

## THE LAW OF THE REPUBLIC OF TAJIKISTAN

### On Protection and Use of the Animal World

#### 1. GENERAL PROVISIONS

##### *Article 1. Tasks of the legislation on the protection and the use of the animal world*

The legislation on the protection and the use of the animal world envisages the present Law and legislative acts, promulgated in accordance with it.

Tasks of the legislation on protection and use of the animal world are: the regulation of the public attitudes (relations) in the field of protection and use of wild animals that dwell in conditions of natural freedom on the territory of the Republic of Tajikistan, with the purposes of maintenance of favorable conditions of their dwelling, scientifically based rational use, protection and reproduction, increase of productivity and regulation of quantity, preservation of bio-diversity, integrity of natural animal communities, satisfaction of needs(requirements) of the population and national economy in natural resources of the animal world, and strengthening of legality in this area.

The relations in the field of use and the protection of agricultural and other domestic animals, wild animals kept in bondage or in half-bondage conditions for economic, cultural, scientific, aesthetic and other purposes, as well as other animals relating to natural recourses of the republic, are regulated by the relevant legislative acts, and in part of use and protection of migrating animals, relations are related by the appropriate special legislation. The responsibility for infringement of rules on the keeping, use and protection of the above-mentioned animals is established by the legislation of the republic.

##### *Article 2. State ownership on the animal world*

The animal world in a natural condition is the state ownership and common property of all the citizens of the Republic of Tajikistan.

*Article 3. The competence of Mountain Badakhshan autonomous region on regulation of relations on the protection and use of the animal world*

The following is related to jurisdiction of the Mountain Badakhshan autonomous region on regulation of the relations on protection and use of the animal world: management of the animal world on the territory of the autonomous region and establishing the order of its protection and use; the elaboration and confirmation of the plans and realization of measures on the protection and rational use of the animal world; realization of the state control on the protection and use of the animal world, as well as considerations of other problems in the field of protection and use of the animal world, if they are not applied to the competence of the Republic of Tajikistan.

*Article 4. State management in the field of use and protection of the animal world*

The state management in the field of protection and use of the animal world is carried out by the Government of the Republic of Tajikistan, as well as by local executive bodies, and by especially authorized state bodies, according to the legislation of the republic, and in part of use and protection of migrating animals, and animals relating to types of animals, inserted in the Red book of the Republic of Tajikistan and International Red book, or those, protected according to the international agreements - by interstate bodies, especially authorized for that. (Law from 01.02.96, №223)

*Article 5. The competence of local executive bodies (Hukumats) in the field of protection and use of the animal world (Law from 01.02.96, № 223)*

The local executive bodies (Hukumats) participate in forecasting and provide elaboration and implementation of measures on protection, rational use and reproduction of the animal world in limits and order established by the present Law and other legislative acts on their territory; supervise observance of rules of a hunting and fishery, decide (solve) other problems in this sphere, coordinating them with the specially authorized state bodies on the protection and regulation of use of the animal world.

*Article 6. Specially authorized state bodies on the protection and regulation of use of the animal world*

The specially authorized state body on protection and regulation of use of the animal world is the Ministry of Protection of Nature of the Republic of Tajikistan.

*Article 7. Fund of the animal world. Fauna fund. Objects of the animal world*

The wild animals, dwelling in conditions of natural freedom in the air and water and on land, constantly or temporarily dwelling on the territory of the republic, make fund of the animal world. The list of types (sub-types) of populations of these animals make the fauna fund of the republic,

The fund of the animal world of the republic consists from land mammalia, birds, reptiles, amphibians, fishes, cyclostomata, acranians, tunicata, echinodermata and other deuterosomia, tentacle, molluses, insects, myriapods, erustacea, worms, ctenophora, coebenterata, porifera and others multi-celled animals.

The following objects of the animal world are subject to protection and rational use according to the present Law:

Wild animals in a natural condition of freedom and natural communities animal on the territory of the republic;

Ova, embryo, parts and products of these animals;

Manned jacks, lairs, dens, ant-hills and other dwellings and structures of animals in a natural condition, nested colonies, wintering congregation, places of moult and stops for rest and feeding of birds of passage and other places of constant or their seasonal congregation, "maternity houses" and other places of concentration of animals.

*Article 8. Planning of measures on the protection and rational use of the animal world*

The tasks and measures on the protection and rational use of the animal world are stipulated in the forecasts of the economy. The projects of the forecasts on protection and rational use of the animal world worked out by ministries, departments, state committees, enterprises, establishments and organizations, are coordinated with the specially authorized state bodies, on protection and rational use of the animal world according to the order

established by the legislation of the Republic of Tajikistan.

The measures on protection and use of the animal world should be based on the data of monitoring, registration of number and conduct of cadastre of objects of the animal world, carried out according to the present legislation.

*Article 9. The basic requirements on the protection and rational use of the animal world*

Rational use of the animal world should be provided with the observance of the following basic requirements:

Preservation of the biological variety of animals in a condition of natural freedom;

Preservation of integrity of the populations of rare, endemic, surviving, migratory and others especially valuable types of animals which are under the threat of disappearance and extinction;

Protection of their dwelling environment, conditions of reproduction and ways of migration of animals and their natural communities;

Scientifically-based, inexhaustible complex, rational use of objects of the animal world and the stable reproduction of wild animals; Maintenance and rational use of useful qualities of vital activity of animals;

The animal world and regulation of distribution of number of animals in condition of natural freedom with the purposes of protection of health of the population and prevention of damage to an alive nature and national economy Safe for the population, animal, vegetative world and national economy usage of objects.

II. THE PARTICIPATION OF PUBLIC ORGANIZATIONS, LABOUR COLLECTIVES AND CITIZENS IN THE REALIZATION OF MEASURES ON THE PROTECTION AND USE OF THE ANIMAL WORLD

*Article 10. Assistance of public organizations, labor collectives and citizens to state bodies in the realization of measures on protection and use of the animal world*

Business-unions, youth organizations, societies of nature protection, societies of hunters and fishers, scientific societies and other public organizations, labor collectives, as well as citizens take part and assist the state institutions in the realization of measures on protection and rational use

of the animal world according to the current legislation Regulations of public organizations.

*Article 11. Public inspections*

For assistance to state institutions on the protection of the animal world public inspections can be commissioned.

The Regulations about public inspections are contained in the order and established by the pertinent legislation.

*Article 12. Participation of the citizens in realization of measures on protection and use of the animal world*

The citizens are obliged to protect and to take care of the animal world. They assist state institutions in realization of measures on protection and rational use of the animal world by their participation in the realization of necessary works, entering of the offers on improvement of the protection and use of the animal world, message on infringements of legislation on the protection and use of the animal world known to them.

*Article 13. Registration of offers of public organizations, labor collectives and citizens on the protection and use of the animal world*

The state bodies are obliged to register the offers of public organizations, labor collectives and citizens at the completion of measures on protection and rational use of the animal world.

*Article 14. The right of the citizens on reception of the information about condition of the animal world*

The citizens of the Republic of Tajikistan have the right to receive the duly and complete information about the conditions of the animal world. Specially authorized state bodies, on the protection and use of the animal world organize the periodic publication of reviews of the information about conditions of the animal world in Tajikistan.

### III. POSSESSION AND USAGE OF OBJECTS OF THE ANIMAL WORLD

#### *Article 15. The order of usage of objects of the animal world*

The objects of the animal world are within the competence of the local Majlises of people deputies. (Law from 01.02.96, №223). They give the right on permanent usage of objects of the animal world by enterprises, establishments, organizations or citizens in the order established by the current legislation.

The owners and users of the land areas and appropriate hunting areas and dwelling places of animals, which are not being objects of hunting at the time have preferential right of possession and usage of objects of the animal world.

The right of permanent possession of objects of the animal world can be given to the enterprises, establishments, organizations only in case of allotting of lands and reserved for them hunting area in the order established by the legislation.

The urgent and long-term users of objects of the animal world (including those on lease basis) can be the state, cooperative and public enterprises, establishment, and organization with participation of the foreign legal persons, as well as foreign states, international organizations, foreign legal persons and citizens.

In cases stipulated by the legislation, the urgent or long-term users of objects of the animal world (including those on lease basis) can be other organizations and persons.

Lessors of the objects of the animal world are the Majlises (Parliament) of the people deputies, owners and users of these objects of the animal world. (Law from 01.02.96, №223). Agricultural, forestry and hunting economic enterprises can assign objects of the animal world to separate workers and lease collectives in the order of internal-economic land tenure regulations, forestry regulations and hunting regulations.

Terms and conditions of lease of objects of the animal world are defined with the consent of parties and are fixed in the contract.

The owners and users of objects of the animal world have the right to give out the appropriate licenses (orders - tasks) to legal persons and citizens or to conclude with them the agreements on usage at fixed or long-term usage of objects of the animal world.

The granting of objects of the animal world on usage at fixed date or

long-term usage (except for lease) above-mentioned owners of these objects of the animal world with the distribution of the appropriate licenses or conclusions of the agreement in the order established by the legislation of the republic.

The right of possession or usage of objects of the animal world is attested by the given acts on the right (respective) possession or usage of hunting, as well as appropriate written permissions (including licenses, permits) on extraction (hunting, fishing, collection) of above-mentioned objects of the animal world are given out in an established order by specially authorized state body. The list of types (groups of types) of animals or other objects of the animal world, extraction of which is permitted without the licenses or without the conclusion of agreements is established by the Government of the Republic of Tajikistan. (Law from 01.02.96, № 223)

*Article 16. Kinds of usage of objects of the animal world*

On observance of the stipulated laws, requirements the following forms of usage of objects of the animal world, the following can be carried out:

Hunting;

Fishing, including extraction of water invertebrates;

Extraction of animals, which do not relate to objects of hunting and fishing and to water invertebrates;

Usage of objects of the animal world in scientific research, cultural and educational, up-breeding, aesthetic, recreation, health improving and nature protecting purposes, the use of animals with the purpose of reception of products of their vital activity and useful qualities of animal vital activity.

The legislation can stipulate also other kinds of usage of objects of the animal world.

*Article 17. Terms of realization of usage of objects of the animal world*

The terms of realization of particular kinds of usage of the objects of the animal world are established by the current legislation.

*Article 18. A payment for possession and usage of objects of the animal world*

The possession and usage of objects of the animal world in the Republic of Tajikistan is requiring payment.

The orders and the specifications of the payment for possession and usage of the objects of the animal world are established by the Government of the Republic of Tajikistan. (Law from 01.02.96, №223)

The leaseholder of objects of the animal world pays a rent payment. The size of it is established by the mutual agreement of the parties within the order and in limits determined by the current legislation.

The payments for possession and usage of objects of the animal world coming in an established order in out of budget republican and local funds of protection of a nature, are directed first of all at protection and restoration of number of wild animals and environments of their dwelling, on conduct state cadastre and monitoring of the animal world, Red book, reserved business and increase of efficiency of hunting lands.

The reserves, museums - reserves, national and zoological parks, zoological and botanical gardens, forestry and wood hunting economies, as well as the enterprises, organizations, collectives and citizens who have received in possession or usage broken or less productive hunting lands, requiring significant expenses of own means for restoration of their efficiency are released from payment for the possession and use of objects of the animal world.

Other kinds of privileges on collection of a payment for possession and usage of objects of the animal world can be stipulated also by the legislation.

#### IV. HUNTING

*Article 19. Kinds of hunting practices*

The business extraction of wild animals and birds, as well as amateur and sports hunting are carried out by the established order.

While hunting use of generally dangerous instruments and perilous ways of hunting are prohibited.

*Article 20. The conduct of the hunting economy*

The right of exploitation of the hunting economy in hunting lands can be given to state, cooperative and other public enterprises, establishments and organizations. The above mentioned enterprises, establishments and organizations are obliged to carry out the measures on the protection and reproduction of wild animal in the territory of Tajikistan.

*Article 21. The rights and duties of enterprises, establishments, organizations, conducting the hunting economies*

The enterprises, establishment and the organizations, which are granted the right of conduct of the hunting economies, can on concordance with collective farms, state farms, forestry and other land users, in order to erect necessary constructions on hunting lands, to make crops of fodder and protective plants and to carry out measures necessary for the conduct of the hunting economies.

*Article 22. An establishment of rules of hunting and conduct of the hunting economies*

The rules of hunting and conduct of the hunting economies are established by the legislation.

## V. FISHERIES

*Article 23. Kinds of fishery*

Commercial fishing, extraction of water invertebrates, as well as amateur fishing and extraction of water invertebrates are carried out according to the present legislation.

*Article 24. Commercial fishing and extraction of water invertebrates*

The right of conduct commercial fishing and extraction of water invertebrates on business sites of fishery reservoirs can be given to the state, cooperative and public enterprises, establishments, and organizations. The above-mentioned enterprises, establishments and organizations are obliged to carry out of a measure on protection and reproduction of fish, water

invertebrates on these sites of reservoirs.

*Article 25. The licenses for commercial fishing and the extraction of other water animals*

The licenses for commercial fishing and the extraction of other water animals in places of their natural habitat are given out by the special authorized state body on protection and use of the animal world.

*Article 26. Amateur and sports fishing*

Amateur and sports fishing is allowed to all citizens for a fee in all reservoirs, with the exception of reserves, fish nurseries, pond and other cultural fish economies, with the observance of the established rules of fishery and water resources use. For all the above-mentioned purposes the bodies of fish protection can set aside determined reservoirs or separate sites can be determined.

Amateur and sports fishing in cultural fish economies of societies of hunters and fishers and other voluntary societies are carried out by the citizens under licenses, which are issued out by these societies free-of-charge or for a fee.

*Article 27. Rules of fishing and extraction of water invertebrates*

The rules of fishing and extraction of water invertebrates are established by the current legislation.

## VI. OTHER FORMS OF USE OF THE ANIMAL WORLD

*Article 28. Extraction of animals, which do not relate to objects of hunting and fishing*

Enterprises, establishments and organizations, as well as private citizens are granted permission for the extraction of animals, which do not relate to objects of hunting and fishing.

In the order determined by the legislation of the Republic of Tajikistan, the list of types of animals, which do not relate to objects of hunting and fishery, are established. Their extraction is carried out only under the licenses which are issued by specially authorized state bodies on the

protection and regulation of use of the animal world, as well as lists of such types of animals, extraction of which is prohibited.

*Article 29. Prohibition of unwarranted catching and destruction of snakes*

Unwarranted catching and destruction of snakes of all types on the territory of the republic, with the exception of the settlements and zones of sanitary protection of resorts is prohibited.

Catching of snakes is carried out under license, which are issued by specially authorized state bodies on the protection and regulation of use of the animal world.

*Article 30. Usage of the animal world in scientific, cultural, educational, up-bringing and aesthetic purposes*

Usage by the animal world in scientific, cultural, educational, up-bringing and aesthetic purposes by means of the different forms of supervision, marking, photographing and etc without withdrawal of animals from natural environment is admitted, if it does not cause harm to animals or their habitat and does not violate the rights of other users of the animal world, with the exception of cases, when such usage is banned.

The exploitation of the animal world in scientific, cultural-educational, up-bringing and aesthetic purposes is allowed also and with withdrawal of the animals from new natural environment in the order stipulated by the present Law and other legislative acts.

*Article 31. Use of useful vital activity of animals*

Use of useful vital activity of animals of soil forming, natural environment sanitary, pollinators of plants and others are allowed without withdrawal of animals from natural environment, with the exception of cases, determined by the current legislation.

*Article 32. Use of animals with the purposes of reception of products of their vital activity*

Use animal with the purposes of reception of products of their vital activity (honey, wax of wild bees etc.) is allowed only without the withdrawal

and destruction of the animals and without any infringement of their habitat.

The rules of use animals with the purposes of reception of products of their vital activity are established by specially authorized state bodies on protection and regulation of use of the animal world.

*Article 33. The order of withdrawal of animals from natural environment for use in scientific, cultural educational, up-bringing and aesthetic purposes*

The withdrawal of animals from their natural environment for exploitation for scientific, cultural-educational, up-bringing and aesthetic purposes is made on the basis of the license which are issued by specially authorized state bodies on the protection and regulation of use of the animal world. Such licenses are issued to the enterprises, establishments, organizations, tasks of which according to their charters, rules and decisions of higher bodies, include implementation of works for present purposes.

## VII. REGULATION OF ANIMAL' QUANTITY

*Article 34. Measures on regulation of quantity of separate types of animals*

With the objective of people's health protection, the preservation of agricultural and other animal from illnesses and the prevention of damage to the national economy, measures on the regulation of quantity of separate types of wild animals are carried out.

*Article 35. Definition of kinds and order of carrying out measures on regulation of quantity of animals*

Types of animals, quantity of which is subject to regulation, and order of implementation of measures on regulation of their number are determined by specially authorized state bodies on protection and regulation of use of the animal world, with considerations of the conclusions of the appropriate scientific organizations and in concordance with the interested state and public organizations.

VII. RIGHTS AND DUTIES OF THE USERS OF OBJECTS OF THE ANIMAL WORLD, BASIS FOR THE TERMINATION OF THE RIGHT OF THE USERS OF OBJECTS OF THE ANIMAL WORLD

*Article 36. The rights of the users of objects of the animal world*

The enterprises, establishment, organization and citizens have the right to pursue only those kinds of usage and exploitation of the objects of the animal world, to which are allowed.

In the cases, as established by the Law, the rights of users of objects of the animal world can be limited according to state interests, as well as to interests of other users of objects of the animal world.

*Article 37. Duties of the users of objects of the animal world*

Depending on a kind of usage the users of objects of the animal world is obliged:

To observe the established rules, norms and terms of usage of objects of the animal world;

To use objects of the animal world by ways not interfering with the integrity of the natural communities and ensuring the preservation of the animals, not affected by the usage;

Not to admit infringements of dwelling environment of animals;

To carry out the registration of number and condition of populations of used animals, as well as condition of their dwelling environment;

To carry out necessary complex measures aimed at the reproduction of the animal world;

To render every kind of assistance to state and other bodies which are carrying out the control of protection and use of the animal world.

The users of objects of the animal world are obliged to carry out other requirements on protection, reproduction and use of the animal world stipulated by the legislation.

*Article 38. The termination of the right of possession and usage of objects of the animal world*

The rights of possession and usage of objects of the animal world are subject to the termination completely or partially in cases:

Voluntary refusal of the owner or user from objects of the animal

world;

Passing of need for possession or usage of objects of the animal world;

The expirations of the established term of usage of objects of the animal world;

Liquidation or termination of the activity of the enterprises, establishments, organizations, peasant farm, personal part-time farm, termination of entrepreneurial activity of the citizens, who was given the right of possession or usage of objects of the animal world;

The termination of the labor relations, in connection with the objects of the animal world given in usage, if other is not stipulated by the legislation;

Necessity of acceptance of special measures of protection of the animal world or in connection with occurrence of threat to health of the population;

Systematic default of rules, norms and other requirements on use, reproduction and protection of objects of the animal world;

Systematic default of the established terms of a payment for possession or usage of objects of the animal world;

Occurrence of necessity of withdrawal plants and other natural resources or all natural complex in an established order from usage of lands and objects of the animal world with the purposes of protection of animals;

Withdrawal, in an established order, of lands, on which the usage of objects of the animal world is carried out.

The legislation can be stipulated also other bases for the termination of the right of possession and usage of objects of the animal world.

The rights of possession and usage of objects of the animal world are terminated by cancellation by the appropriate bodies of the licenses, given by them.

## IX. PROTECTION OF THE ANIMAL WORLD. MEASURES OF PROTECTION OF THE ANIMAL WORLD

### *Article 39. Maintenance of protection of the animal world*

The protection of the animal world is provided by the followings:

The establishment of rules and norms on protection, rational use and reproduction of the animal world;

The establishment of interdictions and restrictions in usage by the animal world, stipulated by Article 42 of the present Law;

The protection from unwarranted usage and other infringements of the established order of usage by the animal world;

The protection of dwelling environment, conditions of reproduction and ways of migration of animals;

The prevention of destruction of animals at realization of production;

The creation of preserves, reserves and allocation others especially protected territories;

The breeding in captivity of rare species of animals and their laced with the threat of extinction;

Restriction of withdrawal of animal for zoological collections;

Rendering assistance to animals in case of diseases, threat to their destruction, at natural disasters and owing to other reasons;

Organization of scientific researches directed at a substantiation of measures on protection of the animal world;

Up-breeding of the citizens in spirit of the human attitude to animals;

Propagation of protection of the animal world by mass media;

Realizations of other measures and establishments of other requirements on protection of the animal world.

*Article 40. Material and moral encouragement, stimulating realization of measures on protection of the animal world*

The legislation can establish measures of material and moral encouragement of the enterprises, establishments, organizations, as well as citizens, stimulating implementation of measures on protection of the animal world.

*Article 41. An establishment of restriction and interdictions in usage by the animal world*

With the purpose of preserving and reproducing of different species of animals, use of them can be limited or completely prohibited both in a separate territory, and on the certain terms in the order established by the current legislation.

## X. PROTECTION OF DWELLING ENVIRONMENT, CONDITIONS OF REPRODUCTION AND WAYS OF MIGRATION OF ANIMALS

*Article 42. Observance of the requirements at realization of activity, influencing conditions of the animal world*

Any activity, influencing a condition of the animal world, dwelling environment, conditions of reproduction and ways of migration of animals, should be carried out with observance of the requirements ensuring protection of the animal world.

*Article 43. Protection of natural habitat, conditions of reproduction and ways of migration of animals*

At the accommodation and construction of human settlements, enterprises, structures and other objects; perfection of existing and inculcation of new technological processes, introduction in economic turnover virgin lands, water logged area, coastal, flood area and territories, engaged in bushes; meliorate of lands; implementation of wood usage, carrying out of prospecting works; extraction of minerals; definition of places pasture and drive of agricultural animals; elaboration of tourist routes and the organization of places of mass rest of the population, measures on preservation of dwelling environment and conditions of reproduction of animals should be provided and be carried out, as well as inviolability of sites, representing the special value as dwelling environment of animals should be provided.

At accommodation and construction of railways, highways, pipelines and other transport systems, lines of electric transmissions and communications, as well as channels, dams and other hydraulic engineering structures measures, ensuring preservation of ways of migration of animals should be elaborated and be carried out.

*Article 44. The coordination of sites of objects, influencing a condition of the animal world*

The sites of the enterprises, structures, mentioned in Article 43 of the present Law and other objects, influencing on a condition of the animal world, natural habitat, conditions of reproduction and ways of migration of animals, are coordinated with specially authorized state bodies, according to

the legislation of the Republic of Tajikistan.

*Article 45. Prevention of destruction of animals at implementation of production and operation of vehicles*

The enterprises, establishment, organization and citizens are obliged to take measures on prevention of destruction of animals at implementation of agricultural, timber and other works, as well as at operation of vehicles.

Burning of dry vegetation, the storage of inflammable materials, raw material and waste of manufactures without the implementation of the established means on prevention of destruction of animals is prohibited.

*Article 46. Protection animal in preserves, reserves and on others especially protected territories*

Hunting, fishing, extraction of various kind invertebrates, as well as other types of usage of the animal world and other activity, incompatible to the purposes of preserving on the territory of the reserves is prohibited by law.

In reserves and on others especially protected territories the implementation of separate kinds of usage of the animal world and other activity is incompatible with the purposes of the protection of the animal world can be completely prohibited or limited accordingly.

The order of protection and implementation of usage of the animal world in preserves, reserves and on others especially protected territories is established by the legislation.

## XI. PROTECTION OF RARE KINDS OF ANIMALS AND KINDS OF ANIMALS BEING UNDER THREAT OF EXTINCTION

*Article 47. The Red Book of the Republic of Tajikistan*

According to the present Law kinds of animals which are under threat of extinction are brought in the book of rare kinds of animals and kinds of animals being under threat of extinction – the Red Book of the Republic of Tajikistan. The rule about conduct the Red Book of the Republic of Tajikistan is affirmed in the order determined by the Government of the Republic of Tajikistan. (Law from 01.02.96, №223)

The actions, which can result in destruction, reduction of quantity or infringement of dwelling environment rare kinds of animals and kinds of

animals, being under threat of disappearance, are not allowed.

*Article 48. Measures on preservation of rare species of animals and kinds of animals being under threat of extinction*

With the purpose of preservation of the species of animals and kinds of animals being under threat of extinction, the reproduction of which in natural conditions is impossible, specially authorized state bodies on protection and regulation of use of the animal world are obliged to carry out measures on creation of necessary conditions for cultivation of these kinds of animals.

*Article 49. The order of extraction of is kinds of animals and species of animals being under threat of extinction*

Extraction of migrated, rare kinds of animals and kinds of animals being under threat of disappearance for cultivation in the specially created conditions and subsequent release, as well as in scientific -research and other purposes is admitted under a special license which is issued by specially authorized state bodies on protection and regulation of use of the animal world in an established order.

## XII. ZOOLOGICAL COLLECTIONS

*Article 50. The creation and updating of zoological collections*

The creation and updating of zoological collections (alive collections, zoos, zoological gardens, and others, as well as in the form of stuffed animals and birds, preparations and parts of animals) by enterprises, establishments and organizations by means of withdrawal of animals from natural environment, specially for these purposes, is admitted under the licenses which are given out by specially authorized state bodies on protection and regulation of use of the animal world.

The updating of zoological collections, being in a personal property of the citizens and creation by the citizens of new collections is prohibited, with the exception of collections, consisting of trophies of hunting, fishing and other kinds of usage by the animal world with observance of the established requirements.

*Article 51. State registration of zoological collections and duties of the enterprises, establishments, organizations and citizens, being the proprietors of such collections*

The zoological collections representing scientific, cultural educational, educational-up-breeding or aesthetic value are subject to the state registration. The enterprises, establishments, organizations and citizens being the proprietors of such collections, are obliged to observe the rules of storage, registration and the use of collections of objects of the animal world.

*Article 52. Rules of use and registration of zoological collections*

The rules of creation, updating, storage, use and registration of zoological collections, rules of trade of zoological collections, as well as rules of transfer and export of objects of collections and products of the animal world are affirmed in the order, established by the Government of the Republic of Tajikistan. (Law from 01.02.96, №223)

XIII. PROTECTION OF ANIMALS AT APPLICATION OF MEANS OF PROTECTION OF PLANTS, STIMULATORS OF THEIR GROWTH, MINERAL FERTILIZERS AND OTHER PREPARATIONS

*Article 53. The requirements of protection of the animal world and dwelling environment of animals at application and transportation of means of protection of plants*

The application of means of protection of plants, stimulators of their growth, mineral fertilizers and other preparations used in a national economy, the requirements of protection of the animal world and dwelling environments of animals should be taken into consideration. The application of chemical means of protection and other preparations with the purposes of reduction of their harmful influence on the animal world should be combined with realization agro-technical, selection-genetic, biological and other measures.

With the purposes of prevention of destruction of animals and deterioration of their dwelling environment, collective farms, state farms, forestry and other enterprises, establishments and organizations are obliged to observe rules of transportation, storage and application of the above-mentioned preparations.

At creation of new preparations the specifications of their maximum

acceptable concentration in the environment, ensuring the protection of animals and their habitat should be elaborated.

*Article 54. The coordination of rules of application of means of further protection of plants, stimulators of their growth, mineral fertilizers and other preparations*

The rules and applications of the means for the protection of plants, stimulators of their growth, mineral fertilizers and other preparations used in a national economy, as well as list of the above-mentioned preparations are subject to the coordination with the specially authorized state bodies concocting on protection and regulation of use of the animal world.

#### XIV. RESETTLEMENT, ACCLIMATIZATION AND CROSSING OF ANIMALS AND RESTRICTION OF THE RIGHTS OF THE USERS OF NATURAL OBJECTS

*Article 55. Resettlement, acclimatization and crossing of animal*

Resettlement of animals in new habitats, the acclimatization of a new species of fauna of the Republic of Tajikistan, types of animals, as well as the measures on crossing animals are admitted in scientific research and for economic purposes taking into account the conclusions of the appropriate scientific organizations according to the license of specially authorized state bodies on the protection and regulation of use of the animal world.

The unwarranted implementation of resettlement, acclimatization and crossing of animals are prohibited.

*Article 56. Restriction of the rights and placing of duties on the users of natural objects in the interests of protection of the animal world*

In the interests of protection of the animal world of the right land users, wood users, water users and users of bowels can be limited and the appropriate duties can be assigned to them in the order established (installed) by the legislation of the Republic of Tajikistan.

## XV. STATE REGISTRATION OF ANIMAL AND STATE CADASTRE OF THE ANIMAL WORLD

### *Article 57. The state registration of animals and state cadastre of the animal world*

For the maintenance of protection and the organization of a rational use of the animal world the state registration of animals and their use is carried out, a state cadastre of the animal world, not containing the information on geographical distribution of species of animals, about their quantity, characteristic of modern economic use of animals and other necessary data is conducted.

### *Article 58. The order of the state registration of animals and their use and conduct of state cadastre of the animal world*

The state registration of animals, their use and conduct of state cadastre of the animal world are carried out on free territory (State land fund, State wood fund) at the expense of the state, and on the fixed territory - at the expense of the users.

The enterprises, establishment and organization are obliged to represent the information, available to them, on distribution, number and use of wild animals to bodies, conducting state cadastre of the animal world.

The rules of the state registration of animals and their use, conduct of state cadastre of the animal world, definition of the list of kinds (groups of kinds) of animals subject to the state registration and insertion in state cadastre, as well as presentation of the data for the registration and conduct of cadastre are affirmed in the order established by the Government of the Republic of Tajikistan. (Law from 01.02.96, №223)

## XVI. CONTROL OF PROTECTION AND USE OF THE ANIMAL WORLD

### *Article 59. The state control of protection and use of the animal world*

The state control of protection and use of the animal world has the objective to ensure the performance of the duties on the protection of the animal world as well as observance of the established order of usage by the

animal world and other rules established by the legislation on the protection and use of the animal world by all ministries, state committees and departments, state, cooperative and other public enterprises, organizations, as well as citizens.

*Article 60. Bodies of the state control on protection and use of the animal world*

The state control of protection and use of the animal world is carried out by the Government of the Republic of Tajikistan, through the local Majlises of the people deputies and their executive bodies, as well as by specially authorized state bodies on protection and regulation of use of the animal world in the order established by the legislation of the Republic of Tajikistan. (Law from 01.02.96, №223)

*Article 61. Implementation of the state control on protection and use of the animal world*

Specially authorized state bodies on protection and regulation of use of the animal world check: the observance of rules, norms, terms and other requirements on protection and use of the animal world;

Observance of the established order of the state registration of animals and their use, conduct of state cadastre of the animal world as well as;

Correctness and timeliness of elaboration and implementation of measures on preservation of dwelling environment, conditions of reproduction and ways of migration of animals.

*Article 62. Monitoring of the animal world*

Monitoring of the animal world represents a system of supervision, with estimations and forecasts of the conditions of the animal world and with the purpose of duly revealing, prevention and elimination of consequences of negative processes of economic activity of the man.

Monitoring of the animal world is conducted on kind level in districts, regions, and Mountain-Badakhshan autonomous region and as a whole on the republic.

Information base for conduct monitoring of the animal world is the information of state cadastre of the animal world.

Structure, contents and procedure monitoring of the animal world are

established by the Government of the Republic of Tajikistan. (Law from 01.02.96, №223)

*Article 63. The rights specially authorized state bodies on protection and regulation of use of the animal world*

Specially authorized state bodies on protection and regulations of use of the animal world have the right:

To stop unwarranted usage by the animal world, as well as usage which is carried out infringing established rules, norms, terms and other requirements on protection and use of the animal world;

To give compulsory instructions for the elimination of infringements of rules, norms, terms and other requirements on the protection and use of the animal world;

To stop works, at the execution of which, rules, norms and other requirements on protection and use of the animal world, on protection of dwelling environment, conditions of reproduction and ways of migration of animals, pending elimination of infringements systematically are broken;

To call in the violators of rules, norms, of terms and other requirements on protection and use of the animal world to the administrative responsibility or to direct evidence about offences and felonies to the appropriate bodies.

*Article 64. Compulsion of performance of rules, instructions of specially authorized state bodies*

The rules and instructions of specially authorized state bodies on protection and regulation of use of the animal world confirmed within the limits of the rights, established by the legislation, are obligatory for performance by all ministries, state committees and departments, enterprises, establishments, organizations, irrespective of patterns of ownership and subordination, as well as citizens, foreign legal and physical persons.

*Article 65. Other rights of specially authorized state bodies*

Other rights on the prevention and suppression of infringements of rules, norms and other requirements on protection and use of the animal world can be given to specially authorized state bodies on the protection and the regulation of use of the animal world.

*Article 66. The departmental control on protection and use of the animal world*

The departmental control on protection and use of the animal world is carried out by their bodies of which there are enterprises, establishments and organizations which use objects of the animal world.

At implementation of the departmental control, ministries, state committees and the departments are obliged to be guided by the current legislation, rules and instructions confirmed by specially authorized state bodies on the protection and regulation of use of the animal world.

**XVII. SETTLEMENT OF DISPUTES ON USAGE OF THE ANIMAL WORLD**

*Article 67. The order of settlement of disputes concerning the usage of the animal world*

The disputes between the enterprises, establishments, organizations and citizens on usage by the animal world are settled in the order established by the legislation of the Republic of Tajikistan.

**XVIII. RESPONSIBILITY FOR INFRINGEMENT OF THE LEGISLATION ON PROTECTION AND USE OF THE ANIMAL WORLD**

*Article 68. Invalidity of the bargains, violating the right of a state ownership on the animal world*

The unwarranted transfer of the right of exploitation of objects of the animal world, as well as other bargains, in the direct or latent form violating the state ownership on the animal world, are void.

*Article 69. The responsibility for infringement of the legislation on protection and use of the animal world*

Persons guilty of fulfillment of deals, breaching above-mentioned in Article 68 of the present Law, as well as in:

- Unwarranted usage of objects of the animal world;
- Infringement of rules of a hunting, fishing and other kinds of usage of the animal world;

- Infringement of rules of protection of dwelling environment and ways of migration of animals;
- Unwarranted resettlement, acclimatization and crossing of animals;
- Severe reference with animals;
- Infringement of rules of application of means of protection of plants, stimulators of their growth, mineral fertilizers and other preparations, which damage to the animal world;
- Infringement of rules of transfer and export of objects of the animal world and zoological collections;
- Fulfillment of actions, which have resulted or can result in destruction, reduction of number or infringements of the habitat environment of rare animals, and animals being under threat of the extinction, bear responsibility according to the current legislation of the Republic of Tajikistan.

The legislation of the Republic of Tajikistan can establish the responsibilities for other infringements of the legislation on the protection and use of the animal world.

*Article 70. Compensation of damage, caused by infringement of legislation on protection and use of the animal world*

The enterprises, establishments, organizations, as well as citizens are obliged to compensate for damage, caused by them in infringement of the legislation on the protection and use of the animal world in the volume and in the order, established by the legislation of the Republic of Tajikistan. The officials and other workers, at fault of which the enterprises, establishments and the organizations have incurred the charges, connected to compensation of damage, bear the liability in the order, established by the law.

The illegally extracted animals and production, produced from them, are subject to withdrawal in the order, established by the legislation of the Republic of Tajikistan.

At impossibility of withdrawal of the illegally extracted animal and production, produced from them, their cost is collected according to the prices established by the legislation of the Republic of Tajikistan

## IX. INTERNATIONAL AGREEMENTS

### *Article 71. The international agreements*

If the international agreement adhered by the Republic of Tajikistan establishes other rules, than those, stipulated by the legislation of the Republic of Tajikistan on protection and use of the animal world, the rules of the international agreement are applied.

Chairman of the Supreme Soviet of the  
Republic of Tajikistan E.RAHMONOV

№989, July 20, 1994, Dushanbe

The changes and additions in the present Law are brought in by the Law of the Republic of Tajikistan from 01.02.96, №223 accepted on the third session Majlisi Oli of the Republic of Tajikistan of the first convocation.