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FOREST CODE OF THE KYRGYZ REPUBLIC

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This Code shall establish legal bases for rational use, guarding, protection, and reproduction of forests, increase of their ecological and resource potential, and rational use thereof.

SECTION I GENERAL PROVISIONS

Chapter 1 Forest Legislation of the Kyrgyz Republic

Article 1. Notions, Definitions Used in This Code

Forest is one of the main types of vegetation on the Earth, comprising trees, shrubs, grassland and other plants, including animals and microorganisms, which are biologically interrelated in their evolution and exert influence on one another and the environment. Forest soil is an integral part of the forest whole. Forest is an integral and a very important component of biosphere and geographic landscape. It plays an important role in maintaining the hydrological regime of rivers, preventing erosion and deflation of soils, combating hot dry winds.

Felling ticket is a document certifying the right of a forest user to harvest timber (to cut trees), secondary forest materials.

Biocenosis is totality of plants, animals and microorganisms inhabiting a certain relatively homogeneous part of land surface or water reservoir and characterized by specific relations among them and non-biological factors of environment.

Felling age is age of mature stands established for tree felling in accordance with the purpose of forests.

Glade is a forest area, on which stands have been cut down and young trees have not yet formed a close-up forest cover.

Reproduction of forest resources is a process of continual reproduction of forest products and services to satisfy the needs of national economy.

City forests are forests within city (town) limits belonging to the Forest Fund.

State Hunting Fund comprises all wild animals, birds, reptiles and amphibia inhabiting the country's natural environment as well as those brought to the hunting grounds with the reproduction purposes irrespective of the ownership/management status of the area inhabited by wildlife species.

Industrial timber is a large group of forest materials processed from timber both for economy and people.

Forest protection is totality of activities for protection of forest against pests, diseases and negative factors impact.

Zakaznik is an area of land singled out pursuant to the established procedure, on which the use of natural resources and other human activities are restricted with the purpose of preservation and restoration of the nature complex representing scientific, cultural, and economic values.

Forest inventory is totality of activities aimed at description and mapping of forests and individual forest stands.

Shrub is a perennial tree plant with branches close to soil surface and lacking the main stem at mature age.

Forest management planning is a special type of forest management activities aimed at development of a system of actions towards guarding, protection, regeneration, and rational use of forests, and improvement of forest management methods.

Medicinal plants are the plants used for prevention and cure of diseases of humans and animals.

Forestry is a branch of material production which exercises the functions of forest study and inventory, as well as of guarding, protection, and reproduction of forests, regulation of forest use, control over the use of forest resources.

Leshoz is a separate production and economic unit, which is the main component of the state forest management bodies and which exercises the functions of both a territorial state forest management body and a forest management enterprise. Leshoz is a legal entity with full economic and financial independence.

Reforestation is installation of forest cultures on areas previously covered by forest.

Reforestation cutting is main felling in matured and overmatured stands to improve the forest environment, forest stands' status, water protection, forest protection and other forest functions, and to ensure timely and rational use of mature timber.

Forest nursery is a nursery designed for growing forest planting material.

Forest lands are lands of the Forest Fund both covered and uncovered by forest and intended for forest growing.

Forest range is a primary territorial and production unit, which is a component of a leshoz of respective oblast or interoblast forest management body.

Forest taxes are payments established by the Government of the Kyrgyz Republic for using various types of forest resources, which ensure reimbursement of costs relating to guarding and reproduction of these forest resources.

Forest cadastre is a systematized collection of data on forest resources prepared at the expense of the state and according to unified state systems for the purpose of rational use of forests, as well as for guarding, protection, and reproduction of forest resources, forestry planning and distribution of the Forest Fund.

Monitoring is a system of regular complex observations, assessments and projections relating to changes and condition of ecosystems under the influence of human activities.

Left-overs are the trees or forest areas allocated for felling but not cut down within the term indicated in a felling ticket.

Collaborative Forest Management is forest management by a local community located directly within the Forest Fund or near it, including planning and implementing of forest management activities (guarding and protection of forest, reforestation, afforestation and forest use).

Hunting grounds are land and forest areas, mountain regions, water reservoirs, and marshes which may be the habitat for wild life species irrespective of these areas' ownership status.

Guarding of forest is totality of activities for prevention and combat of forest fires, unauthorized cuttings and other violations of forest legislation.

Forest pastures are lands of the Forest Fund with grass cover used for grazing without inflicting damage to forestry.

Side-line forest uses are all kinds of forest and land use in forests and lands of the Forest Fund, excepting harvesting of timber and secondary forest materials.

Fire hazard season is a period of a calendar year during which forest fires are possible.

Maintenance cutting is maintenance of forest through removal of undesired trees from a forest stand and creation of favourable conditions for growth of better trees of the main species with the purpose of formation of forest stands and timely use of timber.

Forest sanitary status are forest characteristics containing data on disorder, drying, decaying, and dead trees in a forest.

Sanitary cutting is cutting made with the purpose of improving sanitary condition of forest through removal of individual ailing, damaged, and drying trees or a whole stand.

Flora is a historically formed totality of plant species growing on a certain geographic area.

Fauna is a historically formed totality of animal species inhabiting a certain geographic area.

Article 2. Forest Legislation

Forest legislation in accordance with the Constitution of the Kyrgyz Republic shall consist of this Code, laws and other normative legal acts of the Kyrgyz Republic, which regulate forest relations in the Kyrgyz Republic.

Article 3. Objectives and Tasks of Forest Legislation

Forest legislation of the Kyrgyz Republic shall aim at guarding, protection, and regeneration of forests and hunting fund, ensure rational and sustainable forest use, proceeding from the state objectives for efficient management of forests and hunting fund, conservation of biological diversity of forest ecosystems, increase of ecological and economic forest potential, satisfaction of public needs for forest and hunting resources based on scientifically grounded and multipurpose management of forests and hunting fund.

Article 4. Relations Regulated by Forest Legislation

Forest legislation of the Kyrgyz Republic shall regulate the relations with respect to protection, guarding, reproduction, rational and sustainable use of forests, both within and outside the State Forest Fund, as well as use of unforested lands of the Forest Fund.

Land and water relations, as well as those relating to the use of underground resources and other relations which emerge due to the use of the Forest Fund shall be regulated by the corresponding land, water, and other legislative acts of the Kyrgyz Republic.

Article 5. Supervision of Forest Legislation Enforcement

In accordance with the Constitution of the Kyrgyz Republic, the supervision to ensure precise and unified compliance with the forest legislation by all ministries, state committees, administrative agencies, organizations and all controlling bodies, local self-government bodies and local state administrations, officials and citizens shall be made by the Procurator General of the Kyrgyz Republic and the procurators under him.

Article 6. Forest Fund

All forests and lands being in the state, communal, and private ownership and allocated for forestry purposes shall form the unified Forest Fund of the Kyrgyz Republic.

Article 7. State Forest Fund

All forests and lands allocated for forestry purposes, excepting communally and privately owned forests, shall form the State Forest Fund.

In accordance with the Constitution of the Kyrgyz Republic, the forests, flora and fauna shall be used as a basis for life and activities of the people of Kyrgyzstan and shall be under the State's special protection.

Article 8. Forest Fund Lands

The Forest Fund lands shall be deemed the lands with forest cover, as well as unforested lands but allocated for forestry purposes.

Within the Forest Fund lands shall be:

- forest lands including forests (lands covered by forest vegetation) and lands not covered by forest vegetation (low density forest cultures, plantations, nurseries, glades, burned down areas, scarce areas, gaps, waste land);
- non-forest lands forming an integral natural unity with forests (agricultural and other lands, as well as lands from which forest was removed due to economic activities-related construction of roads, fire control ditches, electric lines, pipelines, etc.).

The boundaries of the Forest Fund lands separating them from other land categories shall be marked according to the procedure established by the legislation of the Kyrgyz Republic.

Article 9. Forest Fund Plots

Forest Fund plots shall be forest plots, as well as forest land plots, which are not covered by forest vegetation.

The borders of Forest Fund plots must be marked in the field with the help of forest management signs and indicated in plans and cartography materials (forest maps).

To the Forest Fund plots and the Forest Fund plots use rights shall be applicable the provisions of civil legislation relating to the objects of civil law, as well as the provisions of forest and land legislation of the Kyrgyz Republic.

Article 10. Tree and Shrub Vegetation Outside Forest Fund

The Forest Fund shall not include:

- individual trees and groups of trees, shrubs and plants for agricultural and melioration purposes, located on agricultural land;
- plantations along railways and roads, canals and other structures, which exercise a protection function;
- separate trees and groups of trees, shrubs and plants in cities and other settlements (excepting city/town forests), in private orchards and households;

Installation of plantations outside the Forest Fund, their maintenance, use and guarding shall be carried out as prescribed by local self-government bodies or local state administrations, if other is not provided by the legislation of the Kyrgyz Republic.

Chapter 3 Ownership Right to Forest Fund

Article 11. Ownership Right to the State Forest Fund

The State Forest Fund shall be exclusively owned by the State.

The ownership right to the State Forest Fund in the Kyrgyz Republic shall be exercised by the Government of the Kyrgyz Republic and the state forest management bodies, local state administrations within the competence established by this Code and other legislation of the Kyrgyz Republic.

Any deals, which directly or in concealed form violate the right of state ownership to the State Forest Fund, shall be recognized as invalid entailing legal consequences pursuant to the legislation of the Kyrgyz Republic.

Article 12. Private Forest Possessions

In accordance with the constitutional provision on the private ownership of land, in the Kyrgyz Republic shall be admissible private forest possessions by virtue of allocation of land plots to be privately owned for the purpose of artificial forest growing.

The land plots shall be allocated for private ownership for the purpose of artificial forest growing from the unused lands fund. The allocation of lands for the above-mentioned purpose from the State Forest Fund shall be prohibited.

The procedure for allocation of land plots for private ownership for the purpose of artificial forest growing shall be in accordance with the land legislation of the Kyrgyz Republic.

Article 13. State Forest Fund Unlimited (Without Term Indication) Use

The State Forest Fund plots shall be given for unlimited (without term indication) use by a territorial state forest management body of the Kyrgyz Republic.

Taking into account the state or public interests, the Forest Fund plots may be transferred for use on the leasing terms to respective organizations (irrespective of their forms of ownership) for recreation, medical treatment, scientific research and nature protection purposes.

The transference of Forest Fund plots for unlimited (without term indication) use from the State Forest Fund lands shall be done in accordance with the land legislation of the Kyrgyz Republic.

The unlimited (without term indication) use right to the Forest Fund lands shall be certified by a state act issued in accordance with the Land Code of the Kyrgyz Republic.

Article 14. Use of Forest Fund

The Forest Fund plots may be given for use to organizations and citizens of the Kyrgyz Republic, foreign legal entities and individuals, as well as to international organizations for the purposes provided by Article 48 of this Code.

Allocation of the Forest Fund plots for use shall be carried out according to the procedure established by this Code and other legislation of the Kyrgyz Republic.

Article 15. Ownership Right of Individuals and Legal Entities to Tree and Shrub Vegetation on Land Plot
Tree and shrub vegetation located on a land plot privately owned by an individual or a legal entity shall belong to this individual or legal entity as private property, if the law does not state otherwise.

Possession, use and disposal of the above tree and shrub vegetation shall be exercised by owner in accordance with the civil legislation of the Kyrgyz Republic.

Article 16. Grounds for Termination of Forest Uses

The right to forest uses shall be terminated in cases of:

- voluntary forest use termination;
- expiry of forest use term;
- liquidation of organization or other economic entity to which a forest plot was given for use;
- withdrawal of the Forest Fund land for public or state purposes;
- forest use in violation of established procedure and forest use rules;
- employment of forest use methods exerting negative influence on forest status and regeneration, reducing its ecological functions, as well as leading to erosion of soils and other negative processes;
- non-compliance of forest users with the requirements provided by regulative documents;
- attribution of forests to the protected forest category excluding the possibility of further forest use provided by regulative documents;
- failure to pay for forest uses within the established time period.

Termination of the Forest Fund use right shall be documented through cancellation of a license, tree felling ticket, order, forest ticket by the bodies which issued these permit documents.

In case a forest user does not agree to a decision on termination of the Forest Fund use right, he or she shall be entitled to appeal to court for revision of such decision.

SECTION II STATE MANAGEMENT AND CONTROL RELATING TO GUARDING, PROTECTION, REGENERATION AND USE OF FOREST FUND

Chapter 4

Competence of the Jogorku Kenesh of the Kyrgyz Republic, the Government of the Kyrgyz Republic, and
Local State Administrations in Forest Relations Regulation

Article 17. Competence of the Jogorku Kenesh of the Kyrgyz Republic in Forest Relations Regulation

The Legislative Assembly of Jogorku Kenesh of the Kyrgyz Republic shall be entitled, in forest relations regulation, to adopt, amend, and cancel the Laws of the Kyrgyz Republic relating to regulation of forest relations.

The Legislative Assembly and People's Representatives Assembly of Jogorku Kenesh of the Kyrgyz Republic shall be entitled, in forest relations regulation, to ratify and denounce international treaties relating to guarding, protection, reproduction and use of the State Forest Fund of the Kyrgyz Republic.

Article 18. Competence of Government of the Kyrgyz Republic in Forest Relations Regulation

The Government of the Kyrgyz Republic shall be entitled:

- to determine the forest management structure and control over status, reproduction, guarding and protection of forests, use of forest and hunting resources;
- to organise implementation of a unified scientific and technical policy for protection, reproduction, and use of forest resources;
- to plan and determine the main trends of the state policy in the sphere of forest and hunting management;
- to pursue a unified investment policy in the sphere of guarding, protection, and use of the Forest Fund, and reproduction of forests;
- to establish procedures for use and disposal of the State Forest Fund;
- to establish the principles for reference of forests to respective protection categories and transference of forests from one category to another;
- to establish the procedure for the state statistical reporting on forest management activities;
- to establish the procedure for exaction and amounts of payment for forest uses, as well as these payments-related privileges;
- to establish the norms and rules for forest uses, selling of standing trees, cuttings, reproduction of forest resources, forest guarding and protection;
- to assist in introduction into forestry of new scientific and technical achievements, advanced technologies and expertise;
- to develop and implement, jointly with the Republican State Forest Management Body, republican programs on rational use and increase of productivity of forests and fauna, forest guarding, protection and reproduction combined with other nature conservation activities;
- to establish a unified procedure for the Forest Fund registering, Forest Cadastre, forest monitoring and forest and hunting inventory in the Kyrgyz Republic;
- to carry out international cooperation in forest and hunting management;
- to set up forest management enterprises, national parks, nature preserves, and nature monuments of republican significance on the Forest Fund area.

Article 19. Competence of Oblast State Administrations in Forest Regulation

Oblast state administrations shall be entitled, within respective administrative boundaries, to do the following:

- to approve the documents relating to Forest Cadastre and forest inventory records;
- to carry out the state statistical reporting on forest management activities;
- to participate in development and implementation of annual and long-term forest management plans;
- to participate in exercising control over condition, reproduction, protection and guarding of forests, as well as use of forest and hunting resources;
- to distribute hay-making areas and pastures of the Forest Fund among land users of oblast rayons on presentation by an oblast, interoblast state forest management body in accordance with the legislation of the Kyrgyz Republic;
- to develop and implement, jointly with an oblast, interoblast state forest management body, the programmes for social and economic development of forestry;
- to agree schemes (including those on protective afforestation) and projects for organization and development of forestry and hunting on presentation by an oblast, interoblast state forest management body;
- to regulate forest relations relating to other issues which are in the competence of neither the Jogorku Kenesh nor the Government of the Kyrgyz Republic.

The competence of oblast state administrations relating to regulation of forest relations shall be spread to the Bishkek City self-government.

Article 20. Competence of Rayon (City) State Administrations in Forest Relations Regulation

Rayon (city) state administrations within the administrative boundaries of respective rayon (city) shall be entitled to do the following:

- to file, register, and issue state acts certifying the right to private ownership of land plots and unlimited (without term indication) use right to the Forest Fund land plots;
- to register the Forest Fund plot lease agreements;
- to carry out the state statistical reporting on forest management;
- to participate in exercising control over condition, guarding and protection, reproduction and use of forest resources;
- to suspend economic activity of organizations and individuals, as well as construction works in case of violation of forest legislation, ecological or sanitary rules, on presentation by a respective territorial forest management body;
- to distribute hay-making areas and pastures of the Forest Fund among land users of rayon based on conclusion by a respective territorial forest management body in accordance with the legislation of the Kyrgyz Republic;
- to participate in elaboration of current and long-term plans for social and economic development of forestry;
- to participate in acceptance procedures for completed forestry units.

Article 21. Competence of Local Self-Government Bodies in Forest Relations Regulation

Local self-government bodies may be assigned certain authority in matters relating to guarding, protection, and use of the Forest Fund in accordance with this Code and other legislation of the Kyrgyz Republic.

Chapter 5

State Management and Control over Status, Protection and Guarding, Reproduction and Use of Forest Fund.

Article 22. Main Principles of State Management in Field of Guarding, Protection, Reproduction and Use of Forests

The state management in the field of guarding, protection, reproduction and use of forests shall be based on the following principles:

- realization of unified scientific and technical policies in forestry;
- planning of forestry development both on the national and regional levels;
- introduction of progressive forestry experiences in everyday practices;
- efficient forest guarding and protection;
- conservation of biological diversity;
- continual expansion of forest cover on Forest Fund lands;
- restoration of degraded lands of the Forest Fund;
- rational and sustainable use of Forest Fund in the interests of the Kyrgyz Republic;
- improvement of environment status;
- sustainable development of new forms of forest management.

Article 23. Bodies of Forest Fund State Management

The state management of forestry, forest protection and guarding, reproduction and use in the Kyrgyz Republic shall be exercised by the Government of the Kyrgyz Republic, the Republican State Forest Management Body, and other specially authorized state bodies.

The main functions with respect to disposal and use of Forest Fund shall be exercised by the Republican State Forest Management Body of the Kyrgyz Republic in accordance with the objectives of the National Forest Policy.

Article 24. Competence of Republican State Forest Management Body

The Republican State Forest Management Body shall be entitled to:

- to develop, within its competence and in accordance with the requirements of the Constitution and the existing legislation of the Kyrgyz Republic, basic regulations, rules, instructions and other normative acts relating to reproduction, guarding, protection, and use of forests and hunting fund;
- to develop and submit to the Government of the Kyrgyz Republic the state plans for forestry and hunting development;
- to develop and organise implementation of national and regional programs for social and economic development of forestry;
- to develop long-term and current forest management plans and submit the relevant proposals to the Government of the Kyrgyz Republic;
- to present, according to the established procedure, conclusions to respective local state administrations on withdrawal and allocation of land plots of the Forest Fund;
- to present, according to the established procedure, proposals and conclusions on expediency of suspension or termination of activities by organizations and individuals in case of violation by them of forest legislation or nature conservation and sanitary norms;
- to distribute hay-making areas and pastures of the Forest Fund with participation of respective local state administrations;
- to organise forest and hunting management;
- to lease the State Forest Fund plots;
- to exercise control over condition, reproduction, guarding and protection of forests and hunting fund, and use of forest resources;
- to organise and implement works aimed at protection of watersheds, prevention of landslides and soil erosion on the Forest Fund lands;
- to organise purposeful use and protection of the Forest Fund lands;
- to organise scientific research and surveys relating to forestry and hunting, forest and hunting inventory;
- to organise and conduct the monitoring of forest and hunting funds, forest records, Forest Cadastre, forest and hunting inventory;
- to solve issues (according to the established procedure) relating to naming leshozes, forest ranges, and cordons;
- to solve other forest management issues, which are outside the competence of the Government of the Kyrgyz Republic, local state administrations.

Decisions by republican, oblast, and interoblast territorial state forest management bodies relating to forest relations regulation made within their competence shall be binding for execution by all ministries, state committees, administrative agencies and organisations, irrespective of their branch subordination and form of ownership, as well as by individuals.

In order to ensure guarding, protection, reproduction and rational use of forests, the Republican State Forest Management Body shall set up special units for forest fire prevention, pest and disease control, forest inventory, etc.

Article 25. Territorial State Forest Management Bodies

The state forest management enterprises (leshozes) and forest ranges (with an autonomous balance-sheet) which are part of a leshoz shall exercise the functions of territorial state forest management bodies and forest management enterprises, shall be legal entities with economic and financial independence established specifically for them in accordance with their tasks for guarding, protection, reproduction of forests and organization of forest use.

National parks of the state forest management body shall exercise state management in the field of guarding, protection, reproduction and use of forests in respective territory of the Forest Fund and shall have the rights of leshozes.

The territorial state forest management bodies shall solve the issues relating to guarding, protection, reproduction, and rational use of Forest Fund in accordance with the tasks of the National Forest Policy and according to the procedure established by the Regulation on territorial state forest management bodies approved by the Republican State Forest Management Body.

Article 26. Oblast, Interoblast State Forest Management Bodies

The competence of oblast, interoblast state forest management body shall be determined by this Code, other legal acts of the Kyrgyz Republic and by the Regulation on oblast, interoblast forest management bodies approved by the Republican State Forest Management Body.

Article 27. State Control Over Condition, Guarding and Protection, Reproduction and Use of Forest Fund

State control over condition, guarding and protection, reproduction and use of the Forest Fund shall be exercised with the purpose of ensuring the compliance by all state and non-government organizations and individuals with the requirements of forest legislation of the Kyrgyz Republic.

This control shall be exercised by the state forest management bodies jointly with local self-government and local state administrations, and other specially authorized state bodies of the Kyrgyz Republic.

The procedure for exercising state control over condition, reproduction and protection of forests, and use of forest and hunting funds shall be established by the Government of the Kyrgyz Republic.

Chapter 6 Forest Management Organisation Bases.

Article 28. Main Requirements for Forest Management

Forest management must ensure:

- forest preservation, protection against forest fire, pests and diseases control;
- conservation and improvement of nature protection, water regulation, soil protection and other useful properties of forests in the interests of human health protection, improvement of environment and preservation of fauna habitat;
- forest regeneration and reforestation; improvement of composition and quality of forest species;
- rational use of forests and the Forest Fund lands, increase of their productivity;

- increase of forestry efficiency as the first priority economic sector of the Kyrgyz Republic's economy on the basis of principles of the unified National Forest Policy, scientific and technological achievements and progressive experience.

Forest management activities and forest uses shall be carried out through techniques, which are not injurious to human health and environment.

Article 29. Status of Forests

Forests in the Kyrgyz Republic exercise nature protection functions, as well as soil protection, water protection, climate regulation, sanitary, health care functions, etc. and shall be protected by the State.

In accordance with ecological, economic and social significance of the Forest Fund, and forest functions, the State Forest Fund shall be divided into protection categories.

Article 30. Forest Protection Categories

In the Kyrgyz Republic, the following forest protection categories shall be singled out:

1. water protecting forests (prohibiting forest lines along rivers, lakes, reservoirs and other sources of water);
2. protecting forests (anti-erosion forests, protecting forest lines along roads and railways, forests in desert and mountainous areas with poor vegetation, which play an important role in protection of environment);
3. sanitary and health supporting forests (city forests, parks, forests of "green zones" around settlements, forests of first and second sanitary zones for protection of water supply sources, forests of sanitary zones around health resorts);
4. forests of specially protected nature territories (national parks, reserves, sanctuaries, forests of special value, forests of scientific value, including genetic reservations and natural monuments, walnut-fruit forests).

Specially protected sections of forest shall be singled out when making forest inventories or special surveys.

Article 31. Attribution of Forests to Protection Categories

Attribution of forests to protection categories, as well as selection of specially protected plots where forest use is prohibited or limited shall be made by the Government of the Kyrgyz Republic taking into account ecological, genetic, social and economic significance of forests, on presentation by the Republican State Forest Management Body.

The Republican State Forest Management Body shall establish the regime of forest use depending on the forest protection category in accordance with this Code and other legislation of the Kyrgyz Republic.

Article 32. Withdrawal of Forest Fund Land

Withdrawal of the Forest Fund land for state and public needs shall be made in accordance with the Land Code of the Kyrgyz Republic taking into account the relevant conclusion by the Republican State Forest Management Body on expediency of such withdrawal.

Article 33. Transfer of Forest Land into Non-Forest Land

Transfer of forest land into non-forest land for using it for various purposes irrelevant to forestry and forest uses shall be made in the forests of the Kyrgyz Republic only in exceptional cases and only on

conclusions by the state ecological expertise and by the Republican State Forest Management Body through decision by the Government of the Kyrgyz Republic.

The transfer procedure shall be established by the Government of the Kyrgyz Republic.

Article 34. Procedure for Use of Forest Following Withdrawal of Forest Fund Land for State or Public Needs

When withdrawing the Forest Fund land covered with forest for state or public needs, there shall be simultaneously solved the issue of forest preservation or felling and procedure for use of harvested timber based on proposals by the Republican State Forest Management Body.

When making a decision on preservation of forest stands on the lands withdrawn from the Forest Fund, the forest use regime established by the Republican State Forest Management Body in accordance with the forest legislation of the Kyrgyz Republic shall be spread to these lands.

Article 35. Placement of Objects Affecting Forest Status and Reproduction of Forests

When surveying, prospecting, designing, constructing and launching new and reconstructed enterprises, structures and other facilities, as well as introducing new production technologies affecting forest condition and regeneration, there shall be envisaged and implemented activities designed to protect forest against a negative impact of sewage, chemicals, industrial and communal pollution and waste, etc.

Determination of places for construction of enterprises, structures and other facilities affecting forest condition and regeneration, shall be made in accordance with the existing legislation based on positive conclusions by the state ecological expertise and by the Republican State Forest Management Body, other specially authorized state bodies.

Launching of new and reconstructed enterprises unequipped with devices for prevention of harmful impact on ecosystems and forest regeneration shall be prohibited.

Article 36. Procedure for Work in Forests

Construction, blasting, natural resources extraction, placing of cables, building of pipelines, and other communications, boring or other work performed on the Forest Fund lands irrelevant to forestry and forest use shall be carried in agreement with local state administrations, other interested bodies in accordance with the legislation of the Kyrgyz Republic only on a positive conclusion by the state ecological expertise and only on meeting the requirements of the Republican State Forest Management Body of the Kyrgyz Republic for forest protection and reproduction and forest land recultivation.

The above works shall be carried out by methods which do not deteriorate forest protection functions, fire prevention, ecological and sanitary status of forests, as well as conditions for forest regeneration.

SECTION III RIGHTS AND OBLIGATIONS OF FOREST FUND PLOT OWNERS AND FOREST USERS

Chapter 7 Rights and Obligations of Forest Fund Plot Owners and Forest Users.

Article 37. Rights and Obligations of Leshozes

The leshozes shall have the right:

- to develop proposals on issues relating to future and current planning of forestry development and submit these to the Republican State Forest Management Body;
- to carry out forest uses and other forest use-related economic activity;
- to construct, according to the established procedure, roads, timber stores, fire prevention and chemical stations, housing and economic facilities, buildings for storage and pre-processing of raw materials and other facilities needed for forestry and forest uses;
- to allocate in the field the Forest Fund plots needed for forest use and forest use-related activities to organizations and individuals, to take decisions on issuing forest felling orders (permits) or forest tickets;
- to make lease agreements;
- to establish self-financing organizations for development of livestock production, bee-keeping, fur-farming, timber processing, processing of wild fruits and berries and medicinal plants collection;
- to organize ecological tourism, hunting and fishing;
- to use free of charge for economic purposes small deposits of commonly known minerals coming to the earth surface, water objects, as well as other natural resources located on the State Forest Fund plots allocated for permanent ownership and to carry out the industrial exploitation thereof in accordance with the established procedure;
- to issue orders certifying the right to use commonly known natural resources for economic purposes to forest users and other legal entities and individuals.

The lessholders and forest ranges shall be obligated:

- to ensure regeneration, guarding and protection of forests, improvement of their ecological and sanitary status, and forest maintenance, to increase forest productivity and forest soil fertility, to organize forest use, forest inventory and carry out other duties relating to forest management;
- to use, according to the established procedure, timber and other forest vegetation resources and useful natural properties of forest within the scientifically justified limits;
- to carry out economic activity by methods ensuring preservation of environment-forming functions and forest protection functions, as well as to develop favourable conditions for regeneration of plants, collection of medicinal herbs, food and technical raw materials; to fulfil other requirements for guarding and protection, regeneration, and rational use of forests provided by this Code, as well as established by the Republican State Forest Management Body.

Article 38. Rights and Obligations of Forest Fund Plot Owners Irrelevant to State Forestry

The State Forest Fund plot owners who received the plots for purposes relating to sports, physical culture, recreation, medical treatment, scientific research, and nature protection shall carry out their respective activities only pursuant to objectives and tasks, for which they were allocated for ownership of the above-mentioned State Forest Fund plots.

Private plot owners shall solve all the issues relating to guarding, protection, and use of the plots taking into account the requirements of this Code, as well as other legislation regulating this type of activity.

Article 39. Rights and Obligations of Forest Users

Forest users shall have the right:

- to receive the State Forest Fund plots in the field for using them in accordance with the allocation terms;
- according to the established procedure, to construct roads, production and commercial facilities, to install equipment and devices for economic activities, to arrange transport parking places, etc.
- to use, based on the order issued by a Forest Fund plot owner, commonly known mineral resources for a forest user's own economic purposes.

Forest users shall be obligated:

- to rationally use wood-cutting areas allotted for felling, forest hay-making areas, pastures and other lands and forest resources, preserving wild life and fauna habitat;
- not to leave left-overs as well as harvested timber at felling places and in forest on expiry of the established term for harvesting and transportation;
- to use in a rational way forest hay-making areas, pastures and other land and forest resources, preserving wild life and fauna habitat;
- to perform work by methods excluding a negative impact through forest use on condition and regeneration of forests and other natural objects;
- to comply with fire safety requirements, to carry out fire prevention activities and extinguish forest fires whenever they happen;
- to prevent loss of timber, degrading of commercial timber to fire wood status and commercial timber inappropriate utilization;
- to clean wood-cutting areas of cutting waste, to be held responsible for land deterioration through forest uses and to ensure restoration of such land for appropriate future uses;
- to make timely payments for forest uses;
- to fulfil other forest use requirements established by the Republican State Forest Management Body.

Article 40. Protection of Rights of Forest Fund Plot Users

Interference with activities carried out by Forest Fund plot users by state, public (excepting controlling) bodies shall not be permissible, with exception of cases of violation by Forest Fund plot users of the existing forest legislation and the established forest use procedure.

The breached rights shall be subject to restitution according to the procedure established by the legislation of the Kyrgyz Republic.

The losses incurred through violation of rights of Forest Fund plot users shall be subject to full recovery. Disputes relating to loss reimbursement shall be subject to consideration by courts of justice or by arbitration court within the competence thereof.

Article 41. Obligations of Foreign Legal Entities and Individuals and Stateless Persons

In the Kyrgyz Republic, foreign legal entities and individuals and stateless persons shall be obligated to comply with the requirements of this Code and other legal acts of the Kyrgyz Republic regulating forest

relations and shall be responsible for violation of these in accordance with the procedure established by the legislation of the Kyrgyz Republic.

Chapter 8 Leasing of Forest Fund Plots.

Article 42. Leasing of Forest Fund Plots

The Forest Fund plots shall be leased for reproduction of forest resources and forest use purposes provided by Article 48 of this Code.

The Forest Fund plot may be leased to one or several lessees for reforestation, afforestation and carrying out various forest uses.

Lessors of the State Forest Fund lands shall be territorial state forest management bodies (leshozes).

Lessors of privately owned forests shall be owners thereof.

Forest Fund plot lease-related relations shall be regulated by this Code, land and civil legislation, as well as by the Regulation on the State Forest Fund Plot Leasing developed by the Republican State Forest Management Body and approved by the Government of the Kyrgyz Republic.

Article 43. Forest Fund Plot Lease Agreement

According to the Forest Fund plot lease agreement, lessor shall be obligated to allocate to a forest user (lessee) a plot of the Forest Fund for short- or long term paid lease to carry out one or several types of forest uses.

The Forest Fund plot lease agreement shall be made in writing and shall be subject to state registration in accordance with the civil legislation of the Kyrgyz Republic. Any interested legal entity or individual may be familiarized with the lease agreement contents.

The sub-lease of the Forest Fund plots shall be prohibited.

Article 44. Terms of Forest Fund Plot Lease Agreement

The following terms shall be included in the Forest Fund plot lease agreement:

- lessee's solvency;
- boundaries of the Forest Fund plot;
- types of forest use;
- volume of forest use;
- lease period;
- amount of lease payment and payment procedure;
- obligations by parties regarding compliance with the requirements of forest legislation of the Kyrgyz Republic on issues relating to guarding, protection, and reproduction of forests;
- obligations of parties regarding nature conservation activities;
- other terms provided by forest legislation or determined by parties to lease agreement.

Article 45. Forest Fund Plot Lease Period

The Forest Fund plot lease agreement may be of unlimited duration (without term indication) or fixed (with a fixed period).

The fixed Forest Fund plot lease agreement period shall be limited to 50 years.

Article 46. Forest Fund Plot Lease Payment Amount

The amount of rent payment for use of the leased Forest Fund plot shall be established taking into account the requirements of Tax Code, Civil Code, and Land Code of the Kyrgyz Republic.

Article 47. Collaborative Forest Management

The collaborative forest management shall be based on common work relating to forest use and afforestation by economic partnerships and communities organized through business, family and kindred relationships of the people residing compactly on the leased State Forest Fund plots.

The communities shall have a priority right to the State Forest Fund plots leasing.

SECTION IV FOREST USES

Chapter 9 Types of Forest Uses.

Article 48. Types of Forest Uses

In the State Forest Fund, the following types of forest uses may be executed:

- land cultivation, hay-making, pasturing, bee-farming, collection of wild vegetables and fruits, medicinal plants, technical raw materials, etc.;
- harvesting of secondary forest resources (stumps, bark, etc.);
- forest use for scientific research, cultural, health, recreation and tourism purposes, as well as for hunting;
- tree felling and timber harvesting according to the established procedure;
- other types of forest use may also be identified in the Kyrgyz Republic.

Forest use rules shall be established by the Republican State Forest Management Body in accordance with the legislation of the Kyrgyz Republic.

Article 49. Use of Minerals and Other Natural Resources on the State Forest Fund Land

The Forest Fund plot owners shall have the right to use free of charge for economic purposes small deposits of commonly known minerals coming to the earth surface, as well as to use, according to the established procedure, water objects, and exploit other useful properties of land. Industrial development of the mentioned natural resources, as well as commercial use thereof shall be made according to the procedure established by the legislation of the Kyrgyz Republic.

Legal entities and individuals shall make payment for use of commonly known minerals and other natural resources found on the State Forest Fund plots based on orders issued to them by the State Forest Fund plot owners.

Article 50. Payment for Forest Uses

Forest uses in the Kyrgyz Republic shall be for payment in the form of forest taxes and lease payment, as well as payment for orders giving the right to use commonly known minerals and other natural resources located on the State Forest Fund lands.

Recreation, collection of wild fruits and berries, mushrooms, medicinal herbs for personal purposes shall be free of charge.

Lease payments shall be determined based on lease agreement terms stipulating the type and volume of forest use by agreement of parties in accordance with the legislation of the Kyrgyz Republic.

No payment shall be charged for timber harvested by leshozes resulting from maintenance, sanitary, and regeneration cuttings, other forestry activities, forest inventory, scientific research and survey activities carried out for forestry needs, as well as in cases of secondary forest resources harvesting and side-line forest use.

Forest taxes and payment amounts for orders shall be established on presentation by the Republican State Forest Management Body according to the procedure established by the legislation of the Kyrgyz Republic.

Article 51. Hay-Making and Grazing on the Forest Fund Lands

The State Forest Fund lands where hay-making and grazing are possible shall be selected in the course of forest inventory.

The rules for hay-making and grazing on State Forest Fund lands shall be approved by the Republican State Forest Management Body.

Article 52. Forest Use Norms

Forest uses shall be carried out in accordance with the forest management plans within scientifically grounded norms defined based on forest inventory materials, current inventories and surveys of the Forest Fund.

The procedure for determination and approval of an annual norm for intermediate forest use, cuttings in industrial plantations and supply of other forest materials, technical raw materials, and timber forest resources shall be established by the Republican State Forest Management Body.

Article 53. Administration of Right to Forest Use

Forest use in the State Forest Fund lands shall be permissible based on a lease agreement and by special permission: a tree felling ticket (order) or a forest ticket. Such tickets shall be issued by a Forest Fund plot owner and shall give the right to exercise only those types of forest uses which are specified in the tickets issued.

A tree felling ticket (order) or a forest ticket may be terminated in cases provided by Article 16 of this Code. The tickets shall be issued for one season irrespective of the period stated in the ticket (order), and in respective cases - in a relevant agreement.

The forms of tree felling ticket (order) or forest ticket for use of commonly known minerals shall be drafted and approved by the Republican State Forest Management Body in accordance with the established procedure.

The forms of tickets and orders shall be subject to exacting accounting and reporting and shall be made by the Republican State Forest Management Body.

The procedure for accounting, storage, filing, and issuance of ticket and order forms shall be established by the Republican State Forest Management Body.

The owners of Forest Fund plots when exercising forest uses shall be obligated to legalize their right to forest use in accordance with the established procedure.

Article 54. Types of Licensed Forest Uses

The Forest Fund use activities shall be subject to licensing in accordance with the legislation of the Kyrgyz Republic.

Article 55. Limitation of Forest Uses

In the forests of nature reserves, all types of tree felling and other types of forest use, excepting those relating to scientific research, shall be prohibited.

In the forests of national parks, reservations, natural monuments, in the forests having scientific and historical importance, forest parks, city forests, forests in the green zones, around settlements and industrial centres, state forest lines, anti-erosion and sub-alpine forests, in prohibiting forest lines along rivers, lakes and other water reservoirs (with exception of riverside deciduous forests), harvesting of secondary forest materials, grazing, industrial procurement of non-timber forest products shall be prohibited.

Article 56. Grounds for Forest Use Terms Amendment

Amendments to the forest use terms shall be permissible in cases of:

- changes in the Forest Fund's status resulting from fire, fall of trees caused by strong wind, damage from pests and diseases and other factors irrelevant to forest users;
- transference of forest from one protection category to another;
- withdrawal of part of the Forest Fund lands for state and public needs;
- failure to use the Forest Fund within the agreed volumes and terms indicated in permit documents.

Chapter 10

Types of Tree Felling and Procedure for Timber Harvesting.

Article 57. Types of Tree Felling

In the forests of the Kyrgyz Republic, the following types of felling shall be executed for preservation and strengthening of their useful functions:

- maintenance cuttings in the walnut and riverside forests, as well as in plantations in order to improve the species composition and growth conditions for trees of the main forest species;
- sanitary cuttings, the main objective of which is to improve sanitary status of stands (felling of cull trees damaged by pests, weak, dead and other trees worsening the sanitary status of forests);
- cleaning of forests - removal of wind-fallen trees to prevent disease spreading and forest fires;

- reconstruction cuttings aimed at renewal of invaluable stands and creation of favourable conditions for growth of promising healthy trees;
- regeneration cuttings, which are performed in mature and over-mature spruce stands to provide for better regeneration of spruce forests and retention of their protection functions, as well as for timely replacement of forests;
- other cuttings including felling of individual trees for scientific purposes, when making forest inventory, cleaning forest areas for construction of irrigation facilities, pipelines, roads, as well as for openings and fire prevention gaps, with exception of tree felling limitations provided by Article 55 of this Code.

Article 58. Procedures for Tree Felling and Timber Harvesting

Tree felling shall be carried out in accordance with the Instructions for Maintenance, Sanitary, and Regeneration Cuttings approved by the Republican State Forest Management Body.

The procedure for timber harvesting in cases of tree felling and forest cleaning shall be established by the Rules for Issue of Standing Trees in the Forests of the Kyrgyz Republic approved by the Government of the Kyrgyz Republic.

Article 59. Tree Felling Fund and Timber Harvesting Volume

The tree felling fund shall be formed of the planned volume of maintenance, sanitary, regeneration and other types of cuttings mentioned in Article 57 of this Code. The procedure for allocation and distribution of the tree felling fund among forest users shall be established by the Rules for Issue of Standing Trees in the Forests of the Kyrgyz Republic. The volume of timber harvesting, when making cuttings in industrial plantations and intermediate use cuttings, shall be determined based on the forest use norms and in case of other cuttings - by the amount of work done when cleaning forest areas for construction, making openings and carrying out other forest management activities.

Article 60. Felling Age and Rotation

Tree felling age and rotation shall be determined based on the main purpose of forests and forest functions, productivity of stands, and biological peculiarities of growing tree species, as well as reforestation periods after felling. Justification of tree felling age and rotation shall be made when making forest inventory or special scientific research.

The specification of felling ages and rotation shall be made according to the procedure established by the Republican State Forest Management Body.

Chapter 11

Harvesting of Secondary Forest Materials and Use of Non-Timber Forest Products.

Article 61. Harvesting of Secondary Forest Materials

Harvesting of secondary forest materials shall be permitted in cases where damage to forest is excluded. The procedure for harvesting of these materials shall be established by the Instructions for Harvesting of Secondary Forest Materials approved by the Republican State Forest Management Body.

Article 62. Use of Non-Timber Forest Products

The Forest Fund owners or persons duly authorized by them may lease Forest Fund plots for collection of wild fruits and berries, medicinal plants, technical raw materials, land cultivation, hay-making, grazing, bee-keeping, and harvesting of other forest resources.

The terms and procedure for using non-timber forest resources shall be regulated by the Rules for Forest Uses approved by the Republican State Forest Management Body.

Chapter 12 Use of Forest Fund for Scientific Research Purposes.

Article 63. Scientific Research in the State Forest Fund Territory

For scientific research purposes, the Forest Fund owners (leshozes) shall allocate forest plots, on which forest use shall be limited or fully prohibited, if forest use cannot be combined with scientific research objectives. The procedure for the State Forest Fund use for scientific research purposes shall be established by the Republican State Forest Management Body.

Article 64. Conservation of Forest Biodiversity

Forest biodiversity in the territory of the Kyrgyz Republic shall be an exclusive property of the state and shall be territorially subdivided into separate zones with a limited use regime comprising biodiversity of flora and fauna.

These zones shall be established by the Government of the Kyrgyz Republic on presentation by scientific institutions and by the republican state forest management and nature conservation bodies.

Article 65. Regeneration of Forest Flora and Fauna

Regeneration and reproduction of species and forms of plants and wild life of the forest biodiversity shall be made through reintroduction of the best specimens of local flora and fauna taking into account scientific recommendations and under control by the Republican State Forest Management Body and other duly authorized state bodies.

Chapter 13 Use of Forest Fund for Cultural, Health Improvement and Recreation Purposes.

Article 66. Public Recreation in Forest Fund

In order to organize recreation of people, local bodies of self-government, Forest Fund plot owners, as well as other organizations approved by them, in Forest Fund areas designed for recreation, shall carry out activities aimed at improvement thereof and rendering cultural and catering services to the people taking into account preservation of forest diversity and natural landscapes and complying with sanitary requirements.

The procedure for forest uses relating to cultural, tourism and recreation purposes shall be established by the Republican State Forest Management Body.

Article 67. Visiting of Forests by Individuals

Individuals shall have the right to visit forests and use them for cultural and health improving purposes, for non-professional collection of wild berries, nuts, fruits, mushrooms and other forest food resources according to the established procedure.

The procedure for individuals' stay in forests, limitations regarding harvesting of food, medicinal and technical forest products, as well as determination of duration of individuals' stay in forests in a fire-danger season shall be established by territorial, oblast and interoblast state forest management bodies.

Individuals shall be obligated to comply with fire safety requirements, abstain from breaking and cutting of trees and shrubs, damaging forest cultures, leaving garbage in forests, damaging ant-hills, birds' nests, collecting wild food resources within the terms and by ways which are not damaging to regeneration and reproduction thereof.

Chapter 14 Forest Uses in Border Area and in City Forests.

Article 68. Forest Uses in Border Area

Forest use in border area shall be carried out in accordance with the procedure established by legislation of the Kyrgyz Republic.

The specifications of forest use in border area shall be established by the Government of the Kyrgyz Republic.

Article 69. Forest Uses in City Forests

Forests located in cities and towns shall be intended for recreation, cultural, health improvement and sports activities, as well as for conservation of favourable ecological situation.

State control over guarding, protection, regeneration and use of forests located in cities and towns, and other settlements shall be exercised by state forest management bodies.

Chapter 15 Forest Fund Use for Hunting Purposes.

Article 70. Forest Uses for Hunting Needs

State forest management bodies shall have an exclusive right to use wild life through organization of hunting farms. For the same purpose, they may lease hunting grounds located on the Forest Fund lands to organizations, international associations and organizations with participation of foreign legal entities and individuals.

Article 71. Control over Use of State Hunting Fund

The supervision over hunting in the Kyrgyz Republic, hunting sports, hunting business, procurement of firs and other hunting trophies, shooting and catching of wild animals for scientific, cultural, and economic purposes, compliance with hunting rules shall be exercised by the Republican State Forest Management Body.

Article 72. Hunting Management Activities

The Republican State Forest Management Body shall manage and supervise all activities relating to hunting management, protection of the State Hunting Fund, accounting of wild animals number, compliance with the existing hunting rules in accordance with the Regulation on Hunting and Hunting Farms in the Kyrgyz Republic approved by it.

Within the competence of the Republican State Forest Management Body shall be internal hunting inventories, measures aimed at increasing the quality of hunting grounds, as well as activities steered towards rational use of the State Hunting Fund, reproduction and increase of the number of wild animals.

The hunting management and hunting use shall be impermissible without making hunting inventories.

Article 73. Guarding of Hunting Grounds and State Hunting Fund

Guarding of hunting grounds and the State Hunting Fund shall be made by the hunting supervision service which is a component of the forest guard unit of the Republican State Forest Management Body.

SECTION V FOREST FUND GUARDING AND PROTECTION

Chapter 16 Forest Fund Guarding and Protection.

Article 74. Forest Fund Guarding and Protection Bodies' Tasks

The Forest Fund of the Kyrgyz Republic shall be subject to guarding and protection carried out by the state forest guard bodies based on national, regional and local programs and providing a complex of organizational, economic, legal and other measures taken with regard to biological and regional peculiarities of forests and aimed at protection of forests against destruction, damage, pollution and other harmful influence.

Article 75. State Forest Guard of the Kyrgyz Republic

The State Forest Guard of the Kyrgyz Republic (hereinafter referred to as State Forest Guard) shall be established within state forest management bodies.

The list of employees of the State Forest Guard shall be approved by the Republican State Forest Management Body.

The tasks of the State Forest Guard shall be:

- ensuring of guarding and protection of forests;
- ensuring of guarding, reproduction and rational use of the State Hunting Fund and hunting grounds;
- exercise of state control over condition, use, guarding, protection of the State Forest Fund and reproduction of forests, as well as over organization of the State Forest Fund use;
- ensuring of guarding of unused natural resources (minerals, etc.) located in the State Forest Fund lands.

In accordance with its tasks the State Forest Guard shall be obligated:

- to prevent and stop violation of law with respect to guarding, protection, regeneration, and use of the Forest Fund, as well as use of the State Hunting Fund;
- to deal with administrative violations, including violations of forest law, within its competence;
- to ensure law and order in the State Forest Fund territory, within its competence;
- to submit to respective state bodies materials for initiating disciplinary, administrative, and criminal prosecution, to bring action against offenders to court of justice or arbitration court, within its competence;
- to instruct individuals and legal entities regarding elimination of revealed violations, within its competence;
- to take decisions on limitation, suspension or prohibition of economic activities and other activities, within its competence;
- to exercise other responsibilities provided by the legislation of the Kyrgyz Republic.

In order to exercise the above-mentioned responsibilities, the State Forest Guard shall be entitled:

- to check the documents of individuals and legal entities, as well as of foreign citizens, permitting them to use the Forest Fund plots;
- to make protocols and acts on violations of law with respect to use, guarding, protection of the Forest Fund and regeneration of forests, as well as use of the State Hunting Fund;
- to detain persons who have violated forest law or failed to comply with lawful orders by the State Forest Guard officials;
- to detain and deliver persons, who have committed crime and administrative violations relating to guarding, protection, regeneration of forest, and use of the State Hunting Fund, to law-enforcement bodies;
- to examine, according to the established procedure, transport vehicles, other objects and places; as well as to carry out personal examination, if such a need may be.
- to withdraw illegally obtained forest and hunting resources, and relevant tools, as well as transport vehicles, and, according to the established procedure, take decisions on their further ownership;
- to exercise other rights provided by the legislation of the Kyrgyz Republic.

The State Forest Guard officials shall have the right to apply physical force, special means and firearms only in cases provided by the legislation of the Kyrgyz Republic. The State Forest Guard officials shall be permitted to keep, bear and use official arms according to the procedure established by the legislation of the Kyrgyz Republic.

The State Forest Guard officials shall wear a uniform of established pattern.

The State Forest Guard shall act based on the Regulation approved by the Government of the Kyrgyz Republic.

Article 76. State Protection of State Forest Guard Officials

The State Forest Guard officials shall be subject to state protection in accordance with the legislation of the Kyrgyz Republic.

Article 77. Biotechnical Activities in Forest Fund Territory

In order to ensure sustainable evolution of flora and fauna, the biotechnical activities shall be carried over the whole area of the Forest Fund of the Kyrgyz Republic according to the established procedure.

Article 78. Protection of Forest Fund against Forest Fires

The state fire prevention supervision within the State Forest Fund shall be executed by the State Forest Guard officials with the purpose of control over compliance by individuals and legal entities with the existing fire safety rules and requirements, as well as for the purpose of stopping violation thereof.

Forest users, other individuals and legal entities working on the Forest Fund plots and on lands bordering the Forest Fund, as well as persons responsible for cultural and other activities within the Forest Fund and in forests outside the Forest Fund, shall be liable to criminal, administrative, property and other prosecution for violation of fire safety rules and requirements in accordance with the legislation of the Kyrgyz Republic.

Fire prevention measures shall be taken by oblast, interoblast and territorial forest management bodies jointly with local self-government bodies and local state administrations.

When putting out forest fires, employees of the State Forest Guard shall have the right to free use of all types of transport vehicles and means of communication, as well as to attract local population to forest fire suppression.

To ensure efficient exercise of functions relating to guarding of the Forest Fund against fire, the state forest management bodies shall be provided with free daily, monthly and periodical weather forecasts and fire-related danger forecasts with respect to the Forest Fund.

To guard the State Forest Fund and forests outside the State Forest Fund against fires, to protect them against pests and diseases, there may be used aviation guard. The aviation guard zones and the relevant procedure shall be established by the Government of the Kyrgyz Republic.

Article 79. Guarding of Forests against Violations of Law

Forest Fund plot owners or persons duly authorized by them and other forest users, according to the established procedure, shall be authorized to prevent, detect, and stop:

- violations of established procedures and rules for forest use, as well as for work irrelevant to forest use;
- illegal cuttings, destruction and damage of tree and shrubs, forest cultures, undergrowth and young trees of arboreal species;
- pollution of forests through chemicals and radioactive substances, industrial waste, sewage waters, industrial, communal and household ejection and other waste;
- violation of the established procedure for using the Forest Fund lands;
- damage and destruction of the forest inventory and forest management signs;
- destruction of useful fauna species and other forest law violations.

Territorial, oblast, interoblast forest management bodies shall ensure activities aimed at guarding forests against forest law violations assisted by local self-government bodies and local state administrations.

Article 80. Guarding Forests against Pests, Diseases and Other Negative Factors

The lesshozes shall be obligated to provide the following:

- sanitary arrangement of the Forest Fund plots;
- identification of forest plots with trees and shrubs weakened and damaged by pests and diseases, as well as by industrial, communal, and household pollution and through other negative factors;
- accounting and forecasting of pests and diseases nidus development, zones of negative impact through industrial, communal, and household pollution and other negative factors;
- activities aiming at prevention of emergence and spreading of pests and diseases, increase of biological sustainability of forests;
- activities designed to control forest pests and diseases, and reduce damage inflicted to forests through industrial, communal, and household pollution and other negative factors.

The Republican State Forest Management Body through local self-government bodies, local state administrations, and its territorial, oblast, interoblast bodies shall ensure implementation of activities aimed at protection of forests against pests, diseases and other negative factors.

Article 81. Guarding and Protection of Stands Outside Forest Fund and Obligations of Organizations and Individuals Whose Activities Influence Forest Status and Regeneration

Guarding and protection of forest stands outside the Forest Fund shall be carried out by owners and users of the land where these stands are located, as well as by local self-government bodies and local state administrations.

Organizations and individuals whose activities influence forest status and regeneration shall be obligated to continually inform state forest management bodies about guarding and protection of forest stands, as well as to carry out technological, sanitary and other activities aiming at guarding and protection of

forests coordinated with local self-government bodies, local state administrations, state forest management and nature conservation bodies.

SECTION VI
FOREST FUND MONITORING, REGISTERING, FOREST CADASTRE,
FOREST INVENTORY, FORESTRY PLANNING

Chapter 17
Forest Fund Monitoring, Registering, Forest Cadastre and Forest Inventory.

Article 82. Forest Monitoring (State Forest Fund Monitoring)

Forest monitoring shall be a system of observations, evaluation and forecasting of the Forest Fund status and changes dynamics with the purpose of efficient guarding, protection, regeneration and rational use of forests. The structure, contents, and procedure for forest monitoring (of the Forest Fund) shall be established by the Government of the Kyrgyz Republic.

Article 83. Forest Fund Registering and Forest Cadastre

The Forest Fund registering and Forest Cadastre shall be made for organization of guarding, protection, reforestation and rational use of the Forest Fund, systematic control over its qualitative and quantitative changes and provision of authentic information about the Forest Fund to interested organizations and individuals.

The Forest Cadastre shall include a system of information about the Forest Fund's legal regime, its distribution among owners, qualitative and quantitative condition of the Forest Fund, division of forests into protection categories, their economic evaluation and other data needed for forest management and evaluation of the results of economic activity in the Forest Fund.

The Forest Fund registering and Forest Cadastre shall be made based on the forest inventory materials, current inventory and special surveys according to the system, which is common for the whole of Kyrgyz Republic, by the Republican State Forest Management Body. The Forest Fund registering and Forest Cadastre shall be documented by all the state leshozes.

The Forest Fund registering and Forest Cadastre shall be made in accordance with the procedures established by the Government of the Kyrgyz Republic.

Article 84. Forest Inventory

Forest inventory is a system of activities aimed at ensuring rational forest management and use, efficient guarding and protection of forests, reforestation, pursuit of a uniform scientific and technical policy in forestry.

Forest inventory shall include:

- determination of boundaries and internal economic organization of the territories of legal entities and individuals managing the Forest Fund plots;
- implementation of topographic and geodesic works and preparation of special cartography of forests;
- inventory of the Forest Fund with identification of species composition and age of forest stands, their condition, qualitative and quantitative characteristics of forest resources;

- identification of the Forest Fund plots which are in need of maintenance, sanitary, and regeneration cuttings and cuttings related to reconstruction of economically invaluable forest stands;
- activities aimed at guarding and protection of forests, reforestation, reproduction and regeneration of forests, melioration and other forest management activities, as well as identification of work amount, ways and procedures;
- justification of division of forests into protection categories and preparation of proposals for transfer of forests from one protection category to another;
- calculation of estimated wood-cutting areas in industrial plantations, volumes of maintenance, sanitary, and regeneration cuttings and cuttings relating to reconstruction of economically invaluable forest stands;
- identification of the amount of forest use and procurement of secondary forest resources, the Forest Fund use volume for hunting needs, cultural and health improvement activities, as well as for tourism and sports;
- forest biology and other surveys and research;
- drafting of basic regulations for forest management organization and development;
- elaboration of projects for organization and development of forestry and hunting business;
- author's supervision over implementation of forest inventory projects;
- other forest inventory activities.

Forest inventory materials meeting the requirements of ecological expertise shall be agreed with the state land-tenure bodies and approved by the Republican State Forest Management Body and shall be the basic organization and economic documents for forest management and forest use, current and long-term planning and forestry development projections.

Forest inventory of the State Forest Fund shall be financed from the Republican budget and shall be carried out in accordance with the Regulation on Forest Inventory in the Kyrgyz Republic developed by the Republican State Forest Management Body and approved by the Government of the Kyrgyz Republic.

Article 85. Forest Inventory Projects

When making the State Forest Fund inventory, there shall be made forest inventory projects containing comprehensive evaluation of forest management. The forest inventory projects and other forest inventory documents shall be approved by the Republican State Forest Management Body and shall be binding normative and technical documents for forest management, current and long-term planning and projection of the Forest Fund use and financing of forest management activities.

Article 86. Forest Inventory Implementation System

Forest inventory in the territory of the Forest Fund of the Kyrgyz Republic shall be carried out by forest inventory units of the Republican State Forest Management Body. Forest inventory shall be implemented under a unified system and according to the procedure established by the Republican State Forest Management Body.

Forest management and forest use shall be impermissible without implementation of forest inventory, excepting cases provided by the Regulation on Forest Inventory in the Kyrgyz Republic.

Article 87. Projecting and Prospecting

Projecting and prospecting shall be a system of measures for projecting objects relating to forest culture and forest management.

Projecting and prospecting shall identify the Forest Fund plots and other lands for reforestation, afforestation, growing of planting material, for road construction and canal building, for construction of cordons and other economic facilities.

Article 88. Information about Forest Fund

Information about the Forest Fund shall include data on the state registering of the Forest Fund, state Cadastre, forest monitoring, forest inventory and other information received by the Republican State Forest Management Body or by organizations subordinate to it when exercising their functions.

Information about the Forest Fund shall be the state property of the Kyrgyz Republic and shall be furnished to individuals and legal entities on terms and in accordance with the procedure established by the Government of the Kyrgyz Republic.

Chapter 18 Forestry Planning.

Article 89. Forestry Planning

In the Kyrgyz Republic, there shall be implemented the state planning of forestry in accordance with the tasks of the National Forest Policy.

The annual and long-term plans for forestry development shall be made by the Republican State Forest Management Body based on the forest management plans of territorial forest management bodies and approved by the Government of the Kyrgyz Republic taking into account the prospects for economic and social development of territories and regions.

The activities envisaged in the state plans for forestry development relating to guarding, protection, reproduction of forests, development of new forms of economic activity, introduction of scientific and technical achievements, progressive expertise shall be provided with state financing.

Article 90. Forest Management Plans

The territorial state forest management bodies (leshozes) shall develop forest management plans, in which there shall be envisaged measures for guarding, protection, reproduction of forests, development of rational and efficient forest use.

The oblast and interoblast state forest management bodies shall exercise control over development of forest management plans in accordance with the tasks of the National Forest Policy and long-term state plans for forestry development and shall submit them for approval by the Republican State Forest Management Body.

SECTION VII REPRODUCTION OF FORESTS

Chapter 19 Reproduction of Forests.

Article 91. Reforestation

Reforestation shall be carried out on forest lands of the Forest Fund meeting the following requirements:

- to ensure obligatory afforestation of glades by economically valuable forest species taking into account growth conditions;
- to allocate for reforestation, in the first place, forest lands uncovered by tree and shrub vegetation;
- to improve forest species composition and increase productivity of forests, their protective and environmental features;
- to preserve genetic pool and biological diversity of forests.

The procedure and terms for reforestation of wood-cutting areas and other categories of forest lands uncovered by forest shall be established by the Republican State Forest Management Body. Responsibility for reforestation shall rest with the Forest Fund owners or persons duly authorized by them and Forest Fund plot users.

Forest users may participate in reforestation according to the procedure established by the Republican State Forest Management Body.

Article 92. Forest Planting

Forest planting shall be carried out on non-forest lands of the Forest Fund and other lands to increase the forest cover over the territory of the Kyrgyz Republic, to prevent erosion and improve ecological situation.

Afforestation activities shall be carried out pursuant to special programs and projects approved in accordance with the established procedure and shall be assigned to the state forest management bodies.

In order to increase the forest cover and for afforestation of the areas along rivers, water reservoirs and in other necessary cases, to the Forest Fund lands there may be transferred lands of other categories, first of all lands which cannot be used in agriculture (ravines, dried-up river beds, sands, etc.), as well as lands of the reserve covered with tree and shrub vegetation. The transfer of lands of other categories to the Forest Fund shall be made in accordance with the legislation of the Kyrgyz Republic.

Article 93. Installation of Plantations

Afforestation through installation of plantations shall be carried out for the purpose of accelerated production of timber and other forest products according to special programs developed and approved by the Republican State Forest Management Body.

SECTION VIII SETTLEMENT OF FOREST DISPUTES AND RESPONSIBILITY FOR VIOLATION OF FOREST LEGISLATION

Chapter 20 Settlement of Forest Disputes and Responsibility for Violation of Forest Legislation.

Article 94. Settlement of Forest Disputes

Disputes involving legal entities and individuals relating to guarding, protection, regeneration, and use of forests shall be settled by courts of justice and arbitration courts in accordance with competence thereof.

State forest management bodies shall be exempted from payment of state duties in case of legal proceedings relating to forest law violation in a court of justice or arbitration court.

Interstate forest-related disputes shall be settled according to the procedure established through agreement of parties.

Article 95. Invalidity of Deals Made in Violation of Forest Legislation of the Kyrgyz Republic

Any deals made in violation of forest legislation of the Kyrgyz Republic shall be invalid and shall be subject to application of norms of civil legislation of the Kyrgyz Republic regarding invalidity of such deals.

Article 96. Responsibility for Violation of Forest Legislation of the Kyrgyz Republic.

Persons guilty of violation of forest legislation shall bear disciplinary, administrative or criminal responsibility in accordance with legislation of the Kyrgyz Republic.

Fines for administrative violations shall be imposed by officials of the state forest management bodies according to the procedure established by the legislation of the Kyrgyz Republic.

A person prosecuted or punishable under administrative law for unauthorized occupation of the Forest Fund plots or hunting grounds shall be obligated to free these plots and grounds within a specified period.

Article 97. Reimbursement of Damage Inflicted to Forest and Hunting Fund of the Kyrgyz Republic

Legal entities and individuals, foreign citizens and stateless persons shall be obligated to reimburse the damage inflicted to the Forest Fund or the Hunting Fund according to the procedure established by the legislation of the Kyrgyz Republic.

SECTION IX FINANCING OF FORESTRY, REIMBURSEMENT OF LOSSES

Chapter 21 Financial and Economic Provision of Forestry.

Article 98. Financing of Forestry

Financing of the state management of guarding, protection, reforestation and rational use of the Forest Fund, as well as forest management shall be at the expense of the Republican budget according to economically justified norms developed by the Republican State Forest Management Body and agreed in accordance with the established procedure.

The procedure for financing of forestry shall be determined by the Finance Ministry of the Kyrgyz Republic.

Article 99. Forestry Fund

The Forestry Fund shall be created separately from the state forestry budget. The Fund shall be formed from payments for forest uses, licenses, orders, as well as funds received from self-financing activities of forest management bodies, amortization deductions, other financial resources, including voluntary donations by legal entities and individuals.

The Forestry Fund funds shall be spent for financing of forest management activities, as well as for provision of material incentives for leshoz employees and private forestry activities, and for other purposes relating to forestry development.

The Forestry Fund shall be administered by the Republican State Forest Management Body, the Forestry Fund Board shall be composed of representatives of interested organizations, including leszhoses.

The Regulation on the Forestry Fund shall be developed by the Republican State Forest Management Body and approved by the Government of the Kyrgyz Republic.

Chapter 22 Reimbursement of Losses.

Article 100. Reimbursement of Losses to Forest Fund Owners and Forest Users

Losses incurred through withdrawal or temporary occupation of Forest Fund plots, as well as through limitation of rights of Forest Fund owners and forest users, or worsening of the qualitative status of forest resulting from the impact caused by activities of organizations and individuals shall be fully reimbursed (including missed profit) to the Forest Fund owners and users who suffered such losses according to the procedure established by the legislation of the Kyrgyz Republic.

Disputes relating to reimbursement of losses and determination of their amounts shall be settled in court of justice.

Article 101. Reimbursement of Losses of Forestry Production

Forestry production losses incurred through withdrawal of the Forest Fund plots for using them for the purposes unrelated to forestry, limitation of rights of the Forest Fund owners and users or worsening of the forests' quality resulting from the impact caused by activities of organizations shall be subject to reimbursement.

These losses shall be reimbursed in addition to reimbursement of losses provided by Article 100 of this Code.

The above-mentioned losses shall be reimbursed by organizations to which the withdrawn Forest Fund plots are transferred for the purposes unrelated to forestry, as well as by organizations whose objects are encircled by guarding, sanitary, and protection zones, with exclusion of the Forest Fund plots from forestry circulation.

Funds received as reimbursement of forestry production losses shall be used for guarding and protection of forest, afforestation and reforestation, and increase of forest productivity.

The amounts and procedure for determination of forestry production losses subject to reimbursement shall be established by the Government of the Kyrgyz Republic.

SECTION X SOCIAL PROTECTION AND GUARANTEES OF STATE FOREST MANAGEMENT BODY EMPLOYEES AND THEIR FAMILY MEMBERS

Chapter 23 Social Protection and Guarantees.

Article 102. Privileges of State Forest Management Bodies' Employees

The state forest management bodies' employees shall be given free uniforms, entitled to free rides by bus and railway transport within the territory of the Kyrgyz Republic, annual allowance in the amount of 18 official salaries (including additions), annual free accommodation for rest and treatment in health resorts and

rest houses, free training in all state institutions of higher learning of the Kyrgyz Republic at the expense of the Republican budget funds.

Article 103. Additions to Official Salaries

Additions to official salaries of the state forest management bodies' employees shall be made:

- in accordance with class ranks;
- according to length of service in the state forest management bodies;
- depending on regional peculiarities (high mountains, remoteness, etc.) of working conditions.

The size of salary additions shall be established by special Regulation developed by the Republican State Forest Management Body and approved by the Government of the Kyrgyz Republic, if other is not provided by the legislation of the Kyrgyz Republic.

Article 104. Class Ranks of State Forest Management Bodies' Employees

All state forest management bodies' employees shall be awarded class ranks depending on length of service and occupied position.

The procedure for awarding of class ranks shall be determined by the Regulation approved by the Government of the Kyrgyz Republic.

Article 105. Labour Protection and Compliance with Labour Safety Requirements

The state forest management bodies shall ensure, according to the procedure established by the legislation of the Kyrgyz Republic, labour protection and compliance with labour safety requirements by all state forest management bodies' employees.

Article 106. Finance Ensuring of Social Protection of State Forest Management Bodies' Employees

Financing of activities relating to social protection and ensuring of guarantees provided for the state forest management bodies' employees and their family members shall be made at the expense of special funds and funds of the Forestry Fund.

Special funds - gross income minus expenses of the Republican State Forest Management Body - shall be formed of payments for forest uses, licenses, orders, as well as funds resulting from the state forest management bodies' self-financing activities.

Special funds shall be spent for purposes relating to guarding and protection of forests and wild life, and reproduction thereof, for provision of material incentives to the state forest management bodies' employees, as well as for organisation of forest and hunting inventories.

SECTION XI FINAL PROVISIONS

Chapter 24 International Cooperation in Forest Relations.

Article 107. Principles of International Cooperation in Forest Relations

In its forest relations policy, the Kyrgyz Republic shall depart from the necessity to ensure rational forest use and protection of forest resources based on friendly relations, mutual assistance and cooperation with foreign countries, universal ecological security, and comprehensive development of international environment protection.

Article 108. International Treaties Relating to Forest Relations

If international treaties relating to use and protection of forests, made or acknowledged by the Kyrgyz Republic, establish rules, other than those provided by the legislation of the Kyrgyz Republic, then international treaty norms shall be applicable.

Chapter 25 Enactment of This Code.

Article 109. Enactment of This Code

This Code shall come into force on the day of official publication thereof.

The following laws shall be declared null and void:

- Forest Code of the Kyrgyz Republic (News of Jogorku Kenesh of the Kyrgyz Republic, 1993, # 6, p.157);
- Law of the Kyrgyz Republic "On Approval of Forest Code of the Kyrgyz Republic" of May 7, 1993, # 1198-XII (News of Jogorku Kenesh of the Kyrgyz Republic, 1993, # 6, p.156);
- Law of the Kyrgyz Republic "On Amendments to Forest Code of the Kyrgyz Republic" of June 19, 1997, # 37 (News of Jogorku Kenesh of the Kyrgyz Republic, 1997, # 6, p.230);

The Government of the Kyrgyz Republic shall be assigned to reconcile its normative legal acts with this Code.

President of the Kyrgyz Republic A.Akaev

Adopted by the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic June 29, 1999