Uzbekistan

nfp UPDATE - information as of 2004

Nfp process

This section brings a brief chronology of the nfp process, from its early phases to the latest developments. Details are given on the mechanisms, procedures and structures put in place to advance the implementation of the nfp, as well as on the main issues constraining its progress. A final overview on the forthcoming actions and activities closes the section.

Chronology of the nfp process

Reaffirming its commitment to the resolution of Rio-92 Conference, in 1997 the Government of Uzbekistan established the National Commission for Sustainable (Resolution of the Cabinet of Ministers dated by 12.11.97, No 51). This was an organizational measure to provide effective participation of the Republic in solution of the issues of sustainable development of the region and world community, as well as of improvement of inter-department coordination in implementation of practical action plans.

The National Environmental Action Plan of the Republic of Uzbekistan (NEAP) was approved in 1997 and supported by UNDP/GEF.

A Concept for National Sustainable Development was elaborated and approved in 1998, followed by the development of the National Sustainable Development Strategy in 1999. In October of the same year, the Cabinet of Ministers adopted Resolution No.469 on Programme on Protection of Environment in the Republic of Uzbekistan for 1999-2005, which identifies priorities for action within the same timeframe as the UNDP Country Co-operation Framework.

On 9 October 2000 the Cabinet of Ministers reviewed the progress in the implementation of the Resolution No. 469 and issued the Resolution No. 389 on the Issues in realization of the Programme on Protection of Environment in the Republic of Uzbekistan for 1999-2005 (Web04).

In accordance with Resolutions No. 359 and 359 of November 19, 2000, the structure of the Commission was reorganized. Responsibility for coordination of the activities on sustainable development on national level was vested upon Vice Prime Minister of the Republic of Uzbekistan and Operational Working Group (OWG), established with organizational and technical support of the Ministry of Economics.

Agenda-21 of the Republic of Uzbekistan was adopted in August 2002 (Web01).

Mechanisms and procedures

Since 2000, the complex measures stipulated by the National Action Plan on Environmental Protection and the programme of measures on its realization till 2005 is being carried out. A number of nature protection programmes have the components that are focused on withdrawal of unreliable in the ecological aspect practice of forest management, which can destroy the environment and biodiversity, and its replacement with modern ecological technologies of use of forest resources (Web02).

The complex programme "Forest of Uzbekistan," developed for the period of 1991-2005, determined the directions for running the forest economy and measures aimed at preservation of forests, accelerated reproduction of forest resources. Based on the worked out priorities the forest economic enterprises develop annual production plans of works, which are approved by the Main Department of Forest Economy under the Ministry of Agriculture and Water Economy (Web02).

The programme on provision of the rural population by natural gas (1990) with its development (1999) up to 2010 promoted the reduction of anthropogenic loading on forests, especially in the deserted area in connection with
the illegal cuttings, as it led to increase the supply of the rural population by natural gas from 19.3% in 1991 to 65.9% by the end of 2000 (Web02).

The SD Concept, Strategy and Agenda-21 of the Republic of Uzbekistan have been elaborated with active assistance and support of UNDP. In the process of the materials preparation workshops and consultations have been held on the level of experts, heads of ministries and departments, international organizations in the Republic of Uzbekistan, Central Asia, CIS countries as well as other foreign countries (USA, Bulgaria, Chekh Republic, Austria, Thailand, Russia, Kazakhstan, Kyrgyzstan) (Web01).

Forest policy

The national forest policy and theirs main achievements are hereby pointed out, together with the draft or official policy statement, when available. Two specific sub-sections on forest tenure and financial issues provide a more complete vision on the socio-economic context influencing the forest policy.

Main achievements

The national policy on forest resources management is based on the concept of sustainable development of the forests, which is reflected in the strategy and national plan of actions on conservation of biodiversity (Web02).

The National Programme on Sustainable Development of Forests contains the principles of their sustainable development, which are developed in accordance with the policy priorities on nature protection. The Programme has been worked out on the principles of the interdepartmental decision of problems. Therefore a focus is put upon implementation of measures that will give positive results also in agriculture, use of lands and water, development of industrial potential, protection of the environment of the cities, prevention of desertification, and decision of social issues (Web02).

The programme on combating deforestation contains the following components:

- provision of sustainable use of forests as a fundamental basis for conservation of biodiversity and development of forest eco-system;
- development of the plans of management of forest economy and regulation of cutting down of forests; and
- monitoring of execution of measures on forest protection and observance of the legislation.

National Sustainable Development Strategy and Agenda 21


The Concept contains determination of problems and formulation of conceptual areas for provision of sustainable socio-political development. National Strategy gives detailed analysis of the current situation, existing disparities of socio-economic development, hindering sustainable growth of the country, while Agenda -21 justifies a constructive solution of this situation. Practical actions are formulated in the Agenda, and this will result in achievement of more sustainable development of Uzbekistan, consistent integration of the Republic into world economy (Web01).

In addition to this, Uzbekistan prepared Local Agendas-21 for 2 districts of the Karakalpakstan Republic (Nukus and Chimbay districts), in the scope of which a number of pilot projects have been implemented, aimed at development of sustainability of local capacity. A task has been set forth to make development and implementation of Local Agendas 21 as a mass phenomenon.

Success of implementation of Local Agendas-21 is pre -determined by the following factors (Web01):
• Serious discussion, allowing to create common vision, to collect proposals, to determine priority actions;
• Active participation of interested groups of the population in revealing local needs and conditions for development, elaboration of strategy and action plan;
• Determination of realistic objectives and tasks to achieve vision and outcomes, stated in action plan;
• Arrangement of monitoring with the purpose of tracking progress and informing participants of the process and general public on the progress of the strategy and action plan implementation.

Forest, trees and land tenure

According to the 1998 Land Code of the Republic of Uzbekistan, all forests constitute the state fund. The legislation does not stipulate possession of forests on the rights of private property. Furthermore, the 1999 Law "On forest" states that "forests are a state property common national good, subject of rational use and are protected by the state". According with the forest law, all forests shall form the State Forest Fund, which shall consist of: a) forests of the state significance, i.e. the forests in charge of the state forestry authorities; b) forests in charge of others departments and legal persons. The State Forest Fund shall exclude: a) trees and groups of trees, field protection bands, as well as other tree and shrub vegetation on the lands of agricultural designation; b) protective plantations on the right of the way allocations of rail, motor roads, canals and other water bodies; c) trees and group of trees as well as amenity plantations in cities and other settlements; d) trees and groups of trees at plots of land attached to houses and garden plots. The main part of the forests is assigned to the Head Department of Forestry and totals 8.08 Mln ha. The remaining are the property of Khokimiyat of Tashkent Region (600.0 thousand ha), State Committee of Nature (90.0 thousand ha) and Uzbek Scientific Research Institute of Forestry (2.5 thousand ha) (Web03).

Forest finance

Protection of the forest resources and arrangements on their reproduction are carried out at the expense of the funds of the state budget allocated to the Main Department of Forest Economy of the Ministry of Agriculture and Water Economy. A range of ecological projects and programmes, which are prepared or in the process of implementation with participation of donor funds (for example, GEF-UNDP, with participation of the German Union on Nature Protection NABU and etc.), have the component on preservation of the forests resources (Web02).

The implementation of the programme measures on the conservation and development of mountain ecosystems is carried out at the expense of the following funds (Web02):

• the state budget (within the framework of nature protection activity of the State Nature Protection Committee and Main Department on Forest Economy under the Ministry of Agriculture and Water Economy, scientific research works accomplished on the line of the Academy of Sciences); and
• international donor organizations - World Bank, GEF, UNDP.

Financing of the works connected with biodiversity is accomplished at the expense of funds of the state budget, funds of assistance received from the Global Ecological Facility (GEF) and UNDP. Financing of the arrangements on protection and reproduction of flora and fauna is envisaged also at the expense of the resources of the Funds on Nature Protection. Financial resources for performance of programme works on conservation of biodiversity are allocated from the state budget on maintenance of the state reserves and national parks, corresponding structural divisions of the State Nature Protection Committee, Department on Forest Economy of the Ministry of Agriculture and Water Economy, as well as on carrying out of the scientific researches of the Academy of Sciences (Web02).

Legislation

The main forestry laws and regulations, either enacted or under development, are listed and shortly presented. Details are given on other significant legal instruments pertaining to sectors having a bear on forestry, such as agriculture and environment. A complete list of legal papers from the joint ECOLEX database is provided.
Forestry legislation

Past legislative regulation of natural resource use and environmental protection in Uzbekistan was designed to meet the needs of past development policies, and placed an inadequate emphasis on ensuring rational use and protection. Since independence in 1991, Uzbekistan has made significant progress towards addressing the environmental legacy of the past. Evidence of this start at the highest levels - the Constitution of the Republic of Uzbekistan, adopted in 1992, addresses the environment and natural resources three times as follows:

- **Article 50.** All citizens shall protect the environment.
- **Article 54.** The use of any property must not be harmful to the ecological environment, nor shall it infringe on the rights and legally protected interests of citizens, juridical entities or the state.
- **Article 55.** The land, its minerals, fauna and flora, as well as other natural resources shall constitute the national wealth, and shall be rationally used and protected by the state.

Environmental legislation in Uzbekistan now encompasses nearly 80 laws and regulations that govern the use of natural resources and the environmental impact of economic activities (Web04).

The state control of forest protection in Uzbekistan is carried out stemming from the requirements of observance of the principle of rationality and sustainability of use of forest resources. Forest protection, as a component of land tenure, is built in accordance with the legislative and normative documents, guidelines and recommendations on running of the forest economy in Uzbekistan. These documents are based on the scientific standards and profound assessments of possible anthropogenic influences on forest eco-systems (Web02).

The state management of forests is based special legislation, the basic documents of which are the:

- Law "On Nature Protection" (1992),
- Law "On Especially Protected Natural Territories" (1993),
- Law "On Protection and Use of Flora" (1997),
- Law "On Forest" (1999),

The directive documents of the Government provide the procedure of regulation of the regime of the non-exhaustive use of forest resources, and establish the rules of responsibility for causing damages to flora.

**Law No. 770-1 "On forest" of 15 April 1999**

Tasks of forest legislation shall be the regulation of forest relationships in order to provide protection, conservation, rational use, reproduction and improvement of productivity of forests, as well as protection of rights of legal and physical persons.

Forests are a state property common national good, subject of rational use and are protected by the state. All forests shall form the State Forest Fund.

The Law consists of 43 Articles. Article 9 regards state management in the sphere of protection, conservation and reproduction of forests. Article 13 deals with State Forestry Service. Article 18 concerns the registration of forests. Article 26 deals with cutting of tree and shrub plantations. Article 33 regards the issues of the protection of forests against pests, disease and other negative impact.

**Other relevant legislation**

**Law No.754 - XII "On nature protection" of 9 december 1992.**

The present Law establishes legal, economic and organizational fundamentals for the preservation of conditions of natural environment and rational use of natural resources. It aims at ensuring a balanced harmonic development of
relations between the human beings and the nature, protection of ecosystems, natural complexes and separate objects, to guarantee rights of citizens to enjoy a favourable environment. The present Law establishes the right to a favourable living natural environment and responsibilities on its preservation, sets forth normative regulation of quality of natural environment and management of natural resources, introduces state ecological audit and ecological control and focuses on environmental disasters.

This Law consists of XI Sections and 53 articles. It has been amended by laws dated 06.05.95, 25.04.97, 25.12.98. Paragraph V of is dated 26.05.2000, item 2 is dated 31.08.2000.

**Law No. 871-XII of 1993 "On especially protected natural territories" of 7 march 1993**

This Law determines general legal, ecological, economic, organizational bases of protection unique and valuable with ecological, economic, scientific, cultural, sanitary-treatment, aesthetic points of view of natural complexes, being national riches and public welfare, in interests of the present and future generations. The purpose of the legislation of the Republic of Uzbekistan on especially protected natural territories is preservation of unique natural complexes, monuments of a nature, genetic fund of plants and animals, study of natural processes and monitoring of environment, ecological education of the population, restriction of economic use of territories, of nature protect significance.

Especially protected natural territories are the property of the state and are protected by it.

The document consists of 9 sections and 39 articles.

**Mineral resources legislation**

In Uzbekistan, the primary mineral sector regulatory instrument is the 1994 Subsoil Code (Law on Mineral Resources), which regulates the use and protection of the subsoil, mining-related issues, mining safety and property rights. It includes some environmental requirements, such as State ecological expertise, monitoring of groundwater regimes, protected land and mine reclamation, but these are stated in very broad terms. The Code does not address mine closure and post-closure maintenance, surface-mine reclamation, mineral waste recycling and recovery, public and community involvement in EIA. During the active period of a mine, land reclamation and environmental protection measures are the responsibility of the company, but accountability for rehabilitation measures after mine closure is not specified. With the current privatization of parts of the mineral sector, clarifying environmental liability within a transparent legal system is considered extremely important to attract foreign investment. Source: EPR Uzbekistan, UNECE 2001.

Other relevant laws are:

- Law on the Protection and Use of Fauna, 1997
- Law on the Protection of Populations and Territories from Natural and Man-caused Emergency Situations, 1999
- Law on the State Ecological Assessment, 2000
- Law on Radiation Safety, 2000
- Law on Waste, 2002

Portal of the State of Authority, Republic of Uzbekistan.


Aral Sea - Forest resources response.

http://enrin.grida.no/aral/aralsea/english/forest/forestss.htm#Uzbek

UNEP.NET: National Environmental Outlook.
http://www.unep.net/profile/index.cfm?countrycode=UZ

**Sources used**


Web03. AgroWeb Uzbekistan.

http://www.agroweb.uz/forest.html

Web04. ATROF-MUHIT Environment Programme of the Government of Uzbekistan supported By UNDP.

http://www.nature.uz/uzbekistan/index.php

Web05.

Other unpublished material and FAO internal documents.

Edited A. Alba – April 2008