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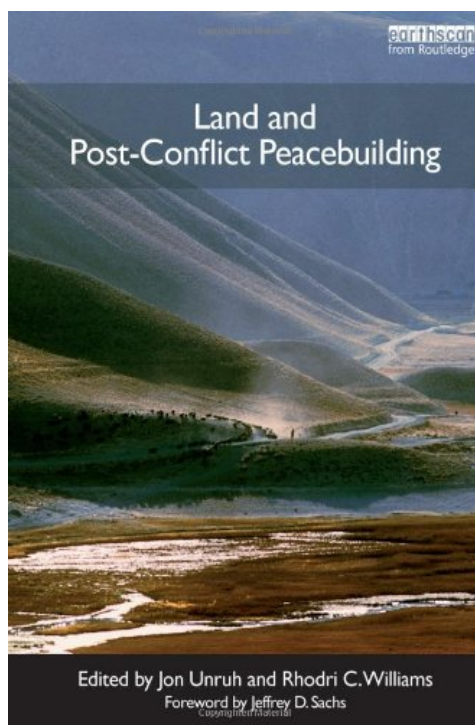
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Transboundary resource management strategies in the Pamir mountain region of Tajikistan

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Transboundary resource management strategies in the Pamir mountain region of Tajikistan

Ian D. Hannam

The Republic of Tajikistan, the smallest and most isolated of the new nations of formerly Soviet Central Asia, experienced ten years of civil conflict in the 1990s that debilitated the country socially, economically, and environmentally. Since 2000 political violence has ended, and there have been efforts to improve the condition of Tajikistan's natural resources, which suffered extensive damage during the long conflict. The Pamir mountain region of eastern Tajikistan was one of the most adversely affected areas in the years following Soviet occupation. Its natural environment was severely degraded, and the region saw a substantial increase in poverty.

John Heathershaw reports that post-Soviet, post-conflict Tajikistan is an understudied and poorly understood case in the conflict studies literature (Heathershaw 2009). This chapter discusses a sustainable land management program introduced into the Pamir region under a joint international–Tajik government project, which has been catalytic in a number of peacebuilding actions, including capacity building, reconciliation, and societal transformation activities. The Pamir project has brought many parts of the Pamir community together to solve its resource management problems, and the main outcome has been a long-term natural resource strategy for the region that includes legal, policy, and institutional elements. The progress made in the Pamir region of Tajikistan has generated valuable regional and transboundary natural resource management norms and guidelines that can be adapted to similar mountain environments in other parts of the world.

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388 Land and post-conflict peacebuilding

This chapter begins by outlining the historical context of conflict in Tajikistan, highlighting the role of foreign influence in both Tajikistan's factious politics and more recent peacebuilding efforts. The chapter then focuses in on the Pamir mountain region as a unique microcosm for the study of sustainable natural resource management and community development. The author outlines the PALM project (formally known as the Sustainable Land Management in the High Pamir and Pamir-Alai Mountains project) noting its effects on local governance, poverty, resource management, and transboundary relations. The chapter concludes with mentions of relevant international and regional environmental laws and policies, and lessons learned from PALM and general peacebuilding efforts in the Pamir mountain region.

ARMED CONFLICT AND ITS AFTERMATH

With a population of approximately 7 million and virtually no arable land, Tajikistan is the poorest of the new republics of Central Asia, and because its natural resources are severely degraded it has a difficult economic future.

The ten-year civil conflict that debilitated the nation erupted at the time of independence, when groups that had been out of power since the establishment of Soviet authority reemerged. These power groups won initial elections but were prevented from taking office by others who had enjoyed power in the Soviet Union and who had Russian backing to maintain power. The worst part of the ensuing civil conflict ended in 1993 with a settlement that provided for a sharing of power between the elected government and the opposition, but sporadic fighting continued (Beeman 1999).

Decades of Soviet control over Tajikistan meant that few institutional mechanisms were in place to manage political diversity, and the new leaders had little experience in the practice of political compromise (Barnes and Abdullaev 2001). Violence was the means for gaining political dominance. This problem was exacerbated by the involvement of external powers that directly or indirectly supported the different factions. With an interest in the outcome of the civil war, those powers became secondary parties to the conflict. Later, however, they became vital resources to the peace process.

On June 27, 1997, in Moscow, the president of Tajikistan, Emomali Rahmonov, and opposition leader Sayeed Abdullo Nuri signed the peace agreement on Establishment of Peace and National Accord in Tajikistan. The agreement addresses constitutional amendments, government reforms, and the amendment of some laws, including election laws.

As a result of the conflict in Tajikistan, between 40,000 and 100,000 people died, hundreds of thousands became disabled, livelihoods were lost, approximately one million people became refugees or were internally displaced, and more than 50,000 homes were destroyed. Economic damage was estimated at US\$7 billion (Toshmuhhammadov 2004). But even before the civil war, socioeconomic development was unbalanced, and had been for some seventy years. The country was



essentially a “raw materials–producing agrarian appendage of industrially developed regions of the former Soviet Union” (Toshmuhammadov 2004, 9). At the beginning of the 1990s, according to Deutsche Bank, Tajikistan held the lowest ranking for economic development and resource potential among the Commonwealth of Independent States (Toshmuhammadov 2004).

Since 2000, countrywide order has emerged in Tajikistan, and the 1997 peace agreement between the parties in the civil conflict has held. Superficially Tajikistan’s emergence from conflict appears to be a case of successful international intervention for liberal peacebuilding, but the Tajik peace is characterized by authoritarian governance. Zamira Yusufjonova’s view is that one of the main obstacles to complete reconciliation is an almost exclusive concern in the Tajik peace process for institutional reform—to the neglect of social psychological issues (Yusufjonova 2005). She contends that the peace process lacks the relational dimension of peacebuilding, which centers on reconciliation, forgiveness, and trust building.

CASE ANALYSIS

Under United Nations parameters, peacebuilding consists of a wide range of activities associated with capacity building, reconciliation, and societal transformation (Boutros-Ghali 1992). It is a long-term process that occurs after violent conflict has slowed down or come to a halt, and after peacemaking and peacekeeping.

390 Land and post-conflict peacebuilding

In post-conflict Tajikistan, at least two basic peacebuilding discourses were adopted: the elite *mirostroytelstvo* (Russian for “peacebuilding”) and the popular *tinji* (Tajik for “wellness” or “peacefulness”). Studies conducted between 2003 and 2005 indicate that a singular definition of Tajik peacebuilding was elusive as practices adapted to the relationships between multiple discourses and identities. The studies found that peacebuilding is a complex and dynamic process that entails the legitimation and shared acceptance of new relationships of power (Heathershaw 2007).

Political reconciliation

Internationally Tajikistan plays the role of a transit state, in which peace and stability have to be maintained for the safe transportation of the energy carriers and other natural resources of Central Asia. During the conflict, Tajikistan was at the crossroads of interests of superpowers of the world and the region, and this exacerbated the internal situation.

The international community, including Russia, Iran, other donor countries, and Tajikistan’s neighbors, played a role in establishing a negotiation bridge for political reconciliation. In late 1992, the United Nations Security Council, at the request of member states, authorized the UN to support a negotiated settlement (Barnes and Abdullaev 2001). UN officers first took up their functions in Tajikistan in January 1993 (Toshmuhhammadov 2004), and the UN later sponsored the inter-Tajik negotiations, which began in April 1994 and resulted in completion of the peace agreement three years later.

The peace agreement embraced a wide range of cooperative actions for an orderly conciliation of the crisis, including formation of the Commission on National Reconciliation, which was responsible for leading the nation toward parliamentary and presidential elections; legalization of United Tajik Opposition parties and integration of their armed units into the Tajik Army; and the holding of national parliamentary and presidential elections. All of these provisions of the peace accords have been put into effect, followed by enactment of a decree that formally dissolved the reconciliation commission on the grounds that it had completed its mission.

One of the main factors in the civil war in Tajikistan was the uneven distribution of power among representatives of individual regions of the republic. Prior to the collapse of the Soviet Union, top government positions were usually held by designees from the northern (Leninabad) clan. This imbalance of power was built upon support from Moscow. With the disintegration of the Soviet Union, no regional political group was strong enough to govern the country alone. The peace agreement provided for a redistribution of power in line with a formula according to which the opposition would hold 30 percent of offices at all levels. Some analysts believe that the continuing imbalance of power remains a major challenge to the maintenance of peace and harmonious relations in the years ahead (Toshmuhhammadov 2004; Mullojanov 2005).

Economic rehabilitation

Tajikistan, and in particular the Pamir mountain region, still faces many challenges as a consequence of the civil war. These difficulties of the transitional period are connected with land degradation and loss of environmental amenities, a high poverty rate among migrant laborers and the general population, weak social protections, and the decline of the municipal economy. Poverty currently affects over half of the population, and employment opportunities are limited. Between 400,000 and 1 million people leave the country in search of work each year. Food security, sufficiency of power supplies, communication difficulties, and natural resource management are critical issues (GOT 2002).

Notwithstanding these challenges, Tajikistan has maintained peace and stability in recent years, and its national reconciliation policy has continued. Due to the peace process, political, economic, social, and environmental reforms are now being successfully implemented. Tajikistan is moving toward democratization of the society and transition to a market economy. A new constitution was adopted in 1994,¹ a standing parliament was established and is functional, and six political parties are active in the country. The gross domestic product is increasing, and the national currency is reasonably stable.² Under Tajikistan's international open-door policy, foreign relations are broadening, and the republic's international prestige is increasing.

Despite implementation of several long-term programs aimed at post-conflict rehabilitation, however, progress is hampered by Tajikistan's limited budget. Under the circumstances, aid from the international community is essential.³ As in many complex humanitarian emergencies created by conflict, a wide range of international agencies and nongovernmental organizations have worked with their Tajik counterparts to address the political, legal, humanitarian, socioeconomic, and security dimensions of the conflict and its aftermath (Barnes and Abdullaev 2001).

Conditions in the Pamir mountain region

Internationally the Pamir mountain region has been viewed as vitally important to peacebuilding in and the future economic development of Tajikistan because

¹ The constitution of Tajikistan was adopted on November 6, 1994, and amended by referendum on September 26, 1999, and June 22, 2003. It is the supreme law of the Republic of Tajikistan.

² According to World Bank data, the gross domestic product of Tajikistan expanded at an average rate of 9.6 percent between 2000 and 2004, but by March 2007, 53 percent of Tajikistan citizens were still living below the poverty line (World Bank n.d.).

³ For example, the Islamic Development Bank, as of 2004, has provided Tajikistan with loans of US\$60 million and grants of US\$1.6 million; the European Bank for Reconstruction and Development and the International Financial Corporation have provided Tajikistan with a loan of US\$14 million for the development of small and medium-sized businesses; and in 2003 a UN appeal resulted in the receipt of 172,000 tons of humanitarian aid worth US\$116 million from thirty-nine countries (Toshmuhhammadov 2004).

392 Land and post-conflict peacebuilding

of its rich natural assets and unique opportunities for economic, social, and ecological development. Numerous peaks, with altitudes ranging from 5,000 to 7,000 meters, deliver water to the Panj-Amu Darya River basin, making rich agricultural production possible farther downstream in the semi-arid lowlands. Although the deep valleys of the Pamir Mountains are only thinly populated, they are home to several ethnic groups that practice irrigated agriculture. The highland meadows in the Eastern Pamirs are used mainly to raise livestock. Among the region's most important assets are rich natural resources, potential for hydro-power generation, scenic beauty that could attract tourists, and comparatively high educational standards based on the unifying vision of the Ismaili culture of Shia Islam in extensive parts of the region (Breu and Hurni 2003).

During the Soviet era, settlement and population growth were actively promoted within the Pamir mountain region of east Tajikistan for border security reasons: it is an extremely isolated area at the crossroads between China (to the east), Pakistan (to the south), Afghanistan (to the west), and Kyrgyzstan (to the north). Moscow heavily subsidized the region by providing goods and services at minimal prices, and these subsidies supported the development of an entire economic and natural resource management system that was unrelated to the limited natural carrying capacity of the region's ecological resources. Traditional land use systems were replaced by collective farms that were often assigned the sole purpose of breeding livestock for distant markets in the Soviet Union. At the same time, large numbers of pastoralists of Kyrgyz ethnic descent who had been living in the High Pamirs were forced to abandon their traditional transhumant herding lifestyle and to take up permanent residence in newly constructed small towns located at altitudes of over 3,000 meters.

Following the collapse of the Soviet Union in 1991, subsidies were immediately withdrawn, and the lopsided economy was deprived of markets and exchange relations. Unemployment increased dramatically with government retrenchment and the closure of inefficient state industries: some 80 percent of the population was either unemployed or underemployed, with little or no income earning opportunity. Poverty became widespread, livelihoods focused on survival rather than economic development, and a high level of external humanitarian support was needed. The civil war led to further deterioration of human and natural resources.

Establishment of the PALM project

Since the peace agreement was signed in 1997, the Tajik government has promoted post-conflict confidence building and national reconciliation, and international agencies have provided funding for conflict resolution activities (Mullojanov 2001). Consistent with these goals, between 2004 and 2007 the inhabitants of the Pamir Mountains and the Tajik government partnered with the Global Environment Facility and United Nations Environment Programme to establish the PALM project. The United Nations University is the implementing agency for the project, and the Committee on Environment Conservation of the Government

of Tajikistan and the State Agency on Environment Protection and Forestry of Kyrgyzstan were designated as national collaborative partners (PALM 2008).

The PALM project has made significant contributions to the political, social, and ecological aspects of peacebuilding in the Pamir mountain region in particular, and in Tajikistan in general. Its long-term environmental and development goal is:

[T]o restore, sustain, and enhance the productive and protective functions of the transboundary ecosystems of the High Pamir and Pamir-Alai mountains of Tajikistan and Kyrgyzstan, so as to improve the social and economic well-being of the rural communities and households utilising the region's ecosystem resources to meet their livelihood needs, while preserving its unique landscape and globally important biodiversity (PALM 2011, 13).

The various components of the PALM project address land degradation and poverty in a manner that has brought communities of the Pamir mountain region and the national government together by using cooperative and participatory processes, including discussion and problem-solving meetings, training and capacity-building workshops, and joint field excursions and investigations. The project also has adopted a transboundary approach, with Tajikistan and Kyrgyzstan working together to take responsibility for ecosystem resources and to improve the technological, institutional, policy, and legislative environment for the mountain communities.

A regional strategy and action plan for sustainable development of the mountain region was prepared through a participatory process involving community members, the government, and other stakeholders. To ensure implementation of the strategy, participatory community-based resource assessment, land use planning, and micro-projects were conducted at selected hot spots in the region. These community activities mobilized many additional resources to encourage as wide an adoption of these initiatives as possible. The entire project comprised five components related to sustainable land management: improvement of the legal, policy, institutional, and planning environment; capacity building; poverty alleviation; evaluation of impact and identification of lessons so the project could be replicated; and project management (UNEP 2005).⁴

The centerpiece of the PALM project was the Pamir-Alai Transboundary Strategy and Action Plan (PAT SAP), which applied various peacebuilding actions in its development. Following a procedure defined by United Nations University, a multidisciplinary team of international, national, and local experts undertook data collection and prepared baseline reports (UNU 2009). Environmental reports

⁴ Other aspects of the project included enhancing capacities for project-specific activities, implementing adaptive research, and mobilizing cofinancing resources; working with existing pilot sites rather than scaling up project activities; developing generic guidelines for replicating the project's experience; and emphasizing project management and performance monitoring and reporting rather than development of an integrated decision-support system based on GIS (geographic information system).

394 Land and post-conflict peacebuilding

covered ecosystems, land management and livelihoods, and the indirect driving forces of change in land resource management in the Pamir region. Given the importance of grazing to livelihood, considerable resources were allocated to obtaining information on how the mountain communities managed pastures. Economic investigations reviewed the local economy, globalization, trade, markets, public services, and energy infrastructure. The PATSAP summarized best practices and suggested measures for land rehabilitation, identifying priority areas for treatment and recommending long-term land rehabilitation projects.

Governance, principles, and ethics

The 1997 peace agreement gave insufficient emphasis to the reform of constitutional and governance structures. The Commission on National Reconciliation was responsible for overseeing implementation of the agreement and recommending constitutional amendments and post-war legislation, with technical assistance provided by the UN (Barnes and Abdullaev 2001). To address issues of governance, the PALM project incorporated participation, accountability, predictability, and transparency into its project activities to obtain a better perspective on the rights of Pamir people, to recognize their capacity to make decisions that directly affect their lives, and to hold the government accountable for its actions (Nzongola-Ntalaja 2002).

Moreover, the PALM project promoted the value of a comprehensive legal framework as a foundation for governance in the region. The fundamental principles of good governance advocated by the Organisation for Economic and Co-operation and Development (OECD 1997) formed the basis for the strategic tools prepared for the specially formed Tajik Legal Task Force, which was responsible for investigating governance issues, including:

- Transparency, participation, and accountability.
- Fairness and equity in dealings with citizens.
- Efficiency and effectiveness of services.
- Clarity and transparency of laws and regulations.
- Consistency and coherence in policy formation.
- Respect for the rule of law.
- Standards of ethical behavior.

Project training workshops emphasized that governance encompasses much more than just government responsibilities (GEF, UNEP, and UNU 2008). Law and institutional frameworks, participation, accountability, and efficacy were regarded as essential for creating legitimacy for and achieving compliance with post-conflict rehabilitation efforts in the Pamir mountain region.

To create the best chance possible for good governance to be put into practice in the region, the PALM project promoted fundamental legal principles of international natural resource law: equitable and reasonable utilization, the

duty of cooperation, dispute prevention and resolution, and compliance. This approach was consistent with a peacebuilding process that begins to develop a civil society infrastructure composed of both traditional social institutions and newer nongovernmental organizations. For the Pamir region it was also important to facilitate reintegration of former Tajik refugees in Afghanistan and to settle local disputes while addressing a range of other social needs (Barnes and Abdullaev 2001).

Project leaders investigated the possibility of establishing a transboundary protected area to maintain ecological balance and preserve biodiversity in the Pamir area because they perceived this to be an important mechanism for furthering positive international economic and political relations for this isolated and ecologically unique region. Worldwide, protected areas have grown in significance not only for the purpose of safeguarding complex ecosystems but also to make possible new forms of economic development and to recognize the value of local cultures and traditions (Kemp, Parto, and Gibson 2005; Schulz 2007).

The principles of a regional governance system for natural resource management were used by the Legal Task Force to establish the methodology for implementing the natural resource management aims and economic and social objectives of the PALM project. Using an ecological approach, the task force became more aware of the links among multiple natural resources, including drainage basins, air, soil, and water. This approach was beneficial to the peacebuilding effort because it necessitated regular interaction among various communities of the region and among people from all facets of the project. For example, in the development of the transboundary legal and institutional framework, the ecosystem approach made all concerned more aware that the native species of the Pamirs and their habitats are interconnected and that certain human activities place the ecological environment under stress. Further, the inclusive transboundary approach, with its focus on joint management, led to better management opportunities for the mountain region by internalizing the consequences of the natural resource management policies developed through this process (Benvenisti 2002).

Improving the legal and regulatory framework for sustainable land management

Earlier studies in the Pamir region had identified many gaps in and constraints on the enabling legal, policy, and institutional environment at the regional, national, and local government levels (Hannam 2006a, 2006b). These problems grew from the lack of consultation between groups, institutional dysfunction, and a general lack of trust between different sectors of government and society. The Legal Task Force was aware of these problems when it reviewed the national laws and regulations in relation to the sustainable land management and ecosystem objectives for the Pamir Mountains (GEF, UNEP, and UNU 2008).

The development of the regional Natural Resource Management Governance Framework was significant as a peacebuilding activity. This framework included national laws, policies, and institutional requirements for implementing sustainable

396 Land and post-conflict peacebuilding

land management, as well as the transboundary law necessary for managing the natural resources of the Pamir mountain region. It relied heavily on the building of partnerships and trust (PALM 2008).

Methodological research guidelines

The methodological research guidelines that the Legal Task Force used to formulate the legal, policy, and institutional framework for sustainable land management proved to be a valuable communication tool because they were based on a series of procedural steps for locating, analyzing, and interpreting legislative, policy, and institutional information (Hannam 2006a; University of New England 2009). As the guidelines were applied, opportunities arose to address a number of key post-conflict issues, including ways to improve the sharing of information and knowledge, as well as the use of multidisciplinary working groups to identify common problems and devise solutions and reforms. Application of the guidelines also highlighted relationships and interdependence between different levels of environmental law and policy. Because of the authoritarian approach of the Russian era, not many local people knew about the role of international, national, regional, and local environmental law. Although the methodological research guidelines were developed specifically for the PALM project, Tajik officials supported their adoption as standard administrative government procedure for environmental law and policy reform within the country as a whole.

Legislation and policy

Various international and national studies of the Tajik mountain environment have identified many sustainable land management issues (Breu and Humi 2003; Centre for Development and Environment 2005). These were used in the implementation of the methodological research guidelines.

The Legal Task Force gathered additional information by examining strategic materials (such as land management studies, environmental reports, and government reports) and paying particular attention to their objectives, recommendations, and conclusions. Again, this procedure was critical to capacity building and reconciliation because it relied on cooperation between different groups of Tajik people. Together, these groups decided on benchmarks of important environmental problems relevant to sustainable management of the mountain environment; established indicators of the types of legal and institutional elements required for each level of law to effectively manage each sustainable land management issue in the future; made comparisons between individual laws and the legal and institutional profiles of each area of law; and identified future areas for legal, policy, and institutional reform.

An aspect of the PALM project that engendered enthusiasm among the Tajik officials was the opportunity to see the outcome of their work contributing to the development of global mountain law and policy, which is still in its infancy,

with few mountain-specific legal instruments currently in force at the national level (Fodella and Pineschi 2002; Hannam 2006a). Tajik officials were excited at the prospect of contributing to something outside their own country. In this regard, using the methodological research guidelines to investigate legal, policy, and institutional problems and to develop a new and more appropriate system of law for the Pamir mountain region gave those involved a sense of pride, achievement, and hope. It increased the urgency of achieving peace and harmony and of achieving many goals that were important to their daily lives, including:

- Improving resource utilization and environmental protection, sustainable management of ecosystems, and prevention of land degradation.
- Creating regulations that are enforceable.
- Removing uncertainty of land tenure in the Pamir region and ensuring that land use rights were restored for rural communities.
- Ensuring that the land use decision-making system and rural land management activities of the Pamir region are linked with the national environmental legislative and policy system, but not overridden by the latter.
- Removing institutional limitations to the implementation of the legal, policy, and regulatory framework for sustainable land management.

Two of the ongoing barriers to change in Tajikistan have been a lack of coordination among national institutions and sector agencies and a paucity of regional rules to ensure uniformity in approach to the management of the Pamir region as a distinct biogeographical and ecological unit (Breu and Hurni 2003). Substantial overlap existed between many organizations in their administrative, legislative, and policy responsibilities for land management. The national law and policy framework that evolved in the immediate post-conflict period was highly sectoral and did not recognize integrated land use management in the Pamir region. Through the PALM project, it was realized that without the benefit of an effective common-boundary, transjurisdictional agreement achieving consistent land use and conservation goals for the entire Pamir region would be difficult.

Transboundary issues

Delicate negotiations have been under way between the Tajik and Kyrgyz governments to finalize transboundary natural resource management arrangements within the Natural Resource Management Governance Framework for the Pamir region. The transboundary arrangements are viewed as critical for the economic development of the region because if implemented properly they would help overcome many of the post-Soviet issues still affecting the mountain region. The very nature of a transboundary approach—“any process of cooperation across boundaries that facilitates or improves the management of natural resources to the benefit of all parties in the area concerned” (Griffin et al. 1999, 21)—is that it engenders coop-

398 Land and post-conflict peacebuilding

eration and communication among the occupants of a transboundary region and can go a long way toward harmonization of relationships in the region.

Engaging in transboundary activities is another effective way of consolidating the peacebuilding process because of its focus on sharing resources, ensuring that communities and other stakeholders benefit from a sustainable use of resources, countering inequitable resource distribution associated with unfair land and resource appropriation, and optimizing the distribution of benefits from natural resource use for economic development.

International and regional environmental law and policy instruments

Tajikistan has ratified a number of international treaties that include procedures that are important to peacebuilding in the Pamir region, including the Convention on Biological Diversity, the Framework Convention on Climate Change, and the Convention to Combat Desertification (PALM 2008). Various procedures in these multilateral treaties, when applied in conjunction with national legislative provisions, play an important role in improving economic, human, and environmental conditions. The Legal Task Force took these conventions into account when it was engaged in the evaluation and participative processes associated with implementation of the methodological research guidelines and development of the Natural Resource Management Governance Framework (University of New England 2009).

Convention on Biological Diversity

The Legal Task Force looked to many articles of the Convention on Biological Diversity for direction for managing the ecology of the Pamir mountain environment and as an indicator of the reduction in biological diversity, mostly due to habitat loss and land degradation, that resulted from activities in the post-Soviet conflict period.⁵ In particular, the Legal Task Force used various articles of the convention relating to environmental, economic, and social benefits of conserving biodiversity to recommend changes to individual natural resource laws related to management of the Pamir region.

The obligations outlined in article 6, for example, were used in the preparation of implementation strategies and measures for conservation of biological diversity. The strategies highlighted important links between different methods of conserving biodiversity in the Pamir, and how they could benefit ecotourism, improve land management, and mitigate the effects of climate change. To successfully reflect national obligations found in the Convention on Biological Diversity in the Pamir transboundary framework, and to reach consensus on standards and rules for

⁵ For the text of the UN Convention on Biological Diversity, see www.cbd.int/convention/text/.

conservation, the Legal Task Force consulted with community groups. To achieve the full benefits of the convention in the peacebuilding process, the mountain communities had to be directly involved in discussions concerning conservation and sustainable use of biological resources.

Framework Convention on Climate Change

Consistent with the United Nation's position on the effects of human-induced changes to the global climate system, the PALM project used the processes of the UN Framework Convention on Climate Change in deciding how the terrestrial ecosystems of the Pamir mountain region could be effectively used as a sink for greenhouse gases.⁶ Using the objective articulated in article 2 of the convention ("to achieve stabilization of atmospheric concentrations of greenhouse gases at levels that would prevent dangerous anthropogenic interference with the climate system") and its key principles (expressed in article 3), which encourage parties to protect the climate system for the benefit of present and future generations, various precautionary and mitigation measures were derived through consultation and participatory processes that discussed a sustainable development approach to land use in the region. These measures were then included in the strategy and action plan, or PATSAP (PALM 2008).

In particular, the PATSAP documented agricultural activities of the Pamir region that were considered to be a source of greenhouse gases, including changes in land cover and land use that contributed emissions of greenhouse gases through vegetation destruction, biomass burning, livestock keeping, and cultivation using organic manure and nitrogenous fertilizers (PALM 2008). The PATSAP also acknowledged that Tajikistan has a responsibility to improve its legal, policy, and institutional systems to protect the climate system of the country for the benefit of present and future generations, and Tajik officials realized that precautionary measures are necessary for minimization of the causes of climate change.

Convention to Combat Desertification

The basic objective of the UN Convention to Combat Desertification was applied in the PALM project to reduce land degradation, rehabilitate degraded land, and reclaim desertified land (PALM 2008), using the same cooperative and participatory processes mentioned above.⁷ The type of action required of the Pamir communities to combat desertification and mitigate the effects of drought highlighted an important synergistic relationship between the obligations of the three conventions. Specific sustainable land management techniques were included in the

⁶ For the text of the UN Framework Convention on Climate Change, see http://unfccc.int/essential_background/convention/background/items/1349.php.

⁷ For the text of the UN Convention to Combat Desertification, see www.unccd.int/convention/text/pdf/conv-eng.pdf.

400 Land and post-conflict peacebuilding

PATSAP and the Natural Resource Management Governance Framework to combat desertification and control land degradation. These derived from community participation activities to decide on mechanisms to combat desertification, which used various procedures under the Convention to Combat Desertification as a guide.

Over time the Tajik government will implement strategies to combat land degradation in the Pamir mountain region that use an integrated approach to address the physical, biological, and socioeconomic aspects of land degradation and drought (UNU 2009). The ability of Tajik government programs to control these problems in the Pamir region is dependent on a successful education and capacity-building program to build confidence and expertise.

Regional treaties

The Framework Convention on Environment Protection for Sustainable Development in Central Asia (Ashkhabad, Turkmenistan, June 22, 2006) and, for members of the Commonwealth of Independent States, the Convention on Frontier Cooperation (Bishkek, Kyrgyzstan, October 10, 2008) specify the importance of interrelations between biodiversity and various technologies on conservation of mountainous systems. When it was developing the Natural Resource Management Governance Framework, the Tajik Legal Task Force considered the role of these instruments in improving land management processes, including the establishment of rules on protection and rational use of land resources in the High Pamir and Pamir-Alai mountains. However, because greater utilization of the procedures of these instruments depends on closer dialogue and cooperation between the governments of Kyrgyzstan and Tajikistan on transboundary issues, the full benefit of these instruments may not be realized for some time yet. Still, the participatory and cooperative processes involved in discussing the objectives and the role of these instruments benefit peacebuilding in the Pamir region and in Tajikistan as a whole.

LESSONS LEARNED AND NEXT STEPS

Through the two phases of the PALM project (project development and project implementation), the Tajik government and the communities have worked together, slowly improving their knowledge of sustainable land management and how it can be applied at the local and regional levels. The process has helped to improve trust and harmony between different groups as they have come together to solve mutual problems of livelihood and environmental security. Continued financial, political, and technical support from international organizations is important to expand the conflict resolution and peacebuilding capacities of Tajikistan's civic organizations and their ability to engender dialogue and political participation and to ensure protection of rights (Mullojanov 2001).

Although there have been many positive outcomes of the PALM project, various constraints affect the rate of progress, including interagency rivalries

and power struggles, and limitations on the availability of human, technical, and financial resources. The PALM project experience indicates that involving all stakeholders makes it possible to take advantage of more optimal options for problem resolution, including the participation of the community to solve common natural resource usage problems that threaten livelihoods. After nearly four years, through the efforts of the PALM project, Tajikistan now has a better appreciation of the international economic and ecological value of the Pamir region because of its unique ecotype and its potential for ecotourism.

International agencies' involvement with the Tajik people has been important in providing them with skills to undertake activities that directly contribute to the peacebuilding process, including conflict resolution programs with political parties, public movements, and civic organizations. It is important that the good work of the PALM project continue with even greater focus on activities that bring people together and build trust and cooperation for identifying and solving problems.

Political developments in Tajikistan will depend on the nature of sociopolitical relations in the country, the maintenance of geopolitical equilibrium in the region, and the evolution in the interests of superpowers such as the United States, Russia, and China.

A number of direct global environmental benefits will continue to accrue from the PALM project, including the development of replicable sustainable land management guidelines that can be used to address natural resource management problems in similar high-altitude mountain regions. In this way, Tajikistan, while going through an internal process of peacebuilding and addressing its own critical natural resource management problems, can connect with and make a contribution to the outside world.

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402 Land and post-conflict peacebuilding

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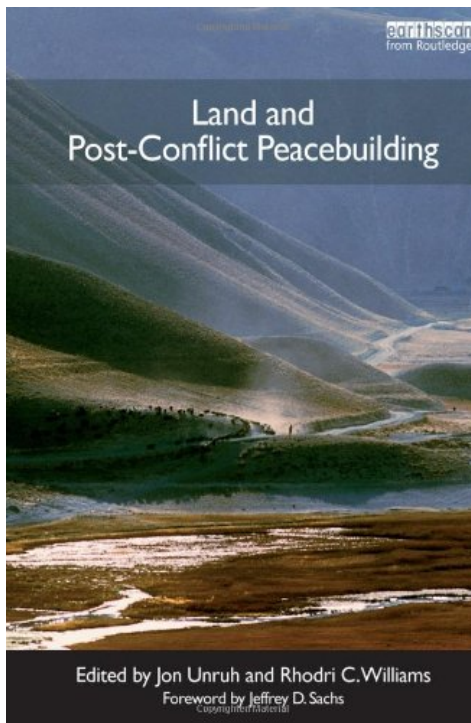
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Transboundary resource management strategies in the Pamir mountain region of Tajikistan

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Transboundary resource management strategies in the Pamir mountain region of Tajikistan

Ian D. Hannam

The Republic of Tajikistan, the smallest and most isolated of the new nations of formerly Soviet Central Asia, experienced ten years of civil conflict in the 1990s that debilitated the country socially, economically, and environmentally. Since 2000 political violence has ended, and there have been efforts to improve the condition of Tajikistan's natural resources, which suffered extensive damage during the long conflict. The Pamir mountain region of eastern Tajikistan was one of the most adversely affected areas in the years following Soviet occupation. Its natural environment was severely degraded, and the region saw a substantial increase in poverty.

John Heathershaw reports that post-Soviet, post-conflict Tajikistan is an understudied and poorly understood case in the conflict studies literature (Heathershaw 2009). This chapter discusses a sustainable land management program introduced into the Pamir region under a joint international–Tajik government project, which has been catalytic in a number of peacebuilding actions, including capacity building, reconciliation, and societal transformation activities. The Pamir project has brought many parts of the Pamir community together to solve its resource management problems, and the main outcome has been a long-term natural resource strategy for the region that includes legal, policy, and institutional elements. The progress made in the Pamir region of Tajikistan has generated valuable regional and transboundary natural resource management norms and guidelines that can be adapted to similar mountain environments in other parts of the world.

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388 Land and post-conflict peacebuilding

This chapter begins by outlining the historical context of conflict in Tajikistan, highlighting the role of foreign influence in both Tajikistan's factious politics and more recent peacebuilding efforts. The chapter then focuses in on the Pamir mountain region as a unique microcosm for the study of sustainable natural resource management and community development. The author outlines the PALM project (formally known as the Sustainable Land Management in the High Pamir and Pamir-Alai Mountains project) noting its effects on local governance, poverty, resource management, and transboundary relations. The chapter concludes with mentions of relevant international and regional environmental laws and policies, and lessons learned from PALM and general peacebuilding efforts in the Pamir mountain region.

ARMED CONFLICT AND ITS AFTERMATH

With a population of approximately 7 million and virtually no arable land, Tajikistan is the poorest of the new republics of Central Asia, and because its natural resources are severely degraded it has a difficult economic future.

The ten-year civil conflict that debilitated the nation erupted at the time of independence, when groups that had been out of power since the establishment of Soviet authority reemerged. These power groups won initial elections but were prevented from taking office by others who had enjoyed power in the Soviet Union and who had Russian backing to maintain power. The worst part of the ensuing civil conflict ended in 1993 with a settlement that provided for a sharing of power between the elected government and the opposition, but sporadic fighting continued (Beeman 1999).

Decades of Soviet control over Tajikistan meant that few institutional mechanisms were in place to manage political diversity, and the new leaders had little experience in the practice of political compromise (Barnes and Abdullaev 2001). Violence was the means for gaining political dominance. This problem was exacerbated by the involvement of external powers that directly or indirectly supported the different factions. With an interest in the outcome of the civil war, those powers became secondary parties to the conflict. Later, however, they became vital resources to the peace process.

On June 27, 1997, in Moscow, the president of Tajikistan, Emomali Rahmonov, and opposition leader Sayeed Abdullo Nuri signed the peace agreement on Establishment of Peace and National Accord in Tajikistan. The agreement addresses constitutional amendments, government reforms, and the amendment of some laws, including election laws.

As a result of the conflict in Tajikistan, between 40,000 and 100,000 people died, hundreds of thousands became disabled, livelihoods were lost, approximately one million people became refugees or were internally displaced, and more than 50,000 homes were destroyed. Economic damage was estimated at US\$7 billion (Toshmuhhammadov 2004). But even before the civil war, socioeconomic development was unbalanced, and had been for some seventy years. The country was



essentially a “raw materials–producing agrarian appendage of industrially developed regions of the former Soviet Union” (Toshmuhammadov 2004, 9). At the beginning of the 1990s, according to Deutsche Bank, Tajikistan held the lowest ranking for economic development and resource potential among the Commonwealth of Independent States (Toshmuhammadov 2004).

Since 2000, countrywide order has emerged in Tajikistan, and the 1997 peace agreement between the parties in the civil conflict has held. Superficially Tajikistan’s emergence from conflict appears to be a case of successful international intervention for liberal peacebuilding, but the Tajik peace is characterized by authoritarian governance. Zamira Yusufjonova’s view is that one of the main obstacles to complete reconciliation is an almost exclusive concern in the Tajik peace process for institutional reform—to the neglect of social psychological issues (Yusufjonova 2005). She contends that the peace process lacks the relational dimension of peacebuilding, which centers on reconciliation, forgiveness, and trust building.

CASE ANALYSIS

Under United Nations parameters, peacebuilding consists of a wide range of activities associated with capacity building, reconciliation, and societal transformation (Boutros-Ghali 1992). It is a long-term process that occurs after violent conflict has slowed down or come to a halt, and after peacemaking and peacekeeping.

390 Land and post-conflict peacebuilding

In post-conflict Tajikistan, at least two basic peacebuilding discourses were adopted: the elite *mirostroytelstvo* (Russian for “peacebuilding”) and the popular *tinji* (Tajik for “wellness” or “peacefulness”). Studies conducted between 2003 and 2005 indicate that a singular definition of Tajik peacebuilding was elusive as practices adapted to the relationships between multiple discourses and identities. The studies found that peacebuilding is a complex and dynamic process that entails the legitimation and shared acceptance of new relationships of power (Heathershaw 2007).

Political reconciliation

Internationally Tajikistan plays the role of a transit state, in which peace and stability have to be maintained for the safe transportation of the energy carriers and other natural resources of Central Asia. During the conflict, Tajikistan was at the crossroads of interests of superpowers of the world and the region, and this exacerbated the internal situation.

The international community, including Russia, Iran, other donor countries, and Tajikistan’s neighbors, played a role in establishing a negotiation bridge for political reconciliation. In late 1992, the United Nations Security Council, at the request of member states, authorized the UN to support a negotiated settlement (Barnes and Abdullaev 2001). UN officers first took up their functions in Tajikistan in January 1993 (Toshmuhammadov 2004), and the UN later sponsored the inter-Tajik negotiations, which began in April 1994 and resulted in completion of the peace agreement three years later.

The peace agreement embraced a wide range of cooperative actions for an orderly conciliation of the crisis, including formation of the Commission on National Reconciliation, which was responsible for leading the nation toward parliamentary and presidential elections; legalization of United Tajik Opposition parties and integration of their armed units into the Tajik Army; and the holding of national parliamentary and presidential elections. All of these provisions of the peace accords have been put into effect, followed by enactment of a decree that formally dissolved the reconciliation commission on the grounds that it had completed its mission.

One of the main factors in the civil war in Tajikistan was the uneven distribution of power among representatives of individual regions of the republic. Prior to the collapse of the Soviet Union, top government positions were usually held by designees from the northern (Leninabad) clan. This imbalance of power was built upon support from Moscow. With the disintegration of the Soviet Union, no regional political group was strong enough to govern the country alone. The peace agreement provided for a redistribution of power in line with a formula according to which the opposition would hold 30 percent of offices at all levels. Some analysts believe that the continuing imbalance of power remains a major challenge to the maintenance of peace and harmonious relations in the years ahead (Toshmuhammadov 2004; Mullojanov 2005).

Economic rehabilitation

Tajikistan, and in particular the Pamir mountain region, still faces many challenges as a consequence of the civil war. These difficulties of the transitional period are connected with land degradation and loss of environmental amenities, a high poverty rate among migrant laborers and the general population, weak social protections, and the decline of the municipal economy. Poverty currently affects over half of the population, and employment opportunities are limited. Between 400,000 and 1 million people leave the country in search of work each year. Food security, sufficiency of power supplies, communication difficulties, and natural resource management are critical issues (GOT 2002).

Notwithstanding these challenges, Tajikistan has maintained peace and stability in recent years, and its national reconciliation policy has continued. Due to the peace process, political, economic, social, and environmental reforms are now being successfully implemented. Tajikistan is moving toward democratization of the society and transition to a market economy. A new constitution was adopted in 1994,¹ a standing parliament was established and is functional, and six political parties are active in the country. The gross domestic product is increasing, and the national currency is reasonably stable.² Under Tajikistan's international open-door policy, foreign relations are broadening, and the republic's international prestige is increasing.

Despite implementation of several long-term programs aimed at post-conflict rehabilitation, however, progress is hampered by Tajikistan's limited budget. Under the circumstances, aid from the international community is essential.³ As in many complex humanitarian emergencies created by conflict, a wide range of international agencies and nongovernmental organizations have worked with their Tajik counterparts to address the political, legal, humanitarian, socioeconomic, and security dimensions of the conflict and its aftermath (Barnes and Abdullaev 2001).

Conditions in the Pamir mountain region

Internationally the Pamir mountain region has been viewed as vitally important to peacebuilding in and the future economic development of Tajikistan because

¹ The constitution of Tajikistan was adopted on November 6, 1994, and amended by referendum on September 26, 1999, and June 22, 2003. It is the supreme law of the Republic of Tajikistan.

² According to World Bank data, the gross domestic product of Tajikistan expanded at an average rate of 9.6 percent between 2000 and 2004, but by March 2007, 53 percent of Tajikistan citizens were still living below the poverty line (World Bank n.d.).

³ For example, the Islamic Development Bank, as of 2004, has provided Tajikistan with loans of US\$60 million and grants of US\$1.6 million; the European Bank for Reconstruction and Development and the International Financial Corporation have provided Tajikistan with a loan of US\$14 million for the development of small and medium-sized businesses; and in 2003 a UN appeal resulted in the receipt of 172,000 tons of humanitarian aid worth US\$116 million from thirty-nine countries (Toshmuhhammadov 2004).

392 Land and post-conflict peacebuilding

of its rich natural assets and unique opportunities for economic, social, and ecological development. Numerous peaks, with altitudes ranging from 5,000 to 7,000 meters, deliver water to the Panj-Amu Darya River basin, making rich agricultural production possible farther downstream in the semi-arid lowlands. Although the deep valleys of the Pamir Mountains are only thinly populated, they are home to several ethnic groups that practice irrigated agriculture. The highland meadows in the Eastern Pamirs are used mainly to raise livestock. Among the region's most important assets are rich natural resources, potential for hydro-power generation, scenic beauty that could attract tourists, and comparatively high educational standards based on the unifying vision of the Ismaili culture of Shia Islam in extensive parts of the region (Breu and Hurni 2003).

During the Soviet era, settlement and population growth were actively promoted within the Pamir mountain region of east Tajikistan for border security reasons: it is an extremely isolated area at the crossroads between China (to the east), Pakistan (to the south), Afghanistan (to the west), and Kyrgyzstan (to the north). Moscow heavily subsidized the region by providing goods and services at minimal prices, and these subsidies supported the development of an entire economic and natural resource management system that was unrelated to the limited natural carrying capacity of the region's ecological resources. Traditional land use systems were replaced by collective farms that were often assigned the sole purpose of breeding livestock for distant markets in the Soviet Union. At the same time, large numbers of pastoralists of Kyrgyz ethnic descent who had been living in the High Pamirs were forced to abandon their traditional transhumant herding lifestyle and to take up permanent residence in newly constructed small towns located at altitudes of over 3,000 meters.

Following the collapse of the Soviet Union in 1991, subsidies were immediately withdrawn, and the lopsided economy was deprived of markets and exchange relations. Unemployment increased dramatically with government retrenchment and the closure of inefficient state industries: some 80 percent of the population was either unemployed or underemployed, with little or no income earning opportunity. Poverty became widespread, livelihoods focused on survival rather than economic development, and a high level of external humanitarian support was needed. The civil war led to further deterioration of human and natural resources.

Establishment of the PALM project

Since the peace agreement was signed in 1997, the Tajik government has promoted post-conflict confidence building and national reconciliation, and international agencies have provided funding for conflict resolution activities (Mullojanov 2001). Consistent with these goals, between 2004 and 2007 the inhabitants of the Pamir Mountains and the Tajik government partnered with the Global Environment Facility and United Nations Environment Programme to establish the PALM project. The United Nations University is the implementing agency for the project, and the Committee on Environment Conservation of the Government

of Tajikistan and the State Agency on Environment Protection and Forestry of Kyrgyzstan were designated as national collaborative partners (PALM 2008).

The PALM project has made significant contributions to the political, social, and ecological aspects of peacebuilding in the Pamir mountain region in particular, and in Tajikistan in general. Its long-term environmental and development goal is:

[T]o restore, sustain, and enhance the productive and protective functions of the transboundary ecosystems of the High Pamir and Pamir-Alai mountains of Tajikistan and Kyrgyzstan, so as to improve the social and economic well-being of the rural communities and households utilising the region's ecosystem resources to meet their livelihood needs, while preserving its unique landscape and globally important biodiversity (PALM 2011, 13).

The various components of the PALM project address land degradation and poverty in a manner that has brought communities of the Pamir mountain region and the national government together by using cooperative and participatory processes, including discussion and problem-solving meetings, training and capacity-building workshops, and joint field excursions and investigations. The project also has adopted a transboundary approach, with Tajikistan and Kyrgyzstan working together to take responsibility for ecosystem resources and to improve the technological, institutional, policy, and legislative environment for the mountain communities.

A regional strategy and action plan for sustainable development of the mountain region was prepared through a participatory process involving community members, the government, and other stakeholders. To ensure implementation of the strategy, participatory community-based resource assessment, land use planning, and micro-projects were conducted at selected hot spots in the region. These community activities mobilized many additional resources to encourage as wide an adoption of these initiatives as possible. The entire project comprised five components related to sustainable land management: improvement of the legal, policy, institutional, and planning environment; capacity building; poverty alleviation; evaluation of impact and identification of lessons so the project could be replicated; and project management (UNEP 2005).⁴

The centerpiece of the PALM project was the Pamir-Alai Transboundary Strategy and Action Plan (PAT SAP), which applied various peacebuilding actions in its development. Following a procedure defined by United Nations University, a multidisciplinary team of international, national, and local experts undertook data collection and prepared baseline reports (UNU 2009). Environmental reports

⁴ Other aspects of the project included enhancing capacities for project-specific activities, implementing adaptive research, and mobilizing cofinancing resources; working with existing pilot sites rather than scaling up project activities; developing generic guidelines for replicating the project's experience; and emphasizing project management and performance monitoring and reporting rather than development of an integrated decision-support system based on GIS (geographic information system).

394 Land and post-conflict peacebuilding

covered ecosystems, land management and livelihoods, and the indirect driving forces of change in land resource management in the Pamir region. Given the importance of grazing to livelihood, considerable resources were allocated to obtaining information on how the mountain communities managed pastures. Economic investigations reviewed the local economy, globalization, trade, markets, public services, and energy infrastructure. The PATSAP summarized best practices and suggested measures for land rehabilitation, identifying priority areas for treatment and recommending long-term land rehabilitation projects.

Governance, principles, and ethics

The 1997 peace agreement gave insufficient emphasis to the reform of constitutional and governance structures. The Commission on National Reconciliation was responsible for overseeing implementation of the agreement and recommending constitutional amendments and post-war legislation, with technical assistance provided by the UN (Barnes and Abdullaev 2001). To address issues of governance, the PALM project incorporated participation, accountability, predictability, and transparency into its project activities to obtain a better perspective on the rights of Pamir people, to recognize their capacity to make decisions that directly affect their lives, and to hold the government accountable for its actions (Nzongola-Ntalaja 2002).

Moreover, the PALM project promoted the value of a comprehensive legal framework as a foundation for governance in the region. The fundamental principles of good governance advocated by the Organisation for Economic and Co-operation and Development (OECD 1997) formed the basis for the strategic tools prepared for the specially formed Tajik Legal Task Force, which was responsible for investigating governance issues, including:

- Transparency, participation, and accountability.
- Fairness and equity in dealings with citizens.
- Efficiency and effectiveness of services.
- Clarity and transparency of laws and regulations.
- Consistency and coherence in policy formation.
- Respect for the rule of law.
- Standards of ethical behavior.

Project training workshops emphasized that governance encompasses much more than just government responsibilities (GEF, UNEP, and UNU 2008). Law and institutional frameworks, participation, accountability, and efficacy were regarded as essential for creating legitimacy for and achieving compliance with post-conflict rehabilitation efforts in the Pamir mountain region.

To create the best chance possible for good governance to be put into practice in the region, the PALM project promoted fundamental legal principles of international natural resource law: equitable and reasonable utilization, the

duty of cooperation, dispute prevention and resolution, and compliance. This approach was consistent with a peacebuilding process that begins to develop a civil society infrastructure composed of both traditional social institutions and newer nongovernmental organizations. For the Pamir region it was also important to facilitate reintegration of former Tajik refugees in Afghanistan and to settle local disputes while addressing a range of other social needs (Barnes and Abdullaev 2001).

Project leaders investigated the possibility of establishing a transboundary protected area to maintain ecological balance and preserve biodiversity in the Pamir area because they perceived this to be an important mechanism for furthering positive international economic and political relations for this isolated and ecologically unique region. Worldwide, protected areas have grown in significance not only for the purpose of safeguarding complex ecosystems but also to make possible new forms of economic development and to recognize the value of local cultures and traditions (Kemp, Parto, and Gibson 2005; Schulz 2007).

The principles of a regional governance system for natural resource management were used by the Legal Task Force to establish the methodology for implementing the natural resource management aims and economic and social objectives of the PALM project. Using an ecological approach, the task force became more aware of the links among multiple natural resources, including drainage basins, air, soil, and water. This approach was beneficial to the peacebuilding effort because it necessitated regular interaction among various communities of the region and among people from all facets of the project. For example, in the development of the transboundary legal and institutional framework, the ecosystem approach made all concerned more aware that the native species of the Pamirs and their habitats are interconnected and that certain human activities place the ecological environment under stress. Further, the inclusive transboundary approach, with its focus on joint management, led to better management opportunities for the mountain region by internalizing the consequences of the natural resource management policies developed through this process (Benvenisti 2002).

Improving the legal and regulatory framework for sustainable land management

Earlier studies in the Pamir region had identified many gaps in and constraints on the enabling legal, policy, and institutional environment at the regional, national, and local government levels (Hannam 2006a, 2006b). These problems grew from the lack of consultation between groups, institutional dysfunction, and a general lack of trust between different sectors of government and society. The Legal Task Force was aware of these problems when it reviewed the national laws and regulations in relation to the sustainable land management and ecosystem objectives for the Pamir Mountains (GEF, UNEP, and UNU 2008).

The development of the regional Natural Resource Management Governance Framework was significant as a peacebuilding activity. This framework included national laws, policies, and institutional requirements for implementing sustainable

396 Land and post-conflict peacebuilding

land management, as well as the transboundary law necessary for managing the natural resources of the Pamir mountain region. It relied heavily on the building of partnerships and trust (PALM 2008).

Methodological research guidelines

The methodological research guidelines that the Legal Task Force used to formulate the legal, policy, and institutional framework for sustainable land management proved to be a valuable communication tool because they were based on a series of procedural steps for locating, analyzing, and interpreting legislative, policy, and institutional information (Hannam 2006a; University of New England 2009). As the guidelines were applied, opportunities arose to address a number of key post-conflict issues, including ways to improve the sharing of information and knowledge, as well as the use of multidisciplinary working groups to identify common problems and devise solutions and reforms. Application of the guidelines also highlighted relationships and interdependence between different levels of environmental law and policy. Because of the authoritarian approach of the Russian era, not many local people knew about the role of international, national, regional, and local environmental law. Although the methodological research guidelines were developed specifically for the PALM project, Tajik officials supported their adoption as standard administrative government procedure for environmental law and policy reform within the country as a whole.

Legislation and policy

Various international and national studies of the Tajik mountain environment have identified many sustainable land management issues (Breu and Humi 2003; Centre for Development and Environment 2005). These were used in the implementation of the methodological research guidelines.

The Legal Task Force gathered additional information by examining strategic materials (such as land management studies, environmental reports, and government reports) and paying particular attention to their objectives, recommendations, and conclusions. Again, this procedure was critical to capacity building and reconciliation because it relied on cooperation between different groups of Tajik people. Together, these groups decided on benchmarks of important environmental problems relevant to sustainable management of the mountain environment; established indicators of the types of legal and institutional elements required for each level of law to effectively manage each sustainable land management issue in the future; made comparisons between individual laws and the legal and institutional profiles of each area of law; and identified future areas for legal, policy, and institutional reform.

An aspect of the PALM project that engendered enthusiasm among the Tajik officials was the opportunity to see the outcome of their work contributing to the development of global mountain law and policy, which is still in its infancy,

with few mountain-specific legal instruments currently in force at the national level (Fodella and Pineschi 2002; Hannam 2006a). Tajik officials were excited at the prospect of contributing to something outside their own country. In this regard, using the methodological research guidelines to investigate legal, policy, and institutional problems and to develop a new and more appropriate system of law for the Pamir mountain region gave those involved a sense of pride, achievement, and hope. It increased the urgency of achieving peace and harmony and of achieving many goals that were important to their daily lives, including:

- Improving resource utilization and environmental protection, sustainable management of ecosystems, and prevention of land degradation.
- Creating regulations that are enforceable.
- Removing uncertainty of land tenure in the Pamir region and ensuring that land use rights were restored for rural communities.
- Ensuring that the land use decision-making system and rural land management activities of the Pamir region are linked with the national environmental legislative and policy system, but not overridden by the latter.
- Removing institutional limitations to the implementation of the legal, policy, and regulatory framework for sustainable land management.

Two of the ongoing barriers to change in Tajikistan have been a lack of coordination among national institutions and sector agencies and a paucity of regional rules to ensure uniformity in approach to the management of the Pamir region as a distinct biogeographical and ecological unit (Breu and Hurni 2003). Substantial overlap existed between many organizations in their administrative, legislative, and policy responsibilities for land management. The national law and policy framework that evolved in the immediate post-conflict period was highly sectoral and did not recognize integrated land use management in the Pamir region. Through the PALM project, it was realized that without the benefit of an effective common-boundary, transjurisdictional agreement achieving consistent land use and conservation goals for the entire Pamir region would be difficult.

Transboundary issues

Delicate negotiations have been under way between the Tajik and Kyrgyz governments to finalize transboundary natural resource management arrangements within the Natural Resource Management Governance Framework for the Pamir region. The transboundary arrangements are viewed as critical for the economic development of the region because if implemented properly they would help overcome many of the post-Soviet issues still affecting the mountain region. The very nature of a transboundary approach—“any process of cooperation across boundaries that facilitates or improves the management of natural resources to the benefit of all parties in the area concerned” (Griffin et al. 1999, 21)—is that it engenders coop-

398 Land and post-conflict peacebuilding

eration and communication among the occupants of a transboundary region and can go a long way toward harmonization of relationships in the region.

Engaging in transboundary activities is another effective way of consolidating the peacebuilding process because of its focus on sharing resources, ensuring that communities and other stakeholders benefit from a sustainable use of resources, countering inequitable resource distribution associated with unfair land and resource appropriation, and optimizing the distribution of benefits from natural resource use for economic development.

International and regional environmental law and policy instruments

Tajikistan has ratified a number of international treaties that include procedures that are important to peacebuilding in the Pamir region, including the Convention on Biological Diversity, the Framework Convention on Climate Change, and the Convention to Combat Desertification (PALM 2008). Various procedures in these multilateral treaties, when applied in conjunction with national legislative provisions, play an important role in improving economic, human, and environmental conditions. The Legal Task Force took these conventions into account when it was engaged in the evaluation and participative processes associated with implementation of the methodological research guidelines and development of the Natural Resource Management Governance Framework (University of New England 2009).

Convention on Biological Diversity

The Legal Task Force looked to many articles of the Convention on Biological Diversity for direction for managing the ecology of the Pamir mountain environment and as an indicator of the reduction in biological diversity, mostly due to habitat loss and land degradation, that resulted from activities in the post-Soviet conflict period.⁵ In particular, the Legal Task Force used various articles of the convention relating to environmental, economic, and social benefits of conserving biodiversity to recommend changes to individual natural resource laws related to management of the Pamir region.

The obligations outlined in article 6, for example, were used in the preparation of implementation strategies and measures for conservation of biological diversity. The strategies highlighted important links between different methods of conserving biodiversity in the Pamir, and how they could benefit ecotourism, improve land management, and mitigate the effects of climate change. To successfully reflect national obligations found in the Convention on Biological Diversity in the Pamir transboundary framework, and to reach consensus on standards and rules for

⁵ For the text of the UN Convention on Biological Diversity, see www.cbd.int/convention/text/.

conservation, the Legal Task Force consulted with community groups. To achieve the full benefits of the convention in the peacebuilding process, the mountain communities had to be directly involved in discussions concerning conservation and sustainable use of biological resources.

Framework Convention on Climate Change

Consistent with the United Nation's position on the effects of human-induced changes to the global climate system, the PALM project used the processes of the UN Framework Convention on Climate Change in deciding how the terrestrial ecosystems of the Pamir mountain region could be effectively used as a sink for greenhouse gases.⁶ Using the objective articulated in article 2 of the convention ("to achieve stabilization of atmospheric concentrations of greenhouse gases at levels that would prevent dangerous anthropogenic interference with the climate system") and its key principles (expressed in article 3), which encourage parties to protect the climate system for the benefit of present and future generations, various precautionary and mitigation measures were derived through consultation and participatory processes that discussed a sustainable development approach to land use in the region. These measures were then included in the strategy and action plan, or PATSAP (PALM 2008).

In particular, the PATSAP documented agricultural activities of the Pamir region that were considered to be a source of greenhouse gases, including changes in land cover and land use that contributed emissions of greenhouse gases through vegetation destruction, biomass burning, livestock keeping, and cultivation using organic manure and nitrogenous fertilizers (PALM 2008). The PATSAP also acknowledged that Tajikistan has a responsibility to improve its legal, policy, and institutional systems to protect the climate system of the country for the benefit of present and future generations, and Tajik officials realized that precautionary measures are necessary for minimization of the causes of climate change.

Convention to Combat Desertification

The basic objective of the UN Convention to Combat Desertification was applied in the PALM project to reduce land degradation, rehabilitate degraded land, and reclaim desertified land (PALM 2008), using the same cooperative and participatory processes mentioned above.⁷ The type of action required of the Pamir communities to combat desertification and mitigate the effects of drought highlighted an important synergistic relationship between the obligations of the three conventions. Specific sustainable land management techniques were included in the

⁶ For the text of the UN Framework Convention on Climate Change, see http://unfccc.int/essential_background/convention/background/items/1349.php.

⁷ For the text of the UN Convention to Combat Desertification, see www.unccd.int/convention/text/pdf/conv-eng.pdf.

400 Land and post-conflict peacebuilding

PATSAP and the Natural Resource Management Governance Framework to combat desertification and control land degradation. These derived from community participation activities to decide on mechanisms to combat desertification, which used various procedures under the Convention to Combat Desertification as a guide.

Over time the Tajik government will implement strategies to combat land degradation in the Pamir mountain region that use an integrated approach to address the physical, biological, and socioeconomic aspects of land degradation and drought (UNU 2009). The ability of Tajik government programs to control these problems in the Pamir region is dependent on a successful education and capacity-building program to build confidence and expertise.

Regional treaties

The Framework Convention on Environment Protection for Sustainable Development in Central Asia (Ashkhabad, Turkmenistan, June 22, 2006) and, for members of the Commonwealth of Independent States, the Convention on Frontier Cooperation (Bishkek, Kyrgyzstan, October 10, 2008) specify the importance of interrelations between biodiversity and various technologies on conservation of mountainous systems. When it was developing the Natural Resource Management Governance Framework, the Tajik Legal Task Force considered the role of these instruments in improving land management processes, including the establishment of rules on protection and rational use of land resources in the High Pamir and Pamir-Alai mountains. However, because greater utilization of the procedures of these instruments depends on closer dialogue and cooperation between the governments of Kyrgyzstan and Tajikistan on transboundary issues, the full benefit of these instruments may not be realized for some time yet. Still, the participatory and cooperative processes involved in discussing the objectives and the role of these instruments benefit peacebuilding in the Pamir region and in Tajikistan as a whole.

LESSONS LEARNED AND NEXT STEPS

Through the two phases of the PALM project (project development and project implementation), the Tajik government and the communities have worked together, slowly improving their knowledge of sustainable land management and how it can be applied at the local and regional levels. The process has helped to improve trust and harmony between different groups as they have come together to solve mutual problems of livelihood and environmental security. Continued financial, political, and technical support from international organizations is important to expand the conflict resolution and peacebuilding capacities of Tajikistan's civic organizations and their ability to engender dialogue and political participation and to ensure protection of rights (Mullojanov 2001).

Although there have been many positive outcomes of the PALM project, various constraints affect the rate of progress, including interagency rivalries

and power struggles, and limitations on the availability of human, technical, and financial resources. The PALM project experience indicates that involving all stakeholders makes it possible to take advantage of more optimal options for problem resolution, including the participation of the community to solve common natural resource usage problems that threaten livelihoods. After nearly four years, through the efforts of the PALM project, Tajikistan now has a better appreciation of the international economic and ecological value of the Pamir region because of its unique ecotype and its potential for ecotourism.

International agencies' involvement with the Tajik people has been important in providing them with skills to undertake activities that directly contribute to the peacebuilding process, including conflict resolution programs with political parties, public movements, and civic organizations. It is important that the good work of the PALM project continue with even greater focus on activities that bring people together and build trust and cooperation for identifying and solving problems.

Political developments in Tajikistan will depend on the nature of sociopolitical relations in the country, the maintenance of geopolitical equilibrium in the region, and the evolution in the interests of superpowers such as the United States, Russia, and China.

A number of direct global environmental benefits will continue to accrue from the PALM project, including the development of replicable sustainable land management guidelines that can be used to address natural resource management problems in similar high-altitude mountain regions. In this way, Tajikistan, while going through an internal process of peacebuilding and addressing its own critical natural resource management problems, can connect with and make a contribution to the outside world.

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402 Land and post-conflict peacebuilding

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