

TRAFFIC

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A REVIEW OF THE

**LAWS RELATED
TO THE USE
AND TRADE OF
WILDLIFE**

IN FOUR CENTRAL ASIAN COUNTRIES

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TRAFFIC REPORT

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EXECUTIVE SUMMARY

Central Asia, comprising the Kyrgyz Republic, The Republic of Uzbekistan Republic, The Republic of Kazakhstan, and the Republic of Tajikistan¹, faces a significant challenge in combatting illegal wildlife trade. This study examined the issue by employing a multi-pronged approach, including a detailed analysis and evaluation of the existing legal frameworks. The primary objective was to identify gaps in current laws and formulate recommendations for addressing these shortcomings. This report was completed under a project funded by a grant from the United States Department of State.

Social Media Analysis:

The research began with a thorough analysis of social media platforms, where illegal wildlife trade activities often occur. The analysis revealed a concerning trend of online platforms facilitating the sale and exchange of endangered species and their products. This illicit trade was found to be driven by a combination of factors, including a lack of public awareness, limited enforcement, and inadequately defined legal provisions.

Legal Framework Analysis:

The study then delved into the legal frameworks of the Central Asian countries to determine their effectiveness in combating illegal wildlife trade. While these nations had made efforts to align their legal systems with international conventions and treaties, there were noticeable gaps and weaknesses in the enforcement of these laws. These gaps included ambiguous definitions, inadequate penalties, and shortcomings in the regulation of online trade.

Identification of Legal Gaps:

Through a meticulous analysis, the research pinpointed several key gaps in the legal frameworks across Central Asia. These included:

Ambiguous Definitions: Many laws lacked precise definitions of what constituted illegal wildlife trading, leading to inconsistent interpretation and enforcement.

Inadequate Penalties: Existing penalties for wildlife-related offenses were often insufficient to deter would-be traffickers.

Limited Regulation of Online Trading: The proliferation of online platforms had not been adequately addressed in legal frameworks, allowing illegal activities to thrive in the digital sphere.

¹ Turkmenistan is also part of a former Soviet Union country in Central Asia, but was not included in this report as it was not included in the project.

Suggested Legal Reforms:

To address these identified gaps, the research presented a set of comprehensive recommendations for enhancing the legal framework in Central Asia:

- **Clarification of Definitions:** Each nation should establish clear, standardised definitions of illegal wildlife trading, encompassing various forms of exploitation and trade.
- **Strengthened Penalties:** Penalties for wildlife-related offenses should be increased to serve as effective deterrents and reflect the severity of the crimes.
- **Online Regulation:** Specific provisions should be introduced to regulate and monitor online trading platforms, requiring them to report and block illegal wildlife trading activities.

The research underscored the importance of international cooperation and the need for Central Asian countries to collaborate with one another and with global organisations, such as CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), to combat the transnational nature of illegal wildlife trading effectively.

In conclusion, this research provides a comprehensive and actionable plan to address the issue of illegal wildlife trading in Central Asia, emphasizing the importance of improving legal frameworks, enhancing enforcement mechanisms, and strengthening international cooperation. By implementing the suggested reforms, the region can take a significant step toward protecting its rich biodiversity and combating the illegal wildlife trade.

INTRODUCTION

Central Asia is a region that extends from the mountains of western China to the shores of the Caspian Sea. Afghanistan and Iran create the southern border of the region, and vast expanse of the Russian Federation is to the north. Central Asia was located on what was known as the Silk Road between Europe and the Far East and has long been a crossroads for people, ideas, and trade. Central Asia has an extremely varied geography, including high mountain passes through vast mountain ranges, such as the Tian Shan, Hindu Kush and the Pamirs. The region is also home to the vast Kara Kum and Kyzyl Kum deserts².

Vegetation cover on the desert and semi-desert plains is species poor and sparse. Shrubs predominate. Significant areas of takyr (salt flats), solonchaks (salt marshes), and loose sands are devoid of vegetation. On the Tibetan Plateau the vegetation is mainly creeping teresken shrubs along with sedges, *Cobresia* spp., *Reamuria* spp., bluegrass, and *Fescue* sp. in hollows sheltered from the cold winds.

In the north, the deserts and semi-deserts are replaced by steppes dominated by feather grass, chi, volest herbs, and wheatgrass. On the mountain slopes are coniferous forests of spruce, fir, and larch. Along various rivers (Tarim, Khotan, Aksu, and Konchedarya) in the deserts and in foothill oases there are strips of tugai forests with a predominance of poplar, oleaster, and sea buckthorn. Around reservoirs there are reeds and reed thickets.

Of the larger animals in Central Asia, ungulates and rodents are the most common. In the deserts of north-western China and Mongolia animals include wild Bactrian Camel *Camelus bactrianus*, Kulan *Equus hemionus kulan*, Przewalski's Horse *Equus ferus przewalskii*, Goitered Gazelle *Gazella subgutturosa* and other gazelles *Procapra* spp, hares Leporidae, marmots *Marmota* sp., jerboas Dipodidae, pikas Ochotona, gerbils Gerbillinae, and mole voles Cricetidae. In the Tibetan Highlands animals include Wild Yak *Bos mutus*, Kulan, Orongo *Pantholops hodgsonii* and other antelopes Bovidae, Asian Ibex *Capra sibirica* and Mountain Sheep *Ovis ammon*, pikas *Ochotona* spp., marmots *Marmota* sp., and voles Cricetidae. Of the predators, Wolf *Canis lupus*, Red Fox *Vulpes vulpes*, and Corsac Fox *Vulpes corsac* are ubiquitous.³

The four countries that are subject to this review, namely The Kyrgyz Republic, The Republic of Kazakhstan, The Republic of Tajikistan, and The Republic of Uzbekistan are

² [World Regional Geography: People, Places and Globalization](#)

³ [Animal variety in CA](#)

parties to the Convention on Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Biological Diversity (CBD) and the Convention of Migratory Species (CMS). All four countries have established national legislation that addresses the use and trade of natural resources as well as the protection of biodiversity.

However, some of these laws might be outdated or not yet addressing specific aspects related to the trade in wild animals and plants such as the purchase or selling of non-native species, trade in CITES-listed species within the Eurasian Economic Union (EEU) or the increasing trade via the internet.

This report includes a review and analysis of the current legislation and legislative acts, that cover the protection, use and trade of wild animal and plant species in the four countries of Central Asia. The review and analysis identifies weaknesses and gaps in the legislation of these countries and to make recommendations to address them.

METHODOLOGY

For each of the four countries, consultants carried out the following activities:

- Reviewed the legislation and compiled a list of applicable regulations.
- Compiled information obtained through expert meetings and interviews with relevant state agencies on the application of appropriate sanctions and other measures to prevent violations of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) legislation.
- Gathered additional information through meetings with other government representatives (i.e. Members of Parliament).
- Sent requests to the Border Services for information on any relevant violations detected.
- Undertook a literature and internet review of relevant cases of wildlife trade violations.
- Analysed whether legislation in member countries of the Eurasian Economic Union (EAEU) met the requirements of EAEU legislation relating to implementation of CITES.
- Sought insights from scientists from the relevant Academy of Sciences within each country.

Relevant supportive materials gathered during the above processes are attached as annexes and referred to in the text.

Proposals and recommendations for action were developed based on the above findings.

ANALYSIS BY COUNTRY



THE KYRGYZ REPUBLIC

GENERAL INFORMATION

Although the Kyrgyz Republic is a small country in terms of its territory (0.13% of the world's land area), it is among the planet's top 200 priority ecological regions owing to its high species diversity—around 2% of the world's flora and 3% of the world's fauna. This is owing to the Tien Shan and Pamir-Alay mountains that rise to a height of over 7,450 m above sea level and accumulate moisture from the upper layers of the atmosphere and essentially harbour “islands” of biological diversity in the midst of monotonous plains. The biodiversity is therefore dominated by mountain and alpine species.⁴

⁴ General Information about [KR](#)

Table 1: Species diversity and concentration of biodiversity component species⁵

	WORLD TOTAL		KYRGYZ REPUBLIC	
	NUMBER OF SPECIES	NUMBER OF SPECIES PER 1,000 KM ²	NUMBER OF SPECIES	NUMBER OF SPECIES PER 1,000 KM ²
Fungi	100,000	0.50	2,179	10.55
Lower plants	74,000	0.15	3,676	18.57
Higher plants	300,000	2.00	4,320	20.51
Arthropods	3,200,000	20,000	15,905	66.04
Shellfish	513,600	3.45	173	6.50
Fish	200,000–220,000	0.13–0.15	72	0.39
Amphibians	2,100–2,600	0.014–0.017	4	0.020
Reptiles	6,000	0.040	40	0.200
Birds	10,000	0.067	407	1.900
Mammals	4,000	0.027	87	0.420

The Kyrgyz Republic is a party to CITES since 2007 and acceded to the Convention on Biological Diversity (CBD) in 1996, signed the Cartagena Protocol on Biosafety in 2005 and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in 2015.

REVIEW OF LEGISLATION

The country has a number of laws relating to nature management, environmental protection and trade in wild species that aim to support the sustainable use of natural resources, preserve ecosystems, improve the quality of the environment and ensure environmental safety.

Fundamental laws relate to:

- environmental protection

⁵State of the Environment Report of the Kyrgyz Republic 2020 <https://ecoreportkg.info/indicators/bioraznoobrazie>

- consumption and waste production
- general technical regulations for ensuring environmental safety
- the protection of atmospheric air
- "ecological expertise"
- the protection and use of flora
- fauna
- water and the Water Code
- Specially Protected Natural Territories
- hunting and the hunting economy
- "Biosphere Territories"
- fisheries
- the prohibition of felling, transportation, acquisition and sale, harvesting and use, export of especially valuable (walnut and juniper) tree species
- Forest Code of the Kyrgyz Republic.

The basic *Law "On Environmental Protection"* sets out the fundamental principles for environmental protection and nature management. In particular, it establishes measures for maintaining state accounting and reporting in these areas and sets out the limits and maximum allowable levels for emissions, discharge of pollutants and waste disposal, and requirements for rational environmental management, environmental impact assessments (EIA), and environmental audits. It also sets out the requirements for the levels of state ecological expertise regarding items that have an impact on the environment, the organisation and implementation of control over compliance with legal requirements, and the requirements for environmental monitoring.

Furthermore, it establishes a system of norms and standards for assessing environmental quality, economic mechanisms for regulating the environment, the collection of payments relating to the use of natural resources and environmental pollution, economic incentives and financing of environmental measures, and the environmental requirements for economic and other activities.

The law also establishes the competences of state bodies, the powers of public associations, the rights and obligations of users of natural resources, the liability for environmental offences, and the procedures for resolving disputes.

The *Law "On the Protection and Use of Flora"* establishes the legal framework for the effective protection, rational use and reproduction of flora resources. The Law lists the species of flora, the conditions for their protection, the procedures for their use including harvesting, collection, processing, and selling, and the conditions, including any restrictions and prohibitions, on their use for economic, research, cultural, educational, aesthetic,

recreational, and health purposes. It also sets out how the state should maintain a cadastre of flora resources and monitor and exercise control over their protection and use.

The law does not include measures related to the conservation of biological diversity at any—ecosystem, species or genetic resource—level. Economic incentives are needed to stimulate the protection and rational use of flora resources following the principles of environmental sustainability. For example, there are no mechanisms for the restoration of green spaces when trees are felled.

The *Law "On Fauna"* establishes the legal framework for ensuring the effective protection, rational use and reproduction of wildlife resources. The law identifies relevant wild animal species and the measures governing their use and to secure their ongoing protection and reproduction in the wild, maintaining species diversity and the integrity of natural communities. Just like the Law "On the Protection and Use of Flora", there are no measures relating to the conservation of biological diversity at any level.

The *Law "On Hunting and Game Management"* regulates the conservation, reproduction and use of hunting resources and the use of relevant habitats. This Law is relatively new (2014) and includes modern principles of biodiversity conservation. It was developed to take into account recent experiences in this field, the socio-economic development strategy and the conceptual priorities of environmental policy.

A list of normative acts was compiled that directly and/or indirectly relate to illegal trade in wild animals and plants in the Kyrgyz Republic (see Appendix 1).

SPECIFIC LEGISLATION

Under CITES there are around 6,000 animals and 32,000 plants listed in Annexes I, II, and III.⁶

The Ministry of Natural Resources, Ecology and Technical Supervision (MNRETS) is the Management Authority for CITES in the Kyrgyz Republic and actively collaborates with the CITES Scientific Authority, the Institute of Biology of the National Academy of Sciences, together with the Veterinary Service under the Ministry of Agriculture and the Customs Service under the Ministry of Finance. Obtaining permits for trade in wild flora and fauna resources is a stepwise process involving each of the above departments. Any violations of the legislation i.e. illegal trade are dealt with under the established national legislation of the Kyrgyz Republic.

⁶<https://cites.org/eng/app/appendices.php>

Each year the MNRETS submits a report to the CITES Secretariat on how many CITES permits it has issued. According to a representative of the Ministry⁷, the principal regulations relating to CITES implementation in the Kyrgyz Republic are:

- The Law “On the Accession of the Kyrgyz Republic to CITES, signed on 3rd March 1973 in the city of Washington” dated 30th November 2006 No. 192;
- The Decree “On Approval of the Regulations of the State Agency for Environmental Protection and Forestry under the Government of the Kyrgyz Republic on Issuing Permits for the Export of Objects of Flora and Fauna that are Not Subject to the CITES Convention outside the Kyrgyz Republic, for the Import, Export of Animal Species and Plants, their Parts or Derivatives subject to the CITES Convention, (c) outside the Kyrgyz Republic” dated 9th March 2011 No. 101;
- Annex No. 2 to the Decision of the Board of the Eurasian Economic Union dated 21st April 2015 #30 "Species of wild fauna and flora covered by CITES of March 3, 1973."

That there are no additional regulatory documents on the enforcement of CITES since, under legislation "On Normative Legal Acts", international agreements are automatically recognised as the norms of national legislation if they are properly signed and ratified by the Kyrgyz Republic. This is pertinent to wildlife trade legislation relating to CITES and the EAEU.

LITIGATION AND CAPACITY

MNRETS staff could not recall any illegal trade cases in CITES-listed animals and plants between 2021–2022. However, an official request made to the Border Service of the State Committee for National Security of the Kyrgyz Republic revealed there had been one instance recorded during this time but no criminal case had resulted (see Appendix 10 for details). Likewise, the Judicial Department under the Supreme Court of the Kyrgyz Republic when contacted reported no criminal cases relating to illegal wildlife trade during this period.

MNRETS staff noted the Ministry, with support from non-governmental organisations (NGOs), regularly holds interdepartmental meetings (with the Ministry of Finance, State Committee for National Security, Prosecutor's Office, Institute of Biology of the National Academy of Sciences, and the Ministry of Internal Affairs) on addressing illegal wildlife trade issues and in March 2022 published and distributed *A Brief Identification Guide to CITES-listed Animals and Plants of the Kyrgyz Republic*. MNRETS, with cross-departmental

⁷Interview with Buzurmanov Bekbatyr Marsovich, Head of the Bioresources Department of the Ministry of Natural Resources, Ecology and Technical Supervision of the Kyrgyz Republic.

input, is currently developing an electronic database on wild flora and fauna resources in trade that will be accessible to regulatory and supervisory authorities.

APPLICABLE SANCTIONS

Examination of the Criminal Code and the Offences Code found a number of similarities between the two. Legislation regarding cruelty to animals, the destruction of animals or plants that are listed in the national Red Data Book, as well as illegal harvesting, hunting, fishing, logging, and trading covers criminal and administrative liability. Actions are considered criminal if they cause a certain amount of damage.

Criminal Code of the Kyrgyz Republic

The Criminal Code describes in detail the circumstances whereby a person will be held criminally liable and what legal punishments this entails as follows:

- **Article 163 "Cruelty to animals"**

1. Cruel treatment or torture of an animal for the purpose of causing it pain and (or) suffering, as well as other callous or mercenary reasons, which lead to its injury or death are punishable by 40–100 hours community service, loss of the right to occupy certain public positions or engage in certain activities for up to three years or corrective labour for a period of two months to one year, or a fine of 200–500 calculation indices (KGS20,000–50,000: USD227–567).

The article also provides for more severe punishment if the same act is committed:

- 1) on several animals;
- 2) by a group of people;
- 3) using sadistic methods;
- 4) in the presence of a child under the age of fourteen;
- 5) with a public demonstration in the media or on the Internet.

In the above circumstances the punishments are: 100–300 hours community service, loss of the right to occupy certain public positions or engage in certain activities for a period of 1–3 years or corrective labour for a period of 1–3 years or a fine of 500–1,000 calculation indices (KGS50,000–100,000: USD567–1,134).

- **Article 308 "Destruction of animals and plants"**

1. Destruction of rare and endangered animals or plants listed in the Red Data Book of the Kyrgyz Republic, or destruction of their egg clutches, is punishable by a fine of 500–1,000 calculation indices (KGS50,000–100,000: USD567–1,134).

2. The above acts that might lead to a critical reduction in the number of such animals or plants are punishable by 100–300 hours community service or loss of the right to hold certain positions or engage in certain activities for up to three years, or correctional labour for a term of 1–3 years, or a fine of 1,000–2,000 calculation indices (KGS100,000–200,000: USD1,134–2,268), or imprisonment for up to two years.

3. Any acts described in 1 and 2 of this Article that negligently cause serious harm are punishable by a fine of 1,000–2,000 calculation indices (KGS100,000–200,000: USD1,134–2,268), or imprisonment for a term of 2–5 years with loss of the right to hold certain positions or engage in certain activities for a period of up to three years.

- **Article 309** "Violation of the rules for the protection of fish stocks"

1. Operation of a water intake structure or a pumping mechanism, as well as the construction of a bridge, a dam, the implementation of explosive and other works with a deliberate or careless violation of the rules for the protection of fish stocks, which negligently caused the death of fish or other aquatic animals or the destruction of food supplies for them, is punishable by a fine of 200–500 calculation indices (KGS20,000–50,000: USD227–567) with a loss of the right to hold certain positions or engage in certain activities for up to two years.

2. The same actions that negligently cause significant harm are punishable by 100–300 hours community service, or deprivation of the right to hold certain positions or engage in certain activities for up to three years, or correctional labour for a term from 1–3 years, or a fine of 500–1,000 calculation indices KGS50,000–100,000 (USD567–1,134).

- **Article 310** "Illegal hunting or harvesting of fish or aquatic animals"

1. Illegal hunting or harvesting of fish or aquatic animals that causes significant damage, including acts committed in spawning areas or on migration routes, is punishable by a fine of 200–500 calculation indices (KGS20,000–50,000: USD227–567) with loss of the right to hold certain positions or engage in certain activities for a period of up to two years.

2. Illegal hunting or harvesting of fish or aquatic animals committed with the use of a mechanical vehicle, self-propelled floating vehicle or aircraft, explosives or chemicals, electric current, synthetic fishing nets, gases or other methods of mass destruction of birds, animals or fish, causing major damage, are punishable by loss of the right to hold certain positions or engage in certain activities for up to three years, or correctional labour for a term of two months to one year, or a fine of 200–500 calculation indices (KGS20,000–

50,000: USD227–567), or imprisonment for up to two years with loss of the right to hold certain positions or engage in certain activities for up to three years.

3. The acts covered by 1 and 2 of this Article, if committed:

1) on the territory of a state reserve, sanctuary or in an ecological disaster or emergency zone;

2) in relation to rare and endangered species of animals, as well as animals on which a ban on use has been introduced;

3) by a person to whom the animals were entrusted in connection with his/her official position or were under their protection;

4) with the infliction of particularly excessive damage;

5) with the infliction of grievous harm by negligence

are punishable by a fine of 1,000–2,000 calculation indices (KGS100,000–200,000: USD215–430) or imprisonment of 2–5 years.

Offences Code

The Offences Code covers acts in relation to plants and animals that entail administrative liability in the form of fines. Chapter 28 of the Code contains 17 Articles concerning “Offences relating to the field management and protection of fauna and flora” as follows:

- Article 253. Violation of the procedure for burning vegetation
- Article 254. Violation of the procedure for the introduction and acclimatisation of wild plant species
- Article 255. Violation of the rules for the creation and circulation of zoological and botanical collections
- Article 256. Violation of fire safety rules in forests
- Article 257. Violation of requirements for the protection of the environment for animals
- Article 258. Violation of the rules for the restoration and improvement of forests
- Article 259. Destruction of fauna useful for the forest
- Article 260. Violation of the rules of reforestation
- Article 261. Illegal hunting or extraction of animal products
- Article 262. Export, transportation, storage and sale of illegally obtained animal products
- Article 263. Violation of the rules of hunting
- Article 265. Violation of plant cultivation technology
- Article 266. Violation of the rules of fishing
- Article 267. Use in fishing of synthetic fishing nets, electric fishing systems

- Article 268. Import, production, manufacture and sale of synthetic fishing nets, electric fishing systems
- Article 269. Violation of the procedure for the operation of water intake facilities
- Article 270. Violation of the procedure for the use of feed additives

Violation of these articles is punishable by fines ranging from 10–650 calculation indices (KGS1,000–65,000: USD11–736).

Three Articles are worth highlighting:

- **Article 261** "Illegal hunting or extraction of wildlife"

1. Illegal hunting or extraction of animal products, including fish or aquatic animals, which cause "minor damage" entail a fine of 100 calculation indices (KGS10,000: USD113).

2. The same acts committed in spawning areas or on migratory routes entail a fine of 200 calculation indices (KGS20,000: USD226).

"Minor damage" refers to material (property) damage at the time of the offence worth between 10–100 calculation indices (KGS1,000–10,000: USD11–113).

- **Article 262** "Export, transportation, storage and sale of illegally obtained animal products"

1. Export, transportation, storage, and sale of illegally obtained animal products protected in accordance with international treaties or that are listed in the national Red Data Book, including their products, parts, skins, as well as fur, entail the imposition of a fine for individuals of 200 calculation indices (KGS20,000: USD226), or for legal entities 650 calculation indices (KGS65,000: USD737).

2. Export, transportation, storage or sale of illegally caught fish and fish products including caviar entails a fine for individuals of 100 calculation indices (KGS10,000: USD113), or for legal entities 280 calculation indices (KGS28,000: USD317).

3. Actions under 2 of this Article committed in relation to especially valuable and endemic species of fish entail the imposition of a fine for individuals of 200 calculation indices (KGS20,000: USD226), or for legal entities 650 calculation indices (KGS65,000: USD737).

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- **Article 264.** Violation of the procedure for the purchase and sale of raw materials of wild plants and (or) their parts and products

Violation of the procedure for the purchase and sale of medicinal or technical raw materials of wild plants - entail a fine in the amount of 55 (KGS5,500) calculation indices for individuals and 170 (KGS17,000) calculation indices for legal entities.

PROBLEM ANALYSIS AND GAPS IDENTIFICATION

The analysis allows us to conclude that the implementation of strategic documents, normative acts in the field of illegal trade in flora and fauna, reveals the need to improve law enforcement practice, the enforceability of legislative norms, and improve public administration rather than change legal frameworks.

One of the characteristic features of the legislation of the Kyrgyz Republic in the field of biodiversity and environmental management is the branching, despite the same goals and objectives, the types of regulated resources, the similarity of norms and requirements.

Based on the results of the study, our team made the following conclusions:

1. There is insufficient coordination between the relevant bodies. One example is the Border Guard Service under the SCNS of the Kyrgyz Republic, which does not transmit information to the Ministry of Natural Resources, Ecology and Technical Supervision of the Kyrgyz Republic and, as a result, the Ministry does not have all the information on illegal trade in wild animals and plants. Moreover, the issue of coordination between law enforcement agencies both within themselves and with other members of the Cabinet of Ministers of the Kyrgyz Republic is not clear. In the course of negotiations with representatives from the Ministry of Natural Resources, Ecology and Technical Supervision of the Kyrgyz Republic, the main ways of interaction with other departments only on the issuance of permits (the Institute of Biology of the NAC KR - the Scientific Body of CITES KR, the Veterinary Service under the Ministry of Agriculture of the Kyrgyz Republic and the Customs Service under the Ministry of Finance of the Kyrgyz Republic) were revealed, but not in matters of monitoring and suppressing offenses.
2. The legislative framework of the Kyrgyz Republic sufficiently regulates the issues of illegal trade in wild animals and plants, including considering the obligations assumed under CITES and the EAEU. Thus, within the framework of CITES, the relevant departments provide annual reports on the issued permits indicating all the applicant's data and information about the subject of the permit. Moreover, it is worth noting that the norms of the EAEU and CITES are harmonised and are legally properly integrated into the national legal system. Furthermore, the EEAS standards cover a larger range of animals and plants. Attention should also be drawn to CITES

and the Convention text, specifically to Article XIV *Effect on Domestic Legislation and International Conventions*, paragraphs 2 and 3, according to which 2. The provisions of this Convention shall in no way affect the provisions of any domestic measures or obligations of the Parties under any treaty, convention or international agreement relating to other aspects of the trade, extraction, possession, or transport of specimens which is in force or may subsequently enter into force for any Party, including any measures pertaining to the Customs, public health, veterinary or plant quarantine fields. 3. The provisions of this Convention shall in no way affect the provisions or obligations arising from any treaty, convention or international agreement concluded or which may be concluded between States establishing a union or a regional trade agreement which establish or maintain common external Customs controls and removing Customs control between the parties to such an agreement, to the extent that they relate to trade between States. the parties to such an alliance or agreement.»), which means that even if they (the EAEU and CITES) contradicted each other, the norms of the EAEU would prevail.

3. Implementation and enforcement of the laws addressing illegal trade in wild animals and plants is low and there is little reporting on the issue in the media, possible reasons for this are as follows:
 - Penalties are not applied because, when detained, violators bribe the police officers, after which they are released without the use of measures.
 - The media are not interested in further monitoring cases, since such cases are not resonant, do not cause great interest and are not of commercial interest.
 - Crimes of this nature occur far from public places, respectively, it is not always possible to learn about such cases, since there is no source of information.

4. In the period from 2020 to 2022, only one event of illegal movement of animals and plants across the state border was recorded and prevented. Possible reasons why only one event was registered can be as follows:
 - There are no illegal movements of animals and plants within the CITES framework through the state of the Kyrgyz Republic;
 - Illegal movements are carried out, but border guards are either unable to detect such cases due to a lack of awareness and limited resources or do not report these to various possible reasons (omissions in the work of border guards, insufficient control over the territory of the state border, bribery, etc.);

To address some of the above conclusions, the following recommendations have been developed:

1. To increase the expertise of civil servants of the Kyrgyz Republic in relation to knowledge in the field of CITES Convention, it is necessary to organise and conduct appropriate trainings / events on familiarization with the CITES Convention. As we have learned, due to the high turnover of personnel in the relevant state body, the requirements of CITES are often perceived as providing annual reports and a set of information in advance of the preparation of such a report. However, there is no understanding of the holistic picture of the implementation of the norms of CITES itself, especially in the field of combating illegal trade.
2. For full and correct tracking of illegal trade in wild animals and plants, it is necessary to work out a sustainable mechanism for coordinating the state bodies involved (both law enforcement and other ministries and departments of the Cabinet of Ministers). The Ministries themselves understand this and therefore at this stage began to develop electronic databases for trade in wild flora and fauna with the access of controlling and supervisory authorities. The main purpose of creating this database is to suppress and identify the events of illegal trade and conserve wildlife. The technical specifications of this database have been developed and meetings have been held with departments for Reconciliation. To date, the technical task of the planned base is at the stage of coordination. However, given the limited budget funds for the development of such a platform and taking into account the need for its further integration into the Tunduk system, it is recommended to start seeking funding from international development partners. It is assumed that the development of such an information platform also has a positive impact on the international ratings of our country (Transparency International, Corruption Perceptions Index etc.).
3. There is a need to increase media coverage of the illegal wildlife trade in order to draw public attention to the issue, which will continue to be a deterrent. One of these ways seems to be interaction with local government agencies. In the course of the entire analysis, separate schemes of interaction with relevant authorities (on the issuance of permits for trade) and law enforcement agencies (on the detection of violations) were revealed. However, not a single event and interaction is carried out with local government agencies. It is in remote areas that the main illegal actions (illegal hunting, fishing, etc.) occur. Taking into account the recent amendments to the legislation on local self-government bodies aimed at strengthening their role and decentralization of power, the relevant department needs to strengthen the

coordination of efforts with local government agencies: data exchange, field research and monitoring, education of the local population, etc.

4. The general recommendation concerns greater supervision and control over border areas, to further prevent attempts at illegal trade in wild animals and plants. However, this measure has two facets: on the one hand, only in this way (and taking into account the digitalization of all customs procedures) it is possible to reduce and calculate attempts to illegally transport and trade in flora and fauna, and on the other hand, conscientious citizens and business representatives always suffer from such measures, in which each shipment is accompanied by a huge number of permits. And the introduction of additional procedures is an additional financial burden.

Related to coordination of law enforcement authorities not only at a national but also at an international level, perhaps a good suggestion would also be that the government appoints a CITES Enforcement Focal Point (i.e., CITES Law Enforcement Authority) to help strengthen communication/collaboration with those of other Parties



THE REPUBLIC OF KAZAKHSTAN

GENERAL INFORMATION

The Republic of Kazakhstan (hereafter Kazakhstan) is a vast country with an area of 2.725 million km² making it the world's ninth largest country, larger than the whole of Western Europe. Much of the country comprises vast steppe grasslands, with areas of sandy deserts and semi-deserts, saxaul thickets while the Tien Shan and Altai mountains are covered with coniferous forests. With such a range of habitats covering a wide geographical area, it is hardly surprising the country hosts a wealth of biological diversity. These include more than 6,000 plant species—some of them endemic, more than 500 species of birds, around 180 mammals species plus dozens of reptiles, amphibians, and fishes.

Kazakhstan acceded to CITES in 2000 and in order to fulfil its requirements under this Convention in 2004 introduced the Law "On the protection, reproduction and use of wildlife" No. 593 that forms the backbone of legislation relevant to this study.

REVIEW OF LEGISLATION

The principal laws of Kazakhstan relating to wild fauna, including their trade, are the Law "On the Accession of the Republic of Kazakhstan to the Convention on International Trade in Endangered Species of Wild Fauna and Flora" dated 6th April 1999 No. 372-1 and the Law "On the protection, reproduction and use of wildlife" dated 9th July 2004 No. 593.

Flora issues are regulated by the Forest Code dated 8th July 2003 No. 477 and the Law "On Flora" dated 2nd January 2023 No. 183-VII.

These legislative acts provide the basis for the development of rules relating to the trade in animals and plants.

The main and subsidiary national legislation related to internal and external trade in wild animals and plants in Kazakhstan is comprised by:

- 6 Codes;
- 9 Laws;
- 2 Resolutions of the Government;
- 14 by-laws;
- 2 Decisions of the Board of the EAEU.

In Kazakhstan permission to collect, harvest, and sell wild animals and plants is possible by obtaining an appropriate licence, permit or notification. All licences, permits and notifications are classed as public services and as such are regulated by by-laws in accordance with the requirements of the Law "On Public Services" dated 15th April 2013 No. 88-V.

Almost all such public services are automated as far as possible through the e-government web portal "elicense.kz" and, regardless of the specifics of the public service, by-laws regulating the procedures for their provision are approved in accordance with Article 13 of the Law "On public services". All licences, permits and notifications are summarised in a single register of public services approved by order of the Acting Minister of Digital Development, Innovation and Aerospace Industry dated 31st January 2020 No. 39/HK. Procedures governing the implementation of a permit or notification are regulated under the Law "On Permits and Notifications" dated 16th May 2014 No. 202-V.

LITIGATION AND CAPACITY

The Criminal Procedure Code was approved on 4th July 2014 No. 231-V, based on the country's Constitution and generally recognised principles and norms of international law.

Criminal cases relating to rare and endangered wildlife species, their parts or derivatives come under Article 339 of the Criminal Code approved on 3rd July 2014 No. 226-V. Article 339 was strengthened in December 2019 to provide for the illegal taking, purchase, possession, sale, import, export, shipment, transportation or destruction of saiga *Saiga* spp., their parts or derivatives, including saiga horns, for which the sanction is imprisonment from 3–5 years, with confiscation of property.

Saiga poaching is one of the main wildlife trade issues affecting Kazakhstan. Saiga is currently listed in Appendix II of CITES with a zero-export quota for wild specimens traded for commercial purposes, while within Kazakhstan there is a ban on the use of saiga derivatives.

Therefore, a review of all criminal cases in 2022 involving illegal hunting of saiga in West Kazakhstan—the region where most such poaching takes place—was carried out to assess the relative strengths and weaknesses of Article 339. Some 26 criminal cases relating to illegal saiga hunting in contravention of Article 339 were identified. Currently, 9 cases are in litigation. Of the remainder, in 15 cases the court-imposed punishments ranging from 2.5–7 years imprisonment with 18 people having to pay financial compensation for the damage to nature they had caused. In one case the court chose to release the accused owing to his mental state while another case was dismissed due to lack of evidence that a crime had been committed. The strengthening of Article 339 in 2019 has led to an increase in the severity of prison terms and financial penalties imposed upon convicted offenders. However, in none of the cases were the vehicles used by the poachers confiscated, even though Article 339 allows for this. Strengthening Article 339 further to make confiscation of vehicles and property where offences took place mandatory, would act as a severe deterrent to saiga poaching although this study concludes a more radical overhaul of all the current legislation relating to wildlife trade is needed.

One significant weakness with the current legislation concerns meat of rare and endangered animals. Meat is not included in the list of derivatives in the approved Order of the Minister of Agriculture dated 16th February 2015 No. 18-03/105 and such criminal cases do not fall within the scope of Article 339. Amendment of the order to include meat would remedy this, although it would lead to further delays in court proceedings given forensic testing would be needed to determine the origin of the meat and to prove it was not—as has been demonstrated in some cases—from domestic animals.

In cases where violations of environmental legislation have taken place but there is no indication of a criminal act, there is an option to impose a fine on the individual(s) involved without the case going to court unless they chose not to pay.

During cases, under Article 273 of the Criminal Procedure Code, the court has the authority to call for an outside forensic expert to be called in to contribute their scientific knowledge and examine case materials to help inform the court.

Article 273. Persons who may be entrusted with the production of judicial expertise

1. The production of a forensic examination may be entrusted to:

- 1) employees of forensic examination bodies;

- 2) persons engaged in forensic activities on the basis of a licence;
- 3) on a one-time basis to other persons in the manner and on the conditions provided for by law.

The licence is obtained through the e-government portal eGov.kz.

Also, by a court decision, input from experts lacking forensic licences but with a narrow field of expertise in other areas (such as species identification) can be considered as evidence. In order to solve the legal issue of accepting expert assessments of narrow specialists, it is necessary to introduce amendments to the legal documents regulating the acceptance of expert opinions in court cases against wildlife. It is necessary to amend the legal documents regulating the acceptance of expert opinions in court cases against wildlife to include amendments on the official right of the court to use these results as an expert opinion (at the legislative level, the competence to accept the opinions of experts or specialised institutions). conclusions of specialised experts or specialised institutions).

APPLICABLE SANCTIONS

Criminal Code of the Republic of Kazakhstan

In cases of violation of environmental legislation, depending on the severity and nature of the crime, Articles 335, 337, 339 and 340 of the Criminal Code approved on 3rd July 2014 No. 226-V are applied.

In December 2019, Articles 335, 337 and 339 of the Law “On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Improving Criminal, Criminal Procedure Legislation and Strengthening the Protection of Individual Rights” were amended to strengthen sanctions, including the introduction into Article 337 of a sanction that leads to imprisonment of up to 10 years and the changes made to Article 339 mentioned earlier.

Article 380-1 provides for criminal liability for infringement on the life of state inspectors for the protection of wildlife and wildlife. the life of state inspectors for the protection of wildlife and specialised organisation for the protection of wildlife and gamekeepers, (in the old version only in relation to law enforcement officers, special (in the old version, only in relation to employees of law enforcement, specialised state body and military serviceman).

Also, a new Article 380-2 was introduced, which provides for criminal liability for the use of violence against a state inspector for the protection of animal world and specialised

organisation for the protection of animal world and gamekeeper with imprisonment up to 12 years.

A brief overview of criminal liability measures

Article 335 of the Criminal Code

The minimum penalty for illegal harvesting of fish resources, other aquatic animals or plants is an administrative fine of 3,000 calculation indices or public labour to the same value, or by community service of up to 800 hours, or by imprisonment for up to three years possibly with confiscation of property and loss of the right to hold certain positions or engage in certain activities for up to five years. The maximum penalty is imprisonment for 6–10 years with confiscation of property and loss of the right to hold certain positions or engage in certain activities for up to ten years.

Article 337 of the Criminal Code

The minimum penalty for illegal hunting is an administrative fine of 3,000 calculation indices or public labour to the same value, or community service of up to 800 hours, or imprisonment for up to three years, possibly with confiscation of property and loss of the right to hold certain positions or engage in certain activities for up to three years. The maximum penalty is imprisonment for a term of 6–10 years, with confiscation of property and loss of the right to hold certain positions or engage in certain activities for up to ten years.

Article 339 of the Criminal Code

The minimum penalty for illegal acquisition, storage, sale, import, export, transfer, transportation or destruction of rare and endangered species of plants or animals, their parts or derivatives, including species whose handling is regulated by international treaties, as well as plants or animals on which a ban on the use of the individuals, parts and derivatives has been introduced, as well as the destruction of their habitats, is punishable by a fine of 3,000 calculation indices or public labour to the same value, or by community service of up to 800 hours, or by imprisonment for up to three years possibly with confiscation of property too and loss of the right to hold certain positions or engage in certain activities for up to five years. The maximum penalty is imprisonment for 7–12 years, with confiscation of property and loss of the right to hold certain positions or engage in certain activities for a term up to five years.

Article 340 of the Criminal Code

The minimum penalty for illegal logging, destruction or damage of trees and shrubs that are not included in the forest fund and which harvesting is prohibited, except for trees and shrubs in home gardens, summer cottages and garden plots, as well as destruction or

damage to forest crops, seedlings or seedlings in forest nurseries and plantations, as well as young stands of natural origin, undergrowth, or self-sowing on areas intended for reforestation and afforestation that causes significant damage are punishable by a fine of up to 160 calculation indices, or by public labour to the same value, or by community service of up to 160 hours, or by imprisonment for up to 40 days, with confiscation of property. The maximum penalty is imprisonment of 5–10 years with confiscation of property, with or without loss of the right to hold certain positions or engage in certain activities for up to ten years.

There are no separate rules regarding the confiscation of property from offenders although the procedures for carrying this out are set out in Article 48 of the Criminal Code. Confiscation of property can be applied by a court decision as a measure of criminal law enforcement.

Money and other goods are subject to confiscation:

- 1) if received due to the commission of a criminal offence, also any income derived from it, with goods and additional income subject to return to the rightful owner;
- 2) if obtained because of the commission of a criminal offence and the proceeds from this property have been partially or completely transformed or transformed;
- 3) used or intended to finance or otherwise support extremist or terrorist activities or a criminal group;
- 4) being an instrument or means of committing a criminal offence.

Code in Administrative Offences of the Republic of Kazakhstan

The acquisition, sale, transportation, import, export, and storage of wild animals and plants, their parts or derivatives is regulated under Article 389 of the Code on Administrative Offences dated 5th July 2014 No. 235-V.

The minimum penalty for violations entails a fine of 10 calculation incidences for individuals 30 calculation incidences for small businesses, 50 for medium-sized businesses, or 70 calculation indices for large businesses, with confiscation of the wild animals and plants and their products.

The maximum penalty for violations entails a fine of 20 for individuals, 60 for small businesses, 100 for medium-sized businesses, or 140 calculation indices for large businesses, with confiscation of the wild animals and plants and their products.

The use of wildlife and hunting rules is regulated under Article 382 of the Code on Administrative Offences.

The minimum penalty for violations entails a warning or a fine of 5 for individuals, 25 for small businesses or non-profit organisations, 50 for medium-sized businesses, or 100 calculation indices for large businesses. The maximum penalty for violations entails a fine of 70 for individuals, 110 for small businesses or non-profit organisations, 150 for medium-sized businesses, or 1,000 calculation indices for large businesses or loss of the right to hunt for a period of up to two years, with confiscation of items and (or) instruments for an administrative offence.

Confiscation of hunting weapons, ammunition and other permitted hunting and fishing tools cannot be applied to those for whom hunting (fishing) is the main legal source of subsistence. National legislation does not have separate rules regarding confiscation of property from smugglers and poachers.

Individuals from the regional territorial inspectorates for forestry and wildlife and the specialist State Enterprise PA "Okhotzooptom" organisation were asked about the Articles of the Administrative and Criminal Codes that regulate environmental legislation and are actively used by them in their work although no feedback was received on any need to improve or change their structure.

Information on gross violations in the field of wildlife protection identified in West Kazakhstan for 2022 are provided in Appendix 4.

EAEU legislation and how it affects state implementation at the national level

The following have been approved by order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated 12th August 2020 No. 187 within the framework of the EAEU:

- 1) Rules for "Issuance of a licence for the export [from Kazakhstan] of wild live animals, individual wild plants and wild medicinal raw materials" as a public service.
- 2) Rules for "Issuance of a licence for the export [from Kazakhstan] of rare and endangered species of wild animals and wild plants included in the Red Data Book of the Republic of Kazakhstan, in accordance with the Decree of the Government of the Republic of Kazakhstan 31st October 2006 No. 1034" as a public service.

The following has been approved by order of the Acting Minister of Agriculture of the Republic of Kazakhstan within the framework of CITES:

- 1) Rules for "Issuance of permits by the Management Authority for import into the territory of the Republic of Kazakhstan, export and (or) re-export from the territory of the Republic

of Kazakhstan of animal species subject to CITES" dated 27th February 2015 No. 18-03/143;

The following has been approved by order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan:

2) Rules for "Issuance of permits by the Management Authority for import into the territory of the Republic of Kazakhstan, export and (or) re-export from the territory of the Republic of Kazakhstan of flora specimens, their parts and derivatives subject to CITES" dated 10th June 2020 No. 138.

In Kazakhstan licensing procedures are clearly regulated under the Law "On Public Services" dated 15th April 2013 No. 88-V. All the Rules are public services, in accordance with lines 644, 645, 741 and 743 of the register of public services approved by the Order of the Acting Minister of Digital Development, Innovation and Aerospace Industry dated 31st January 2020 No. 39/HK.

According to paragraph 1 of the note to section 2.7 of the Decision of the Board of the EAEU "On measures of non-tariff regulation" dated 21st April 2015 No. 30, products specified in section 2.7 can be moved across the customs border of the EAEU without issuing a licence in accordance with CITES procedures. Similarly, species included in the CITES Appendices can be moved across the customs border of the EAEU without issuing a licence for the export of wild animals and plants included in the Kazakhstan Red Data Book in accordance with the Decree of the Government of the Republic of Kazakhstan dated 31st October 2006 No. 1034 approved by order of the Minister of Ecology, Geology and Natural Resources dated 13th September 2021 No. 368. An issue with this system is that any changes to CITES-listed species are not automatically reflected in section 2.7 resulting in constant bureaucratic procedures to amend it. This could be addressed through linking section 2.7 directly to the CITES website.

Both Rules for the Management Authority to issue permits for import, export and (or) re-export to/from Kazakhstan of CITES-listed animal species have been approved by order of the Minister of Agriculture of the Republic of Kazakhstan dated 27th February 2015 No. 18-03/143 and Rules for the Management Authority to issue permits for import, export and (or) re-export to/from Kazakhstan of CITES-listed flora species, their parts and derivatives have been approved by order of the Minister of Ecology of Geology and Natural Resources dated 10th June 2020 No. 138, encapsulate all the Rules for "Issuance of a licence for the export of rare and endangered species of wild animals and wild plants included in the Red Data Book of the Republic of Kazakhstan, in accordance with the Decree of the Government of the Republic of Kazakhstan dated 31st October 2006 No. 1034" as public services. Note,

however, that licences for the export of rare and endangered species of wild animals and wild plants included in the Kazakhstan Red Data Book have never been issued.

Table 2: A summary of the strengths and weaknesses of existing rules

STRENGTHS	WEAKNESSES
Of issuance a licence for the export of live wild animals, individual wild plants and wild medicinal raw materials	
Automated procedure for submitting documents to obtain a licence	Limited reasons for refusal to issue a licence
	Insufficient time for full consideration of all relevant documents
	The documents required for obtaining a licence need to be clearly specified. Currently the term “other document” is used, meaning it is possible to submit any document, creating a clear risk for system abuse
Issuance of a licence for the export of rare and endangered species of wild animals and wild plants included in the Kazakhstan Red Data Book in accordance with the decree of the government of the Republic of Kazakhstan dated 31st October 2006 no. 1034	
Automated procedure for submitting documents to obtain a licence	Limited reasons for refusal to issue a licence
	Insufficient time for full consideration of all relevant documents
	The documents required for obtaining a licence need to be clearly specified. Currently the term “other document” is used, meaning it is possible to submit any document, creating a clear risk for system abuse
	No licences have ever been issued under this system even though it is possible to do so
Rules for the issuance by a Management Authority of permits for import, export and (or) re-export to/from Kazakhstan of CITES-listed flora species, parts or derivatives	
Automated procedure for submitting documents to obtain a licence	Limited reasons for refusal to issue a permit
	Insufficient time for full consideration of all relevant documents
	One type of permit for all categories of plants, regardless of the purpose of their movement
	Permits only valid for 6 months

	Based on one permit, it is possible to export only two types of plants, without limiting their number
Rules for the issuance by Management Authority of permits for import, export and (or) re-export to/from Kazakhstan of CITES-listed animal species, their parts or derivatives	
Automated procedure for submitting documents to obtain a licence	Limited reasons for refusal to issue a permit
	Insufficient time for full consideration of all relevant documents
	Permits only valid for 6 months
	One type of permit for all categories of animals, regardless of the purpose of their movement

PROBLEM ANALYSIS AND GAPS IDENTIFICATION

The *Law "On the protection, reproduction and use of wildlife" dated 9th July 2004 No. 593*, is aimed at helping to conserve wildlife, maintain biological diversity, and ensure the sustainable use of wildlife. Article 19 of the Law regulates artificial breeding of animals, including those species listed in CITES. According to subparagraph 40) of Article 1 of the Law, artificial breeding is the maintenance and breeding of animal species held in captivity and (or) semi-free conditions, including lake fish farms, caged fish farms, pond fish farms and fish farms with a closed water supply cycle. Article 259 of the Environmental Code dated 2nd January 2021 No. 400-VI also regulates the artificial breeding in captivity and (or) semi-free conditions of rare and endangered species of animals, including those listed in CITES. These species are listed in subparagraph 4) paragraph 2 of Article 259. However, Articles 19 and 259 do not correspond to one another. Furthermore, an order of the Deputy Prime Minister – Minister of Agriculture dated 25th August 2017 No. 354, stating the Rules for keeping, breeding in captivity and semi-free conditions of rare and endangered species of animals and those listed in CITES corresponds to neither of these Articles.

According to subparagraph 56) of Article 1 of Law No. 593, permission from the authorised body (Committee of Forestry and Wildlife) is required for artificial breeding of animals in any category. However, the title of the permit for this is not given, nor apparently is there such a permit for the Committee of Forestry and Wildlife to issue. Clearly this situation can lead to considerable confusion. Article 43-1 of Law No. 593 does reference the need for permission to breed animals artificially but makes no reference as to whether these include rare and endangered species as well as those listed in CITES. It is therefore unclear whether

one or two different permissions are needed to breed these species. To complicate matters further, the Law "On amendments and additions to certain legislative acts of the Republic of Kazakhstan on the reduction of permit documents and simplification of permit procedures" dated 29th March 2016 No. 479-V, the competence of the authorised body (Committee of Forestry and Wildlife) to register those engaged in artificial breeding of CITES Appendix I and II-listed species was not established. The Rules for this were established by order of the Minister of Agriculture dated 31st March 2015 No. 18-03/288, but were invalidated by a subsequent order of the Minister of Agriculture dated 12th May 2016 No. 215.

There is therefore little clarity on the procedure to be followed when applying for permission to artificially breed animals, in particular CITES Appendices I and II listed species. There is also a lack of legal clarity on the requirements for the legalisation of animals seized from smugglers and animals found sick or in a state of distress.

There is additional confusion in the current legislation. According to subparagraph 29) of Article 1 of the Law "On Permits and Notifications" dated 16th May 2014 No. 202-V, state bodies should be informed about any intention to artificially breed animal species listed in CITES Appendices I and II before operations commence. Article 16 of the same Law stipulates that a permit or notification procedure is required for artificial breeding to take place depending on the level of danger of the activities, as indicated below:

- 1) category one permits: licences to carry out activities or operations associated with a high level of danger;
- 2) category two permissions: permits (not licences) to carry out activities or operations associated with a medium level of danger;
- 3) notifications: those carrying out activities or operations associated with a low level of danger are required to inform relevant state authorities about the beginning or termination of such activities or operations.

According to subparagraph 2) of paragraph 3 of the Rules for issuing permits by the Management Authority for import, export and (or) re-export to/from Kazakhstan of CITES-listed animal species dated 27th February 2015 No. 18-03/143, when samples are imported into Kazakhstan, a copy of the export permit or re-export certificate from the country of origin is required if the sample is listed in Appendices I, II or III of CITES. This does not precisely align with CITES regulations, creating a legal conflict with negative consequences for zoos and private organisations involved in the official trade of animal products.

Paragraph 3 of the Rules for issuance of permits by the Management Authority for import, export and (or) re-export to/from Kazakhstan of CITES-listed specimens of flora, their parts and derivatives, approved by Order of the Minister of Ecology, Geology and Natural Resources dated 10th June 2020 No. 138 specifies that permission to do so requires a positive conclusion of a scientific body in accordance with Articles III-V of CITES. However, the legislation does not define the scientific body for flora, so it is not possible to obtain this positive conclusion. To clarify this, the legislation therefore needs to identify the scientific body for flora issues, perhaps adding the name of the relevant institution through an amendment to the existing Decree “On measures to ensure the fulfilment by the Republic of Kazakhstan of obligations arising from CITES” dated 28th December 1999 No. 1994.

Similarly, small changes to the Order of the Minister of Agriculture dated 16th February 2015 No. 18-03/105 would help improve their legal clarity. Paragraph 3 “Derivatives of Animals” could have the terms “Meat”, “Wool”, “Hair”, and “Skins” added, while paragraph 4 “Products made from animals and their derivatives” could have “Meat products”, “Wool products” and “Leather products” added. Such amendments would specify exactly what the two terms mean, which in turn would help court cases deal with offences made under this legislation. However, as noted earlier, this study concluded a more radical overhaul of all current wildlife trade legislation is needed.



THE REPUBLIC OF TAJIKISTAN

GENERAL INFORMATION

The Republic of Tajikistan (hereafter Tajikistan) is a relatively small (143,100 km²) mountainous country in Central Asia. The Pamir, Tien Shan, and Gissar-Alai mountain ranges occupy 93% of Tajikistan which is bordered in the south and east by Afghanistan and China and to the north and west by Kyrgyzstan and Uzbekistan. There are more than 1,000 mountain glaciers in Tajikistan, the largest of them the Fedchenko mountain-valley glacier, which is around 70km long. The country has 950 rivers of more than 10km in length that originate mainly in the Pamir and Gissar-Alay mountains in the Amudarya river basin. Most of the 1,300 lakes are located in the Pamir and Gissar-Alay mountains too, the largest of them is Lake Karakul (located at an altitude of about 4000 m above sea level). There are also nine artificial reservoirs.

The flora of Tajikistan is very rich and diverse with more than 4,500 plant species, around 1,000 of them found only in Tajikistan and neighbouring countries. The country is home to 84 mammal species and subspecies, around 400 bird, 49 reptile, 80 fish, 2 aquatic animal, and more than 13,000 invertebrate species. A number of species of global significance occur, including Snow Leopard *Panthera uncia*, Pamir Mountain Sheep *Ovis ammon polii* (Argali), Mountain Goat *Capra falconeri* (Markhor), and Bukhara Deer *Cervus elaphus yarkandensis*.⁸

⁸The State Environmental Program of the Republic of Tajikistan for 2023–2028.

Tajikistan is a party to several international agreements related to the conservation and sustainable use of biological diversity, including CITES, the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Convention on Wetlands, of international importance mainly as habitats for waterfowl (Ramsar), as well as the UN Convention to Combat Desertification (UNCCD).

REVIEW OF LEGISLATION

Tajikistan has several laws that relate to the trade and use of wild animals and plants. For a complete list, see Appendix 6.

Following the country's accession to CITES on 24th June 2015, the government passed a Resolution on 26th November 2015, No. 696, which designated the Committee for Environmental Protection as the authorised body for liaising with the CITES Secretariat and on 2nd July 2021 passed a Decree, No. 7, which approved the procedure for issuing permits for the import and export of CITES-listed animals and plants. The same Decree approved the Management Authority (Committee for Environmental Protection) and the Scientific Authority (National Center for Biodiversity and Biosafety) and determined the responsible person for communicating with the CITES Secretariat and CITES parties.

Issuance of permits

Tajikistan has several laws relating to the protection and use of flora and fauna, including their import and export, the hunting of animals and the collection and sale of wild plants including: "On the protection and use of flora", "On the licensing system", "On licensing certain types of activities", "On hunting and hunting activities", "On wildlife", "On other obligatory payments to the budget". There are also Regulations on licensing of certain activities, approved by a Resolution dated 3rd April 2007 No. 172, Regulations on hunting and game management approved on 16th July 1997 No. 324, and a Resolution "On approval of the rates of collection for the implementation of legally significant actions and fees for issuing a permit for the use of natural and other available resources" dated 2nd November 2007 No. 546,

In addition, the import and export of CITES-listed animals and the procedures for issuing permits are set out in an approved Decree dated 2nd July 2021, No. 7. Import and export of all other animals, including those included in the national Red Data Book, is carried out on the basis of phytosanitary and veterinary standards.

For plants, the Law "On the protection and use of flora" includes provisions for the authorised body to limit or temporarily suspend the use of certain species. These can be applied to particular regions, for example, so that plants within protected areas cannot be

exploited commercially. The law does not cover all aspects of the use and trade of plants however. Indeed, the laws surrounding licensing legislation for the use and trade in plants include several areas where they could be improved. For example, there is no clear distinction between the establishment of limits and quotas and the issuance of permits based upon them for the use of flora species (including forests). According to the Law "On the Permitting System", the authorised body that oversees environmental protection can issue two types of permits relating to the use of flora:

- permission to use objects of flora and fauna;
- forest use permit

However, in accordance with Article 50 of the Forest Code, the right to use forests on state forest fund lands requires a forest ticket that is issued annually by the state forest owner to the forest user to use the forest resources specified in an agreement. The fact forest tickets are issued by state forest owners and not by the Committee for Environmental Protection is not considered in the Law "On the Permit System".

Limits and quotas should be clearly linked with the types of use of flora provided for in Article 13 of the Law "On the Protection and Use of Flora", as well as Article 56 of the Forest Code. However, the Law does not specify which plant products can be used with or without permits or what restrictions there are on different types of use. These factors are also missing from the Forest Code.

The Law "On the Protection and Use of the Flora" includes a list of wild plant species (or parts thereof) that cannot be removed or whose removal is restricted from their natural environment. However, the national Red Data Book also covers this too. This ambiguity in legislation means that confusion over the establishment of limits and quotas and the issuance of permits essentially means there is no effective control over the use of flora (including forestry use) of species listed in CITES and/or the national Red Data Book. This is in contrast to e.g. animal hunting where a special Procedure has been adopted for the export and import of CITES-listed animals. Clearly there is a need to develop legislation along similar lines to cover CITES-listed flora species.

LITIGATION AND CAPACITY

There are three bodies in Tajikistan responsible for the production and consideration of administrative cases relating to wildlife offences:

1. Judiciary
2. Committee for Environmental Protection

3. State forestry and hunting inspection of the Forestry Agency.

Courts consider administrative offence cases in violation of Articles 182, 189, part 2 of Article 198, Articles 205, 207, 208, 210–214, 577, 579 of the Procedural Code of Administrative Offences of the Republic of Tajikistan. Additionally, regardless of jurisdiction, courts can impose penalties in the form of a fine of up to 300 calculation indices, loss of a licence to carry out certain activities, loss of an individual's rights and seizure or confiscation of items relating to an offence.

Bodies controlling the use and protection of the environment consider administrative offence cases in violation of Articles 203, 204, 206, 209, 215, 216, 217, 218, 220, 227 of the Procedural Code of Administrative Offences with specialist forestry and hunting control bodies considering such cases in violation of Articles 183–188.

1) Judicial review of cases

There are no specialised judges in Tajikistan to consider different categories of offences, such as civil, administrative, and criminal cases. The training of specialised judges could reduce the burden on the court system by increasing the efficiency with dealing with cases relating to wildlife crime. However, for several reasons, not least the cost of setting up such a system, this is not a practical proposition. Interviews with Committee for Environmental Protection and Forestry Service staff indicate that most judges lack specialist knowledge of environmental protection issues. This is exacerbated by conflicting regulations and a lack of access to information. For example, the regulations regarding the import and export of wildlife are not available on the Committee for Environmental Protection website or the legal database "Adlia" or the Tajikistan Trade Portal. The Committee for Environmental Protection Order regarding the procedures to be followed during import and export are not even registered with the Ministry of Justice. There is also no approved list of animals in accordance with CITES. This inevitably has impacts on the actions taken by enforcement agencies against illegal wildlife trade and the implementation of sanctions following court cases. It would be appropriate to develop a methodology defining the administrative procedures for criminal investigation of these cases as well as for their consideration by the courts. To worsen matters, the Decree of the Plenum of the Supreme Court of the Republic of Tajikistan "On the practice of application by courts of legislation in cases arising from violations of laws on nature protection" was adopted on the basis of legal acts that have long since become invalid. Therefore, the adoption of a new Resolution of the Plenum on generalised practices in such cases would be very apposite.

2) Institutional issues

There are issues around the demarcation of the roles of nature protection and forestry authorities regarding their oversight of wildlife use issues. Even though the Committee for Environmental Protection has broad powers to control the use of flora and fauna

resources, it does not have sufficient institutional capacity to perform all the functions assigned to it. The Committee does not control the authority that carries out wildlife inspections although some of the role of inspectors is carried out from the Central Office of the Committee i.e. by staff whose departments are also entrusted with policy development and industry regulation. This can lead to inefficiencies in operation. Meanwhile the dedicated State Forestry and Hunting Inspectorate is limited to dealing with forestry matters and lacks inspectors in the field.

3) Issues in dealing with administrative offences

a) detention

The Procedural Code states that those arrested on suspicion of committing an administrative offence should only be detained for up to three hours, although in exceptional cases this can be extended up to ten days. A suspect can also be detained until a judge can consider the case, with a written notification sent to the prosecutor although the detention time cannot be more than 24 hours from the time of arrest. The Procedural Code also stipulates that detainees are kept in premises or special institutions created by local authorities that meet sanitary and maintenance requirements and exclude the possibility of escape by detainees. Neither the Committee for Environmental Protection nor the Forestry Agency has such premises, nor does either possess adequate facilities for storage of contraband. This is partly because Committee for Environmental Protection staff do not have the capacity to carry out routine inspection work.

b) protocols on administrative offences

Although the Procedural Code specifies a wide range of those entitled to draw up protocols on administrative offences, such as the director, deputies, heads of departments of reserves and national (natural) parks, various officials of the Forestry Department, Forestry Agency, and Hunting Department, the staff in these positions are not inspectors but deal with managerial issues. The same list also appears in the Regulations on the procedure for exercising state control over the use, reproduction, and protection of forests in Tajikistan dated 21st September 2000 No. 388. However, the Regulations do not reflect the structural changes in the system that have occurred in recent years.

c) exemption from administrative responsibility

There are problems applying legal exemptions from administrative liability in relation to most fauna and flora-related offences. Article 25 of the Code of Administrative Offences states that when an offence is insignificant the judge can release the accused without punishment and confine himself/herself to an oral remark. The Procedural Code recognises as insignificant an offence that inflicted material damage to an individual of up

to one calculation indices, and to a legal entity up to ten calculation indices. However, the level of compensation for damage caused to forests and other forms of wildlife is much larger and calculated in accordance with the Decree “On the procedure for the amount of compensation for damage caused to the forest fund and other objects of the flora and fauna by individuals and legal entities” dated 31st December 2014, No. 790. This is much higher. The fine for unauthorised felling or damage to trees and shrubs (to the extent of cessation of growth) for a tree with a stump diameter of 28.1cm or more is 12–34 calculation indices. Illegal hunting or keeping in captivity of wild animals and birds not included in the national Red Data Book can be from 20–30 calculation indices or for hunting animals included in the national Red Data Book between 11–8,000 calculation indices. In practice this results in much abuse of the system and misapplication of environmental legislation with an increase in cases of illegal wildlife trade.

4) criminal proceedings

Part 1 of Article 232 of the Criminal Code stipulates that illegal hunting can be considered a criminal offence if it causes major damage with compensation calculated as 300 calculation indices. However, this fails to consider the damage to wild animals and birds listed in the national Red Data Book for which the compensation rate is 550–8,000 calculation indices. The outcome is that it can be hard to decide whether illegal hunting causes sufficient damage to be considered a criminal act.

Paragraph b of Article 232 also provides for criminal liability for hunting birds and animals when it is prohibited. In effect this means that criminal liability only applies for hunting of birds and animals listed in the national Red Data Book. However, Article 207 of the Code of Administrative Offences provides for administrative liability for the destruction of rare animals and plants, i.e. those listed in the national Red Data Book. This situation leads to an increase in criminal convictions of citizens but also to the improper application of environmental legislation, including liability for illegal trade. It also leads to abuse and ineffectiveness in efforts to address illegal wildlife trade. Furthermore, the Criminal Code does not provide for criminal liability for violation of hunting rules, for example, in the methods used.

APPLICABLE SANCTIONS

According to the Committee for Environmental Protection, in 2022 there were 1,684 cases involving the illegal use of flora. The administrative fines imposed totalled TJS521,875 (USD47,500) in 384 cases with recovered damages to wildlife totalling TJS1,224,000 (USD111,500). There were 562 cases relating to the illegal use of fish in 2022. These accrued total fines of TJS127,628 (USD11,600). There were 427 cases involving illegal use

of fauna with total fines of TJS78,754 (USD7,200) applied and compensation damage recovered in 62 cases totalling TJS50,454 (USD4,600).

According to the EPC (Environmental Protection Committee) of Tajikistan, in recent years the number of illegal wildlife trade cases has decreased, possibly because of the creation of hunting organisations, while no cases have taken place under Article 205 of the Code of Administrative Offences, i.e. the import or export of flora and fauna commodities without permission. Note that the issuance of an import and/or export permit is regulated only by the above Article, which was developed in accordance with CITES.

Article 18 of the Law “On hunting and hunting economy” states that users of hunting grounds and hunters who have the right to special use of game animals also own the hunting products obtained and can, if they wish, trade these products without seeking additional permission aside from their compliance with veterinary rules. Therefore, this Law does not provide for obtaining import or export permits. In practice Article 18 is not applied and when hunting commodities are imported or exported permissions are only required as to their use. It is not necessary to have a separate permit for the extraction and export of hunting commodities given hunting permits include state approval for the extraction of animals from their habitat and the right of the hunter to export them.

According to the Forestry Agency, most of their recent cases have been brought to court under Article 194 of the Code of Administrative Offences. However, there is some ambiguity in the wording of Article 194, including regarding the hunting of fauna and types of environmental destruction. This can lead to inefficient application of the provisions under the Law for penalties to be applied.

PROBLEM ANALYSIS AND GAP IDENTIFICATION

Fauna

The Law of the Republic of Tajikistan “On hunting and game economy” has several gaps in the regulation of hunting activities. The Law divides game animals into those with limited or non-limited quotas. Non-limited species are those with significant populations and a high rate of reproduction and therefore are considered not to require strict limits on the maximum allowable share of the population that can be hunted. Nevertheless, there may be restrictions on the allowable offtake, such as a specified hunting season or a limit on the number of permits granted allowing extraction of the animals or the number of hunting trips that can be made on one permit. Limited species are those whose removal, in order

to ensure the sustainability of populations, requires a clear restriction (in the form of the maximum allowable proportion of the population) that can be harvested.

There are internal contradictions and ambiguities between the Articles of this Law regarding the issuance of permits for limited and non-limited types of hunting. Article 10 says that users of hunting grounds need a permit for non-limited game species and also a permit from an authorised state body for limited game species. It is unclear how the two permits differ. Paragraph 7 of Article 10 relates to the special use of game animals by hunters and users of hunting grounds on the basis of a hunting permit issued under this Law and in compliance with the Hunting Rules, which raises questions about the relationships between different permit types.

Export and import of harvested animals included in the CITES Appendices are regulated by the Committee for Environmental Protection under Decree, No. 7. In order to obtain permits for this a hunter must present licences and permits obtained to show they can hunt the animals in question, which are also distributed from the Committee for Environmental Protection.

For the hunting of species included in CITES Appendix I, permission from the authorised CITES Scientific Authority of the host country is also required. However, the approved procedure does not provide for their involvement, nor does it set out clearly what the main tasks and functions are of the CITES Management and Scientific Authorities. Before such a permit can be issued, the hunter must pay an additional fee amounting to three calculation indices. There would be merit in developing a single, simplified procedure for the issuing of export and hunting permits, with a single permit to cover both, together with clarity over the fees paid by hunters. This would, however, be a complex process given the overlap of functions performed by the different state authority bodies (see below).

Duplication of powers

It is often unclear which is the relevant authorised body that sets limits and quotas or restrictions and prohibitions in the use of wildlife resources. According to Article 11 of the Forest Code, forestry authorities are responsible for establishing the annual levels of permitted timber harvesting and firewood collection together with how much wild food, medicinal products, industrial fruits and plants can be harvested in state forests as well as the approval of quotas for animals hunted in them (with the exception of national Red Data Book-listed species).

However, according to the Laws “On Flora” and “On Environmental Protection”, limits and quotas for the use of natural resources are established by the authorised state body on environmental protection. Furthermore, the Decree dated 3rd July 2014, No. 435, says the

Forestry Agency is designated as the authorised state body in the fields of forestry and hunting. In accordance with subparagraph "c" of paragraph 5 of the Regulations of this body, the determination and approval of quotas for the use of forest and hunting resources by business entities, legal entities and individuals, as well as foreign citizens, with the exception of species listed in the national Red Data Book, falls under their authority. However, according to Regulations relating to the Committee for Environmental Protection dated 2nd September 2021, No. 357, the authority of this body includes issuing permits to businesses and individuals for the use of natural resources, including flora and fauna commodities, import and export of plants (including timber), and waste for recycling.

The Law "On Licensing Certain Types of Activities" sets out the regulations regarding the use of flora and fauna listed in the national Red Data Book. Licences for this are issued in accordance with an annual quota approved by the government. In accordance with Part 3 of Article 34 of the Law "On Hunting and Game Management", the annual quotas for game animal species are determined by a special permit commission comprising representatives of authorised state bodies including those in the field of environmental protection, the Academy of Sciences and the society of hunters. Each licence is issued not for economic activity but for single action use of a specified flora or fauna commodity. This makes the licence a permissive document although the Law does not distinguish between licences and permits which causes confusion. The "Procedure for Issuing Permits for the Harvesting of Migratory, Rare and Endangered Species" dated 3rd July 2003 No. 301 has not yet been brought into line with the provisions of the above Law. The Procedure allows for special permits to be issued by the Ministry of Nature Protection for the harvest of such species if there is a positive opinion from the Republican Commission. The latter can include representatives of interested ministries and departments and relevant local executive authorities. Neither this Procedure nor the CITES Permitting Procedure approved by the Committee for Environmental Protection addresses the functions of the CITES Scientific Authority, the National Center for Biodiversity and Biosafety. There is no by-law that clearly regulates the procedure for issuing permits for hunting animals not included in the Red Data Book

Fees for the use of flora commodities

There is a contradiction in the legislation regarding the payment of fees for the use of flora commodities. The Law "On other obligatory payments to the budget" provides for a fee to be charged for the issuing of permits to use these commodities. The fee amount is established in accordance with the Resolution "On approval of the rates of fees for the implementation of legally significant actions and fees for issuing permits for the use of natural and other available resources" dated 2nd November 2007 No. 546. However, the Law "On the Permit System" provides for a different fee amount, charged not for the permit

issuing but for the actual use of the forest and other flora commodities, and is calculated on the basis of three indicators. In this case the payment is transferred to the state budget. However permit issuing fees charged under the Law "On other obligatory payments to the budget" are paid into special funds of an authorised body on environmental protection— although the Forestry Agency is not included as one of them, again causing further confusion.

Regulations governing CITES implementation in Tajikistan

Import of regulated materials into Tajikistan is allowed under the Resolution of 4th October 2013, No. 450, provided:

- An import quarantine permit has been issued by the central office of the Committee for Environmental Protection, who assess the risks after considering the international review of quarantine pests.
- A phytosanitary certificate has been issued by an authorised state body in the exporting country.

Materials exported must meet the requirements stipulated by international agreements on quarantine and plant protection recognised by Tajikistan. Each batch of materials exported is subject to certification and must be accompanied by a standard phytosanitary certificate issued by inspectors although there is no legal act that regulates in detail the procedure for issuing these documents.

Tajikistan does not have specific laws regulating the procedure for the import and export of CITES-listed flora commodities. Therefore, import and export of such commodities takes place only with the quarantine permit and phytosanitary certificate systems mentioned above. For customs clearance, the Customs Service has approved the documents and information required through an Order registered by the Ministry of Justice dated 16th July 2009 No. 532. It details the permits, licences, certificates etc issued by authorised bodies that must be submitted during customs clearance and includes those that relate to international treaties to which Tajikistan is a party as well as those relating to national legislation.

Import and export of hunting products

There is no special legal act regulating the activities of foreign hunters in Tajikistan although any hunting trophies they take can only be exported if accompanied with a veterinary certificate. According to the Law "On Veterinary Medicine" a veterinary certificate is an international document issued by an authorised state body at the state border to

confirm the legal origin of the goods and ensure compliance of the exported goods with the requirements of the importing country regarding their veterinary and sanitary safety.

The veterinary and sanitary certificate (for non-Commonwealth of Independent State (CIS) countries) or veterinary certificate (for CIS countries) is issued by the food safety committee. Their issuance of such permits is partly regulated by the Law “On the Permit System” although this Law does not specify the complete list of documents required to obtain a veterinary certificate nor do any by-laws regulate this issue either.

The import and export of animal commodities included in Appendix I of CITES also requires permission from the Committee of Environmental Protection and an import permit issued by the CITES administrative authority of the host country. For those species listed in Appendices II and III only permission from the Committee of Environmental Protection is needed. However, the animal species listed in the CITES Appendices that occur in Tajikistan are not included in this legal procedure which leads to problems with its implementation by authorised bodies, including customs authorities.



THE REPUBLIC OF UZBEKISTAN

GENERAL INFORMATION

The Republic of Uzbekistan (hereafter Uzbekistan) is a large (448,900 km²), landlocked country with a range of habitats including deserts and semi-deserts and high mountains, among them the Tien Shan and Pamir-Alai ranges. The mountains are home to a great diversity of forest types and unique plant community associations and are of global importance as a centre of origin for a number of cultivated fruit crops. More than 27,000 species have been recorded in Uzbekistan. A total of 688 vertebrate species are known although some, particularly the larger species, are now very rare or have disappeared. They include Turanian Tiger *Panthera tigris*, the Asian Cheetah *Acinonyx jubatus venaticus*, and the Syr Darya Shovelnose Sturgeon *Pseudoscaphirhynchus fedtskoi* may have completely disappeared. Snow Leopard *Panthera uncia*, Striped Hyena *Hyaena hyaena*, Saiga *Saiga tatarica*, and Big Amu Darya Shovelnose Sturgeon *Pseudoscaphirhynchus kaufmanni*. There are more than 11,000 species of flora (higher plants, fungi, algae) that include over 2,000 species of fungi while of the 4,300 plant species, some 1,500 are used medicinally and 400 are endemic. The latter are often rare and localised. The Red Data Book of Uzbekistan includes 321 species of higher plants and three species of mushrooms. The misuse of biological resources—including overhunting—has led to the depletion of many species while the Aral Sea has completely disappeared⁹.

Uzbekistan has adopted a resolution suppressing the turnover of illegal trade in wildlife objects – Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated

⁹The Red Book of the Republic of Uzbekistan. Volume #2. Animals. Tashkent: Chinor, 2019. – p. 4.23 The Red Book of the Republic of Uzbekistan in. Volume #1. Plants and fungi. Tashkent: Chinor ENK, 2019. p. 7.

10/20/2014 No. 290 "On the regulation of the use of biological resources and on the procedure for passing licensing procedures in the field of nature management. Besides that, several laws govern the use and protection of wildlife resources, in particular the Law "On the protection and use of wildlife" (new edition)¹⁰ dated 19th September 2016 No. 408. Uzbekistan acceded to CITES in 1997 with national legislation to implement CITES measures later introduced through Appendix 3 to a Resolution of the Cabinet of Ministers dated 20th October 2014 No. 290.

REVIEW OF LEGISLATION

Uzbekistan has adopted basic laws regulating issues related to the import and sale of wild fauna and flora. In particular:

- Law "On the protection and use of wildlife" (new edition) dated 19th September 2016 No. 408;
- Law "On the protection and use of flora" (new edition) dated 21st September 2016 No. 409;
- Law "On Forest" (new edition) dated 16th April 2018 No. 475.
- Law of the Republic of Uzbekistan dated 8th July 2020 N ZRU-627 "On hunting and hunting economy"
- Law of the Republic of Uzbekistan dated 3 December 2004 No. 710-II "On protected natural territories"
- Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 20 October 2014 No. 290 "On the regulation of the use of biological resources and on the procedure for passing licensing procedures in the field of environmental management"
- Resolution of the Supreme Council of the Republic of Uzbekistan dated 3 September 1993 No. 937-XII "On strengthening the protection of valuable and endangered species of plants and animals and streamlining their use".
- Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 11 June 2019 No. 484 "On approval of the Strategy for the Conservation of Biological Diversity in the Republic of Uzbekistan for the period 2019-2028"
- Regulation on the procedure for passing licensing procedures in the field of international trade in endangered species of wild fauna and flora (CITES) on the territory of the Republic of Uzbekistan (Appendix No. 3 to

¹⁰Bulletin of the Chamber of the Oliy Majlis of the Republic of Uzbekistan, 2016, No. 9, Article 273.

the Resolution of the CM of the Republic of Uzbekistan dated 20 October 2014 No. 290)

- Regulation on the procedure for the distribution of funds received as payment for the use of objects of the animal and plant world, fines, and amounts recovered from violators of environmental legislation for damage caused (Appendix No. 4 to the Resolution of the KM of the Republic of Uzbekistan dated 20 October 2014 No. 290).

These pieces of legislation provided the basic set of rules and powers for the development of regulations on trade in animals and plants. Their development drew on experience from elsewhere, notably: Ukraine, Belarus, Armenia, China, the USA, Japan, Canada, and Switzerland as well as intergovernmental agreements including CITES (Washington, 1973), Convention for the Protection of Wild Fauna and Flora and Natural Habitats in Europe (Bern, 1979); Convention on Biological Diversity (Rio de Janeiro, 1992); International Plant Protection Convention (Rome, 1951); International Convention for the Protection of New Varieties of Plants (Geneva, 1961); Cartagena Protocol on Biosafety to the Convention on Biological Diversity (Cartagena, 2000); Ramsar Convention on Wetlands of International Importance, principally as habitats for waterfowl (Ramsar, 1971); Convention for the Protection of the World Cultural and Natural Heritage (Paris, 1972).¹¹

In total, some 60 regulatory legal acts on biological diversity have been adopted, including Resolutions of the President of Uzbekistan, Resolutions of the Cabinet of Ministers of Uzbekistan and departmental acts aimed at the effective use of animal and plant species. Specific Laws relating to the licensing and issuing of permits regarding the use of wild fauna and flora resources include: Law No. ZRU-701 dated 4th July 2021 "On licensing, permitting and notification procedures"; Resolution of the Cabinet of Ministers "On the regulation of the use of biological resources and on the procedure for passing permitting procedures in the field of nature management" dated 20th October 2014 No. 290; and Resolution of the Cabinet of Ministers dated 22nd February 2022 No. 86.

The present study focuses on the main and auxiliary legislation regarding the licensing procedures and permits for use and trade of biological resources and their management. Customs officers regularly implement measures aimed at preventing illegal transportation of rare species of flora and fauna across the customs border. Import and export of wild animals listed in the national Red Data Book requires a permit issued by the Ministry of Ecology, Environmental Protection and Climate Change while import of species listed in

¹¹Explanatory note to the draft law of the Republic of Uzbekistan "On amendments and additions to the Law of the Republic of Uzbekistan "On Forest" (Oliy Majlis of the Republic Uzbekistan).

the Appendices of CITES requires a permit issued by the CITES Management Authority in Uzbekistan.

JUDICIAL CAPACITY AND SUPERVISION

The Criminal Code and the Code of Administrative Responsibility cover illegal importation into Uzbekistan of CITES-listed animal species that are not native to the country.

According to the Ministry of Ecology, Environmental Protection and Climate Change, in 2022, there were 5,569 violations of the rules for the protection and use of flora and 380 violations of the rules for the protection and use of wildlife.

Violation of rules for catching rare and endangered species of animals or collecting or harvesting medicinal, food, and ornamental species of wild plants is considered a criminal offence according to Article 202 of the Criminal Code. These rules also encompass the processes associated with the illegal transportation, sale, storage, export, or destruction of saiga, its parts and derivatives.

Laws regarding the use of flora and fauna—which can apply to all or just seasonal use—are set out in Article 202 of the Criminal Code and Article 90 of the Code of Administrative Responsibility approved by the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan. Additional legislation relating to the protection of flora and fauna is defined in the Decree of the Supreme Council of the Republic of Uzbekistan dated 3rd September 1993 "On strengthening the protection of valuable and endangered species of plants and animals and regulating their use." This Decree states that plants and animals listed in the national Red Data Book can only be removed from the wild in any form on the basis of permits issued by the Cabinet of Ministers.

Violation of the rules on hunting or fishing range from hunting without an appropriate permit or hunting for wild birds or fish in excess of the number specified in the permit as well as hunting at prohibited times or in prohibited places or using unauthorised weapons, tools, and methods. In the event that goods are seized from an offender and sold before a case is considered in court, the court must indicate which organisation benefitted from the sale.

Article 202 of the Criminal Code states that if the destruction of the habitat of species of animals or plants listed in the national Red Data Book causes significant damage or the death of those species the offender is liable to a fine of 300–500 calculation indices or three years restriction of liberty or imprisonment for 3–5 years. Penalties for trade in species not listed in the Red Data Book are less severe.

According to research undertaken by the Uzbekistan Institute of Zoology, poaching activities have inflicted significant damage to flora and fauna species, with loss of forestry, fishing and hunting resources¹². In order to counter these losses, it is necessary to:

- 1) develop more effective anti-poaching measures;
- 2) increase the number of wildlife inspectors;
- 3) create an electronic database to document all hunting activities;
- 4) impose tougher penalties for poaching;
- 5) improve the working conditions and hence motivation for anti-poaching personnel.

Some progress has been made towards the above with amendments made to legislation in May 2019 to increase the penalties for poaching-related activities. The following authorities regularly hold meetings to address illegal wildlife trade issues: the Ministry of Ecology, Environmental Protection and Climate Change (CITES Management Authority); and Institutes of Botany and Zoology of the Academy of Sciences of the Republic of Uzbekistan (CITES Scientific Authority).

An overhaul of some of the existing legislation regulating wildlife appears warranted, such as the now dated Resolution of the Cabinet of Ministers No. 290 dated 20th October 2014 "On the procedure for regulating the use of biological resources and issuing permits in the field of nature management."

APPLICABLE SANCTIONS

The Criminal Code of the Republic of Uzbekistan and the Criminal Law of the Republic of Uzbekistan are the two key pieces of legislation which set the level of sanctions for those breaking the law.

In cases of violation of environmental legislation, depending on the severity of the act, Articles 202, 202-1, or 204 of the Criminal Code, approved by Law No. 2012-XII dated 22nd September 1994 are applied.

According to Article 345 of the Criminal Procedure Code, a preliminary investigation is carried out by investigators from internal affairs authorities in cases of crimes under Articles 202, 202-1, 204 of the Criminal Code as well as in all cases committed by minors. The sanctions applied in such cases are usually derived from the Code of Administrative

¹² <https://academy.uz/ru/news/uzbekistonda-saygoqlar-sanogi-otkazildi>

Responsibility rather than the Criminal Code. To be considered a criminal offence, the level of damage must be considered significant.

Laws relating to the use of fauna and flora include: Article 202 of the Criminal Code and Article 90 of the Code of Administrative Responsibility, both of which are determined by the Ministry of Ecology, Environmental Protection and Climate Change; Articles 32–46 of the Law "On the protection and use of wildlife" (new edition); Article 36 of the Law "On the protection of protected natural areas" Resolution of the Plenum of the Supreme Court dated 20th December 1996 No. 36; Law "On judicial practice in cases of crimes and other offences in the field of environmental protection and nature management"; Article 202 of the Criminal Code on "Violation of the procedure for the use of objects of flora and fauna."

Violation of the rules regarding hunting, fishing or catching wild animals, including those in specially protected natural areas or harvesting medicinal, food and ornamental species of wild plants that causes significant damage, are punishable by a fine totalling 100–200 calculation indices (UZS33,000,000–66,000,000: USD2,730–5,460) or by community service of up to 300 hours or by corrective labour for up to two years.

The import and export of wild animals listed in the Uzbekistan Red Data Book requires a permit issued by the Ministry of Ecology, Environmental Protection and Climate Change who also take a decision on the fate of any seized animals, prior to which they are kept in zoos and special nurseries. Rescue centres and storage of confiscated CITES-listed specimens is covered by the Resolution of the Cabinet of Ministers No. 290 of 2014 although it doesn't state what the transfer procedures are or where the funding for maintenance costs is sourced.

Paragraph k of Article 202 of the Criminal Code details the sanctions for those convicted of killing animals, birds, fish, wildlife, or plant species listed in the Uzbekistan Red Data Book and the International Red Data Book. Punishments are a fine of 400–600 calculation indices (UZS132,000,000–198,000,000: USD10,930–16,400) or by restriction of liberty for 3–5 years or by imprisonment for 3–5 years.

Under a Resolution of the Plenum of the Supreme Court dated 20th December 1996 No. 36 "On judicial practice in cases of crimes and other offences in the field of environmental protection and nature management", illegally obtained wildlife commodities (wild animals, birds, fish, trees, furs etc.) are confiscated from the offender.

In August 2021, the Criminal Code was supplemented through the adoption of the Law "On amendments and additions to certain legislative acts of the Republic of Uzbekistan." The supplement sets out the sanctions for the offence of "Animal Abuse" which are a fine of 25–50 calculation indices (UZS8,250,000–16,500,000: USD680–1,370) or by community

service of up to 240 hours or by correctional labour for up to one year or by restriction of liberty for up to six months or by imprisonment for up to six months.

Article 204 of the Criminal Code sets out the sanctions for causing “a large amount of damage or other grave consequences” to specially protected natural areas as a fine of up to 50 calculation indices (UZS16,500,000: USD1,370) or loss of certain rights for up to five years or community service for up to 300 hours or correctional labour for up to two years. Under the Law “On Specially Protected Natural Territories” and Article 47 of the Law “On Nature Protection”, if the destruction or damage to a protected natural area was international, a fine can be imposed of 50–100 calculation indices (UZS16,500,000–33,000,000: USD1,370–2,740) or restriction of freedom for 2–5 years or imprisonment for up to five years. Article 82 of the Code of Administrative Responsibility dated 1st April 1995 sets out the penalties for violating the operations of specially protected natural areas. Article 13 of Chapter 8 of this Code sets out the list of offences relating to the protection and use of fauna and flora as follows:

- Article 81. Collection of Red Data Book-listed plants
- Article 82. Violation of the regime of protected natural areas
- Article 90. Violation of hunting and fishing rules as well as those relating to other wildlife uses.
- Article 90-1. Manufacture, importation, storage, transportation or transfer, acquisition or sale of prohibited hunting and fishing tools or methods
- Article 92, Violation of the rules for the protection of animal habitats, the rules for the creation of zoological and botanical collections and their trade, as well as the unauthorised resettlement or transport of animals
- Article 93. Illegal importation of species recognised as detrimental to the conservation of species of animal and plant species listed in the Red Data Book
- Article 94. Destruction, harvesting of rare or endangered animals, or other actions that may lead to the death, reduction in the number of or violation of the habitat of such animals.

Among them, it is worth noting that under Article 90 the fine for citizens breaking this rule is 10–15 calculation indices (UZS3,300,000–4,950,000: USD273–410) while for officials it is 15–20 calculation indices (UZS4,950,000–6,600,000: USD410–547). There are overlaps between this Law and others regarding the rules regulating hunting, fishing and other forms of wildlife use as follows: Articles 29 and 30 of the Law “On the Protection and Use of Wildlife” (new edition), Articles 32–35, 38–44, and (in part) Articles 20–27 of the Law “On hunting and fishing”, and paragraph 8 of the Resolution of the Plenum of the Supreme Court dated 20th December 1996 No. 36 “On environmental protection and on judicial practice in cases of crimes and other offences in the sphere of nature management”.

If any offence is repeated within a year of the imposition of a penalty, then it leads to the confiscation of weapons and materials used to commit the offence and the imposition on citizens of a fine 15–20 calculation indices (UZS4,900,000–6,600,000: USD410–547) and for officials a fine of 20–30 calculation indices (UZS6,600,000–9,900,000: USD547–820). If there is a further repeat offence the fines are increased to 20–25 calculation indices (UZS6,600,000–8,250,000: USD547–683) for citizens and 30–40 calculation indices (UZS9,900,000–13,200,000: USD820–1,094) for officials with confiscation of the weapons and equipment used and loss of the right to hunt for up to three years.

Under Article 92 of Chapter 8 of the Code of Administrative Responsibility the sanctions range from 5–10 calculation indices for citizens (UZS1,650,000–3,300,000: USD137–274) to 10–15 calculation indices for officials (UZS3,300,000–4,900,000: USD274–410) for breaches of the rules.

Import and export to and from Uzbekistan of wild animals, their parts, zoological collections, and waste products is carried out under permits issued by the Ministry of Ecology, Environmental Protection and Climate Change. According to Paragraph 100 of the Regulation "On the use of animal products and the procedure for issuing permits for their use", approved by the Resolution of the Cabinet of Ministers dated 20th October 2014 No. 290 "Wild animals listed in the Uzbekistan Red Data Book and poisonous animals can only be kept in special nurseries established in agreement with the Academy of Sciences."

Currently there is nothing in the Criminal Code or the Code on Administrative Responsibility concerning the movement, storage, or sale of seized fauna commodities.

An analysis of media reports found that although there are a large number of penalties set out and substantive legislation concerning the use of wild fauna and flora commodities there are very few reports of court cases taking place and any penalties being imposed.

PROBLEM ANALYSIS AND GAP IDENTIFICATION

Although Uzbekistan clearly recognises the threat posed to its wild fauna and flora from their illegal use and harvesting, the Law "On the Protection and Use of Wildlife" (new edition) does not define "poaching", which is considered an international concept. Other aspects of existing Regulations relating to wildlife trade also need to be improved. For example, rules concerning the sale of wild animals in nurseries, pet stores and specialised markets are not included in the above Law.

An analysis of legal documents regulating the use and protection of fauna and flora (including forests) found that the legislation does not establish guidance and principles for the sustainable use of these resources while there is a confusing myriad of legislation governing their use without a clear pathway to manage the resources sustainably.

The Criminal Code and the Code of Administrative Responsibility set out the types of violations and the associated sanctions for crimes concerning wild fauna and flora commodities but there is little correspondence between the level of damage caused and the severity of the associated penalty.

Following the adoption of the Law "On the protection and use of wildlife" dated 19th September 2016, No. 408 in accordance with Article 21, systematic environmental monitoring should be carried out. However, the procedures to do so need to be determined or this will remain a paper-only commitment.

Some updating of the legislation concerning the procedures for issuing permits to enable trade in CITES-listed species appears warranted. In the current edition of the Resolution of the Cabinet of Ministers dated 20th October 2014 No. 290 "On the procedure for passing licensing procedures in the field of international trade in endangered species of wild fauna and flora on the territory of the Republic of Uzbekistan (CITES)", paragraph 5 states that "The State Committee for Nature Protection is the administrative body of CITES in the Republic of Uzbekistan." However, this State Committee no longer exists: its activity as a legal entity was terminated and it was transformed into the Ministry of Ecology, Environmental Protection, and Climate Change. Clearly the legislation needs updating on this point.

The need for administrative accounting for the numbers of rare and endangered fauna and flora both within captive breeding operations and in private ownership is important, particularly with respect to CITES requirements as both of these categories have grown considerably over recent years.

Article 214 of the Civil Code establishes the rule that "flora and wildlife" are the property of the Republic. However, Article 4 of the Law "On the Protection and Use of Wildlife", adopted in 2016, which relates to the property rights of flora and fauna originating in a captive environment states that they are then the property of the owner of the facilities where they were created. Clearly some clarification between this Law and the Civil Code is needed.

Before the Ecological Code is adopted, it should include a chapter outlining the rights and obligations of individuals and legal entities engaged in export, re-export and import, of wild fauna and flora species listed in the CITES Appendices and the permitting processes to be followed. Additional chapters should cover topics such as biological diversity and its sustainable use and particular topics such as the creation and protection of forested areas on the land that was once covered by the Aral Sea.

The Law "On the Protection and Use of Wildlife" should also emphasise the role of the Academy of Sciences, as the Scientific Authority for CITES, in decision making concerning protection and use of wildlife species. Any such use should have a firm scientific justification which falls under the remit of the Academy.

EAEU REGULATIONS AND INTERACTIONS WITH CITES

Two of the countries examined in this study—the Kyrgyz Republic and Kazakhstan—are also members of the EAEU Customs Union, and as such have legislation relating to this agreement that also affects their trade in fauna and flora. All the member states of the EAEU have ratified the CITES Convention:

- Armenia joined in 2009.
- The Republic of Belarus joined in 1994;
- The Republic of Kazakhstan joined in 1999;
- The Kyrgyz Republic joined in 2006;
- The Russian Federation, as the legal successor of the USSR (which acceded to CITES in 1976), joined in 1992;

The Decision of the EAEU Board dated 21st April 2015, No. 30 “On measures of non-tariff regulation” confirmed the permit procedure for the import or export of CITES-listed fauna and flora from the customs territory of the EAEU in accordance with the Convention. The list of species to which this applies is also included in Section 2.7 of the EAEU’s “Unified List of Goods to Which Non-Tariff Regulation Measures Are Applied in Trade with Third Countries and the Regulations for the Import and (or) Export of These Goods” (<https://eec.eaeunion.org/commission/department/catr/nontariff/30.php>).

Although there are no conflicts in the legislation between the EAEU rules and CITES, the list of species in the Appendices of the latter are updated more frequently than the EAEU Board issues new Decisions. As such there are some discrepancies between the two lists. A comparison of some of the key features of CITES and the corresponding EAEU legislation is presented below:

Table 3: Comparison of CITES and EAEU legislation concerning trade in fauna and flora.

CITES	EAEU	COMMENT
<p>Appendices I–III are an integral part of the Convention and subject to periodic updating.</p>	<p>Section 2.7 of Appendix 2 to Decision No. 30 of the Board of the Eurasian Economic Commission dated 21st April 2015: lists the CITES-listed species recognised by the EAEU. It was amended in 2017 and 2020.</p> <p>In addition to CITES-listed species, Appendix 2 covers a wider range of species:</p>	<p>The specified technical regulation of the EAEU already makes a reference to all CITES applications but is wider in scope than just CITES species.</p>
	<ul style="list-style-type: none"> ● 2.4 Collections and collectibles in mineralogy and palaeontology, bones of fossil animals ● 2.6 Wild live animals, individual wild-growing plants and wild-growing medicinal raw materials ● 2.8 Rare and endangered species of wild living animals and wild plants included in the Red Data Books of the Member States of the Eurasian Economic Union 	

The EAEU Technical Regulation is flexible and advanced since it recognises the obligations of the EAEU member countries to CITES and also gives due legal regulation to other flora and fauna commodities that are not included in the CITES Appendices. This approach could be more widely applicable given most countries have national Red Data Book lists of animals and plants. Moreover, often plant commodities are used as industrial raw materials.

CONCLUSIONS

KYRGYZ REPUBLIC

This study demonstrates that rather than changes in current legislation, what would benefit the country most is improvements in law enforcement practices, including applying the laws most systematically and improvements in public administration. These issues would help address illegal wildlife trade concerns.

In particular, the following conclusions were drawn:

1. There is insufficient co-ordination between relevant bodies. For example, the Border Service under the State Committee for National Security, does not share information with the Ministry of Natural Resources, Ecology and Technical Supervision. As a result the Ministry has incomplete information about the illegal trade in wild animals and plants. Moreover, there are both internal co-ordination issues within law enforcement agencies and with other members of the Cabinet of Ministers. According to representatives from the Ministry of Natural Resources, Ecology and Technical Supervision, most of the interactions with other departments including the Institute of Biology—the CITES Scientific Authority; Veterinary Service under the Ministry of Agriculture; and Customs Service under the Ministry of Finance are in relation to the issuing of permits rather than on monitoring activities or suppression of illegal activities.
2. The legal framework of the Kyrgyz Republic adequately encompasses the issues surrounding illegal trade in wild animals and plants and takes into account the obligations assumed under CITES and the EAEU. Thus, within the framework of CITES, relevant departments provide annual reports on issued permits. EAEU and CITES legislation are well harmonised and legally correctly integrated into the national system of legislation.
3. The coverage of illegal wildlife trade by the media is low and there are very few convictions and penalties to report. Possible reasons for this include:
 - There may be no outcome to report if cases never reach court, which could be for many reasons including a lack of sufficient evidence or knowledge and application of the law or there are other incentives not to bring cases to court.
 - A lack of media interest in reporting on such cases as there is little public or commercial interest.

- Often such crimes take place in remote areas and it is difficult to access information about them.
4. Between 2020 and 2022, there were reports of only one illegal movement of animals and plants in contravention of CITES rules across the state border that was recorded and prevented. This could be because:
- There were no other illegal movements of animals and plants that took place;
 - Border guards fail to detect such cases—this could be for various reasons including insufficient capacity or training to detect the cases or simple or encouraged oversight of such cases;
 - There may be operational reasons why illegal shipments are not stopped at border crossing points.

THE REPUBLIC OF KAZAKHSTAN

This study has shown there are a number of contradictions, duplications and gaps within the current legislation regulating fauna and flora resources. For example, permits specified in Article 259 of the Environmental Code dated 2nd January 2021 No. 400-VI are reflected in Article 252 of the Environmental Code of the Republic of Kazakhstan dated 9th January 2007 No. 212, which became invalid in 2021 with the adoption of the new Environmental Code. Rules for the issuance of permits for import, export and (or) re-export from/or to Kazakhstan of CITES-listed flora commodities, their parts or derivatives as approved by Order of the Minister of Ecology, Geology and Natural Resources dated 10th June 2020 No. 138 do not comply with the requirements of CITES. Although the Rules were approved by Order of the Deputy Prime Minister in 2004, they became invalid in 2012. Consequently, it is currently not legally possible to trade in captive bred rare and endangered or CITES-listed animal species with Kazakhstan. This is a result of bureaucratic errors. A systematic analysis and overhaul of the current legislation to find and eliminate such errors is needed.

THE REPUBLIC OF TAJIKISTAN

Although there is extensive legislation with detailed procedural actions regarding the use of fauna and flora species and to prevent illegal use and trade in them through licensing and management mechanisms, there are still several gaps that lead to weak application of the legislation. There are shortcomings in the licensing system, such as a lack of distinction between licences and permits and the requirements when each should be issued. This leads to weak regulation of the system resulting in illegal trade in wildlife commodities. In

part this is owing to weak institutional capacity of the regulatory authorities with a lack of definition or even duplication of some of their roles and the absence of an inspection authority in one regulatory authority.

A significant issue is that some offences have both civil and criminal liability depending on whether they qualify as causing significant damage. Determining this is often not a straightforward task meaning criminal charges, with their higher penalties, are sometimes not brought.

This report provides several recommendations for improving existing legislation and strengthening the institutional capacity of the authorities involved.

THE REPUBLIC OF UZBEKISTAN

The current legislation regarding the use of fauna and flora in Uzbekistan lacks clarity in many areas and could be improved. One particular issue is that some of the current legislation refers to legal instruments that are still to be adopted. For example, Article 21 of the Law “On the Protection and Use of Wildlife”, adopted on 19th September 2016, calls for the monitoring of wildlife and habitats with information collected, summarised, and analysed in accordance with the established legislation of a unified state environmental monitoring system—which does not exist meaning this is a paper-only commitment.

RECOMMENDATIONS

KYRGYZ REPUBLIC

The following recommendations are made:

1. The government should organise relevant training events (that could be conducted with outside expert assistance) to familiarise civil servants working within the CITES Management and Scientific Authorities about the workings of the Convention. Institutional knowledge within the Authorities is undermined by high staff turnover and often CITES requirements are perceived as simply compiling information for writing CITES annual reports rather than a wider understanding of the role the Convention can play in, for example, the suppression of illegal trade.
2. Similarly, the government should organise relevant training events (that could be conducted with outside expert assistance) to raise awareness in law enforcement agencies of the legislation related to wildlife trade, hunting, and the import and export of fauna and flora.
3. To address illegal wildlife trade issues a mechanism needs to be established to promote co-ordination between relevant government agencies (law enforcement and other ministries and departments of the Cabinet of Ministers). There is recognition of the need for this role and the Ministry has started to develop an electronic database on trade in wild flora and fauna commodities with access open to control and supervisory bodies. The aim is to use the information contained within it to help detect and suppress illegal trade. The Terms of Reference for the database have been developed through co-ordination meetings held between interested parties. However, there is a limited budget for its development and it is recommended funding is now sought from international development partners to ensure this project is completed. There should be positive spin-offs, for example with the Kyrgyz Republic's ranking with Transparency International.
4. The media should be encouraged to help monitor and raise the visibility of successful actions taken against illegal wildlife trade to attract public attention to this issue. This should help act as a future deterrent.
5. Law enforcement agencies need to co-ordinate more closely with local self-governance bodies. Most illegal wildlife trade takes place in the regions and recent amendments to local self-governance bodies are aimed at strengthening their role and decentralisation of power. Furthermore, there is no single activity that engages with local self-governance bodies, for example with specialised agencies on issuing

permits for trade or law enforcement agencies on detecting violations. Other areas where better co-ordination with local self-governance bodies are needed are in information exchange, field research and monitoring, and education of the local population.

6. Better supervision and control of border areas is needed to deter attempts at illegal wildlife trade. Digitalisation of all customs procedures would help enormously in this regard while this recommendation does come with the caveat that the introduction of additional procedures would place more administrative and financial burdens on legitimate individuals and businesses.
7. Make further improvements to enforcement legislation. This could be achieved through capacity building and mutual legal assistance under existing intergovernmental agreements such as the United Nations Convention against Transnational Organized Crime (UNTOC), United Nations Convention against Corruption (UNCAC), Commission on Crime Prevention and Criminal Justice (CCPCJ).
8. Eliminate fines for damages or establish clear guidelines for their calculation by amending the relevant legislation (Criminal Code and Misdemeanour Code).
9. Expand asset recovery efforts so those engaged in criminal activities do not profit from it.
10. Recognise wildlife crime as serious crime within the judicial system and penalise it accordingly—this is in line with international guidance as set out by UNTOC.
11. Counter wildlife trafficking through addressing associated criminal activities such as money laundering and corruption.

As noted earlier, recommendations are not made here on strengthening legislation relating to illegal wildlife trade as this analysis did not find significant gaps. Rather the recommendations are made to improve law enforcement practices and implementation. One issue that needs to be acknowledged is that of corruption and how to deal with it in strict accordance with the legislation on corruption and the activities of the relevant supervisory and law enforcement agencies.

THE REPUBLIC OF KAZAKHSTAN

The key challenges to be addressed by Kazakhstan are created by the regulatory barriers. To overcome these a new draft law has been developed and more information can be found: <https://adilet.zan.kz/eng>.

This draft Law “On Amendments and Additions to Certain Legislative Acts on International Trade in Endangered Species of Wild Fauna and Flora” should eliminate identified legal conflicts, duplications, and legal gaps. It would simultaneously make appropriate changes to several legislative acts and provide clarity on the procedures related to international trade in endangered species of wild fauna and flora.

To ensure the draft Law gains sufficient prominence and has a timeline for adoption it must be included in the plan of legislative work approved by the President of the Republic of Kazakhstan in accordance with paragraph 4 of Article 16 of the Law “On Legal Acts” dated 6th April 2016 No. 480-V. Past experience has shown that draft laws independently initiated by state bodies without their inclusion in the plan take a very long time to progress through government and have low potential for passing the approval of all stages.

Note that alterations to by-laws to address legal conflicts can be made in 2–3 months if an authorised body applies to make changes and provides a formal justification as to why they are needed.

THE REPUBLIC OF TAJIKISTAN

The following recommendations are made:

1. Remove from the Law “On Licensing Certain Types of Activities” the licensing of flora and fauna commodities included in the Tajikistan Red Data Book
2. Amend the Law “On hunting and hunting economy” to clarify the non-limited and limited species of game animals and the procedure for regulating hunting of them, i.e. what permissions and permits are needed and which authorised body can grant them and under what conditions
3. Harmonise the Laws “On hunting and hunting economy” and “On wildlife” regarding the regulation of hunting and hunting activities
4. Develop and approve the procedure for issuing a hunting permit
5. Develop and approve the procedure for issuing permits for the use of flora commodities
6. Revise the procedure for issuing a permit for the import and export of animals included in CITES Appendices I–III, approved by the order of the Environmental

Protection Committee dated 2nd July 2021, No. 7. Due consideration should be given as to whether a permit for the extraction of an animal could also act as a permit for the import of products of a hunted animal in accordance with CITES. Resolve this and make appropriate changes to legislation regarding the import and export of animal commodities. Additionally, resolve the ambiguity over the two authorised bodies in Tajikistan that give permission to harvest CITES-listed animals. In the short term, equate the permit issued by the Forestry Agencies with the permits issued by the Committee for Environmental Protection. In the longer term, consider combining the functions of these two bodies.

7. Reconcile the official list of animals occurring in Tajikistan with the species listed in the CITES Appendices.
8. Develop and approve the procedure for issuing a phytosanitary permit
9. Develop and approve the procedure for issuing a veterinary certificate
10. Exclude permits for forest use from the Law “On the Permit System” since the specified type of permit is a forest ticket issued to forest owners. Establish a rule in the Forest Code that a forest ticket is issued based on limits and quotas established by the authorised forestry body
11. Set out the conditions regarding the general use and management of flora and forest products in the Law “On the protection and use of the flora” and the Forest Code, i.e. specify which commodities can be used without obtaining relevant documents and clarify the requirements for this type of use.
12. Establish the requirements for each type of use of flora and forest commodities for which permits are issued, i.e. the conditions for any special use of these commodities, as well as the grounds and procedures for introducing prohibitions and restrictions on any use.
13. Eliminate contradictions on setting fees for the use of natural resources between the Law “On other obligatory payments to the budget” and the Law “On the permit system”. Currently the first establishes a fee for issuing a permit for the use of natural objects in the form of a fee for the use of wildlife objects, a fee for forest use, a fee for the use of flora commodities. Consequently, the fee for consideration of the application and issuance of a permit for these types of activities under the Law “On the Permitting System” is unnecessary.
14. Expand the Forest Code to cover all the functions of the authorised forestry body, including the establishment of limits and quotas, restrictions, and prohibitions on the use of forest resources noting that the body for environmental protection also has authority under the Forest Code for forest management. Elimination of duplication of the functions of these bodies in the field of forest management will be needed.

15. Given the Decree "On the Forestry Agency" dated 28th February 2014, No. 132 affords the Agency the authority to act as a central body of executive power and perform the functions of development and implementation of a unified state policy, legal regulation and state management of forests, forestry, forest resources, hunting and hunting economy, it would help clarify matters if the text on issuance of forest use permits is removed from the Law "On the Permit System". Furthermore, the phrase "authorised body in the field of environmental protection" in Article 5 of the Law "On Other Compulsory Payments to the Budget" should be replaced with the phrase "authorised bodies in the field of environmental protection and forestry".
16. Remove the ambiguity in the wording of Article 194 of the Code of Administrative Offences making it clear which areas are covered by it and which by Article 198 of the Code.
17. Revise Article 25 of the Code of Administrative Offences regarding exemption from liability and consider the specifics of forestry and nature protection legislation.
18. Consider developing a methodology or administrative guidelines for court cases relating to nature protection and use of flora commodities.
19. Revise the Decree of the Plenum of the Supreme Court "On the practice of applying legislation by courts in cases arising from violations of laws on nature protection" dated 29th May 2003, No. 9 to include the reforms and new legal acts adopted in this area.
20. Analyse the functions of the environmental protection and forestry authorities and remove duplication of their functions. Consider the creation of a single nature protection inspectorate that would control the use of flora and fauna in forests and other areas.
21. Improve procedural legislation through:
22. Provide funding for the construction of premises for the detention of those detained for committing an administrative offence;
23. revising the list of those entitled to draw up protocols on administrative offences so only inspectors who are permitted to do so;
24. Revise the rules regarding the release of those who have committed an administrative offence deemed not significant given the level of damage caused.
25. Improve Article 234 of the Criminal Code regarding criminal liability for illegal hunting, in particular:
26. Clearly establish the level at which criminal liability arises in order to distinguish between illegal hunting as an administrative offence and a criminally punishable act;
27. Delete paragraph "b" of Article 234 since hunting of fauna listed in the national Red Data Book has a documented protocol and there is no complete ban on hunting birds and animals;
28. Provide for criminal liability for violation of hunting rules.

29. Align the Criminal and Administrative Codes. Consider whether it is appropriate to invoke criminal responsibility for any amount of damage caused to fauna and flora, especially Red Data Book species. Note this approach leads to a significant criminalisation of offences so consider the exclusion of criminal liability or the application of administrative fines in the case of civil liability, that is, compensation for damage caused by the removal of flora or fauna from the wild.
30. Expand the scope of Article 233 of the Criminal Code, which deals with the destruction of critical habitats, to cover all species, not just those listed in the Red Data Book.

THE REPUBLIC OF UZBEKISTAN

Given the current legislation falls short of its aims of protecting wild flora and fauna and combating illegal trafficking in wildlife, we make the following recommendations:

1. Carry out an in-depth analysis of the current legislation relating to fauna and flora to identify all the areas where it can be improved and make these improvements.
2. Penalties for breaching the Criminal Code, the Code of Administrative Liability are currently too lenient and need to be brought into line with the international standards for such offences, particularly with regards to the illegal hunting of rare animal species.
3. Ensure appropriate legislation governing wildlife use is properly implemented. Failure to comply with legal requirements should have clear consequences.
4. Develop legislation to regulate the captive breeding and selling of fauna and flora species. Currently there is no legal framework covering this aspect of wildlife use. Such legislation needs to be developed as a matter of urgency and aligned with CITES requirements.
5. Improve co-ordination between authorised state bodies tasked with regulating wildlife trade. Ensure there is adequate information sharing, for example through the use of a common platform.
6. Repeal the document "On strengthening the protection of valuable and endangered species of plants and animals and their use" issued by the Supreme Council on 3rd September 1993 as it has been superseded by new legislation. Thus, for example, there is no longer any licensing procedure issued by the Ministry of Foreign Economic Relations.
7. Add Article 941 to the Code of Administrative Responsibility to clarify "Violation of the norms for the use of biological resources".
8. In the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated October 20, 2014 "On the procedure for the transition from the procedure for

regulating the use of biological resources and the permissive procedure in the field of nature management", it is necessary to introduce the norm of the Regulation "On the procedure for the transition from norms" to paragraph 10 of Part 2 of the Regulation "Generally applicable norms and procedures are determined by local public authorities in coordination with the Ministry ecology, environmental protection and climate change of the Republic of Uzbekistan".

9. Since 1991, quotas for the use of wild animal species, including the hunting of rare species, have been set by the Academy of Sciences and approved by the Ministry of Ecology, Environmental Protection and Climate Change. The quota levels should be reviewed to ensure they are compatible with current wildlife populations.
10. An overhaul of the legislation relating to the implementation of CITES measures is warranted. In particular the legislation contained within the following needs to be updated or brought into line with more recent developments: Decree of the Cabinet of Ministers dated 20th October 2014 No. 290 "On the procedure for regulating the use of biological resources and nature management", "Types of wild fauna and flora that are endangered in the territory of the Republic of Uzbekistan", Regulation "On the procedure for passing licensing international trade (CITES)" developed in accordance with the Law "On licensing procedures in the field of entrepreneurial activity". The Law "On the procedure for issuing permits in the field of entrepreneurial activity" 14th dated July 2021 has become invalid.
11. The Criminal Code needs amending to define the criminal liability for "intentional illegal acquisition, storage, transportation or processing of animal products" and should also include flora obtained illegally.
12. The Criminal Code should be supplemented with the following Article to define criminal liability for destruction of wildlife habitats: Article 202. "Destruction of habitats of animal or plant species listed in the Red Data Book of the Republic of Uzbekistan."
If the destruction of the habitat of species of animals or plants listed in the Red Data Book of the Republic of Uzbekistan has caused significant damage or the death of those species, the penalty is a fine of 300–500 calculation indices or restriction of liberty for up to five years or imprisonment for 3–5 years.
13. Ministry of Ecology, Environmental Protection and Climate Change should organise regular training sessions for customs officers to bring them up-to-date with CITES legislation and developments in addressing illegal wildlife trade.

The Ministry of Ecology, Environmental Protection, Environment and Climate Change should bring together, preferably online, a portal containing all current regulatory documents pertaining to wildlife trade alongside information on hunting, import and export

permits, law enforcement agencies and CITES issues, illegal trade, liability and fines, flora and fauna species and monitoring of populations, approved quotas etc.

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- Code of Administrative Offences of the Republic of Tajikistan from 31 December 2008 # 455. Available at https://continent-online.com/Document/?doc_id=30414710;
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- Nature of Xinjiang and formation of deserts of Central Asia, M., 1966; Overseas Asia. Physical Geography, M., 1956. Available at <https://www.booksite.ru/fulltext/1/001/008/120/535.htm>;
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Websites:

- Cites Appendices I,II and III valid from May 2023 <https://cites.org/eng/app/appendices.php>
- Decision of the EEC Collegium No. 30 "On Non-Tariff Regulatory Measures" <https://eec.eaeunion.org/comission/department/catr/nontariff/30.php>

APPENDICES

APPENDIX 1 - LIST OF REGULATIONS OF THE KYRGYZ REPUBLIC ON ISSUES OF ILLEGAL TRADE IN WILD ANIMALS AND PLANTS IN THE KR

Codes:

1. Criminal Code of the Kyrgyz Republic dated October 28, 2021 No. 127
2. Offences Code of the Kyrgyz Republic dated October 28, 2021 No. 128

Laws:

1. LAW KR dated June 17, 1999 N 59 "On the Fauna"
2. LAW KR dated June 6, 2013 N 91 "On the identification of animals and products of animal origin"
3. LAW KR dated March 13, 2014 No. 41 "On hunting and game management"
4. LAW of the KR dated February 28, 2020 N 20 "On the prohibition of the import, production, manufacture, sale and use of synthetic fishing nets, electric fishing systems in the territory of the Kyrgyz Republic"
5. LAW of the KR dated March 17, 2021 N 35 "On Aquaculture, Fishing and Protection of Aquatic Biological Resources"

Regulations:

1. DECREE OF THE PRESIDENT OF THE KR dated May 11, 2004 UP N 163 "On the authorized state body for relations with the Administrative body of GITES in the Russian Federation"
2. RESOLUTION OF THE JOGORKU KENESH OF THE KR dated June 26, 2019 N 3159-VI "On the state of protection of the wildlife of the Kyrgyz Republic, on the implementation of the laws of the Kyrgyz Republic "On wildlife", "On environmental protection", "On biospheric territories in the Kyrgyz Republic", " On hunting and hunting
3. DECISION OF THE GOVERNMENT OF THE KR dated May 31, 1999 N 297 "On the organisation of nurseries for hunting falcons and falconry centers"
4. RESOLUTION OF THE GOVERNMENT OF THE KR dated October 10, 2001 N 618 "On approval of the List of wild animals and birds of hunting and catching"

5. DECISION OF THE GOVERNMENT OF THE KR dated April 28, 2005 N 170 "On approval of the lists of rare and endangered species of animals and plants for inclusion in the Red Data Book of the Kyrgyz Republic"
6. RESOLUTION OF THE GOVERNMENT OF THE KR dated September 7, 2009 N 561 "On fisheries development and use of natural and artificial reservoirs in the Kyrgyz Republic"
7. RESOLUTION OF THE GOVERNMENT OF THE KR dated May 3, 2013 N 224 "On approval of fees for calculating the amount of penalties for damage caused to objects of the animal and plant world, mummy-containing mineral raw materials and mushrooms by legal entities and individuals"
8. RESOLUTION OF THE GOVERNMENT OF THE KR dated December 5, 2014 N 694 "On approval of the Rules for the identification of animals"
9. RESOLUTION OF THE GOVERNMENT OF THE KR dated March 23, 2015 N 143 "On approval of the Rules for hunting in the territory of the Kyrgyz Republic"
10. RESOLUTION OF THE GOVERNMENT OF THE KR dated June 24, 2015 N 410 "On approval of regulatory legal acts in the field of fisheries"
11. DECISION OF THE GOVERNMENT OF THE KR dated April 11, 2016 N 189 "On approval of the Regulations on the Red Data Book of the Kyrgyz Republic"
12. RESOLUTION OF THE GOVERNMENT OF THE KR dated August 11, 2016 N 440 "On approval of the Regulations on the procedure for holding a competition for granting legal entities the right to conduct hunting activities in certain hunting grounds of the Kyrgyz Republic"
13. DECISION OF THE GOVERNMENT OF THE KR dated April 12, 2017 N 214 "On the introduction of restrictions on the special use of certain species of wildlife"
14. RESOLUTION OF THE GOVERNMENT OF THE KR dated June 4, 2018 N 264 "On approval of the Rules for keeping and using birds of prey in the territory of the Kyrgyz Republic"
15. RESOLUTION OF THE GOVERNMENT OF THE KR dated September 7, 2018 N 421 "On approval of the Procedure for maintaining state registration, cadastre and monitoring of wildlife in the Kyrgyz Republic"

Program and strategic documents:

1. RESOLUTION OF THE GOVERNMENT OF THE KR dated October 15, 2019 N 546 "On approval of the Program for the development of fisheries and aquaculture in the Kyrgyz Republic for 2019-2023"

By-laws of a local nature (municipal):

1. DECISION OF THE MAYOR'S OFFICE OF THE CITY OF BISHKEK AND THE BISHKEK GORKENESH dated November 1, 2002 N 101/101sp "On streamlining the keeping of domestic animals and birds in Bishkek"
2. DECISION OF THE STATE ADMINISTRATION OF THE YSYK-KUL REGION dated August 23, 2005 N 279 "On the work of economic entities engaged in hunting activities in the territory of the Issyk-Kul region".

Note: all local acts of a private nature are not indicated intentionally.

APPENDIX 2 - OFFICIAL RESPONSE OF THE BORDER SERVICE OF THE STATE COMMITTEE OF NATIONAL SECURITY OF THE KYRGYZ REPUBLIC

КЫРГЫЗ РЕСПУБЛИКАСЫНЫН
УЛУТТУК КООПСУЗДУК
МАМЛЕКЕТТИК КОМИТЕТИНИН
ЧЕК АРА КЫЗМАТЫ



ПОГРАНИЧНАЯ СЛУЖБА
ГОСУДАРСТВЕННОГО КОМИТЕТА
НАЦИОНАЛЬНОЙ БЕЗОПАСНОСТИ
КЫРГЫЗСКОЙ РЕСПУБЛИКИ

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ул. Медерова, 163
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E-mail: udo@gps.gov.kg.

№ _____

На № 6-589 от 15.02.2023 г

**Депутату Жогорку Кенеша
Кыргызской Республики
Бекешеву Д.Д.**

Уважаемый Дастан Далабайевич !

Пограничная служба ГКНБ Кыргызской Республики, рассмотрев Ваше обращение по осуществлению контроля за перемещением животных и растений в рамках Конвенции по международной торговле видами дикой фауны и флоры, находящихся под угрозой исчезновения (СИТЕС), сообщает, что в период с 2020 по 2022 год был зафиксировано и предотвращен 1 факт незаконного перемещения через Государственную границу животных и растений.

Так, 15 января 2022 года на участке пограничной заставы «Чалдыбар» в районе пограничного знака 163/1 вблизи Государственной границы около населенного пункта Чолок-Арык Панфиловского района Чуйской области, пограничным нарядом была обнаружена спрятанная и подготовленная для перемещения через Государственную границу шкура и череп барса. Обнаруженные предметы в установленном порядке были переданы следователю УВД Панфиловского района. В связи с отсутствием владельца возбужденное уголовное дело было прекращено 25.02.2022 года.

Со стороны заинтересованных министерств и ведомств занятия с сотрудниками Пограничной службы относительно Конвенции СИТЕС не проводятся.

Вместе с этим, 30 марта 2022 года сотрудниками Пограничной службы было принято участие в семинаре организованном организацией «Fauna and Flora International» на тему «Укрепление потенциала пограничной службы»

ДОКУМЕНТ ПОДПИСАН
ЭЛЕКТРОННЫМ ПОДПИСЬЮ
EX QY ko OW mw oM uz y3 9P 1J 6k ce no 4Q im jW
ig nq EO 2T gh tm Rb Qj fF a9 AA yW 6E Nh Gt mw
Владелец: Маралбаев Марат Мелисбекович
Действителен: с 16.05.2022 по 16.05.2023

APPENDIX 3 - LAWS OF THE REPUBLIC OF KAZAKHSTAN IN THE FIELD OF TRADE IN WILD ANIMALS AND PLANTS

Codes:

1. Forest Code of the Republic of Kazakhstan dated July 8, 2003 No. 477;
2. Criminal Code of the Republic of Kazakhstan dated July 3, 2014 No. 226-V;
3. Environmental Code of the Republic of Kazakhstan dated January 2, 2021 No. 400-VI;
4. Code of the Republic of Kazakhstan "On Administrative Offenses" dated July 5, 2014 No. 235-V;
5. Administrative Procedural Code of the Republic of Kazakhstan dated June 29, 2020 No. 350-VI.
6. Environmental Code of the Republic of Kazakhstan dated January 2, 2021 No. 400-VI.

Laws of the Republic of Kazakhstan:

1. Law of the Republic of Kazakhstan "On the accession of the Republic of Kazakhstan to the Convention on International Trade in Endangered Species of Wild Fauna and Flora" dated April 6, 1999 No. 372-1;
2. Law of the Republic of Kazakhstan "On the protection, reproduction and use of wildlife" dated July 9, 2004 No. 593;
3. Law of the Republic of Kazakhstan dated June 30, 2010 No. 314-IV "On ratification of the Agreement on the procedure for the movement by individuals of goods for personal use across the customs border of the customs union and the performance of customs operations related to their release".
4. Law of the Republic of Kazakhstan "On the protection, reproduction and use of wildlife" dated July 9, 2004 No. 593;
5. Law of the Republic of Kazakhstan "On Specially Protected Natural Territories" dated July 7, 2006 No. 175;
6. Law of the Republic of Kazakhstan "On the flora" dated January 2, 2023 No. 183-VII;
7. Law of the Republic of Kazakhstan "On public services" dated April 15, 2013 No. 88-V;
8. Law of the Republic of Kazakhstan "On Permits and Notifications" dated May 16, 2014 No. 202-V;
9. Law of the Republic of Kazakhstan "On the State Border of the Republic of Kazakhstan" dated January 16, 2013 No. 70-V.

Bylaws of the Republic of Kazakhstan:

1. Decree of the Government of the Republic of Kazakhstan "On measures to ensure the fulfillment by the Republic of Kazakhstan of obligations arising from the Convention on International Trade in Endangered Species of Wild Fauna and Flora" dated December 28, 1999 No. 1994;
2. Decree of the Government of the Republic of Kazakhstan "On approval of the Lists of rare and endangered species of plants and animals" dated October 31, 2006 No. 1034;
3. Order of the Minister of National Economy of the Republic of Kazakhstan "On approval of the forms of notifications and the Rules for receiving notifications by state bodies, as well as on the determination of state bodies that receive notifications" dated January 6, 2015 No. 4 (forms of notification of the start or termination of activities for artificial breeding of animals, types which

are included in Annexes I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, according to Annex 3-2 to this order);

4. Order of the Minister of Agriculture of the Republic of Kazakhstan "On approval of the Rules for labeling sturgeon caviar for trade in the domestic and foreign markets" dated January 14, 2015 No. 18-04/14;
5. Order of the Minister of Agriculture of the Republic of Kazakhstan "On approval of the list of derivatives" dated February 16, 2015 No. 18-03/105;
6. Order of the Acting Minister of Agriculture of the Republic of Kazakhstan "On approval of the Rules for issuing permits by the administrative authority for import into the territory of the Republic of Kazakhstan, export and (or) re-export from the territory of the Republic of Kazakhstan of animal species subject to the Convention on International Trade in Species of Wild Fauna and Flora located under the threat of extinction" dated February 27, 2015 No. 18-03/143;
7. Order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan "On Approval of the Rules for Issuing Permits by an Administrative Body for Import into the Republic of Kazakhstan, Export and (or) Re-Export from the Territory of the Republic of Kazakhstan of Flora Objects, Their Parts and Derivatives Subject to the Convention on International trade in endangered species of wild fauna and flora" dated June 10, 2020 No. 138;
8. Order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan "On approval of the rules for the provision of public services in the field of licensing the export of wildlife and forestry objects" dated August 12, 2020 No. 187 (1) Issuance of a license for the export of rare and endangered species of wild animals and wild plants included in the Red Data Book of the Republic of Kazakhstan, in accordance with the Decree of the Government of the Republic of Kazakhstan dated October 31, 2006 No. 1034, 2) Issuance of a license for the export of wild live animals, certain wild plants and wild medicinal raw materials);
9. Order of the Acting Minister of Agriculture of the Republic of Kazakhstan "On approval of the Rules for issuing permits for the use of wildlife" dated December 19, 2014 No. 18-04/675;
10. Order of the Minister of Agriculture of the Republic of Kazakhstan "On approval of the forms of a felling ticket and a forest ticket, the rules for their accounting, storage, filling and issuance" dated January 26, 2015 No. 18-02 / 40;
11. Order of the Minister of Agriculture of the Republic of Kazakhstan "On approval of the Rules for the creation and state accounting of zoological collections" dated February 20, 2015 No. 18-03/118;
12. Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan "On approval of the Rules for keeping, breeding in captivity and semi-free conditions of rare and endangered species of animals and animal species subject to the Convention on International Trade in Species of Wild Fauna and Flora, endangered" dated August 25, 2017 No. 354;
13. Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan "On approval of the Rules for regulating the number of animals" dated December 5, 2017 No. 480;

14. Order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan "On approval of the Rules for the provision of the public service "Issuance of a permit for the removal of animal species, the number of which is subject to regulation" dated December 30, 2020 No. 347;
15. Order of the Deputy Prime Minister of the Republic of Kazakhstan - Minister of Agriculture of the Republic of Kazakhstan "On approval of the Methodology for calculating the amount of compensation for damage caused and caused to fish resources and other aquatic animals, including inevitable, as a result of economic activity" dated August 21, 2017 No. 341 ;
16. Order of the Acting Minister of Agriculture of the Republic of Kazakhstan "On approval of the amount of compensation for harm caused by violation of the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife" dated February 27, 2015 No. 18-03/158;
17. Order of the Minister of Agriculture of the Republic of Kazakhstan "On approval of the Methodology for determining the amount of compensation for harm caused by violation of the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife" dated December 3, 2015 No. 18-03/1058.

Commission decision:

1. Decision of the Board of the Eurasian Economic Commission "On measures of non-tariff regulation" dated April 21, 2015 No. 30;
2. Decision of the Commission of the Eurasian Economic Union dated June 18, 2010 No. 317 "On the application of veterinary and sanitary measures in the Eurasian Economic Union. Decision of the Commission of the Eurasian Economic Union).

APPENDIX 4 - FACTS OF GROSS VIOLATIONS IN THE FIELD OF WILDLIFE PROTECTION IDENTIFIED IN THE TERRITORY OF THE WEST KAZAKHSTAN REGION FOR 2022.

NO.	POACHING FACTS	REVIEW RESULTS
1	On January 23, 2022, individuals were detained from whom 4 saiga horns were found and seized.	By the decision of the court of the Zhanagalsky district, individuals were sentenced to 3.6 years in prison under Article 339, part 2-2.5 of the Criminal Code of the Republic of Kazakhstan. Damage in the amount of 9,189,000 tenge
2	On February 8, 2022, an individual was detained from whom 3 carcasses of saigas and 6 of their horns were found and seized.	By the decision of the Kaztalovsky District Court, an individual was released from criminal liability under Article 339, Part 2, Clause 5 due to insanity. According to Article 928, part 1 of the Civil Code of the Republic of Kazakhstan, the damage was imposed in the amount of 13,783,500 tenge.
3	On February 11, 2022, individuals were detained from whom two saiga heads with 4 horns were found and seized.	Investigation underway
4	05.03.2022 an individual was detained from whom 344 saiga horns were found and seized.	Investigation underway
5	On March 13, 2022, an individual was detained from whom 1 saiga horn was found and seized.	By decision of the Bokeyorda District Court, an individual was sentenced to restriction of freedom for a period of 2.6 years with compensation for damages in the amount of 2,297,750 tenge.
6	On 04/07/2022, an individual was detained from whom 2 saiga horns were found and seized.	By the decision of the Zhanibek district court, an individual sentenced to restriction of freedom for a period of 3 years with compensation in the amount of 4,594,500 tenge.
7	On April 21, 2022, an individual was detained from whom a saiga head with 2 horns was found and seized.	By the decision of the Zhanagalsky District Court, an individual under Article 339, Part 2, Clause 5, was sentenced to restriction of freedom for a period of 3 years with compensation for damages in the amount of 4,594,500 tenge.

8	On April 23, 2022, an individual was detained from whom 6 saiga horns were found and seized.	By the decision of the Zhanibek District Court, an individual under Article 339, Part 2, Clause 5, was sentenced to restriction of freedom for a period of 3 years with compensation for damage in the amount of 13,783,500 tenge.
9	On April 25, 2022, an individual was detained from whom 4 saiga horns were found and seized.	By decision of the Bokeyorda District Court, an individual was sentenced to 3.6 years of restriction of freedom with compensation for damages in the amount of 8,334,000 tenge.
10	On April 28, 2022, an individual was detained from whom 1 head and horns of a saiga were found and seized in the amount of 2 pieces	By the decision of the Kaztalovsky district, an individual was sentenced to 3.6 years of restriction of freedom under Article 339, part 2-2.5 of the Criminal Code of the Republic of Kazakhstan. Damage in the amount of 4,594,500 tenge supported.+
11	On April 30, 2022, an individual was detained from whom 12 saigas were found and seized.	By decision of the Bokeyorda District Court, an individual was sentenced to 4.5 years of restriction of freedom with compensation for damages in the amount of 27,567,000 tenge.
12	On May 13, 2022, an individual was detained from whom 16 horns were found and seized.	By the decision of the Kaztalovsky district court, individuals were sentenced to 2.6 years and 3.6 years of restriction of freedom under Article 339, part 2-2.5 of the Criminal Code of the Republic of Kazakhstan. Damage in the amount of 37,756,000 tenge was supported.
13	On May 31, 2022, an individual was detained from whom 1 male saiga with a damaged limb was found and seized.	Investigation underway
14	On June 13, 2022, an individual was detained from whom saiga meat was found and seized.	Investigation underway
15	On July 15, 2022, an individual was detained from whom 2 pieces of saiga horns were found and seized.	By decision of the Zhangalinsky District Court, an individual was sentenced to 3.6 years of restriction of freedom under Article 339, Part 2-5 of the Criminal Code of the Republic of Kazakhstan.

		Damage in the amount of 4,594,500 tenge was supported.
16	On July 15, 2022, an individual was detained from whom 2 saiga horns were found and seized.	By the decision of the Zhanibek District Court, an individual was sentenced to 3.6 years of restriction of liberty under Article 339, Part 2-5 of the Criminal Code of the Republic of Kazakhstan. Damage in the amount of 4,594,500 tenge was supported.
17	On July 15, 2022, an individual was detained from whom 4 pieces of saiga horns were found and seized.	Investigation underway
18	On August 2, 2022, an individual was detained from whom five saiga horns were found and seized.	By decision of the Bokeyorda District Court, an individual was sentenced to 4.6 years of restriction of liberty under Article 339, Part 2-5 of the Criminal Code of the Republic of Kazakhstan. Damage in the amount of 11,486,250 tenge was supported.
19	On August 23, 2022, an individual was detained from whom 40 pieces of saiga horns were found and seized.	By the decision of the Uralsk city court, an individual was sentenced to 7 years in prison under Article 339, Part 3, Clause 2 of the Criminal Code of the Republic of Kazakhstan with compensation for damage in the amount of 91,890,000 tenge.
20	On September 15, 2022, an individual was detained from whom 9 pieces of saiga horns were found and seized.	Investigation underway
21	On November 12, 2022, an individual was detained from whom 12 saiga horns were found and seized.	By the decision of the Zhanibek District Court, an individual was sentenced to 3.6 years of restriction of liberty under Article 339, Part 2-5 of the Criminal Code of the Republic of Kazakhstan. Damage in the amount of 27,567,000 tenge was supported.
22	On December 28, 2022, an individual was detained from whom 2 saiga horns were found and seized.	Investigation underway
23	On December 6, 2022, an individual was detained from whom 4 pieces of saiga horns were found and seized.	Investigation underway

24	On December 21, 2022, an individual was detained from whom 1 saiga horn was found and seized.	Investigation underway
25	On December 25, 2022, an individual was detained from whom 24 pieces of saiga horns were found and seized.	Investigation underway
26	On December 25, 2022, an individual was detained from whom 34 pieces of saiga horns were found and seized.	Investigation underway

APPENDIX 5: LIST OF NATIONAL LEGISLATIVE ACTS OF THE REPUBLIC OF TAJIKISTAN:

1. Forest Code of the Republic of Tajikistan dated August 2, 2011, No. 761
2. Water Code of the Republic of Tajikistan dated October 20, 2000, No. 148
3. Code of the Republic of Tajikistan on Administrative Offenses dated December 31, 2008, No. 455
4. Procedural code on administrative offenses of the Republic of Tajikistan dated July 22, 2013, No. 975
5. Criminal Code of the Republic of Tajikistan dated May 21, 1998, No. 575
6. Criminal Procedure Code of the Republic of Tajikistan
7. Customs Code of the Republic of Tajikistan

Laws:

1. Law of the Republic of Tajikistan "On Environmental Protection" dated August 2, 2011, No. 760
2. Law of the Republic of Tajikistan "On Specially Protected Natural Territories" dated December 26, 2011, No. 788
3. Law of the Republic of Tajikistan "On the protection and use of flora" dated May 17, 2004, No. 31
4. Law of the Republic of Tajikistan "On Soil Protection" dated October 16, 2009, No. 555
5. Law of the Republic of Tajikistan "On Quarantine and Plant Protection" dated January 2, 2019, No. 1567
6. Law of the Republic of Tajikistan "On biological safety" dated March 1, 2005, No. 88
7. Law of the Republic of Tajikistan "On Fauna" dated January 5, 2008, No. 354
8. Law of the Republic of Tajikistan "On hunting and hunting facilities" dated July 26, 2014, No. 1118
9. Law of the Republic of Tajikistan "On fish farming, fishing and protection of fish resources" dated September 19, 2013, No. 1021
10. Law of the Republic of Tajikistan "On licensing certain types of activities" dated May 17, 2004, and 37
11. Law of the Republic of Tajikistan "On the Permit System" dated August 2, 2011

Regulations:

1. Regulations on the specifics of licensing certain types of activities approved by the Decree of the Government of the Republic of Tajikistan dated April 3, 2007, No. 172,
2. Decree of the Government of the Republic of Tajikistan "On the National Strategy and Action Plan for the Conservation and Rational Use of Biodiversity of the Republic of Tajikistan dated September 1, 2003, No. 392

3. Decree of the Government of the Republic of Tajikistan "On the Report and Action Plan for Building National Capacity to Fulfill the Obligations of the Republic of Tajikistan under Global Environmental Conventions" dated June 6, 2005, No. 202
4. The procedure and amount of compensation for damage caused to the forest fund and other objects of flora and fauna by individuals and legal entities, approved by the Decree of the Government of the Republic of Tajikistan dated December 31, 2014, No. 790
5. Order of the Forestry Agency under the Government of the Republic of Tajikistan "On approval of the Form and procedure for issuing, sending official acts on violations of the requirements of the legislation in the field of forestry and other objects of the flora and fauna" from May 23, 2016, No. 59
6. Rules and norms for ensuring quarantine and plant protection dated October 4, 2013, No. 450
7. Resolution of the GoT of February 26, 2015, No. 65 On the definition of a special authorized state body for the protection and use of flora and fauna species listed in the Red Data Book of the Republic of Tajikistan
8. Order of the Forestry Agency under the Government of the Republic of Tajikistan "On approval of the procedure for accounting, storage and issuance of permits for the right to use forests"
9. Regulations on hunting and game management on the territory of the Republic of Tajikistan, approved by the Resolution of the GoT dated July 16, 1997, No. 324
10. Regulation on environmental protection under the Government of the Republic of Tajikistan dated September 2, 2021, No. 357
11. Regulations of the Forestry Agency under the Government of the Republic of Tajikistan dated February 28, 2014, No. 132
12. The procedure for conducting state monitoring of forests, approved by the Order of the Director of the Forestry Agency under the Government of the Republic of Tajikistan dated June 30, 2016, No. 72
13. Decree of the President of the Republic of Tajikistan "On streamlining the collection and processing of ferula resin" dated August 28, 2009, No. 684
14. Resolution of the GoT "On Approval of the Agreement on the Creation of an Information System of the Eurasian Economic Community in the Field of Technical Regulation, Sanitary and Phytosanitary Measures" dated February 27, 2009, No. 119

Strategic documents, programs, concepts:

1. National Strategy and Action Plan for the conservation and rational use of biological diversity of the Republic of Tajikistan, approved by the Decree of the Government of the Republic of Tajikistan dated September 1, 2003, No. 392;

2. The concept of environmental protection in the Republic of Tajikistan, approved by the Decree of the Government of the Republic of Tajikistan dated December 31, 2008, No. 645
3. The concept of tourism development in the Republic of Tajikistan for 2009-2019, approved by the Decree of the Government of the Republic of Tajikistan dated April 2, 2009, No. 202
4. Forest sector development program for 2022-2026 dated March 31, 2022, No. 149 approved by the Resolution of the GoT March 31, 2022, No. 149

APPENDIX 6: OFFENCE ARTICLES REGARDING ILLEGAL TRADE IN WILD ANIMALS AND PLANTS IN TAJIKISTAN

CHAPTER 12. ADMINISTRATIVE VIOLATIONS IN THE FIELD OF FOREST MANAGEMENT

Article 182 Violation of the established procedure for utilization of the harvesting fund, timber harvesting and removal, harvesting and collection of oleoresin from trees, shrubs, plants and ferrule

1. Violation of the established procedure for the use of logging fund, harvesting and removal of timber, entails the imposition of a fine on individuals in the amount of three to five, on officials - from ten to twenty and on legal entities - from fifty to one hundred indicators for settlements with confiscation of the subject administrative offense.
2. Failure to comply with the established procedure for collecting the resin of trees, shrubs and plants, entails the imposition of a fine on individuals in the amount of two to five, on officials - from five to ten and on legal entities from twenty to thirty indicators for settlements with confiscation of the subject of an administrative offense.
3. Illegal collection of ferula resin for the purpose of processing, production of medicines, transportation or transfer to the ownership of another person, in the absence of signs of a crime, entails a fine on individuals in the amount of ten to thirty, on officials - from fifty to one hundred and on legal entities - from three hundred to five hundred indicators for settlements with confiscation of the subject of an administrative offense.

Article 183 Illegal cutting and damage to trees and shrubs, destruction and damage to forest crops and young trees and shrubs

1. Illegal logging and damage to trees and shrubs, destruction or damage to forest crops, seedlings or saplings in forest nurseries and plantations, as well as young growth of natural origin and self-sowing in areas intended for reforestation, in the absence of signs of a crime, shall entail the imposition of a fine on individuals in the amount of five to ten, for officials - from twenty to forty and for legal entities - from one hundred to two hundred indicators for settlements with confiscation of the subject of an administrative violation.
2. The same actions provided for by part one of this article, committed repeatedly within one year after the imposition of an administrative penalty, entail the imposition of a fine on individuals from fifteen to twenty, on officials - from fifty to sixty and on legal entities from two hundred and fifty to three hundred indicators for settlements with confiscation of the subject of an administrative violation.

Article 184. Violation of forest management rules

Implementation of forest use not in accordance with the purposes and requirements stipulated in the license (order) for logging or forest use, entails a fine on individuals in the

amount of ten to twenty, on officials - from thirty to forty and on legal entities - from one hundred to two hundred indicators for calculations.

Article 187 Unauthorized farming, haying and grazing, collection of wild fruits, nuts, mushrooms, and berries on the lands of state forest resources

In forests and on forest-free lands of state forest resources, unauthorized farming, haymaking and grazing of livestock, unauthorized collection of wild fruits, nuts, mushrooms and berries, entails a fine on individuals in the amount of three to five, on officials - from ten to twenty and for legal entities - from seventy to one hundred indicators for settlements with confiscation of the subject of an administrative violation.

Article 188 Violation of the established terms of collection of wild fruits, nuts and berries

Collection of wild fruits, nuts, berries, etc. in violation of the established deadlines for their collection, entails the imposition of a fine on individuals in the amount of from one to three, on officials - from five to ten and on legal entities - from seventy to one hundred indicators for calculations.

Article 189. Illegal collection or destruction of plants listed in the Red Data Book of the Republic of Tajikistan

Illegal collection without special permission from authorized bodies, destruction or cutting of roots, collection of flowers and fruits of plants listed in the Red Data Book of the Republic of Tajikistan in the absence of signs of a crime, entails a fine on individuals in the amount of five to ten, on officials - from fifteen up to twenty and for legal entities - from one hundred to two hundred indicators for settlements with confiscation of the subject of an administrative violation.

Article 194. Destruction of fauna useful for the forest

Destruction of fauna useful for the forest on the lands of state forest resources entails the imposition of a fine on individuals in the amount of two to five and on officials in the amount of ten to fifteen indicators for calculations.

Article 198 Violation of the rules and terms of hunting on the territory of state forest resources lands and assigned hunting grounds

1. Violation of the rules of hunting on the territory of lands of state forest resources and assigned hunting grounds, hunting without permission (shooting cards, permits, etc.), as well as hunting within prohibited periods or with prohibited tools and methods of hunting, or hunting for prohibited species of wild animals on the territory of lands of state forest resources and assigned hunting grounds, entails the imposition of a fine on individuals in the amount of ten to fifteen calculation indices.

2. The same actions provided for by part one of this article, committed repeatedly within one year after the application of administrative penalties, entail the imposition of a fine on individuals in the amount of thirty to forty indicators for settlements with confiscation of the subject of an administrative offense.

Article 199 Violation of the rules of protection of habitats and breeding conditions of wild animals and birds on the territory of the lands of state forest resources and assigned hunting grounds

Violation of the rules for the protection of habitats and breeding conditions for wild animals and birds (nests) on the territory of lands of state forest resources and assigned hunting grounds, entails a fine on individuals in the amount of ten to twenty and on officials in the amount of twenty to thirty indicators for calculations.

Article 200 Disobedience to the lawful request of forest protection and hunting supervision bodies' employees

Disobedience to the lawful demand of employees of forest protection and hunting supervision, as well as obstruction of the timely, complete and objective clarification of the circumstances of the case, ensuring the execution of the decision, entails a fine on individuals in the amount of three to eight and on officials - from ten to twenty indicators for calculations.

CHAPTER 13. ADMINISTRATIVE VIOLATIONS IN THE FIELD OF PROTECTION OF ANIMAL AND PLANT

Article 203. Violation of the right of state ownership of flora and fauna

Unauthorized assignment of the right to use objects of flora and fauna, as well as the commission of other transactions that violate the rights of state ownership of flora and fauna, entails a fine on individuals in the amount of five to ten and on officials in the amount of twenty to thirty indicators for calculations.

Article 204 Violation of rules for the protection of animal habitats, rules for the creation of zoological collections and trade in them, as well as unauthorized relocation, acclimatization and cross-breeding of animals

Violation of the rules for protecting the habitat and migration routes of animals, the rules for creating, replenishing, storing, using and accounting for zoological collections, as well as the rules for sending and exporting objects of the animal world and zoological collections abroad, unauthorized resettlement, acclimatization and crossing of animals, entails a fine for individuals in the amount of ten to twenty and for officials - from thirty to forty indicators for calculations.

Article 205. Import into the Republic of Tajikistan or export of objects of flora and fauna without permission

1. Import into the Republic or export abroad of objects of the animal or plant world or their products without a permit, if obtaining such a permit is provided for by the regulatory legal acts of the Republic of Tajikistan, entails a fine on individuals in the amount of ten to twenty and on officials - from thirty up to forty indicators for settlements with confiscation of the subject of an administrative offense.

2. The same actions provided for by the first part of this article, committed in relation to rare and endangered species of animals and plants listed in the Red Data Book of the Republic of Tajikistan or in special lists of international conventions, as well as places for laying eggs, eggs, seeds, fruits and their other parts, entail the imposition of a fine on individuals in the amount of twenty to thirty and on officials - from forty to fifty indicators for settlements with confiscation of the subject of an administrative offense.

Article 206. Violation of the procedure for the use of flora and fauna

Violation of the procedure for using the wildlife in nature reserves and specially protected areas, as well as illegal importation into the Republic of Tajikistan of animals and plants recognized as detrimental to the conservation of animal and plant species listed in the Red Data Book of the Republic of Tajikistan, entails a fine on individuals in the amount of five up to ten and for officials from twenty to thirty indicators for calculations.

Article 207. Destruction of rare animals and plants

1. Destruction of rare and endangered animals and plants listed in the Red Data Book of the Republic of Tajikistan, or destruction of their places of laying eggs, eggs, nests, other structures, or other actions that may lead to death, reduction in numbers or environmental disturbance habitats of animals and plants, or the acquisition of these animals and plants in violation of the conditions of hunting and use, entails the imposition of a fine on individuals in the amount of ten to twenty and on officials in the amount of thirty to forty indicators for settlements with confiscation of the subject of an administrative offense (as amended by Law of the Republic of Tajikistan dated December 24, 2022 No. 1928).

2. The acts provided for by part one of this article, committed in relation to the snow leopard, entail the imposition of a fine on individuals in the amount of thirty to fifty and on officials - from fifty to eighty indicators for settlements with confiscation of the subject of an administrative offense (as amended by the Law of the Republic of Tajikistan dated December 24, 2022, No. 1928).

Article 208. Violation of the rules of hunting and fishing

1. Violation of the rules of hunting, fishing and protection of fish stocks, as well as other rules for the use of wildlife, entails the imposition of a fine on individuals in the amount of two to five and on officials - from ten to twenty indicators for settlements with confiscation of the subject of an administrative offense.

2. Gross violation of the rules of hunting (hunting without proper permission, or in prohibited places, or within prohibited periods, or by prohibited methods or methods, or systematic violation of other hunting rules, as well as the commission of similar acts repeatedly within a year after the application of an administrative penalty entail the imposition of a fine on individuals in the amount of ten to fifteen and on officials - from thirty to forty indicators for settlements with confiscation of the subject of an administrative offense.

3. The same actions provided for by paragraph two of this article, committed by officials and individuals using vehicles for the purpose of unauthorized hunting and catching fish, birds, animals, shall entail the imposition of a fine on individuals in the amount of thirty to forty, and on officials - from fifty to sixty indicators for settlements with deprivation of the right to hunt for up to two years and confiscation of the subject of an administrative offense.

Article 209 Destruction or damage to wild plants, spoilage of grass cover and arable land

1. Destruction or damage of wild plants, as well as damage to the grass cover and arable land as a result of pollution with sewage, chemical and radioactive substances, oil products, industrial and other wastes, entails the imposition of a fine on individuals in the amount of five to ten, and on officials - from twenty to thirty indicators for calculations.

2. Damage to the grass cover and arable land by vehicles in areas not provided for their passage or parking, entails a fine in the amount of ten to fifteen calculation indices.

Article 210 Violation of the established procedure for harvesting, buying, transportation, acceptance and sale of objects of flora and fauna and their products

Violation of the established procedure for harvesting, buying up, transporting, accepting and selling objects of flora and fauna, their products, fruits, parts and their products, storage and use of plant protection products, stimulants for their growth, mineral fertilizers and other drugs that cause damage to animals and plants world, entails the imposition of a fine on individuals in the amount of five to ten and on officials - from twenty to thirty indicators for settlements with confiscation of the subject of an administrative offense.

Article 211 Sale, purchase and processing of dressed and unseasoned pelts of wild fur-bearing animals

The sale, purchase and processing of dressed and undressed skins of wild fur animals that are objects of hunting and do not have a special brand, as well as products made from the skins of these animals, entails a fine on individuals in the amount of ten to twenty and on officials - from thirty to forty indicators for settlements with confiscation of the subject of an administrative offense.

Article 212

Violation of the established procedure for harvesting, buying up, acquiring, exchanging, processing, storing, selling, importing and exporting valuable skins of fur animals, sewing and selling products from them, entails a fine on individuals in the amount of ten to twenty and on officials - from forty to fifty indicators for settlements with confiscation of the subject of an administrative offense.

Article 213 Violation of the established procedure for harvesting valuable fur animal skins and products made from them

Illegal use of objects of the animal world and unauthorized harvesting and collection of parts and products of wild animals, entail the imposition of a fine on individuals in the amount of ten to twenty and on officials - from thirty to forty indicators for settlements with confiscation of the subject of an administrative offense.

Article 214. Violation of the established procedure for breeding special individuals of the animal world

Violation of the established procedure for the removal, sale, maintenance, breeding of livestock, use and release into the natural environment of special individuals of the animal world, entails a fine on individuals in the amount of five to ten and on officials in the amount of twenty to thirty indicators for settlements with confiscation of the item administrative offense.

CHAPTER 14. ADMINISTRATIVE VIOLATIONS IN THE FIELD OF ENVIRONMENT PROTECTION AND USE OF NATURAL RESOURCES

Article 216 Obstruction of state control over environmental protection and use of natural resources

Obstruction of the implementation of state control of environmental protection and the use of natural resources,

entails the imposition of a fine on individuals in the amount of five to ten and on officials in the amount of twenty to thirty calculation indices.

Article 217 Violation of the rules of protection of natural objects, violation of the regime of state reserves, wildlife sanctuaries and national natural parks, sanitary protection zones of resorts and water protection zones

Violation of the rules for the protection of rare and remarkable objects of animate and inanimate nature (secular trees, boulders, etc.) of scientific, historical, cultural, educational and health-improving value, as well as violation of the regime for the protection of state reserves, wildlife sanctuaries and national natural parks , zones of sanitary protection of resorts and water protection zones, entails the imposition of a fine on individuals in the amount of three to five and on officials - from ten to twenty indicators for calculations.

Article 218 Failure to provide, conceal or distort information on the state of the natural environment and the use of natural resources

Failure to provide, conceal or distort information about the state of the environment and the use of natural resources, as well as about the sources and volumes of its pollution, conceal the facts of waste disposal, excess discharges and emissions of pollutants into the atmosphere or distortion of information about accidents with harmful environmental consequences and the level of pollution environment, entail a fine on individuals in the amount of ten to fifteen, on officials - from thirty to fifty, and on legal entities - from one hundred to two hundred indicators for calculations.

Article 220 Failure to comply with instructions and resolutions of the bodies exercising control over environmental protection and use of the natural environment

Failure to comply with the instructions and resolutions of the bodies exercising control over the protection of the environment and the use of the natural environment entails a fine on individuals in the amount of five to ten, on officials - from twenty to thirty, and on legal entities - from one hundred to two hundred indicators for calculations.

Article 227. Violation of the rules for the protection of flora and fauna

Violation of the rules for transportation, storage and use of flora and fauna, unauthorized destruction of plant protection products, growth stimulants, mineral fertilizers and other preparations that may lead to environmental pollution (surface and groundwater, atmospheric air) or the disappearance of a particular plant species , animals, other aquatic organisms, or causing damage to the flora or fauna, entails a fine on individuals in the amount of three to five, on officials - from ten to fifteen, and on legal entities from one hundred to two hundred indicators for calculations.

CHAPTER 32. ADMINISTRATIVE VIOLATIONS IN THE FIELD OF CUSTOMS LEGISLATION

Article 577. Illegal movement of goods or vehicles across the customs border of the Republic of Tajikistan

Movement of goods and (or) vehicles across the customs border of the Republic of Tajikistan in addition to customs control, or with concealment from it, by using caches, other methods that make it difficult to detect goods, or by making one product look like others, or by providing false documents to the customs authority, documents obtained illegally, documents containing false information, documents related to other goods and (or) vehicles, or other invalid documents, or using a fake identification tool or a genuine identification tool related to other goods and (or) vehicles means, in the absence of signs of a crime, entails the imposition of a fine on individuals and officials in the amount from half to double and for legal entities - in the amount of two to three times the cost of goods or vehicles illegally moved across the customs border, with confiscation of the item that is an instrument of an administrative offense, or its direct object

Article 579 Movement of goods or means of transportation with non-compliance with measures to protect economic interests of the Republic of Tajikistan and other restrictions

Import to the Republic of Tajikistan or export from the Republic of Tajikistan of goods or vehicles, with non-compliance with measures to protect the economic interests of the Republic of Tajikistan in the implementation of foreign trade in goods, as well as other restrictions established in accordance with the legislation of the Republic of Tajikistan and international treaties recognized by Tajikistan, shall entail the imposition of a fine on individuals in the amount of fifteen to twenty, on officials - from forty to fifty, and on legal entities - from three hundred to four hundred indicators for settlements with confiscation of the subject of an administrative offense (as amended by the Law of the Republic of Tajikistan dated May 14, 2016 No. 1310).

APPENDIX 7: ARTICLES CRIMINALIZING ILLEGAL TRADE IN WILD ANIMALS AND PLANTS IN TAJIKISTAN

Article 230. Illegal hunting of aquatic animals

1) Illegal catching of fish or other aquatic animals, if these acts:

- a) caused major damage;
- b) committed with the use of methods of mass extermination;
- c) committed in spawning areas or on migratory routes to them;

- is punishable by a fine in the amount of three hundred to seven hundred times the minimum monthly wage or deprivation of the right to hold certain positions or engage in certain activities for up to seven years.

2) Actions provided for by part one of this article committed:

- a) by a person using his official position;
- b) by a group of persons by prior agreement or by an organized group;
- c) again

d) on the territory of a nature reserve, wildlife sanctuary or in a zone of ecological disaster or in a zone of ecological emergency,

- shall be punishable by a fine in the amount of one to two thousand monthly wages, with deprivation of the right to hold certain positions and engage in certain activities for up to five years, or imprisonment for a term of three years, with deprivation of the right to hold certain positions or engage in certain activities for the same term, or without it (as amended by the Law of the Republic of Tajikistan dated May 17, 2004 No. 35, dated October 6, 2008 No. 422).

Article 231. Violation of the rules for the protection of fish stocks

Production, timber rafting, construction of bridges, dams, blasting and other works, as well as the operation of water intake facilities and pumping mechanisms in violation of the rules for the protection of fish stocks, if these actions have caused the mass death of fish or other aquatic animals, the destruction of significant amounts of food supplies or other severe consequences,

- shall be punishable by a fine of five hundred to seven hundred times the minimum monthly wage, or deprivation of the right to hold certain positions or engage in certain activities for up to three years, or restraint of liberty for up to two years.

Article 232. Illegal hunting

1) Illegal hunting, if these acts:

- a) caused major damage;
- b) committed with the use of a mechanical vehicle or aircraft, explosives, gases and other methods of mass extermination of birds and animals;
- c) committed against birds and animals, the hunting of which is completely prohibited;

2) The same acts committed:

- a) by a person using his official position;
- b) by a group of persons by prior agreement or by an organized group;
- c) on the territory of a nature reserve, sanctuary or in a zone of ecological disaster or in a zone of ecological emergency,

- are punishable by a fine in the amount of one to two thousand times the minimum monthly wage with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years, or imprisonment for a term of three to five years with deprivation of the right to hold certain positions or engage in certain activities for a term up to three years or not.

Article 232(1). Hunting and deliberate destruction of the snow leopard

1) Hunting and deliberate destruction of a snow leopard is punishable by a fine in the amount of eight hundred to one thousand two hundred minimum wages, or correctional labor up to two years, or imprisonment for up to three years.

2) The same acts committed:

- a) by a person using his official position;
- b) by a group of persons by prior agreement or by an organized group;
- c) on the territory of a nature reserve, sanctuary or in a zone of ecological disaster or in a zone of ecological emergency,

- is punishable by a fine in the amount of one and a half to two thousand times the minimum monthly wage, or imprisonment for a term of three to five years, with deprivation of the right to hold certain positions or engage in certain activities for a term up to five years.

Article 234. Illegal felling of trees and shrubs

1) Illegal logging, as well as damage to the extent of cessation of growth of trees, shrubs and lianas in forests of the first group or in specially protected areas of forests of all groups,

as well as trees, shrubs, lianas that are not included in the forest fund or prohibited for logging, if these acts committed in a significant amount,

- shall be punishable by compulsory labor for a term of 160 to 220 hours, or a fine of 500 to 700 times the minimum wage, or restraint of liberty for a term of up to 2 years.

2) Illegal logging, as well as damage to the extent of cessation of growth of trees, shrubs and lianas in forests of all groups, as well as plantations that are not included in the forest fund, if these acts are committed:

a) again;

b) by a person using his official position;

c) on a large scale;

shall be punishable by a fine in the amount of seven hundred to one thousand minimum wages, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 234(1). Ferula resin trafficking

1) Illegal collection, processing, production of medicines, storage, transportation or sale to another person of ferula resin in small quantities, is punishable by a fine in the amount of two hundred to three hundred times the minimum wage or by involvement in corrective labor for up to two years, with deprivation of the right engage in certain activities for up to two years, or without it.

2) The same acts, if they are committed:

a) again;

b) by a group of persons by prior agreement;

c) using a person of his official position;

d) using force;

d) on a large scale

- shall be punishable by a fine in the amount of 700 to 1000 minimum monthly wages, or imprisonment for a term of 3 to 5 years, with or without deprivation of the right to engage in certain activities for a term of 3 to 5 years.

Note: An insignificant amount of this article is an amount that exceeds two kilograms of ferula resin, or more than 20 destroyed ferula bushes, and a large amount is an amount of more than 10 kilograms of ferula resin, or more than 100 destroyed ferula bushes (as amended by the Law of the Republic of Tajikistan dated 31.12.2008.).

Note: A significant amount in this chapter is recognized as damage calculated at established rates, thirty times higher than the indicators for calculations at the time of the commission of a crime, a large amount - three hundred times.

APPENDIX 8: LIST OF REGULATORY LEGAL DOCUMENTS IN THE FIELD OF COUNTERACTION TO ILLEGAL TRAFFICKING OF WILD ANIMALS AND PLANTS IN THE REPUBLIC OF UZBEKISTAN

Codes:

1. Criminal Code of the Republic of Uzbekistan. – T., 202. –p. 176.
2. Code of the Republic of Uzbekistan on administrative responsibility. – T., 2022. –p. 273.

Laws:

2. Law of the Republic of Uzbekistan dated December 26, 1997 N 545-I "On the protection and use of wildlife" (New edition, approved by the Law of the Republic of Uzbekistan dated September 19, 2016 N ZRU-408)
3. Law of the Republic of Uzbekistan dated December 26, 1997 N 543-I "On the protection and use of flora" (New edition, approved by the Law of the Republic of Uzbekistan dated September 21, 2016 N ZRU-409)
4. Law of the Republic of Uzbekistan dated April 15, 1999 N 770-I "On the forest" (New edition, approved by the Law of the Republic of Uzbekistan dated April 16, 2018 N ZRU-475)
5. Law of the Republic of Uzbekistan dated July 8, 2020 N ZRU-627 "On hunting and hunting facilities"
6. Law of the Republic of Uzbekistan dated December 3, 2004 N 710-II "On Protected Natural Territories"
7. Decree of the Supreme Council of the Republic of Uzbekistan dated 03.09.1993 N 937-XII "On strengthening the protection of valuable and endangered species of plants and animals and streamlining their use."
8. Resolution of the Oliy Majlis of the Republic of Uzbekistan dated May 6, 1995 N 82-I "On the accession of the Republic of Uzbekistan to the Convention on Biological Diversity, signed in Rio de Janeiro in 1992"
9. Resolution of the Oliy Majlis of the Republic of Uzbekistan dated April 25, 1997 N 433-I "On joining the Convention on International Trade in Endangered Species of Wild Fauna and Flora"

Regulations:

10. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of June 11, 2019 N 484 "On approval of the Strategy for the conservation of biological diversity in the Republic of Uzbekistan for the period 2019-2028"

11. Decree of the Cabinet of Ministers of the Republic of Uzbekistan of October 20, 2014 N 290 "On the regulation of the use of biological resources and on the procedure for passing licensing procedures in the field of nature management"
12. Regulations on the procedure for passing licensing procedures in the field of international trade in endangered species of wild fauna and flora (CITES) on the territory of the Republic of Uzbekistan (Appendix H 3 to the Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated 20.10.2014 N 290).
13. Regulation on the procedure for the distribution of funds received as payment for the use of objects of flora and fauna, fines, and amounts recovered from violators of environmental legislation for damage (Appendix N 4 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 20.10.2014 N 290)
14. Decree Cabinet of Ministers of the Republic of Uzbekistan of December 19, 2018 N 1034 "On measures to organize the preparation, publication and maintenance of the Red Data Book of the Republic of Uzbekistan"
15. Decree of the Plenum of the Supreme Court of the Republic of Uzbekistan of December 20, 1996 N 36 "On judicial practice in cases of crimes and other offenses in the field of environmental protection and nature management"
16. Approved Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated July 15, 2009 No. 200 "Regulations on the procedure for seizing, selling or destroying property turned into state revenue".
17. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan of June 11, 2019 N 484 "On approval of the Strategy for the conservation of biological diversity in the Republic of Uzbekistan for the period 2019-2028"
18. Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated 07.03.2017 N 124 "On organisational measures to ensure the rational use of biological resources of the Aidar-Arnasay system of lakes"
19. Memorandum on mutual understanding between the Government of the Republic of Uzbekistan and the Government of the United Arab Emirates on cooperation in the field of environmental protection (Abu Dhabi, March 17, 2008).
20. Order of the Chairman of the State Committee for Nature Protection dated March 22, 2006, N 27 "On Approval of the Rules for Hunting and Fishing on the Territory of the Republic of Uzbekistan" (Registered by the Ministry of Justice on May 2, 2006, N 1569).
21. Order of the Minister of Health No. 531 of 27.10.1993 "On strengthening the protection of valuable and endangered plant species and regulating their

use."

22. Decree dated 05/18/2012 of the State Committee for Nature Protection N 5 and the Ministry of Internal Affairs N 18 "On Approval of the Rules for Keeping Wild Animals in Settlements" (Registered by the Ministry of Justice on 06/21/2012 N 2373)

Program and strategic documents:

1. Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated June 11, 2019 N 484 "On approval of the Strategy for the conservation of biological diversity in the Republic of Uzbekistan for the period 2019-2028"

APPENDIX 9

Some proposals for amendments and additions to the Regulations on the procedure for passing licensing procedures in the field of international trade in endangered species of wild fauna and flora (CITES) on the territory of the Republic of Uzbekistan, approved by Annex No. 3 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 20.10.2014 city №290

1.	Current edition	Suggested Revision	Rationale
	<p style="text-align: center;">5. Administrative CITES body in the Republic of Uzbekistan is State Committee Republic of Uzbekistan for nature protection.</p>	<p style="text-align: center;">5. The administrative body of CITES in the Republic of Uzbekistan is the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan.</p>	<p>As a basis, it can be stated that, according to Appendix 3 of the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 290 dated October 20, 2014, currently in force, the agency specified in paragraph 5 does not officially exist at the moment. That is, its activity as a legal entity was terminated and it was transformed into the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan. This norm lags behind the reforms carried out in the republic.</p>
<p>Some proposals for amendments and additions to the Regulations on the procedure for the distribution of funds received as a fee for the use of objects of the animal and plant world, fines, and amounts recovered from violators of environmental legislation for damage, approved by Appendix No. 4 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 10.20.2014 No. 290</p>			
			<p>The authority specified in paragraph 3 of the current Regulation on the procedure for distributing funds received as payment for the use of objects of flora</p>

1.	<p>3. Funds received from the issuance of permits for catching wild animals for their resettlement or breeding are credited in the amount of 100%:</p> <p>when catching in free hunting and fishing grounds - to a special settlement account of the State Biocontrol of the State Committee for Nature Protection;</p>	<p>3. Funds received from the issuance of permits for catching wild animals for their resettlement or breeding are credited in the amount of 100%:</p> <p>when catching in free hunting and fishing grounds - to a special settlement account of the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan;</p>	<p>and fauna, fines, and amounts recovered from violators of environmental legislation for damage, approved by Appendix No. 4 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated October 20, 2014 No. 290, does not officially exist at the moment. That is, the activity as a legal entity was terminated, and the current account was assigned to the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan. This norm lags behind the reforms carried out in republic.</p>
2.	<p>9. Facilities co special estimated accounts State Biocontrol Committee of the State Committee for Nature Protection is spent according to the estimate approved State Committee of the Republic of Uzbekistan for Nature Protection and agreed with the Ministry of Finance of the Republic of Uzbekistan.</p>	<p>9. Special settlement funds accounts ministries ecology, environmental protection environment and climate change of the Republic of Uzbekistan are spent according to the estimate agreed with the Ministry of Finance of the Republic of Uzbekistan.</p>	<p>The agencies referred to in paragraph 9 of the Regulations are currently time officially eliminated. This norm, specified in paragraph 9 of the Regulations, lags behind the reforms carried out in the republic. Therefore, the words "Funds of the special account of the State Biocontrol of the State Committee for Nature Protection" should be deleted here. As a basis, it should be noted the Decree of the President of the Republic of Uzbekistan No. PP-4247 dated March 20, 2019 "On measures to improve the system state administration in the field of protected natural areas".</p>

APPENDIX 10: REPORTS OF ILLEGAL TRADE IN WILD ANIMALS AND PLANTS

Although there is a long list of measures and sanctions provided for in the legislation, the analysis presented below shows there are very few instances of penalties being imposed for infractions of this law.

Media reports between February 2021–February 2023 were examined for cases of illegal trade, animal cruelty, destruction of Red Data Book-listed species, and illegal hunting or fishing.

Cases with reported sanctions taken against violators:

1. In December 2022, MNRETS inspectors, together with members of the ecological organisation "Eco Tartip" in the Chui region, detained six poachers engaged in illegal hunting of wild birds who were fined a total of KGS65,000 (USD737).¹³
2. Also in December 2022, several poachers were detained for illegal hunting in the Chui, Naryn and Issyk-Kul regions of the country. They were fined a total of KGS162,500 (USD1,842), lawsuits were filed totalling KGS50,000 (USD567) and hunting weapons were confiscated.¹⁴

Cases without reported sanctions taken against violators:

1. On 22nd April 2021, the Aidarken Border Detachment stopped the smuggling of five Red Data Book-listed deer across the state border. Four of the animals had been dehorned. The driver of the vehicle and a passenger, a citizen of Uzbekistan, were detained.
2. On 31st October 2021, staff at Sary-Chelek Biosphere Reserve, Tuura-Aryk discovered four people, residents of Arkyt village in Aksy district, butchering the carcass of a shot male Caspian Red Deer *Cervus elaphus maral*. The species is rare in the Kyrgyz Republic and listed in the Red Data Book. The fine for illegal deer hunting is KGS1 million (USD11,330), doubled in specially protected natural areas. Details of the case were passed onto law enforcement agencies for appropriate action.¹⁵
3. In December 2021, Inspectors stopped a car in the Aktal-chat section of Ak-Tala district and discovered three guns and a butchered ibex carcass. The fine for shooting an ibex

¹³ [Illegal hunting of wild birds](#)

¹⁴ [Illegal hunting in several areas](#)

¹⁵ [Maral carcass section](#)

is KGS100,000 (USD1,130). Weapons and material evidence were confiscated and handed over to the Ak-Tala District Department of Internal Affairs.¹⁶

4. In May 2022 two men were detained fishing illegally in the Issyk-Kul region by the Tourist and Ecological Police and staff from the Dzhety-Oguz District Department of Internal Affairs.¹⁷
5. On 27th March 2023, the Department of Information and Communications of the Border Service of the State Committee for National Security reported that Border Guards at the Dostuk-Avtodorozhny checkpoint had prevented the smuggling of squirrels across the border.¹⁸

Although there are only a handful of cases, most relate to cases of illegal hunting.

¹⁶ [ibex hunting](#)

¹⁷ [illegal fishing](#)

¹⁸ [Smuggling 13 squirrels](#)

FEBRUARY 2024

WORKING TO ENSURE THAT TRADE
IN WILD SPECIES IS LEGAL AND
SUSTAINABLE, FOR THE BENEFIT OF
THE PLANET AND PEOPLE

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