

LAW
of the Republic of Uzbekistan
ON FOREST

ARTICLE 1. FOREST LEGISLATION

ARTICLE 2. TASKS OF FOREST LEGISLATION

ARTICLE 3. FUNCTIONS OF FORESTS

ARTICLE 4. OWNERSHIP OF FORESTS

ARTICLE 5. STATE FOREST FUND

ARTICLE 6. TREE AND SHRUB STANDS NOT INCLUDED IN THE STATE FOREST FUND

ARTICLE 7. LANDS OF THE STATE FOREST FUND

ARTICLE 8. PLOTS OF THE STATE FOREST FUND

ARTICLE 9. STATE MANAGEMENT IN THE AREA OF PROTECTION, CONSERVATION, USE AND REPRODUCTION OF FORESTS

ARTICLE 10. COMPETENCE OF THE CABINET OF MINISTERS OF THE REPUBLIC OF UZBEKISTAN IN THE AREA OF REGULATION OF FOREST RELATIONSHIPS.

ARTICLE 11. COMPETENCE OF LOCAL BODIES OF THE STATE GOVERNMENT IN THE AREA OF REGULATION OF FORESTS RELATIONSHIPS

ARTICLE 12. SUPERVISION OF PROTECTION, CONSERVATION, USE AND REPRODUCTION OF FORESTS

ARTICLE 13. FOREST GUARD

ARTICLE 14. PRINCIPAL PROVISIONS OF A FORESTRY ORGANIZATION

ARTICLE 15. FOREST PROTECTION CATEGORIES

ARTICLE 16. FORESTRY

ARTICLE 17. STOCKTAKING OF FOREST

ARTICLE 18. STATE FOREST CADASTRE

ARTICLE 19. USE OF FOREST

ARTICLE 20. RIGHT OF USE OF FOREST

ARTICLE 21. RIGHTS AND OBLIGATIONS OF PERMANENT FOREST USERS

ARTICLE 22. RIGHTS AND OBLIGATIONS OF TEMPORARY FOREST USERS

ARTICLE 23. GUARANTEES OF THE RIGHTS OF FOREST USERS

ARTICLE 24. TERMINATION OF THE RIGHT OF USE OF FOREST

ARTICLE 25. TYPES OF USE OF FOREST

ARTICLE 26. CUTTING OF TREE AND SHRUB PLANTATIONS

ARTICLE 27. COLLATERAL USE OF FOREST

ARTICLE 28. USE OF PLOTS OF THE STATE FOREST FUND FOR NEEDS OF GAME RANCHING

ARTICLE 29. USE OF PLOTS OF THE STATE FOREST FUND IN SCIENTIFIC, CULTURAL, TRAINING, EDUCATIONAL, HEALTH IMPROVING, RECREATIONAL AND ESTHETIC PURPOSES

ARTICLE 30. SOJOURN OF CITIZENS IN FORESTS

ARTICLE 31. PECULIARITIES OF USE OF FOREST IN BORDER ZONE

ARTICLE 32. FOREST PROTECTION

ARTICLE 33. PROTECTION OF FOREST FROM PESTS, DISEASES AND OTHER NEGATIVE FACTORS

ARTICLE 34. RESTORATION OF FOREST

ARTICLE 35. AFFORESTATION

ARTICLE 36. IMPROVEMENT OF PRODUCTIVITY OF FORESTS

ARTICLE 37. SEIZURE OF ILLEGALLY TAKEN FOREST PRODUCTS

ARTICLE 38. LOCATION, DESIGN, CONSTRUCTION AND COMMISSION OF ENTERPRISES, BUILDINGS AND OTHER FACILITIES WHICH HAVE AN IMPACT ON THE STATUS AND REPRODUCTION OF FORESTS

ARTICLE 39. PROCEDURES FOR THE CONDUCT OF WORKS NOT CONNECTED WITH FORESTRY OPERATIONS

ARTICLE 40. RESTRICTION, SUSPENSION OR PROHIBITION OF THE RIGHT OF USE OF FOREST

ARTICLE 41. FINANCING AND ECONOMIC STIMULATING OF PROTECTION, CONSERVATION, RATIONAL USE AND REPRODUCTION OF FORESTS

ARTICLE 42. RESOLUTION OF DISPUTES

ARTICLE 43. RESPONSIBILITY FOR VIOLATION OF FOREST LEGISLATION

Article 1. Forest legislation

Forest legislation shall consist of the present Law and other legislative acts.

Relations in the area of use of forests, associated with use and conservation of lands, waters, mineral reserves and wildlife shall be regulated by appropriate legislation.

Forest relationships in the Republic of Karakalpakstan shall be regulated also by legislation of the Republic of Karakalpakstan.

If an international agreement of the Republic of Uzbekistan establishes rules different from those contained in the forest legislation of the Republic of Uzbekistan, the rule of the international agreement shall apply.

Article 2. Tasks of forest legislation

Tasks of forest legislation shall be the regulation of forest relationships in order to provide protection, conservation, rational use, reproduction and improvement of productivity of forests as well as protection of rights of legal and physical persons.

Article 3. Functions of forests

Forests perform predominantly environmental (water protective, conservative, sanitary and hygienic, rehabilitative, recreational), esthetic and other functions, and have a limited commercial value.

Article 4. Ownership of forests

Forests are a state property – common national good, subject of rational use and are protected by the state.

Article 5. State Forest Fund

All forests shall form the State Forest Fund

The State Forest Fund shall consist of:

- forests of the state significance, i.e. the forests in charge of the state forestry authorities;
- forests in charge of others departments and legal persons.

Article 6. Tree and shrub stands not included in the State Forest Fund

The State Forest Fund shall exclude:

- trees and groups of trees, field protection bands, as well as other tree and shrub vegetation on the lands of agricultural designation;
- protective plantations on the right of the way allocations of rail, motor roads, canals and other water bodies;
- trees and group of trees as well as amenity plantations in cities and other settlements;
- trees and groups of trees at plots of land attached to houses and garden plots.

Creation, attendance, protection and use of tree and shrub plantations, which are not included in the State Forest Fund, shall be taking place under the procedure provided for by the legislation on conservation and use of plant life.

Article 7. Lands of the State Forest Fund

Lands covered with forest as well as not covered with forest but allocated to forestry needs shall be recognized as lands of the State Forest Fund. Boundaries of the lands of the Forest Funds shall be defined in the manner established by legislation.

Article 8. Plots of the State Forest Fund

Plots of the State Forest Fund are part of the State Forest Fund, with fixed borders, area, location, legal regime and specified in planning and cartographic materials.

Article 9. State management in the area of protection, conservation, use and reproduction of forests

State management in the area of protection, conservation, use and reproduction of forests shall be carried out by the Cabinet of Ministers of the Republic of Uzbekistan, local bodies of the state government, the State Forest Committee of the Republic of Uzbekistan and the State Committee of the Republic of Uzbekistan for Protection of Nature.

The State Forest Committee of the Republic of Uzbekistan and its local bodies shall be the state forestry authorities.

Article 10. Competence of the Cabinet of Ministers of the Republic of Uzbekistan in the area of regulation of forest relationships.

The Cabinet of Ministers of the Republic of Uzbekistan in the area of regulation of forest relationships shall be in charge of:

- implementation of a uniform state policy for protection and rational use of forests;
- administration of the State Forest Fund;
- establishment of procedure for the definition of categories of protection of forests;
- establishment of procedure and amounts of payments to be collected for use of forest;
- arrangement and implementation of the state control of protection, conservation, use and reproduction of forests;
- establishment of procedure for the state stocktaking of forests and the state forest cadastre;
- resolution of other issues within its competence.

Article 11. Competence of local bodies of the state government in the area of regulation of forests relationships

Local bodies of the state government in the area of regulation of forests relationships shall be in charge of:

- provision of plots of the state forest to legal and physical persons upon consent by the state forestry authorities, except the grounds of state reserves and reserve zones of national parks;

- state stocktaking of forests and updating of the state forest cadastre;
- realization of the state control of protection, conservation, use and reproduction of forests;
- taking decisions on restriction, suspension and termination of the operation of enterprises, institutions and organizations in cases of infliction of damage to the status of forests;
- establishment and regulation jointly with state forestry authorities standards for grazing in forests and other types of use of non-wood resources;
- raising of awareness of citizens in the area protection, conservation, use and reproduction of forests;
- resolution of other issues within their competence.

Article 12. Supervision of protection, conservation, use and reproduction of forests

The state supervision of protection, conservation, use and reproduction of forest shall be carried out by the Cabinet of Ministers of the Republic of Uzbekistan, local bodies of the state government, the State Committee of the Republic of Uzbekistan for Protection of Nature in the manner provided for by legislation.

Sectoral supervision of protection, conservation, use and reproduction of forest shall be carried out by the State Forest Committee of the Republic of Uzbekistan.

Article 13. Forest guard

Forest guard shall be created at forestry enterprises in order to provide protection and conservation of forests.

Officers of forest guard shall be at the same time inspectors of the state forestry authorities.

The main responsibilities of the officers of forest guard shall be:

- to verify documentations of legal and physical persons certifying their right for use of forest;
- to draw up statements of cases of administrative offences in the area of protection, conservation, use and reproduction of forest; delivery of offenders to appropriate authorities;
- to seize illegally taken forest products and tools of the taking;
- to forward materials instituting disciplinary, administrative and criminal proceedings against the persons, who committed offences, to appropriate authorities;
- to present to the court of justice claims for reparation of damages inflicted with violations of forest legislation;
- to issue directions to legal and physical persons for the elimination of violations of forest legislation.

Procedures of the operation of forest guard shall be established by the Cabinet of Ministers of the Republic of Uzbekistan.

Article 14. Principal provisions of a forestry organization

A forestry organization must provide:

- conservation and enhancement of protective, sanitary and other useful natural properties of forests;
- rational use of forests;
- reproduction of forests, increase of their productivity, improvement of their stock composition and quality;
- protection of forests from fires, pests and diseases;
- definition of protection categories of forests;
- definition of the harvest age of forests, methods of cutting and standards of use of forests;
- rational use of the lands of the State Forest Fund;
- other organizational and technical arrangements in accordance with legislation.

Article 15. Forest protection categories

According to the designated purpose and performed functions forests shall be referred to the following categories of protection:

- forbidden bands of forest on the banks of rivers, shores of lakes and reservoirs and other water bodies;

- forbidden bands of forest protecting spawning grounds of valuable commercial species of fish;
- erosion-preventive forests;
- protective forest bands along rail and motor ways;
- forest of desert and semi-desert zones;
- city forests and forest parks;
- forests of the park zones around cities, other settlements and industrial centers;
- forests of sanitary protection of sources of water supply;
- forests of sanitary protection of resort areas;
- especially valuable forest stands;
- forests of nut crops zones;
- fruit forest plantations;
- forests of state reserves;
- forests of state national natural parks;
- forests of scientific or historical importance.

Reference of forests to protection categories shall be made by the Cabinet of Ministers of the Republic of Uzbekistan upon presentation by the State Forest Committee of the Republic of Uzbekistan.

Article 16. Forestry

Forestry is a system of arrangements aimed at protection, conservation, provision of rational forest management and use of forest including:

- delimitation of the boundaries of plots of the State Forest Fund and internal management organization of the territory of the State Forest Fund used by permanent users of forest;
- topographic survey operations and specialized forest mapping;
- inventory of the State Forest Fund;
- definition of the forest maturity age, definition of the calculated cutting area, amounts of cutting associated with forestry operations and amounts of other types of use of forest;
- definition of the scope of works for protection, conservation, rehabilitation of forests and afforestation, as well as the scope of other forestry operations;
- development of forestry designs and supervision of their implementation.

Forestry designs shall be subject to the state expert examination and shall be approved by the state forestry authorities and local bodies of the state government. Forestry designs shall be the main regulatory and technical documents for forestry, nature reserve and hunting operations, realization of use of forest, current and long-term planning.

Forestry operations shall be conducted in all forests according to a uniform system, in the manner established by the State Forest Committee of the Republic of Uzbekistan.

Article 17. Stocktaking of forest

The state stocktaking of forests shall be carried out by the state forestry organizations on the basis of forestry designs, and, where forestry operations have not taken place, on the basis of materials of inventories and examinations of the State Forest Fund.

The state stocktaking of forests shall be carried at the expense of the state budget according to a uniform system in the manner established by the Cabinet of Ministers of the Republic of Uzbekistan.

Article 18. State forest cadastre

The State forest cadastre shall be a system of data and documents on the natural, operational and legal regime of forests, their categories, quality profiles of the plots of the State Forest Fund and their distribution amongst forest users.

The state forest cadastre is designed for the provision of interested legal and physical persons with information on forests for the purpose of regulation of forest relationships, arrangement of protection, conservation, rational use and reproduction of forests.

The State forestry cadastre shall be maintained by the state forestry authorities in a uniform system at the expense of the state budget established by the Cabinet of Ministers of the Republic of Uzbekistan.

Article 19. Use of forest

Plots of the State Forest Fund may be made available for use to legal and physical persons.

Use of forest, except for the cases under Article 30 of the present Law, shall be for pay. The amount of payments and the procedure of charging shall be defined by the Cabinet of Ministers of the Republic of Uzbekistan.

Use of forest may be permanent and temporary.

Permanent users of forest shall be forestry enterprises, institutions and organizations to whom plots of the State Forest Fund have been given for the permanent use.

Temporary use of forest may be short-term – up to three years and long-term – up to ten years.

Article 20. Right of use of forest

The right of use of forest shall be given to legal and physical persons by the state forestry authorities or enterprises, institutions and organizations empowered by them, unless different is provided for by legislation.

The realization of use of forest shall be allowed under a special permit – logging or forest ticket, except for the cases under Article 30 of the present Law. Forest users are entitled to use the plots of the State Forest Fund solely for those types of use of forest, which are specified in their special permits.

Article 21. Rights and obligations of permanent forest users

Permanent users of forest shall have the right:

- to conduct forestry independently, realize the use of forest on the allocated to them plots of the State Forest Fund;
- in an established manner to use the lands of the State Forest Fund, water resources, generally occurring underground resources for the needs of forestry;
- in an established manner to make roads, equip grounds for storage of forest products, build operational and living houses and constructions;
- of ownership of harvested products and revenues proceeding from their sales.

Permanent users of forest shall be obliged:

- to provide protection, conservation, rational use and reproduction of forests;
- to conduct state stocktaking of forests;
- to conduct works in the ways causing no negative impact on the status and reproduction of forests, soils and wildlife, as well as the status of water bodies and other natural properties;
- to pay for the use of forest in time and according to the established procedure;
- to observe the regime of specially protected natural territories;
- not to violate rights of other users of forest.

Permanent forest users may enjoy other rights and bear other obligations established by legislation.

Article 22. Rights and obligations of temporary forest users

Temporary forest users shall have the right:

- to realize the use of forest within the boundaries of the grounds of the State Forest Fund, time terms and types of use, which are specified in the documents providing this right;
- in an established manner to make roads, equip grounds for storage of forest products, to build operational building and constructions.

Temporary forest users shall be obliged:

- to use rationally pastures and hayfields and other forest resources handed over to them;
- to conduct works in the ways causing no negative impact on the status and reproduction of forests, soils and wildlife, as well as the status of water bodies and other natural properties;
- to pay for the use of forest in time and according to the established procedure;
- not to violate rights of other users of forest;

Temporary forest users may enjoy other rights and bear other obligations established by legislation.

Article 23. Guarantees of the rights of forest users

No interference into activities of forest users from the side of public, business and other entities and organizations shall be allowed.

Violated rights of forest users shall be subject to restoration in the manner provided for by legislation.

Damages inflicted through violations of the rights of forest users (including lost profit) shall be subject to compensation in full.

Article 24. Termination of the right of use of forest

The right of use of forest shall be terminated in cases:

- of voluntary waiver of the right of use of forest;
- of expiry of the term of use of forest;
- of liquidation of legal entity who used a plot of the State Forest Fund;
- of use of forests and lands of the State Forest Fund contrary to the designated purpose;
- of realization of use of forest in a manner negatively impacting the status and reproduction of forests and other natural properties;
- of violation of fire safety rules for forests;
- of failure to pay for use of forest in time;
- of withdrawal of lands of the State Forest Fund for state or communal needs.

The procedure of termination of the right of use of forest shall be established by legislation.

Article 25. Types of use of forest

Types of use of forest are:

- logging of tree and shrub plantations;
- side use of forest (making of hay, livestock grazing, location of beehives and apiaries, taking (collection) of wild growing medical raw materials and taking (collection) of wild growing plants as foodstuffs);
- use of plots of the State Forest Fund for the needs of hunting;
- use of plots of the State Forest Fund for purposes of scientific research;
- use of plots of the State Forest Fund for cultural, educational, health improving, recreational and esthetic purposes.

Legislation may provide for other types of use of forest.

Article 26. Cutting of tree and shrub plantations

Cutting of tree and shrub plantations with building of houses and constructions and service lines, which is not caused by operational and technical needs, shall be prohibited.

Cutting of tree and shrub plantations shall be allowed only with obligatory afforestation in the manner provided for by legislation.

Cutting of tree and shrub plantations shall be carried out with respect for the forest protection categories according to the rules of forest logging approved by the Cabinet of Ministers of the Republic of Uzbekistan.

In the prohibited bands along banks of rivers and shores of lakes and reservoirs and other water bodies, protective forest bands along rail and motor roads, forests in desert and semi-desert zones, forests of the park zones around cities, other settlements and industrial centers logging of the principal harvest shall be allowed for the purpose of improvement of the status of forest.

In the forests of the state national natural parks, especially valuable forest stands, forests of productive nut crop zones, fruit forest plantations, city forests and forest parks, forests of sanitary protection of sources of water supply, forest of sanitary protection of health resorts, soil protective forests and prohibited forest bands protecting spawning grounds of valuable commercial fish species, only logging of the intermediate harvest (cleaning and sanitary cutting) shall be allowed.

Other cuttings associated with the creation of anti-fire clearings shall be allowed in the forests of all categories of protection, except for forests of the state nature reserves.

Scales of the principal harvest shall be within calculated cutting area, and of intermediate harvest according to forestry conditions. Calculated cutting area shall be approved by the State Forest Committee of the Republic of Uzbekistan.

Article 27. Collateral use of forest

Plots of the State Forest Fund may be made available to legal and physical persons for collateral utilization.

Mowing of hay and livestock grazing on plots of the State Forest Fund shall be carried out by legal and physical persons at the areas specially allocated for these purposes in the manner established by legislation. Livestock grazing shall not be allowed in especially valuable forest stands, forest of nut crops zones, sanitary protection forests of health resorts, in soil protective forests.

Legal and physical persons upon permission of the State Forest Committee of the Republic of Uzbekistan shall be in an established procedure given plots of the State Forest Fund for the placement of beehives and apiaries.

Taking (collection) of wild growing vegetable medical raw materials and taking (collection) of wild growing plants for food shall be carried out in the ways and manners excluding depletion of the available resources and damage to forestry.

Article 28. Use of plots of the State Forest Fund for needs of game ranching

The right of use plots of the State Forest Fund for the needs of game ranching shall be made available to legal and physical persons. Procedures of use of plots of the State Forest Fund for the needs of game ranching shall be established by legislation.

Article 29. Use of plots of the State Forest Fund in scientific, cultural, training, educational, health improving, recreational and esthetic purposes

The use of plots of the State Forest Fund for purposes of scientific research shall be established by legislation.

The use of plots of the State Forest Fund for cultural, training, educational, health improving, recreational and esthetic purposes shall be made available to legal and physical persons by appropriate local bodies of the state government in coordination with permanent forest users.

On the plots of the State Forest Fund allocated for cultural, training, educational, health improving, recreational and esthetic purposes forest users shall take measures for the development of such plots on the condition of preservation of the status of forests and natural landscapes, observation of fire safety and sanitary rules for forests.

Procedures of use of the plots of the State Forest Fund for cultural, training, educational, health improving, recreational and esthetic purposes shall be approved by the State Forest Committee of the Republic of Uzbekistan.

Article 30. Sojourn of citizens in forests

In the way of general use of properties of plant life, citizens have the right to sojourn in forests, collect for personal needs wild growing medical and edible plants, berries and mushrooms under the conditions established by legislation.

Citizens must observe fire safety in forests; commit no breaking, cutting of trees and shrubs, damage of forest cultures, littering of forests, destruction, devastation of ant hills, birds' nests, as well as perform other requirements established by legislation.

Article 31. Peculiarities of use of forest in border zone

Procedures for use of forest in the border zone shall be defined by the bodies of state forestry on coordination with the Committee for Defense of the State Border of the Republic of Uzbekistan.

Article 32. Forest protection

Local bodies of state government, state authorities of protection of nature and forestry shall provide protection of forests from violations of the order of use of forest including from unlawful logging (cutting) and other detrimental impacts on forests

Local bodies of state government, state forestry authorities shall provide implementation of measures for protection of forests from fires and firefighting, if necessary recruit population for the extinguishing of fires, firefighting and earth-moving equipment and means of transport of enterprises, institutions and organizations, limit or prohibit for the periods of high fire risk visiting of forest by population and entrance of transport.

Users of forest must observe fire security in forests, undertake fire protection measures, and, in case of inflammation of forest fires, provide their elimination.

Article 33. Protection of forest from pests, diseases and other negative factors

The protection of forests from pests, diseases and other negative factors shall be carried out by permanent forest uses through:

- stocktaking and forecasting the development of centers of pests and diseases of forest, zones of negative impact of industrial and domestic pollution and other factors;
- taking measures for the prevention of appearance and development of centers of massive breeding of pests and spread of forest diseases, improvement of biological stability of forests.

Procedures for the implementation of measures of forest protection shall be established by the State Forest Committee of the Republic of Uzbekistan.

Article 34. Restoration of forest

Forest restoration shall be carried out with the observation of the following requirements:

- provision of obligatory afforestation of cut plots and others lands not covered by forest with commercially valuable tree species;

- improvement of stock composition of forests, increase of their productivity and protective qualities;
- preservation of the gene pool and biological diversity of forests.

Procedures and time terms of the restoration of forest shall be defined by the State Forest Committee of the Republic of Uzbekistan.

Article 35. Afforestation

Afforestation shall be carried out by permanent forest users according to special programs in order to increase the percentage of forest lands, improvement of their stock composition, growing of valuable wood species and prevention of the processes of soil erosion.

Lands allocated for agricultural and other purposes made available for afforestation shall be transferred to the category of the lands of the State Forest Fund in accordance with legislation.

Article 36. Improvement of productivity of forests

Improvement of the productivity of forest is realized in the result of reproduction of forests, improvement of their stock composition, forest amelioration and growing of forest plantations.

Article 37. Seizure of illegally taken forest products

Illegally taken forest products shall be subject to seizure. In case when it is impossible to seize the illegally taken forest products, their value shall be exacted in the manner and in the amount provided for by legislation.

Article 38. Location, design, construction and commission of enterprises, buildings and other facilities which have an impact on the status and reproduction of forests

Location, design, construction and commission of new and renovated enterprises, buildings and other facilities, as well as introduction of new technologies, which have an impact on the status and reproduction of forests, shall be taking place with observation of measures for protection and reproduction of forests.

Location, design, construction and commission of enterprises, buildings and other facilities which have an impact on the status and reproduction of forests as well as necessitate cutting of tree and shrub species shall be coordinated with the state forestry authorities and local bodies of the state government and shall undergo an obligatory assessment of their environmental impact in cases provided for by legislation.

Article 39. Procedures for the conduct of works not connected with forestry operations

Construction and blasting works, mining, laying of cables, pipelines and other service lines, drilling and other works on the lands of the State Forest Fund not connected with forestry operations and use of forest shall be conducted on coordination with the state forestry authorities and local bodies of the state government in the manner established by legislation.

Article 40. Restriction, suspension or prohibition of the right of use of forest

The right of use of forest may be restricted, suspended or prohibited in cases of violation of forest legislation, as well as for the purpose of protection, conservation and reproduction of forests and other natural properties in the procedure established by legislation.

Article 41. Financing and economic stimulating of protection, conservation, rational use and reproduction of forests

Financing of protection, conservation, rational use and reproduction of forests shall be provided at the expense of the state budget and other sources.

Procedure for realization of measures for economic stimulating of protection, conservation, rational use and reproduction of forests shall be established by the Cabinet of Ministers of the Republic of Uzbekistan.

Article 42. Resolution of disputes

Disputes on matters of protection and use of forests shall be resolved in the procedure established by legislation.

Article 43. Responsibility for violation of forest legislation

Persons guilty of violation of forest legislation shall bear responsibility according to established procedure.

President of the Republic of Uzbekistan

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