

THE LAW OF THE KYRGYZ REPUBLIC

About mountain territories of the Kyrgyz Republic

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The purpose of the present Law is creation of socio-economic and legal base for sustainable development of mountain territories of the Kyrgyz Republic, preservation and rational use of natural resources, a historical, cultural and architectural heritage. The law should become a basis for regulation of activity of people in mountain territories.

Chapter I General provisions

Article 1. The legislation of the Kyrgyz Republic in the field of the state support of mountain territories

The legislation of the Kyrgyz Republic in the field of the state support of mountain territories is based on the Constitution of the Kyrgyz Republic and consists of the present Law, the Law of the Kyrgyz Republic "On the state guarantees and indemnifications to the persons living and working in conditions of high mountains and remote zones", other laws of the Kyrgyz Republic and accepted according to them other normative legal documents, as well as the international agreements of the Kyrgyz Republic.

Article 2. Subjects of state regulation of mountain development

Subjects of state regulation of mountain development are as follows:

- The President of the Kyrgyz Republic;
- Jogorku Kenesh of the Kyrgyz Republic;
- The Government of the Kyrgyz Republic;
- Institutions of local government.

The order of participation of subjects of state regulation in mountain development process is defined by the Constitution, laws and other normative legal documents of the Kyrgyz Republic.

Article 3. The annual report on the state mountain policy

The government of the Kyrgyz Republic annually prepares and submits to Jogorku Kenesh of the Kyrgyz Republic the report on results of socio-economic development of mountain territories of the Kyrgyz Republic.

Article 4. The basic concepts used in the present Law

Hypsometry (Hypsos - height) - measurement of area height. The hypsometric scale is a scale of light colors and tints used for painting of a relief by height levels on a map. The hypsometric map is a geometrically accurate relief representation by means of contour lines and coloring of high-altitude levels.

Mountain territory - an area located within the limits of the established hypsometric labeling relative mark, with deep basis of a dissection of a relief (difference of the lowest and top marks per area unit), having a complex of natural factors that includes: height, a relief, a landscape. The climatic features sharply distinguished from plain, cause specific parameters of natural ecosystems functioning, create special people dwelling conditions influencing their health, a way of life and daily activity.

The state mountain policy - a component of the general policy of the state, a system of activities carried out by the state authorities, institutions of local government targeted at determination of main principles of the state support, organization of conditions for sustainable development of mountain territories and protection of their economic and ecological basis.

Mountain settlements - aiyl (country side), villages, communities and other settlements located within the borders of mountain territories, defined by the present Law.

Inhabitants of mountain territories - the persons permanently living and working in mountain settlements.

State regulation of mountain development - a control action system of financial, social, investment, external economic and other activity of the governmental bodies of the Kyrgyz Republic and the institutions of local government, aimed at the sustainable and balanced functioning of mountain territories, quality improvement and standard of living increase of mountain area inhabitants.

Priorities of state regulation of mountain territory development - the most significant, proved, internal and foreign policy strategic target-driven orientations of the public authorities of the Kyrgyz Republic and institutions of local government on improvement of the relations linked with mountain territories within the certain period of time.

Tools of the state mountain policy - target programs for mountain territory development with use of the financial, social, external economic, investment state policies, used in each separate area of the Kyrgyz Republic.

The target program of mountain territory development - interrelated according to the content, terms of performance, resources and executors, a complex of activities of the legal, organizational, economic, financial, social character aimed at development of infrastructure, socio-economic, natural resource potentials of mountain territories of the Kyrgyz Republic and securing them by financial and other material means.

Monitoring of mountain territories - permanent system of the account, collection, analysis and dissemination of the information, used for a justification of priorities, definition of objectives, reveal of conflicts, factors constraining the state mountain policy realization.

Article 5. Borders of mountain territories

The southern border of mountain territories of the Kyrgyz Republic coincides with the state frontier among the Kyrgyz Republic, Tajikistan and the Chinese National Republic. The western border passes along the state frontier between the Kyrgyz Republic and Republic Uzbekistan. In the north the border of mountain territories coincides with the state frontier between the Kyrgyz Republic and Republic Kazakhstan.

Article 6. The list of mountain settlements

Jogorku Kenesh of the Kyrgyz Republic determines the list of mountain settlements by submission of the Government of the Kyrgyz Republic in line with the current legislation.

Article 7. The status of mountain territories

Mountain territories of the Kyrgyz Republic are subdivided into:

Low mountains - up to 1500 meters above sea level;

Average mountains - 1500 up to 2000 meters above sea level;

High mountains - more than 2000 meters above sea level.

Economic and economic (hozyastvennaya) activities of people in low, average and high mountains are regulated legislation in force of the Kyrgyz Republic.

The regime of wildlife management in specially protected natural territories (the national and natural parks, natural monuments, dendrology parks and botanical gardens, clinics and improving resorts) is established in line with the legislation of the Kyrgyz Republic.

On the basis of the proved criteria meant for each settlement of the republic, in view of various parameters (medical and biologic, natural-climatic, site height, remoteness and inaccessibility, the socio-economic environment, etc.) a settlement by submission of the Government of the Kyrgyz Republic can be filed and/or unfilled in the established order from the List of the settlements located in high-mountainous and remote zones of the Kyrgyz Republic.

The government of the Kyrgyz Republic develops and approves social and economic development programmes for mountain regions in view of the basic population residing zones.

Article 8. Priorities of activity of executive and legislative bodies in the field of protection and rational use of natural resources in mountain territories

Priority activity of executive and legislative bodies in the field of protection and rational use of natural resources in mountain territories includes:

- Acceptance of laws and other acts established by the law in the field of protection and use of natural resources;

- Maintenance of conditions for improvement of a life improvement of mountain areas inhabitants and reduction of distinctions in a level of social and economic development of mountain territories of the Kyrgyz Republic;

- Social and economic support of the mountain population;

- Increase of an employment level of inhabitants of mountain areas;

- Payment in view of the established regional factors, percentage extra charges to wages according to the legislation of the Kyrgyz Republic;

- Development, financial support and realization of the state programs in the field of protection and use of natural resources;
- Management of the state cadastre and creation of a database on objects of natural resources;
- Maintenance of preservation and rational use of natural resources;
- Control over observance of laws in the field of protection and use of natural resources;
- Observance of protection and use regime of specially protected natural areas and objects, as well as definition of objects and territories with the purpose of giving them the status of specially protected;
- Confirmation of decisions related to specially protected territories of republican level;
- Problem settlement of property and natural resources form change located in mountain territories;
- Coordination of activity of the organizations in the field of environment and nature users;
- Awareness of the population on state security;
- Training of employees and their qualification increase;
- Coordination and financial support of republican programs, scientific researches in the field of protection and use of natural resources;
- Hydrometeorological surveys, the forecast of possible emergencies of natural and technological origins;
- Protection of monuments of historical and cultural heritage;
- International cooperation in the field of protection and use of natural resources in mountain territories;
- The other problems in the field of protection and use of natural resources.

Article 9. The competence of institutions of local government in the field of protection and use of natural resources and sustainable development of mountain territories

The competence of institutions of local government in the field of protection and use of natural resources and sustainable development of mountain territories includes:

- Participation of local government institutions in creation and realization of republican programs of protection and use of natural resources, sustainable development of mountain territories;
- Participation in creation of the territorial organizations of specially authorized bodies on mountain territories;
- Participation in environmental protection and elimination of consequences of nature acts;
- Formation and performance of a local budget;
- Formation of purposeful funds of mountain territory development;
- Regulation and use of water objects of local level, deposits of widespread ores and no ore-bearing minerals and minerals;
- Management of municipal property in mountain territories;
- Maintenance of social support and employment for the population of mountain territories;
- Provide conditions for activity of institutions of culture, public health, education, social protection, physical culture and sports and other enterprises, as well as farmers in mountain territories;
- Control over protection and use of objects and natural resources in mountain territories;
- Realization of other powers assumed according to the legislation on local self-government and local state administration, as well as the other legislation.

Article 10. Specially authorized body on mountain territories

The President of the Kyrgyz Republic establishes specially authorized body on mountain territories. Specially authorized body (organization) operates on the basis of the regulation accepted by the Government of the Kyrgyz Republic.

Article 11. Cooperation of specially authorized body on mountain territories with other state organizations and institutions of local government

Specially authorized body on mountain territories coordinates its work with other environmental organizations and nature users, the latter's rights and duties are determined in line with the present Law and other laws of the Kyrgyz Republic in this area.

Specially authorized body on mountain territories plans its work in cooperation with local authorities in line with the legislation on local self-governance and local state administration.

Article 12. Rights of citizens in use of natural resources in mountain territories

Citizens have the right to use natural resources in mountain territories according to the legislation of the Kyrgyz Republic and the present Law. The right of priority with other things being equal is given the population of mountain territories.

of natural resources in mountain territories

Article 13. Carrying out of geological investigation and investigation activities in mountain territories

Carrying out of geological investigation, development and other prospecting and geological works in mountain territories are carried out by the authorized bodies of the Government of the Kyrgyz Republic having the special permission for these types of works.

Dates and places for carrying out of such works are to be preliminary coordinated with the specially authorized body on mountain territories and other authorized organizations in line with the current legislation.

Article 14. Carrying out of prospecting works in specially protected mountain territories

Prospecting works in specially protected mountain territories are carried out only after the coordination with the organizations competent on them, and with the specially authorized body on environmental protection.

Article 15. Use of natural resources in mountain territories

Economic use of natural resources in mountain territories (extraction of minerals, construction of industrial and other objects, use of drinking and mineral water in commercial aims, timber felling, hunting, use pastures, haymaking, gathering of fruits, berries, medicinal products, plants, etc.), tourism, alpinism and excursions are carried out only according to the established legal actions that determine corresponding types of use of natural resources.

Use of natural resources in mountain territories is carried out during the period of time, in the order and in the volume, specified by a license given to a nature user in the established order.

Use of natural resources with the purpose of their protection (sanitary deforestation, improvement pastures and haying lands, antierosion, antiavalanche measures, etc.) is carried out according to legislation in force.

Article 16. The responsibility of a nature user for infringement of norms of use of non-renewed natural resources in mountain territories

A nature user should use rationally non-renewed natural resources (ore and nonmetallic minerals and other resources) and meet with requirements on environmental conservation according to legislation of the Kyrgyz Republic.

Infringement of the law on environment entails the criminal and administrative responsibility according to the current legislation.

Article 17. The responsibility of a nature user for use of renewed natural resources in mountain territories

A nature user should rationally use, restore and protect renewed natural resources, drinking water and mineral water sources, ground, animal and flora.

Use of renewed natural resources is authorized by means and methods, which suppose their self-restoration for rather short period of time.

Use of the ground, which leads to its physical or chemical degradation, full destruction, water and wind erosion, and as a consequence - to reduction or full loss of fertility, irrespective of ownership form of the user is not allowed.

In case of infringement of legislation in force and the actions established by laws regulating use of natural resources, a nature user bears the responsibility determined according to the law.

Article 18. Payment for use of natural resources in mountain territories

Use of natural resources in mountain territories can be payable and payment-free.

Paid use includes:

- Use of resources of the ground;
- Extraction of ore, nonmetallic and other minerals;
- Extraction of drinking and mineral water in commercial aims;
- Use of objects of animal and flora world;
- Use of water sources for industrial purposes;
- Construction of industrial and other objects of commercial character;
- Construction of sanatoria and resorts.

Use without payment includes:

- Gathering fruits, berries, mushrooms and herbs for non-commercial aims (scientific, research, etc.);

- Use of water sources for consumption as drinking water, irrigation (at absence of systems of water supply, irrigation).

The government of the Kyrgyz Republic might provide for the population of mountain territories with privileges in use of wood for the household purposes while sanitary felling.

Article 19. The rate of payment for use of natural resources in mountain territories

The rate of payment (rate of a tax) for use of natural resources in mountain territories is determined according to the rates established by the legislation.

Article 20. Privileges in wildlife management (use) in mountain territories

There are wildlife management privileges in mountain territories for agricultural commodity producers irrespective of ownership forms, institutions of public health, education, culture located in mountain territories, and as well as for the citizens producing goods for the population of mountain territories.

The sizes of privileges are established by the Government of the Kyrgyz Republic with subsequent endorsement by Jogorku Kenesh of the Kyrgyz Republic if other is not stipulated by the current legislation.

Article 21. Taxes and payments

The citizens, non residents of mountain territories, using natural resources in mountain territories are taxed according to norms of the current legislation.

The rate of land tax income to republican and local budgets, and payment for municipal services (a tariff for power consumption, fee for water used for irrigation by means of irrigation systems) are reduced to 50 percent from those established according to the law for the physical and legal persons registered in local self-government institutions in mountain territories, included into the list determined according to the Law of the Kyrgyz Republic "On the state guarantees and indemnifications for the persons living and working in conditions of high mountains and remote zones".

Chapter III

The property of natural resources in mountain territories

Article 22. Ownership forms of natural resources in mountain territories

Natural resources in mountain territories can be in the state, municipal property, and also in other ownership forms in the order and on the terms stipulated according to laws of the Kyrgyz Republic.

Article 23. The property right to natural resources in mountain territories

In mountain territories the right of possession, use and management of objects of natural resources belong to the owner of natural resources in the limits stipulated by legislation in force.

Article 24. The order of determination and change of ownership forms of natural resources

Determination and change of ownership forms of natural resources are carried out according to the law of the Kyrgyz Republic.

Natural resources, which are in the state and municipal property, are the property of people.

Change of ownership forms and a property owner of natural resources are made according to the Program of privatization developed by the Government of the Kyrgyz Republic and endorsed by the Jogorku Kenesh of the Kyrgyz Republic.

Chapter IV

Economic bases of use and protection of natural resources in mountain territories

Article 25. Economic regulation in the field of use and protection of natural resources in mountain territories

Economic regulation in the field of use and protection of natural resources is carried out by means of a policy of crediting, insurance, collecting of fines and damage from owners of natural resources according to the legislation of the Kyrgyz Republic.

Article 26. Financing sources of activity in area of use and protection of natural resources

Financial support for activity in the field of use and protection of natural resources, which are in the state and municipal property, is carried out due to budgets of proper levels, various funds, voluntary payments and other sources not forbidden by the legislation of the Kyrgyz Republic.

Article 27. Investments into mountain territories

Investment in mountain territories is carried out with a view of economic and social development of separate regions and territories on the basis of investment promotion (including foreign), new technique and technologies, creation of favorable conditions for development of tourism and other forms of entertainment, activation of foreign trade activities.

The investor has the right to invest using ways not forbidden the legislation of the Kyrgyz Republic.

The government of the Kyrgyz Republic has the right of expertise (examination) of investment projects to meet with economic, legal, ecological, antimonopoly and other requirements.

Foreign investors promotion is carried out only on the basis of creation of a favorable investment environment and equal conditions with national investors.

The preferential mode at realization of foreign investments is determined by the legislation of the Kyrgyz Republic.

Article 28. The order of formation of a budget for the specially authorized body on mountain territories

The budget of specially authorized body on mountain territories can be formed from the following receipts:

- Funds of republican and local budgets;
- Income of republican and foreign investors;
- Voluntary payments of citizens, including foreign;
- Other sources, in a case if they do not contradict laws in force.

Article 29. The order of formation of a budget for institutions of local government in mountain territories

The budget of institutions of local government in mountain territories can be formed from the following receipts:

- Local taxes and tax collections;
- Granting given specially to the authorized body on mountain territories;
- Taxes and payments for wildlife management in mountain territories;
- Funds of sponsors and voluntary payments of citizens;
- Other funds, in a case if they do not contradict the current legislation.

Article 30. The order of payment distribution for wildlife management in mountain territories

Payments for wildlife management in mountain territories are transferred on the following accounts in the rates of:

- The account of institution of local government where objects of wildlife management located in - 90 percent;
- The republican budget - 10 percent.

Article 31. The order of rent fee distribution in mountain territories

Funds of a lease agreement related to objects and natural resources in mountain territories income according to the current legislation.

Article 32. Insurance of objects and natural resources in mountain territories

Insurance of state, municipal and private property, as well as natural resources in mountain territories is carried out according to the current legislation of the Kyrgyz Republic.

Chapter V State regulation in the field of protection and use of natural resources in mountain territories

Article 33. Republican programs on protection and use of natural resources in mountain territories

Republican programs on protection and use of natural resources are affirmed by the Government of the Kyrgyz Republic and financed according to the republican budget.

The specially authorized body on mountain territories and institutions of local government carries out realization of republican programs on protection and use of natural resources.

Article 34. Official institutions on regulation and management of natural resources in mountain territories

Functions of state regulation and management of natural resources in mountain territories are carried out by the specially authorized bodies in the field of use, protection and restoration of natural resources, environmental protection and the specially authorized body on mountain territories within the limits of their competence.

Article 35. The state control over protection and use of natural resources in mountain territories

The Government of the Kyrgyz Republic carries out the state control over protection and use of natural resources in mountain territories, the specially authorized enforcement authorities within the limits of their competence in cooperation with institutions of local government.

The Government of the Kyrgyz Republic carries out coordination of activity of the specially authorized enforcement authority in the field of protection and use of natural resources.

Article 36. The state ecological expertise (examination) in the field of use and protection of natural resources in mountain territories

The state ecological (expertise) examination in the field of use and protection of natural resources in mountain territories is carried out by respective state bodies and organizations empowered with such authorities.

All activities under projects, including a preliminary drafting stage, use of natural resources in mountain territories should pass obligatory state ecological expertise (examination).

The state ecological expertise (examination) is carried out by the specially authorized body on environmental protection. The decision of the state ecological expertise (examination) can be cancelled by court.

Article 37. Scientific and educational activity in mountain territories

Research and educational activity in mountain territories is carried out by state and public organizations due to the state budget, and also public and other funds.

Chapter VI Rights and duties of foreign citizens and legal persons in the field of use and preservation of natural resources in mountain territories

Article 38. The international cooperation

The state promotes development of the international cooperation of the state and non-governmental structures, provides performance of agreements of the Kyrgyz Republic in the field of development of mountain territories.

The international cooperation of the Kyrgyz Republic with other states in the field of development of mountain territories is built on the basis of interests of the parties, observance of international law norms.

The order of the international cooperation is established by the legislation of the Kyrgyz Republic.

Article 39. The international agreements

If the international agreement ratified by Jogorku Kenesh of the Kyrgyz Republic, establishes other rules than are stipulated by the legislation of the Kyrgyz Republic in the field of development of mountain territories, rules of the international contract are applied.

Article 40. Rights and duties of foreign citizens

Foreign citizens in mountain territories have rights on use of the natural resources, determined according to the legislation.

Foreign citizens have equal rights with citizens of the Kyrgyz Republic, obligations and responsibility on protection and use of natural resources in mountain territories.

Chapter VII The responsibility for infringement of the present law

Article 41. The responsibility for infringement of the present Law

The citizens broken the present Law, bear the responsibility according to the current legislation.

Article 42. The responsibility and compensation of damage for infringement of protection and use order of natural resources in mountain territories

The citizens damaged natural resources in mountain territories, should indemnify to the owner according to the legislation.

Chapter VIII Final provisions

Article 43. The order of enactment of the present Law

The present Law inures from the date of publication.

The government of the Kyrgyz Republic should bring its decisions into accord with the present Law.

The president of the Kyrgyz Republic A.Akaev

It is accepted by Legislative assembly
Jogorku Kenesh of the Kyrgyz Republic on October 15, 2002