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PASTURE REFORM

SUGGESTIONS FOR IMPROVEMENTS TO PASTURE MANAGEMENT
IN THE KYRGYZ REPUBLIC



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SUGGESTIONS FOR IMPROVEMENTS TO PASTURE
MANAGEMENT IN THE KYRGYZ REPUBLIC

INCLUDING A TABLE OF NECESSARY LEGISLATIVE CHANGES

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Introduction

The mountainous terrain and livestock breeding have made pastures an important economic and environmental asset for rural livelihoods in Kyrgyzstan. Pastures continue to be a widely accessible natural resource used by the majority of the rural population for feeding their livestock. Based on seasonal use, pastures are identified as spring-autumn use, winter use and summer use pastures. In addition, pastures are divided based on the territorial principle of near-village, intensive and distant. The total area of natural pastures is 9.1 million hectares, made up of summer pastures (3.9 million hectares), spring-autumn pastures (2.8 million hectares), winter pastures (2.4 million hectares), and natural haymaking meadows (219,000 hectares). The country's pastures supply 50 percent of all forages and up to 85 percent in mountain and high-mountainous zones. After the disintegration of the USSR and the subsequent collapse of the environmental monitoring system, some pastures are being intensively used (especially pastures near villages) and poorly managed, leading to far-reaching negative consequences such as economic losses and ecological imbalances.

According to the Gosregister,¹ the condition of pastures in 2005-2006 was the following:

- 2.5 million hectares (27%) were littered with inedible weeds;
- 1.7 million hectares (19%) were eroded;
- 3.0 million hectares (33%) were substantially degraded.

Seventy-nine percent of pastures in total are suffering from degradation, erosion and contamination.

These problems are largely caused by the lack of a comprehensive State policy concerning pasture resources. First, there are multiple authorized bodies that manage pastures. For example, near-village pastures are administered by the *aiyl okmotu*, pastures in the intensive usage zone are administered by the raion state administration, and distant pastures (most remote from settlements) are administered by the oblast state administration. This three-level management system had been used long before the current Land Code was adopted, but still continues today.

Other reasons for poor pasture management include the absence of a role for local communities in pasture management, the lack of appropriate State control over pasture use and protection, poor infrastructure, and lack of incentives for investments to improve infrastructure. Low returns on pasture leases (13 soms or \$0.35 per hectare on average) lead to lack of interest by governing bodies in efficient pasture management. The most significant reason for such mismanagement, however, is difficulty faced by the majority of livestock owners in obtaining access due to their remoteness and poor infrastructure and administrative obstacles. Presently, most of the infrastructure in distant pastures (i.e., roads, bridges, watering places, veterinary stations, etc.) is in disrepair due to the lack of funds for maintenance.

These factors are primary evidence of the need for reform in pasture management and use in Kyrgyzstan. One of the ways forward is to strengthen the role of local

¹ The State Registry. This government agency is responsible for all property registration.

communities through organization of Pasture Users Association (PUA) with the executive organ Pasture Management Council (PMC) as Territorial Bodies of Public Self-Government to establish a role for the community in the operation and resolution of pasture issues to ensure socially and environmentally sound use of pastures.

This report has been prepared as a legal analysis with suggestions to amend the legislation needed to implement the strategy on pasture management improvement. The report was completed in cooperation with the World Bank team designing the forthcoming Agricultural Investments and Services Project and is based upon the approach defined in the 2006 Kyrgyz Republic Livestock Sector Review.

Forest fund pasture management is not considered in the present report since these lands are under forest service authority.

I. Review of the current pasture-related legislation

In Kyrgyzstan, pastures are currently regulated by the following legislative acts:

1. The Constitution of the Kyrgyz Republic (KR) of May 5, 1991;
2. The Land Code of the KR of June 2, 1999;
3. The Law “On Management of Agricultural Lands” of August 17, 2001;
4. The Law “On Protection and Use of the Vegetable World” of June 20, 2001, № 53;
5. The Decree of the President of the KR “On New Trends and Measures of the Land Reform” of April 17, 2004, № 142;
6. The Development Strategy of the Kyrgyz Republic for 2007-2010 (approved by the Presidential Decree № 249 of May 16, 2007);
7. The Regulation “On Allocation for Lease and Use of Pastures” approved by the Government in its Resolution of June 4, 2002, № 360;
8. The Decree of the Government of the KR “On Approval of the Draft National Strategy and Action Plan on Sustainable Development of Mountainous Territories of the Kyrgyz Republic” of January 21, 2002, № 37;
9. “Package of Measures on Cattle Breeding Development in the Kyrgyz Republic until 2010” approved by the Governmental Decree of February 14, 2005, № 81;
10. The Concept of Agrarian Policy of the Kyrgyz Republic until 2010 (approved by the Government of the KR on June 22, 2004, № 465);
11. The State Program on Scientific Maintenance of the Agrarian and Industrial Complex of the Kyrgyz Republic until 2010 (approved by the Government in its Decree of July 28, 2004, № 561);
12. The Resolution of the Representative Chamber of the Jogorku Kenesh of the KR of April 7, 2004, № 1023-II-19 “On Status of Land Redistribution Fund Land and Pasture Land Use in the Kyrgyz Republic”;
13. “Temporary Recommendations to Clarify the Borders and Define the Size of Pastures Near Rural Settlements, Outrun Pastures and Pastures in Intensive Use Zone” approved by the Government on October 28, 1998, № 93;
14. “Methodological Instructions for Monitoring of Agricultural Land of the Kyrgyz Republic” approved by the Gosregister Order on October 5, 2004, № 148;
15. The Regulation “On Monitoring of Agricultural Land” approved by the Decree of the Government of March 1, 1999, № 115.

For the purposes of the analysis the given legislative acts were classified into:

- Legal and administrative/territorial;
- Institutional and financial;
- Ecological;
- Infrastructure-related;
- Priority trends in pastures use under the strategies and concepts of the Kyrgyz Republic until 2010.

The following is a summary of legal acts under each group:

1. Ownership right to pastures (legal and administrative/territorial aspects)

The Constitution of the Kyrgyz Republic recognizes all lands on its territory as property of the Kyrgyz Republic, except private, municipal and other forms of ownership. Article 4 states that “the land, its underlying resources, air space, forests, flora and fauna, and other natural resources shall be property of the Kyrgyz Republic, shall be used as the basis of life and activity of people of Kyrgyzstan and shall have special protection of the state.” Pastures, being agricultural land, are under exclusive state ownership according to the Land Code and the Law “On Management of Agricultural Land”. Only those pasture parcels that are incorporated with private hayfield or perennial plantings can be granted to private ownership.

The Government, raising the issue of development in mountainous regions already in 2002, pointed out an adverse situation in regards to cattle breeding and use of distant, mountainous pastures. In its Decree “On Approval of the Draft National Strategy and Action Plan on Sustainable Development of Mountainous Territories of the Kyrgyz Republic” of January 21, 2002, № 37, the Government noted that

Agricultural resources are not used efficiently to generate maximum profit for the populations of Kyrgyzstan and Central Asia. First of all, this regards inhabitants of mountainous territories, who, due to incorrect pasture management, significantly decreased the amount of big horned cattle which are distributed amongst a large number of small property owners. Mountainous pastures are not used to the full extent or not used at all, whereas winter pastures in valleys and foothills are used all year round, thus causing severe damage due to overgrazing, including in forests areas. Different breeds of cattle are kept together, which has led to mixing and a significant decrease in the quality of production. In many raions artificial insemination is almost never practiced resulting in poor development of cattle breeding and, more often, to its blight. Cattle breeding technique has worsened since the majority of farmers lack sufficient training in its practice. Winter feed is of a very low quality. The health of the animals leaves much to be desired, which is primarily due to unqualified veterinary services.

At the same time, the State appreciates the role and significance of local communities in the management of local resources and, in the Strategy on Development of Mountainous Territories, it considers the possibility of delegating to them more authority in pasture management, including transfer of pasture ownership rights. In its decrees² the Government has outlined plans to strengthen local communities in the following context:

Public resource management (at the level of local communities)

Achievement of goals will not be successful if local communities have no rights to make decisions regarding resources and have no ownership rights, or, at least, long-term use rights to local resources. Decisions are made in the neighboring raion or even in the capital city, and local populations become incapable of exercising their rights. As a result, local populations no longer feel responsible for their environment, and, consequently, they abuse their own resources or allow others to do so. It follows that the strengthening of decentralized, decision-making power is an important tool.

² Decree of the Government of the KR “On Approval Of the Draft National Strategy and Action Plan On Sustainable Development of Mountainous Territories of the Kyrgyz Republic” of January 21, 2002, № 37.

The issue of ownership of mountain resources is closely linked to the land ownership rights issue. Farmers will not destroy their own land, but they will 'overexploit' land that does not belong to them, ultimately leading to its destruction. The most crucial issue in Kyrgyzstan today is ownership rights to arable land by farmers. Questions regarding ownership right of individuals or local communities to mountain pastures, woodlands, hunting resources, etc. have not yet been clearly decided. The problems of ensuring long-term sustainable and supportive use of such resources have not been resolved in a responsible manner either, inasmuch as they are still under State ownership. The given problems should be taken into account when developing projects or research programs, and must be brought to the attention of politicians

State authorities cannot continue to be the only arbiters to take management-related decisions. It is necessary to have a new vision of management, as well as new skills for those charged with management or protection of resources. The first step in shifting the focus to the level of local communities was taken in Kyrgyzstan with the introduction of local governing bodies. However, these governing structures need to be strengthened and engaged in work.

The Action Plan of the Government of the KR for 2007, approved on May 26, 2007, № 191, is one of the recent Governmental documents reflecting the plan to delegate more powers to local communities. In the document, the Government refers to the improvement of the pasture management system, the transfer of pasture management rights to rural communities, and the joining of pasture users in an association. The World Bank concept and recommendations correspond to the suggestions of this report.

The Jogorku Kenesh of the Kyrgyz Republic, as the highest representative body, recommended transferring authority for leasing all categories of pastures to aiyl and village keneshes (aiyl okmotu) in its Resolution "On the Status of Land Redistribution Fund Land and Pasture Land Use in the Kyrgyz Republic" of April 7, 2004.

2. Pasture management system (institutional and financial aspects)

The Land Code stipulates a complex three-layer system of pasture management based on geographical location of pastures with regard to settlements: near-village pastures are managed by aiyl okmotu, intensive use zone pastures are under raion administration control, and the distant pastures under oblast state administration authority.

A detailed pasture use and allocation procedure is described in the special regulation "On Procedures of Allocating Pastures for Lease and Use" adopted by the Government of the Kyrgyz Republic on June 4, 2002, № 360. In general, pastures are allocated for short-term (5–7 years) and medium-term (7–10 years) leases through transparent procedures (open commercial or investment tenders). For other purposes, the pastures can be used up to five years. The provision of pastures to socially-vulnerable citizens is also foreseen. This regulation is the main document on the distribution of pastures as well as funds coming from pasture lease.

Monitoring of pastures is set up and regulated by two legal acts: "Methodological Instructions on Monitoring of Agricultural Land of the Kyrgyz Republic" approved by the Gosregister Order on October 5, 2004, № 148 and the Regulation "On Monitoring of Agricultural Land" approved by the Decree of the Government of March 1, 1999, № 115. Monitoring is undertaken for the timely exposure of changes

to land, assessment of such changes, and prevention and elimination of negative consequences.

“Temporary Recommendations on Clarifying the Borders and Defining the Size of Pastures Near Rural Settlements, Distant Pastures and Pastures in Intensive Use Zones”, approved by the State Agency on Land of the KR on October 28, 1998, № 93, is one of the departmental normative documents regulating pasture relationships. These recommendations state procedures for land survey work when defining borders between pastures.

3. Ecological aspects

The Law “On Protection and Use of the Vegetable World” establishes the norm pasture-users must follow for the protection of pastures, their efficient use, and the increase of their productivity.

Another legal act of the Government intended for cattle breeding development focuses on rational use of pastures and feed capacity increase³. Thus, the State recognizes the importance of preserving ecological balance in increasing of cattle breeding products.

Under the agrarian policy concept, the Government plans to ensure security for resources and products, strengthen soil, vegetation and pasture protection justifying that:

Taking into account the importance of cattle breeding development for the agrarian sector of the economy, it is necessary to improve the system of pasture resource management. Improvement and use of pasture lands will be executed through gradual transfer of farm-based cattle-breeding to new technologies of livestock breeding. For this purpose, the State must commence project funding for several demonstration pastures in two or three oblasts, in order to have such pastures in every raion by 2010.

The above mentioned Action Plan of the Government for 2007, approved by the Decree of the Government on May 26, 2007, № 191, mentions the necessity of preserving ecological balance in intensive use of natural resources:

Balanced development and long-term use of mountain resources consists of such components as:

1. Ecological component: the natural, i.e. physical status of environment should not be broken. This means prevention of soil erosion, increasing instability of mountainsides, soil fertility loss, increase of chemical precipitations, loss of biological diversity, forest depletion, exhaustion of pastures, pollution of soil, water, air and abuse in the use of resources.

³ “Package of Measures On Cattle Breeding Development in the Kyrgyz Republic until 2010” approved by the Governmental Decree of February 14, 2005, № 81

4. Infrastructure-related aspects

Infrastructure-related aspects are not considered in normative acts.

5. Priority trends in pasture use under the strategies and concepts of the Kyrgyz Republic until 2010

Among normative legal acts, presidential decrees also note the necessity of developing and improving management of water and pasture resources as a priority of the third and final stage of land and agrarian reform.

As one of his decrees, the President put the task to the Government and Parliament to develop and adopt the Law “On Pastures” as a component of the strategy for the KR for 2007-2010 under “Institutional and Structural Changes in Agriculture and Processing”.

As regards the maintenance of agricultural scientific knowledge, the Government adopted “The State Program on Scientific Maintenance of the Agrarian and Industrial Complex of the Kyrgyz Republic until 2010” on July 28, 2004, № 561. The program foresees activities of scientific organizations, in particular, the Kyrgyz Scientific Research Institute of Cattle Breeding, Veterinary and Pastures (Kyrgyz SRI), to develop methods and technologies for the improvement of natural pastures and to produce new, highly-productive sorts of feed.

II. The New Approach defined in the 2006 Kyrgyz Republic Livestock Sector Review

The proposed changes below reflect the new strategic approach and the law should address the following main points:

- Transfer the management authority for all levels of natural state-owned pastures to the management of the local self-government bodies Aiyl Okmotu (AO)/Aiyl, Township Kenesh, Territorial Bodies of Public Self-Government – Pasture Management Council, thus decentralizing pasture management;
- Vest the right to approve pasture management plans with the ayil, township keneshes;
- Provide for pasture tickets (a permit to access and use a pasture areas for a specific purpose);
- Establish fees for pasture grazing use that will be calculated on a per head basis for livestock;
- Distribute and use fees for pasture use rationally for pasture restoration, preservation, and strengthening of material resources of pasture facilities;
- Exclude overgrazing on near-village pastures by managing the pasture ecosystem as a whole, undivided system;
- Create conditions for the required technical support, the advisory role of the central state bodies and the exercise of state control over pasture use;
- Vest the local self-government organs with the power and obligation to maintain pasture infrastructure;
- Encourage investment in degraded pastures.

III. Legal and administrative-territorial aspects

- Suggestion: Transfer intensive use pastures and distant pastures to the management of the aiyl okmotu - an executive body of aiyl, township keneshes and to state that the AO in cooperation with a Pasture Users Association (PUA) will manage the pastures.**

Justification: Currently, pastures are administered by three authorities: near village pastures are administered by the AO, pastures of intensive-use are administered by the raion state administration and the distant pastures by the oblast administration. This system makes it more complicated for pasture users to gain access to the various pastures, as each authority allocates the pastures within its jurisdiction, often without any regard for how other authorities allocate pastures. Consequently, pasture users trying to operate within the legal system must spend extra time and effort to deal with these three authorities. To simplify the pasture allocation system, which has been ineffective in allocating pastures and has resulted in the degradation of near village pastures, all pastures should be administered by the AO in cooperation with a Pasture Users Association.

Transfer of all pastures to the authority of the AO will give pasture users one authority to deal with when seeking access to pastures. The costs and time involved for many pasture users will decrease, as they can address their applications for use of pastures to one local authority rather than a variety of authorities at various levels of government. More importantly, management of all pastures is likely to be addressed more comprehensively at the level of the AO. An alpine pasture complex is an indivisible ecosystem and must be managed holistically. The Pasture Users Association of the AO should better understand the condition of all pastures, thereby making appropriate decisions on use of all pastures. Moreover, pasture users will have access to greater information on the condition of pastures and the availability of pastures for use. As a result of the change, pastures should be used more rationally and administration of pasture land will become more efficient by eliminating the duplication of decisions.

Changes and amendments in the legislation that need to be implemented

Land Code		
Current Version	Suggested Change	Explanation
<p>Article 13. The competence of an executive body of aiyl, township keneshes in the field of regulation of land relations</p> <p>1. The authority of the executive body of aiyl, township keneshes over the lands within aiyl, township keneshes in the field of regulation of land relations accordingly includes:</p>	<p>Article 13. The competence of <i>aiyl okmotu</i></p> <p>1. The authority of <i>aiyl okmotu</i> in the field of regulation of land relations accordingly includes:</p>	<p>In the title, clarify the name of the administrative executive body of aiyl, township keneshes which is AO according to the Law “On local self-governance and local state administration”</p>

<p>2. Allocation for pasture use at rural populated point and establishment of the procedure for their use, except the pastures located in the intensive usage zone, and distant pastures;</p>	<p>2. Allocation for pasture use at rural populated points (<i>near village</i>), <i>pastures in the intensive usage zone and distant pastures in the order established by the legislation except for forestry fund pastures</i>;</p> <p>3. Preparation (development) of a pasture management plan in conjunction with the designated Pasture Users Association.</p>	<p>Stating sub-point 2 of point 1 of Article 13 in this version will help transfer all types of pastures to management of AO i.e. authority of one body and decentralize pasture management.</p> <p>And add sub-point 3 to empower AO to develop a pasture management plan.</p>
<p>Article 15. The competence of raion state administration in the field of regulation of land relations.</p> <p>The authority of raion state administration, except for raions of Bishkek city, on the lands of raion in regulation of land relations includes:</p> <p>2. Allocation for use sites of pastures in the intensive usage zone and an establishment of the procedure for their use</p>	<p>2. To be deleted</p>	<p>Delete point 2 of Article 15 because all pastures, regardless of geographical location, are transferred to authority of one body — the AO (see Justification for sub-point 2 of point 1 of Article 13 LC).</p>
<p>Article 17. The competence of oblast state administration in the field of regulation of land relations</p> <p>The authority of oblast state administration on the lands within the oblast includes:</p> <p>1. Allocation of distant pastures for use and establishment of the procedure for their use;</p>	<p>1. To be deleted</p>	<p>Delete point 1 of Article 17 because all types of pastures are transferred to the authority of the executive body of ayil, township kenesh (see Justification for sub-point 2 of point 1 of Article 13 LC.)</p>

2. Suggestion: Ensure that the ayil, township keneshes have the right to approve Pasture Management Plans within the territory of the local kenesh which are developed by the Pasture Users Association.

Justification: The ayil, township kenesh is the representative body of the local community, which has the right to adopt local statutory acts that govern the territory of the appropriate kenesh. The kenesh has the right by law to approve pasture management plans as prepared by the PUA. At present, none of the acts regulating pasture relations stipulates preparation and development of pasture management plans.

Giving the local PUA, the AO, and ayil, township kenesh the authority to develop and approve a pasture management plan promotes local community participation in the development and execution of pasture management plans. If the PUA prepares an inadequate plan, the ayil, township kenesh may not approve the plan, allowing for checks and balances in the process of pasture management.

The pasture management plan must contain the following brief information: the ayil, township kenesh (geographical location, number of villages, demographics, etc.); quantity and quality of the available pastures; pasture infrastructure, its condition, measures and financing that are necessary for its maintenance and service (restoration); number of livestock and its prospective growth in terms of bovine and other domestic animals (sheep, goats, camels, horses) and its need for pastures; plans for pasture use for other purposes. The plan must also contain terms for rational and effective pasture utilization, adequate seasonal movement of animals over the entire range of available pastures, and measures for prevention of pasture degradation. The plan should be adopted for a specific period (4–5 years) indicating the procedure for amending and adding to the plan by the ayil, township kenesh.

Changes and amendments in the legislation that need to be implemented

Land Code		
Current Version	Suggested Change	Explanation
Article 18. The competence of oblast, Bishkek city, raion, city kenesh in the field of regulation of land relations	Article 18. The competence of <i>local keneshes</i> in the field of regulation of land relations	Replace various keneshes in the article's title with the general term "local keneshes".
5. Ayil, township keneshes establish the size of land plots for personal household farming, dwelling construction and servicing, approve land cadastres, solve other land relation issues within their competence.	5. Ayil, township keneshes establish the size of land plots for personal household farming, dwelling construction and servicing, approve land cadastres, <i>pasture management plans</i> , solve other land relation issues within their competence.	Amend point 5 of Article 18 of the Land Code with a power to approve pasture management plans
The Law "On pastures"		
Adopt a Law "On pastures"	Provide in the Law "On pastures" clauses according to which pasture management plans are developed by the PUA and approved by local keneshes. The law should describe the content of pasture management plans and local community public hearings.	The bill is at the stage of development and discussion

3. Suggestion: Establish an equitable procedure for distribution of intensive-use and distant pastures to the appropriate AO

Justification: It is necessary to determine an equitable manner by which to distribute intensive-use and distant pastures among neighboring AOs in order to avoid disputes and conflict among local users. Currently, intensive-use and distant pastures are used by residents of various AOs which may be located in varying distances from the subject pastures. In some instances, the distant pastures are located in one or several adjacent oblasts. For example, Aksay Valley (Atbashy Raion in Naryn Oblast) is used by the residents of three adjacent raions. The pastures in Suusamyр Valley are used by residents of Chui, Talas, and Jalalabat Oblasts. The situation makes it clear that the distribution of distant pastures should account for the needs and reasonable interests of citizens of various oblasts and raions. The boundaries of pastures between ayil,

township kenesh areas should be determined by a committee with representatives of rural communities, Giprozem/Gosregistr⁴. Dwellers of neighboring AO can use pastures of other AO upon agreement.

To complete the redistribution of intensive and distant pastures to the authority of the aiyl okmotu and the PMC the following actions should be taken:

1. Develop an equitable procedure for the redistribution and transfer of intensive-use and distant pastures to the authority of the AO and the PUA. The procedure should consider traditional patterns of pasture use and environmental issues. The procedure needs to be approved by KR governmental decree. The procedure must take into account the rights and interests of existing legitimate users, including rights to use pastures for non-grazing purposes.
2. A commission with representatives from the State Registry (Gosregister), Pasture Department and members of the concerned rural communities should be set up to determine the borders of pastures between AO.

Changes and amendments in the legislation that need to be implemented

The procedure for redistribution of intensive-use and distant pastures to management of AO approved by KR Government		
		Explanation
Adopt new KR governmental decree	Issue a KR governmental decree that approves the procedure for redistribution of intensive-use and distant pastures to the management of the AO.	Adopting this decree will help avoid disputes during pasture distribution among the AOs.

⁴ State Institute on Land Resources (Giprozem) under the Gosregister.

IV. Institutional and financial aspects

4. **Suggestion: Establish Pasture User Association (PUA) with the executive organ Pasture Management Council (PMC) as Territorial Bodies of Public Self-Government and provide that the PMC will allocate pasture use through the sale of pasture tickets based on the number of livestock per user.**

Justification: A PMC should represent the people within the territory of the AO who form a Pasture Users Association (PUA) with the legal status of a territorial body of public self-government. The council will be elected by a general meeting of the members of the PUA. The PMC should represent and protect the interests of the PUA members. The main functions of PMC should be:

- To manage all pastures within the area of the aiyl okmotu as a whole system;
- To represent all pasture users in the community (as members of the PUA);
- To develop a pasture management plan and an annually updated Pasture Use Plan;
- To collect pasture use fees.

Fees should be charged based on the number of livestock each user possesses. Delegation of responsibilities should be based on the agreement of delegation of pasture management responsibilities from the aiyl okmotu to PUA according to article 49-51 of the Law “On Territorial Bodies of Public Self-Government and Local Administration”⁵. The agreement between the PUA and the AO should provide that the PUA will exercise control over the use of the pasture by its members and take measures to prevent overgrazing and degradation, etc. Delegation of pasture management to the PUA under these terms should result in increased responsibility of the local communities for pasture use, preservation (and rehabilitation). The PUA should also take the rights of socially-vulnerable groups into consideration when allocating pastures for use among its members.

This system will help establish reasonable checks and balances over pasture use. First, a PUA will exert its own control over local pasture users in accordance with its own rules for use of pastures (pasture management plan). The PUA will also represent its members to ensure that State authorities do not exceed their mandate when exercising State control over the use of pastures. Standards for the use of pastures will be based on grazing standards and the condition of pastures.

Changes and amendments in the legislation that need to be implemented

Land Code		
Current version	Suggested Change	Explanation
Article 29. Allocation of a land parcel into ownership or use through auction.	Article 29. Allocation of a land parcel into ownership or use through auction.	One of the land legislation principles is transparency in allocation of land parcels, therefore, land parcels are allocated through auctions.

⁵ There is already experience concluding such agreements. For instance, Bishkek City Kenesh approved corresponding regulation #182 of July 9, 2003, stipulating the possibility of delegating some functions from raion administrations to territorial organs of self-government.

1. The authorized state organ allocates a land parcel into ownership or use through auction, except cases stipulated for in point 5 of the article and Article 32 of the Land Code. The starting price for a land parcel put forth at auction will be the evaluated (normative) price.	1. The authorized state organ allocates a land parcel into ownership or use through auction, <i>except pastures</i> and cases stipulated for in point 5 of this article and Article 32 of the Land Code.	However, communal use of pastures and its allocation do not foresee auctions and thus the amendment is moved to Article 29.
Adopt a Law “On pastures”	Provide in the law a clause on allocation of pastures for communal use to PUAs and that PUAs should exercise public control over the use of pastures. The law should also establish that payment for use of pastures be based on the number of livestock of each user (i.e. payment per animal head).	The bill is at the stage of elaboration and discussion
Regulation No. 360 on the procedure for allocation of pastures for lease and use approved by the governmental decree of the Kyrgyz Republic from 4 June 2002		
Current regulation	Repeal	

5. Suggestion: Create the conditions to allow the central state authorized bodies to provide technical support and advisory services to AOs when addressing pasture use issues.

Justification: The Government of the Kyrgyz Republic should provide guidance for the development of animal husbandry and pasture use. At the local level, AOs need technical support and advice on pasture management issues. These services should be offered by Gosregister (through Giprozem) and the Pasture Department and Kyrgyz Scientific Research Institute of Cattle Breeding, Veterinary and Pastures (Kyrgyz SRI) under the Ministry of Agriculture, Water Resources and Processing Industry as these institutions have the qualified personnel and necessary equipment to support local communities in addressing their pasture issues. State bodies should provide assistance with development of local pasture management plans and training in progressive methods of pasture management, use, and protection when requested by AOs and/or PUAs, or local councils. Or, it may be required that the Pasture Department should give their technical conclusion on a pasture management plan, which will be used by the local council when approving/disapproving the strategy developed by the PUA.

Technical and advisory assistance from these State bodies will help the AO and Pasture Management Councils solve technical pasture management and use issues for the benefit of the local community.

Changes and amendments in the legislation that need to be implemented

Law “On pastures”		
	Suggested Change	Explanation

Adopt a Law “On pastures”	Provide in the law clauses that provide technical assistance for pasture use from the appropriate state bodies (Giprozem, Pasture Department, and Kyrgyz SRI).	The bill is at the stage of discussion
Regulation No. 360 on the procedure for allocation of pastures for lease and use, approved by the Kyrgyz Republic governmental decree from 4 June 2002		
Current regulation	Repeal	

6. Suggestion: Revise the distribution of the revenues for use of pastures among the authorized local and state bodies.

Justification: It is recommended that the revenues collected for pasture use be divided between the Pasture Management Council, the aiyl okmotu, and the Central Government. The amount of payments to the Central Government should be determined by the Government and Parliament. Revenues do not include means collected from land tax.

Changes and amendments in the legislation that need to be implemented

Law “On pastures”		
	Suggested Change	Explanation
Adopt a Law “On pastures”	Provide in the law a clause on distribution of the payments for use pastures among the authorized local and state bodies.	The bill is at the stage of discussion
Regulation N 360 on the procedure for allocation of pastures for lease and use approved by the Kyrgyz Republic governmental decree from 4 June 2002		
Current regulation	Repeal	

7. Suggestion: To make editorial changes to the Law “On Financial and Economic Bases of Local Self-Governance” regarding payments for pasture use in connection with the transfer of pasture management to local self-government institutions.

Justification: Part of the fee for pasture use must remain at the disposal of local government institutions and be one of the items for the local budget’s income. Therefore, it is suggested to make changes in the Law “On Financial and Economic Bases of Local Self-Governance”. This suggestion assumes that the receipt of money into the local budget will change the existing money distribution procedure, whereby payment for intensive and distant pastures has come to the state budget. Local self-government institutions will be interested in full and timely receipts of money. During approval of the Pasture Management Plan, expenses necessary for pasture protection, restoration measures, and improvement of cattle-driving lines, stops and other social needs of the community will also be considered.

Changes and amendments in the legislation that need to be implemented

Law “On financial and economic bases of local self-governance”

Current version	Suggested Change	Explanation
<p>Article 5. Local non-tax proceeds</p> <p>1. Local non-tax proceeds include:</p> <p>2. Rental payment collected for the right to use the lands of the Agricultural Land Redistribution Fund;</p>	<p>Article 29. Allocation of a land parcel into ownership or use through auction.</p> <p>2. Rental payment collected for the right to use the lands of the Agricultural Land Redistribution Fund <i>and fee payments for the use of pastures</i>;</p>	<p>Amendment made in sub-point 2 of point 1 of Article 5 of this law will allow local self-governance to retain a portion of the pasture fee and include it in the local budget (incomes and expenses).</p>

V. Infrastructure

8. Suggestion: To assign pasture infrastructure servicing and maintenance duties to the Pasture Users Association.

Justification: Currently most pasture infrastructure is poorly maintained and in bad condition. This is largely because there is no one authority responsible for maintaining the infrastructure. It is recommended that the PUA, which will receive money in the form of fees for pasture use, be designated the responsible entity for maintenance and improvement of pasture infrastructure. The local plan for service and maintenance of pasture infrastructure and allocation of the funding needed to do so should be part of the pasture management plan.

The PUA will be better suited to respond to the needs of pasture users, and where large infrastructure improvements are needed, can work together with the ayil, township kenesh to develop a reasonable plan for funding the plans. For example, the ayil, township kenesh and PUA may agree to increase the pasture use fees to help fund certain infrastructure improvements that the entire community believes are needed. Assigning this responsibility to the Pasture Department, which has a small staff and is located at a distance from the subject pastures, is unlikely to result in meaningful investment to improve pasture infrastructure.

Changes and amendments in the legislation that need to be implemented

Law “On pastures”		
	Suggested Change	Explanation
Adopt a Law “On pastures”	It is necessary to provide in the law the duty to maintain and service the pasture infrastructure on the authorized body (ayil, township kenesh and PUA/PMC), in accordance with the locally approved pasture management plan.	The bill is at the stage of development and discussion
Regulation N 360 on the procedure for allocation of pastures for lease and use, approved by the Kyrgyz Republic governmental decree from 4 June 2002		
The current regulation	Repeal	

9. Suggestion: To give elders’ courts the power to resolve disputes between pasture users and authorized bodies.

Justification: Elders’ courts carry out their activity according to the Law “On Elders’ Courts” and have proved to be capable of resolving disputes between residents. The elders’ courts are effective mainly because the local community elects the most respected and trusted citizens to these local courts. The law should authorize these courts to hear and resolve disputes arising from use of pastures. Pasture use disputes can also be applied for consideration by courts, third party arbitration, and authorized bodies.

Law “On elders’ courts”		
Current version	Suggested Change	Explanation
<p>Article 15. Cases considered by elders’ courts</p> <p>Elders’ courts have the right to consider cases on:</p> <p>a) property and family disputes;</p> <p>b) non-performance of children education and support duties by parents and other family members;</p> <p>c) non-performance of support duties by full-age children towards handicpped parents or persons that brought them up and supported in due manner;</p> <p>d) payment for work performed under labor agreements;</p> <p>e) irrigation disputes between land users.</p>	<p>Article 15. Cases considered by elders’ courts</p> <p>Elders’ courts have the right to consider cases on:</p> <p>a) property and family disputes;</p> <p>b) non-performance of children education and support duties by parents and other family members;</p> <p>c) non-performance of support duties by full-age children towards handicpped parents or persons that brought them up and supported in due manner;</p> <p>d) payment for work performed under labor agreements;</p> <p>e) irrigation disputes between land users;</p> <p><i>f) pasture use disputes</i></p>	<p>It is suggested to add item f) to Article 15 and thus vest the elders’ courts with the right to consider disputes connected with pasture use.</p>

10. Other suggestions

The rights of the third parties for pasture use: tourism, hunting, fishery, public and individual beekeeping, as well as using natural, vegetative and other resources.

To take into account the rights of users using pastures for non-grazing purposes, the PUA needs to consider these uses in the pasture management plan. User permits for non-grazing uses of pastures must state that the rights of livestock owners will not be violated, and vice versa.

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