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TAJIKISTAN

REVIEW OF THE NATIONAL SPS INFRASTRUCTURE OF THE REPUBLIC OF TAJIKISTAN

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Contents

ABBREVIATIONS	iii
I. SUMMARY OF RECOMMENDATIONS	1
II. MAIN REPORT.....	2
A. Terms of Reference.....	2
B. Methodology	3
C. Background on Sanitary and Phytosanitary Measures.....	3
1. <i>The SPS Agreement</i>	3
2. <i>SPS infrastructure defined</i>	4
3. <i>The importance of SPS infrastructure</i>	7
4. <i>Government and private sector SPS responsibilities</i>	8
D. The Republic of Tajikistan: brief background information	8
E. Main categories of SPS activity	8
F. Food safety arrangements in the Republic of Tajikistan	9
1. <i>Legislation</i>	9
2. <i>Institutional structure</i>	9
3. <i>Standards</i>	9
4. <i>Implementation</i>	10
G. Animal health arrangements in the Republic of Tajikistan	11
1. <i>Legislation</i>	11
2. <i>Institutional structure</i>	11
3. <i>Standards</i>	11
4. <i>Implementation</i>	12
H. Plant health arrangements in the Republic of Tajikistan	13
1. <i>Legislation</i>	13
2. <i>Institutional structure</i>	13
3. <i>Standards</i>	13
4. <i>Implementation</i>	13
I. Relevant technical assistance projects	13
J. WTO conformance of legislation.....	14
1. <i>Food law</i>	15
2. <i>Animal health law</i>	16
3. <i>Plant health law</i>	16
K. Observations on SPS capability	17
1. <i>Overview</i>	17
2. <i>Safety of the food supply</i>	18

3. <i>Veterinary capability</i>	19
4. <i>Plant health capability</i>	20
5. <i>Laboratories</i>	21
6. <i>WTO readiness</i>	22
L. Recommendations.....	22
1. <i>A national plan for SPS capacity building</i>	22
2. <i>Related issues</i>	25
3. <i>Standards and Trade Advisor</i>	25
4. <i>Donor support and other sources of assistance for capacity building</i>	26
M. Acknowledgements.....	27

Annexes

ANNEX I: List of Persons Consulted	28
ANNEX II: List of Relevant Legislation of the Republic of Tajikistan.....	29
ANNEX III: References.....	29
ANNEX IV: Policy Recommendations on SPS Capacity Building in Tajikistan.....	30
ANNEX V: Role and Responsibilities of Standards and Trade Advisor.....	33

ABBREVIATIONS

CIS	–	Commonwealth of Independent States
EPPO	–	European and Mediterranean Plant Protection Organization
FAO	–	United Nations Food and Agriculture Organization
FMD	–	Food and mouth disease
GATT	–	General Agreement on Tariffs and Trade
GDP	–	Gross Domestic Product
HACCP	–	Hazard Analysis and Critical Control Point
IPPC	–	International Plant Protection Convention
ISPM	–	International Standard on Phytosanitary Measures
ITC	–	International Trade Centre
NGO	–	Non-governmental organization
OECD	–	Organisation for Economic Co-operation and Development
OIE	–	World Organization for Animal Health
PRS	–	Poverty Reduction Strategy
SECO	–	State Secretariat of Economic Affairs of the Government of Switzerland
Sida	–	Swedish International Development Cooperation Agency
SPS	–	Sanitary and phytosanitary measures
STA	–	Standards and Trade Advisor
Tajikstandart	–	Agency of Standardisation, Metrology, Certification and Trade Inspection
UNDP	–	United Nations Development Programme
WHO	–	World Health Organization
WTO	–	World Trade Organization

I. SUMMARY OF RECOMMENDATIONS

1. A systematic and comprehensive assessment of SPS capacity and needs in Tajikistan in each of the fields of animal health/quarantine, plant health/quarantine, and food safety should be carried out, as the necessary first step towards preparation of a national plan for SPS capacity building. (Para. 64)

2. These assessments should be carried out using the tools developed for this purpose by the OIE, the FAO (for food safety), and under the auspices of the IPPC. The evaluation of the data that are gathered should be carried out by national experts, in consultation with an international expert. (Para. 65)

3. These capacity assessments should aim to identify major weaknesses and gaps in the existing capability, having regard to both current and prospective threats and to prospective needs for enhanced capacity in the light of opportunities to increase export trade in agricultural products. (Para. 66)

4. On the basis of the assessments further work should be planned to:

- identify improvements that should be made;
- give them a priority ranking;
- design projects that would effect the necessary improvements, and
- present these projects in a programmatic manner.

The study team underlines that it is a critical step in the procedure to prepare project descriptions that are detailed, practical, and adequately costed, and which address agreed priorities in the most cost-effective manner. (Para. 66)

5. In the course of preparing a national plan for SPS capacity building, it would be desirable to review in detail the distribution and capabilities of laboratories under the auspices of the various agencies. The aims of such a review would be, on the one hand, to rationalise facilities to eliminate duplication and, on the other hand, to strengthen key capabilities so as to provide the necessary quantum of competent laboratory capability which would be used as fully and efficiently as possible. In the course of the review it would be appropriate to consider what services, if any, could be provided more cost-effectively by the private sector. (Para. 64)

6. The chief veterinary officer, who is Tajikistan's representative to the OIE, should make a formal request to the Director-General of the OIE for inclusion of the Republic of Tajikistan's veterinary service in a future round of OIE-sponsored assessments at the earliest opportunity. (Para. 68)

7. Future SPS capacity needs should be specified against the criterion that regulation should be the minimum necessary to protect against defined risks, and regulation should

be designed and implemented so as to impose the minimum additional costs on business and consumers. (Para. 71)

8. ITC should give consideration to the possible ways of further developing and promoting the possibility of establishing a Standards and Trade Advisor (STA) position to meet the need for on-the-spot expert advice during a period of several years while SPS capacity-building is being planned and accelerated. The services of this advisor would be available to government agencies and to the private sector alike, according to need. Creation of an STA position in Dushanbe, or at another location in Central Asia to serve several neighbouring countries, would meet an obvious resource need and at the same time provide a focal point for coordination of SPS capacity building. (Paras. 72-74)

9. Relevant Ministries and agencies of the Government of the Republic of Tajikistan should make application to the Standards and Trade Development Facility, which offers assistance not only for capacity-building projects proposed by countries, the private sector, NGOs and the partner organisations, but also for the preparation of project proposals. (Para. 76) Projects that potentially might be submitted for STDF funding could include:

- a review of fee structures and levels to ensure that revenues raised by agencies implementing SPS measures do not exceed the cost of providing the relevant services, as required by Article VIII of GATT 1994;
- a review of phytosanitary capacity and needs;
- a review of food safety capacity and needs;
- a review of national SPS-relevant laboratory capacity and needs. (Para.61)

II. MAIN REPORT

A. Terms of reference

10. The purpose of the mission was to:

- a) carry out a review of the national legislation on SPS in Tajikistan and assess its compliance with the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement);
- b) carry out a review of the national SPS infrastructure in Tajikistan and assess its capability to control imports and to facilitate exports;
- c) make recommendations to improve the national SPS infrastructure in Tajikistan;
- d) submit a report outlining, *inter alia*, the current status of the national SPS infrastructure in Tajikistan and recommendations for improving the SPS infrastructure.

The project was funded by the Government of Switzerland.¹

B. Methodology

11. The mission was carried out in three main phases:

- i) preparatory reading and research and preparation of explanatory documentation;
- ii) one week in-country, for meetings with key government agencies and donor organisations;
- iii) report finalization, home-based.

The project team (Digby Gascoine, International Consultant, and Zafar Rayimnazarov, National Consultant, assisted by Firuza Mukhamedjanova as interpreter) conducted some 15 meetings in Dushanbe. In the limited time available it was not possible to visit laboratories or other technical facilities, or to hold meetings outside of the capital.

12. The mission could not properly assess needs or capability in any of the three areas of food safety, animal health and plant health in one week's work. It would be unwise to make concrete recommendations for specific capacity-building projects without such assessments, except where the priority is most obvious. However, broad observations can be made with reasonable confidence.

C. Background on sanitary and phytosanitary measures

1. The SPS Agreement

13. The SPS Agreement confirms the right of WTO Members to apply any measures that they deem to be necessary to protect human, animal and plant life or health against certain specified risks. At the same time it imposes obligations on WTO Members to achieve their appropriate level of protection in a manner that does not result in arbitrary

¹The State Secretariat of Economic Affairs (SECO) of the Government of Switzerland mandated ITC to develop four trade-related technical assistance programs for Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. The programs were based on needs assessments and technical assistance activities carried out under the program "Integrating Central Asian CIS member countries into the multilateral trading system" in 2002/2003, and on detailed discussions with the four governments on their priority development objectives and needs. The programs were funded for a period of two years. The programmes for Kyrgyzstan and Tajikistan have been extended.

The objective of the four programs was to strengthen the sustainable expansion and diversification of SME exports in the four participating countries. The focus was initially on improving the trade competitiveness of the agro-processing sector. Aside from assisting enterprises directly, in cooperation with local service providers, the quality and range of local business support services were to be strengthened. Also, by backing a dialogue between private stakeholders and the public sector in the course of preparing trade strategies the business environment for exporters was to be improved.

or unjustified restrictions on trade. Consequently SPS measures (laws, regulations, standards, official requirements for inspection, certification, sampling, testing, and so forth) must be applied only to the extent necessary, and they cannot be maintained without sufficient scientific evidence. Nor can measures be maintained in a discriminatory way, taking into account relative risks. Measures that are based on international standards, guidelines and recommendations are deemed to meet these requirements, and Members are obliged to base their measures on international norms, where available, unless they have a scientific justification for adopting a stricter approach or a stricter approach is necessary in order to achieve the appropriate level of protection. In the latter case, measures must be based on a risk assessment that is appropriate to the circumstances and they must reflect a consistent approach to achieving the acceptable level of risk. Measures may be applied on a provisional basis where insufficient scientific evidence is available to allow a proper risk assessment, but the necessary information must be sought for a more objective assessment of risk, and provisional measures must be reviewed within a reasonable period of time.

14. There are special provisions in relation to the recognition of areas that are free of pests and diseases or where the incidence of pests and diseases is low, and in relation to the acceptance by importing countries of measures used by exporting countries that are different from but which achieve the same level of protection as the measures specified by the importing country (and which are therefore *equivalent*).

15. The SPS Agreement contains detailed provisions regarding *transparency* to ensure that all Members can access information about SPS measures actually or potentially affecting their trade with other WTO Members. In particular each Member must maintain an enquiry point for the use of other Members, and new measures not based on international norms must be notified in advance to other Members so that their comments can be taken into account. For the latter purpose a single national notification point must be designated.

16. The international standards, guidelines and recommendations referenced by the SPS Agreement are the relevant norms promulgated by the Codex Alimentarius Commission (for food safety), the OIE (the World Organisation for Animal Health), and under the International Plant Protection Convention. It is important to note that the term *standard* in this context does not have the same meaning as it does in the text of the parallel WTO Agreement on Technical Barriers to Trade (the TBT Agreement). In the SPS Agreement a standard is a normative specification that is given mandatory application; in the TBT Agreement a standard is a normative specification that is for voluntary application, whereas mandatory norms under the latter Agreement are termed *technical regulations*.

2. *SPS infrastructure defined*

17. “*SPS infrastructure*” is not defined in the SPS Agreement. However, it can be understood to mean all of the laws, systems, programs, activities and associated resources that are organised and used by government agencies to ensure food safety and preserve

animal and plant health by means of SPS measures. The term “SPS infrastructure” has a similar meaning to “*SPS capacity*”, and the two terms are used interchangeably in this report. The SPS capacity of a nation can be defined as its ability to maintain and enhance human, animal and plant life and health by identifying, evaluating and controlling pest and disease risks and ensuring the safety of the food supply by means of sanitary and phytosanitary measures.

18. The main components of SPS capacity include:

- national policies, goals, strategies and plans for food safety and bio-security;
- legislation
 - both primary legislation like food laws and laws concerning animal and plant health, and subordinate legislation like regulations made under these laws, Ministerial orders and directives, and so forth;
- institutions
 - the government agencies that have mandates to deal with SPS matters, their organisational structure, their management, and the mechanisms for inter-agency coordination;
- standards
 - food standards and related requirements to ensure food safety, and requirements that are applied by government concerning animal and plant health ;
- risk analysis
 - the ability to identify and evaluate sanitary/phytosanitary risks by applying appropriate methodology to objective data ;
- programs
 - written plans, operating procedures, identified goals, objectives , milestones and performance measures, intended to achieve SPS-related outcomes ;
- trained staff
 - staff with appropriate qualifications and experience to design, implement and manage SPS programs
 - staff development programs ;

- systems and methods for inspection and certification, such as:
 - auditing of HACCP systems used by industry to meet official requirements
 - food testing equipment
 - animal/plant field testing equipment
 - vehicles;
- monitoring and surveillance
 - food safety monitoring, by means such as reporting by physicians and hospitals of cases of food-borne disease;
 - active and passive animal and plant health surveillance ;
- laboratory capacity
 - buildings, equipment and consumables (test kits, laboratory reagents, filter papers, etc.)
 - trained personnel
 - national/international accreditation ;
- quarantine facilities/treatment
 - border facilities e.g. to hold animals
 - analytical capacity at entry points
 - plant quarantine station
 - fumigation facility ;
- auditing and compliance
 - regular program auditing
 - investigation of breaches of official requirements
 - support for legal action against non-compliance
 - measures to ensure honesty and integrity among staff members ;
- research capability
 - capacity to conduct research in support of program activities and program re-design;
- funding mechanisms
 - budget provisions
 - cost recovery through fee-for-service ;
- stakeholder consultation mechanism
 - identification of interested parties, e.g. in the private sector

- consultation via circulation of information for comment, committee meetings, etc ;
- engagement with relevant international organizations
 - enquiry and notification points established, as required by the SPS Agreement
 - participation in the international standard-setting organisations ;
- information systems
 - mechanisms and facilities for gathering, processing and storing information needed for risk analysis, program improvement, and as the basis of reports to the Minister(s), government and private sector stakeholders.

19. Other elements could be added, but this provides a broad outline.

3. *The importance of SPS infrastructure*

20. The SPS Agreement applies to government measures that protect:

- human life and health against risks arising from additives or contaminants, toxins or disease-causing organisms in food, and against risks arising from diseases carried by animals, plants or their products, and against risks arising from the entry, establishment and spread of pests;
- animal life and health against risks arising from additives or contaminants, toxins or disease-causing organisms in feedstuffs, and against risks arising from the entry, establishment and spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- plant life and health against risks arising from the entry, establishment and spread of pests, diseases, disease-carrying organisms or disease-causing organisms;
- the natural and built environment against damage from the entry, establishment and spread of pests.

The Agreement is concerned with the ways in which such measures may impinge on international trade. SPS infrastructure as such is not limited to trade-related concerns, although this is the main focus of the present study.

21. Obviously human welfare is directly dependent on the effectiveness of SPS infrastructure in protecting life and health against pests, diseases, toxins, and so forth. The economic welfare of a nation is dependent on SPS infrastructure in many different ways. For example, the attractiveness of a country for international tourism depends in part on whether potential travellers believe that it will be safe to eat the food at their destination. In the agricultural sector, protection of animals and plants against pests and

diseases is crucial in maintaining productivity and in achieving and maintaining access for products into international markets. At the same time the enhancement of agricultural potential by importation of new genetic materials – seeds, semen/ova, live animals and plants, etc. – must not be undermined by the consequential importation of new pests and diseases.

4. Government and private sector SPS responsibilities

22. The SPS Agreement applies only to measures applied by governments. However, biosecurity is not achieved by government measures alone. SPS measures are implemented by a combination of public and private sector activities, and their effectiveness therefore depends upon the competence and integrity of both sectors. In developed countries it is increasingly the case that the public and private sectors work together in a kind of co-regulatory partnership to achieve SPS objectives in the most efficient way possible. So, for example, a system in which government employees are present in food processing plants to inspect activities and products may be replaced by another approach whereby the government mandates the use of Hazard Analysis and Critical Control Point systems by food producers and audits the HACCP system's performance from time to time. The development of competence in the private sector may therefore play a crucial role in ensuring food safety, especially in those countries where the capability of the public sector institutions is constrained by limited resources, low wages and corruption.

D. The Republic of Tajikistan: brief background information

23. Tajikistan has an area of around 143,000 square kilometers and a population of over 7 million people. About two thirds of the population is employed in the agricultural sector, which accounts for about a quarter of GDP (and a similar share of total exports). About two thirds of the people in rural areas have incomes below the poverty line. Major agricultural products include cotton, fruit and vegetables, wheat, cattle and sheep, meat and hides. After cotton (more than four fifths of the total), fresh and processed fruit and vegetables are by far the largest export from the agriculture sector, with 95 per cent going to Russia. The annual number of international tourists – less than 10,000 – is very small.

24. Tajikistan has been negotiating its accession to the World Trade Organisation for the past five years. Among Tajikistan's neighbours only China and Kyrgyzstan are members of the WTO. Tajikistan's major trading partner, Russia, is not a Member of the WTO but its accession process is in progress (as also for Afghanistan, Kazakhstan and Uzbekistan). Tajikistan is a member of the Commonwealth of Independent States.

E. Main categories of SPS activity

25. For the purposes of this study, SPS legislation and SPS infrastructure are considered to address three main topics: food safety, animal health protection and plant health protection.

- In the case of food safety, relevant activities to be examined include control of imported food and control over the safety of domestically-produced food.
- In the case of animal health protection and plant health protection, relevant activities include measures taken at the border (inspection of goods, quarantine, etc.) and measures taken in relation to domestic agricultural production.

In the case of export facilitation, the activities to be considered include control and certification of the health status of animals, plants and animal and plant products intended for international markets.²

F. Food safety arrangements in the Republic of Tajikistan

1. Legislation

26. The main legal instruments for ensuring food safety in Tajikistan are:

- the Law of the Republic of Tajikistan on providing sanitary and epidemiological security for the population (No.49 of December 2003);
- the Law of the Republic of Tajikistan on quality and safety of food (No.54 of December 2002).

The legislation does not require the implementation of HACCP systems in food businesses. There is no law specifically for the control of imported food, but this topic is covered by the law on sanitary and epidemiological security.

2. Institutional structure

27. Safety of foodstuffs is mainly under the control of two organizations: the agency Tajikstandart (within the Ministry of Economics and Trade), which is the principal organisation for standardisation, metrology and trade inspection; and the Sanitary-Epidemiological Service of Tajikistan which is part of the Ministry of Health. The latter agency operates under the Law No.49, and Tajikstandart operates under the Law No.54. The Veterinary Service and State Veterinary Inspection within the Ministry of Agriculture is responsible for the control of meat slaughter inspection and at the international border, under the provisions of the law on veterinary matters.

3. Standards

28. Tajikstandart representatives reported that the agency applies some 19,000 standards for food that derive from the Soviet era. Apparently there is also a “national

² For Tajikistan, the major agricultural export – cotton – is unlikely to encounter any significant SPS barriers in entering foreign markets.

list” with 500 standards on it. It is claimed that these standards correspond to the relevant international standards. The Sanitary-Epidemiological Service has not made any new standards, so it applies the standards of the former Soviet Union. These standards may or may not be aligned with Codex standards. It is intended to develop new standards. The adoption of Codex standards will be inhibited by the fact that standards must first be translated into the Tajik language. (In Kyrgyzstan it was reported that purchase of Codex norms translated into the Russian language by a technical institute based in Moscow costs \$7 per page.)

4. *Implementation*

29. The Sanitary-Epidemiological Service controls all points where food is sold, including in markets, restaurants, canteens and so forth, paying special attention to freshness and quality of foodstuff in accordance with sanitary requirements. In every city there is a laboratory of the Sanitary-Epidemiological Service, and at every market there is a specialist from the Sanitary-Epidemiological Service. Selling of foodstuffs is not allowed without receiving specific permission.

30. Tajikstandart controls the correspondence of foodstuffs to the quality standards (which include food safety standards); any commodity, prepared for sale, should be tested in a laboratory of Tajikstandart and receive a certificate allowing sale. “Tajikstandart” says that it has 26 properly equipped laboratories, spread across the country.³ Its structure

³ But note the comments earlier this year of ITC international consultant E. Parkany on the Tajikstandart food and agriculture laboratory in Dushanbe:

“The laboratory is going to be transformed to a great extent. For the time being it has no premises for the acceptance of samples; food samples can be found at random in any part of the laboratory. The amount of the sample is not recorded in the copybook of acceptance. Sampling is carried out by people other than those in the laboratory. The distribution of the samples within the laboratory is not documented.

At present, the microbiological laboratory does not function for lack of qualified personnel, and its transfer is planned.

Facilities of the laboratory consist of worn-out equipment, except for one or two. The few new instruments had been chosen by people outside the laboratory, and employees consider that other instruments, more adequate to the purpose, should have been purchased. No date is indicated on the analytical solutions used in the laboratory and they seem to be quite old.

Instruments systematically undergo formal calibrations, and the laboratory receives a document on the results. There is no instruction on the calibrations carried out systematically by the staff of the laboratory and such calibrations are not documented.

There are few reference solutions received from manufacturers of the instruments. Unfortunately the time of validity of some of them had already expired. Neither the solutions prepared from them nor the control measurements made with them are documented.

For the time being, the personnel doing the measurements know which customers have delivered the samples to be tested (so there exists a possibility of influencing the results). However, after the transformation of the laboratory in the future, samples will get serial numbers and their origin will be kept confidential.

Primary data (records) are written on loose paper pages and are not stored. The measuring methods used are standardized ones. However, if a standard contains more than one possible method, the laboratory

includes two Regional Executive Centers on standardization, metrology and trade inspection, two Inter-Regional Centers, three Inter-Regional Departments on standardization of metrology and trade inspection, and 10 District Centers. The Sanitary-Epidemiological Service is also involved in checking food processing establishments.

31. At the international border, consignments of imported food may be inspected by staff of the Sanitary-Epidemiological Service, Tajikstandart, plant quarantine officials and veterinary officials, as well as Customs. For fresh meat, for example, four agencies may conduct separate inspections of documentation and product, each of them claiming fees as appropriate.

32. Tajikistan is not a member of the Codex Alimentarius Commission, and consequently has no National Codex Committee to act as a focal point for inter-agency cooperation and coordination on food safety issues.

G. Animal health arrangements in the Republic of Tajikistan

1. Legislation

33. Regulation of veterinary conditions in the Republic of Tajikistan is conducted in accordance with the Law concerning veterinary matters (No. 73 of December 2003).

2. Institutional structure

34. Protection of animal health is the responsibility of the Veterinary Service and State Veterinary Inspection within the Ministry of Agriculture. From 2007 the veterinary service expects to be financially independent of the Ministry, and to have its chief executive officer appointed directly by the Government.

3. Standards

35. In general the Veterinary Service tries to align its standards affecting trans-border movements of animals and animal products with the international norms (for example, the Terrestrial Code) of the OIE. Out-moded meat sanitary standards dating from the Soviet era are still being used. Meat inspection standards need to be re-developed in line with Codex standards.

does not specify which one of them has been used (e.g. GOST 5903-89, *Determination of sugar*). The processes used in the laboratory (e.g. acceptance of samples, control of documents, archiving, maintenance of instruments, etc.) are not specified and not documented.

Measurement records accurately contain the necessary data. Measurement reports are not delivered to the customer but, if the measured values are within the specified range, the Department of Certification (“Otdiel Certifikatsii”) delivers a certificate (“Certifikat”) to the customer. Measured values are transmitted to the customer on request, but usually these are not requested.”

See E. Parkany: *Assistance To Selected Laboratories In Tajikistan*, ITC/DTCC/06/2815, March 2006.

4. *Implementation*

36. Tajikistan's livestock industry is currently rebuilding after a severe decline. There is little export activity, and 90 per cent of poultry meat is imported. The major animal health problem in Tajikistan is endemic foot-and-mouth disease (FMD), and most resources go to the suppression of FMD and *brucellosis*. FAO is funding a project on suppression of *brucellosis*. Control is made difficult by the lack of effective supervision of meat and milk production and distribution. Avian influenza preparedness is also a major concern.

37. In Tajikistan there are 28 veterinary laboratories under supervision of the Veterinary Service. According to the Service these laboratories are poorly equipped and in poor condition.⁴ Better funding mechanisms via fee-for-service arrangements are needed. The structure of the veterinary service includes three Regional Veterinary Inspection offices and 64 Inspectorial Stations. Together with frontier guards, on every frontier-control point there is a specialist veterinarian, who is responsible for preparation of appropriate documentation for import or export of cattle for breeding or production.

38. With the purpose of preventing the spread of infection from Tajikistan and penetration of exotic diseases into Tajikistan, in all near-border districts of Tajikistan cattle are vaccinated appropriately. This procedure, made necessary by the impossibility of preventing informal movements of animals between Tajikistan and Uzbekistan/Afghanistan, corresponds to international veterinary requirements.

39. Tajikistan is a member of the OIE, where it is represented by the Head of the Main Board of Veterinary Service, Ministry of Agriculture.

⁴ For example, E. Parkany reported as follows on an integrated meat factory in Khujand:

"Due to lack of electrical energy the integrated meat factory did not produce anything for three months. Furthermore, before that happened, production had been seriously reduced. Consequently, the laboratory belonging to the factory did not function, either.

The building is in a neglected state; during the visit of the International Consultant the temperature in the premises was 6°C. Glasses in windows are missing, plaster is shedding. In the copybook of the laboratories the last measurement records were made in July 2005.

The staff of the laboratory consists of a head possessing a diploma (being at the same time the chief technologist of the factory) and a technician. In the hoods there are glass vessels and on the shelves very old solutions. There are no documents containing rules on the functions and operations of the laboratory. There are very old descriptions of methods (from the former Soviet era). Although these were adapted to the local conditions, they are not documented. Tests relate to the incoming samples of meat and outgoing end products. The laboratory issues quality certificates ("Udostoverenie kachestva") but the name of the laboratory is not indicated on them. It used to measure mainly moisture, salt, starch and nitrate content. It cannot determine toxic elements (e.g. heavy metals). Measuring instruments that systematically undergo, independently of operation, external calibration are: photocolimeter, thermometers, manometers, voltamperemeters, scales and weights. For that an inspection plan exists. The last time when instruments were bought was in 1996 (it was a hygrometer and a colony counter)."

See E. Parkany: *op.cit.*

H. Plant health arrangements in the Republic of Tajikistan

1. Legislation

40. Plant health protection is regulated under the Law on Plant Quarantine (No. 25 of May 2001). According to the Law, plants and plant products cannot be introduced into Tajikistan without the permission of the State Plant Quarantine Inspection. Import is only permitted after inspection and the setting of appropriate conditions.

41. Tajikistan has not ratified the International Plant Protection Convention. Tajikistan is not a member of EPPO, apparently because the annual membership fee of 9000 Euros per annum cannot be met from available resources.

2. Institutional structure

42. The agency responsible for plant quarantine is the State Inspection on Plant Quarantine within the Ministry of Agriculture. Its main task is to regulate all kinds of plant products which are imported for the needs of Tajikistan or which transit through its territories.

3. Standards

43. The State Inspection on Plant Quarantine says that all the approaches and methods of its work coincide with international phytosanitary standards and requirements. There are eight quarantine pests listed under legislation.⁵

4. Implementation

44. The plant quarantine service has inspection staff at border crossing points. It maintains a fumigation establishment, two laboratories and several regional offices. The service provides export certification services on the basis of its inspections. Exotic pest/disease risks to the key cotton industry (e.g. American whitefly) and to potato production (golden nematode) are major concerns.

I. Relevant technical assistance projects

45. A search of readily available references indicates that in recent years there have been only a handful of donor-funded projects that have aimed to increase Tajikistan's SPS capacity. There is no SPS-related project listed for Tajikistan in the WTO/OECD trade related technical assistance and capacity-building database for the period 2002-

⁵ *Quadraspidiotus perniciosus* (San Jose scale), *Pseudococcus comstoki* (Comstock mealy bug), *Leptinotarsa desemlineata* (Colorado beetle), *Dialeurodes citri* (citrus whitefly), *Globodera rostochiensis* (golden/potato cyst nematode), *Acroptilon repens* (Russian knapweed), *Cuscuta sp.* (parasitic weeds), and *Cuspaya sp.*

2005⁶. No SPS-related technical assistance is listed on the World Bank, Asian Development Bank or UNDP websites, except for the World Bank's support for preparedness against the risk of avian influenza. The FAO has been providing assistance to address veterinary objectives in Tajikistan, with elements dealing with *brucellosis*, rinderpest, foot-and-mouth disease, avian influenza, and capacity-building in a number of "animal health stations". Sida is funding a project to support the development of the seed sector in Tajikistan, which includes training of specialist staff and strengthening of the seed laboratory.

46. Interviews with donor representatives did not identify any forthcoming projects that are SPS-related, with the possible exception of Sida (see more below). There was a report from within the Ministry of Agriculture that FAO and UNDP may be planning a project to support improvements in quarantine capability at the border, using Canadian funding.

J. WTO conformance of legislation

47. Tajikistan has been engaged in WTO accession negotiations for the past five years. The Memorandum on Trade-Related Policies was submitted to the Working Party on Accession in February 2003, and since then the Government has answered several rounds of questions on the contents of the memorandum from working party members. A further meeting of the Working Party was held in October 2006, and another is scheduled for March 2007.

48. There are two perspectives on the compliance of legislation with the SPS Agreement: whether the legislation is in any way inconsistent with WTO obligations; and whether the legislation contains provisions which actively give expression to those obligations. So for example, legislation might be non-compliant because it mandates the use of food standards different from the corresponding Codex ones and not based on an appropriate risk assessment; or legislation might give a positive appearance of compliance by requiring the use of Codex standards as the basis of national standards. It is also possible, of course, that there may be no legislative provision concerning the status to be accorded to Codex standards. In the latter event WTO compliance will nonetheless be judged (by other WTO Members via the working party on accession and after Tajikistan accedes) by reference to what is actually done under the legislation.

49. An examination of the main pieces of legislation mentioned above shows only one significant inconsistency with obligations under the SPS Agreement, as discussed below. (There may be other examples contained in subordinate legislation and requirements, but these have not been scrutinised for the purposes of this study.)

⁶ Only partial data for 2005 are included in the database.

1. Food law

50. The Law on the Quality and Safety of Food Products (2002) is a very comprehensive piece of legislation that appears to provide a sound basis for ensuring food safety. Amongst other things, the Law contains provisions dealing with imported foods, the thrust of which is that they should be treated in similar fashion to domestically-produced foods. More generally, the Law mandates very detailed control over all stages of food production (or import), distribution and sale by means of a product registration scheme in combination with a set of relevant norms or standards. While there is nothing specific in the legislation that is contrary to the provisions of the SPS Agreement, it is conceivable that a uniform requirement for product registration may be incompatible with a genuinely risk-based approach. It is also possible that regulations made under the Law may contain provisions contrary to the SPS Agreement; and/or that the practices followed in the implementation of the law/regulations by the relevant government agencies may be inconsistent with the Agreement. It was not possible within the scope of the present mission to investigate these latter considerations. (But for example, see Box 1 on import controls on foods.)

BOX 1: Import controls on foods

1. According to the World Bank's Diagnostic Trade Integration Study, in Tajikistan:
“Documentary requirements are extensive and impose a noticeable burden on trade. Documentation requirements may include the certificate of origin, quality certificate, quarantine certificate for agricultural products, veterinary certificate on animal products, banking confirmation and advance payment on the specified list of goods, bank guarantee, confirmation on payment of the sales tax of cotton and aluminum, insurance policy, and government authorization of the export/import of a relatively large variety of products. The Government should consider simplifying the documentation requirements, minimizing the number of mandatory documents. Due to Tajikistan's weak administrative capacity, excessive documentation requirements encourage rent seeking among Government officials.”
2. During the mission a number of comments were heard about excessive intervention by regulatory authorities in the name of ensuring conformity of foods with Tajikistan's standards. For example, each lot of food imported by the World Food Program is sampled and tested, for a fee, by Tajikstandart, even though every shipment is accompanied by a certificate and even though no consignment has ever failed a test. At the same time those cargoes that may warrant examination from the perspective of plant health protection are rarely inspected, apparently because they are usually accompanied by a phytosanitary certificate.
3. It was also reported that Tajikstandart creates particular problems for commercial food importers by requiring that the shelf life indication on products be limited to a maximum of three months from date of import, regardless of its shelf life. Again, certificates provided by competent authorities in the country of origin are not generally accepted. Approval of shelf life indication can be renewed after three months have elapsed, but only with payment of additional fees. Tajikstandart also issues mandatory quality certificates, for which the fee for the blank certificate alone is \$100.

51. A new law on technical regulations is being negotiated within the administration, but it is too early to determine what effect it may have on food safety control, if any.

2. *Animal health law*

52. The Law on veterinary matters dates from 2003 and covers quarantine control at the border, export certification, and internal veterinary intervention and supervision including the production of meat, dairy products and fish. The text of the Law shows no provision that is, on the face of it, discriminatory in character. While adherence to international standards (OIE and Codex) is not mandated, the general orientation is towards conformity with international obligations and norms. The Law would allow for the adoption of a risk-based approach in the implementation of animal health controls, but there is no explicit reference to this. Nor is there reference to the concepts of regionalisation and equivalence as contained in the SPS Agreement. Therefore the Law is not positively aligned with the Agreement, but it is – with one obvious exception – not inconsistent with the Agreement.

53. The exception concerns a provision, in Article 3, that lists as one of the main duties of the State Veterinary Service:

“impose a ban on importing of product[s] in which biostimulants, antibiotics and hormonal agents have been used with the purpose of efficiency and increasing productivity of animals”.

Such a provision, which is not consistent with any recognised international norm, cannot be maintained by a Member of the WTO if the ban is a measure within the scope of the SPS Agreement. (The arguments are too complex to set out in this report; they have been addressed at great length in a long-running dispute settlement process in the WTO in which a similar prohibition maintained by the European Union was found to be not in conformity with WTO obligations.) Tajikistan cannot offer as a defence of its measure that there is a corresponding embargo in the European Union. This matter has been raised by a WTO Member country in the context of the accession negotiations.

3. *Plant health law*

54. From the English translation of the “Law on Plant Quarantine” it appears that the legislation is not obviously in conflict with the obligations of a Member of the WTO. The Law is modern (2005) and comprehensive. It confers substantial powers on the responsible government agency, and imposes a rather strict regime of certification and inspection requirements on imports of plants and plant products (as the SPS Agreement allows). There is no provision that would seem to lead to arbitrary discrimination against the products of another WTO Member, but on the other hand there is much about the administration/implementation of plant quarantine in Tajikistan that is not spelled out in

the Law, and so there is scope under subordinate legislation for administrative discretion to apply the Law in a discriminatory way. Moreover the Law does not specifically acknowledge the need for quarantine requirements to be proportional to risk, and if the terms “quarantinable production” and “quarantinable objects” are strictly interpreted it may not allow for the exemption of certain products from the import certification and permit requirements where justified by the circumstances. As well, the law does not specifically refer to the possibility of taking into account regional differences in pest/disease status (as provided for in Article 6 of the SPS Agreement), nor for application of the concept of equivalence (Article 4).

K. Observations on SPS capability

I. Overview

55. Because SPS capacity comprises so many elements (see para. 18 above), each with its own complexities, it is not possible in a short mission to make a reliable assessment of the SPS capability of a country. Secondary sources can, however, provide useful guidance. For example, in its Diagnostic Trade Integration Study for Tajikistan the World Bank writes:

"Standards, health and safety regulations need to be simplified while the enforcement capacity of the respective government agencies has to be strengthened. Traders consider certification requirements a major barrier to trade. There also appears to be a serious gap between the strictness and number of certification requirements on paper and the implementation capacity of TajikStandard, the Quarantine Department, and the Epidemiological Service. Salaries are very low and staff lack training. Laboratories are underdeveloped and in practice may often not be technically capable to deliver dependable sanitary and epidemiological tests in significant numbers. Realistically, the gap needs to be closed at both ends. Implementation capacity of the relevant services and their labs needs to be strengthened while requirements need to be reduced and focused on areas with serious health and safety concerns. In addition, it is recommended that the relevant authorities explore the possibility of fully and unilaterally recognizing certificates by OECD countries and regional trading partners.

A strategy for the evolution of Tajik standards needs to be developed. For Tajikistan, the independent development and maintenance of a system of national standards is unrealistic and undesirable. Replicating the evolution of Russian standards and slowly moving towards compatibility with ISO (International Standardization Organization) and EU standards appears to be the most viable option. However, as a poor country, Tajikistan needs care not to adopt too strict mandatory standards that would prove wasteful and overly expensive. In those areas where certificates continue to be issued, fees should not be set above cost recovery levels. Currently, certain Government agencies set fees at excessive levels."

No information that was acquired during the present mission is inconsistent with the broad thrust of this commentary.

2. *Safety of the food supply*

56. Even from the necessarily superficial investigation that the present mission could carry out it appears that Tajikistan's food safety system is in need of a broad modernisation program that should be designed and implemented in a cooperative way by the relevant Ministries, based on a clear understanding of roles and responsibilities within the framework of a farm-to-table approach. No one interviewed by the mission team referred to a national food safety strategy for Tajikistan, nor suggested that preparation of one might be contemplated. There is a reference⁷ on the WHO website to a workshop held in 2005 which appears to anticipate design of a national strategy, but it was not possible to track down any product from the workshop that resembled a strategy. A national food safety strategy would presumably incorporate the concept of a farm-to-table approach, but this would require a degree of cooperation between the various government agencies that is far removed from what is apparently the practice at the present time. The

⁷ "Development of a national food safety strategy for Tajikistan, Dushanbe, Tajikistan, 5-7 December 2005

This intersectoral workshop, responding to a request from the country, is organized by WHO/Europe in collaboration with the Ministry of Health of Tajikistan and other international organizations.

Participants

Food safety policy makers from all ministries and institutions involved in food safety issues at the national level, consumer and industry associations, etc.

Main objectives

- Preparation of a country profile and discussion of country needs (based on the country profile)
- Presentation and discussion of essential elements for the development of national food safety strategies, including new approaches in food safety within WHO/FAO and the European Commission
- Strengthening intersectoral collaboration between ministries of health, agriculture, education, trade, industry and consumer associations and other institutions responsible for food safety at the national level
- Introduction of the sub-regional project to promote food safety education through the WHO "Five keys for safer food"
- Provision of a platform for discussion on how to better coordinate current capacity-building initiatives in food safety with other international agencies.

Before the workshop, national authorities are requested to illustrate the current situation with regards to food safety, pointing out areas that need special attention, through a questionnaire developed by WHO/Europe in accordance with the Food and Nutrition Action Plan (see the publication Assistance to national authorities in developing and strengthening national food safety programme for reference).

The resulting country profile will serve as the basis for discussion at the workshop. An intersectoral Task Force for food safety, including ministries and institutions involved in food safety issues, should be established at the national level to collaborate in:

1. responding to the questionnaire for the assessment of national needs (preparation of the country profile)
2. the development and implementation of a national food safety strategy in the future."

strategy might also propose that the primary responsibility for food safety be borne by the private sector, which should introduce food safety control systems (such as HACCP) integrally with normal production and distribution procedures, but there was no evidence of initiatives in this direction. A risk-based approach (concentrating regulatory resources and effort on those problems assessed to be of highest risk) would also seem to be at odds with current practice in Tajikistan.

57. In the course of interviews no data were provided on the incidence of food-borne disease in Tajikistan. Anecdotal evidence suggests that the actual situation is typical of most developing countries; that is to say, there is a high prevalence of diarrhoeal illnesses associated with food and/or water consumption. There was no information to show that regulatory agencies are operating any food monitoring and surveillance systems specifically for food-borne disease. The various agencies all referred to their laboratory capability, some implying that the key to effective food safety control was analytical testing of samples, but on-the-ground food inspection activities and coaching by inspection staff of food producers and handlers to improve food safety were little mentioned.

3. Veterinary capability

58. Tajikistan has many of the important diseases of animals, but it does not have the means to control them. The World Bank's strategy for agricultural sector development in Tajikistan comments that

"Poor nutrition and management also pre-dispose to animal disease and contribute to high observed livestock mortality rates. Most diseases are related to digestive and respiratory disorders, with cattle mortality rates from infectious disease estimated at 14% annually. Pasteurellosis, pox and parasitic worms are present in sheep and goats. Mortality levels are unknown although when vaccination was not carried out in 2004, an estimated 30% of sheep and goats in the private sector were infected by pasteurellosis. Brucellosis and parasites are the main causes of low productivity, for all ruminants. Helminthes are the main internal parasites, including flat worms and gastro-intestinal roundworms. Foot and mouth disease is a serious infectious problem among cattle and a major outbreak in 2002 led to the slaughter of all infected animals. Outbreaks of animal disease also pose a significant threat to human health.

Shortages of vaccines impede disease control, although farmers tend not to vaccinate for infectious diseases as they correctly perceive it as a preventative measure and prefer to take the risk. When there is an outbreak, the national policy is to slaughter. However the absence of recording among private farmers means that the extent of the problem is unknown. Farmers may also be reticent to report outbreaks so that containment measures are not applied.

*Under these conditions, the genetic potential of Tajik livestock is not a major constraint to increased productivity and production. The overriding priority is to increase feed intake as the basis for realizing **existing** genetic potential,*

rather than trying to improve genetic capability. Measures to improve livestock husbandry and reduce disease should also be given higher priority than genetic improvement, as they offer an affordable means to obtain a rapid, significant increase in output."

59. Nor does the veterinary service have the ability to ensure that fresh meat in the marketplace or for export is sourced only from proper establishments following hygienic slaughter and dressing procedures.

4. *Plant health capability*

60. When Tajikistan becomes a Member of the WTO, it will be required by the SPS Agreement to "play a full part, within the limits of [its] resources, in the relevant international organisations and their subsidiary bodies, in particular the Codex Alimentarius Commission, the International Office of Epizootics, and the international and regional organisations operating within the framework of the International Plant Protection Convention". Since Tajikistan is not yet a party to the IPPC, it would be sensible to commence the process of accession as soon as possible, and meanwhile to initiate involvement in the activities of the European and Mediterranean Plant Protection Organisation.

BOX 2: Import of cotton seed through quarantine

According to the World Bank⁸,

"the Tajik cotton sector is in crisis. Growth is slow relative to other areas of the agriculture sector, excessive debt has paralyzed attempts to revitalize production, and rural poverty is highest in cotton growing areas. The lynchpin of Tajik agriculture is impeding rather than enhancing agriculture sector growth and rural poverty reduction; and its contribution to export earnings and tax revenue is below potential."

One of the problems identified in the Bank's analysis is

"an inadequate supply of high performing seed varieties, due to the breakdown of state seed farms on the one hand and excessive restrictions on the use of imported seeds on the other. Many farmers have received no new seed since independence and are obliged to use seed from the previous harvest. Genetic potential, and the capacity to increase yields, has declined as a result."

The Bank recommends reform of existing seed regulations to allow the import of improved varieties of seed cotton, and establishment of appropriate mechanisms for monitoring the quality of this seed and providing adequate information to users. Another source said, anecdotally, that the availability of high quality seed from other cotton-producing countries could, along with other initiatives, increase the productivity of the Tajikistan cotton industry by up to 50 per cent.

⁸ World Bank Agriculture Sector Strategy for Tajikistan Policy Note 2: *Cotton Sector Reform: Increased Competition, Improved Incentives and Higher Production*

BOX 2 cont'd.

A recent request for approval of import of cotton seed received the following reply from the State Quarantine Inspection of Tajikistan:

“... the State Quarantine Department informs you that in accordance with the world phytosanitary review there is a dangerous quarantine cotton pest, Egyptian cotton worm, registered in Turkey. Proposed seeds for import are of Australian origin and there are quarantine cotton pests, Asian cotton worm and tobacco whitefly (aggressive race B) registered in Australia.

Referring to the instruction “about plant quarantine”, incoming samples of cotton seeds for scientific research must not be more than 2 kilograms and are to be tested in the introduction quarantine nursery.

The planned cotton seeds that are imported represent danger to cotton industry of Tajikistan as they are imported from areas infected by dangerous quarantine cotton pests.

As there is no introduction quarantine nursery available and in order to ban the infection of cotton, State inspection does not have any rights to give an approval for the import of abovementioned cotton varieties into Republic of Tajikistan.”

The ITC mission was advised that a selective breeding program on cotton seed is underway in Tajikistan, but such programs are unable to produce large increments in seed quality in the space of a few years. Consequently to access major productivity improvements it will be necessary to import seed from abroad, but this can only be contemplated if associated risks of importing exotic pests and diseases can be reduced to very low – effectively negligible – levels. Essentially a highly competent import pest risk analysis (PRA) is needed, looking at appropriate quality seed from a country or countries presenting a relatively low risk profile from Tajikistan’s perspective. The PRA would allow the determination of any necessary risk management measures, which would likely involve a number of elements including some (or all) of the following:

- sourcing from low risk countries
- pre-export fumigation or other treatment
- pre-export inspection by a competent authority or staff of the Tajikistan plant quarantine service
- exporting country certification
- inspection on arrival in Tajikistan
- initial growing under quarantine conditions
- Each such risk abatement measure has to be realistically evaluated: export certificates, for example, may be credible documents if issued by some countries and not by others.

5. *Laboratories*

61. In interviews with officials of the Republic of Tajikistan it is striking how much emphasis is given to the existence, distribution and capabilities of laboratories under the auspices of the various agencies. These facilities are clearly held to have a central role, actual or potential, in Tajikistan’s SPS control regime. Given the numbers of

establishments quoted and the ambitions apparently held by at least some of the agencies interviewed, it can be surmised that the laboratory function in aggregate would absorb a very significant percentage of the available resources. Not surprisingly, however, no agency drew attention to the possibility that it might be in the interests of the nation to attempt to rationalise laboratory facilities and capacity building. Yet in a situation where resources are apparently as scarce as they are in Tajikistan, and laboratories are generally in poor shape (see Parkany, *op. cit.*) it is obviously desirable to provide the minimum quantum of competent laboratory capability but then to use it as fully and efficiently as possible. How this might be done is a question that should be explored in detail.

6. *WTO readiness*

62. For the most part Tajikistan appears to meet the basic requirements for entry to the WTO insofar as SPS matters are concerned, with the one exception of the provision in the veterinary law concerning growth promoting substances (see para. 44). Upon accession it will be necessary to establish the SPS enquiry point and to identify the authority that will be responsible for making notifications of new and revised SPS measures in accordance with the Agreement. The duties of these two points are not likely to be particularly onerous, but they are important and must be carried out conscientiously. Probably the most difficult aspect of enquiry/notification point functions is to ensure that the various agencies of government that are engaged in SPS-related activities are responsive to the obligations of the enquiry/notification points – for example, by reacting quickly and thoroughly to requests from other WTO Members for explanation of measures that are passed on by the enquiry point, and by drawing new measures planned for introduction in Tajikistan to the attention of the notification point in time to allow notification and consultation with other WTO Members in advance of the intended implementation date.

63. In a brief mission there was little opportunity to interact with private sector representatives and gauge the extent of knowledge of the WTO and the rights and obligations that will come with accession. It can be assumed, however, that familiarity with WTO matters is limited at best. Importers and exporters of food and other agricultural products will have a direct interest in the implications of accession to the WTO, and as stakeholders they should be drawn into the process of preparing for membership.⁹

L. Recommendations

1. A national plan for SPS capacity building

64. As mentioned above, it was not feasible within the constraints of the present mission to make a sound assessment of the SPS capacity of the Republic of Tajikistan. Accordingly it would be unwise to make specific proposals for capacity building except

⁹ Several private sector representatives were participants in the workshop on business perspectives on SPS issues that was conducted by the ITC in November 2006.

in the most obvious and urgent areas of need. The study team agreed that a proper assessment of capacity and needs is an essential pre-condition for the development of a program for capacity development. All key parties interviewed in Tajikistan agreed with the mission team that the present situation concerning SPS capacity in Tajikistan is not well understood, and that it would be desirable to conduct a systematic and comprehensive assessment in each of the fields of animal health/quarantine, plant health/quarantine, and food safety.

65. These assessments should be carried out using the tools developed for precisely this purpose by the OIE, the FAO (for food safety), and under the auspices of the IPPC.¹⁰ The capacity assessment tools cannot provide useful guidance on capacity-building needs and priorities if they are used in a mechanical way. They are best regarded as coherent frameworks for gathering the information required for needs assessment. The evaluation of the data that are gathered should be carried out by national experts, ideally in consultation with an international expert who can bring to the table knowledge of the approaches that have been followed in other countries, and familiarity with the full range of relevant issues.

66. The purpose of these capacity assessments would be to identify major weaknesses and gaps in the existing capability, having regard to both current and prospective threats and to prospective needs for enhanced capacity in the light of opportunities to increase export trade in agricultural products. From these assessments it would be feasible to:

- identify improvements that should be made;
- give them a priority ranking;
- design projects that would effect the necessary improvements, and;
- present these projects in a programmatic manner.

By this process it would be possible to give donors the opportunity to support efficient and effective SPS capacity building by funding well-designed projects that are part of a national plan. The study team underlines that it is a critical step in the procedure to prepare project descriptions that are detailed, practical, and adequately costed, and which address agreed priorities in the most cost-effective manner. It is essential that potential donors not be presented with yet another set of proposals for duplicative strengthening of laboratory capacity and for study tours to countries whose relevance to Tajikistan's export prospects is marginal.

¹⁰ The appropriate tool for evaluating food safety capability is the FAO's: *Strengthening national food control systems; Guidelines to assess capacity building needs*. The OIE has produced the document *Performance, Vision and Strategy (PVS): A Tool for Veterinary Services*. The *Phytosanitary Capacity Evaluation (PCE) Tool* has been developed to assist countries to undertake a needs assessment of the phytosanitary system of the National Plant Protection Organization (NPPO). The questions, where possible, are based on relevant International Standards for Phytosanitary Measures (ISPMs).

67. The World Bank has recently conducted systematic assessments of this kind in several developing countries, so that there is already an established model for the procedure. (See, for example, the recent study on SPS capacity-building needs in Vietnam.¹¹)

68. It is possible that the process of capacity and needs assessment could be initiated quickly in the area of animal health. The OIE is currently engaged in a program of applying its veterinary-sanitary capacity evaluation tool in 15 countries. The World Bank is said to have taken a decision that it will not in future provide technical assistance in the veterinary-sanitary field without a prior assessment of this kind. Clearly it would be in the interest of Tajikistan to seek to have an evaluation carried out. The first step in this process is for the chief veterinary officer, who is Tajikistan's representative to the OIE, to make a formal request to the Director-General of the OIE for inclusion of the Republic of Tajikistan in a future round of OIE-sponsored assessments at the earliest opportunity.

69. Tajikistan's Poverty Reduction Strategy (PRS) is now undergoing revision, for completion towards the end of 2006. The methodology of a PRS is typically to -

- analyse the national economic situation and prospects, with emphasis on growth constraints;
- systematically identify the strategies and policies that will facilitate growth;
- identify the programs that need to be implemented to give effect to these strategies and policies;
- identify the capacity-building initiatives that are required, in both the public and private sectors;
- seek support from donors by a consultative process for capacity-building programs.

This approach aims to link capacity-building to the over-riding goals of poverty-reducing growth and welfare enhancement, to facilitate coordination between donors, and to avoid piecemeal technical assistance initiatives. In essence the major recommendation of this report follow an identical line in relation to SPS capacity building.

70. Tajikistan's National Development Strategy is also being drawn up. In response to a request from the responsible agency, the Ministry of Economy and Trade, the study team has provided advice on its major recommendation in respect of SPS capacity building, as outlined in this section of its report (see Annex IV).

¹¹ World Bank Report No. 35231 VN: *Vietnam Food Safety and Agricultural Health Action Plan*, February 2006

2. *Related issues*

71. The conduct of such a detailed assessment of needs would provide an opportunity to address several important issues. For example, one major issue concerns the regulatory philosophy that the Government of Tajikistan wishes to follow in future. At present the SPS system appears to retain an element of the command economy approach under which economic activity is, in theory, tightly regulated, especially in the area of food standards. However, the capacity of the administration to properly implement controls has been reduced while at the same time the incentive and opportunity for the regulators to intervene so as to raise unnecessary – possibly illegal – revenues has increased. Future SPS capacity should be specified against the criterion that regulation should be the minimum necessary to protect against defined risks, and regulation should be designed and implemented so as to impose the minimum additional costs on business and consumers.¹² As well SPS capacity building should be complemented by initiatives to:

- eliminate overlap and rivalry between government agencies;
- strengthen public administration by reinforcement of the merit principal for appointment and promotion of officials, and implementation of systematic training programs;
- provide stronger disincentives to levying of unofficial fees and charges, including by means of increases in official salaries.

3. *Standards and Trade Advisor*

72. A vital, though rarely identified, component of SPS capacity is access to a body of knowledge and expertise on SPS matters that is relevant both to the internal situation of a country and to its international trading relationships. It is typical in developing countries, and it appears to be the case in Tajikistan, that there are officials in the key agriculture, health and trade ministries who have detailed knowledge of the policy and technical dimensions of SPS issues, and who are capable of making well-informed and mature judgments about how to handle complex and difficult questions. However, these officials

¹² See, for example, the World Bank's recommendations concerning reform of the Ministry of Agriculture:

“The Ministry of Agriculture should focus its resources and activities on policy formulation, guidance on legislation and regulation, and the provision of essential public services in the areas of seed and plant protection, animal health, border control, food safety and product standards and certification. Policy formulation should be based on the preparation of a coherent medium-term sector strategy, which should then form the basis for Ministry input into budget preparation, public investment planning, and specific policies and legislation relating to land use and land reform, trade, taxation, market activity and competition, rural finance, research and extension.

A stronger capacity for policy formulation is required to fulfill this responsibility, and a different approach to policy making – based on the principles of a market economy. Production targets should be discontinued as a policy instrument, and replaced with growth in value added, household income and export revenue. The efficiency with which essential public services are provided should also be improved, together with a comprehensive modernization of current regulatory practices (including product standards).”
(From Policy Note No. 4, World Bank: *Agriculture Sector Strategy: Priorities for Sustainable Growth*)

are usually few in number, and they are heavily over-burdened. International donor agencies meet the need for access to expert advice partially and intermittently through technical assistance projects, but normally they cannot react quickly to needs as they arise, let alone provide advice on demand.

73. One possible solution to this problem is the concept of establishing a Standards and Trade Advisor (STA) position to meet the need for on-the-spot expert advice during a period of several years while SPS capacity building is being accelerated. The services of this advisor would be available to government agencies and to the private sector alike, according to need. Critically, the STA would quickly develop a knowledge of the local scene that was both broad and deep, allowing the STA to facilitate desirable connections between the various parties interested in, for example, increasing market access for agricultural exports where technical barriers to trade are an impediment. Where the STA was not personally expert in a particular issue, he/she would be able to identify alternative sources of information and expert advice.

74. Creation of an STA position in Dushanbe, or at another location in Central Asia to serve several countries, would meet an obvious resource need and at the same time provide a focal point for coordination of SPS capacity building. A detailed description of the modalities for implementing such an arrangement is at Annex V. ITC should give consideration to the possible ways of further developing and promoting this possibility.

4. Donor support and other sources of assistance for capacity building

75. Many donors are interested in providing assistance that will strengthen food safety and food security, enhance agricultural productivity and exports, and protect the environment. Since SPS capacity building has all of these benefits, it is a logical target for technical assistance; but often it appears that SPS capacity-building is not given a share of available resources proportionate to its potential benefits because it is an issue that cuts across a number of agencies and objectives. It follows that the development of a national plan for SPS capacity building may be one of the most fruitful methods of giving a higher profile to SPS matters.

76. There is one source of technical assistance which is specifically devoted to SPS capacity building: the Standards and Trade Development Facility (STDF) established jointly by the WTO, the World Bank, the OIE, the FAO and WHO. The STDF offers assistance not only for capacity-building projects proposed by countries, the private sector, NGOs and the partner organisations, but also for the preparation of project proposals.¹³ It would be feasible for any relevant Ministry in Tajikistan to seek a grant to assist the development of a project proposal, or for a capacity assessment as proposed above, or for a specific project to enhance some aspect of SPS capacity. It would seem sensible for Tajikistan to approach the STDF for assistance at the earliest opportunity. Projects that potentially might be submitted for STDF funding could include:

¹³ Details are available at www.standardsfacility.org.

- a review of fee structures and levels to ensure that revenues raised by agencies implementing SPS measures do not exceed the cost of providing the relevant services, as required by Article VIII of GATT 1994;
- a review of phytosanitary capacity and needs;
- a review of food safety capacity and needs;
- a review of national SPS-relevant laboratory capacity and needs.

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ANNEX I: LIST OF PERSONS CONSULTED**Meetings in Dushanbe, Tajikistan
25-28 July 2006**

Name	Institution	Tel/fax	Address
Mr. Tilloev Alisher National Logistic Officer	World Food Program	2210907	7 Tolstogo St
Mr. Amirbekov Mulojon Head of Department	Veterinary Department of Ministry of Agriculture of Tajikistan	9171474	44 Rudaki St.
Mr. Grezov Isokhon Deputy Head of Station	Sanitary – Epidemiology Station	2274947	8 Chapaev St
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Mr. Albert Longy Strategic Planning Advisor NDS/PRS Support Project	UNDP	4410670	39 Aini St.
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ANNEX II: LIST OF RELEVANT LEGISLATION OF THE REPUBLIC OF TAJIKISTAN

Ministry of Economy and Trade

- Government Decree on Ministry of Economy and Trade No. 77, 17 February 2001

Ministry of Agriculture

- Law on seed breeding No. 70, 12 February 2002
- Law on plants guarantee No. 25, 12 May 2001
- Government Decree on Ministry of Agriculture No. 199, 5 May 2004
- Government Decree on actions on implementation of the Law on plants guarantee No. 38, 4 February 2002
- Government Decree on Ministry of Agriculture No. 336, 5 July 2001
- Government Decree on actions to eliminate infiltration of the cotton virus disease on the territory of Tajikistan No. 381, 30 May 1995
- Law on veterinary No. 73, 8 December 2003
- Law on veterinarian No. 771, 24 June 1993
- Government Decree on the Draft of the Law on writing in updates into the Law on veterinary No. 229, 2 July 2005
- Government Decree of the Republic of Tajikistan on creating of the State Agency “Tajik Scientific Research institute on plants secure and guarantee under the Academy of Agriculture Science” No. 173, 10 May 2005

Ministry of State Revenues and Taxes

- Customs Code of the Republic of Tajikistan 3 December 2004
- Law of the Republic of Tajikistan on adoption of statute and promulgation of the Customs code of the Republic of Tajikistan 2 December 2004

Ministry of Public Health

- Law of the Republic of Tajikistan on providing sanitary and epidemiological security for the population No. 49, 8 December 2003
- Law of the Republic of Tajikistan on public health protection No. 419, 15 May 1997
- Law of the Republic of Tajikistan on State sanitary control No. 987, 20 July 1994

- Government Decree of the Republic of Tajikistan on the rules, registration and procedures of the Sanitary Epidemiological Approvement No. 139, 31 March 2004
- Government Decree of the Republic of Tajikistan on fulfillment of the Law of the Republic of Tajikistan on State Sanitary control No. 84, 23 January 1995

Agency of Standardization, Metrology, Certification and Trade Inspection

- Law of the Republic of Tajikistan on products and services certification No. 313, 13 December 1996
- Law of the Republic of Tajikistan on quality and security of food No. 54, 5 December 2002
- Law of the Republic of Tajikistan on protection of consumer's rights No. 24, 1 December 1997

ANNEX III: REFERENCES

1. WTO *Agreement on the Application of Sanitary and Phytosanitary Measures*
2. ITC/CU: *Business Guide to the World Trading System*. Second edition, Geneva, 1999.
3. *How to put into practice the regulations on SPS transparency*. TACIS-DG1A,EU.2000
4. World Bank Report No. 31207: *Agriculture Sector Strategy: Priorities for Sustainable Growth*, Dushanbe, 2006
5. World Bank: *Food Safety and Agricultural Health Standards: Challenges and Opportunities for Developing Country Exports*, January 2005
6. World Bank Report No. 35231 VN: *Vietnam Food Safety and Agricultural Health Action Plan*, February 2006
7. E. Parkany: *Assistance To Selected Laboratories In Tajikistan*, ITC/DTCC/06/2816, March 2006
8. Dr. Saidmumin Kamolov: *External Factors Of Economic Growth In Tajikistan* (personal communication)
9. FAO: *Strengthening national food control systems; Guidelines to assess capacity building needs*, Rome, 2006
10. OIE: *Performance, Vision and Strategy (PVS):A Tool for Veterinary Services*
11. IPPC: *Phytosanitary Capacity Evaluation (PCE) Tool*

ANNEX IV: POLICY RECOMMENDATIONS ON SPS CAPACITY BUILDING IN TAJIKISTAN

Background

1. An International Trade Centre mission, funded by SECO, visited Tajikistan in July 2006 to review legislation relevant to the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement) and to make recommendations concerning capacity building in the areas of food safety and animal and plant health protection. The mission was led by Mr. Digby Gascoine, international consultant to ITC.
2. The SPS capacity of a nation can be defined as its ability to maintain and enhance human, animal and plant life and health by identifying, evaluating and controlling pest and disease risks and ensuring the safety of the food supply by means of sanitary and phytosanitary measures.
3. SPS infrastructure promotes human welfare by protecting life and health against pests, diseases, toxins, and so forth. The economic development of a nation is dependent on SPS infrastructure in many different ways. In the agricultural sector, protection of animals and plants against pests and diseases is crucial in maintaining productivity and in achieving and maintaining access for products into international markets. At the same time the enhancement of agricultural potential by importation of new genetic materials – seeds, semen/ova, live animals and plants, etc. – must not be undermined by the consequential importation of new pests and diseases. The attractiveness of a country for international tourism depends in part on whether potential travellers believe that it will be safe to eat the food at their destination.
4. The SPS Agreement applies only to measures applied by governments. However, biosecurity is not achieved by government measures alone. SPS measures are implemented by a combination of public and private sector activities, and their effectiveness therefore depends upon the competence and integrity of both sectors. Public and private sectors must work together in a kind of co-regulatory partnership to achieve SPS objectives in the most efficient way possible. So, for example, a system in which government employees are present in food processing plants to inspect activities and products may be replaced by another approach whereby the government mandates the use of Hazard Analysis and Critical Control Point systems by food producers and audits the HACCP system's performance from time to time. The development of competence in the private sector will therefore play a crucial role in ensuring food safety, especially where the capability of the public sector institutions is constrained by limited resources and low wages.

Action recommendation

5. Tajikistan's food safety system is in need of a broad modernisation program that should be designed and implemented in a cooperative way by the relevant Ministries, based on a clear understanding on roles and responsibilities within the framework of a farm-to-table approach. Tajikistan's animal health and plant health systems have sound

legislation and there are programs in place to try to implement proper control of movements of animal and plant products across international borders; but systems and facilities need to be upgraded and there are many gaps to be filled.

6. All key parties interviewed in Tajikistan by the mission team agreed that the present situation concerning SPS capacity in Tajikistan is not well understood, and that **it would be desirable to conduct a systematic and comprehensive SPS capacity assessment in each of the fields of animal health/quarantine, plant health/quarantine, and food safety**. The purpose of these capacity assessments would be to identify major weaknesses and gaps in the existing capability, having regard to current and future threats and to prospective needs for enhanced capacity in the light of opportunities to increase export trade in agricultural products.

7. From these assessments it would be feasible to:

- identify capacity improvements that should be made;
- give them a priority ranking;
- design projects that would implement the necessary improvements, and
- present these projects as part of a coherent plan.

By this process it would be possible to give donors the opportunity to support efficient and effective SPS capacity building by funding well-designed projects. The ITC consultants assess that there is a very good chance of attracting significant additional international funding for SPS capacity building in Tajikistan if sound project proposals are brought forward within the framework of a proper plan.

8. The proposed capacity assessments should be carried out using the methodologies developed for this purpose by the relevant international organisations: the World Organisation for Animal Health (OIE), the FAO (for food safety), and the secretariat of the International Plant Protection Convention (IPPC). The capacity assessment tools cannot provide useful guidance on capacity-building needs and priorities if they are used in a mechanical way. They are best regarded as comprehensive frameworks for gathering the information required for needs assessment. The evaluation of the data that are gathered should be carried out by national experts, in consultation with international experts who know international requirements and the approaches that have been followed in other countries.

9. The OIE is currently engaged in a program of applying its veterinary-sanitary capacity evaluation tool in 15 countries. The World Bank has taken a decision that it will not in future provide technical assistance in the veterinary-sanitary field without a prior assessment of this kind. Clearly it would be in the interest of Tajikistan to seek to have an evaluation carried out. The first step in this process is for the chief veterinary officer, who is Tajikistan's representative to the OIE, to make a formal request to the Director-General of the OIE.

Relationship to NDS/PRSP

10. Tajikistan's National Development Strategy is being drawn up. Its Poverty Reduction Strategy (PRS) is now also undergoing revision, for completion towards the end of the year. The action recommendation described above is fully consistent with the methodology of the PRS:

- analyse the national economic situation and prospects, with emphasis on growth constraints;
- systematically identify the strategies and policies that will facilitate growth;
- identify the programs that need to be implemented to give effect to these strategies and policies;
- identify the capacity-building initiatives that are required, in both the public and private sectors;
- seek support from donors by a consultative process for capacity-building programs.

This approach aims to link capacity building to the over-riding goals of poverty-reducing growth and welfare enhancement, to facilitate coordination between donors, and to avoid piecemeal technical assistance initiatives.

11. The PRS methodology is particularly applicable to development of national sanitary and phytosanitary capability. This is especially true if there are SPS issues that may constrain exports of agricultural products and/or the import of superior genetic material (such as cotton seed) to improve the productivity of the domestic industry; the overcoming of such technical barriers to trade should be a major driver of the SPS capacity enhancement plan.

International Trade Centre

Dushanbe,
16 November 2006

ANNEX V: ROLE AND RESPONSIBILITIES OF STANDARDS AND TRADE ADVISOR

Summary

1. The purpose of placing a Standards and Trade Advisor in Tajikistan would be to meet the most significant government, private and NGO sector needs for access to expert advice and relevant information on sanitary and phytosanitary issues as they relate to biosecurity, food safety, economic growth and the development of trade in Tajikistan. The role of the Advisor would be to facilitate and support the activities of interested parties, in the context of the broader objective of poverty reduction.

Background

2. Sanitary and phytosanitary (SPS) measures are the principal means of ensuring biosecurity and food safety. Protection of animal and plant health against exotic pests and diseases, and the maintenance of control over endemic pests and diseases, underpin agricultural productivity and the access of products to export markets. Similarly, food safety is fundamental to the nation's health and the exportability of food products, while also supporting the prospective growth of international tourism in Tajikistan.

3. Tajikistan's public sector SPS institutions are hampered by limited infrastructure and a shortage of in-house expertise in SPS matters. Accession to the WTO will give Tajikistan additional obligations in relation to the application of sanitary and phytosanitary measures, but it will also bring opportunities to press trading partners to exercise the appropriate discipline over their technical barriers to trade. There is growing interest in the private sector in accessing higher-value export markets for Tajikistan's agricultural commodities through formal trade, but SPS requirements may be substantial impediments.

4. Substantial resources are available to Tajikistan to enhance its SPS capacity, including donor funding and technical assistance, standards and advice from the international standard-setting bodies and their parent organisations, and technical cooperation with counterparts in other countries through regional bodies and bilateral relationships. Improved networking and information acquisition is feasible and would be very productive. It is also likely that there could be a significant increase in resources flowing into SPS capacity building if there were better coordination of international aid effort in the SPS field and better targeted efforts to define high priority projects.

Objectives:

5. The specific objectives to be served by placement of an S&T advisor in Tajikistan, with the support of STDF funding, would be:

- provision of a generally-available resource for information and expert advice on SPS issues;

- facilitation of SPS capacity-building activities by the Government of Tajikistan and the private sector;
- enhancement of information flows and liaison networks within Tajikistan and with relevant parties in other countries on SPS issues;
- assistance to the private sector to anticipate and overcome SPS barriers to export trade development.

Activities

6. With these objectives in mind, the S&T Advisor would:

- inform interested parties of the establishment of the information/advisory facility by STDF;
- establish effective working relationships with all relevant organisations and individuals, and become familiar with current SPS-related activities and plans;
- regularly convene a contact group of local representatives of the key Ministries, the private sector, and donors;
- participate in established coordination processes and mechanisms as appropriate;
- encourage and facilitate a coordinated approach to SPS capacity building in Tajikistan based on systematic and comprehensive needs assessment;
- consult stakeholders to identify key SPS capacity-building needs in Tajikistan, assist in the formulation of project proposals, and provide advice as appropriate to potential donors;
- establish appropriate mechanisms for the regular dissemination of relevant information on national and international SPS-related activities;
- respond to requests for information and advice on SPS-related issues and, where necessary, obtain a response on the more complex matters from relevant national and international bodies;
- utilise a modest tranche of funds to support small, high-return activities consistent with these activities and the broader objectives;
- publish an annual report and circulate it to stakeholders;
- provide a detailed report and recommendations at the conclusion of the two-year term.

7. The Advisor would take advantage of facilities such as the International Portal for Food Safety, Animal and Plant Health.

Outputs

8. The major outputs of the project would be:

- a significant contribution to SPS capacity building in Tajikistan via direct inputs and facilitation of more, better-targeted projects in the field;

- facilitation of development of practical approaches to addressing technical barriers to export of agricultural/food products.

Selection criteria

- **Formal qualifications**

9. The Advisor would have tertiary qualifications, preferably at post-graduate level, in a relevant discipline including veterinary, plant or food science, economics, international relations or law.

10. Qualifications in more than one discipline would be an advantage.

- **Experience**

11. The successful candidate must have more than ten years' relevant experience in the field of sanitary and phytosanitary measures, together with detailed knowledge of the relevant provisions of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures. S/he must also have substantial relevant experience in developing countries.

12. Experience in management of international trade issues, and in technical assistance activities, would be an advantage.

- **Skills and abilities**

13. Essential requirements in the successful candidate are:

- a) working knowledge of donor and government processes;
- b) technical skills in facilitating consultative processes and developing sound outputs;
- c) skills in gap analysis, implementing change management processes and development of capacity-building strategies;
- d) excellent intercultural communication skills, sensitivity in dealing with cultural issues, and ability to build sound relationships;
- e) ability to provide technical assistance in a way that ensures ownership and acceptance;
- f) demonstrated skills in facilitation and diplomacy;
- g) demonstrated ability to draft documents;
- h) demonstrated ability to effectively self-manage the allocation of priorities, deadlines and budgets with minimal supervision;
- i) coaching/mentoring skills;
- j) computing and information management skills;
- k) ability to work effectively alone or as a member of a very small team.

