**Committee for Environmental Protection under the Government of the Republic of Tajikistan**

**TERMS OF REFERENCE**

**TRLRP-CS-CQS-08E**

**Development of Environmental Code of the Republic of Tajikistan**

1. **Background information.**

The Republic of Tajikistan received funds from the World Bank (International Development Association) for the implementation of the RESILANDCA +: Project: Tajikistan resilient landscape restoration project (TRLRLP) through the Committee for Environmental Protection under the Government of the Republic of Tajikistan (CEP) with the support of the Center for implementation of investment projects established in the framework (CEP CIIP) in cooperation with the recipient the State Institution of the Specially Protected Natural Areas (SISPNA).

The Project will implement field activities in Khatlon Region (Kabadiyan, Shahritus and Nosiri Khusrav), Gorno-Badakhshan Autonomous Oblast (GBAO) (Vanj, Rushan, Shugnan and Murghab) and Sogd Region (Ayni, Gorny Matcha and Penjikent city).

The project consists of the following components:

Component 1. Strengthen Institutions and Policies, and Regional Collaboration.

This component will finance consulting services, goods and equipment to support the strengthening of national institutional policies and legal frameworks, developing of knowledge and skills of government, communities and other stakeholders for landscape management, and improving the capacities of government partners to operate effectively. Under this component, financing will be provided for activities to support regional collaboration efforts, to contribute to landscape restoration that benefits both Tajikistan and the wider Central Asia region with which the country shares and contributes critical resources and infrastructure.

Component 2. Enhance Resilient Landscapes and Livelihoods.

Overall, this component will finance works, consulting services, non-consulting services, goods, and grants. Both government institutions and communities will implement a range of landscape restoration investments. To support the selection of investments, assistance will be provided for landscape restoration planning. All planning will encourage women’s leadership, will follow citizen engagement mechanisms, and will be based on good practice principles for a landscape approach when reconciling different and often competing land uses.

Sub-component 2.1. Forest Restoration and Sustainable Forest Management.

The FA will lead on the technical aspects of this subcomponent, while the financial and procurement management responsibilities will remain with CEP. This subcomponent includes the following key activities:

Conducting National Forest Inventarization;

Preparation and implementation of forest management plans for eight State Forest Management Entities (SFMEs) and one fruit tree nursery;

Carry out afforestation works, fuelwood plantations and natural forest regeneration.

Sub-component 2.2. Integrated Pasture Management and Restoration.

The Pasture Reclamation Trust under the Ministry of Agriculture will lead on technical aspects of this subcomponent, while the financial and procurement management responsibilities will remain with CEP. This subcomponent includes the following key activities:

Geobotanical surveys and pasture inventories;

Establishment of forage seed demonstration plots;

Development and implementation of Pasture/Livestock Management Plans for Pasture User Unions.

Sub-component 2.3. Protected Area Management and Biodiversity Conservation.

This subcomponent will be technically led by State Institution of the Specially Protected Natural Areas (SISPNA), as part of CEP. This sub-component includes the following activities:

Preparation and implementation of priority specially protected natural areas management plans for Tajik National Park (TNP) (bordering the Kyrgyz Republic), Zorkul State Nature Reserve in GBAO (bordering Afghanistan), National Yagnob natural park in the Zarafshon river sub-basin (bordering Uzbekistan), and Tigrovaya Balka State Nature Reserve in Khatlon region (bordering Afghanistan).

 Sub-component 2.4. Landscape Restoration and Livelihoods.

The project will provide sub-grants to villagers/farmers organized as CIGs to implement small- scale livelihood investments based on existing Village Development Plans and actions. Suitably qualified organizations will be contracted to facilitate formation of CIGs. The CEP IT will provide the technical lead for this subcomponent and oversee the management of sub-grants to beneficiaries. Under this subcomponent, the project will support crop land-based livelihoods—climate-smart crop production practices and technologies—through sub-grants for sub-projects to groups of village residents, farmers that form CIGs.

The project is aimed at preparing institutions and supporting future efforts to restore the landscape, such as creating a legal framework capable of supplying planting materials for restoration, monitoring natural resources, developing tax incentives for environmental services, etc. The project will contribute to policy development and planning opportunities, as well as investment in all sectors of the economy, with a focus on degradation at the appropriate scale, revenue generation from natural resource-related services and resilience of communities and infrastructure to successful implementation of this approach.

Management of the natural environment, like any management process, can be effective only if there is clear planning, which should be based on knowledge of the object, analysis of changes taking place with it and making management decisions on the implementation of measures and specific actions. All these issues can and should be reflected in the management plan of a SPNA. Today, in the world practice of conservation of the natural environment, the management plan is a popular working tool used for all territorial forms of nature protection.

Large changes in the socio-economic situation in the Republic of Tajikistan over the past 30 years have led to the fact that the experience gained over the previous decades in managing protected areas and planning their activities does not meet modern requirements. Adequate models of environmental management and planning, in which management plans have a significant role, must comply with the new conditions. Legislative codification is а complex form of regulation since it is both а form of formulation and а form of legislative activity. So, the process of developing the Environmental Code is complex and requires а complete and comprehensive analysis of environmental legislation and public environmental relations.

In order for this normative legal act to effectively regulate environmental relations in the future and play an effective role in their regulation, it must be carefully thought through, taking into account the science of environmental law, the experience of international environmental legislation and the experience of environmental protection bodies.

After the adoption of the Environmental Code, the Republic of Tajikistan will take а central place in the system of environmental legislation, and in the future most environmental relations including the state of health and safety of people, the living conditions of people, the state of cultural objects and buildings and structures to the extent that they are affected or may be affected by the state of elements of the environment or, through these elements, factors, activities or measures will be regulated by it. At the same time, after the adoption of the Ecological Code, all regulatory legal acts will be developed on its basis and in accordance with it.

In fact, the Environmental Code defines the legal basis for public relations in the field of use and protection of environmental objects. This important document ensures sustainable socio-economic development, environmental protection, guarantees of human rights to а healthy environment, prevents adverse economic and environmental activities, regulates public administration, the rights and obligations of individuals, environmental regulations and procedures.

1. Year by year increase of contradictions in the sphere of environmental protection legislation;

2. Numerous repetitions of norms in environmental protection regulations;

3. Legislation on environmental protection considers the adoption of numerous laws, but due to the fact that they are not adopted, there is no mechanism of their realization. Therefore, these issues would be overcome in the development of Environmental Code.

4. Harmonization of environmental protection legal normative regulations in a form of Environmental Code of Tajikistan is one of the important directions of state legal policy, to which we should reach out;

5. Through the development of Environmental Code it will be possible to bring the legislation of the Republic of Tajikistan in the field of environmental protection in line with international standards and norms of environmental protection

6. Environmental protection legislation has some issues that need to be regulated at the legislative level, including the protection of glaciers, strategic environmental assessment, environmental requirements for land, water and other objects, these problems will be fully resolved when the Environmental code is developed.

7. The code is an important basis for the implementation of the principle of "green" economy, this code is a practical basis for the implementation of the strategy for the development of the "green" economy in the shortest possible time;

8. Overall, the development of the environmental code contributes to the approximation of environmental legislation of the Republic of Tajikistan to the legislation of foreign countries and full implementation of the indicators of the concepts, strategies and programs.

Regarding the development and adoption of the Environmental Code, the Government is interested, as in the Republic of Tajikistan the Government has adopted several important strategic documents, which instructes for the adoption of the Environmental Code. In particular, paragraph 3, item 31 of the Concept of Legal Policy of the Republic of Tajikistan for 2018-2028 stipulates the preparation of normative legal acts regulating the sphere of environmental protection in the form of the Environmental Code of the Republic of Tajikistan.

Additionally, according to the National Development Strategy of the Republic of Tajikistan for the period until 2030, approved by the Decree of the Government of the Republic of Tajikistan on October 1, 2016, No. 392, and according to paragraph 862 of the Medium-Term Development Program of the Republic of Tajikistan for 2021-2025, which was approved by the Decree of the Government of the Republic of Tajikistan on April 30, 2021, No. 168, it is envisaged to clearly define the tasks and authority, as well as to ensure coordination of actions of state bodies in the field of environmental protection through the development and implementation of the Environmental Code of Republic of Tajikistan.

Also, paragraph 17 of the State Environmental Program of the Republic of Tajikistan for 2023-2028, which, according to the Decree of the Government of the Republic of Tajikistan dated March 1, 2023 No. 53, stipulates the enhancement of the development and adoption of regulatory legal acts in the field of environmental protection.

Moreover, the Сommittee for Environmental Protection, which implements the state policy in the field of environmental protection, is interested in the speedy development of this document and in a resolving of existing problems through this code.

In general, these factors indicate that the Government of the Republic of Tajikistan and the Committee for Environmental Protection and other ministries and agencies are ready to develop and adopt this document for the implementation of strategic planning documents and international documents in the field of environmental protection.

First of all, taking into account the proposals of the working group members, the legislation in the field of environmental protection was fully analyzed, the current state, problems, solutions and prospects of the legislation in the field of environmental protection were identified, on the basis of which an improved concept of the Draft Environmental Code of the Republic of Tajikistan was developed, and on the basis of this concept the Draft Environmental Code will be developed.

1. **Objectives**

The main task is to develop the Environmental Code of the Republic of Tajikistan includes the technical draft design of the document, analysis of the current legislation in the field of environmental protection, institutional analysis, analysis of international experience, monitoring and evaluation, development of recommendations for further actions and approval of the final version of the Environmental Code of the Republic of Tajikistan as required internal procedures. Good practice of the recommendation from the advanced legislation in the field of Environmental protection and its adaptation to finalize the code. This work will be carried out under the direct coordination of the Center for Implementation of Investment Projects of the Committee for Environmental Protection under the Government of the Republic of Tajikistan.

1. **Scope of work:**

The main activities to be carried out within the framework of this work are: Development of the concept and structure of the Environmental Code of the Republic of Tajikistan, but not limited to the followings:

* formation of а working group of experts to develop а draft Environmental Code of the Republic of Tajikistan.
* organizing an introductory workshop to present the vision and identify key stakeholders.
* development and publication of normative legal acts of the Republic of Tajikistan in the field of environmental protection, taking into account new changes and additions;
* development of а concept for the formation of the structure of the Environmental Code of the Republic of Tajikistan.
* organization of regular meetings of the working group's experts to coordinate work with the Committee for Environmental Protection under the Government of the Republic of Tajikistan.
* broad presentation of the working version of the structure of the Environmental Code of the Republic of Tajikistan among stakeholders, ministries and agencies, development partners and public organizations.

*Legislation Analysis:*

Analysis of legislation in the field of environmental protection, in particular:

1. Law of the Republic of Tajikistan “On Environmental Impact Assessment” dated July 18, 2017, No. 1448
2. Law of the Republic of Tajikistan “On ensuring the environmental safety of road transport” dated August 8, 2015, No. 2015
3. Law of the Republic of Tajikistan “On the Protection of Atmospheric Air” dated December 28, 2012, No. 915
4. Law of the Republic of Tajikistan “On Environmental Expertise” dated April 16, 2012, No. 818
5. Law of the Republic of Tajikistan “On Specially Protected Natural Areas” dated December 26, 2011, No. 2788.
6. Law of the Republic of Tajikistan “On environmental audit” dated December 26, 2011, No. 785
7. Law of the Republic of Tajikistan “On Environmental Protection” dated August 2, 2011, No. 760.
8. Law of the Republic of Tajikistan “On environmental information” dated March 25, 2011, №. 705.
9. Law of the Republic of Tajikistan “On environmental monitoring” dated March 25, 2011, No. 707.
10. Law of the Republic of Tajikistan “On environmental education” dated December 29, 2010, No. 673.
11. Law of the Republic of Tajikistan “On the Fauna” dated January 5, 2008, No. 354.
12. Law of the Republic of Tajikistan “On the Protection and Use of the Flora” dated May 17, 2004, No. 31.
13. Law of the Republic of Tajikistan “On Hydrometeorological Activities” dated December 2, 2002, No. 86.
14. Law of the Republic 0f Tajikistan “On Production Waste and Consumption” dated Мау10, 2002 No. 86.
15. 15) The Law of the Republic of Tajikistan "On Soil Protection", dated October 16, 2009, № 555.
16. 16) Law of the Republic of Tajikistan "On the Management of Radioactive Waste" dated July 22, 2013, № 1002.
17. 17) The Law of RT "On Genetic Resources" dated March 18, 2022, No. 1865.
18. 18) The Law of RT "On Biosafety" No. 88 dated March 1, 2005, etc.

Develop new sections "Use and Handling of Pesticides", "GMOs", "Monitoring and Conservation of Glaciers", "Adaptation to Climate Change", "on Pastures", the obligation of the Republic of Tajikistan under the Paris Agreement on Climate Change, international and regional cooperation on the environment, etc.

* analysis of by-laws in the f1eld of environmental protection, within the framework of the above legislative documents.
* analysis of strategies, programs and plans in the field of environmental protection.
* preparation of chapters of the Ecological Code of the Republic of Tajikistan in accordance with the approved structure.

*Institutional Analysis:*

* analysis of the structure of the Committee for Environmental Protection under the Government of the Republic of Tajikistan and identification of responsible bodies responsible for implementation of environmental protection policy.
* analysis of state agencies and authorities that are directly or indirectly affected by the existing legislation of the Republic of Tajikistan in the field of environmental protection.
* broad representation of the analysis among ministries, and agencies of development partners and public organizations.
* preparation of recommendations and chapters for inclusion in the Environmental Code of the Republic of Tajikistan.

*Analysis of international experience:*

* conducting an analysis of international best practices for the development of the Environmental Code.
* exchange of expert's experience of the working group of the country with the best practice on the development of the Environmental Code.
* preparation of recommendations for the development of the concept and structure of the Environmental Code of the Republic of Tajikistan.

*Monitoring and evaluation:*

* development of a monitoring and evaluation system for reporting under the Environmental Code of the Republic of Tajikistan.
* broad representation of the analysis among ministries, and agencies of development partners and public organizations.
* preparation of recommendations and chapters for inclusion in the Environmental Code of the Republic of Tajikistan.

**Recommendations:**

Development of а step-by-step recommendation on further actions to implement the Environmental Code of the Republic of Tajikistan.

*Submission of the final version of the draft Environmental Code of the Republic of Tajikistan*

* carrying out internal procedures in coordination with ministries and authorities.
* submission of the Environmental Code of the Republic of Tajikistan to the Government of the Republic of Tajikistan for approval.
* publication and replication of the Environmental Code of the Republic of Tajikistan for distribution among all interested parties.
* conducting а final workshop for the presentation of the approved Environmental Code of the Republic of Tajikistan.
1. **Outcome of the consulting services**
* All the data pertaining to the environmental legislation or other regulatory documents has been collected analyzed and recommendations for the development of the Environmental code processed;
* The in-depth analyses of local and international legislations/regulations fully conducted;
* The action plan for the implementation of the Environmental Code recommended;
* The draft of the Environmental code is presented to the line ministries and offices for their notes and approval;
* All intergovernmental procedures on development and adaptation of the Environmental Code conducted;
* The Environmental code is submitted to the Government of the Republic of Tajikistan for their approval;
* The new updated Environmental code published or republished for distribution to all interested parties;
* Trainings for the approved Environmental Code of the Republic of Tajikistan has been conducted.
1. **Duration of the assignment**

The contract for the implementation of the assignment with the selected firm is expected to start in July 2023 and should be completed by December 2024.

**6. Procedure for management and coordination:**

- The Contracted Firm will report directly to the Director of the Center for Implementation of Investment Projects under the Committee for Environmental Protection.

- The Center for Implementation of Investment Projects (CIIP) of the CEP and working group will provide the necessary consultations and monitor the tasks implementation, approve the adoption of appropriate approaches and methods for the implementation of the assignment.

- The Firm will carry out his functions in accordance with a Contract for consulting services provision.

**7. Contribution of the Client**

CIIP CEP is implementing Agency of the project and will directly participate in the implementation.

Main organizational support to consultant will be through CIIP team members and working group of the CEP. The followings will be supported on a hard level:

* Project Appraisal Document, World Bank Missions Aide Memories and other World Bank documents related to the preparation and implementation of the Project.
* Related data and information of the CEP;
* Legislation, law and regulations of the Republic of Tajikistan on Environmental protection’s direction, etc.

In its Expression of Interest, the firm shall give a clear and understandable description of assistance that he may require from the CIIP CEP.

**8. Expected deliverables**

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| **Expected results** | **Time frame, weeks** |
| Inception report  | 4 weeks after the date of the signing of the contract  |
| Development of the concept and structure of the Environmental Code of the Republic of Tajikistan | 10 weeks after the date of the signing of the contract  |
| Analysis of legislation in the field of environmental protection | 15 weeks after the date of the signing of the contract |
| Institutional Analysis | 18 weeks after the date of the signing of the contract |
| Analysis of international experience  | 23 weeks after the date of the signing of the contract |
| Monitoring and evaluation | 27 weeks after the date of the signing of the contract |
| Development of recommendations on further actions | 41-50 weeks after the date of the signing of the contract |
| Submission of the final version of the draft Ecological Code of the Republic of Tajikistan | 55-70 weeks after the date of the signing of the contract |

1. **Qualification requirements and Team Composition**
* A minimum of 15 years of extensive experience in environmental management and environmental legislation, specifically within the Central Asian region.
* Prior involvement in at least two comparable assignments and work with the Parliamentarians of the Republic of Tajikistan, as well as other Central Asian countries, in the development of environmental law acts.
* In-depth understanding of environmental management, ecological laws, and current legislation related to environmental concerns within the Central Asian context, as well as a proven ability to collaborate with local and regional stakeholders.
* Demonstrated practical experience in reforming structural systems, analyzing climate vulnerability and climate risks, and drafting environmental protection (ecological) legislations in Central Asia, with a specific focus on the needs and peculiarities of the region.
* Well-regarded organization that has successfully collaborated with inter-ministerial and inter-governmental structures throughout Central Asia for the betterment of environmental management and legislation.

An expert participating in the team must meet the following requirements:

- At least 3 years of experience in the field of activity;

- Good ability to analyze environmental problems and assess them;

- Knowledge of environmental (ecological) legislation of the Republic of Tajikistan, international environmental law and experience of foreign countries legislation;

- Possess basic information on Environmental Code of foreign countries;

- Ability to analyze and reveal environmental problems of society and environmental protection (ecological) legislation.

The assignment will be performed by a group of experts, including the leader of the group and other experts.

The following experts are needed to perform tasks related to development of the draft Environmental Code of the Republic of Tajikistan:

- environmental protection expert - 2 persons;

- expert-lawyer on Environmental legislation - 2 persons;

- expert on Environmental expertise, Environment and Social Impact Assessment and eco-audit - 2 persons;

- ecological monitoring and water resources expert - 2 persons;

- expert in the field of production and consumption wastes and radioactive wastes - 1 person;

- expert on protection and use of flora and fauna - 1 person;

- expert in the field of environmental information and education - 1 person;

- expert on meteorology, glaciers and climate - 2 persons;

- expert on soil protection - 1 person;

- expert on specially protected natural areas - 1 person;

- expert on atmospheric air protection - 1 person;

- Road transport environmental safety expert - 1 person;

expert on biodiversity - 1 person;

- Expert on biodiversity,

-expert on GMO, genetic resources - 2 persons.