

Disaster Risk Reduction in Tajikistan

Broader implications of
an effective national law
on pastures

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Summary

According to national statistics, 73% of the Tajik population is rural based, with an estimated 65% earning income from a source derived from agricultural production, forestry or fishing. Landslides, flooding and mudflows threaten lives and property, and present a real and present risk to sustainable rural livelihoods. Degradation of mountain pastures, together with deforestation and unsustainable agricultural land use management practices, exacerbates the vulnerability of rural communities to natural hazards. Estimates provided by United Nations organizations in 2012 stated that close to 90% of the 3.8 million hectares of pasturelands within the republic were suffering from medium to strong erosion. Anecdotal evidence suggests that little has changed to date, and that growing livestock numbers and weak governance of mountain pasture use are compounding the erosion problem.

The 2013 national law on pastures was successful in facilitating the establishment of more than 450 Pasture User Unions at the village level. Through the development of contextually relevant pasture management plans and sustainable land use management practices, productivity on pasturelands has noticeably improved. Sadly, however, degradation of both summer and winter mountain pastures persists. This is not surprising given that in addition to strategic crops such as wheat and cotton, livestock play an important role in rural livelihood systems. Providing important sources of food, nutrition, income and manure for both fertilizer and heating fuel – as well as a form of both wealth and savings – livestock remain a key source of income and assets for many rural households. With limited employment opportunities within rural areas and relatively weak markets for agricultural commodities, rising livestock numbers place increasing pressure on already degraded pasturelands. The newly enacted law on pastures, as of June 2019, builds on the momentum generated from the 2013 law but remains incomplete in terms of clear identification of enforcement agencies and their authority, as well as in terms of modalities for effective inter-sectoral cooperation and coordination.

The time has come to embed matters related to sustainable pasture use and management into a broader agenda that brings together ongoing reforms in the water and agriculture sectors, with more effective watershed, inter-district and river basin coordination mechanisms for disaster risk reduction (DRR). Urgent attention is required from:



THE GOVERNMENT to effectively foster inter-sectoral coordination and cooperation between line ministries, oblast and district administrations and with externally funded pasture management initiatives for more effective DRR measures



INTERNATIONAL AND MULTILATERAL ORGANIZATIONS to build sustainability of DRR-related approaches through incorporation into district development plans and simultaneously through the development of effective mechanisms for inter-district cooperation and planning at the river basin level



PRIVATE AND PUBLIC SECTORS to develop an enabling economic environment to support livestock intensification within farm and household enterprises at the village or community level

Implicitly, this approach requires clear roles and responsibilities and effective contextually relevant regulatory mechanisms, together with necessary resources to support public and civil society organizations in the implementation of effective pasture management. Ideally, these mechanisms should be enshrined into an amended law on pastures or through promulgation of regulatory advice and enforcement.



Law on Pastures

In 2013, Tajikistan adopted its first law on pastures. The aim was to decentralize pasture governance through increasing the powers and responsibilities of local actors. At its core, the law authorized the creation of three new institutions:



Pasture User Unions (PUUs) that apply sustainable land management practices at the village level



Pasture Commissions charged with regulating pasture use at the district level



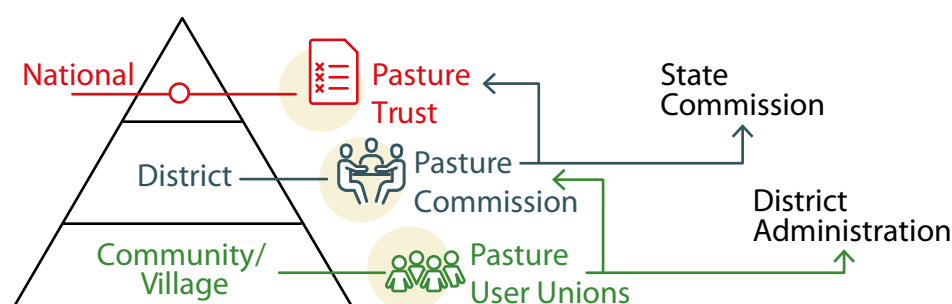
A national **Pasture Agency** authorized to define standardized norms and practices for pasture management (Wilkes 2014; Law on Pasture of the Republic of Tajikistan 2013 (No. 951))

While the 2013 law achieved notable success in the establishment of community based PUUs,¹ largely facilitated by international development agencies, the establishment of district level commissions remains incomplete. The envisioned national agency – formed as a Pasture Trust, under the aegis of the Ministry of Agriculture – is operationally challenged by ongoing reform within the agricultural sector and a lack of enforcement authority related to pasture use.

Some have argued that – in addition to vaguely defined roles and responsibilities – fair and transparent mechanisms for allocation of pastureland, with clear use rights and associated fees, were not implicit in the 2013 law

(Wilkes 2014; Roberth 2015). The new Law on Pastures ratified in June 2019 takes these deficiencies into account, and remedies apparent conflicts with the Law on Dekhan farms and the Forestry Codes. While much improvement was made, mandates, roles and authority for public and civil society organizations remain vague and sometimes confusing. The currently drafted by-laws stipulate joint responsibility for pasture management among the Ministry of Agriculture, the State Committee for Land Management and Geodesy and the Committee for Environmental Protection, which is responsible for the protection and preservation of biodiversity. How these different agencies coordinate among each other, in order to guarantee effective governance of pasture lands, remains unclear. Conspicuously absent is the national Forest Agency, which currently oversees approximately 400,000 ha of pastures located within national forests. Equally important is the absence of authority and clearly defined roles for district level governments, insofar as administrative processes and enforcement mechanisms are concerned.

As pasture areas do not respect administrative boundaries, there are equally important issues of effective inter-district coordination – also untouched within the existing law on pastures. With a minimum yearly fee of approximately TJS 8 charged on each of the 3.8 million ha of pastureland, annual revenues generated of TJS 30 million offer significant potential for earmarked investments.² Article 24 (7) of the 2019 pasture law states (unofficial translation into English) that, “funds collected from pasture rent are paid into local budgets on the basis of annual and medium-term pasture use plans for improving the state and development of pasture infrastructure facilities.” The article is not specific, however, in terms of the processes, authority and nature of investments envisioned nor in terms of the roles that PUUs play in potentially influencing and directing these investments.







1- Data provided by the Pasture Trust under the Ministry of Agriculture indicate that approximately 450 PUUs have been established within the republic. It is not clear, however, as to how many of these are officially registered as well as how many are effectively functional.

2- Charges per hectare vary depending on season and pasture productivity.

How sustainable is the current system of pasture management?

Legally registered Pasture User Unions are entitled to obtain land use certificates and long-term lease agreements from the state, thereby permitting activities on public pastures that relate to productivity improvement and protection. Confusion exists as to whether the place of registration is at the jamoat, district or oblast level, and the unclear costs for registration³ raise a challenge to the creation of further PUUs. Discussions with a number of PUUs suggest that despite high costs, the creation of PUUs has strongly contributed to local empowerment and incentives to invest in long-term sustainability of mountain pastures. One of these incentives is realized through fees obtained from membership, levied on a per head of livestock basis. With charges for land use paid on a per hectare basis by the PUU, one concern is that PUUs could effectively be engaged in a system, knowingly or unknowingly, of increasing the number of livestock grazing on mountain pastures. An increased number of livestock is likely to result in soil compaction and soil structure damage that changes run-off patterns and increases the exposure and vulnerability of downstream communities to natural hazards.

An assessment of eight PUUs in **Muminabad District** indicates that **livestock**  numbers have **increased by 26%** over the past five years, while **(human)**  **population** has increased by only half of this amount **(13%)**. Based on existing norms in the Muminabad context, the livestock stocking rate varies between 0.5 and 1.0 livestock unit (1 cow or 2.5 small ruminants) per hectare. Anecdotal evidence suggests that this rate has been exceeded by a factor of two and often more. PUU members attribute this increase in livestock numbers to a decline in remittances from family members working abroad, **lack of trust in the formal banking sector** (both in terms of deposits and financial products), as well as **decline in land productivity in crop production**. All three reasons mentioned highlight the investment value of livestock as assets that can be sold in the time of need. Increasing the productivity of pastures through **reseeding**  and **rotational plans**, as well as **access to livestock watering points**  improves the health and productivity of livestock, thereby protecting the value of these assets, but may not be sufficient for long-term economic and environmental sustainability.

A persistent gap in feed resources, particularly over the winter period and into the spring, continues to put pressure on public pastures. Improving access to feed and fodder resources, with necessary storage and livestock housing facilities, is one potential avenue for reducing

this pressure. Despite attempts by international development organizations to promote livestock intensification at the farm household level, uptake remains generally low. Among the most important constraints that farmers mention are additional amount of labour, for which the families might not have the capacities, insufficient access to working capital and loans for infrastructure, and limited availability or lack of affordable feed in local markets. While the law on pastures aims to provide oversight and regulate livestock on mountain pastures, there is limited attention provided to the potential for PUUs to produce fodder economically on mountain pastures in order to support livestock fattening and stall-feeding enterprises at the household and community levels. Access to affordable fodder can reduce the extent of grazing on mountain pastures through more intensive rearing on farm, while at the same time providing an additional income source to support the PUU in its functional role of pasture use management.

A number of smaller PUUs, at least within Eastern Khatlon, are unlikely to have the potential to generate sufficient revenues to cover the administrative costs of an accountant and a head of the PUU. This situation challenges the assertion that PUUs can be economically sustainable in the long run. In addition to the lack of ability of members to pay fees for full cost recovery within smaller PUUs, the current tax code provides a significant disincentive for PUUs to generate a surplus that could support activities for improving pasture productivity and mechanisms for exerting control over transient livestock herds.

The lack of clarity about which governmental agency is responsible for hearing complaints and claims for damage caused by transient livestock herds on public pastures or private lands further complicates matters. The envisioned pasture commissions at the district level would likely address these issues, given that they would be charged with regulating pasture use, settling disputes, monitoring pastures, and developing annual and mid-term pasture management plans. Ineffective policy, however, has precluded the creation of the pasture commissions. As an intermediate solution, the question of whether district level administrations, together with the regional branches of the national pasture trust, can act as mediators remains open. Some Khatlon PUUs argue that many transient herds belong to influential members of society, and challenge the fairness of the inquiries, damage assessments and fines. At the same time, the PUUs need to change how communities manage their livestock at the local level.

3- PUUs consulted in Eastern Khatlon have reported varying figures for registration costs. It is not clear what is embedded into these sums and why there is variation and lack of clarity on costs and processes.



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Watershed or River Basin Coordination?

Watersheds are areas of land where all water flows into a single stream, river or larger body of water such as a lake or an ocean. They are effective units for management of water resources for multiple uses and particularly so given that healthy watersheds provide communities with a source of clean water for drinking, for agricultural livelihoods (irrigation and water for livestock) and for supporting habitat for biodiversity. A number of projects implemented by international development organizations in Tajikistan have concentrated on watersheds with a focus on reduced risk of disaster from natural causes. These projects have balanced environmental considerations with a focus on poverty reduction through sustainable rural livelihoods. A parallel concerted movement towards river basin management focuses on developing and institutionalizing coordinating bodies at each of the five defined river basins within Tajikistan.

The watershed approach has clear linkages with, but no specific ties to, the ongoing agricultural sector reforms.

The river basin approach is aligned with the water sector reform process supported by the Ministry of Energy and Water Resources under the banner of integrated water resources management. Actors within both processes recognize pasture degradation as a serious concern in urgent need for action. Some have argued that the PUUs should fall under a coordination mechanism of the river basin organizations, five of which are under current development. Others have argued that the number of PUUs – 450 and counting – makes effective coordination of pasture use management at the river basin level difficult to imagine. What is clear is that there is little – if any – coordination between the agriculture and water sector reform processes. Where to place the effective coordination and management of pastures at the landscape level is a question that depends on effective coordination at the sector level and on donor initiatives that support reform in the water and agriculture sectors.



Recommendations

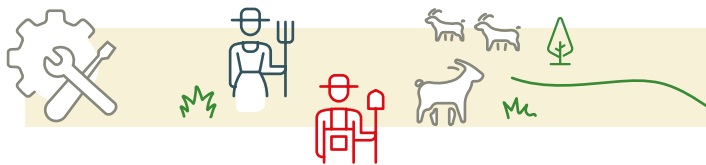


1 Clearly articulated addendums to the 2019 law of pastures

An essential aspect of the 2019 Law of Pastures lies in Article 3 and an explicit mention of a state commission (in addition to the current Pasture Trust) with a mandate to determine pasture boundaries and resolve disputes between regions and oblasts over seasonal pasture use. Given the continued concern over an inability to effectively manage transient herds, this body provides the legal basis to handle contested issues of transhumance at the national level. At the same time, an urgent establishment of Pasture Commissions at the district level (Article 20) is needed to support the regulation of disputes over pasture use at lower (district and village) levels. District level commissions offer the most realistic avenue for

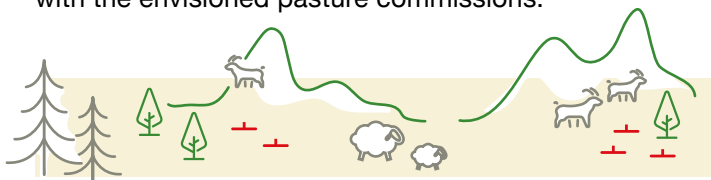
addressing matters of legal access to pastures, assessment of damage and recovery (fines).

An addendum to the existing law, clearly articulated in terms of implementation processes as well as budget allocations and ratified by parliament, is of urgent priority and is likely to be of significant value in pushing forward the process for creation of district level pasture commissions as envisioned in the law of 2013. Equally important are clearly defined and transparent processes for the utilization of pasture fees paid by PUUs on a per hectare basis and earmarked by law for investments in pasture infrastructure.



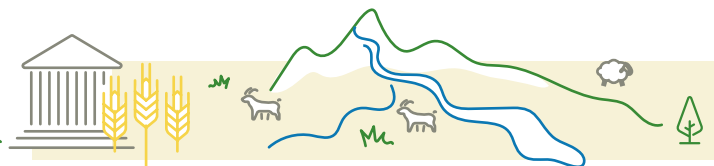
2 Development of transferable skills to secure continued provision of sound and understandable technical expertise for PUUs at the district and jamoat levels

Pasture Commissions that are staffed by government employees from various district administration departments are unlikely to develop into effective institutions. From a technical perspective, an effective commission requires personnel skilled in vetting multi-year pasture management plans prepared by PUUs, systematic monitoring of pastures and regular reporting. This is an immediate need given the observed withdrawal of the international community in directly supporting PUUs. Experience in the Muminabad District has shown that within most PUUs, capacities for updating pasture management plans, in particular for technical calculations such as the carrying capacity, remain limited. This limitation is likely to apply to all PUUs within the Republic. Whether or not these technical positions at the district level are funded through the fees charged for pastureland use, paid to the government, remains an open question. What is clear, however, is that the international community will need to focus more heavily on the development of transferable technical skills to the public sector, as opposed to (or in addition to) direct provision of technical support to grass-roots organizations. This is, however, only effective if the government takes on ownership of the process through the designation of dedicated positions with the envisioned pasture commissions.



3 Inclusion of the Forest Agency in the current regulatory process for pasture use and initiatives for reversing degradation of mountain pastures

With more than 400,000 hectares of pastureland under the governance of the Forest Agency, it is surprising that the national agency has not been included in the regulatory process for pasture use. Equally important is the inextricable link between deforestation, mountain pasture degradation and the persistence of natural hazards. Support of the forest agency in biodiversity enhancement through introduction of deep rooting fodder shrubs and crops in mountain pastures would be beneficial.



4 More discussion and articulation on the merit of river basin organizations coordinating activities within watersheds insofar as they relate to pasture use management and a broader dimension of disaster risk reduction

The existing law on pastures places oversight and coordination within the court of the Ministry of Agriculture insofar as the creation of a national pasture trust and linkages with district and village level institutions are concerned. Ongoing interventions tied to reform of the water sector have identified the need for linking pasture use and livestock production activities within an integrated water resource management process. Ostensibly, there has been no coordination between the Ministry of Agriculture and the Ministry of Water and Energy Resources in the reform of sectors under their authority. Equally important is that international and multilateral agencies, while recognizing the need for intersectoral collaboration, continue to take a sectoral approach to engagement. Given funding specificities as well as complications in dealing with multiple ministries, the government ought to foster intersectoral collaboration among ministries and with international and multilateral organizations. This has not been the case, and therefore, the Development Coordination Council appears to be best placed to discuss realistic avenues for fostering the desired collaboration within ongoing processes for agriculture and water sector reform. Whether or not this transpires depends on the resolve of the donor community in pressing the need for urgent action in an area that has generally been recognized as deserving immediate attention.

Sources:

Roberth, I. S. 2015: Decentralization or Manipulation? An Analysis of Change within Pasture Management Institutions in Tajikistan, Lund University, Master of Science in International Development and Management.

UNDP-UNEP 2012: The economics of land degradation for the agriculture sector in Tajikistan – A scoping study, Prepared by: UNDP-UNEP Poverty Environment Initiative in Tajikistan, available at: www.unpei.org.

Wilkes, A. 2014: Institutional analysis on pasture management in Tajikistan, GIZ, Unique Forestry and land use GmbH.



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