic of Tajikistan

General Office on Protection of State Secrets under the Government of the Republic of Tajikistan

6. Other central executive bodied of the Republic of Tajikistan

Security Council of the Republic of Tajikistan

Council of Justice of the Republic of Tajikistan

ANNEX 3: LIST OF REVIEWED LEGISLATION (IN RUSSIAN, ORIGINAL LANGUAGE)

Закон Республики Таджикистан «О качестве и безопасности пищевых продуктов» от 23 апреля 2002 года, № 240 (с изменениями от 3 марта 2006 года, №176; от 30 июля 2007 года, №305)

Постановление Правительства Республики Таджикистан от 16 марта 1999 года, №97 «О защите потребительского рынка Республики Таджикистан от проникновения некачественных продуктов»

Постановление Правительства Республики Таджикистан от 15 августа 1994 года, №396 «О мерах по недопущению заготовок и переработки для пищевых, кормовых целей зерна с примесью семян гелиотропа, триходесмы седой и других ядовитых сорняков»

Порядок проведения экспертизы, уничтожения или дальнейшей переработки пищевой продукции, товаров и изделий, не пригодных для потребления, утверждённый распоряжением Директора Таджикстандарта от 17 апреля 2006 года, №56 ф/а.

Положение «О продовольственном обеспечении военнослужащих Вооруженных Сил Республики Таджикистан», утверждённое постановлением Правительства Республики Таджикистан от 30 декабря 1998 года, №545

Порядок «Сертификации продовольственных и других товаров, ввозимых на территорию Республики Таджикистан и вывозимых за её пределы», утверждённый постановлением Правительства Республики Таджикистан от 16 марта 1999 года, №97

Положение Агентства по стандартизации, метрологии, сертификации и торговой инспекции при Правительстве Республики Таджикистан, утверждённое постановлением Правительства Республики Таджикистан от 28 декабря 2006 года, №615

Закон Республики Таджикистан «О защите прав потребителей» от 15 мая 1997 года № 438 (с изменениями от 9 декабря 2004 года №72)

Закон Республики Таджикистан «О стандартизации» от 14 декабря 1996 года, №25 (с изменениями от 3 мая 2002 года, №25)

Постановление Правительства Республики Таджикистан от 16 марта 1999 года, №97 «О защите потребительского рынка Республики Таджикистан от проникновения некачественных продуктов»

Закон Республики Таджикистан «О зерне» от 28 июля 2006 года, №200

Закон Республики Таджикистан «О карантине растений» от 12 мая 2001 года, №25

Закон Республики Таджикистан «О семеноводстве» от 2 декабря 2002 года, №70 (с изменениями от 26 декабря 2005 года, №121; от 13 июня 2007 года, №283)

Закон Республики Таджикистан «Об охране и использовании животного мира» от 20 июля 1994 года, №989 (с изменениями от 1 февраля 1996 года, №223; от 12 декабря 1997 года, №498)

Закон Республики Таджикистан «О племенном деле» от 20 июля 1994 года, №986 (с изменениями от 1 февраля 1996 года, №223; от 28 февраля 2004 года, №20)

Положение «О государственной племенной службе», утверждённое постановлением Правительства Республики Таджикистан от 2 мая 2007 года, №247

Постановление Правительства Республики Таджикистан от 1 июня 2007 года, №314 «О зонах и специальных семеноводческих хозяйствах по производству семян сельскохозяйственных культур»

Положение «О Министерстве сельского хозяйства и охраны природы Республики Таджикистан», утверждённое постановлением Правительства Республики Таджикистан от 28 декабря 2006 года, №591 (с изменениями от 3 апреля 2007 года, №185)

Постановление Правительства РТ от 17 мая 1993 года, №226 «О мерах по восстановлению и развитию животноводства в Республике Таджикистан»

Постановление Правительства РТ от 29 января 2005 года, №45 «Об утверждении сопоставимых цен на продукцию сельского хозяйства»

Порядок «Оценки воздействия на окружающую среду», утверждённый постановлением Правительства Республики Таджикистан от 3 октября 2006 года, №464

Программа развития отрасли птицеводства в Республике Таджикистан на 2007-2015 годы, утверждённая постановлением Правительства Республики Таджикистан от 3 октября 2006 года, №451

Программа развития отрасли переработки сельскохозяйственной продукции Республики Таджикистан на 2007-2015 годы, утверждённая постановлением Правительства Республики Таджикистан от 2 декабря 2006 года, №516

Положение «О порядке формирования и применения свободных цен и тарифов», утверждённое постановлением Правительства Республики Таджикистан от 4 мая 1995 года, №310

Положение «О порядке осуществления приграничной торговли в Республике Таджикистан», утверждённое постановлением Правительства Республики Таджикистан от 2 октября 2002 года, №397.

ЗАКОН РЕСПУБЛИКИ ТАДЖИКИСТАН «О государственном социальном страховании» от 13 декабря 1997 года № 517 (с изменениями от 01.08.2003г.№35, от 9.04.2006 г. №187, от 5.03.2007г.№244, от 30.07.2007г.№332)

Закон Республики Таджикистан «О содействии занятости населения» от 1 августа 2003 года № 44 (с изменениями от 28.12.2005г.№137, от 30.07.2007г.№325)

Положение о Министерстве труда и социальной защиты населения Республики Таджикистан, утверждённое постановлением Правительства Республики Таджикистан от 28 декабря 2006г № 600

Положение «О Государственной службе по надзору в сфере труда, занятости и социальной защиты населения», утверждённое постановлением Правительства Республики Таджикистан от 3 марта 2007 года № 104

Концепция социальной защиты населения Республики Таджикистан, утверждённая Постановлением Правительства Республики Таджикистан от 29 декабря 2006 года №783

Положение «О Государственном агентстве социальной защиты, занятости населения и миграции», утверждённое постановлением Правительства Республики Таджикистан от 3 марта 2007 года № 102.

ЗАКОН РЕСПУБЛИКИ ТАДЖИКИСТАН от 15 мая 1997 года № 419 “ОБ ОХРАНЕ ЗДОРОВЬЯ НАСЕЛЕНИЯ” (с изменениями от 22 апреля 2003 года, №19, от 28 февраля 2004 года, №13, от 28 декабря 2005 года, № 138)

Постановление Правительства Республики Таджикистан «О Национальном плане по профилактике и борьбе с птичьим гриппом в Республике Таджикистан на 2006-2010 годы» от 4 июля 2006 года № 300

Постановление Правительства Республики Таджикистан от 29 августа 2003 года №82 «Об утверждении УСТАВА ГОСУДАРСТВЕННОГО ЦЕНТРА ЭКСПЕРТИЗЫ, СЕРТИФИКАЦИИ ФАРМАЦЕВТИЧЕСКОЙ ПРОДУКЦИИ, МЕДИЦИНСКОЙ ТЕХНИКИ, ИЗДЕЛИЙ МЕДИЦИНСКОГО И САНИТАРНО-ГИГИЕНИЧЕСКОГО НАЗНАЧЕНИЯ, ПРОДУКТОВ ЛЕЧЕБНО-ПРОФИЛАКТИЧЕСКОГО ПИТАНИЯ, ПИЩЕВЫХ ДОБАВОК И КОСМЕТИКИ»

Постановление Правительства Республики Таджикистан от 3 марта 2006 года №107 «Об утверждении ПРОГРАММЫ развития здоровья молодежи в Республике Таджикистан на 2006-2010 годы»

Постановление Правительства Республики Таджикистан от 3 апреля 2006 года №123 «Об утверждении Программы борьбы с сахарным диабетом в Республике Таджикистан на 2006-2010 годы»

ЗАКОН РЕСПУБЛИКИ ТАДЖИКИСТАН “ОБ ОБРАЗОВАНИИ” от 17 мая 2004 года, № 34 (с изменениями от 28.12.2005г.№143, от 22.12.2006г.№222)

Типовое положение об общеобразовательном учреждении Республики Таджикистан, утвержденное постановлением Правительства Республики Таджикистан от 3 апреля 2007 года, № 171

Положение о дошкольном учреждении, утвержденное постановлением Правительства Республики Таджикистан от 12 октября 1995 года, № 627

Типовое положение учреждений дополнительного образования Республики Таджикистан, утвержденное постановлением Правительства Республики Таджикистан от 30 июня 2007 года №348

Типовое положение об образовательных учреждениях типа школа-интернат в Республике Таджикистан, утвержденное постановлением Правительства Республики Таджикистан от 30 июня 2007 года №347

Государственная система образования в области прав человека в Республике Таджикистан, утвержденная постановлением Правительства Республики Таджикистан от 12 июня 2001 года № 272

Закон Республики Таджикистан «О государственном регулировании обеспечения плодородия земель сельскохозяйственного назначения» от 15 июля 2004 года, №56 (с изменениями от 30 июля 2007 года, №327)

Земельный кодекс РТ от 13 декабря 1996 года № 326

Закон РТ «О дехканском (фермерском) хозяйстве» от 10 мая 2002 года №48

Закон РТ «О землеустройстве» от 12 мая 2001 года №20

Закон РТ «Об оценке земли» от 12 мая 2001 года №18

Закон РТ «О земельной реформе» от 5 марта 1992 года №594

Закон РТ «О потребительской кооперации» от 13 марта 1992 года №583

Закон РТ «О личном подсобном хозяйстве» от 8 декабря 2003 года №47

Указ Президента РТ «О выделении 50 тыс. гектаров земли для личного подсобного хозяйства граждан» от 9 октября 1995 года, №342

Указ Президента РТ «О реорганизации сельскохозяйственных предприятий и организаций» от 25 июня 1996 года, №522 (Изменения УПРТ от 15.04.2003 г., №1054; 15.04.2004 г., №1314; №630)

Указ Президента РТ «О выделении 25 тыс. гектаров земли для личного подсобного хозяйства граждан» от 1 декабря 1997 года №874

Указ Президента РТ «О реализации права пользования землей» от 22 июня 1998 года, №1021

Указ Президента РТ «О реорганизации сельскохозяйственных предприятий и организаций» от 9 июня 1999 года, №1232

Указ Президента РТ «Об охране и рациональном использовании орошаемых земель» от 25 июля 2000 года, №335

Указ Президента РТ «О реорганизации сельскохозяйственных предприятий и организаций» от 2 февраля 2001 года, №478

Указ Президента РТ «О дополнительных мерах по реорганизации и реформированию сельскохозяйственных организаций» от 30 июня 2006 года, №1775.