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Preface

The Review of Turkmenistan began in November 2010 with the preparatory mission, during which the final structure of the report was established. Thereafter, the review team of international experts was constituted. It included experts from Bulgaria, the Czech Republic, Estonia, Germany, Kazakhstan, Portugal, the Russian Federation, Slovakia, Switzerland and Ukraine, together with experts from the secretariat of the United Nations Economic Commission for Europe (ECE).

The review mission took place from 21 February to 3 March 2011. The draft EPR report was submitted to Turkmenistan for comment and to the Expert Group on Environmental Performance Reviews for consideration. During its meeting on 13-15 March 2012 held in Ashgabat, Turkmenistan, the Expert Group discussed the report with expert representatives of the Government of Turkmenistan, focusing in particular on the conclusions and recommendations made by the international experts.

The EPR report, with suggested amendments from the Expert Group, was then submitted for peer review to the ECE Committee on Environmental Policy on 18 April 2012. A delegation from the Government of Turkmenistan participated in the peer review. The Committee adopted the recommendations as set out in this report.

The report covers major issues for Turkmenistan, divided into three sections, including the framework for environmental policy and management, management of natural resources and pollution, and economic and sectoral integration. Among the issues receiving special attention during the reviews were the policy, legal and institutional framework; public participation in decision-making and access to information; air pollution; water resources management and Caspian Sea issues; land management; forestry; biodiversity; management of waste; climate change and environmental concerns in the energy sector.

The ECE Committee on Environmental Policy and the ECE review team would like to thank both the Government of Turkmenistan and the many excellent national experts who worked with the international experts and contributed with their knowledge and assistance. ECE wishes the Government of Turkmenistan further success in carrying out the tasks before it to meet its environmental objectives and implement the recommendations of this review.

ECE would also like to express its deep appreciation to the Governments of the Netherlands, Norway and Switzerland for their financial contributions; to the Governments of Portugal and Switzerland for having delegated their experts for the review; and to UNDP Turkmenistan for its support of the EPR Programme and this review.

Executive summary

The Environmental Performance Review (EPR) of Turkmenistan began in November 2010. It analyses the progress made in Turkmenistan from 2000 on environmental protection, and proposes recommendations on how the country can improve its environmental management and address upcoming environmental challenges.

Turkmenistan is a landlocked country in Central Asia, with a continental climate and an insufficient constant surface water flow. The harsh climatic conditions and the transboundary nature of its water resources make the country vulnerable to climate change impacts and water-related pollution threats.

Turkmenistan's budgetary performance remains strong. However, the non-continuous budget data seem to represent only a part of overall government expenditure. The country's gross domestic product (GDP) has been growing since 2005. It is not possible to assess the level of inflation due to the lack of available consumer price index (CPI) and producer price index (PPI) data.

Decision-making for environmental protection

Since its independence, Turkmenistan has been facing rapid economic development which has not been followed by the commensurate development of environmental legislation. Although the system of government is very centralized, the frequent changes in the titles, structure and functions of State bodies create confusion regarding their legal status.

There is no legal definition of the term "sustainable development" and the terms "socioeconomic development" or "economic, political and cultural development" are used instead. The President's 2003 National Strategy of Economic, Political and Cultural Development of Turkmenistan for the Period until 2020 (Strategy 2020) was the main policy document on sustainable development and it is now succeeded by the 2010 National Strategy of Economic, Political and Cultural Development of Turkmenistan for 2011-2030 (Strategy 2030). The economy and nature use are treated as a single unit by Strategy 2030 and State policy is oriented around the following tasks: protection of air quality and development of green belts; water protection; protection and exploitation of land and forest resources; and conservation of biodiversity.

The year 2000 was the starting point for the development of Turkmenistan's environment-related programmes and plans. The National Environmental Action Plan (NEAP), which covered the period 2002-2010, was the main instrument assisting the implementation of environmental strategies. However, NEAP had a limited role and it failed to integrate environmental concerns into all sectors of the economy. The Biodiversity Strategy and Action Plan (BSAP), which has never been formally adopted, and the National Caspian Action Plan (NCAP) aim to implement the State's environmental policies in their respective areas.

Environmental legislation consists of key legal acts regulating the use of natural resources and their protection. These acts are not fully comprehensive and are frequently ineffective in protecting the environment and regulating the rational use of natural resources. For this reason, in March 2011, the Ministry of Nature Protection (MoNP) created a working group on improving national environmental legislation in order to complement existing legislation and improve environmental management in Turkmenistan.

Regulatory instruments for environmental protection

Turkmenistan has no clearly defined procedures for conducting inspections, detecting administrative offences and reporting on such offences. Provisions regulating non-compliance with environmental requirements are outdated and many of the environmental regulations are either not available or not easily accessible for the general public.

The main mechanisms for monitoring compliance with environmental regulations are scheduled inspections and patrolling of natural sites. However, these are done irregularly, without strict criteria for deciding which enterprises are to be inspected, and the results are kept for internal use only. Furthermore, inspections conducted by MoNP are ineffective since they are based mainly on comparison with previous reporting periods.

The Code on Administrative Offences and the Civil Code provide a range of enforcement tools – mainly administrative fines and compensation for environmental harm – while criminal sanctions are rarely applied. Moreover, when cases of non-compliance are detected, the environmental inspectorates do not have enough flexibility to deal with them in a way that is tailored to the specific nature of the offence. The current system does not contain effective sanctions to deter further non-compliance and there is an obvious lack of proportionality between the level of offences and the level of the fines set by the Code on Administrative Offences (which is currently under review).

As of 2000, environmental impact assessment (EIA) has been part of the national legislation and quite a broad range of activities are subject to EIA. However, in most cases, EIA is carried out without application of the public participation procedures. Strategic environmental assessment is not applied at present, and the environmental audit procedure is not included in the current legislation.

Economic instruments and financing of environmental protection

Turkmenistan has experienced strong economic expansion over the past decade. This has been mainly State led although there has been a gradually increasing role played by the private sector. The protection and rational use of natural resources is considered a fundamental principle of Government policy which, as of 2003, also identifies the welfare of the population and the raising of living standards as priority areas.

Fees charged as a feature of the economic instruments introduced to help prevent pollution are much too low to provide incentives for polluters to engage in pollution abatement. Charge rates for the pollution of air and water have not been adjusted for cumulative inflation over the last decade, and their effectiveness cannot be assessed due to the lack of available data. However, the level of revenues appears to be largely insufficient for the task of financing environmental expenditures.

The generous subsidies for the use of electricity, gas, petrol and water create perverse incentives for consumers, which leads to excess consumption and a wasteful use of resources. Due to a lack of metering, there is no effective control over the population's water use; hence, the setting of an upper limit is hard to observe. Despite the 2008 increase in petrol prices, gasoline and diesel are still heavily subsidized.

Administrative fines are imposed in cases of infringement of environmental regulations. However, the fines are set at levels that correspond to only a small fraction of the minimum wage and, hence, are an ineffective instrument for changing the behaviour of those who do not abide by the law.

The State budget is the main source of environmental expenditure financing, but there is a very limited amount of published information on actual expenditure levels. There has been relatively little international assistance given to the country over the past decade, and moderate reliance on international financial institutions, special mechanisms and bilateral assistance.

International cooperation

Turkmenistan is currently a party to 11 international environmental treaties and is making efforts to bring its legislation in line with its international obligations. However, the roles of MoNP and of the State Commission to Guarantee the Implementation of Commitments of Turkmenistan Arising from UN Environmental Conventions and Programmes are not clearly defined. In light of the expiration of NEAP, MoNP is developing a draft national environmental programme for the period 2012-2016.

There has been a significant level of involvement by Turkmenistan with the international environmental community in activities related to biodiversity, nature conservation and desertification. On the other hand, the level of Turkmenistan's commitment to United Nations Economic Commission for Europe (ECE) conventions is low, and the country still has not acceded to other important environmental agreements such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Bonn Convention on the Conservation of Migratory Species of Wild Animals (CMS).

Non-compliance with the multilateral environmental agreements (MEAs) to which it is a party remains an issue for Turkmenistan, especially regarding its obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). Further implementation measures need to be taken in order to increase compliance with the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention) and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD).

Water management deserves a special focus in Turkmenistan's policies, and the country's bilateral and regional cooperation with other Central Asian countries needs to be reinforced. The transboundary nature of the water system and the great strain that has been placed on the water resources of the Central Asian region by intense economic expansion show the need for Turkmenistan to engage in productive dialogue with neighbouring countries.

Environmental monitoring, information, public participation and education

After gaining its independence, Turkmenistan managed to maintain its environmental monitoring through a minimal monitoring observation network. However, there are still several issues which need to be addressed, such as obsolete equipment and a lack of publicly available data.

Air quality monitoring is conducted manually and the equipment is obsolete. While a high concentration of dust is observed, the current monitoring system does not distinguish between dust coming from natural and anthropogenic sources. Airborne concentrations of pollutants harmful to human health and the environment, such as PM_{2.5} and PM₁₀ and ground-level ozone, are not measured.

Water monitoring is scattered and uncoordinated. Only two of 16 reservoirs are monitored, while drainage collectors and heavy metals are not monitored (except at the Caspian Sea). Furthermore, information is not being exchanged among the various monitoring institutions. Monitoring of the

Caspian Sea, however, is being done quite effectively by the Caspian Ecological Service (CaspEcoControl).

There has been no qualitative assessment of lands in Turkmenistan since the State Committee for Land Use, Land Management and Land Reform under the Cabinet of Ministers was abolished in 1998. Geographic Information System (GIS) technologies are not applied, remote sensing data are not used in cadastre preparation and equipment is obsolete and outdated.

Turkmenistan is making little effort to ensure that environmental information is accessible to the public. Most of the monitoring results and reports are not publicly available and the information that can be found on the various ministry websites is not comprehensive, not regularly updated and often not available in the Turkmen language.

Turkmenistan does not publish state-of-environment reports. This is contrary to the country's obligations under the Aarhus Convention, to which Turkmenistan is a party. Moreover, MoNP has established neither a legal nor an institutional framework for producing regular environmental assessment reports.

Currently, registered public associations are the only means by which citizens can participate in environmental matters and actions. Furthermore, the laws containing provisions on access to justice are vague and it is unlikely that they are used by citizens extensively, if at all.

The right to environmental education is established in the 1991 Law on Nature Protection. Elements of environmental education are included in all levels of education and there have been considerable investments in new buildings and resources for teaching and research. Sustainable development principles do not appear to be integrated into school curricula. The country has not yet developed an action plan for the implementation of the ECE Strategy on Education for Sustainable Development (ESD).

Air quality management

Air quality assessment and management is amongst the priorities of the country's environmental policy. Although certain practical measures have been taken to reduce emissions from stationary and mobile sources, the existing air quality and emission standards do not allow for proper monitoring and assessment.

Permitting procedures are based on obsolete practices and integrated pollution prevention and control (IPPC) has not been introduced. Furthermore, best available techniques (BAT) have not been defined and, therefore, they are not taken into account during the permit-issuing procedure. The role of EIA is not clearly defined.

The current air quality management system is being developed and implemented separately from mitigation of climate change, and potential synergies cannot be exploited. There is no coordinated approach between these two targets, and measures aiming at energy efficiency or the use of renewable energy sources are not being supported.

Water management and protection of the Caspian Sea environment

Water management is one of the key issues for Turkmenistan, since almost 90 per cent of its water resources go to irrigation. The inefficient and wasteful irrigation system is one of the most acute water management problems. In addition to the water losses, the extensive use of old, traditional

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