

LAW OF THE KYRGYZ REPUBLIC

ON PASTURES

Passed by the Kyrgyz Jogorku Kenesh

December 18, 2008

Article 1. Legislation of the Kyrgyz Republic on Pastures

Pasture management, their improvement and use is regulated by the Land Code of the Kyrgyz Republic, this Law, as well as by corresponding legislation and other normative and legal acts of the Kyrgyz Republic.

Normative legal acts of state bodies and bodies of local self-government of the Kyrgyz Republic regulating relations on the management, improvement and use of pastures, except pastures of the state forest fund, shall correspond to the requirements of the Land Code of the Kyrgyz Republic and this Law.

Article 2. Main Concepts Used in this Law

Pastures - type of agricultural land, covered with vegetation, used as pasturage for livestock grazing and other purposes, as reflected in the land registry data.

Bodies of local self-government (BLSG) - representative, executive-administrative and other bodies for decision of local government issues.

Authorized State Body – state body in the field of pasture management determined by the Government of the Kyrgyz Republic.

State Commission for Establishing Pasture Boundaries – a temporary state commission formed by the decision of the Government of the Kyrgyz Republic.

Objects of Pasture Infrastructure – buildings, bridges, roads, stock routes, cattle-stopping areas and watering places, sheep-dipping tanks, sheds and enclosures designed for needs of pastured livestock, seasonal housing, related facilities for sheperds, and other immovable property necessary for the maintenance and functioning of pastures.

Carrying capacity - the number of livestock units per area that can graze without damage to the botanic composition of the pasture vegetation, the productivity and the environmental integrity of the pasture.

Pasture Users - natural persons and legal entities of the Kyrgyz Republic having the right to use pastures.

Pasture Users Union (PUU) - a community-based organization in the territory of a local self-government, which represents the interests of pasture users of corresponding administrative-territorial unit with regards to pasture use.

Jayit Committee - the executive body of the Pasture Users Union.

Community Pasture Management and Use Plan (CPMUP) - a plan, covering a period of 5 years, for management and use of state-owned pastures.

Annual Pasture Use Plan (PUP) – a plan that specifies the approved and agreed use of pastures managed by a given local self-government.

Pasture Ticket - a document certifying the right for access to pastures and use.

Non-grazing Pasture Use - use of pasture resources for purposes other than grazing of livestock, including but not limited to hunting, trapping, bee keeping, and gathering of medicinal herbs, fruit and berry collection, hay making, collection of fuel, extraction of small quantities of minerals, tourism and recreation of citizens.

Stock Routes – parts of pastures determined by the Jayit Committee for driving or movement of livestock to pastures and from pastures.

Article 3. Right to Ownership and Demarcation of Pastures

1. Pastures are owned by the state.
2. The external boundaries of the pastures shall be determined on the basis of boundaries of former Soviet and collective farms, with due account of boundaries of the existing administrative-territorial units.
3. Unclaimed pasture areas of two or more years can be formed to the rayon-level pasture fund. Based on the decision of the state authorized bodies by agreement with rayon council, lands of pasture fund can be given for use to the other pasture users of the Kyrgyz Republic.
4. The demarcation of the external pasture boundaries shall be carried out by a local commission established by local state administration. Commission includes heads of the executive-regulatory body of local self-government from each adjacent territories of the local self-government, representatives of Pasture Users Unions of the neighboring territories of the local self-government, land management specialists from the oblast state administration and a relevant body of the State Agency for Registration of Real Property Rights under the Government of the Kyrgyz Republic.
5. The Government of the Kyrgyz Republic may establish a state commission for establishing pasture boundaries authorized to settle disputes that may not be otherwise settled by commissions established in accordance with paragraph 4 of this Article or commissions of oblast task groups, and assigned to prepare final recommendations to the Government of the Kyrgyz Republic regarding external pasture boundaries. This Commission shall be entitled to establish in each oblast task groups authorized to settle disputes related to pasture boundaries between bodies of local self-government, approve and and recommend to the State Commission the pasture boundaries determined by local commissions according to paragraph 2 of this Article.
6. The Government of the Kyrgyz Republic shall approve the external boundaries based on recommendations of the State Commission for Establishing Pasture Boundaries.

Article 4. Local Self-Government Authority

1. Local self-government bodies shall be assigned responsibility and control for management of state pasture resources except for the right of disposal.
2. Local self-government body shall have the right to delegate the pasture management and use authority to Pasture Users Union.
3. Representative local self-government body shall approve community pasture management plan on an annual basis.
4. Government bodies and local state administrations shall not be allowed to interfere in pasture use activities of local self-government bodies and Pasture Users Unions, unless otherwise specified by the legislation of the Kyrgyz Republic.

Article 5. Pasture Users Union

1. Local community in the area of a local self-government shall form a Pasture Users Union, which represents the interests of the livestock owners and other pasture users of pastures of this territorial unit with regard to pasture use and improvement.
2. Pasture Users Unions may be established as bodies of territorial public self-government and shall be subject to state registration as legal entities with judicial authorities.
3. All members of Pasture Users Union have the first right to use pastures assigned to their local self-government area within the provisions of the Community Pasture Management and Use Plan.

Article 6. Jayit Committee

1. The executive body of the Pasture Users Union is the Jayit Committee.
2. The Jayit Committee shall consist of representatives of pasture users, deputies of representative local self-government bodies, and heads of executive-regulatory local self-government bodies.
3. Pasture users shall elect their own representatives to the Jayit Committee.
4. The Jayit Committee membership shall be an odd number, and the representatives of the Pasture Users Union shall constitute the majority of the Jayit Committee membership.
5. The authority of the Jayit Committee includes:
 - Development of the Community Pasture Use Plan;
 - Development of the Annual Pasture Use Plan;
 - Implementation of provisions of the Community Pasture Use Plans and annual Pasture Use Plans;
 - Monitoring the pasture conditions;
 - Issuing pasture tickets in accordance with the annual Pasture Use Plans;

- Fixing and collection of payment for pasture use, which should be mandatorily approved by local council;
- Resolving disputes related to pastures use under its management authority;
- Managing pasture revenue collected from the payment for pasture and other resources use dedicated for investments in pasture infrastructure and their maintenance, management and improvement, in accordance with the acting legislation of the Kyrgyz Republic.

6. Standard provisions on establishment and organizational arrangements of the Jayit Committee, procedure of preparing Community Plan and annual Pasture Use Plan, as well as procedure of setting pasture rentals shall be developed by the Authorized State Body in the pasture regulation area and approved by the Government of the Kyrgyz Republic.

7. The Jayit Committee shall have the right to recruit qualified specialists, as well as corresponding institutions and organizations for development and implementation of pasture use plans.

Article 7. Community Pasture Management and Use Plan

1. The Community Pasture Management and Use Plans contain all the essential information needed to ensure that the pastures are used in a sustainable manner and that all users are aware of their rights and responsibilities.

2. The Community Pasture Management and Use Plans contain the following components:
- maps that indicate external and major internal boundaries, excluded and protected areas, stock routes, watering places and other significant objects of pasture infrastructure, pasture conditions and quality of all pasture areas;
 - carrying capacity;
 - plans on development and reconstruction of objects of pasture infrastructure;
 - medium-term pasture management and use, improvement and rehabilitation plan for the term of up to 5 years;
 - annually updated Pasture Management and Use Plan;
 - plans of pasture management and use for other purposes.

3. The Community Pasture Management and Use Plan becomes binding on all pasture users upon approval by a representative local self-government body.

Article 8. Annual Pasture Use Plan

1. Jayit Committee shall develop a plan on pastures use each year, which shall be attached to the Community Pasture Use Plan and shall be a constituent part thereof. The Annual Pasture Use Plan shall include:

- the list of pasture users holding a pasture tickets for that planned year;
- an inventory of livestock for which pasture tickets have been issued for the planned year and the list of their owners-shepherds;
- the list of any animal health measures (vaccination, dipping, etc) that pasture users must follow as the condition of pasture use;
- a map and schedule setting forth the seasonal grazing routes, pasture rotations, and herd/flock movements, the stock routes and cattle-pens to be used;

- the list of all holders of pasture tickets, which use pasture for purposes other than livestock grazing, with specification of the allowed types of activities, as well as sites allowed to be used for realization of the said activities;
- a payment schedule for each type of pasture use.

2. Annual Pasture Use Plan shall be obligatorily implemented after being approved by the representative local self-government body.

Article 9. Land Tax Collection

Pasture users' taxation is performed in accordance with the tax legislation of the Kyrgyz Republic.

Article 10. Pasture Resources Use Fee

1. Only holders of pasture tickets shall be allowed to use pasture resources.

2. Pasture tickets are issued by the Jayit Committee against payment of the corresponding pasture use fee.

3. The amount of pasture use fee for the right to use pastures is fixed each year for each pasture system and each type of pasture use by the Jayit Committee not lower than tax base rate considering carrying capacity, and included into annual Pasture Use Plans and approved by the representative self-government body.

4. Payment for pasture use is fixed and updated depending on the cattle head and type of domestic animals.

5. The amount of pasture use fee for purposes other than livestock grazing shall be established depending on economic value of the resource and operational manual applied.

6. Pasture fees is collected by the Jayit Committee. Funds from issuance of pasture tickets shall be used by the Jayit Committee for pasture improvement and coverage of other expenses determined by the Jayit Committee.

7. Fee for pasture ticket may be collected in installments but not later than October 1 of the current year.

Article 11. Use of Funds for Pasture Utilization

1. Fee for pasture utilization shall be annually agreed by the Jayit Committee with the representative local self-government body, and specified in the annual Pasture Use Plan.

2. A part of pasture fee for pasture use, which forms a share of the Jayit Committee, shall be used to meet expenses of its maintenance, improvement and development of pastures and pasture infrastructure.

3. A part of pasture fee for pasture use, which forms a share of local self-government body, shall be transferred to a local budget.

Article 12. Procedure on Exchanging Lease Right to Pasture Ticket

1. Pasture users that have registered their right to rent state-owned pasture lands and following the previously set up order on pasture use after validity of the present law are obliged to exchange their lease right to pasture ticket, covering the pasturing maximum number of animals in accordance with carrying capacity of pasture areas comprised by lease.

2. Lease of pastures that has not been properly concluded or registered in accordance with previously established legal procedures on pasture use shall be considered invalid.

3. In the absence of pasture ticket, pastures are withdrawable as being misused.

Article 13. Foreign Pasture Users

Provision of pastures for use by foreign natural persons and legal entities may be done in the presence of unused pastures on the basis of the interstate and intergovernmental agreements ratified by the Jogorku Kenesh of the Kyrgyz Republic.

Article 14. Authorized State Body in the Area of Regulating Pasture Lands

1. The Government of the Kyrgyz Republic shall assign an Authorized State Body to realize the policy of regulating issues related to use of state-owned pastures.

2. The competence of the Authorized State Body includes:

- development of recommendations for implementation of programs and execution of the legislation of the Kyrgyz Republic related to pasture use;
- determining the state standards and methods for assessing the monitoring of pastures status and quality;
- supervising the implementation of pastures status monitoring program;
- development of standard provisions, instructions, rules, and other legal standard acts, as well as methodical materials on pastures use issues;
- monitoring of using the Community Pasture Management Plan by the Pasture Users Union, and Pasture Use Plan;
- provision of technical and other support on pasture use to local self-government bodies and Jayit Committee.

Article 15. Restriction on Pasture Lease

Lease and sub-lease of pastures is prohibited.

Article 16. State Registration of the Right to Pasture Use

1. The right to use pastures of local self-government bodies within the boundaries determined by the Government of the Kyrgyz Republic shall be subject to mandatory state registration of real property rights in accordance with the established procedure.

2. The right to use pastures on the basis of pasture tickets for the term of more than three years shall be subject to mandatory state registration with local registration authorities.

The right to use pastures on the basis of pasture tickets for the term of less than three years may also be registered at option of ticket holder.

Article 17. Resolution of Disputes

Disputes, in case of disagreement of any party involved in this dispute, with the decision of the Jayit Committee, shall be solved by the authorized state body through negotiations. The dispute shall be solved in the legal form if the agreement is not reached.

Article 18. Responsibility for Violation of this Law

The officials, members of the Jayit Committee and pasture users will bear responsibility established by the legislation of the Kyrgyz Republic for violation of this Law.

Article 19. Procedure on the Present Law Validity

1. This Law shall come into force from the day of its official publication.
2. The Government of the Kyrgyz Republic shall put its normative and legal acts to compliance with this Law within three months period.

K. Bakiev
President of the Kyrgyz Republic

House of Government, Bishek
January 26, 2009 No. 30