

THE KYRGYZ REPUBLIC

THE LAW

On specially protected natural territories

Of May, 28, 1994 # 1561-XII

The present Law regulates relations in the field of the organization, protection and use of specially protected natural territories with a view of preservation of benchmarking and unique natural complexes and objects, noteworthy natural formation, genetic fauna and flora fund, studying of natural processes in biosphere and the control over changes of its condition.

SECTION I
GENERAL PROVISIONS

Article 1. The legislation on specially protected natural territories

The relations related to the organization, protection and use of specially protected natural territories, are regulated by the present Law, and other issued according to it acts of the legislation of the Kyrgyz Republic.

Land, water, mountain, forest relations in the field of protection of atmospheric air, protection and use of fauna and flora, protection and use of monuments of a history and culture are regulated by the special legislation of the Kyrgyz Republic.

Article 2. Categories and the status of specially protected natural territories

Specially protected natural territories are the sites of the land, waters (water areas), including natural complexes or separate objects of the nature for which the special regime of protection and use is established.

To specially protected natural territories the following objects can be referred: naturally or artificially created natural complexes and the objects of the nature having special ecological, nature protection, scientific, historical and cultural, aesthetic, recreational value.

The status of national zapovedniks (including biospheric), the state of natural national parks, state of zakazniks, the state of nature sanctuaries, botanical gardens, dendrology parks, zoological parks, natural recreational territories is given to specially protected natural territories.

The legislation of the Kyrgyz Republic can provide other categories of protected natural territories.

With a view of maintenance of an appropriate nature protection regime of specially protected natural territories their security zones can be established. Issues on an establishment of protection of zones, their sizes and a regime are solved simultaneously with formation of specially protected natural territory.

Specially protected natural territories intended for preservation of a biological diversity, maintenance of ecological equilibrium,

realization of monitoring of biosphere, form specially protected natural territories fund in the Kyrgyz Republic.

Article 3. State ownership on specially protected natural territories

Specially protected natural territories are the state ownership of the Kyrgyz Republic.

Actions, in the direct or latent form breaking the right of the state ownership on specially protected natural territories, are forbidden.

Article 4. The governmental management and the state control in the area of the organization, protection and use of specially protected natural territories

The state management in the field of the organization, protection and use of specially protected natural territories is carried out by the Government of the Kyrgyz Republic, local state administrations, and also specially authorized state bodies in the order established by the legislation of the Kyrgyz Republic.

The state control over protection and use of specially protected natural territories is carried out by specially authorized state bodies in the order established by the legislation of the Kyrgyz Republic.

Article 5. The state cadastre of specially protected natural territories

The state cadastre of specially protected natural territories contains system of necessary data on the status, arrangement, the quantitative and qualitative characteristic of a natural complex, ecological, scientific, educational, historical, cultural and other value of these territories.

The state cadastre of specially protected natural territories is conducted with a view of an assessment of specially protected natural territories fund's condition in the republic, determination of development network prospects of such territories, the organizations of their protection, rational use and planning of scientific researches, and also provision to the local state administrations, the interested enterprises, the organizations and establishments the data contained in a cadastre at the settling of social and economic development problems of region and placing of productive forces.

The state cadastre of specially protected natural territories is conducted at the expense of the republican budget based on uniform system.

The order of conducting the state cadastre of specially protected natural territories is established by the Government of the Kyrgyz Republic.

Article 6. Participation of public associations in the organization, protection and use of specially protected natural territories

Public associations according to the legislation of the Kyrgyz Republic, their charters and provisions, as well as citizens can take part in realization by the state bodies of actions to organize, protect and use of specially protected natural territories.

SECTION II
NATIONAL ZAPOVEDNIKS (reserves)

Article 7. The purposes and objectives of national reserves

National reserves are formed with the purpose of preservation and studying of genetic animal and flora fund, typical and unique ecological systems and landscapes, creation of conditions for maintenance of natural processes flow, development of scientific bases of wildlife management and are nature protection and research establishments.

The following primary goals are assigned to national reserves:

- Preservation in a natural condition of all natural complexes of reserves;
- Preservation and rehabilitation up to the ecologically sustainable level the number of rare and disappearing kinds of animals and plants, maintenance of a biological diversity of the nature;
- Carrying out of scientific researches and monitoring of biosphere, preparation of scientifically proved recommendations on perfection of protection and use of natural resources;
- Assistance in training of the scientific staff and experts in the field of wildlife protection and reserve science;
- Dissemination of ecological knowledge.

Given to national reserves for constant using land sites and water (water areas) with all natural resources and objects within their limits are withdrawn from economic operation.

Article 8. The order of formation and the status of state reserves

National parks are organized by the regulation of the Government of the Kyrgyz Republic on the basis of a technical and economic and ecological justification and the draft developed by corresponding research and other design organizations, with the positive conclusion of the state bodies on wildlife management.

The national reserve is the legal person, funded at expense of the republican budget and other sources and operates on the basis of provision about it determined by the body subordinating it

Article 9. National reserves regime

In territory of national reserve the economic and other activity conflicting to reserves objectives, breaking natural processes development or posing threat of adverse impact on natural complexes and objects are forbidden, in particular:

- The actions changing a hydrological regime of reserves;
- Construction of buildings, constructions, roads, pipelines, transmission lines and other communications and the objects irrelevant to reserves activity;
- Prospecting works and mining of minerals;
- Disturbance of soil cover, minerals run out and scalping of rocks;
- All types of forest use, harvesting of fodder grasses, medicinal and other plants, flowers, seeds, cattle grazing and other types of flora use, led to degradation of vegetative ground;
- Hunting, fishing, catching and destruction of animals, disturbance of environment and conditions of animals dwelling;

- Resettlement (acclimatization) of new kinds of animals and plants in support of actions to increase the number of separate kinds of animals higher than allowable by natural areas capacity;
- Gathering collection materials, except for the materials necessary for scientific researches in reserve;
- Use of chemical substances for pest control, plants and animals' deceases, and regulation of animals' number, except for cases posing special danger to flora and fauna condition, and human health as well;
- Run of pets, movement of the mechanized vehicles out of roads and general waterways;
- Rafting via water objects;
- Noise and other acoustic influences of the artificial origin higher established norms.

In territories of national reserves in the order established in their provisions it is supposed:

- Realization of actions on restoration and prevention of changes of natural complexes and separate objects of the nature, undergone to negative anthropogenesis influences;
- Carrying out of fire-prevention and sanitary actions;
- Stay of citizens (including foreigners) and the officials non-staff members of reserves or bodies where they are.

Article 10. Research activity in national reserves

Research activity in national reserves is carried out by the organization of stationary all-the-year-round observance on studying the natural complexes, separate objects of the nature, dynamics of natural processes with a view of ecological conditions assessment and forecast, development of scientific bases of wildlife protection, preservation of a biological diversity of biosphere, reproduction and rational use of natural resources.

Research activity should not result in change of the status and objectives of a reserve. Experiments with natural complexes of reserve and its components are forbidden.

SECTION III THE STATE NATURAL NATIONAL PARKS

Article 11. The purposes and objectives of state natural national parks

The state natural national parks are formed for preservation of the natural complexes with special ecological, historical and cultural and aesthetic value, intended for use in the nature protection, recreational, educational, scientific purposes and are nature protection and recreational establishments.

The following primary goals are assigned to the state natural national parks:

- Preservation of unique natural complexes and objects of the nature;
- Preservation of cultural and natural heritage (archeological, historical, ethnographic and other objects, and also noteworthy landscapes);

- Ecological education and the organization of rest of the population in a nature.

Allocated for the organization of the state natural national parks plots of lands and waters (water areas) with all natural resources and objects within their limits are given to the specified parks for constant using.

Article 12. The order of formation and the status of state natural national parks

The state natural national parks are formed by the regulations of the Government of the Kyrgyz Republic by submission of specially authorized bodies.

The state natural national park is the legal person and operates on the basis of its provision endorsed by body subordinating it.

The charges incidental to activity of the state natural national parks are financed by budgetary funds and other sources.

Article 13. A regime of the state natural national parks

In the state natural national parks it is established differentiated by their territories sites (reserved sites, zones of rest and others) a regime of protection and use of natural complexes, natural and other objects in view of ecological, recreational, cultural and aesthetic value.

In territory of the state natural national parks any activity posing threat of adverse impact on protected natural complexes and other objects is forbidden, in particular:

- The actions changing a hydro-geological regime of parks;
- Construction and operation of the industrial and other objects irrelevant to activity of parks;
- Prospecting works and mining of minerals;
- Forests cutting for the main using;
- Resettlement (acclimatization) of new kinds of animals and plants.

In provisions on the state natural national parks other types of activity that entail lowering of natural, scientific, cultural and aesthetic value of their territories can be limited or forbidden.

SECTION IV STATE ZAKAZNIKS

Article 14. The purposes, objectives and the order of formation of state zakazniks

State zakazniks are established with a view of preservation, reproduction, restoration of natural complexes and its separate components for realization of zakazniks' nature protection objectives.

State zakazniks have the following primary purposes:

- Preservation of a natural complex of zakaznik;
- Preservation of beneficial kinds of animals and birds or separate kinds of animals;
- Protection from destruction and damages of valuable and rare plants or separate kinds of plants;

- Preservation of typical sites of a forest or separate, specially valuable or rare wood and bush specie;
- Protection of rare hydro-geological formations (caves, rocks, reservoirs, falls, brooks, etc.).

Formation of state zakaznik does not entail withdrawal from main land user the proper land plot (water object). Land users are obliged to observe zakaznik's regime at conducting economic activities.

State zakazniks are subdivided on:

- Complex where all natural complex is under protection;
- Zoological, formed with the purpose of protection of fauna or separate valuable or rare kinds of animals;
- Botanical, formed with the purpose of protection of flora or separate valuable or rare kinds of plants;
- Forest, formed with the purpose of preservation of typical sites of forest or separate, specially valuable or rare wood and bush species;
- Hydro-geological, formed with the purpose of protection of rare hydro-geological formations (caves, rocks, reservoirs, falls, brooks, etc.).

State zakazniks are formed by the regulations of the Government of the Kyrgyz Republic or decisions of province and rayon state administrations and are accordingly subdivided on zakazniks of republican level, formed for the period of 10 years and more, and local level, formed for 5 years.

Article 15. A regime of state zakazniks

In territory of state zakazniks, the types of activity conflicting the zakazniks' purposes are forbidden, in particular:

- In complex zakazniks - economic activities posing threat to preservation of natural complexes, complex zakazniks regime corresponds to a regime of national parks;
- In zoological zakazniks - hunting, catching by any ways and means of wild animals, destruction of constructions and dwellings of wild animals, gathering of eggs and other actions caused or able to cause destruction of animals;
- In botanical zakazniks - grazing of cattle, mowing, flowers collection, excavation of roots, tubers and bulbs of plants, fires, vehicles use, as well as other actions caused or able to cause destruction of flora;
- In wood zakazniks - cattle grazing, mowing, all cutting types (except for sanitary), sowing, planting of trees not natural for the given area;
- In hydro-geological zakazniks - mining of stone, gravel, sand, and other minerals, destruction of caves, excavations, the actions, able to cause change of a natural hydrological regime, research and the scientific researches related to disturbance of natural components of zakazniks.

The purposes, objectives and specifications of state zakaznik's regime are determined by its provision endorsed by body subordinating it.

The charges incidental to creation and maintenance of state zakaznik's operation, are financed from budgetary funds and other sources.

THE STATE NATURE SANCTUARIES

Article 16. General provisions

The state nature sanctuaries are announced as unique natural objects, valuable in the ecological, scientific, historical and cultural and aesthetic respect.

The Government of the Kyrgyz Republic makes the announcement of natural objects as the state nature sanctuaries by submission of specially authorized bodies.

The announcement of natural objects as the state nature sanctuaries does not entail withdrawal of the corresponding land plots (water objects) from their owners and users.

Article 17. State nature sanctuaries regime

Along with the decision on the announcement of natural object as the state nature sanctuary, its protection regime is established, protection certificate is registered and the organization in charge of protection the nature sanctuary is identified. The general issues of the state nature sanctuaries protection regime correspond to a regime of state zakazniks.

The enterprises, establishments and the organizations which territories (water areas) cover the state nature sanctuaries or which activity can pose adverse impact on a condition of these sanctuaries, are obliged to observe the established regime of protection.

In territory of the state nature sanctuaries and bordering to them zones the activity threatening the safety of nature sanctuaries can be limited or forbidden.

Operational protection charges of the state nature sanctuary are financed from the budgetary funds and other sources.

SECTION VI

STATE BOTANICAL GARDENS, DENDROLOGY PARKS, ZOOLOGICAL PARKS

Article 18. General provisions

The state botanical gardens and dendrology parks are formed by the regulation of the Government of the Kyrgyz Republic with the purpose of preservation, study and enrichment in artificial conditions of various plant resources for their most effective scientific, cultural and economic use.

The state zoological parks are formed by the regulation of the Government of the Kyrgyz Republic for preservation and studying of objects of wild fauna in artificial conditions in the scientific - educational and research purposes.

The land areas are given to the state botanical gardens, dendrology parks, and zoological parks for constant using in the established order.

Article 19. Problems and a regime of state botanical gardens, dendrology parks, zoological parks

The primary objectives of the state botanical gardens, dendrology parks and zoological parks are:

- Preservation, in artificial conditions, of collections of plants, wild animal (specially rare and disappearing kinds) domestic and foreign flora and fauna, with high scientific and cultural and educational value;
- Carrying out of research works;
- Carrying out of training and pedagogical and scientific - educational works in area plant cultivation, zoology and wildlife protection.

In territory of the state botanical gardens, dendrology parks and zoological parks any activity irrelevant to realization of objectives and threatening the safety of plants and animals collection, is forbidden.

Specifications of the purposes, objectives and regime of the state botanical gardens, dendrology parks and zoological parks are determined in relevant provisions endorsed by bodies subordinating them.

The charges incidental to creation of the state botanical gardens, dendrology parks and zoological parks, are financed from budgetary funds and other sources.

SECTION VII NATURAL RECREATIONAL TERRITORIES

Article 20. General provisions

The territories (water areas) having favorable natural factors (mineral waters, medical mud, environment and climatic and other useful resources and properties of the natural environment) for treatment and preventive of population diseases, can be referred to natural recreational territories with an establishment of a corresponding protection regime.

The Government of the Kyrgyz Republic makes references of territories (water areas) to natural recreational territories by submission of specially authorized bodies.

Natural recreational territories are separated with the purpose of rational use provision and natural medical resources and improving properties preservation.

Article 21. Natural recreational territories regime

Within the limits of natural recreational territories the activity resulting in deterioration and an exhaustion of natural resources and the objects with medical properties is forbidden (limited).

With a view of preservation of the natural factors favorable for the organization of treatment and preventive maintenance of population diseases, sanitary protection units are organized in recreational territories.

Protection of natural recreational territories, natural resources and the objects with medical properties, is carried out in the order established by the legislation of the Kyrgyz Republic.

SECTION VIII THE ORGANIZATION OF SPECIALLY PROTECTED NATURAL TERRITORIES PROTECTION

Article 22. Protection of national reserves, state natural national parks

Protection of national reserves and the state natural national parks is carried out by special environmental protection services of national

reserves and the state natural national parks in the order established by the legislation of the Kyrgyz Republic.

Environmental protection services staff of national reserves and the state natural national parks on duty have the rights of officials of the bodies controlling over the state environment preservation and natural resources use.

Article 23. Protection of state zakazniks, state nature sanctuaries and other specially protected natural territories

Protection of state zakazniks, the state nature sanctuaries and other specially protected natural territories is carried out in the order established by the legislation of the Kyrgyz Republic.

SECTION IX

THE RESPONSIBILITY FOR INFRINGEMENT OF THE SPECIALLY PROTECTED NATURAL TERRITORIES REGIME

Article 24. The responsibility for infringement of specially protected natural territories regime

The persons guilty in infringement of specially protected natural territories regime, bear administrative, disciplinary, and criminal and other liability according to the legislation of the Kyrgyz Republic.

The enterprises, establishments, the organizations and citizens are obliged to indemnify, caused by infringement of specially protected natural territories regime, in the order established by the legislation of the Kyrgyz Republic.

SECTION X

THE INTERNATIONAL AGREEMENTS

Article 25. The international agreements

If the international agreement of the Kyrgyz Republic establishes other rules, than in the legislation of the Kyrgyz Republic on specially protected natural territories, the rules of the international agreement are applied, except for cases if more strict requirements in force in the Kyrgyz Republic.

The president
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