

**Law of the Republic of Kazakhstan of October 21, 1993, N 2463-XII
On Conservation, Reproduction and Use of Wildlife
(with amendments as per Law of RK of 11.05.99 N 381-1)**

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Wildlife is one of the main components of natural environment, an important part of natural resources of the Republic of Kazakhstan.

This law is designed to provide an efficient protection, reproduction and rational utilization of wildlife, for nurturing the present generation and generation to come in the spirit of careful and humane attitude to wildlife.

Section I. GENERAL PROVISIONS

Article 1. The objective of the legislation of the Republic of Kazakhstan concerning conservation, reproduction and use of wildlife

The objectives of the legislation of the Republic of Kazakhstan concerning conservation, reproduction and use of wildlife are the regulation of social relations in the area of conservation, protection and reproduction of wild animals with the purpose to ensure their life conditions in the status of natural freedom, conservation of diversity of species and integrity of natural communities, as well as reinforcement of the rule of law in this area.

Article 2. Legislation of the Republic of Kazakhstan concerning conservation, reproduction and use of wildlife

Social relations in the area of conservation, reproduction and use of wildlife shall be regulated by this Law and other legislative acts of the Republic of Kazakhstan to be issued in conformity with the present.

Article 3. Definition of wildlife

To the wildlife shall be referred all wild animals (mammals, birds, reptiles, amphibians, fishes, as well as mollusks, insects etc.), living in the status of natural freedom continuously or temporary on land, in water, in air and in soil.

The relationships in the area of use, reproduction and conservation of agricultural and other domestic animals, as well as animals removed from their natural environment and kept in captivity or in semi-free conditions for agricultural, cultural and other purposes shall be regulated by relevant legislation of the Republic of Kazakhstan.

Article 4. End purpose of wildlife

In accordance with its end purpose the wildlife shall be subdivided into the following categories:

- rare and endangered species;
- species of hunting;
- species of fishing;
- species used for other commercial purposes (except for hunting and fishing);
- species not used for commercial purposes, but having an environmental, cultural and other value;
- species, whose numbers are regulated for the sake of protection of health of human communities, prevention of diseases of agricultural and domestic animals, prevention of damage to national economy.

Article 5. Categorization of wildlife species and their transfer from one category to another

Designation of wildlife species to the categories specified in Article 4 of the this Law shall be carried out in accordance with their main end purpose, and the transfer of wildlife species from one category to another shall take place in case of modification of their main end purpose.

The categorization of wildlife species shall be performed by the Government of the Republic of Kazakhstan and specially authorized agencies of state control of wildlife within their competence.

See: "List of aquatic species as objects of fishing and taking, rare and endangered species" approved by Resolution of the Cabinet of Ministers of RK on December 22, 1994, N 1434 and the List of game species, allowed for hunting for in the Republic of Kazakhstan.

Article 6. Ownership of wildlife

Wildlife in the Republic of Kazakhstan shall be exclusively in the state ownership.

Ownership, management and utilization of wildlife shall be exercised by the Supreme Soviet of the Republic of Kazakhstan directly or through the Government of the Republic of Kazakhstan, local representative and executive bodies and specially authorized agencies of the state control of wildlife within the competencies established by legislation of the Republic of Kazakhstan.

Allocation of wildlife for utilization and execution of other activities for the realization of ownership of wildlife shall take place with mandatory involvement of state bodies of control of wildlife.

Section II. PARTICIPATION OF CITIZENS, PUBLIC ORGANIZATIONS AND ASSOCIATIONS IN THE AREA OF CONSERVATION, REPRODUCTION AND USE OF WILDLIFE

Article 7. Rights of citizens in the area of conservation, reproduction and use of wildlife

Citizens of the Republic of Kazakhstan and other persons, residing or staying on its territory, shall have the right:

- to take part in discussions of draft laws and plans concerning wildlife;
- to unite into public formation for conservation, reproduction and use of wildlife;
- to obtain complete and veritable information on the status of wildlife;
- to participate in works for conservation, reproduction and use of wildlife, as well as public inspections of such issues;
- to use wildlife in the manner established by law;

State bodies shall take into consideration lawful and substantiated proposal of citizens concerning conservation, reproduction and use of wildlife.

Article 8. Obligations of citizens in the area of conservation, reproduction and use of wildlife

Citizens of the Republic of Kazakhstan and other persons residing or staying on its territory must:

- care for and protect wildlife;
- comply with the requirements of this Law and other legislative acts of the Republic of Kazakhstan concerning conservation, reproduction and use of wildlife;
- strictly perform legitimate requirements of authorities;
- supervise conservation, reproduction and use of wildlife and assist them;
- compensate damage, inflicted to wildlife and its habitats.

Article 9. Activities of public organization and associations in the area of conservation, reproduction and use of wildlife

Activities of public organization and associations in the area of conservation, reproduction and use of wildlife shall be carried out in accordance with their bylaws and legislation in force. See: Law of RK, dated May 31, 1996, N 3-1, "On Public Associations".

Section III. BODIES OF STATE GOVERNANCE AND CONTROL IN THE AREA OF CONSERVATION, REPRODUCTION AND USE OF WILDLIFE

Article 10. Competence of the Supreme Soviet of the Republic of Kazakhstan

The Supreme Soviet of the Republic of Kazakhstan shall be in charge of:

- execution of the right of ownership of wildlife;
- development and improvement of legislation on conservation, reproduction and use of wildlife;
- formulation of the state policy in the area of conservation, reproduction and use of wildlife;
- establishment of principles of payment for the use of wildlife, as well for its conservation and reproduction;
- supervision of the compliance with legislation on conservation, reproduction and use of wildlife;
- ratification and denunciation of international treaties concerning conservation, reproduction and use of wildlife.

Article 11. Competence of local representative authorities

Local representative authorities shall be in charge of:

- supervision of conservation, reproduction and use of wildlife;

- support of the development of public organization and association in the area of conservation, reproduction and use of wildlife;
- protection of rights of users of wildlife.

Article 12. State control of wildlife

State control of wildlife in the area conservation, reproduction and use of wildlife on the territory of the Republic of Kazakhstan shall be exercised by the Government of the Republic of Kazakhstan, local executive bodies and specially authorized bodies of the state control of wildlife.

Article 13. Competence of the Government of the Republic of Kazakhstan

The Government of the Republic of Kazakhstan shall be in charge of:

- pursuance of the state police in the area of conservation, reproduction and use of wildlife;
- approval of state programs of conservation, reproduction and use of wildlife, development of game ranching and fishery; e.g. see: "Program of conservation, reproduction and use of birds of prey of RK";
- coordination, management and supervision of the operation of oblast executive bodies, ministries, state committees and departments for conservation, reproduction and use of wildlife;
- establishment of procedures for use of wildlife;
- endorsement of limits and quotas for use of wildlife; e.g. see: Limits for the catch of fish in fishery water bodies of RK in 1999 and limits for the taking of game in the hunting season of 1999;
- qualification of animals as rare and endangered species, as well as game and fishery species;
- establishment of procedures for the state recording of animals and maintenance of the state cadaster of wildlife;
- establishment of procedures for creation and state recording of zoological collections;
- approval of Regulation on the Red Book of the Republic of Kazakhstan;
- organization of international cooperation in the area of conservation, reproduction and use of wildlife.

Article 14. Competence of the oblast executive body

Oblast executive body within the administrative borders of the oblast shall be in charge of:

- pursuance of the state policy in the area of conservation, reproduction and use of wildlife;
- implementation of state programs for conservation, reproduction and use of wildlife, development of hunting and fishing husbandry;
- coordination, control and supervision of the operation of subordinate executive bodies, enterprises, institutions and organizations for conservation, reproduction and use of wildlife;
- adoption of decisions giving rights to conduct game ranching and allocation of hunting grounds; e.g. Resolution of the Akim of Zhambyl Oblast dated September 25, 1998, N 192, "Concerning the tender for allocation of hunting grounds and the right for game ranching to hunting users";
- adoption of decision giving rights to commercial catching of fish and other aquatic animals and allocation of fishery water bodies;
- participation in international cooperation in the area of conservation, reproduction and use of wildlife;
- supervision of conservation, reproduction and use of wildlife.

Article 15. Competence of rural district and municipal executive bodies

Rural district and municipal executive bodies within the administrative borders shall be in charge of:

- coordination of state programs for conservation, reproduction and use of wildlife, development of game ranching and fisheries;
- coordination, control and supervision of operation of enterprises, institutions and organizations for conservation, reproduction and use of wildlife;
- endorsement of proposals giving rights for game ranching and commercial catching of fish and other aquatic animals, as well as allocation of hunting grounds and fishery water bodies;
- supervision of conservation, reproduction and use of wildlife.

Article 16. Competence of specially authorized agencies of state control of wildlife

Specially authorized bodies of the state control of wildlife shall be in charge of:

- pursuance of the state policy in the area of conservation, reproduction and use of wildlife;
- development and submission for approval of state programs for conservation, reproduction and use of wildlife, development of hunting and fishing husbandry;
- development and approval of regulations for conservation, reproduction and use of wildlife, game ranching and fishery;
- execution of state supervision of conservation, reproduction and use of wildlife, game ranching and fishery;
- preparation and introduction of proposals giving rights for game ranching and allocation of hunting grounds, right for commercial catch of fish and other aquatic animals and allocation of fishery water bodies;
- conclusion of contracts for the use of wildlife;
- review and approval of biological rationales for conservation, reproduction and use of wildlife;
- issue of permits for the use of wildlife in accordance with approved limits and quotas and compliance with other established conditions;
- organization of state recording of animals and maintenance of state cadaster of wildlife;
- organization of scientific research and survey works in the area of conservation, reproduction and use of wildlife, operation of game ranching and fishery farms;
- implementation of arrangements for international cooperation in the area of conservation, reproduction and use of wildlife.

Resolutions of the specially authorized agencies of state control of wildlife, adopted within their competence, shall be binding for implementation by all legal and physical entities.

Section IV. PRINCIPLE REQUIREMENTS FOR CONSERVATION, REPRODUCTION AND USE OF WILDLIFE

Article 17. Principle requirements for conservation, reproduction and use of wildlife

Conducting operations, which may impact habitats of wildlife and the status of wildlife, there must be observed the following principle requirements:

- preservation of the integrity of natural animal communities;
- preservation of diversity of species in the status of natural freedom;
- conservation and protection of habitats and breeding conditions, migratory routes and places of concentrations of wildlife;
- scientifically substantiated and rational use of wildlife;
- reproduction of wildlife, including artificial breeding of animals, particularly of rare and endangered species, with their subsequent release to natural environments;
- regulation of the number of animals for the sake of protection of health of human communities, prevention of diseases of agricultural and other domestic animals, prevention of damage to national economy.

Article 18. Provision of principle requirements for conservation, reproduction and use of wildlife

In order to provide principle requirements for conservation, reproduction and use of wildlife, special undertakings, with financial, technical and material resources allocated for their implementation, shall be included to environmental programs.

Funding of special undertakings for conservation, reproduction and use of wildlife shall be made at the expense of the national budget and other means according to economically justified standards.

Section V. CONSERVATION AND REPRODUCTION OF WILDLIFE

Paragraph 6 of Article 19 is given in the version of the Law of RK dated 11.05.99, N 381-1 (see: old version)

Article 19. Provision of conservation and reproduction of wildlife

Conservation and reproduction of wildlife shall be provided through:

- establishment of rules and standards for conservation, reproduction and use of wildlife;
- establishment of prohibitions and limitations for utilization of wildlife;
- conservation of habitats, breeding conditions, migratory routes and places of concentration of wildlife;
- protection of rare and endangered species and breeding them in captivity and semi-free conditions;
- organization of state natural reserves, state national parks, state natural parks, state monuments of nature, state natural preserves, state protected zones and wetlands of international significance;
- prevention of death of animals from industrial activities;
- protection of wildlife from applications of means of plant protection, mineral fertilizers and other preparations;
- limitation of extraction of wildlife for zoological collection
- help to animals in case of disease, threat to their life from natural disasters and from other causes;
- propaganda of wildlife conservation in mass media;
- organization of research for the purpose of substantiation of the measures for wildlife conservation and reproduction;
- nurture of citizens in the spirit of humane attitude to wildlife;
- arrangement of other measures and establishment of other requirement for conservation and reproduction of wildlife;

Article 20. Prohibitions and limitations of the use of wildlife

For conservation and reproduction of wildlife, oblast executive bodies and the Government of the Republic of Kazakhstan shall, upon presentations by specially authorized bodies of the state control of wildlife and on the basis of recommendations by scientific institutions, impose prohibitions or limitations on the use of wildlife on a certain territory and for a certain period of time.

Article 21. Measures for the protection of habitats and conditions of reproduction, migratory routes and places of concentration of wildlife when locating, designing and constructing settlements, plants and other facilities

When locating, designing and constructing settlements, plants and other facilities, developing the existing ones and introducing new technological processes, cultivating virgin lands, wetland, coastal areas and shrubberies, improving lands, exploiting forest and water, conducting geological exploration, extracting minerals, allotting pastures and passage routes for livestock, setting up tourist routes and recreational zones, measures shall be taken for conservation of habitats and breeding conditions of wildlife, as well as inviolability of the sites of special value as wildlife habitats.

When locating, designing and constructing railways, motorways, pipe and other transport lines, power and communication lines, canals, dams and other hydro-engineering facilities measures must be planned and implemented to conserve migratory routes and areas of concentration of wildlife.

Article 22. Protection and breeding of rare and endangered species in captivity and semi-free conditions

Rare and endangered species shall be inscribed in the Red Book of the Republic of Kazakhstan. See: Regulation “Concerning the Red Book of RK” approved by Resolution of the Cabinet of Ministers of RK dated September 13, 1995, N 1258.

Actions, which may cause death, decline of population or disruption of habitats of rare and endangered wildlife species, shall be prohibited.

In order to preserve rare and endangered wildlife species, whose reproduction in natural condition is impeded or impossible, state bodies of wildlife control must take measures to breed such species in captivity or semi-free conditions and subsequently release them into natural environment.

In exclusive cases the Government of the Republic of Kazakhstan shall permit, upon presentation by specially authorized bodies of the state control of wildlife and scientific research institutions, catching of rare and endangered species for breeding them in captivity and releasing them subsequently to natural environment, for scientific and other purposes.

Article 23 is given in the version of the Law dated 11.05.99 N 381-1 (see: old version)

Article 23. Conservation, reproduction and use of wildlife on specially protected natural territories

Conservation, reproduction and use of wildlife on specially protected natural territories shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the area of specially protected natural territories. See: Law of RK, dated June 15, 1997 N 162-1 “On Specially Protected Natural Territories”.

Article 24. Prevention of death of wildlife from production processes and operation of transport vehicles

When running production processes and operating transport vehicles, measures shall be taken for the prevention of death of wildlife.

Storage of materials and production wastes, mowing of reed and burning of dead vegetation, stubbing and drift floating of wood, development of river beds, important as spawning grounds, shall be prohibited without ensuring established measures for the prevention of death of wildlife.

Article 25. Protection of wildlife from application of substances of plant protection, mineral fertilizers and other preparations

Application of means of plant protection, mineral fertilizers and other preparations shall comply with requirement of protection of wildlife and their habitats.

Enterprises, institutions, organizations and individual citizens must observe the rules of transportation, storage and application of the above preparation in order to prevent death of wildlife and deterioration of their habitats.

With the introduction of new preparations there shall be developed norms of maximum permissible concentrations of the substances in environment, which ensure conservation of wildlife and their habitats.

Application rules of means of plant protection, mineral fertilizers and other preparations used in the national economy as well as the list of the same shall be subject to endorsement by the state bodies of the wildlife control.

Article 26. Giving help to wild animals in case of disease, threat to their life from natural disasters and other causes

Local representative and executive authorities, all users of natural resources must help wild animals in case of disease, threat to their life from natural disasters and from other causes.

Article 27. Relocation, acclimatization, re-acclimatization and cross breeding of wild animals, their import in and export from Kazakhstan

Relocation of animals to new habitats, acclimatization of new species, re-acclimatization and cross breeding of animals, their import in and export from the Republic of Kazakhstan shall be allowable for scientific and economic purposes on permits specially issued by authorized bodies of the state control of wildlife with approval by relevant research institutions.

Article 28. Scientific research for conservation, reproduction and use of wildlife

Specially authorized bodies of the state control of wildlife shall arrange scientific research for conservation, reproduction and use of animal life, involving interested research institutions.

Local representative and executive authorities, users of wildlife must cooperate with research institutions in their scientific research works for conservation, reproduction and use of wildlife.

Article 29. Other measures of conservation and reproduction of wildlife

For the purposes of conservation and reproduction of wildlife, rights of users of natural resources may be limited with imposition on them appropriate obligations according to the procedure established by law of the Republic of Kazakhstan.

Section VI. UTILIZATION OF WILDLIFE

Article 30. Utilization of wildlife

Wildlife shall be made available for utilization to enterprises, institutions and organizations, regardless of the form of ownership, to citizens of the Republic of Kazakhstan and other persons residing or staying on its territory.

Article 31. Forms of utilization of wildlife

On the territory of the Republic of Kazakhstan the following forms of utilization of wildlife shall be allowable:

- hunting;
- fishing, including taking aquatic invertebrate and sea mammals;
- use for commercial purposes animals not referred to game or fishing species;
- use of animals for scientific, cultural, educational and esthetic purposes;
- utilization of their useful properties or products of their vital functions.

Legislation of the Republic of Kazakhstan may provide for other forms of utilization of wildlife.

It shall be prohibited to use wildlife as biological weapon.

Article 32. Time terms of the use of wildlife

Wildlife may be made available for permanent or temporary utilization.

Use of wildlife without a predetermined time term shall be considered permanent.

Time terms for temporary use of wildlife shall be fixed with an appropriate contract.

Article 33. Procedure for legalization of use wildlife

Use of wildlife carried out in the manner of general utilization of natural resources shall not require any permit.

Use of wildlife carried out in the manner of special utilization of natural resources shall be effected on the basis of a contract and an appropriate permit.

Contract on use of wildlife shall be concluded between the user and specially authorized body of the state control of wildlife upon a decision having been made to give right for game ranching or right for commercial fishing and taking other aquatic animals, on allocation of hunting grounds or fishery water bodies.

Contract on use of wildlife shall provide for:

- environmental conditions, under which commercial or other activity may be allowed;
- time terms and amount of payments for use of wildlife as well as for conservation and reproduction of wildlife;
- conditions of conservation of wildlife;
- incentives, given to the user of wildlife;
- responsibility of the parties for breach of the terms and conditions of contract;
- duration of contract;
- other necessary conditions, which do not contradict with legislation of the Republic of Kazakhstan.

On the basis of the contract specially authorized bodies of the state control of wildlife shall issue an appropriate permit for utilization of wildlife.

Separate provision on the procedure of legalization of use of fishery resources see in the Order of the Committee of Forestry, Fishery and Hunting of the Ministry of Agriculture dated April 26, 1999 N 84.

Article 34. Rights and obligations of users of wildlife

Users of wildlife shall have the right to practice only those forms of utilization of wildlife, which have been permitted to them.

Depending on the type of utilization the users must:

- observe established rules, standards and time terms of the utilization of wildlife;
- commit no transgression on the wildlife's habitat;
- utilize wildlife in manners safe for population and environment without impact upon integrity of natural communities and ensure preservation of animals, which are not allocated for utilization

- keep account of the number and status of utilized animals as well as the status of their habitats;
- render every possible assistance to governmental and other bodies supervising conservation, reproduction and use of animal life;
- perform other requirements for conservation, reproduction and use of wildlife provided for by legislation of the Republic of Kazakhstan.

Interdictions by governmental bodies and officials not based on law are not legitimate and should not be complied with. All damage, which a wildlife user may sustain in result of an illegitimate interdiction on his activities, shall be subject to compensation judicially.

Article 35. Payments for wildlife

There shall be payments established for utilization of wildlife as well as for its conservation and reproduction.

The rates and procedure of collection of payments shall be defined by the Government of the Republic of Kazakhstan upon presentation by specially authorized bodies of the state governance of wildlife and the Ministry of Finance of the Republic of Kazakhstan. See: Resolution the Government of RK dated July 28, 1998 N 711 "On the Approval of Rates of Payment for Commercial Utilization of Aquatic Wildlife and the Cost of Permit for Sport (Recreational) Fishing in Fishery Water Bodies of RK".

The use of wildlife for satisfaction of esthetic and other purposes without removing wildlife from its natural environment and inflicting to it any damage shall be practiced free of charge in the way of general use of nature.

Article 36. Limits and quotas for wildlife's utilization

Limits and quotas for utilization of wildlife shall be established on the basis of biological rationale for reproduction and utilization of wildlife.

Article 37. Incentives for the stimulation of activities in the area of conservation, reproduction and use of wildlife

In order to promote rational use, reproduction and conservation of wildlife in the Republic of Kazakhstan there shall be instituted the following incentives:

- long and short term low interest loans for implementation of measures for rational use, conservation and reproduction of wildlife;
- higher amortization rates for the fixed assets of nature protection and accelerated amortization for nature protection facilities. Reserves, national parks, zoological preserves, other enterprises, institutions and organization, separate citizens of the Republic of Kazakhstan and other persons residing or staying on its territory may be completely or partially exempted from payment for utilization of wildlife in the manner established by law of the Republic of Kazakhstan.

Article 38. Grounds for the termination of right for utilization of wildlife

Right for utilization of wild life shall be terminated in the following cases:

- voluntary waiver of utilization;
- expiry of the term of utilization;
- misuse of wildlife or systematic and gross breaching of established rules, standards and other requirements;
- withdrawal of wildlife from utilization for the state or public purposes.

Section VII. HUNTING

Article 39. Definition and types of hunting

Hunting is the taking of mammals (except for sea mammals), birds, reptiles and amphibia living in status of natural freedom. Taking of wild animals for the purpose to obtain some economically useful products is considered to be commercial hunting; and for the purpose to satisfy esthetic and sport needs of citizens as well as for personal utilization of the taken products it is considered to be sport or leisure hunting. For minimal payment rates for the taking of wildlife by citizens and legal entities of RK see: Resolution of the Government of RK dated July 22, 1998 N 688

Article 40. Right of hunting

In the Republic of Kazakhstan the right of hunting is enjoyed by all citizens of the Republic of Kazakhstan and other persons residing or staying on its territory, who have passed a basic hunting test and paid a state duty. The Hunting Card issued by state bodies of the state control in the area of conservation, reproduction and use of wildlife certifies the right for hunting. For the procedure of acquisition of hunting right on the territory of RK, see: Resolution of the Cabinet of Ministers dated September 25, 1995 N 1282.

Article 41. Hunting grounds and the right of game ranching

All lands, waters and woods, which are or may be used for hunting and game ranching shall be the hunting grounds. Procedures of allocation, use and protection of hunting grounds shall be approved by the Government of the Republic of Kazakhstan.

Specially authorized bodies of the state control of wildlife must conduct economic evaluation of hunting opportunities as well as arrangement of game ranching and wildlife users must provide arrangement for game ranching on the hunting grounds allocated to them as well as arrangements for conservation, reproduction and use of wildlife. The right to conduct game ranching is available for legal entities of the Republic of Kazakhstan and of foreign countries, citizens of the Republic of Kazakhstan and other physical entities residing or staying on its territory in the manner established by the Government of the Republic of Kazakhstan.

Article 42. Procedures for game ranching and rules of hunting

Procedures for game ranching and rules of hunting shall be developed by specially authorized bodies of the state control of wildlife on the basis of recommendation provided by research institutions and proposals from organizations of game ranchers and approved by the Government of the Republic of Kazakhstan.

For game species allowed for hunting for in the RK and the game the hunting for which is permitted on the basis of licenses see: Resolution of the Cabinet of Ministers of RK dated October 21, 1993, N 2463.

Section VIII. FISHING AND TAKING OF OTHER AQUATIC ANIMALS

Article 43. Types of fishing and taking of other aquatic species

Commercial fishing and taking of other aquatic species is carried out with the purpose to obtain economically useful products, and sport and leisure fishing for the satisfaction of sport and esthetic needs of citizens and for personal utilization of taken products.

Article 44. Right for commercial fishing and taking of other aquatic animals

The right for commercial fishing and taking of other aquatic animals is available for legal entities of the Republic of Kazakhstan and of foreign countries, citizens of the Republic of Kazakhstan and other physical entities residing or staying on its territory in the manner established by the Government of the Republic of Kazakhstan. See: Instruction “On procedure of legalization of use of fishery resources and other aquatic species in water bodies of the Republic of Kazakhstan” approved by Order of the Committee of forestry, fishery and hunting of the Ministry of Agriculture of the Republic of Kazakhstan dated April 26, 1999 N 84.

Article 45. Right for sport and leisure fishing

In the Republic of Kazakhstan the right for sport and leisure fishing shall be enjoyed by all citizens of the Republic of Kazakhstan and other persons residing or staying on its territory. See: “Rules of Use of Bio-resources of Water Bodies of the Republic of Kazakhstan for Sport and Leisure Fishing” approved by Order of the Ministry of Bio-resources of RK dated December 12, 1994 N 122.

Article 46. Rules of fishing and taking of other aquatic species

Rules of fishing and taking of other aquatic species shall be developed by specially authorized bodies of the state control of wildlife on the basis of recommendation provided by research institutions and

proposals from organizations of fisheries and approved by the Government of the Republic of Kazakhstan.
See: Resolution of the Government of RK dated December 4, 1996, N 1480

Article 47. Fishery water bodies

All water bodies (closed seas, rivers, lakes, ponds, reservoirs and their tributary waters), which are or may be used for fishing or are important for reproduction of fish stocks, shall be considered fishery water bodies. The procedure for allocation, use and protection of fishery water bodies shall be established by the Government of the Republic of Kazakhstan.

Section IX. OTHER TYPES OF UTILIZATION OF WILDLIFE

Article 48. Use of animals not related to game and fishery species for economic purposes as well as for scientific, cultural, educational and esthetic purposes

It shall be permitted to users of wildlife to use animals not related to game and fishery species for economic purposes as well as for scientific, cultural, educational and esthetic purposes without removing them from their natural environment as well with doing so.

Removal of animals from their natural environment shall be carried out on the basis of permits issued by specially authorized bodies of the state control of wildlife.

Article 49. Creation, storage and state recording of zoological collections

Creation of zoological collections (live exhibits, stuffed exhibits, preparations and parts of animals) through removal of animals from their natural environment shall be allowed on the basis permits issued by specially authorized bodies of the state control of wildlife.

Zoological collection of particular scientific, cultural, educational or esthetic value shall be subject to state recording.

Enterprises, institutions and organizations as well as citizens of the Republic of Kazakhstan and other persons residing or staying on its territory must observe the rules of storage, recording and use of zoological collections approved by specially authorized bodies of the state control of wildlife.

Article 50. Utilization of useful properties animals and products of their vital functions

Utilization of useful properties of animals and products of their vital functions shall be allowed without removal of animals from their natural environment and without disturbance to their habitat and in separate cases with removal of animal from their natural environment.

Rules of utilization of useful properties of animals and products of their vital functions shall be established by specially authorized bodies of the state control of wildlife.

Section X. REGULATION OF THE NUMBER OF WILDLIFE

Article 51. Regulation of wildlife population for the protection of human health

Procedures for regulation of the number of animal population for the protection of human health shall be established by specially authorized bodies of the state control of wildlife in coordination with the Ministry of Health of the Republic of Kazakhstan.

Article 52. Regulation of wildlife population for the purposes of disease control of agricultural and other domestic animals

Procedures for regulation of wildlife population for the purposes of disease control of agricultural and other domestic animals shall be established by specially authorized bodies of the state control of wildlife in coordination with the Ministry of Agriculture of the Republic of Kazakhstan.

Article 53. Regulation of wildlife population for the purposes of prevention of damage to public economy

Regulation of wildlife population for the purposes of prevention of damage to public economy shall be carried out through permits issued by specially authorized bodies of the state control of wildlife on the basis of substantiated applications from interested enterprises, institutions, organizations and citizens.

Section XI. STATE RECORDING OF WILDLIFE AND STATE CADASTER OF WILDLIFE

Article 54. State recording of wildlife and state cadaster of wildlife

In order to insure protection and rational utilization of wildlife there shall be conducted state recording of wildlife and a state cadaster of wildlife shall be maintained containing all the data on geographical distribution of wildlife, its status and number, characteristics of habitats, economic utilization and other data.

Article 55. Procedure of state recording of wildlife and maintenance of state cadaster of wildlife

State recording of wildlife and maintenance of state cadaster of wildlife shall take place according to unified techniques approved by specially authorized bodies of the state control of wildlife.

Users of wildlife must supply their information on distribution and number of wildlife to the bodies, which maintain state cadaster of wildlife.

For separate issues of the state recording of wildlife and maintenance of the state cadaster of wildlife see: Resolution of the Cabinet of Ministers of RK dated August 21, 1995, N 1153.

Section XII. SUPERVISION OF CONSERVATION, REPRODUCTION AND USE OF WILDLIFE

Article 56. Objectives and tasks of supervision in the area of conservation, reproduction and use of wildlife

The objective of supervision in the area of conservation, reproduction and use of wildlife is to look after the status and changes of wildlife as a result of economic or any other activity, to control compliance with the provisions of law on conservation, reproduction and use of wildlife.

Article 57. Agencies and services of supervision in the area of conservation, reproduction and use of wildlife

Supervision in the area of conservation, reproduction and use of wildlife shall be performed by:

- local representative and executive authorities;
- specially authorized bodies of the state control of wildlife in the area conservation, reproduction and use of wildlife operating in the system of the state control of wildlife;
- services of supervision in ministries, state committees, departments, enterprises and organization, who are users of wildlife;
- services of supervision in public organizations and associations, whose by-laws provide for activities in the area of conservation, reproduction and use of wildlife.

Article 58. Rights of specially authorized bodies of the state supervision in the area of conservation, reproduction and use of wildlife

Specially authorized bodies of the state supervision in the area conservation, reproduction and use of wildlife shall have the right:

- to require citizens, public officials and other persons residing or staying on the territory of the Republic of Kazakhstan to obey established rules, standards, prohibitions and limitations on utilization of wildlife and issue binding instructions to stop non-compliance;
- to stop unauthorized utilization of wildlife, to suspend operations which offend rules, standards and other conditions for conservation, reproduction and use of wildlife;

- to bring offenders of rules, standards and other conditions of conservation, reproduction and use of wildlife in an established procedure to responsibility or to forward materials on offences to appropriate bodies.

Rules and instructions by specially authorized bodies of the state supervision in the area of conservation, reproduction and use of wildlife established within their competence, shall be binding for all ministries, departments, enterprises, institutions and organizations regardless of their form of ownership as well as for citizens of the Republic of Kazakhstan and persons residing or staying on its territory.

Official of the specially authorized bodies of the state supervision in the area of conservation, reproduction and use of wildlife shall have the right to keep, carry and, in exclusive cases, to use special means and firearms. The list of public officials who have this right as well as procedures for keeping, carrying and using special means and firearms shall be defined by the Government of the Republic of Kazakhstan.

Official of the specially authorized bodies of the state supervision in the area of conservation, reproduction and use of wildlife shall be subject to compulsory insurance and have the right to compensation of damage in the established procedure and in case of death or injury.

Article 59. Rights and procedures for departmental, operational and public control in the area of conservation, reproduction and use of wildlife

Rights and procedures for the conduct of departmental, operational and public control in the area of conservation, reproduction and use of wildlife shall be governed by regulations and by-laws, approved in the established manner and consistent with legislation in force. The list of officials of departmental, operational and public supervision with the right to keep, carry and use special means and firearms, shall be defined by the Government of the Republic of Kazakhstan. These officials are covered by the conditions of compulsory insurance and compensation of damage in the established procedure in case of death or injury.

Section XIII. RESOLUTION OF DISPUTES ON MATTERS OF UTILIZATION OF WILDLIFE

Article 60. Procedure for resolution of disputes on matters of utilization of wildlife

Disputes on matters of utilization of wildlife shall be considered by courts and arbitration courts according to the procedures established by legislation of the Republic of Kazakhstan.

Section XIV. RESPONSIBILITY FOR OFFENCES OF LEGISLATION ON CONSERVATION, REPRODUCTION AND UTILIZATION OF WILDLIFE

Article 61. Responsibility for offences of legislation on conservation, reproduction and use of wildlife

Public officials, citizens of the Republic of Kazakhstan, other persons residing or staying on its territory guilty of:

- utilization of wildlife without an appropriate contract and permit, breaching of the right of hunting and game ranching, the right of commercial fishing and taking of other aquatic animals, procedures of allocation of hunting grounds and fishery water bodies, rules of hunting, fishing and other types of wildlife utilization;
- breach of the rules of protection of habitats, breeding conditions, migratory routes and places of concentration of wildlife;
- breach of rules of protection of wildlife with allocation, design and construction of residential areas, plants and other facilities, manufacturing processes and use of transportation, application of means of plant protection, mineral fertilizers and other preparations;
- breach of the procedures for regulation of the number of animals for the human health protection, disease control of agricultural and other domestic animals, prevention of damage to the national economy;

- death, decline of number of populations or disturbance to the habitats of rare and endangered species, unauthorized relocation, acclimatization, re-acclimatization and cross-breeding, export and import of animals outside of the country as well as actions, which have caused a mass death of animals;
- breach of rules of creation, storage, recording and use of zoological collections;
- gross defiance towards officials performing supervision of conservation, reproduction and use of wildlife as well as criminal attempt on their life and dignity, shall bear disciplinary, civil, administrative or criminal responsibility according to legislation of the Republic of Kazakhstan.

Legislation of the Republic of Kazakhstan may provide for responsibility for other offenses of legislation on conservation, reproduction and use of wildlife.

Article 62. Compensation of damage inflicted through offence of legislation on conservation, reproduction and use of wildlife

Enterprises, institutions, organizations as well as citizens of the Republic of Kazakhstan and other persons residing or staying on its territory must compensate the damage inflicted through an offence of legislation on conservation, reproduction and use of wildlife in the amount and in the manner established by law of the Republic of Kazakhstan. Public officials and other employees, through whose fault enterprises, institutions and organizations have borne expenses associated with the damages, shall bear financially liability in the manner established by law.

Article 63. Procedure for seizure of unlawfully taken animals and their products

Unlawfully taken animals and their products shall be subject to seizure in the procedure established by law of the Republic of Kazakhstan.

Section XV. INTERNATIONAL COOPERATION IN THE AREA OF CONSERVATION, REPRODUCTION AND USE OF WILDLIFE

Article 64. International treaties

If an international treaty provides for rules different from those contained in the present Law, the rules of the international treaty shall be applied.

Article 65. International cooperation in the area of conservation, reproduction and use of wildlife

The Republic of Kazakhstan shall take part in the activities of international organization in the area of conservation, reproduction and use of wildlife, preparation and conduct of international conferences, development and implementation of international programs.

Article 66. Obligations of legal entities and citizens of foreign countries and stateless persons on conservation, reproduction and use of wildlife

Legal entities and citizens of foreign states and stateless persons when performing economic or other activities in the territory of the Republic of Kazakhstan must observe the provisions of the present Law and shall bear responsibility in accordance with legislation of the Republic of Kazakhstan.

President of the Republic of Kazakhstan

N. Nazarbayev