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## **APPROACH TO PARTICIPATORY MANAGEMENT OF NATURAL RESOURCES:**

Conflict Situational Analysis Report  
Ak-Say and Ak-Tatyr aiyl okrugs,  
Batken oblast, Kyrgyz Republic

Full version, November 10, 2010

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## List of Acronyms

Aiyl Kenesh	Local council
<i>Aiyl okmotu</i>	Local government
Aiyl Okrug	Rural municipal area
Akim	Head of rural municipality
Aksakal Court	Court of Elders
APMNR	Approach to Participatory Management of Natural Resources
ARIS	Community Investment and Development Agency
FAP	Primary Health Facility
GosRegister	State Registration Agency for Land and Real Estate
Jamoat	Lowest tier of government in Tajikistan
Leskhoz	Forestry enterprise
Mahalla	Neighborhood in Tajikistan
Mahalla committee	A group of representatives of the neighborhood in Tajikistan, not paid by the state
Oblast	Region
Raion	District
Raion kenesh	District level council
RDF	Rural Development Fund
RDI	Rural Development Institute
Rural Health Committee	Community groups established by Swiss Red Cross Project
SDC	Swiss Development Cooperation
State Forest Fund	State owned land under forest
Territorial Investment Committee (TIC)	Committees established on the <i>aiyl okrug</i> level for managing investments, ARIS
USAID	United States Agency for International Development
WB	World Bank
WUA	Water Users' Association

## 1.0 EXECUTIVE SUMMARY

This project, the Approach to Participatory Management of Natural Resources (APMNR), intends to develop an approach to manage conflict over natural resources and test it in two *aiyl okrug*<sup>1</sup> along the Kyrgyzstan-Tajikistan border. The *aiyl okrugs* of Ak Say and Ak Tatyrt are located in the Batken oblast in Southern Kyrgyzstan, and border the Tajik enclaves of Chorkhu and Vorukh.

Relations between ethnic Kyrgyz and Tajiks in the APMNR pilot areas can be tense, and the tension has escalated to violence more than once in the recent past. Both the Tajiks and Kyrgyz in the area have few livelihood options since Soviet era markets dissipated and Soviet supported industry closed. The area generally suffers from poor infrastructure, and greater poverty comparable to other areas of both Tajikistan and Kyrgyzstan. This is compounded by extreme weather patterns and reliance on labor out-migration and agriculture for survival.

Yet, there is significant evidence of interdependence between the Tajiks and the Kyrgyz in the area. The Tajiks and Kyrgyz often engage in trade of goods and services, and they share important resources and infrastructure. Pastures are among the resources shared and are the subject of this report.

Most Kyrgyz and Tajik households own at least a few head of livestock, yet, in the Tajik enclaves of Vorukh and Chorkhu there are no pastures. Livestock must be fed and taken to pasture during the grazing season, and for this the Tajiks must rely on Kyrgyz pastures. This trans-border use of pastures has been the cause of conflict in the pilot areas but also a force for change.

To address pasture use needs, the Tajiks and Kyrgyz in the pilot area make informal arrangements for Tajik animals to be grazed on Kyrgyz land. It is these arrangements, which take place in a context of unequal or conflicting power relationships, an environment of mistrust differing legal rights to and access to pastures, and a lack of transparency in decision-making and a lack of alternatives, which are at the base of much of the ethnic tension in the pilot areas.

The legal framework for the pastures permits the use arrangements such as they are. However, pasture management in Kyrgyzstan at this juncture is not static and there has been a recent change in the law which completely re-conceptualizes how certain pastures must be managed. Positively, in recognition of the importance of pastures in the Batken region and their role in igniting conflict, the presidents of both Tajikistan and Kyrgyzstan have expressed their will for local solutions to the problem via a Joint Statement in 2008.

Partially because of the complex legal framework and also because of the importance of the resource, there are a number of stakeholders – institutional and non-institutional - who have

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<sup>1</sup> The *aiyl okmotu* is the lowest level of formal governance in Kyrgyzstan, also known as the bodies of local self governance. More properly known as the *aiyl okmotu glava*, the term refers both to the administrative head of the *aiyl okrug*, the geographical administrative area.

an interest in the pasture use arrangements. Each of those stakeholders is also affected in some way by the other factors which also contribute to the latent conflict in the pilot area.

Among those contributing factors are:

i) Target population have few livelihood options

Pastures are important as a source of income for both the Tajiks and Kyrgyz in the pilot areas. This is especially true for those households – the overwhelming majority – who have limited choices for earning an income.

ii) Lack of access to or insufficient quantities of arable land

Pressure on pastures is compounded by the lack of access to or insufficient quantities of arable land. Livestock owners cannot rely on cultivation for incomes, neither can they grow fodder for their stock and forgo grazing.

iii) Lack of transparency in and access to decision making

For a range of reasons, both Tajiks and Kyrgyz have little access to or input in decision making which affect them. In circumstances of lack of information and awareness on it is not unexpected that people resort to prejudice to explain why things are as they are.

iv) Communication between the Kyrgyz and Tajiks is limited

Similarly, people are prone to draw antagonistic conclusions about events when there is a lack of systematic and consistent communication between them. The Kyrgyz and Tajik communities and families live side by side, share the same resources, yet for the most part, cannot communicate with one another because of they do not share a common language.

v) Despite interdependence of Kyrgyz and Tajiks, ethnic tensions remain

Evidence of significant interdependence between Tajiks and Kyrgyz suggest that conflict is not insurmountable but also provides more opportunity for the conflict-creating effects of non-communication and misinformation.

vi) Lack of borders between Tajikistan and Kyrgyzstan

Border issues have resulted in national attention on the pilot areas. Lack of borders in some areas means that rules can be broken unwittingly, but it also fuels the perception of border encroachment – and thus loss of land – which exists in the pilot communities.

vii) Tension exacerbated by mixed settlement patterns

In light of the communication and information issues, lack of recognized borders, and differing rights to critical resources, the mixed settlement patterns of the pilot areas feeds latent conflict between the Kyrgyz and Tajiks.

viii) Other important resources in the area are similarly prone to conflict

Water, electricity and other important resources also have a history of being contested between the Kyrgyz and Tajiks in the pilot areas. This history forms the backdrop for tension over pastures.

Despite these factors which contribute to conflict in the pilot communities, the opportunity to mitigate and manage conflict in the pilot area is great. There is significant

interdependence between the Tajiks and Kyrgyz, and it is clear that a few steps to improve transparency, information and communication, and refine pasture management procedures, and improve conflict management skills, has the potential to create change in the pilot communities, as well as in other areas along the Kyrgyz Tajik border which share similar problems.

## 2.0 INTRODUCTION

This project, the Approach to Participatory Management of Natural Resources (APMNR), intends to develop an approach to manage conflict over natural resources and test it in two *aiyl okrugs* along the Kyrgyzstan-Tajikistan border. The project will help the communities create a viable, enduring, and open process for managing conflict over natural resources, which integrates Kyrgyz and Tajik traditions and international best practices. The project pilot areas, Ak Say and Ak Taty, are two border communities in southern Kyrgyzstan, Batken *oblast*, (Kyrgyzstan), near the Tajik enclaves of Vorukh and Chorkhu (Tajikistan).

This situational analysis report is the culmination of research conducted under Activity One<sup>2</sup> and Activity Three<sup>3</sup> of the APMNR project workplan. The purpose of this report is to study and understand the various dimensions, scale, levels, and consequences of conflict in the pilot areas. The underlying view of the report is to develop a specific understanding of the causes of conflict in the pilot area and then establish a broad framework for resolving those conflicts peacefully.



This report supports project Output One: *Improvement in community's/ stakeholders knowledge of nature and extent of conflict in Ak Say and Ak Taty which will provide the basis for the conflict management plan.*

The pilot areas are located in the Ferghana Valley, which is known for its high quality agricultural land and cultural diversity, crossing the borders of Kyrgyzstan, Tajikistan, and Uzbekistan. At the same time, the Ferghana Valley is also known as a hotbed for conflict because it is densely populated, it lacks resources and employment options, and it suffers from a declining standard of living. Moreover, in this context of limited livelihood opportunities, ethnic tensions are high; the Ferghana valley contains ethnic enclaves where borders are not always agreed upon between nations or, in some places, where borders have never been demarcated. Thus, relations between ethnic Kyrgyz and Tajiks in the APMNR pilot areas can be tense, and the tension has escalated to violence more than once in the recent past.

<sup>2</sup> The purpose of Activity One is to conduct a conflict situational analysis, which is the study of the various dimensions, scale, levels, and consequences of conflict with a view to understanding its causes.

<sup>3</sup> The purpose of Activity Three is to use mapping techniques to assist the situation analysis (Activity One) and to prepare spatially referenced map data for use in the implementation of the conflict management plan.

The APMNR project will be focused on the two neighboring *aiyl okrug*s of Ak Say and Ak Taty and has support from the *aiyl okmotu*, *raion* and *oblast* authorities. These villages about the Tajik enclaves of Vorukh and Chorkhu and some borders between the enclaves and the villages have not been demarcated, or are actively contested. The Ak Say municipality consists of three villages and two emerging settlements, Kapchigai and Tash-Tumshuk, which report to Ak-Say *aiyl okmotu* but do not have “village” status. The total population of Ak Say is approximately 6,000 Kyrgyz people (comprising more than 1,300 households) and 500 Tajik households. Ak Taty municipality consists of three villages and one emerging settlement Min-Bulak with a population of about 5,500 people and about 1,250 households. Vorukh and Chorkhu are located in Isfara District in the Sughd province of Tajikistan. Vorukh *jamoat*<sup>4</sup> has a total population of 23,121 and Chorkhu has a total population of 28,846.<sup>5</sup> They are among the most populous towns in Tajikistan.

Both the Tajiks and Kyrgyz in the area have few livelihood options since Soviet era markets dissipated and Soviet supported industry closed. The area generally suffers from poor infrastructure, and greater poverty comparable to other areas of both Tajikistan and Kyrgyzstan. This is compounded by extreme weather patterns and reliance on labor out-migration and agriculture for survival. There is significant evidence of interdependence between the Tajiks and the Kyrgyz in the area; the Tajiks and Kyrgyz are often engaged in trade of goods and services, and they share important resources and infrastructure. Most Kyrgyz and Tajik households own at least a few head of livestock. However, while the Kyrgyz have access to arable land, pastures and forests, the Tajiks do not.

For this reason, the Tajiks and Kyrgyz in the pilot areas, make semi- formal arrangements for Tajik animals to be grazed on Kyrgyz land. It is these arrangements, which take place in a context of unequal or conflicting power relationships, differing legal rights to and access to pastures, a lack of transparency in decision-making and a lack of alternatives, which are at the base of much of the ethnic tension in the pilot areas, and are the subject of this report.

## 2.1 Research Methodology

Field research for this report took place within the Ak Say and Ak Taty *aiyl okrug*<sup>6</sup> and partially in Chorkhu and Vorukh enclaves. The purpose of the field research was to gather qualitative data on the nature and extent of conflict over natural resources in the target villages from both the Kyrgyz and Tajik perspective, to understand who benefits from, and who is negatively impacted by, the current arrangements for natural resource use, to understand the political context in greater detail, and to learn how the current patterns of natural resource management impact livelihoods, income, power, and institutional arrangements.

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<sup>4</sup> *Jamoat* is the lowest formal level of administration in Tajikistan. It is roughly equivalent to the *aiyl okmotu* in Kyrgyzstan.

<sup>5</sup> UN Coordination Tajikistan, List of *Jamaots* in Tajikistan, available at [https://www.untj.org/files/minutes/Food/List\\_of\\_Jamoats.xls](https://www.untj.org/files/minutes/Food/List_of_Jamoats.xls), last visited September 29, 2009.

<sup>6</sup> Note: The 4 villages of inquiry are *Kok Tash*, Ak Taty, *Orto Boz*, and Ak Say. Ak Taty *aiyl okmotu* has one other village, *Ravat*, which was deselected for inclusion in this project since it is in not a village in an area with a disputed border and there are no ethnic Tajiks living there. Uch-Dobo was also excluded from the project because there was no major inter-ethnic conflicts found there.

The field research used villages transect walks, participatory mapping, rapid appraisal techniques including focus group, key stakeholder, individual and household interview techniques. Research was conducted with Kyrgyz and Tajik people, local authorities, religious and opinion leaders, shepherds, livestock owners, and users of pasture secondary resources. Women and men were interviewed separately. Members of the research team also met with NGOs based in Bishkek, Osh and Batken working on relevant issues, and with *raion* and *oblast*, and *jamoat* authorities.

The research was conducted in two phases. First, a rapid community assessment was undertaken to identify key resource constraints, key resource user groups, and key stakeholders, and to gain a general understanding of the socio-political context. On the basis of this first round of research, the issues were prioritized and refined and a general framework for the second phase of field work was devised. The second phase of field research was conducted by RDI and RDF, and included a social scientist, a natural resource and mapping specialist, lawyers, community based development specialists, pastures specialists, and others. Tajik research was conducted by a social scientist from Tajikistan.

This report is divided into seven sections and two annexes. The next section briefly explains the nature of conflict and the purpose of studying it. It then applies those principles to the pasture resource in the pilot area. Section four covers the legal and governance framework for the pasture resource in Kyrgyzstan, and section five considers the key stakeholders in the pasture use arrangements. Section six describes some of the geographical, economic, and resource related constraints that the communities face which contribute to the conflict in the area. Section seven, makes some concluding remarks and is followed by Annex one and Annex two which tables of relevant Kyrgyz and Tajik laws.



### 3.0 CONFLICT

To help frame the remainder of the document, this section provides a broad-brush description of how conflict over natural resources might be conceptualized. Then, using this information, it details the conflict over pastures in the APMNR project pilot areas.

### 3.1 Conflict generally<sup>7</sup>

Conflict, whether public or private, is a pervasive aspect of natural resource management. It is generally defined as a relationship involving two or more parties who have, or perceive to themselves to have, incompatible interests or goals. Many consider the term ‘conflict’ to be negative but it is better understood as a normal part of political and social life. It is true that conflicts can be a major constraint to community organization and cohesiveness, which, if left unattended, can escalate into violence. Yet, conflict is pivotal to how we function as community and how we relate to outsiders, and can be a powerful and constructive force for change. If dealt with effectively, it can help identify sources of tension and suggest stable and orderly solutions.

Conflict can take many forms and may not always be visible. It is violent if it involves the threat or use of strong physical force; however, violent conflict may also consist of actions, words, attitudes or structures that cause damage and prevent people from pursuing their livelihoods and well-being. Conflict may also be latent. Latent conflict refers to social tensions, differences and disagreements that are hidden or undeveloped. This is the state at which incompatible goals may exist, but parties may either not be conscious of them, or not willing to reveal themselves or their interests. Latent conflict may escalate into violence in a number of situations. For instance, when there are inadequate channels for dialogue and disagreement; when dissenting voices and deeply held grievances cannot be heard; when there is instability, injustice and fear in the wider community or society; or when people perceive incentives - however unreasonable - or advantages from violence.

Conflicts are a fact of life. Conflict involves people’s thoughts or ideas, their emotions, feelings and perceptions, and their actions. For these reasons, there is no single true or objective account of a conflict. Rather, the participants in and the observers of conflicts interpret or frame conflicts differently, depending on their perspectives and interests; thus, conflicts are about perceptions and the different meanings that people give to events, policies, institutions. Also, the origins of conflict are often complex and diverse. They are embedded in local cultural systems, but are also connected to wider social, economic, and political processes. And the nature of conflict may be changing, rather than single, self-contained events. Each conflict has its own unique history and runs its own course of various phases and levels and intensity. The next section addresses the historical and present day context for the conflict over pastures in the pilot areas.

***A note on perceptions and conflict***

*In everyday life and in conflict situations, perceptions, rather than objective facts, drive people’s decision-making. In a conflict situation it is critical not to begin by challenging perceptions but rather to accept they are real, and that those perceptions can have very serious physical repercussions.*

### 3.2 Conflict over pastures in the pilot areas

<sup>7</sup> This section has largely been summarized from Means, Katherine, et al, *Community-based Forest Resource Conflict Management: A Training Package*, Food and Agriculture Organization, Rome, 2002. Available at <ftp://ftp.fao.org/docrep/fao/005/y4300e/y4300e01.pdf>, last visited September 29, 2009.

In the Tajik enclaves of Vorukh and Chorkhu there are no pastures. Livestock is culturally important, being used for different family and community events. Also, livestock are a source of income for Kyrgyz and Tajik people, and the majority of households keep them. Yet livestock must be fed and taken to pasture during the grazing season, and for this the Tajiks must rely on Kyrgyz pastures. This trans-border use of pastures has been a force for change and also the cause of conflict in the pilot areas.

### 3.2.1 Context

The Ferghana valley is considered a hotbed of conflict in Central Asia. It extends into Kyrgyzstan, Tajikistan, and Uzbekistan and is home to more than 10 million people.<sup>8</sup> The Kyrgyz portion of the valley takes up 40% of the Kyrgyz land mass and has a population of roughly 390,000, 75% of which are Kyrgyz, 15% are Uzbek, 7% are Tajik and the remainder is made up of Russian, Tatar, Turkish and others.<sup>9</sup> There are seven administrative provinces in the valley—three are Uzbek (Andijan, Ferghana, and Namangan), three Kyrgyz (Batken, Osh, and Jalal Abad), and one Tajik (Sughd, formerly Leninabad). Acute conflicts over water and land resources, old ethnic rivalries, and steep decline in people's living standards make this region prone to violence.<sup>10</sup>

#### Map of Kyrgyzstan



The project *oblast*, Batken, is situated in the south-west of Kyrgyzstan, three quarters of its borders are international; Tajikistan to the south, west, and north-west and Uzbekistan to its east. Batken *oblast* also includes both Tajik and Uzbek enclaves. Relevant to this project are the Tajik enclaves of *Vorukh* and *Chorkhu* (see map above). In some places the border between Tajik and Kyrgyz territory is not demarcated; where they exist, borders around the

<sup>8</sup> Slim, R., *Central Asia: The Ferghana Valley: In the Midst of a Host of Crises*, 2002, available at <http://www.conflict-prevention.net/page.php?id=40&formid=73&action=show&surveyid=30>.

<sup>9</sup> *Id.*

<sup>10</sup> See Slim *op. cit.* for a review of the ethnic clashes in the Ferghana valley between independence from the Soviet Union and 2002.

enclaves are often through hard-to-access mountains. The Batken *oblast* suffers the worst social and economic conditions in Kyrgyzstan.<sup>11</sup> Unemployment is high and prospects for the high percentage of unemployed young people are few.<sup>12</sup>

The project focuses on the *aiyl okrugs* of Ak Taty and Ak Say in Batken *oblast*; the four villages selected from these *aiyl okrugs* are: Ak Say, Kok Tash, Ak Taty, and Orto Boz. These villages abut the Tajik enclaves of Vorukh and Chorkhu. While each village has unique characteristics with respect to ethnic composition and settlement patterns, many share similar resource uses and constraints, a lack of functioning infrastructure, a lack of livelihood options, and a reliance on remittances as the main source of income. Many of these characteristics are shared with the Tajiks who live in the pilot areas and in the bordering enclaves. Table 1 shows a profile of each of the target villages, noting that information on the Tajik populations within each of these villages may not be available, since they are not reflected in Kyrgyz *aiyl okrug* statistics.

**Table 1: Profile of pilot villages<sup>13</sup>**

	AK SAY AIYL OKRUG		AK TATYR AIYL OKRUG	
	Ak Say village	Kok Tash	Ak Taty village	Orto Boz
<b>Pattern of settlement</b>	Kyrgyz inhabitants, village borders enclave. 17 Tajik inhabitants who have taken Kyrgyz citizenship	50% Kyrgyz, 50% Tajik,; different sections of the village for each group	Kyrgyz inhabitants, village borders enclave	Small settlements of Kyrgyz surrounded by mostly Tajik village
<b>Households (Kyrgyz)</b>	400	450	650	210
<b>Men/Women (year)</b>	823/761 (2007)	1180/1095 (2007)	1546/1421 (2006)	442/460 (2006)
<b>Schools</b>	1 school	3 Kyrgyz schools, 2 Tajik schools	1 school	1 school
<b>Access to water</b>	85% access to potable water	Use river or irrigation ditch for drinking water	60% access to portable water	30% access to portable water
<b>Health care</b>	FAP.* Nearest pharmacy is 20km	FAP. Village first aid and obstetrician's station. Nearest pharmacy is 21km.	FAP. Nearest health care facility is 10km. Nearest pharmacy is 10km.	FAP. Nearest health care facility is 13km. Nearest pharmacy is 13km.
<b>Land holdings (year)</b>	0.083ha share per person. 4 households are landless (2004)	0.03ha share per person. 53 households are landless (2004)	0.02ha share per person. 25 landless households (2006)	0.02ha share per person. 17 landless households (2006)
<b>Community</b>	<i>Aiyl okmotu</i>	School	<i>Aiyl okmotu</i>	<i>Aiyl okmotu</i>

<sup>11</sup> Bisig, N., *Working with Conflicts in Kyrgyzstan: PCIA based on an Analysis of the Conflict Situation in Southern Kyrgyzstan*, Helvetas Kyrgyzstan, March 2002, at 10

<sup>12</sup> *Id.*

<sup>13</sup> Taken from Ak Say and Ak Taty census data provided by the *aiyl okmotu*.

<b>organizations in order of influence</b>	Military Unit Aksakal Court Territorial Investment Committee (ARIS) Rural Health Committee (SDC)	FAP <i>Aiyl okmotu</i> Mosque <i>Leskhoz</i>	Military Unit Aksakal Court Territorial Investment Committee (ARIS) Rural Health Committee (SDC)	Military Unit Aksakal Court Territorial Investment Committee (ARIS) Rural Health Committee (SDC)
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\* FAP is the name given to medical centers

### 3.2.2 Pasture use arrangements in the pilot areas

This assessment focuses on pastures which are in the Kyrgyz republic. Tajiks used Kyrgyz pastures relatively freely until 2003 when events in the region resulted in restricted cross-border movement.<sup>14</sup> Outbreaks of significant violence were reported in response to these restrictions, as Tajiks were left with no options for grazing their stock. The violence reached a head and received national government attention on both the Kyrgyz and Tajik side, and in response the Kyrgyz established the “conflict committees.” The conflict committees are made up of a member of the *aiyl okmotu*, *aiyl kenesh*, shepherds, the veterinary service, *leskhoz*, and Gosregister. The conflict committee of Ak Say and Ak Tatyр created the pasture use arrangements which continue today in the plot areas which are subject of this analysis.



In response to this legal change, the conflict committees and their Tajik counterparts in the pilot areas have made arrangements that permit Tajik livestock owners to pay Kyrgyz shepherds and Kyrgyz local government or *leskhoz*<sup>15</sup> to graze their livestock on Kyrgyz land. However, such arrangements are not transparent nor are they formalized or codified, and they are thus very insecure. Moreover, there are few enforcement options for the Tajiks if the Kyrgyz shepherds lose livestock or otherwise do not honor their side of the bargain.

<sup>14</sup> In March 2002, Tajikistan established additional customs and border posts unilaterally in disputed territories. This gave rise to mass protests by Kyrgyz who travel across the border to attend markets and to access pastures. Vehicles and stock remained idle for days along the newly established posts. After some time, in response, the Kyrgyz strengthened posts next to those of the Tajiks. Among other things, this broke links between the Tajik enclaves and the Tajik mainland, restricted access for Kyrgyz and Tajiks to cross borders and resulted in protests and violence. At an intergovernmental meeting held in 2003, parties agreed to remove uncoordinated posts. The events were reported in the mass media as being an issue of conflict between the two nations.

<sup>15</sup> The *leskhoz* is the main institution managing state forest fund land. For more information see Section 4.1.2 for more information on this institution.

In addition, Tajiks pay between four to six times more than Kyrgyz to graze their animals on Kyrgyz land, and the Kyrgyz shepherds retain the value of the milk and milk products while the Tajik livestock are in their care. On the other hand, to access the most important pasture lands, Kyrgyz shepherds must pass through the Tajik enclaves of Vorukh and Chorkhu, often at night to avoid causing traffic problems, and report violence, stock theft, the need to bribe border guards, and abuse during their passage. The problems are compounded by the fact that the Tajiks and Kyrgyz livestock owners do not know their legal rights in the situation.

The basic process for pasture use in the pilot areas applies to both pastures in agricultural land and pastures on State Forest Fund land<sup>16</sup>. It begins before the grazing season, where the *aiyl okmotu* conducts an annual inventory of Kyrgyz livestock, going house to house. The *aiyl kenesh*<sup>17</sup> sets the price for grazing, and then gets approval for the prices from the anti-monopoly agency. Based on census results the *aiyl okmotu* issues certificates to shepherds; the certificates are required for entry into both State Forest Fund pastures and *aiyl okrug* pastures (see Table 2 for the certificates and permits that are needed for pasture use in the pilot area). The shepherds also receive a veterinary certificate in this process. Without certification neither Kyrgyz nor Tajik animals can cross the border.

**Table 2. Certificates and permits needed to access the pastures (Kyrgyz livestock)**

	<b>Name</b>	<b>Responsible Institution</b>
1	Certificate of Vaccination	State Vet Service of Batken Raion
2	Certificate from <i>aiyl okmotu</i> on the number of livestock	<i>Aiyl okmotu</i> , Kyrgyzstan
3	Pasture lease agreement (proof that one has paid taxes/use fees)	<i>Leskhoz</i> or <i>Aiyl okmotu</i> (depending on pastures concerned)
4	Forestry Ticket (if <i>leskhoz</i> lands)	<i>Leskhoz</i>

**Table 3. Certificates necessary to access the pastures (Tajik livestock)**

	<b>Name</b>	<b>Responsible Institution</b>
1	Certificate of Vaccination	State Vet Service of Batken Raion
2	Certificate on the number of livestock and affiliation	<i>Jamoat</i> , Tajikistan
3	Pasture lease agreement (proof that one has paid taxes/use fees)	<i>Leskhoz</i> or <i>Aiyl okmotu</i> (depending on pastures concerned)
4	Forestry Ticket (if <i>leskhoz</i> lands)	<i>Leskhoz</i>

The conflict committee meeting is convened twice a year. At this meeting, the committee calculates the shepherds' payment and determines how shepherd payments will be distributed between the institutions which govern different categories of pasture land (i.e. *aiyl okmotu* and *leskhoz*). The committee meets in the spring before going to pasture and in the fall for payment.

After calculating how many Kyrgyz animals will be grazed on the pastures, the *aiyl okmotu* determines then how many Tajik animals may join the herd. The *aiyl okmotu* then sends a letter to the Tajik *jamoat* in Chorkhu and Vorukh, stating the permissible number of Tajik animals that may be grazed on Kyrgyz pastures by Kyrgyz shepherds, and the date and time

<sup>16</sup> See Section 4.1 for a description of each of these legally defined categories of Kyrgyz pasture land.

<sup>17</sup> The *aiyl kenesh* is the executive arm of the *aiyl okmotu*.

when they should be brought to the holding area. The *aiyl okmotu* also informs the border guards, to ensure informal enforcement of the agreement. It is expected that the Tajik local authorities do the same with the Tajik border guards who police the border to the enclaves. *Raion* leaders report that up to 100 head of Tajik cattle, and 3,000 head of sheep are grazed in this way every year.

In the holding area, the conflict committee counts the animals. The *aiyl okmotu*, *leskhoz* and veterinary inspector wait for the shepherds at the holding in Ak-Sai village near the border to the Vorukh enclave to check certificates and mark in their respective maps which pastures each shepherd should be going to. The difference between the Kyrgyz annual livestock inventory numbers and the total number of animals in the holding area is taken to be the total number of Tajik animals that join the Kyrgyz herd. A follow-up inspection takes place after the shepherds exit Vorukh enclave, a 22 km long route where the shepherds tend to pick up more livestock from the Tajik population that is not included in the initial counts but for which the shepherds receive payment.

The shepherds graze the animals for the summer months. They move between pastures on agricultural land and pastures in Forest Fund Land. They often do this in rotation with family members or other shepherds. Their wives and family stay with them in the pastures when they are there, for at least part of the time, and are responsible for milking the animals and making milk products (butter, *kurut*) which they sell at local markets. Once the grazing season has come to an end, the shepherds return the animals to the holding area and the Kyrgyz and Tajik owners collect their stock.

These arrangements for pasture use in the pilot areas are in no way ubiquitous; in fact they are the result of the agency of the local authorities in the pilot areas more so than a result of regional policy. Yet, the pasture use arrangements in the pilot areas have the support of the *raion*, *oblast*, and *jamoat* authorities<sup>18</sup> and are regarded by many authorities as the only solution to the former situation where Tajik animals had no time in pastures, which resulted in violent clashes.

While this system for pasture use is an improvement over the alternative, it is not without its problems. These problems, covered in more detail in the remainder of this report, relate generally to unequal bargaining power between the Tajik livestock owners, shepherds and institutions, lack of information on legal rights and visibility into decision making for all livestock owners, and little recourse for any party when things do not go according to plan.

These problems contribute to ethnic tension which expresses itself in interactions between the Tajiks and Kyrgyz in other facets of their lives. For instance, there has been physical violence and threats of violence, especially among Tajik and Kyrgyz school children and youth in the villages, but also by police and border guards. In addition, Tajik and Kyrgyz border guards are reported to threaten and take bribes from civilians who cross the border, and Kyrgyz border guards pulled their guns on a Tajik boy who was collecting firewood in a Kyrgyz forest. Kyrgyz shepherds reportedly prefer travelling through the enclaves at night

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<sup>18</sup> For example, through Regulation of the Batken district council (*kenesh*) of pasture use within a district area, #3 of April 10, 2009 which sets pricing for Tajik animals that are shepherded by Kyrgyz shepherds.

rather than be subjected to verbal and physical abuse and the risk of “losing” stock during their passage.

In addition, each side blocks access to the other to important infrastructure. For example, the Tajiks have blocked electricity and irrigation water to the Kyrgyz. The Kyrgyz have dammed irrigation channels and were unwilling to work with the Tajik to stop up the source of a landslide which originated in Kyrgyzstan and ended and caused damage in Tajikistan. There have also been instances of the destruction of each other’s assets, like fences and apricot orchards. Importantly, the perception, by both locals and outsiders alike, is that latent conflict between Tajiks and Kyrgyz in the pilot areas is volatile, and that it could erupt at any time. Moreover, it can be difficult to distinguish between conflict that is obviously related to natural resource constraints, and conflicts related to historical or other reasons.

## 4.0 LEGAL AND GOVERNANCE FRAMEWORK

The next section of the report will focus specifically on the pasture resource the legal and governance framework for pasture use and management in Kyrgyzstan.<sup>19</sup> It will also assess the current pasture use within the pilot area in the context of this framework, and helps to explain some of the institutional issues that arise on pastures in the pilot areas. Tajik land<sup>20</sup> and pasture laws will not be addressed in this section because the pastures in question are located in Kyrgyzstan.

### 4.1 Overarching Framework

The Constitution of Kyrgyzstan recognizes private, municipal, state and other forms of property.<sup>21</sup> The Land Code regulates land relationships in the Kyrgyz republic, including its ownership and use. Agricultural land, sometimes referred to as *ugodia*, is defined as land used for production, in particular, arable land, dry land, land occupied with perennial plants, hayfields and pastures.<sup>22</sup> The Land Code also provides for different ownership of land, in accordance with the Constitution; that is, state, communal, and private.<sup>23</sup>

All pastures fall within the category of state land, but are governed differently depending on their designation as either agricultural land or Forest Fund land. Pastures which are within forest fund land are governed by the Forestry Code; other pastures, are governed by the Land Code and by the Pasture Law (formerly Resolution number 360 on Pastures). This bifurcated designation of pastures engenders their somewhat complicated institutional arrangements and contributes to widespread misunderstanding of how Kyrgyz pastures can and should be managed. The breakdown of each category of pasture land in the pilot areas is included in Table 4, below.

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<sup>19</sup> For a useful table describing all Kyrgyz and Tajik laws which pertain to this subject area, please see Annexes One and Two.

<sup>20</sup> Land in the Republic of Tajikistan is the exclusive property of the state. Natural persons are granted use rights of limited or lifelong duration or a lease, for a fee. See Land Code of the Republic of Tajikistan, December 13, 1996, #327.

<sup>21</sup> Constitution of the Republic of Kyrgyzstan 1993 Article 4.

<sup>22</sup> Land Code of the Kyrgyz Republic, #45 of June 2, 1999, article 1(26) (hereinafter “Land Code”)

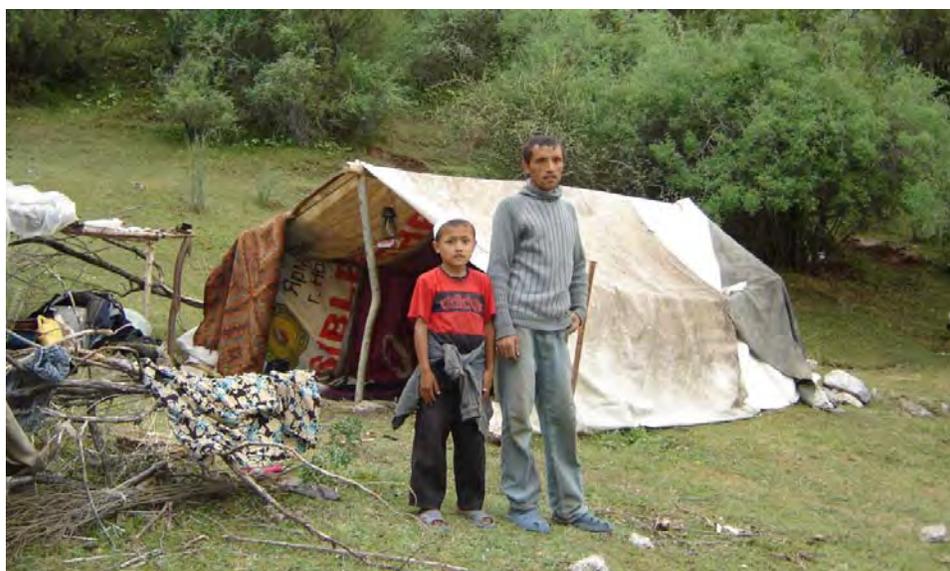
<sup>23</sup> Land Code, article 4(1)

**Table 4: Pastureland in pilot *aiyl okrug***

	Agricultural lands	Pastures	Usable pastures as percentage of all land
Ak-Sai <i>Aiyl okrug</i>	3 142 ha	2 900 (1000 ha are pastures, the remainder are badlands <sup>24</sup> )	4 %
Ak-Tatyr <i>Aiyl okrug</i>	38 270 ha	2 800 ha	11 %
Batken <i>Leskhoz</i> (incl. 4 forestry units)	162 410 ha	21 123 ha	85 %

#### 4.1.1 Pastures of Agricultural Land

The legal and governance framework for pastures which are classified as agricultural land has recently changed. Until January 2009, management of these pastures was governed by the Land Code (1999) and Resolution 360 on Pastures Use (2002). Pastures were the exclusive property of the state, rights to which would only be granted by short- or long-term leases.<sup>25</sup> Near pastures, intensive pastures and distant pastures were governed by different levels of state administration, that is, *aiyl okrug*, *raion*, and *oblast* respectively.<sup>26</sup> The Tax Code established base rates for land taxes for agricultural land use including pastures.<sup>27</sup>



Managing pastures under this law proved problematic. There was a wide discrepancy between law and practice, which impacted pastureland's revenue generating potential for local government, and raised questions about equity and ecological sustainability. In addition, pasture allocation and management decisions were dispersed in three different levels of government, creating a lack of integrated ecological management, and complicating access for users and producers.<sup>28</sup> Further, information about seasonality, pasture quality and

<sup>24</sup> Badlands refer to stony pasture lands with no vegetation, it may also include glaciers.

<sup>25</sup> Resolution 360 of the Government of the Kyrgyz Republic Articles 3, 6-7.

<sup>26</sup> Land Code, articles 13(2), 15(2), 17(1).

<sup>27</sup> Tax Code of the Kyrgyz Republic, #320 of October 17, 2008.

<sup>28</sup> Childress, M., et al., *Rapid Appraisal of Land Reform in the Kyrgyz Republic: Draft for Comment and Discussion*, USAID, 2003 (on file with author), at 4.

predicted growth rates was often not reflected in use allocations and management plans were often based on over-simplified rules-of-thumb.<sup>29</sup> Also, the pasture leasing system did not take into account local conditions and priorities, nor was it linked to commercial strategy for livestock development.<sup>30</sup>

The new law on Pastures, effective in 2009, seeks to address these issues and envisions a new structure for pasture management but is, as yet, largely unimplemented<sup>31</sup>. Under the new law pastures continue to be property of the state, but all pastures are managed by bodies of local self-governance.<sup>32</sup> Bodies of local self governance have the right to delegate pasture management and use authority to Pastures Users Unions, whose organization, procedures, and composition is provided by law.<sup>33</sup>

The new law for managing pastures in agricultural land will have an impact on the current pasture arrangements in the pilot areas. By largely devolving pasture management to the Pasture Users Union, the new law will impact a significant source of *aiyl okmotu* power and revenue. The *aiyl okmotu* may in turn actively seek to retain power, and thereby not cooperate in the devolution to the Pasture Users Union. In addition, the current pasture use arrangements rely on the *aiyl okmotu* to play a critical coordinating role, and, if they lose power or revenue from the new pasture arrangements, they may have less of an incentive to do so.

The new pasture law also envisions a new structure for pasture use rights. Leasing or sub-leasing pastures is prohibited, but access is provided via a use ticket which is administered and issued by the Pasture Users Union. Fees for tickets are fixed each year and consider carrying capacity of the pasture in question.<sup>34</sup> Leases which were issued under the former system must be exchanged for pasture tickets in accordance with the law, and any lease which was illegally established under the former law will be regarded as invalid.<sup>35</sup> In addition, bodies of local self governance do not have the right to sell pastures, and pastures may not be provided for use to foreign persons absent an interstate agreement.<sup>36</sup>

The change in use structure will have little impact on the current pasture arrangements such as they are in the target areas. The restrictions against foreign persons does not apply to the pasture use arrangements in the pilot areas described above, because Tajik animals are herded by Kyrgyz shepherds, and the Tajiks themselves are not given pastures to use.

### **Illustration One: Pasture Management Under Old and New Pasture Law**

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<sup>29</sup> *Id.* at 5.

<sup>30</sup> *Id.* at 6.

<sup>31</sup> Note: The Agricultural Investment and Support Project (AISP) aims to implement the new pasture law. It is co-financed by International Fund for Agricultural Development (IFAD), the Swiss Development Cooperation (SDC), and the Government of the Kyrgyz Republic. It is implemented by the Pasture Department of the Ministry of Agriculture, and the Community Development and Investment Agency (ARIS).

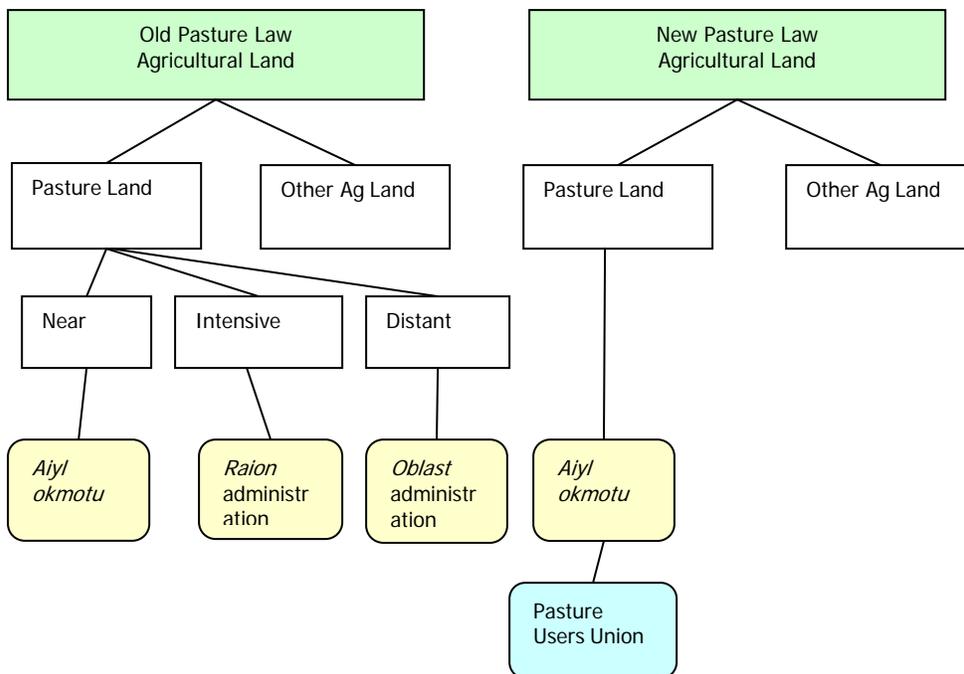
<sup>32</sup> Law of the Kyrgyz Republic on Pastures, # 30 of January 26, 2009 Articles 3, 4 (hereinafter "Law on Pastures"). "Bodies of local self governance" is the legal name for the administrative body otherwise known as the *aiyl okmotu*.

<sup>33</sup> *Id.* at Articles 5-8

<sup>34</sup> Law on Pastures, article 10

<sup>35</sup> *Id.* at article 12

<sup>36</sup> *Id.* at articles 4, 13



#### 4.1.2 Pastures in Forest Fund Land

The Forest Code governs management and use of land within the State Forest Fund, including pastures or land used for grazing. All forests and lands which being in state, communal and private ownership and allocated for forestry purposes shall form the Forest Fund of the Kyrgyz Republic.<sup>37</sup> Within the Forest Fund is State Forest Land, which is exclusively owned by the state, communally owned forests and privately owned forests.<sup>38</sup> Forest Fund lands include land with forest cover as well as un-forested land which is allocated for forestry purposes, this may include pastures which fall within land which has been allocated as a forest.<sup>39</sup>

Disposal and use of Forest Fund land is exercised by the State Forest Management Body.<sup>40</sup> Its main competencies include establishing rules and regulations relating to guarding, protecting and using Forest Fund land, distributing pastures of the Forest Fund with participation of *oblast* and *raion* authorities, leasing State Forest Fund land, organizing and controlling use of Forest Fund lands, and solving forest management issues.<sup>41</sup>

The *leskhoz* is the main component of and the lowest institutional entity within the state forest management structure. It is a separate production and economic unit and serves as both a management body and a forest enterprise. According to the law, it is an independent legal entity and has economic and financial independence from the state,<sup>42</sup> however, in practice, *leskhoz* must transfer all revenues to the central budgets and it does not have a say in

<sup>37</sup> Forest Code of the Kyrgyz Republic, # 66 of July 8, 1999, article 6 (hereinafter "Forest Code")

<sup>38</sup> Forest Code, articles 7,11

<sup>39</sup> *Id.* at article 8

<sup>40</sup> *Id.* at article 23

<sup>41</sup> *Id.* at article 24

<sup>42</sup> *Id.* at article 1

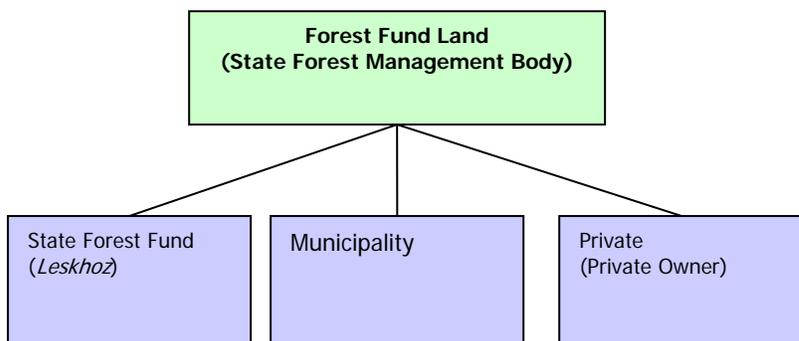
how revenues are spent. At the same time, *leskhoz*'s operations are governed by the directions of forest management plans developed and approved by the State Agency for Environment and Forestry, to whom all *leskhoz* report.

The powers of *leskhoz*es are broad and far-reaching and their obligations few. Among other things, *leskhoz*es have the right to propose development plans for forests to the State Forest Management Body, to carry out forest use-related economic activity, to allocate Forest Fund plots to organizations and individuals and issue forest use tickets, to make lease arrangements, and to issue orders certifying rights to use other natural resources on Forest Fund land.<sup>43</sup> *Leskhoz*es are obliged to ensure regeneration, guarding, protection and improvement of forests, to use forest products only within scientifically justified limits, and to carry out economic activities using methods that ensure preservation and protection of the forest environment.<sup>44</sup>

Since the new Pasture Law governs only pastures outside of State Forest Fund lands, use rights and arrangements of pastures in Forest Fund land differ from those of pastures in agricultural land. Unlike pastures in agricultural land, there are no restrictions on the nationality of the user of Forest Fund plots; they may be used by Kyrgyz and foreign entities and individuals.<sup>45</sup> Pastures use rights in Forest Fund land are via lease and forest ticket. For leases, the lessors are *leskhoz*es.<sup>46</sup> Lease agreements, including fee-setting, is left to the discretion of the *leskhoz* and are subject to little oversight.<sup>47</sup> Aside from establishing that *leskhoz*es have the right to issue forest use tickets, it is otherwise silent on how forest ticket distribution is to be done.

In addition, the law provides no requirements for due process, accountability, or transparency into the decision making processes of the *leskhoz*, and it does not include a right to appeal *leskhoz* decisions. So, while *leskhoz* manages all state Forest Fund land, in practice the *leskhoz* can have close to absolute power over the resource. *Leskhoz* pastures are critical during the grazing season as the number of both Kyrgyz and Tajik livestock is increasing and cannot be supported by the agricultural land pastures alone.

### Illustration Two: Forest Land and Management Structure



<sup>43</sup> *Id.* at article 37

<sup>44</sup> *Id.* at article 37

<sup>45</sup> *Id.* at article 14.

<sup>46</sup> *Id.* at article 42

<sup>47</sup> *Id.* at articles 43, 44.

### 4.1.3 Authority and Jurisdiction

The pasture use arrangements in the pilot areas are within the scope of authority of the parties who have developed them, and reflect the will of both the Tajik and Kyrgyz governments.

#### 4.1.3.1 National Security Council Agreement

The pasture arrangements reflect the intention of Tajik and Kyrgyz governments as reflected in the Joint Statement delivered after Tajik-Kyrgyz violence erupted over in the Batken region in 2003. Recognizing that agreeing on Kyrgyz-Tajik borders will improve bilateral relations and ensure security and stability in the region, the two governments made a joint statement which became effective in 2008.<sup>48</sup> Joint statements are not legally binding, however they do represent the intent of the Presidents of the two countries, and there is often much pressure to ensure that those intentions are realized by government agencies charged with doing so. Among other things, the joint statement creates the Interstate Coordination Council, which is commissioned to settle border issues, and both countries committed to facilitating the process and to assist in avoiding conflict.<sup>49</sup> In the meetings preceding the Joint Statement, the Presidents agreed that local raion and oblast authorities in border areas should establish joint social and training activities aimed at improving traditionally friendly relations between the Tajik and Kyrgyz people,<sup>50</sup> and that joint local level conflict committees should be created.<sup>51</sup>

#### 4.1.3.2 Law on local government – Kyrgyzstan

It is within the authority and jurisdiction of the *aiyl okmotu* to make the pasture arrangements. The law on local self governance and local state administration establishes communities' right to self government.<sup>52</sup> Local self governing bodies include the *aiyl okmotu*, and *aiyl kenesb*. Among other things, the local self governing body (has jurisdiction over issues of local significance, provided that they do not contravene the Kyrgyz Constitution or Kyrgyz law.<sup>53</sup> Issues of local significance, include ensuring economic development, managing *aiyl okrug* property, and establishing land use development rules.<sup>54</sup> In addition, the Batken *kenesh* passed a regulation which states that managing pasture use rights is delegated to the bodies of local self governments, and recognizes that those pastures may service foreign animals, provided that those animals meet Kyrgyz veterinary standards.<sup>55</sup>

In making decisions on matters of local importance, the *aiyl okmotu* is required to harmonize national and local interests.<sup>56</sup> As expressed within the Joint Statement between the Tajik and

<sup>48</sup> Joint Statement of the President of the Kyrgyz Republic, K. Bakiev, and the President of the Republic of Tajikistan, E. Rakhmon, May 16, 2008.

<sup>49</sup> *Id.* at article 2.

<sup>50</sup> Minutes of Meeting between Intergovernmental Delegations of the Kyrgyz Republic and the Republic of Tajikistan, April 29, Isphara.

<sup>51</sup> Minutes of the Meeting between Intergovernmental Delegations of the republic of Tajikistan and the Kyrgyz Republic, November 26, 2008, Batken.

<sup>52</sup> Law of Kyrgyz Republic on Local Self Governance and Local State Administration, #99 of May 29, 2009, article 1 (hereinafter "Law on Self Governance")

<sup>53</sup> *Id.* at article 18, 10.

<sup>54</sup> *Id.* at article 18 (1), (2), (5).

<sup>55</sup> Regulation of the Batken Kenesh On Regulation of Pasture Use within a District Area, #3 of April 10, 2009.

<sup>56</sup> Law on Self Governance. article 16.

Kyrgyz Republics, it is within the national interests for border communities to work together to maintain security and safety in the area and to make arrangements to avoid conflict. In addition, it is within the interests of the Batken authorities that the *aiyl okmotu* manages pastures on agricultural land within their administrative boundaries.

#### 4.1.3.3 Law on local self government – Tajikistan

The *Jamoats* are local self government bodies of Tajikistan at village and settlement levels who assist in the exercise of state and public matters.<sup>57</sup> The scope of the *Jamoat's* authority includes supporting social and economic development initiatives for settlements and villages, among other things. *Jamoats* may make agreements with representatives of foreign nations, provided that those contracts are within the scope of their authority.<sup>58</sup>

## 5.0 STAKEHOLDERS

The arrangements that have been developed for managing pasture use and access have a number of both institutional and non-institutional stakeholders. Stakeholders are all those groups and individuals who possess a stake (or an interest) in, or are affected by, the management of pastures in the target area. The following section will look at the various stakeholders in the pasture resource and, where possible, will identify the extent of the stakeholder involvement in the conflict, their relative power, interests and expectations, the possibility of a that stakeholder's response to attempts to manage conflict, the like difficulty of various stakeholders working together, and their potential contributions of each towards managing the conflicts.

### 5.1.1 Institutional Stakeholders

#### 5.1.1.1 *Aiyl okmotu*

In the otherwise limited Batken region, revenue from the current pasture arrangements are critical to the functioning of the *aiyl okmotu*. Since the development of this pasture use agreement between the *aiyl okmotu*, Kyrgyz shepherds, the Tajik livestock owners, and the *leskboz*, *aiyl okmotu* revenue has increased up to ten times.

Under the old pasture law, which is still in place on the ground, the *aiyl okmotu* have legal authority over near pastures only, but in practice they appear to manage all pastures on agricultural land.

*Aiyl okmotus* are the agents of the current pasture use agreements in the pilot area. The agreement has resulted in mutual gain for the Tajiks and the Kyrgyz livestock owners and has somewhat dampened the latent conflict related to this resource. The *aiyl okmotu* play a critical role in communicating with the Tajik *Jamoat*, issuing certificates, enforcing the arrangement and working with border guards. Revenue generation aside, the *aiyl okmotu* gain a significant amount of power and influence by playing this role, and it would also be

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<sup>57</sup> Law of the Republic of Tajikistan on Local Self Governments, December 1, 1994 #1094.

<sup>58</sup> *Id.*

important that they play some role, or are at least supportive of, any future conflict management plan.

### 5.1.1.2 Other levels of government

The *raion* authorities play a small role in the conflict committee if there is a disagreement, but otherwise appear somewhat inactive. The *oblast* authorities do not appear to play any role, but approve of the existing arrangements.<sup>59</sup> Because pasture use arrangements have resulted in violent clashes in the past and because those clashes received a national response, it is in the interests of the *raion* and *oblast* level authorities for relations between Tajiks and Kyrgyz to maintain peaceful relations. At the same time, some authorities report that they have received some criticism at the national level for permitting foreign animals to use Kyrgyz land.

### 5.1.1.3 *Leskhoz*

There is one *leskhoz* for all of Batken *oblast*, which comprises four units. *Leskhoz* manages 162, 410 ha of land, some of which are used as pastures. However, the lines of authority are not always clear, since, for example around one fifth of Kerevshin pasture - one of the largest *leskhoz* pastures - is managed by the Ak Say *aiyl okrug*. Because the *leskhoz* pastures are more distant, only shepherds use them, whereas shepherds and non-shepherds alike use the *aiyl okrug* near pastures.

The rate charged for use of forest fund pastures, managed by *leskhoz*, must be coordinated with Gosregister, the Ministry of Agriculture and the anti-monopoly agency. Funds that the *leskhoz* have generated to date have not been shared with the *aiyl okmotu*, rather, 25% is distributed to the *raion* level government, 2-3% is paid to the social fund and taxes, 4-5% to the Central Environment Agency, 5% to Gosregister, and 5% to the oblast branch of the State Agency for the Environment and Forestry. The *leskhoz* retains the remainder for operating expenses, but it cannot be used for staff salaries or bonuses. In the future, when the pasture law is fully implemented, revenues that the *leskhoz* paid to the *raion* level government for intensive pastures will be paid to *aiyl okmotu*.

There is very little transparency of public participation in the *leskhoz* decision making process (for example, price-setting) and there is neither a legal mandate nor real incentive for that to change.

The *aiyl okmotu* and the *leskhoz* do not appear to have disagreements over the borders between the differently categorized pasture lands. But they do apparently disagree on the number of days that shepherds can or should stay in different pastures. Because most shepherds use pastures that are managed by both *aiyl okmotu* and *leskhoz* in one grazing season, each year, the *aiyl okmotu* and the *leskhoz* must estimate how long each herd can remain on each pasture based on seasonality and weather patterns. For example, this year, *aiyl okrug* pastures were designated 90 days and *leskhoz* pastures 30 days. Prices and quality of the pastures differ, and there are times where shepherds attempt to stay longer on one pasture or another after having made advance payment for their use. Ultimately this means

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<sup>59</sup> See Regulation of the Batken *kenesh*, On Regulation of Pasture Use within a District Area, #3 of April 10, 2009.

that either the *aiyl okmotu* or the *leskboz* believe that the other owes them recompense for the difference.

#### **5.1.1.4 Conflict Committee**

Following a series of conflicts between the Ak Say *aiyl okmotu* and Batken *leskboz*, the *aiyl okmotu* set up a conflict committee, which can include the staff of the *aiyl okmotu*, members of the *aiyl kenesh*, representatives of *leskboz* and Gosregister, actual composition differs between *aiyl okrugs*. The committee ensures that there is fair distribution of payments for pasture use, as each pasture is managed by a different institution. If there is a disagreement, the issue is brought to the attention of the *raion akim*, and GosRegister and the *raion kenesh* may also become involved. The conflict committee would also address disputes between two neighboring *aiyl okmotu*.

The conflict committee has a stake in peaceful relations between Tajiks and Kyrgyz over natural resource use, though it was mostly addressing conflicts between Kyrgyz institutions.

#### **5.1.1.5 Border Guards**

Border guards are responsible for border and migration control. They are involved in the current pasture arrangements to help guarantee safe passage of the Kyrgyz shepherds and the flocks through the enclaves and onto the pastures. In addition, the border guards help enforce the pasture arrangements, checking on certificates and sometimes counting head of stock. However, anecdotal evidence suggests that Tajik border guards may seek bribes from shepherds to ensure safe passage through the enclaves and Kyrgyz border guards may fine Tajiks for “illegal” crossing of the border. Thus, border guards may have contradictory interests, as they have an obligation to ensure peace and stability in border areas, yet unofficially, they may personally benefit from the arrangements as they exist.

#### **5.1.1.6 Courts of aksakals**

The role of the courts of *aksakals* is very limited in the context of pasture use and management in the pilot areas. This may be because the issues presented by the pasture use are of an inter-ethnic nature and thereby not in the competency of the court of *aksakals*. Also, it maybe related to the relative “weakness” of the courts of *aksakals* influence in the pilot communities. The court of *aksakals* have only a weak, if any, interest in the pasture use arrangements in the pilot areas.

### **5.1.2 Non-institutional Stakeholders**

#### **5.1.2.1 Shepherds**

Shepherds are perceived to be rich by villagers. Shepherds in pilot area are usually people with significant livestock who take additional animals for grazing from other villagers for fee. Not only do the shepherds receive payment for taking the animals of other Kyrgyz and Tajik families, in some villages there is only one choice of shepherd. This gives the shepherd a large degree of leverage over the livestock owners.

Shepherding also has other benefits. Because they are some of the few villagers who ever visit the remote pastures, shepherds and their families collect hard-to-get secondary forest products on the way to and from those pastures, for personal use or for sale in the markets. In addition, while the animals are in pasture, shepherds can take and use the milk from the herd - many of which they do not own - and then make milk products which they sell.

The shepherds pay *leskhoz* and the *aiyl okmotu* for use of pastures. Livestock owners and shepherds make a verbal agreement on grazing for the year, and they agree on a price for the shepherding service. Theoretically, if a shepherd loses an animal while it is being grazed, he is expected to compensate the owner. There is some disagreement as to whether this happens in practice, especially in areas where the shepherd has a monopoly for service to a village.

To access most of the remote pastures (Kishemish, Gerevshin) the shepherds must pass through Tajik territory enclaves. Their passage is permitted by the Kyrgyz border guards, but often they have difficulty with the Tajik guards, including threats of violence. Sometimes during their passage through the enclaves, shepherds “lose” animals – they consider it theft - for which they later must compensate the owner. They also report violence and verbal abuse from the Tajiks as they pass through the streets with the livestock and say that they prefer to travel at night to avoid the threat.

Under the current arrangements, the shepherds have a significant amount of leverage with livestock owners generally but in particular with Tajik livestock owners. At the same time, while the number of Tajik animals that a shepherd can take is prescribed by the authorities, shepherds can command higher prices for their services from the Tajiks and it is within the shepherds’ interests for the current cost structure to remain as it is. Importantly, because the agreements are made between shepherds and livestock owners individually, any attempt to change the current practices of pasture management will require their complicity.

### 5.1.2.2 Livestock owners

Both Kyrgyz and Tajik livestock owners make use of this shepherding system that has been developed between the local authorities. All livestock are taken to intensive and remote pastures, most of which managed by *leskhoz*. The livestock owners pay pasture use fees to the *aiyl okmotu* or *leskhoz* per head of stock. However, while there is some disagreement of prices per head of livestock, by all accounts the Tajiks pay 9-10 times more than the Kyrgyz for the shepherding service. The *aiyl okmotu* explain that this is because the Kyrgyz bear the cost of managing and maintaining the pasturelands. Neither the Kyrgyz nor the Tajik livestock owners have visibility into how pricing is set or how the arrangements are made. Both Kyrgyz and Tajik livestock owners pay the shepherds directly, who, in turn, pay *leskhoz* and the *aiyl okmotu* on a per head basis. The shepherds also pay a small amount for administration in addition to the per head payment.

In addition, both the Kyrgyz and Tajik livestock owners have little recourse if an animal “disappears” while out to pasture in the shepherd’s care. There are few shepherds in the pilot areas, and in some cases, one shepherd may herd all animals in one village, leaving little room for choice or negotiation between the livestock owners and the shepherds. If an

animal disappears, the livestock owners have no choice but to accept that fact if they want to make use of that shepherd's services again.

Similarly, the shepherd (and his family) can take advantage of the milk that the animals produce while they are out to pasture. For example, shepherd's wives may make butter from the milk of animals being grazed, and sell the butter at the markets. While they recognize that the animals must be milked, the livestock owners do not benefit from their animal's milk products while they are out to pasture, and are also concerned that there may be insufficient milk left to feed the young offspring. However this issue is not insurmountable. In one instance, livestock owners, with the assistance of local leaders, were able to negotiate a deal with the shepherd whereby if an animal calves while in pasture, the shepherd will not charge extra for grazing the additional animal and in return is permitted to take the milk.

Livestock owners are the largest stakeholder group, and represent the "bodies" behind the ethnic tension in the pilot area. They are also the most likely to benefit from a change to the pasture arrangements which would give them more involvement in the process. However, aside from purchasing power, livestock owners have little leverage in the situation; this fact is more pronounced for Tajik livestock owners who currently pay a premium for the shepherding service and who do not have an alternative for grazing their animals.

### 5.1.2.3 Land settlers on pasturelands

In the larger pastures of Kishemish and Gerevshin there are between thirty and forty households who have begun cultivating pasturelands. These households are reportedly not related to shepherds or their families, and they live in permanent yet makeshift huts for most of the year. The *aiyl okmotu* is aware of this impermissible pasture use but to date has taken no action, beyond considering what type of penalty or fee these users might pay.

**Table 5: Stakeholder table of rights, responsibilities, returns and losses**

Stakeholder	Rights	Responsibilities	Returns	Losses
Shepherds	Access to <i>aiyl okrug</i> and <i>leskhoz</i> pastures  Passage through Tajik enclaves with certified stock	Drive stock from holding area to pastures for grazing season.  Tend to stock while in pasture.  Ensure return of all stock to owners.	Per head payment from livestock owners (Tajik more than Kyrgyz)  Benefit of dairy/other animal related product while animals are in pasture, sell milk product in markets	Loss of stock while passing through enclaves, owner requires compensation  Loss of stock to border guards/authorities while passing check points
<i>Aiyl okmotu</i>	Govern use of pastures on agricultural land	Work with Tajik <i>jamoat</i> , <i>leskhoz</i> , and within "conflict committee" to establish process for pastures use	Land tax, social payments and fees for use of pastures (from livestock owners through shepherds) which is critical revenue	Shepherds try to hide Tajik stock which has not been counted to capture margin

		Work with <i>aiyl kenesh</i> to set fees  Enforce shepherd's use of pastures	for the <i>aiyl okmotu</i>  Tajik population's livestock grazed, reduction in conflict  Social influence because of role in important resource management	
<i>Leskhoz</i>	Govern use of pastures within the Forest Fund	Work with Tajik <i>jamoat, aiyl okmotu</i> , and within a "conflict committee" to establish process for pastures use  Enforce permit and certification of use of pastures (pasture lease contract and forest ticket)	Fees for use of pastures from livestock owners through shepherds  Tajik population pays more for grazing stock and for collecting dry wood.	Shepherds tend to graze on border between <i>aiyl okmotu</i> pastures and forest fund pastures without payment to <i>leskhoz</i>
Tajik livestock owners	Use Kyrgyz pastures via Kyrgyz shepherds via agreement between local leaders	Pay fees to shepherds	Animals grazed	Value of milk products for time that stock are in pasture  Value of stock that are "lost" while in pasture without compensation or recourse
Kyrgyz livestock owners	Use Kyrgyz pastures via Kyrgyz shepherds via agreement between local leaders	Pay fees to shepherds	Animals grazed	Value of milk products for time that stock are in pasture  Value of stock that are "lost" while in pasture without compensation or recourse
Tajik Border guards	Deny entry to those without legitimate passage	Police border between Kyrgyzstan and Tajikistan	Personal benefit in the form of payments from shepherds to ensure safety	None
Kyrgyz border guards	Deny entry to those without legitimate passage	Police border between Kyrgyzstan and Tajikistan, while informally checking grazing of stock for <i>leskhoz</i> and <i>aiyl okmotu</i>	Have access to pastures for own stock  Get animals from shepherds to cover extra stock  Get fines from Tajik illegally using	None

			Kyrgyz pastures near villages/non-grazing resources	
<i>Raion</i> Level leaders	Oversee use of pastures  Avoid and mitigate conflicts	Legal framework, supervision of various decision making on local level  Maintain constant <i>raion / oblast</i> communication with corresponding counterparts from Tajikistan	Conflict reduced when grazing Tajik animals are grazed	Subject to some criticism from the national state bodies for permitting Tajik animals to be grazed

## 6.0 CONTRIBUTING FACTORS

The purpose of the following section is to begin to understand the broader picture of conflict in the pilot areas. It will draw on the relevant historical, social and political context and will identify contributing factors to the tension in the pilot area. Because conflict comprises peoples’ thoughts, actions and emotions, anecdotal evidence is incorporated into this analysis; thus, perceptions of various groups, where expressed, will be identified.

### 6.1 Target population have few livelihood options

Most Kyrgyz and Tajik interviewees regard themselves as poor and there are few livelihood options for the pilot population. The definition of poverty and wealth differed between villages but generally, wealth was perceived to be related to owning more than 50 head of livestock, owning farming equipment or a car, or owning arable land.

Remittances from family members make up the bulk of household income for Kyrgyz and Tajiks in the pilot areas. For most Kyrgyz households, one or two members move to other cities or urban centers (Batken and Bishkek in Kyrgyzstan) or other countries (Russia or Kazakhstan) to work as laborers. For Tajiks, up to four household members migrate as labor. Those who migrate as labor, tend to be the youth, and are overwhelmingly male. In Kyrgyzstan most participants estimated that their household income was made up of around 70% remittances; for Tajiks in the area this number was significantly higher at around 90%.

Heavy reliance on remittances can contribute to conflict in the pilot area. Remittances can be unreliable and both Tajiks and Kyrgyz feared that the current global economic downturn would have an impact on household income in the short term. This fear may translate into greater attention on other sources of income (cultivation, livestock) and also greater scrutiny on household costs. If the fear is realized and households receive less income from remittances, there may be concurrent additional pressure on use of pastures as a potential source of income, and reduced ability to pay shepherding fees.

In addition, labor out-migration may impact the fear of conflict or physical abuse in the pilot area, particularly among Tajiks and particularly among women. Since most Tajik households have between two and four members who migrate as labor, many Tajik households may be

without male members for the greater portion of the year. Furthermore, Tajiks in the pilot areas practice a more strict Islam than the Kyrgyz, and Tajik women do not participate in public life (some interviewees suggest that this goes as far as not permitting Tajik women to visit the medical clinic or to attend school beyond ninth grade). These two factors help explain why Tajik women reported living in fear of violence from Kyrgyz men. Fear, whether founded or not, plus a history of violent acts between Tajiks and Kyrgyz may impact their respective ability, desire, or freedom to negotiate the terms of the pasture use arrangements.

The second most important source of income, in terms of monetary value, for most Kyrgyz and Tajik households in the pilot areas is the cultivation of apricots or other fruit crops for sale in markets. Income generated from these products depends on the weather and availability of water, and both Kyrgyz and Tajiks make use of the Chorkhu and Vorukh markets to sell their produce.

The third most important source of income for the pilot population is livestock, which also has other, non-economic value. In some villages approximately 90% of the Kyrgyz households reported owning at least a few head of stock, in others, this number was lower at around 60% and most households interviewed were somewhere in between. Each Tajik household has a few sheep, cows and/or goats yet the Tajiks have no pastures for grazing or land to grow fodder.



Owning livestock has symbolic value and thus issues around their care and upkeep have great importance to both Kyrgyz and Tajiks. While livestock may be less important than remittances and apricots for its percentage contribution to household incomes, owning animals was most cited as being a signal of wealth and standing in the communities. Also livestock are necessary for certain cultural events like marriages and feasts, and it is not likely that either the Tajiks or the Kyrgyz would consider “giving up” livestock as part of their livelihood, even if their other income options improved. Thus, the pasture resource will continue to be important to both Tajiks and Kyrgyz in the pilot communities.

Finally, some household income is supplemented to a small degree by collecting other non-grazing resources from pastures and forests. For instance, Kyrgyz women collect medicinal herbs, blackberries, cumin, black cherries, yellow raspberries, *mandel* (similar to onion greens), and *mumia* (an organic substance found in the mountains and used for healing in traditional medicine). Blackberries and cumin are the most profitable natural resources in the study area and are sold at the markets. *Mumia* is collected for a Russian pharmaceutical

company. The availability of these forest products is seasonal and weather dependent and they are often very difficult to obtain since they grow in high rocky mountain areas. Some Kyrgyz hunt for game during hunting season and also collect branches from the forests for use as fuel. In addition, construction materials and crushed stones are also collected, as is coal and clay.

There were mixed reports as to whether the Tajiks made use of secondary resources on Kyrgyz land as a source of income, fuel or food. Some Kyrgyz and Tajik interviewees suggested that they did not because it was absolutely forbidden. Others reported that Tajiks do collect forest products but only from the pastures which are close to the enclaves, where it may be difficult for Kyrgyz to enforce the rules which prohibit non-permitted land uses. One Tajik local leader reported that Tajiks pay the Batken *leskeboz* to collect firewood but are often stopped and harassed by Kyrgyz border guards.

These different perceptions can be explained by the fact that pastures are managed by two different institutions, using two different legal frameworks. Foreigners are permitted to collect forest products from *leskeboz* pastures but not from *ajyl okmotu* pastures. This is complicated by the fact that most people do not know the bounds of institution's jurisdiction from another's, and may easily break the law without knowing it.

## **6.2 Lack of access to or insufficient quantities of arable land**

Lack of access to or insufficient quantities of land, compound the pressure on pastures as a resource for Tajiks and Kyrgyz. The Tajiks, both in the enclaves of Vorukh and Chorkhu and within villages with disputed borders, have very limited access to land for farming. Tajikistan did not undergo an intense period of land tenure reform after its independence from the Soviet Union, and arable land in Tajikistan is still primarily managed on a collective farm basis. Most Tajiks do not benefit from the collective farming system in Tajikistan; in one village only 30 women work on the collective mulberry farm, and their sole payment is the rootstock of the mulberry bushes. Rice is planted on land that reportedly "belongs to no one." Moreover, Tajiks interviewed do not foresee a time when farms will be de-collectivized in Tajikistan; they report that they are interested in increasing their head of livestock as a way to improve household income, but realize that growing sufficient fodder would be a problem.

By contrast, Kyrgyz have individual rights to land, which is often titled in their name yet may be insufficient to meet household needs. After independence from the Soviet Union, Kyrgyzstan engaged in a significant program of land reform and the state has since undertaken systematic registration of all rights to land. During de-collectivization, 75% of land which was held in collective farms was allocated in the form of land shares to those directly working on or retired from those farms. Each family member received a share of land into private ownership and all individual names of the household were on the land title certificate.

That being said, much of the land in the Batken area was divided into units regarded as too small for generating income, or was of poor quality. On average of 0.02 hectares of land was assigned per person in each household a fact which has been related to a small number of settlers in pastureland. In addition, much of the land that was de-collectivized is either non-

irrigated or not appropriate for agriculture. Importantly, forest farms, some of which contain pastures, were not de-collectivized and are still owned by the state, and are managed *leskeboz*.

### 6.3 Lack of transparency in and access to decision making

Both Tajiks and Kyrgyz lack clear information about their rights and have little visibility into and influence over decision-making processes which impact their livelihoods directly, including the pasture arrangements. While this is true for both Tajiks and Kyrgyz, the explanation differs for each.

Social capital for the Tajiks is strong but community participation and transparency in decision making is weak. The Tajiks are a much more organized and hierarchical society than the Kyrgyz in the pilot area. Leaders in Tajikistan are regarded as people with talent and are generally respected and are trusted to make decisions in the best interests of the people. Tajik communities are highly structured, from brigade leaders, to mahalla committees, to the *jamoat*. At the lowest level, Tajik communities are organized into neighborhood groups called *mahalla*, around “block committees,” managed by the *mahalla* committee. Members of the *mahalla* committee are selected by the *jamoat*, are not compensated, and are responsible for monitoring land use, and organizing celebrations and other communal events. The *jamoat* is the lowest level local government who is compensated; the chairman appointed by the *khukumat* (district level government) and the position is roughly equivalent to the head of *aiyl okrug* in Kyrgyzstan.

Aside from local authorities, there are other influential people in Tajik communities. Islam is strong in Tajikistan and the *imam* plays an important role in social life, especially with regard to resolving disputes. Women in Tajikistan are very hard to reach, often not permitted to leave the home, however, all Tajik communities have a women’s council representative. Possibly because of their reliance on and respect for authority, many individual Tajiks lack clear information on their legal rights and obligations, and are outside of the decision-making process.

Likewise, individual Kyrgyz are not permitted access to decision making processes which affect them but for different reasons. Social cohesion is weak among the Kyrgyz in the pilot *aiyl okrug*. The composition of the villages has been in transition for the last five to eight years, as Kyrgyz who were living in Tajikistan migrate back to Kyrgyzstan, and as Kyrgyz move away to other parts of Kyrgyzstan, Kazakhstan, or Russia for work. Traditional structures, which exist elsewhere in Kyrgyzstan, have little authority in these villages, likewise the members of the court of *aksakal*. In addition, in all but the village of Orto Boz, tribal or clan affiliation is weak.

Formal institutions, authorities and power structures, like the *aiyl okmotu* and the military, hold the most influence in dispute resolution, yet the Kyrgyz have less trust for their local leaders. The influence of Islam is not very strong in these Kyrgyz villages and the imam does not play an important role in social life. Thus, like the Tajiks, individual Kyrgyz wield little influence over decisions which may impact their daily lives.

#### **6.4 Communication between the Kyrgyz and Tajiks is limited**

Communication and the related access to information is an important contributing factor to tension between the Tajiks and Kyrgyz. Tajik and Kyrgyz languages are based on completely different language systems, Turkic and Persian, and only the older, educated generations speak Russian. Respondents from both sides stated that the failure to communicate on some issues – between individuals – was often a result of misunderstanding and a lack of a common language. Children do not learn a common language in school. In villages where Tajiks and Kyrgyz live side-by-side, neighbors may never be able to speak to one another.

A failure to communicate can stoke fears and misperceptions of behavior, and in a climate of resource constraints and past ethnic clashes, it can lead to violence. Language differences were cited by many respondents, Tajik and Kyrgyz alike, as a reason why past interventions that attempted to bring the Tajiks and Kyrgyz together, have not been successful; organized soccer games between children have ended in fights, as have joint *Nooruz* celebrations (the beginning of the new year in Zoroastrian tradition). Negative perceptions of difference between the Tajiks and Kyrgyz are widely held and there is a significant amount of misinformation by both groups. The Kyrgyz believe the Tajiks to be trying to steal Kyrgyz land, the Tajiks believe the Kyrgyz to be unruly and irreligious. Such negative perceptions have little opportunity for correction when bonds based on better communication cannot be formed, and this further fuels tension between the two groups.

#### **6.5 Despite interdependence of Kyrgyz and Tajiks, ethnic tensions remain**

Notwithstanding actual and latent conflict, there is significant interdependence between the Kyrgyz and the Tajiks. However, in areas where Kyrgyz and Tajiks interact for mutual benefit, like in markets and trade, there is an undercurrent of mistrust and resentment. For instance, the Kyrgyz rely very heavily on trade with Tajiks and use the Tajik markets in Chorkhu and Vorukh exclusively to sell their apricot products. At those same markets Kyrgyz sell milk and animal products often made from animals being grazed by Kyrgyz shepherds, including Tajik animals. The Tajiks purchase these products knowing that they could have been made from the milk of their own animals. The milk is obtained during grazing for which the Tajiks pay up to 10 times what Kyrgyz pay and it is taken without notice to and without compensation for the owners.

On the other hand, Kyrgyz rely on Tajik transmitters for electricity yet the Tajiks will cut power to the Kyrgyz without explanation and with no credit to service. Tajiks report that the power cuts are related to rationing, or in some cases, the cuts are an accident. Because there has been at least one instance of a purposeful power cut in the past Kyrgyz report that they do not know whether the power-cuts are rationing, an accident, or purposeful. In a situation of ethnic tension, this failure to communicate on a critical resource can cause latent conflict which plays itself out in other arenas where the Tajiks and Kyrgyz work together, as in the pasture use arrangements.

#### **6.6 Lack of borders between Tajikistan and Kyrgyzstan**

The lack of agreed upon border in some areas, also contributes to the conflict in the pilot areas. There are many kilometers of un-marked border in the pilot areas; for instance

between Ak Say's pasture and Vorukh, 100 kilometers are not demarcated, and between pastures in Ak Taty and Chorkhu, 20 kilometers of border are not demarcated. The lack of a demarcated border has long historical roots; that go back before Soviet times.

Historically, because of the nomadic traditions of some, ethnic groups paid little attention to the concepts of borders and states.<sup>60</sup> Then, during the Soviet period, borders between what are now Central Asian republics did not follow ethnic or geographical lines and were regarded only as administrative and many were not demarcated. During the Soviet era, borders were not considered important because centralized planning ignored boundaries and strict political control by the center managed all affairs, suppressing any border or territory related disputes.<sup>61</sup> To compound matters, Soviet planners deliberately left significant numbers of ethnic groups within each of the five central Asian republics, which now form the enclaves in the independent states.<sup>62</sup> Further, roads built by Soviets did not consider borders; today, accessing one part of Batken from another may require passing through what is now an Uzbek or Tajik enclave. There has been little change in the road infrastructure since independence.

Problematically, immediately after independence, the countries of the new republics accepted the old administrative borders drawn by Soviet planners as their state boundaries in the Almaty Declaration of 1991, thereby inheriting the extant border issues. Subsequent negotiations on border demarcation between Kyrgyz and Tajik political and administrative leaders have not been successful.<sup>63</sup> However, recently, presidents of the two countries have agreed that there should not be any permanent economic activity (e.g., construction) in the areas where borders are not demarcated.<sup>64</sup>



Border related matters amplify the conflict in the pilot areas. Where the border is not demarcated or agreed upon, the *de facto* border is defined by the citizenship of the land holder and is perceived to move with use of the land. This is because those Tajiks who live in villages with disputed borders mostly retain their Tajik citizenship and identity; they regard themselves as subjects of Tajikistan and not Kyrgyzstan, and are treated as Tajiks by the Kyrgyz and vice versa. As an example, if a Kyrgyz sells her home to a Tajik that house is then considered to be part of Tajikistan because the new owner is a citizen of Tajikistan, she responds to Tajik authorities, pays Tajik taxes etc. This notion of *de facto* border movement is

<sup>60</sup> Karaev, Z., *Border Disputes and Regional Integration in Central Asia*, Harvard Asia Quarterly, vol. IX, no. 4, Fall 2005 at 3.

<sup>61</sup> *Id.* at 2

<sup>62</sup> *Id.* at 3

<sup>63</sup> *Id.* at 4

<sup>64</sup> See Joint Statement of the President of the Kyrgyz Republic, K. Bakiev, and the President of the Republic of Tajikistan, E. Rakhmon, May 16, 2008, Khudzhand. The agreement states in part: In order to avoid the conflicts arising from economic issues in border areas of the two states, the Presidents of Kyrgyz Republic and Tajikistan hereby commission the governments of their nations to coordinate and sign the Intergovernmental Agreement on the ban of any economic activities along the state border until complete delimitation and demarcation is carried out, as well as Intergovernmental Agreement on rent of pastures in the territory of the Kyrgyz Republic.

further complicated by temporary uses of land, as, for example, when a Tajik rents Kyrgyz land from the Kyrgyz when the Kyrgyz leave for the pastures in the summer. Thus, the lack of a border, the movement of people and homesteads into these areas with disputed borders coupled with the retention of Tajik citizenship, leads Kyrgyz to view Tajiks as engaged in a type of crawling encroachment or “creeping migration” onto Kyrgyz land and their actions are read as inherently suspect. This undercurrent of suspicion imprints upon negotiations for use of resources and services.

## 6.7 Tension exacerbated by mixed settlement patterns

Different settlement patterns between the Kyrgyz and Tajiks can magnify the sense of inequity and difference, and fuel conflict in the pilot area. Villages which make up the two pilot *ajyl okrug* were established in the 1950s, based around access to Soviet constructed irrigation channels. The population in the pilot *ajyl okrug* was historically low because of the harsh and extreme climate. The population of Kyrgyz, however, has increased three to four times in the last five years, mostly attributed to Kyrgyz returning from Tajikistan where they have lived since Soviet times (from Shurab and Surkh, former industrial towns); thus, much of the Kyrgyz population is new to the area. Some Tajik populations, on the other hand, have been residing in the pilot area for at least twenty years. At the same time, there is a high level of migration of Tajik families to this area from other areas of Tajikistan attracted by the possibility of access to arable land.



Each pilot village has a different ethnic make-up and settlement pattern and confronts slightly different ethnic tensions because of it. For instance, Ak Say village and Ak Tatyrt village do not have any reported issues with Tajik inhabitants, to the extent that they are there. However, both villages report ethnic tension and conflict related to the fact that they border the Tajik enclaves of Vorukh and Chorkhu and must pass through those areas for much of their travel. During this passage they report sporadic verbal and physical threats and abuse.

On the other hand, in Kok Tash the breakdown between Kyrgyz and Tajik households is estimated to be half and half. However, in Kok Tash the Tajiks and Kyrgyz live within their ethnic groups only in certain sections of the town. Orto Boz has the most difficult settlement situation in that it is mostly made up of small groupings of Kyrgyz households surrounded by Tajik households.

These varied settlement patterns can keep the Kyrgyz and Tajiks separate and fuel ethnic tension. In Kok Tash the Tajiks live in one quarter of town and the Kyrgyz in another. They

do not share facilities, the children do not attend the same schools, and they do not attend the same mosque. The Kyrgyz are subjects of Kyrgyz local, regional and national authorities and the Tajiks subjects of Tajik local, regional and national authorities. Though they live in the same village, the Tajik and Kyrgyz villagers may never need to interact with each other. The Tajiks and Kyrgyz have access to different services, and different infrastructure. All of these factors, together, foster a sense of inequity or difference, which, in times of economic pressure can intensify tension between the groups.

## **6.8 Other important resources in the area are similarly prone to conflict**

Conflict over water in the area is complicated, and the complexity runs both ways; both Tajiks and Kyrgyz have been victims and perpetrators when it comes to water. During Soviet times, when borders between republics were less important, water channels were used in common by Tajiks and Kyrgyz. Most water flows from the Kyrgyz Republic to the Tajik Republic and then back to the Kyrgyz Republic again. International agreements govern how much water Kyrgyzstan can retain before the water moves on.

However, water use is problematic in the pilot area. Channels, and the water they contain, must be cleaned every year and this cleaning requires collaboration between Tajiks and Kyrgyz, which, given tension in the area, is not always forthcoming. Also, there have been some instances of each side blocking water to the other; the Kyrgyz dammed water in the Batken reservoir which resulted in teams of Tajiks crossing the border with shovels to dismantle the dam. The Kyrgyz report that the Tajiks use more than their allotted amount. Each side has legal rights to the water, but in times of drought or summer, when needs are greatest and rains few, the resource is severely constrained and each side acts in its own interests.

## **7.0 CONCLUSION AND NEXT STEPS**

Conflict, while ubiquitous, can be an effective catalyst for positive change. In the context of the pilot area in Batken oblast, the violent conflict that erupted between the Tajiks and Kyrgyz in the past resulted new pasture use arrangements. While solving the immediate issues of violence, latent conflict still pervades the Tajiks and Kyrgyz in the area because there continue to be social tensions, differences and disagreements which are unresolved, unmanaged, and sometimes undeveloped. Understanding the nature of the pasture resource use arrangement, its legal framework, stakeholders, and the broader social, economic, and political contributing factors will help the communities define and decide on an effective approach to managing and mitigating the conflict.

The next steps for this project, aim to do just that. The main activities which will follow this report are to develop and test a conflict management plan and to implement a micro-grant program for projects which support implementation of that plan. This will be done by first disseminating and validating results of this report with the pilot communities. The conflict issues identified in this report will be analyzed by the communities, according to their impact, significance, magnitude and other features. Then, through a process of envisioning a desired future, and devising a strategy, the community will develop a conflict management plan. In addition, the project will engage in public information and awareness campaign which will both raise awareness of the project, but also help. The overall objective is to help

the community develop an approach that is feasible and suits their needs and ultimately results in gains for all.

The opportunity to mitigate and manage conflict in the pilot area is great. There is significant interdependence between the Tajiks and Kyrgyz, and it is clear that a few small steps to increase transparency, improve information and knowledge, and refine procedures have the potential to leverage significant gains in the pilot communities.

## ANNEX ONE

### List of Laws, Regulations, Other Legal instruments, and Draft legislation Related to Conflict Management on Pastures

#	Type and subject of the Document	Date of Effectiveness	Note
<b>Joint statement of the Presidents</b>			
	JOINT STATEMENT of the President of the Kyrgyz Republic, K. Bakiev, and the President of the Republic of Tajikistan, E. Rakhmon	May 16, 2008 Khudzhand	<p>During the meeting, the Presidents of the two countries have made a statement, as follows:</p> <ol style="list-style-type: none"> <li>1. The Parties shall establish the Interstate Coordination Council of the Kyrgyz Republic and the Republic of Tajikistan, and the Council of Foreign Ministers of the Kyrgyz Republic and the Republic of Tajikistan.</li> <li>2. The Parties note that legalization of the Kyrgyz-Tajik state border serves the fundamental interests of Kyrgyzstan and Tajikistan in further improvement of bilateral relationships as a substantial factor to ensure security and stability in the region.</li> </ol> <p>For the avoidance of conflicts arising from economic issues in border areas of the two states, the Presidents of Kyrgyzstan and Tajikistan hereby commission the governments of their nations with harmonization and signing of Intergovernmental Agreement on restriction of economic activities along the state border until complete delimitation and demarcation thereof, as well as Intergovernmental Agreement on rent of pastures in the territory of the Kyrgyz Republic.</p> <p>To promptly address relevant issues, the Parties hereby agree to establish joint administrative groups for border areas.</p>
	Plan of measures to implement the agreements reached during the visit of the President of the Kyrgyz Republic to Khudzhand, Republic of Tajikistan.	June 2, 2008 Bishkek	This document obliges the Ministry of Agriculture, Water Resources and Processing Industry of the Kyrgyz Republic and other relevant state agencies to prepare the Interstate Agreement between Kyrgyz Republic and Republic of Tajikistan on the lease of the Kyrgyz pastures to Tajikistan.
<b>Summary of the meetings between the Governments of the Kyrgyz Republic and the Republic of Tajikistan</b>			

	<p>Summary of the meeting between Intergovernmental Delegations of the Kyrgyz Republic and the Republic of Tajikistan</p>	<p>April 29, 2008 Isphara</p>	<p>During the meeting, representatives of the Governments of the Kyrgyz Republic and the Republic of Tajikistan have agreed, as follows:</p> <ul style="list-style-type: none"> <li>- the Parties shall draw attention of their respective public authorities, and commission corresponding authorities to impose moratorium on allocation of land parcels, housing and private construction, as well as any other uncoordinated actions along disputed borders until completion of the task of the Intergovernmental Commission for State Border Delimitation and Demarcation;</li> <li>- border guards of the Parties shall, in close cooperation, elaborate on the proposal to withdraw the Kyrgyz frontier post Bedek and, by July 1, 2008, introduce an agreed proposal regarding settlement of this issue based on results of withdrawing the post;</li> <li>- recommend local executive authorities in border districts (<i>rayons</i>) and regions (<i>oblasts</i>) to arrange for joint social and training activities aimed to improve and reinforce traditionally friendly relations between the Kyrgyz and Tajik people;</li> <li>- recommend local executive and enforcement authorities in border districts (<i>rayons</i>) and regions (<i>oblasts</i>) to establish joint task groups to address issues as they rise.</li> </ul>
	<p>Summary of the meeting between Intergovernmental Delegations of the Republic of Tajikistan and the Kyrgyz Republic</p>	<p>November 26, 2008. Batken</p>	<p>During the meeting, representatives of the Governments of the Kyrgyz Republic and the Republic of Tajikistan have agreed, as follows:</p> <ul style="list-style-type: none"> <li>- commission heads of the Tajik and Kyrgyz parties of Intergovernmental Commissions for Delimitation and Demarcation of the Tajik-Kyrgyz State Border to strictly follow paragraph 2 of the Joint Statement of the President of the Kyrgyz Republic, K. Bakiev, and the President of the Republic of Tajikistan, E. Rakhmon, of May 16, 2008, particularly regarding efficiency, effectiveness and promptest rapprochement of positions of the Parties;</li> <li>- border authorities of the Parties shall arrange for meetings at a level of their border representatives by the 25<sup>th</sup> of each month. In case of a conflict at the state border, the Parties shall arrange for meetings of their border representatives within five hours upon occurrence of an incident. Arms shall be resorted to in strict compliance with legal requirements and the border line;</li> <li>- local authorities in border areas of the Parties shall establish joint commissions to process appeals and applications of citizens regarding economic, water, land and other disputes at the state border, with mandatory involvement of representatives of border authorities;</li> </ul>

			<ul style="list-style-type: none"> <li>- exclude intervention of local authorities into activities of border authorities of the Parties in accomplishment of their objectives of protecting the state border, as well as prohibit involvement of representatives of border authorities into accomplishment of objectives not related to the scope of their authority;</li> <li>- public authorities in border regions (<i>oblasts</i>) and districts (<i>rayons</i>) shall adhere to the position of placing continuous emphasis on prevention and regulation of conflicts and incidents in border areas. In coordination of local authorities in border areas, the Parties shall follow provisions of paragraph 2 of the Joint Statement of the President of the Kyrgyz Republic, K. Bakiev, and the President of the Republic of Tajikistan, E. Rakhmon, signed in Khudzhand on May 16, 2008;</li> <li>- draw attention of respective public authorities of the Parties to the need for regular outreach activities with local communities with a view to prevent occurrence of conflicts in border areas;</li> <li>- in view of revealing construction works in disputed areas, relevant authorities shall, as soon as possible, sign an Intergovernmental Agreement on restriction of economic activities along the Tajik-Kyrgyz state border until complete delimitation and demarcation thereof.</li> </ul>
<b>Related to pastureland</b>			
	Land Code of the Kyrgyz Republic	#45 of June 2, 1999	<p>Lands allocated by public land users, land from the forest and water funds, natural areas of preferential protection, lands from reserves, border areas, lands from the Agricultural Land Redistribution Fund, close-in pastures around rural communities, pastures in the area of intensive use, as well as distant outruns and other land that is not private or municipal property shall be owned by the state. Pasture management, improvement and use shall be regulated under the Land Code of the Kyrgyz Republic. The scope of authority of executive and regulatory bodies of local self-governments in <i>ayil</i> (village) district or settlement in the area of regulating land relations shall include allocation of pasture for use, as well as establishment of the pasture using procedure. Representative bodies of local self-government shall set the rates of pasture user fees per livestock capita depending on the optimum load per pasture unit area, condition of infrastructure, productivity and remoteness of pasture. They shall also impose restrictions to ensure that pastures are not privatized</p>

			<p>or leased.</p> <p>When allocating land parcels in the territory of the Kyrgyz Republic for use to another state, the rate of user fee shall be established under corresponding interstate agreement between the Kyrgyz Republic and such other state.</p> <p>Interstate agreements on allocation of land parcels for use shall be subject to ratification by the <i>Jogorku Kenesh</i> (Parliament) of the Kyrgyz Republic.</p>
	Tax Code of the Kyrgyz Republic	#320 of October 17, 2008	<p>The Code establishes base rates of land tax for agricultural land use, including pastures. Land tax for pasture use shall be paid by natural persons and legal entities entitled to use pastoral holdings. Basic rates of land tax for agricultural land use shall be set depending on the score for soil bonitet (index of quality and yield of soil); <i>rayon keneshes</i> (district councils) shall have the right to increase base rates of land tax no more than once per calendar year, each time increasing it no more than three times.</p>
	Code of the Kyrgyz Republic of Administrative Responsibility	#114 of August 4, 1998	<p>The Code determines administrative responsibility for:</p> <ul style="list-style-type: none"> <li>- unauthorized livestock ranging, damage to hayfields and pastures on land of the state forestry fund;</li> <li>- natural and cultural pastoral holdings on land regardless of the patterns of its ownership;</li> <li>- violation of the established mode of pasture and hayfield usage.</li> </ul> <p>The Code also establishes responsibility for the use of natural resources without special permit or payment.</p>
	The Law of the Kyrgyz Republic “On agricultural land management”	#4 of January 11, 2001	<p>The Law regulates legal relationships in agricultural land management, and aims to ensure efficient and safe use of agricultural land.</p>
	The Law of the Kyrgyz Republic “On pastures”	#30 of January 26, 2009	<p>Responsibility and control over management of state pastures (except for pastoral holdings from the state forestry fund), with the exception of the right of disposal, shall rest with local self-governments. Local self-government shall have the right to delegate its pasture use and management authorities to associations of pasture users.</p> <p>Representative body of a local self-government shall approve community pasture use plans on an annual basis.</p> <p>Local community shall establish association of pasture users to represent interests of livestock owners and other pasture users within a given area in pasture use and improvement.</p> <p><i>Jayit Comitet</i> shall be an executive body of an association of pasture users.</p> <p><i>Jayit Comitet</i> shall consist of representatives of pasture users, members of a representative body of a local self-government, heads of executive and regulatory bodies of a local self-government.</p> <p>The scope of authority of a <i>Jayit Comitet</i> shall include:</p>

			<ul style="list-style-type: none"> <li>- preparation of a community pasture use plan;</li> <li>- preparation of an annual pasture use plan;</li> <li>- implementation of provisions of community pasture use plans and the annual pasture use plan;</li> <li>- pasture monitoring;</li> <li>- issuance of pasture tickets according to the annual pasture use plan;</li> <li>- setting and collecting pasture use fees with mandatory approval of such fees by a local council (<i>kenesh</i>);</li> <li>- resolution of disputes regarding pasture use, within the scope of its authority;</li> <li>- Management of receipts from pasture use fees and other resources invested in pasture infrastructure for pasture maintenance, management and improvement purposes.</li> </ul> <p>If unused pastures are available, they may be allocated to foreign legal entities and natural persons on the basis of interstate and intergovernmental agreements ratified by the <i>Jogorku Kenesh</i> (Parliament) of the Kyrgyz Republic.</p> <p>The Law prohibits sublease of pastures.</p> <p>In case of disagreement of any party to a dispute with resolution of <i>Jayit Comitet</i>, the dispute shall be resolved by a relevant public authority through negotiations.</p> <p>If the parties to a dispute do not reach a consensus, the dispute shall be resolved through the court</p>
	The Law of the Kyrgyz Republic “On protection and use of plants”	#53 of June 20, 2001	<p>This Law establishes legal framework for efficient protection, rational use and reproduction of vegetative resources.</p> <p>Natural persons and legal entities acting as natural hayfield and pasture users shall be required to observe the requirement of their protection, efficient management and improved productivity of pastures.</p>
	The Law of the Kyrgyz Republic “On mountain areas of the Kyrgyz Republic”	#151 of November 1, 2002	<p>The Law establishes that mountain areas of the Kyrgyz Republic are subdivided into following types:</p> <p>Lower mountain areas – 1,500 meters above sea level or less;</p> <p>Medium mountain areas – 1,500-2,000 meters above sea level;</p> <p>Upper mountain areas – 2,000 meters above sea level or more.</p> <p>Economic activities of natural persons and legal entities in lower, medium and upper mountain areas shall be regulated under the existing laws of the Kyrgyz Republic.</p> <p>The mode of nature management in natural areas of preferential protection (national and natural parks, natural monuments, dendrological parks and botanical gardens, hospitals and spa resorts) shall be determined under the law of the Kyrgyz Republic.</p> <p>Upon recommendation of the Government, a</p>

			community may be included in, and/or deleted from, the List of communities located in alpine and remote areas of the Kyrgyz Republic depending on reasonable criteria estimated for each community in the Kyrgyz Republic depending on various parameters (medical and biological, natural and climatic, altitude, remoteness and inaccessibility, social and economic environment etc.). The Government of the Kyrgyz Republic shall design and approve programs of social and economic development of mountain regions, taking into consideration major deprived areas.
	Regulation “On the Ministry of Agriculture, Water Resource and Processing Industry of the Kyrgyz Republic” approved by Resolution of the Government of the Kyrgyz Republic	#294 of April 25, 2006	The Ministry shall design and pursue policy in the area of protection, improvement and use by farmers of the allocated pastoral holdings.
	Regulation “On the State Agency for Registration of Rights to Real Estate under the Government of the Kyrgyz Republic” approved by Resolution of the Government of the Kyrgyz Republic	#133 of March 1, 2006	The Agency shall pursue the policy of the state in registration of rights to real estate. It shall prepare proposals for allocation and use of land parcels from the state land reserves, agricultural land redistribution fund, pastures and other categories of land, as well as provision of corresponding land management support.
	Regulation “On State Commission for pasture demarcation” approved by Resolution of the Government of the Kyrgyz Republic	#386 of June 19, 2009	The Regulation determines the scope of authority and competence of the State Commission for pasture demarcation
	Regulation “On oblast task groups and local (district) commissions for demarcation of pastures” approved by Resolution of the Government of the Kyrgyz Republic	#386 of June 19, 2009	The Regulation determines membership and scope of authority of oblast task groups and local commissions for demarcation of pastures.
	Standard Regulation “On pasture use pricing procedure” approved by Resolution of the Government of the Kyrgyz Republic	#386 of June 19, 2009	This standard regulation establishes the procedure of estimating fees for livestock population, and distribution of incomes from pasture use. The rates of fees for pasture use shall be determined on an annual basis, depending on the optimum load per pasture unit area, condition of infrastructure, productivity and remoteness of pastures, as well as other factors; these rates shall be included into annual pasture use plans and approved by corresponding local councils ( <i>keneshes</i> ). Rates of fees for use of pastoral holdings shall be established on an annual

			basis for each pastoral system, as well as for each type of pasture use, at a level that is not less than the basic rate of land tax.
	Standard Form of pasture tickets approved by Resolution of the Government of the Kyrgyz Republic	#386 of June 19, 2009	Pasture ticket is a certificate of authority to access and use pastures.
	Resolution of the Government of the Kyrgyz Republic “On financial liability for damage caused by spoiling land”	#668 of September 7, 2004	The Resolution establishes the procedure of holding liable persons committing damage to land, as well as applicable rates used to estimate damage to land, including pastures.
	Regulation of the Batken district council ( <i>kenesh</i> ) of pasture use within a district area	#3 of April 10, 2009	<p>With a view to ensure rational use and improved productivity of pastures, authority to distribute the rights to use remote pastures among local community residents, depending on livestock population, shall be delegated to local self-governments (effective May 1, this year).</p> <p>During livestock grazing, residents of neighbor countries shall be required to observe the established veterinary rules and livestock vaccination requirements.</p> <p>Livestock shall graze on pastures under contracts, with a fee set at the rate of KGS 300 or more per cattle capita.</p> <p>District forestry units and heads of <i>ayil-okmotu</i> shall follow up on implementation of this Regulation.</p>
<b>Legislation related to forest land</b>			
	Forest Code of the Kyrgyz Republic	#66 of July 8, 1999	<p>The Code regulates relationships arising from the use of land from the forestry fund. The forestry fund includes, inter alia, forest pastures. Forest pastures are land parcels from the forestry fund covered with herbaceous vegetation and used for (livestock) ranging without detriment to the forestry. Local forestry authorities (<i>leskhoz</i>) shall act as landlords on lands of the state forestry fund.</p> <p>Forestry authority (<i>leskhoz</i>) means an isolated production unit, which is a principal component of public authorities in the forest management area with a responsibility for performing functions of a local public authority for forest management and a forestry enterprise; it is a legal entity, which is fully independent in terms of economy and finance.</p> <p>Forests in the areas of the state forestry fund may be used under lease agreements and special permits (wood felling certificates (permits)) or forest tickets (forest land usage permits). These tickets shall be issued by owners of land of the state forestry fund; they entitle holders to the types of forest usage</p>

			<p>activities specified in them.</p> <p>Under agreement of lease of a land parcel from the forestry fund, the landlord shall commit to provide to a forest user (land holder) a parcel of land from the forestry fund for paid short- or long-term rent for one or more types of forest use.</p> <p>Agreement of lease of a land parcel from the forestry fund shall be concluded in writing and subject to state registration in accordance with the civil law of the Kyrgyz Republic. Any legal entity or natural person concerned may learn the contents of an agreement of lease of a land parcel from the forestry fund.</p> <p>Agreement of lease of a land parcel from the forestry fund may be either general (agreement of unlimited duration) or terminal (fixed-term).</p> <p>Terminal lease of a land parcel from the forestry fund shall be restricted to fifty years.</p> <p>Parcels of land from the forestry fund may be provided to organizations and citizens of the Kyrgyz Republic, foreign legal entities and citizens, as well as international organizations for any of the following purposes:</p> <ul style="list-style-type: none"> <li>- agriculture, mowing, livestock pasturage, placement of bee gardens, collecting wild-growing food supplies, medicinal plants, technical raw materials, etc.;</li> <li>- logging secondary forest resources (stubs, barks, etc.);</li> <li>- using forest for scientific and research, cultural and health-improving, recreation and tourist purposes, as well as for the forestry needs;</li> <li>- felling trees and logging timber in accordance with the established procedure.</li> </ul> <p>Sublease of land parcels from the forestry fund shall not be allowed.</p>
	The Law of the Kyrgyz Republic “On environmental protection”	#53 of June 16, 1999	This Law determines environmental policy and regulates relationships in the area of natural management and environmental protection in the Kyrgyz Republic.
	The Law of the Kyrgyz Republic “On natural areas of preferential protection”	#1561-XII of May 28, 1994	The Law regulates relations in the area of organization, protection and exploitation of natural areas of preferential protection with a view to preserve reference and unique natural complexes and objects, remarkable natural formations, genetic fund of the existing flora and fauna, studying natural processes in the biosphere, and monitoring of changes in its condition.
	Regulation “On the State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic” approved by Resolution of	#139 of April 10, 2008	<p>Main goals and objectives of the Agency include:</p> <ul style="list-style-type: none"> <li>- arrangement for, and exercise of, the state control over environmental protection, user of natural resources, maintenance of biodiversity, compliance with the environmental legislation.</li> </ul> <p>The Agency shall exercise state control over</p>

	the Government of the Kyrgyz Republic		compliance with the relevant legislation.
	Regulation “On procedure of lease and use of parcels of land from the forestry fund” approved by Resolution of the Government of the Kyrgyz Republic	#482 of October 19, 2007	<p>The Regulation establishes the procedure of granting parcels of land from the forestry fund on lease, format and terms of contracts of lease of parcels of land from the forestry fund, rights and duties of landlord and leaseholder, as well as procedure of amending the terms of such contracts.</p> <p>Parcels of land from the forestry fund shall be granted on lease publicly, by giving proper consideration to interests of local communities residing within a corresponding area.</p> <p>Parcels of land from the forestry fund shall be granted on lease on a competitive basis.</p> <p>Regulation on the competition procedure shall be prepared and approved by the national public authority for forest management. Parcels of land from the forestry fund shall be offered for competitive selection by decision of local forestry authorities (<i>leskboz</i>).</p> <p>Parcels of land from the forestry fund may only be leased to associations and organizations with participation of local and foreign legal entities, as well as international organizations, foreign legal entities, foreign citizens and persons without citizenship, and only by decision of the Government of the Kyrgyz Republic.</p> <p>Leased parcels of land from the forestry fund may not be purchased or subleased.</p>
	Sample Form of forest ticket for rent (secondary use) of pastoral holdings approved by Resolution of the Government of the Kyrgyz Republic	#360 June 4, 2002	Forest ticket is a certificate of authority to use pastures parcels of land from the forestry fund.
<b>Veterinary legislation</b>			
	AGREEMENT between the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Republic of Tajikistan and the Government of the Republic of Uzbekistan on cooperation in the area of veterinary medicine	Approved by Resolution of the Government of the Kyrgyz Republic #682 of November 17, 2000	<p>According to this Agreement:</p> <ul style="list-style-type: none"> <li>- the Parties shall cooperated in the area of veterinary medicine and take measures necessary to prevent entry and spread of animal infections from the territory of the state of one of the Parties, to the territory of the state of the other Party, in export, transit and driving of cargoes that are subject to veterinary supervision;</li> <li>- the Parties shall be required to follow veterinary and sanitary rules for export, transit and driving of cargoes, subject to veterinary supervision, from the territory of the state of one of the Parties, to the territory of the state of the other Party, under</li> </ul>

			<p>corresponding international treaties and national laws of the states of the Parties;</p> <ul style="list-style-type: none"> <li>- each consignment of cargoes, subject to veterinary supervision, imported from the territory of the state of one of the Parties, to the territory of the state of the other Party, shall be supported with veterinary certificate in Russian issued by the state veterinary service of the exporting country. Veterinary certificate shall certify that cargoes that are subject to veterinary supervision meet all veterinary and sanitary requirements established under provisions of corresponding international treaties and the importing state;</li> <li>- the Parties shall designate in the territory of their states border veterinary stations to process export, import and transit of cargoes that are subject to veterinary supervision with a view to inspect such cargoes and prevent entry of infections to territory of their states.</li> </ul>
	The Law of the Kyrgyz Republic “On veterinary medicine”	#61 of April 12, 2005	<p>The Law determines objects implementing activities to ensure compliance with the veterinary legislation requirements that are subject to veterinary supervision.</p> <p>It shall be allowed to transport (drive) animals along the routes agreed with the state veterinary supervision authorities with observance of veterinary and sanitary requirements, in the presence of supporting veterinary documents (veterinary certificates).</p> <p>Veterinary and sanitary protection of the territory of the Kyrgyz Republic from animal diseases being carried from abroad shall be organized in order to prevent entry and spread of contagious animal diseases, including diseases that are common to human beings and animal species. To ensure proper veterinary and sanitary protection of the territory of the Kyrgyz Republic from animal diseases being carried from abroad, the Government of the Kyrgyz Republic shall establish strict border veterinary supervision at railway stations and vehicle depots, airports, airfields open to international traffic, other specially equipped points of entry, as well as at customs points of entry to the Kyrgyz Republic for people, vehicles (including military vehicles), animals, zoogenic products, fodder, fodder supplements, veterinary medicaments and strains of pathogenic microorganisms.</p>
	Criminal Code of the Kyrgyz Republic	#68 of October 1, 1997	The Code also establishes responsibility for damage to land, violation of veterinary regulations resulting in spread of epizootic diseases, mass loss of livestock and other serious consequences.
	Regulation “On the Department of State	#562 of August 4, 2006	The Department of State Veterinary Medicine shall act immediately through its local branches and

	<p>Veterinary Medicine under the Ministry of Agriculture, Water Resource and Processing Industry of the Kyrgyz Republic” approved by Resolution of the Government of the Kyrgyz Republic</p>		<p>structural units, in cooperation with other public authorities, local self-governments, nongovernmental and other organizations of the Kyrgyz Republic. Main objectives of the Department of State Veterinary Medicine include:</p> <ul style="list-style-type: none"> <li>- arrangement for, and exercise of, the state veterinary supervision over compliance by legal entities, individual entrepreneurs and natural persons of veterinary and sanitary regulations in keeping and exploitation of animals, manufacturing animal products, fodder, nutrient supplements, as well as in stocking, processing, storing, transporting and marketing thereof;</li> <li>- arrangement for, and implementation of, veterinary and sanitary measures to prevent outbursts and spread of contagious animal diseases, as well as the measures in response to such diseases with a view to eliminate them;</li> </ul> <p>Functions of the Department include:</p> <ul style="list-style-type: none"> <li>- exercise of state veterinary supervision over imports, exports, transit and domestic transportation of animals, animal products and raw materials, forage, biological, chemical and pharmaceutical preparations, as well as other cargoes subject to state veterinary supervision at the border and transport veterinary checkpoints.</li> </ul>
	<p>List on goods subject to veterinary supervision approved by Resolution of the Government of the Kyrgyz Republic</p>	<p>#249 of May 30, 2008</p>	<p>To ensure epizootic welfare in the Kyrgyz Republic in protection of the state board of the Kyrgyz Republic and determining the list of goods subject to veterinary supervision. This list includes horses, donkeys, mules, hinnies, cows, pigs, sheep and goats.</p>
	<p>Sanitary, Veterinary Regulations approved by Resolution of the Chief State Medical Officer of the Kyrgyz Republic</p>	<p>#54 of October 26, 1999</p>	<p>Animal owners, producers of animal products and fodder/forage shall be required to:</p> <ul style="list-style-type: none"> <li>- implement economic and veterinary activities aimed to prevent animal diseases and ensure (veterinary and sanitary) safety of livestock products, maintain livestock facilities, forage storages, and livestock product processing facilities in proper condition, as well as to prevent contamination of environment with livestock and related processing wastes;</li> <li>- provide animals with fodder and water meeting corresponding veterinary rules and standards;</li> <li>- observe established veterinary and sanitary rules of livestock transportation, driving and slaughter, as well as processing, storing and marketing of livestock products;</li> <li>- provide access to animals for examination and mandatory prophylactic activities (immunization, research) upon request of professional veterinarians.</li> </ul>
<p><b>Legislation related to state borders</b></p>			

	The Law of the Kyrgyz Republic “On state border of the Kyrgyz Republic”	#27 of March 19, 1999	The Law determines the procedure of determining and modification of the state border, as well as its designation and maintenance of the regime of state border of the Kyrgyz Republic, border regime and regime at entry points; it also regulates relationships in the area of security of the national boundaries of the Kyrgyz Republic.
	The Law of the Kyrgyz Republic “On the Border Guard of the Kyrgyz Republic”	#28 of March 19, 1999	<p>The Law determines legal framework, purpose, objectives, principles of organization and activity, structure and competence of the Border Guard of the Kyrgyz Republic, as well as the types of control and supervision of their activities.</p> <p>Activities of the Border Guard of the Kyrgyz Republic build on accurate and strict compliance with the laws, observance of the rights and freedoms of citizens, conspiracy, undivided authority, cooperation with public authorities and governments, nongovernmental associations, work collectives and the population.</p> <p>Within the border area, along the border and in the territory of a local settlement, ayil, district, city, where there is no Border Guard, but the Border Guard protects the border, the Border Guard at state border posts shall have the right to do the following:</p> <ul style="list-style-type: none"> <li>- arrange detached border troops; on-duty movement along roads, paths and routs; revise documents; examine vehicles, cargoes and other property; escort vehicles and place detached border troops in them;</li> <li>- establish in local communities in border areas and at state border checkpoints of voluntary formations consisting of local residents willing to participate in protection of the state border.</li> </ul> <p>When it patrols the state border, the Border Guard of the Kyrgyz Republic shall be required to:</p> <ul style="list-style-type: none"> <li>- suppress any attempts to cross illegally the state border of the Kyrgyz Republic;</li> <li>- allow persons, vehicles, cargoes and other property crossing the state border of the Kyrgyz Republic at designated points in the presence of duly registered documents;</li> <li>- provide to relevant public authorities of the Kyrgyz Republic in the areas of duty necessary assistance in their activities associated with environmental protection and observance of commercial activity policies.</li> </ul> <p>Upon request of local state administrations and self-governments to change disposition of troops and units of the Border Guard located in their areas, all costs of dislocation and accommodation of troops on a new site shall be shared by the national and local budgets.</p>

	Regulation “On state border checkpoints in the Kyrgyz Republic” approved by Resolution of the Government of the Kyrgyz Republic	#739 of October 7, 2004	This Regulation regulates the order of opening, performance and closing state border checkpoints in the Kyrgyz Republic. Following authorities shall be responsible for monitoring and supervision of persons, vehicles, cargoes and other property crossing the state border of the Kyrgyz Republic: - the Border guard of the Kyrgyz Republic shall be responsible for border and migration control; - the Revenue Committee of the Ministry of Finance of the Kyrgyz Republic shall be responsible for customs supervision; - the Ministry of Health of the Kyrgyz Republic shall be responsible for sanitary and quarantine control; - the Ministry of Agriculture, Water Resource and Processing Industry of the Kyrgyz Republic shall be responsible for veterinary and phytosanitary control; - the Ministry of Transport and Communications of the Kyrgyz Republic shall be responsible for transport control.
	Regulation “On Border guard of the Kyrgyz Republic” approved by Decree of the President of the Kyrgyz Republic	#393 September 3, 2007	This Regulation establishes general provisions, objectives and functions, as well as arrangements of activities of the Border guard. Objectives of the Border guard include: - guard and protection of the state border, territorial integrity and economic interests of the nation; - border control at the state border checkpoints; - assistance to law enforcement authorities and environmental protection agencies of the Kyrgyz Republic in protection of citizens, natural wealth and the environment in border areas and along the state border. Functions of the Border guard include: - arrangement for cooperation of the Border guard with public authorities, local self-governments, institutions, enterprises and other organizations and associations regardless of the patterns of their ownership for the sake of guarding and protecting the state border.
	The Law of the Kyrgyz Republic “On legal status of foreign citizens in the Kyrgyz Republic”	#1296-XII of December 14, 1993	The Law determines legal regulation of foreign citizens in the Kyrgyz Republic and determines their liability for violations in the territory of the Kyrgyz Republic. Foreign citizens, having committed crimes, administrative or other infractions in the territory of the Kyrgyz Republic, shall be held liable for such violations on equal terms with the citizens of the Kyrgyz Republic.
<b>Legislation related to local institutions</b>			
	The Law of the Kyrgyz Republic “On local self-	#99 of May 29, 2009	At their sessions, municipal or local community councils ( <i>kenesbes</i> ) and ayil district <i>kenesbes</i> address

	governance and local state administration”		<p>following issues:</p> <ul style="list-style-type: none"> <li>- election of a head of a local community;</li> <li>- election of a head of ayil district;</li> <li>- establishment of the procedure of managing local issues;</li> <li>- preparation of proposals regarding administrative and territorial arrangements for submission to relevant public authorities;</li> <li>- differentiated rates of land tax for agricultural land use shall be set depending on the score for soil bonitet (index of quality and yield of soil) within a total amount of land tax established for ayil or local community, and calculated on the basis of legally approved basic rate for a corresponding area;</li> <li>- enforcement of their resolutions;</li> <li>- establishment of the procedure of granting on lease land from the Agricultural Land Redistribution Fund and hayfields.</li> </ul> <p>The scope of authority of a <i>rayon kenesb</i> (district council) includes:</p> <ul style="list-style-type: none"> <li>- issues related to failure to use unclaimed and unused pastures.</li> </ul> <p>Council (<i>kenesh</i>) shall issue its decisions in form of resolutions and have them signed by the Chairperson. The scope of authority of public authorities in the area of local self-government shall include:</p> <ul style="list-style-type: none"> <li>- adoption and monitoring of compliance with the laws on local self-government;</li> <li>- approval of public programs of local self-government development.</li> </ul> <p>The scope of authority of regional (<i>oblast</i>-level) state administration shall include promotion of international and interregional cooperation. The scope of authority of <i>ayil-okmotu</i> shall include facilitation of mobilization and practical institutional activities to prevent and respond to natural disasters and emergencies.<sup>65</sup></p>
	The Law of the Kyrgyz Republic “On courts of <i>aksakals</i> (elders)”	#113 of July 5, 2002	<p>Courts of <i>aksakals</i> shall have the right to try following cases (materials):</p> <p>a) on property and family disputes of citizens:</p> <ul style="list-style-type: none"> <li>- on recovery of material debts;</li> <li>- on reclamation of property from unlawful possession by other persons;</li> <li>- on recovery of repositied property;</li> <li>- on collection of rent;</li> <li>- on reimbursement of damage to property;</li> </ul>

<sup>65</sup> Emergency is a situation that occurs within certain area as a result of hazardous natural or man-caused developments, accidents, catastrophes, natural or other disasters, which may or already entail casualties or cause damage to human health or environment, result in substantial material losses and disturb living conditions in local communities.

			<ul style="list-style-type: none"> <li>- on division of community property;</li> <li>- on national marital relations and matrimonial traditions;</li> <li>b) on failure of parents and other family members to meet their obligations of upbringing and support of their children;</li> <li>c) on failure of adult children to meet their obligations of supporting their disabled parents or other persons, which have brought them up and supported them in accordance with the established procedure;</li> <li>d) on payment for works performed under labor contracts;</li> <li>e) on watering between users of land parcels.</li> </ul> <p>Courts of <i>aksakals</i> may be established by decision of a community meeting, local councils (<i>kenesh</i>) or other representative body of local self-government in the territory of ayil, local community or town; these courts may include elders, both men and women, who have authority and respect.</p> <p>Courts of <i>aksakals</i> shall try cases (materials):</p> <ul style="list-style-type: none"> <li>- if violations are committed in their mandated territory;</li> <li>- upon request of applicants, regardless of their residence, if defendants reside in their mandated territory;</li> <li>- upon request of other courts of <i>aksakals</i>, if offenders, victims or defendants reside in their mandated territory.</li> </ul>
	<p>The Law of the Kyrgyz Republic “On arbitration tribunals in the Kyrgyz Republic”</p>	<p>#135 of July 30, 2002</p>	<p>Under the Law, any dispute arising from civil relationships may be arbitrated through arbitration tribunals, if agreed to by the parties. However, not all of the disputes tried by state courts may be arbitrated. A dispute may be brought to, and accepted by, arbitration tribunal, if agreed to by the parties to such dispute or in pursuance of the law. Only disputes tried by a competent court may be brought to arbitration tribunal, but only before a contradictory judgment is made by the court or the parties come to amicable agreement.</p> <p>Plaintiffs and defendants are parties to an arbitration. Plaintiffs are citizens and organizations, as well as public authorities and local self-governments having commenced suits on their own account. Defendants are citizens and organizations, as well as public authorities and local self-governments, which may be a subject of claim.</p> <p>Arbitration tribunals may not try following cases:</p> <ul style="list-style-type: none"> <li>- on complaints about regulations and other actions (negligence or negative performance) of a court marshal;</li> <li>- on ascertainment of facts that have legal significance (legal facts);</li> </ul>

			<ul style="list-style-type: none"> <li>- on restoration of rights to forfeited securities;</li> <li>- on bankruptcy (insolvency);</li> <li>- on indemnification of damage to life or health of a citizen;</li> <li>- on protection of honor, dignity and goodwill;</li> <li>- disputes arising from legal ancestral relations;</li> <li>- disputes regarding the order and conditions of marriage and divorce;</li> <li>- disputes regarding personal and non-property relations arising in a family between spouses, parents and children, as well as among other family members;</li> <li>- disputes in connection with adoption, custody and guardianship, or taking children into care;</li> <li>- disputes arising at registration of civil status;</li> <li>- disputes that are legally determined as ineligible to arbitration.</li> </ul> <p>These disputes may only be resolved through the state court.</p>
	The Law of the Kyrgyz Republic “On <i>jamaats</i> (communities) and their associations”	#36 of February 21, 2005	<p>The Law establishes the procedure, principles of establishing and activities of <i>jamaats</i> (communities) and their associations in villages, settlements and towns, and regulates their relations with the public authorities and local self-governments, legal entities and natural persons, and aims to establish legal and institutional framework for social mobilization.</p> <p>Main goals of <i>jamaats</i> include:</p> <ul style="list-style-type: none"> <li>- developing sense of ownership of <i>jamaat</i> residents as members of the same community for joint resolution of local cases at their own risk;</li> <li>- satisfaction of social, economic and spiritual needs of <i>jamaat</i> and local community members;</li> <li>- improving activity of local community members in social mobilization.</li> </ul>
	The Law of the Kyrgyz Republic “On legal regulations of the Kyrgyz Republic”	#34 of July 1, 1996	<p>Ministries, state committees, administrative departments and other central executive authorities, local state administrations, local self-governments shall, on the basis and in pursuance of the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, resolutions of the Parliament (<i>Jogorku Kenesh</i>) of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic, and regulations of the Government of the Kyrgyz Republic, issue acts within the scope of their authority.</p>
<b>Legislation related to information dissemination</b>			
	The Law of the Kyrgyz Republic “On electronic communication development”	#107 of October 8, 1999	<p>The Law regulates basic legal, economic and institutional relations required for development of electronic communications in the Kyrgyz Republic. The objective of this Law is to promote favorable conditions for satisfaction of information needs of citizens, institutions, organizations and public</p>

			authorities on the basis of forming modern information infrastructure in the Kyrgyz Republic.
	The Law of the Kyrgyz Republic “On guarantees and freedom of access to information”	#89 of December 5, 1997	The Law regulates relations arising in the process of executing the right of each person to free and unimpeded ability to search, obtain, review, produce, transfer and disseminate information. Public authorities, local self-governments, nongovernmental associations, enterprises, institutions, organizations and officials shall be required to ensure provision of opportunities for each person to review documents, decisions and other materials concerning their rights and legal interests. Information may be accessed by: <ol style="list-style-type: none"> <li>1) publication and dissemination of corresponding materials;</li> <li>2) provision of information upon request;</li> <li>3) disclosure of information about ones’ activities;</li> <li>4) provision of immediate access to documents and materials;</li> <li>5) provision of unimpeded access to open meetings of a public authority and local self-governments;</li> <li>6) any other ways allowed under the law of the Kyrgyz Republic.</li> </ol>
	The Law of the Kyrgyz Republic “On freedom of conscience and religious organizations of the Kyrgyz Republic”	#282 of December 31, 2008	The Law determines rights and duties of local self-governments pursuing, in cooperation with the public authority for religions, the policy in respect of religions to ensure protection of the public order, spiritual security, territorial integrity and the constitutional structure against religious extremism.

## ANNEX TWO

### List of Laws, Regulations and Other Legal Instruments of the Republic of Tajikistan

# / #	Type and subject of the Document	Effectiveness Date	Note
<b>Interstate Agreements</b>			
	<p>Agreement between the Government of the Kyrgyz Republic and the Government of the Republic of Tajikistan on mutual acquisition of land</p>		<p>The Government of the Kyrgyz Republic and the Government of the Republic of Tajikistan, hereinafter referred to as the Parties, acting in the spirit of good neighborliness and mutually beneficial cooperation, based on provisions of the Minutes of the Meeting of Prime Ministers of the Kyrgyz Republic and the Republic of Tajikistan regarding mutual acquisition of land for construction of high-voltage transmission lines and the road, dated May 21, 2004, with a view to ensure mutual acquisition of land for construction of high-voltage transmission and the road, have hereby agreed as follows: The Parties shall, no later than in a month, settle the issue of land acquisition:</p> <ul style="list-style-type: none"> <li>- in the territory of Batken district (<i>rayon</i>), Batken region (<i>oblast</i>) of the Kyrgyz Republic shall be provided to the Republic of Tajikistan only for construction of a 220 kilovolt transmission line from the substation of <i>Aigul-Tash</i>, Batken region of the Kyrgyz Republic, towards the substation of <i>Kanibadam</i> in Soghd region of the Republic of Tajikistan, under the law of the Kyrgyz Republic;</li> <li>- in the territory of Isfara district, Soghd region of the Republic of Tajikistan, starting from the point of intersection of the projected road with the Kyrgyz-Tajik state border line, from the Eastern part of the Osh-Isfana road, a strip of land shall be provided to the Kyrgyz Republic only for construction of a section of the Osh-Isfana road; to the north off the village of Surkh, Isfara district, Soghd region of the Republic of Tajikistan, in the form of overpass combined with a bridge over the course of emergency mudflow flume, as well as overpass over the road of Isfara-Vorukh and the river of Isfara and beyond, along with the left bank of Isfara river and the bottom of the Tanghi Surkh mountain, to the west up to the point of intersection of the projected road with the Kyrgyz-Tajik state border line from the western part of the state border of the Kyrgyz Republic and the Republic of Tajikistan, running as a bridge over the dry wash of Shuriston; and a section of a 110 kilovolt transmission line from the substation of <i>Aigul-Tash</i> to the substation of Samat, to the south off Khodzha-Alo community in Chorku <i>jamoat</i>, Republic of Tajikistan, under the law of the Republic of</li> </ul>

		<p>Tajikistan.                  The Kyrgyz Party shall be responsible for payment of any relocation compensations due to potential demolition of houses, premises and other constructions, destruction of perennial plantings, replacement of land users for construction of a 220 kilovolt power transmission line, whereas its Tajik counterpart shall be responsible for payment of similar relocation compensations related to construction of a section of the Osh-Isfana road and a 110 kilovolt power transmission line.                  The Parties shall grant areas referred to in Article 1 of this Agreement on lease to each other for 49 years for the fee of USD 1 per year.</p>
<p><b>Legislation related to land use</b></p>		
<p>Land Code of the Republic of Tajikistan</p>	<p>#327 of December 13, 1996</p>	<p>Land in the Republic of Tajikistan shall be the exclusive property of the state, and the state shall guarantee effective use of its land in the interests of the people. Land previously owned by ancestors may not be reclaimed.                  Natural persons (individuals) and legal entities shall be land users in the Republic of Tajikistan.                  Natural persons and legal entities may be either primary or secondary land users.                  Primary land users are natural persons and legal entities having parcels of land in unlimited (unlimited duration), limited (terminal or fixed-term) or lifelong heritable use. Secondary land users are natural persons and legal entities using parcels of land under lease agreements.                  Primary land users may grant parcels of their land on lease under contract. Parcels of land may be granted on lease for the term of up to twenty years.                  Foreign citizens and foreign legal entities may have parcels of land in limited use for the term of up to fifty years. Lands of protected areas may not be provided to foreign citizens and foreign legal entities.                  Land use in the Republic of Tajikistan shall be paid. Land use fees shall be collected on an annual basis in form of a land tax and/or rental payment, when due. Rental payment for agricultural land shall be determined depending on quality and location of a parcel of land, including findings of cadastral valuation.                  Rates of fees for use of other types of land shall be determined depending on their location, use, environmental, social and economic features.                  Land disputes arising from land relationships shall be tried at court in accordance with the procedure established under the law of the Republic of Tajikistan.                  Local state executive authorities in districts and towns shall, in coordination with a local land management authority, provide land for unlimited, limited and lifelong</p>

			<p>heritable use, and grant on lease parcels of land from the following categories: up to 10 hectares from such categories as agricultural land and the government reserve of agricultural land; up to 10 hectares from such categories as the state forestry fund and state fund of water resources, except for the Category A forests.</p> <p>Agricultural land shall be provided to: legal entities and natural persons for agricultural production, horticulture and gardening; non-agriculture enterprises, institutions and organizations, and religious organizations for subsidiary plot farming purposes.</p> <p>Parcels of land shall be allocated to individual livestock owners (natural persons) for pasturing and haymaking purposes upon recommendation of <i>Jamoats</i> from the state land reserve, forestry fund, lands of local communities, as well as lands of agricultural farms and other organizations using agricultural land, as follows:</p> <ul style="list-style-type: none"> <li>a) lands of agricultural farms and other organizations using agricultural land – by resolution of the general meeting of these farms and organizations;</li> <li>b) lands from the state land reserve – by resolution of district (town) chairpersons;</li> <li>c) lands from the state forestry fund – by resolution of district (town) chairpersons in coordination with forest management authorities</li> </ul>
Forest Code of the Republic of Tajikistan		#769 of June 24, 1993	<p>All forests of the Republic of Tajikistan constitute the state forestry fund.</p> <p>The state forestry fund shall consist of:</p> <ul style="list-style-type: none"> <li>1) national forests, i.e. forests under the jurisdiction of public forestry authorities, municipal forests, forests assigned to public authorities, forest tree nurseries and protected forests;</li> <li>2) forests of agricultural organizations and <i>debkan</i> farms, i.e. forests situated on the land allocated to <i>kollebozes</i> for unlimited use.</li> </ul> <p>Lands of the state forestry fund are afforested areas, as well as areas without forests allocated for forestry purposes.</p> <p>The state forestry fund includes: forest lands, such as afforested areas, open-growing forest plantations, forest tree nurseries, plantations, light forests (sparsely closed stands in the open forest), fire sites, logged areas, clearings; non-forest lands such as arable lands, hayfields, pastures, waters, gardens and vineyards, roads and rides, farmsteads, swamps, sands, glaciers.</p> <p>The user right to lands from the state forestry fund shall be certified with a land user certificate issued by the state. Forest areas are allocated for limited forest exploitation purposes on lease terms.</p> <p>The owners of forest areas are public environmental authorities.</p> <p>Forest areas may be held on lease by natural persons and</p>

			<p>legal entities, joint ventures, international associations and organizations with involvement of foreign legal entities, as well as foreign states, foreign legal entities and citizens. Terms of lease and the rate of rental fee are determined by agreement of the parties and specified in a lease agreement.</p> <p>Forests, as well as lands from the state forestry fund, may also be used for incidental purposes, such as haymaking, pasturing, placement of beehives and bee-gardens, collection of wood juices, collection and storage of wild fruits, nuts, mushrooms, berries, medicinal herbs and industrial plants; haymaking and livestock pasturing on agricultural lands that belong to the state forestry fund. Haymaking and livestock pasturing in forests and open (un-forested) areas of the state forestry fund is not allowed in the areas, where such activities may cause harm to the forest.</p> <p>Areas allowed to be used for haymaking and livestock pasturing are determined by forestry enterprises, institutions and organizations under the law of the Republic of Tajikistan.</p> <p>Hayfields and pastures in the national forests not used for forestry purposes are provided to agricultural organizations, other natural persons and legal entities for limited (fixed-term) use, if consistent with the forestry interests. Hayfields and pastures are provided for such limited use in compliance with requirements of the land law.</p> <p>Lands of the state forestry fund are provided for limited (fixed-term) use to agricultural organizations, other state, cooperative and <i>dehkan</i> farms from the pool of areas not used in agriculture, in accordance with the procedure established under the Land Code of the Republic of Tajikistan.</p> <p>Special characteristics of forest use in the border area are determined by public forestry authorities of the Republic of Tajikistan in coordination with the Headquarters of the Border Guard.</p>
Tax Code of the Republic of Tajikistan	December 3, 2004		<p>Land tax shall be paid by land users with parcels of land reserved to them in unlimited (unlimited duration), limited (terminal or fixed-term) or lifelong heritable use.</p> <p>Land tax shall be determined depending on quality and location of a parcel of land, cadastral valuation of land, patterns of use and environmental features of a parcel of land.</p> <p>The rate of land tax does not depend on economic performance of land users, and is set in form of regular (annual) payments per unit of land area.</p> <p>Average rates of land tax effective in different cadastral areas by districts of the country shall be approved in accordance with the established procedure by the Government of the Republic of Tajikistan, upon</p>

		<p>recommendation of the State Committee for Land Management of the Republic of Tajikistan.</p> <p>Land tax payable by natural persons shall be assessed by local tax authorities. Tax authorities shall keep records of land tax payers, and control accuracy and timeliness of its assessment and payment.</p> <p>The terms of payment of land tax by natural persons shall be divided into three stages: 33% by June 15, 66% by August 15, and 100% by November 15.</p>
Penal (Criminal) Code of the Republic of Tajikistan"	May 21, 1998	The Penal (Criminal) Code of the Republic of Tajikistan provides for criminal liability for violation of veterinary rules, if such a violation has inadvertently resulted in spread of epidemic, epizootic diseases or other serious consequences, as well as liability for damage to land.
Code of Administrative Responsibility of the Republic of Tajikistan	December 31, 2008	<p>This Code establishes liability for damage to herbaceous cover and tillage, use of land resources without special permit, damage to agricultural and other lands or destruction of fertile (top) soil layer.</p> <p>Liability related to land use:</p> <ul style="list-style-type: none"> <li>- for unauthorized use or appropriation of land;</li> <li>- for failure to implement prescribed soil amelioration activities;</li> <li>- for improper use of land;</li> <li>- for failure to pay land tax;</li> <li>- for unauthorized exchange of land parcels;</li> <li>- for non-exploitation of agricultural land for two years for no valid reason;</li> <li>- evasion of registration of a parcel of land.</li> </ul>
The Law of Republic of Tajikistan On <i>dehkan</i> farms	May 10, 2002	<p><i>Dehkan</i> farm is an independent economic entity implementing its activities on a non-corporate basis (i.e. without establishing a legal entity) and based on personal labor of one person or members of the same family jointly producing agricultural products, such an entity being located on a parcel of land and other properties owned by members of a <i>dehkan</i> farm.</p> <p>Along with commercial organizations and individual entrepreneurs, <i>dehkan</i> farm is a peer unit of the economic system. All of its economic transactions are carried out by consent of the parties on the basis of cash payments or clearing.</p> <p>A parcel of land required for establishment of a <i>dehkan</i> farm is provided for lifelong heritable use based on application of a citizen; land parcels for establishment of <i>dehkan</i> farms are provided by district (municipal) executive authorities within the terms of their reference established under the Land Code of the Republic of Tajikistan.</p> <p>A <i>dehkan</i> farm may rent additional parcels of land for its production purposes.</p> <p>Parcels of land for establishment of <i>dehkan</i> farms are provided to citizens of the Republic of Tajikistan for lifelong heritable use at the following rates:</p> <p>a) for land from the land pools of agricultural</p>

		<p>organizations – at the rate of an average land share per each organization member entitled to land;</p> <p>b) for land from the special fund – at the rate of a district (municipal) average land share per each capable member willing to establish a <i>dehkan</i> farm.</p> <p>For establishment of <i>dehkan</i> farms, local (district/municipal) executive authorities establish special land fund consisting of:</p> <p>a) lands withdrawn from use or downgraded to the category of land with less value;</p> <p>b) resource lands;</p> <p>c) all categories of lands not used according to their purpose;</p> <p>d) lands allocated for agricultural production purposes, yet unused for one year, as well as lands allocated for other (nonagricultural) purposes, yet unused for two years;</p> <p>e) lands of agricultural organizations that are not covered with forest and bushes, if such lands are suitable for use as agricultural land;</p> <p>f) lands of agricultural organizations, if used inefficiently;</p> <p>g) lands of <i>dehkan</i> farms having discontinued operation;</p> <p>h) newly developed lands.</p> <p>The right to use land is certified with a land user certificate issued in the name of a head of a <i>dehkan</i> farm in accordance with the procedure established by the Government of the Republic of Tajikistan. Land may only be used in the presence of such a certificate.</p> <p>The right to rent land is specified under contract between the parties.</p> <p>To receive parcels of land, citizens having expressed their willingness to establish <i>dehkan</i> farms, including those who move from other districts (towns) for permanent residence in a given district (town), are required to apply, with specification of all necessary supporting documents, to a local (district/municipal) executive body, depending on location of a parcel of land requested.</p> <p>In their applications, citizens are required to specify the purpose, proposed area and location of a requested parcel of land, as well as a total number of capable members.</p> <p>A local (district/municipal) executive body decides on allocation of a parcel of land within one month upon filing of an application.</p> <p>A <i>dehkan</i> farm and its members shall be allowed to:</p> <p>a) manage their land on their own;</p> <p>b) grant a parcel of land on lease, wholly or partially, in case of temporary disability, draft to the military forces for actual military service, study, as well as in other cases specified under the law of the Republic of Tajikistan;</p> <p>c) use, in accordance with the established procedure, deposits of natural resources (sand, macadam, clay, rocks, water sources) and other useful properties of a parcel of land of a <i>dehkan</i> farm;</p>
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		<p>Hunting, fishing, forest berrying, including collection of nuts, medicinal herbs, frutescent fruits, other natural products, or other activities on a parcel of land allocated for a family <i>dehkan</i> farm or <i>dehkan</i> farm with involvement of other persons, are only allowed by consent of members of such farms or pursuant to agreement between the parties.</p> <p>A <i>dehkan</i> farm and its members having their land shares are required to:</p> <ul style="list-style-type: none"> <li>a) use land efficiently, in accordance with its targeted purpose, improve its fertility, implement a package of activities to protect land, forest, and water, and prevent environmental condition from degradation as a result of their economic activities;</li> <li>b) pay rental fees and other types of land use tax on a timely basis;</li> <li>c) assist in efficient use of land and improvement of agricultural crop capacity; provide, on a timely basis, information about their activities and land use to a local (district/municipal) executive authority and other bodies specified under the law;</li> <li>d) repair, in accordance with the established procedure, damage caused by land user to land, which reduces soil fertility;</li> <li>e) observe contractual obligations, as well as credit and settlement discipline;</li> <li>f) forbear from violation of the rights of other land users.</li> </ul>
The Law of Republic of Tajikistan On land appraisal	#18 of May 12, 2001	In the Republic of Tajikistan, land is appraised with a view to determine and establish standard price on land for unbiased taxation and establishment of rental fees, creation of favorable conditions for rational land use, protection and development, as well as for improvement of soil fertility.
The Law of Republic of Tajikistan On environmental protection	#905 December 27, 1993	<p>Main objectives of this Law include regulation of relationships in the area of interaction of society with the nature with a view to preserve natural resources and natural human habitats, rational use and reproduction of natural resources, prevention of detrimental environmental impact of economic and/or other activities. Land, forests, pastures and other vegetation shall be subject to protection against contamination, spoilage, damage, depletion, destruction or otherwise irrational use. Livestock farms and complexes, enterprises processing agricultural and forest products shall have necessary buffer areas, water protection zones and treatment facilities to prevent contamination and spoilage of land, surface and subsurface water resources, destruction and depletion of forests and pastures.</p> <p>The terms of reference of local <i>Majilis</i> of people's deputies shall include:</p> <ul style="list-style-type: none"> <li>- accounting and evaluation of condition of natural resources; accounting of environmentally hazardous</li> </ul>

		<p>objects; keeping cadastres of natural resources;</p> <ul style="list-style-type: none"> <li>- coordination of law enforcement activities.</li> </ul> <p>State law enforcement bodies of the Republic of Tajikistan shall, in cooperation with state statistical institutions and nature users, keep qualitative and quantitative accounting of natural resources and secondary resources, as well as make social and economic assessment thereof.</p> <p>Fees for natural resources (water, subsurface resources, water, forest and other vegetation) shall be collected for:</p> <ul style="list-style-type: none"> <li>- the right to use natural resources within the established limits;</li> <li>- above-limit and irrational use of natural resources.</li> </ul> <p>Environmental emergency areas shall be areas of land, water and airspace, where economic and/or other activities, natural disasters, accidents or catastrophes result in persistent negative changes in the environment threatening human health, condition of natural environmental systems, flora and fauna gene pools.</p> <p>These areas shall be declared and cancelled by resolution of the Government of the Republic of Tajikistan, upon recommendation of special authorities.</p>
The Law of Republic of Tajikistan On protection and use of plants	#31 of May 17, 2004	<p>Flora is categorized, according to its use, into food, forage, medicinal and industrial plants.</p> <p>Following uses of flora shall be allowed in the territory of the Republic of Tajikistan:</p> <ul style="list-style-type: none"> <li>- procurement of forage for livestock needs;</li> <li>- use of flora for pasturing, beekeeping and silkworm breeding (sericulture) purposes.</li> </ul> <p>Flora shall be used as a complex with a system of measures to protect and rehabilitate natural plant resources, preserve their growing environment, and ensure compliance with the established rules, timetable, limits and standards.</p> <p>Land users are simultaneously flora users.</p>
The Law of Republic of Tajikistan On liability for damage to plantings and crops, mulberries and other plants and bushes	#240 of March 5, 2007	<p>If necessary, livestock having damaged plantings, damaged or destroyed harvested crops in the field, mulberries and other plantings, shall be detained, in accordance with the legislation of the Republic of Tajikistan, by agricultural organizations and enterprises, <i>debkan</i> farms, producers' cooperatives, public authorities and non-governmental organizations, as well as citizens, until identification of its owners based on a certificate of an authorized committee.</p> <p>Amount payable for reparation of damages caused to plantings, crops, mulberries, other plantings and bushes shall be paid by a person having caused such damage on accounts of corresponding enterprises, agricultural organizations, <i>debkan</i> farms, producers' cooperatives, public authorities and non-governmental organizations, and citizens.</p> <p>Penalty in amount established in accordance with the rules specified under the law of the Republic of Tajikistan shall be paid to a local budget.</p>

<p>Resolution of the Government of Republic of Tajikistan On State Committee for Forestry and Hunting</p>	<p>#371 of August 1, 2008</p>	<p>The State Committee for Forestry and Hunting shall be entitled to collect fees for forest exploitation (haymaking, pasturing, collection and manufacturing products of wild forest plants) in accordance with the established procedure.</p>
<p>Regulations On procedure of state supervision of condition, use, reproduction, conservation and protection of forests in the Republic of Tajikistan, approved by the Resolution of the Government of the Republic of Tajikistan</p>	<p>#388 of September 21, 2000</p>	<p>State supervision of condition, use, reproduction, conservation and protection of all forests (national forests, forests of collective farms (<i>kollektiv</i>), forests of <i>dehkan</i> farms, forests assigned to other ministries and agencies), and municipal forests shall be exercised by the Forestry Production Enterprise (FPE) of the Republic of Tajikistan in cooperation with the Ministry of Environment, their subordinate enterprises, as well as regional (<i>oblast</i>-level), district (<i>rayon</i>-level) and municipal <i>Hukumats</i>, their executive and regulatory authorities, in accordance with the terms of their reference.</p> <p>The Forestry Production Enterprise of the Republic of Tajikistan also exercises state supervision over compliance with the established rules and conditions of procuring forest products, such as nuts, fruits, berries, medicinal herbs and industrial plants, other secondary forest materials, as well as rules of haymaking and livestock pasturing.</p>
<p>Regulations On the Ministry of Agriculture of the Republic of Tajikistan, approved by the Resolution of the Government of the Republic of Tajikistan</p>	<p>#191 of April 26, 2008</p>	<p>The Ministry of Agriculture of the Republic of Tajikistan is the central executive authority responsible for formulation and implementation of the uniform agricultural policy of the state.</p> <p>The Ministry pursues following objectives:</p> <ul style="list-style-type: none"> <li>- formulation and implementation of the uniform agricultural policy of the state, including policy in the area of crop production, livestock farming and other agricultural sectors;</li> <li>- formulation of programs and output forecasts to ensure efficient use of the national agricultural capacity;</li> <li>- support of agricultural producers, formulation of recommendations to improve efficiency in manufacturing of various types of products and implementation of agricultural activities.</li> </ul> <p>The Ministry is authorized to:</p> <ul style="list-style-type: none"> <li>- prepare laws and regulations on the uniform agricultural policy of the state;</li> <li>- provide methodology and organizational assistance with a view to increase agricultural output and improve its quality; formulate recommendations for implementation of new and efficient methods and techniques of crop production and selection, as well as livestock, poultry, fish and honeybee breeding; use of modern machinery and equipment, pest killers and other crop protecting agents;</li> <li>- coordination, in accordance with the established procedure, of activities to create and maintain performance of an integrated system for monitoring of agriculture and use of natural resources.</li> </ul>

<p>Regulations On the Committee for Environmental Protection under the Government of the Republic of Tajikistan, approved by the Resolution of the Government of the Republic of Tajikistan</p>	<p>#189 of April 24, 2008</p>	<p>Main objectives of the Committee include:          - state control over protection and rational management of flora and fauna, stocks of fish, protected areas, nature trails for tourists, woodlands, water resources, atmospheric air, lands and underground layers, known minerals, as well as management of chemicals and mineral fertilizers, wastes and recycled products, compliance with the environmental and biological safety requirements.</p>
<p><b>Veterinary legislation</b></p>		
<p>The Law of Republic of Tajikistan On veterinary services</p>	<p>#73 of December 8, 2003</p>	<p>Objectives in the area of national veterinary services are implemented by a veterinary authority under the Ministry of Agriculture and Environment of the Republic of Tajikistan in accordance with the procedure established by the Government of the Republic of Tajikistan. The structure of this authority is approved by the Government of the Republic of Tajikistan.</p> <p>The Central Veterinary Department under the Ministry of Agriculture and Environment is a legal entity. It is headed by the Head of the Central Veterinary Department (Chief State Veterinary Officer) appointed and dismissed by the Government of the Republic of Tajikistan.</p> <p>Heads of veterinary authorities, as well as heads of municipal and district stations for animal disease control simultaneously hold positions of chief state veterinary officers.</p> <p>Regional state veterinary authorities at the state border and in transport shall be established and act to prevent entry of extremely dangerous (including quarantine) animal diseases, including diseases that are common to human beings and animal species.</p> <p>Animals, zoogenic products, finished food products, raw zoogenic materials, zoogenic and phytogenic fodder, fodder supplements, strains of microorganisms, veterinary medicine and other commodities subject to control by veterinary service, may only be allowed to cross the customs border of the Republic of Tajikistan after mandatory veterinary inspection. Customs clearance of commodities may only be accomplished after such an inspection carried out by specialists of state veterinary control, customs and custom posts. Sites used for state veterinary inspections must be located within the same customs area.</p> <p>Import, export or transit of animals, zoogenic products and raw materials, other cargoes, as well as entry to the territory of the republic of vehicles that are subject to mandatory state veterinary inspection is only allowed in the presence of documents specified in intergovernmental agreements, and in case of compliance with the established veterinary requirements. Zoogenic products and raw materials, and livestock fodder may only be sold</p>

			<p>to the Republic of Tajikistan after due veterinary examination.</p> <p>Transportation and driving of animals is only allowed in compliance with veterinary and sanitary requirements to prevent outbreaks and spread of animal diseases along the routes agreed upon with the veterinary authorities.</p> <p>Animals may not be transported or driven (exported) across districts and towns that are not favorable in terms of extremely dangerous contagious animal diseases.</p> <p>Agricultural animals (livestock) are subject to the procedure of mandatory marking according to forms and types established under veterinary rules and standards, allowing to keep track of each animal throughout its life, including any of its movements from one owner to another, with a view to control efficiency of veterinary and sanitary activities aimed to prevent and diagnose animal diseases.</p> <p>From the moment of its birth, each animal must be assigned a unique personal number that is either branded as a mark on its body, or attached as a tag to its ear. This personal number allows identifying the breed, age, place of birth and the owner of an animal, and allows using this data in veterinary accounting and reporting materials.</p>
<p><b>Legislation related to state borders</b></p>			
<p>The Law of Republic of Tajikistan On state border of the Republic of Tajikistan</p>	<p>#481 of August 1, 1997</p>		<p>Point of entry across the State Border means an area within the borders of a railway terminal, road-vehicle depot or station, as well as river port, airport, airdrome open to international traffic (international flights), and other specially equipped places, where border, customs and other types of control are exercised, if necessary, and where persons, vehicles, cargoes, goods and animals are allowed to cross the State Border.</p> <p>Points of entry across the State Border are established by the Government of the Republic of Tajikistan upon recommendation of the ministries and agencies of the Republic of Tajikistan, as agreed upon with the Border Guard troops, taking into consideration interests of neighboring and other foreign states.</p> <p>Regime at the points of entry across the State Border includes rules of entry to, stay at, and exit from these points for persons, vehicles, cargoes, goods and animals, with the exclusive purpose of creating necessary conditions for exercising border, customs and other types of control.</p> <p>Availability of effective permits to enter or exit the Republic of Tajikistan shall be the ground for letting persons, vehicles, cargoes, goods and animals through the state border, depending on presence of corresponding documents for vehicles, cargoes, goods and animals (veterinary control).</p>

			<p>Economic, commercial (hunting and fishing) and other activities of Tajik and foreign legal entities and natural persons (including activities implemented directly at or next to the state border in the territory of the Republic of Tajikistan) associated with the crossing of the state border, and otherwise concerning the Republic of Tajikistan or foreign states, shall not:</p> <ul style="list-style-type: none"> <li>- cause harm to health of the population, environmental and other safety of the Republic of Tajikistan, neighboring countries and other foreign states, or threatening to cause such harm;</li> <li>- interfere with the maintenance of the state border.</li> </ul> <p>By resolution of the Government of the Republic of Tajikistan, transboundary traffic along dangerous sections of the state border of the Republic of Tajikistan may be temporarily restricted or ceased in case of a threat of spread of extremely dangerous infections in the territory of the Republic of Tajikistan or a foreign state, or quarantine may be established for people, animals, cargoes, seeds, planting stock and other zoogenic and phytogenic products crossing the state border of the Republic of Tajikistan.</p> <p>Upon entry to the territory of the Republic of Tajikistan by crossing the state border from the territory of a foreign state, foreign citizens and stateless persons without status of residents or persons staying in the territory of the Republic of Tajikistan shall be held liable under the law of the Republic of Tajikistan, if their actions have constituent elements of criminal or administrative offence.</p> <p>To address issues associated with compliance with the state border regime, and settle border incidents, border representatives of the Republic of Tajikistan shall be assigned by the Government of the Republic of Tajikistan to certain sections of the state border in accordance with international legal regulations acknowledged by Tajikistan.</p>
<p>The Law of Republic of Tajikistan On the Border Guard of the Republic of Tajikistan</p>	<p>#83 of March 1, 2005</p>		<p>The Border Guard of the Republic of Tajikistan is a special type of armed forces established for protection of the state border, territorial integrity, sovereignty and security of the Republic of Tajikistan.</p> <p>Overall supervision and control over activities of the Border Guard shall be exercised by the President of the Republic of Tajikistan, while the Government of the Republic of Tajikistan coordinates their activities within the scope of its authority.</p> <p>The Chairperson of the Committee for the Protection of the State Border under the Government of the Republic of Tajikistan is simultaneously the Commander of Border Guard of the Republic of Tajikistan.</p> <p>The Border Guard shall implement its activities in cooperation with executive authorities, local self-governments, non-governmental organizations of the</p>

		Republic of Tajikistan. Official representatives shall implement their activities in neighboring countries on the basis of bilateral agreements.
The Law of Republic of Tajikistan On legal status of foreign citizens in the Republic of Tajikistan	#230 of February 1, 1996	In the Republic of Tajikistan, foreign citizens shall enjoy the same rights and liberties, and incur the same obligations as citizens of the Republic of Tajikistan, unless this contradicts to the Constitution and other laws and regulations. Foreign citizens having committed crimes, administrative or other infractions in the territory of the Republic of Tajikistan shall be held liable for such violations on equal terms with the citizens of the Republic of Tajikistan.
<b>Legislation related to local institutions</b>		
The Constitutional Law of Republic of Tajikistan On public authorities	#28 of May 17, 2004	Local authorities shall consist of local representative public authorities and local executive public authorities. Local representative public authorities shall consist of <i>Majilis</i> of people's deputies of Gorno-Badakshan autonomous region (region), the city of Dushanbe (city and district). Local executive public authorities shall consist of the Chairperson of Gorno-Badakshan autonomous region (region), the city of Dushanbe (city and district), divisions, committees, departments and other local units of the central executive authority. Local public authorities assist self-governments of villages and settlements in implementation of their functions and, in accordance with laws and regulations of the Republic of Tajikistan, provide financial and economic assistance to them. The scope of authority of a <i>Majilis</i> of people's deputies of Gorno-Badakshan autonomous region (region), the city of Dushanbe (city and district), shall include: - establishment of local taxes and dues in accordance with the law; - approval, within the scope of its authority, of environmental protection and nature management programs of a corresponding subnational entity, and supervision of implementation thereof; - regulation, within the scope of its authority, of relationships associated with use of water, land and other natural resources under the law. Within the scope of its authority, <i>Majilis</i> shall issue resolutions, and may also issue addresses and statements. The Chairperson of Gorno-Badakshan autonomous region (region), the city of Dushanbe (city and district) shall decide land issues, ensure control over nature management, construction and reconstruction of environmental facilities in accordance with laws and regulations of the Republic of Tajikistan. Sources of economic activities of local public authorities

			<p>shall include land, minerals, water, forest, flora and fauna, as well as other natural resources within the area of a corresponding subnational entity.</p> <p>Border local public authorities may pool their financial sources with those of local public authorities, natural persons and legal entities within the border area of neighboring countries for implementation of joint programs, including transboundary development programs, under the law of the Republic of Tajikistan.</p>
The Law of Republic of Tajikistan On local self-governments		#1094 of December 1, 1994	<p><i>Jamoats</i> are self-governments at the village and settlement level. <i>Jamoats</i> assist in exercise of the rights of citizens to participation in administration of public and state matters, by consolidating them with a view to accomplish their social and economic objectives.</p> <p><i>Jamoats</i> are established according to the territorial principle. Territories, within the borders of which such self-governments act, are determined under the law of the Republic of Tajikistan.</p> <p>Representatives of villages forming the same <i>Jamoat</i> shall be delegated to <i>Jamoat dekhbot</i>, while representatives of streets and blocks (<i>makhbalya</i>) shall be delegated to <i>Jamoat shakebrak</i>. Representative standards and the procedure of delegation shall be established by municipal and district <i>majilis</i> of people’s deputies or Chairperson of a district or town. The Chairperson, deputy chairperson and secretary shall be elected to <i>Jamoat</i> for the term of five years, while representatives shall be elected by open vote through general meetings of corresponding villages. The period for which a representative is elected depends on expression of the will of residents of a corresponding village.</p> <p><i>Jamoat</i> is convened by the Chairperson of <i>Jamoat</i> in coordination with a corresponding <i>Majilis</i> of people’s deputies or Chairperson of a district or town, as the need may be, yet in any case no less than twice a year. <i>Jamoat</i> may also be convened by <i>Majilis</i> of people’s deputies or Chairperson of a district or town by initiative of at least one third of all citizens eligible to participate in <i>Jamoat</i>.</p> <p><i>Jamoats</i> shall be considered competent if attended by at least two thirds of people’s representatives delegated to <i>Jamoats</i>.</p> <p>Working presidium shall be elected to keep meetings of <i>Jamoat</i>. The Chairperson of <i>Jamoat</i> shall preside at its meetings. Decisions on all issues are made by open vote with the simple majority of votes present at a meeting. Minutes shall be prepared for each <i>Jamoat</i> meeting with specification of the date of holding a <i>Jamoat</i> meeting, number of representatives present at the meeting, agenda of the meeting and decisions made. Minutes and decisions of <i>Jamoat</i> shall be signed by the Chairperson of <i>Jamoat</i> or, if absent, by one of the deputies, and submitted to the Chairperson of a corresponding town or district. <i>Jamoat</i> Chairperson shall arrange for implementation of decisions</p>

		<p>and current activities of the <i>Jamoat</i>.  <i>Jamoat</i> approves recommendations of its Chairperson regarding parcels of land allocated for farming on personal subsidiary plots, decisions of the Chairperson regarding allocation of land for ownership, use and/or rent to enterprises, institutions and/or citizens, termination of the rights of ownership and/or use of this land by these entities, as well as on withdrawal of land within the borders of settlements and rural communities, which do not belong to landed property of agricultural and forest management enterprises, institutions and organizations. Financial resources of self-governments are pooled of budget resources allocated by municipal or district <i>Majilis</i> of people's deputies, unsolicited contributions of citizens and work collectives, allocations from charitable funds and other sources. Financial resources of self-governments shall be held on their bank accounts; they may used by self-governments independently and may not be withdrawn.</p>
The Law of Republic of Tajikistan On arbitration tribunals	#344 of January 5, 2008	<p>Permanent and special arbitration tribunals may be created in the Republic of Tajikistan.          Permanent arbitration tribunals shall be created by legal entities in form of non-profit organizations.          Permanent arbitration tribunals may not be created under local authorities and self-governments.          The procedure of creating special arbitration tribunals shall be determined upon mutual agreement of the parties.          Dispute may be brought to an arbitration tribunal on the basis of an arbitration agreement between the parties or an arbitration clause in the agreement.          Agreement on arbitration of a civil and/or economic dispute shall be concluded separately in writing.          In pursuance of provisions of this Law, arbitration tribunal shall independently settle the issue of the presence or absence of its competence to arbitrate a dispute.          A party to a dispute shall be allowed to raise a claim regarding lack of competence of an arbitration tribunal to arbitrate the dispute before investigation of the case.</p>
The Law of Republic of Tajikistan On legal regulations	#506 of March 26, 2009	<p>The system of laws and regulations of the Republic of Tajikistan includes:</p> <ul style="list-style-type: none"> <li>- the Constitution of the Republic of Tajikistan;</li> <li>- laws of the Republic of Tajikistan adopted by referendum;</li> <li>- international legal agreements acknowledged by the Republic of Tajikistan;</li> <li>- constitutional laws;</li> <li>- codes and laws adopted by <i>Majilisi Oli</i>;</li> <li>- joint resolutions of <i>Majilisi Milli</i> and <i>Majilisi namoyandagon Majilisi Oli</i> of the Republic of Tajikistan;</li> <li>- resolutions of <i>Majilisi Milli</i> and <i>Majilisi namoyandagon Majilisi Oli</i> of the Republic of Tajikistan;</li> <li>- Decrees of the President of the Republic of Tajikistan;</li> </ul>

		<ul style="list-style-type: none"> <li>- resolution of the Government of the Republic of Tajikistan;</li> <li>- resolutions of ministries and other public authorities, as well as resolutions of state committees;</li> <li>- orders of <i>Majilis</i> of people’s deputies of Gorno-Badakshan autonomous region (regions), and the city of Dushanbe;</li> <li>- regulations of Chairpersons of Gorno-Badakshan autonomous region (regions) and the city of Dushanbe;</li> <li>- regulations of <i>Majilis</i> of people’s deputies of towns and districts;</li> <li>- regulations of chairpersons of towns and districts;</li> <li>- regulations of self-governments of settlements and villages.</li> </ul>
<b>Legislation related to information dissemination</b>		
The Law of Republic of Tajikistan On religion and religious organizations	#489 of March 26, 2009	<p>Only religious associations duly registered in accordance with the procedure established under this law are allowed to administer mass religious (preaching) activities. Religious associations may act in form of religious communities and religious organizations. Forms of religious communities include: <i>jami</i> (<i>masjid al jami</i>, Friday mosque), mosque of quintuple prayer, <i>Jamoatkbona</i>, houses of prayer, blessed objects and other forms, as long as they are consistent with the law. Forms of religious organizations include: national religious center, central <i>Jami</i> (Friday mosque), central <i>Jamoatkbona</i>, institution of religious education, church, synagogue and other forms, as long as they are consistent with the law. Religious organizations, depending on the territory of their activities, are divided into district, municipal and national organizations. Divine services and unrelated devotions and rituals are administered at pray houses, in related areas, at sacred places or cemeteries, depending on particular requirements of religious denominations, as well as in residential premises and houses of citizens. In order to accomplish their statutory goals and objectives, religious organizations are allowed to establish cultural and educational institutions and mass media in accordance with the procedure established under the law of the Republic of Tajikistan. Religious organizations are not allowed to administer their religious (preaching) and educational activities at public schools and preschool institutions, as well as in private houses and apartments.</p>
The Law of Republic of Tajikistan On electronic communication development	#40 of August 6, 2001	<p>The goal of this Law is the facilitation of favorable conditions for satisfaction of information needs of legal entities and natural persons, public authorities through establishment of modern information infrastructure in the Republic of Tajikistan, as well as its integration into international information networks and systems. The Law</p>

		<p>establishes terms and conditions of protecting legal interests and rights of the state, legal entities and natural persons at implementation of activities aimed at creation, accumulation, storage, communication and distribution of information via modern information technology. Main areas of the policy of the state in the area of electronic communication development include creation of conditions for comprehensive satisfaction of information needs of citizens, public authorities and local executive bodies, non-governmental organizations, enterprises and other organizations regardless of the patterns of their ownership.</p>
The Law of Republic of Tajikistan On information	#55 of May 10, 2002	<p>An object of information relationships is a publication of information about persons, events and occurrences in the area of policy, culture, science and technology, as well as social, environmental, international and other areas. Every citizen shall have guaranteed free access to information regarding personally him/herself, unless otherwise specified under laws of the Republic of Tajikistan.</p> <p>Main areas of information activities include political, economic, cultural, social, spiritual, environmental, scientific and technology, international and other areas of social life.</p> <p>Main types of information activities include receipt, use, distribution and storage of information.</p> <p>Information access mode is the legally established procedure of receiving, using, distributing and storing information.</p> <p>Depending on access mode, information is divided into public and restricted information/data.</p>
The Law of Republic of Tajikistan On right of access to information	#411 of June 18, 2008	<p>Access to information required for satisfaction and protection of legal rights and interests of applicants (citizens applying for such information) may not be restricted, unless such information is restricted under the Law of RT on state secret and other laws and regulations on relationships in the area of protecting state secrets. Information may be accessed, upon request of a person concerned, through:</p> <ul style="list-style-type: none"> <li>a) examination of official documents containing information requested;</li> <li>b) receipt of a copy of a corresponding document, or abstracts thereof; <ul style="list-style-type: none"> <li>receipt of a certificate in writing that provides information requested;</li> <li>receipt of a verbal statement of contents of information requested;</li> </ul> </li> <li>c) receipt of information regarding the source of public disclosure of information requested in an official publication.</li> </ul>