



# Conflicts over pasture resources in the Kyrgyz Republic

Irène Mestre, Aliya Ibraimova, Bilimbek Azhibekov

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# Conflicts over pasture resources in the Kyrgyz Republic

## Research report - June 2013







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# Conflicts over pasture resources in the Kyrgyz Republic Research report - June 2013

The report is prepared by the CAMP Alatau Public Foundation

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## Contents

Executive Summary.....	7
1. Introduction.....	9
2. Review of the regulatory legal acts governing the pasture management and use in the Kyrgyz Republic .....	10
3. Analysis of governmental AO passports as conflict prevention tools.....	12
4. Conflicts over pastures between pasture users, pasture committees, and AOs from neighboring AAs .....	14
4.1. Conflicts between <i>ayil okmotu</i> and pasture committees.....	14
4.2. Conflicts between pasture committees and pasture users.....	16
4.3. Conflicts between <i>ayil okmotu</i> , pasture committees and pasture users of neighboring <i>ayil aimak</i> .....	18
5. Conflicts between the pasture users or pasture committee and forestries and Specially Protected Natural Reserves.....	20
5.1. Conflicts between pasture users, pasture committee and forestries.....	20
5.2. Conflicts between PUs or the PC and governmental institutions such as natural reserves and national parks	24
6. Case study: conflict over pastures between the pasture committees or pasture users and the forestries, Kyzyl Tuu AA, Suzak district, Jalal-Abad oblast .....	27
7. Conflicts between pasture users, pasture committees and secondary users.....	30
7.1. Conflicts with pasture users using pastures indirectly (tourism, business, artisanal mining or bee-keeping)	30
7.2. Conflicts resulting from the extraction of raw materials including minerals, gravel, and coal, cement production or hunting by local and foreign companies on pasture territories.....	33
8. Case study: conflict over agricultural lands suitable for grazing and business activities: Gulcha AO, Alay district, Osh oblast .....	36
9. Transborder conflicts .....	40
10. Case study: transborder conflicts over access to pastures, Kulundu AA, Leilek district, Batken oblast.....	43
11. Recommendations .....	46
12. Conclusion .....	53
References.....	54
13. Annexes.....	57
13.1. Institutional structure of state management of pasture resources of the Kyrgyz Republic.....	58
13.2. List of interviews .....	59
13.3. Survey table of regulations, regulating questions of management and use of pastures .....	61
13.4. Map of internal conflicts for pasture resources in the Kyrgyz Republic.....	74
13.5. Map of conflicts for pasture resources with forestries in the Kyrgyz Republic.....	74
13.6. Map of conflicts for pasture resources with natural reserves and national parks in the Kyrgyz Republic	74
13.7. Map of lands of forestries and natural reserves in KR .....	74

13.8. Map of conflicts for pasture resources with secondary users in the Kyrgyz Republic .....	74
13.9. Map of conflicts with enterprises in the Kyrgyz Republic.....	74
13.10. Map of trans-boundary conflicts for pasture resources in the Kyrgyz Republic .....	74
13.11. Infography of case-study: conflict between Pasture committees or Pasture Users and forestries, Kyzyl Tuu AA, Suzak district, Jalal-Abad oblast.....	74
13.12. Infography of case-study: conflict for pastures with secondary users, Gulcha AA, Alay district, Osh oblast	74
13.13. Map of case-study: trans-boundary conflicts over access to pastures, Kulundu AA, Leilek district, Batken oblast.....	74

## List of abbreviations

AA	<i>Ayl aimak</i> , territorial entity
ADIC	Agency for Development and Investment of Communities
AO	<i>Ayl okmotu</i> , executive body at <i>ayil aimak</i> level
AWU	Association of Water Users
ES	Ecosystem services
Giprozem	Land registry
JK	<i>Jogorku Kenesh</i> , Parliament
KR	Kyrgyz Republic
LAU	Large animal unit
LSG	Local self-government
MA&M	Ministry of Agriculture and Melioration
MM	Mass Media
PD	Pasture Department under the Ministry of Agriculture and Melioration
NGO	Non-governmental organization
PC	Pasture Committee
PES	Payment for Ecosystem Services
PMP	Pasture Management Plan
PUP	Pasture Use Plan
RAS	Rural Advisory Service
RLA	Regulatory legal acts
RDF	Rural Development Fund (NGO)
SAPE&F	State Agency for Protection of Environment and Forestry
SFF	State Forest Fund
SL	Small livestock
SPNR	Specially Protected Natural Reserve
TPSG	Territorial public self-government



## Table of figures

Figure 1: Number of livestock heads according to statistical and actual data in studied AAs (data for 2012)	13
Figure 2: Concerned stakeholders of conflicts between <i>aiyl okmotu</i> and pasture committees	15
Figure 3: Concerned stakeholders of conflicts between pasture committees and pasture users	16
Figure 4: Concerned stakeholders of conflicts between the pasture committees, pasture users of neighboring <i>ayil aimak</i>	19
Figure 5: Concerned stakeholders of conflicts between pasture users, pasture committee and forestries	20
Figure 6: Concerned stakeholders of conflicts between PUs or the PC and government institutions such as natural reserves and national parks	25
Figure 7: Information on Kyzyl-Tuu	27
Figure 8: Concerned stakeholders of conflicts with pasture users using pastures indirectly (tourism, business, artisanal mining or bee-keeping)	30
Figure 9: Concerned stakeholders of conflicts resulting from the extraction of raw materials including minerals, gravel, and coal, cement production or hunting by local and foreign companies on pasture territories	33
Figure 10: Information on Gulcha	36
Figure 11: Concerned stakeholders of transborder conflicts	41
Figure 12: Information on Kulundu	43

## Executive Summary

The Law “On Pastures” adopted on January 26, 2009 created a new community-based pasture management system which transferred the authority over pasture management and utilization to pasture users associations (PUAs) and their executive agencies – pasture committees (PCs) democratically elected by the PUA. Under the Law, PUAs are charged with pursuing the objectives of effective and sustainable use of pasture resources using funds raised by the pasture committees from grazing fees and control over PC activities. However, low levels of awareness about the implications of the legislation among key pasture stakeholders, coupled with weak PUA and PC capacities have given rise to various conflicts over pasture resources, which affect 63% of the population of the Kyrgyz Republic who live in rural areas, either directly or indirectly<sup>1</sup>. This report investigates the issue of conflicts over pasture resources at national level and offers policy recommendations to strengthen the pasture management system.

This report focuses on pasture users and pasture committees who have become the key stakeholders as a result of this new regulation. The report classifies conflicts into four broad categories:

- a) Conflicts between the following:
  - a. pasture committees and executive body of *ayil aimak* (*ayil okmotu*);
  - b. pasture committees and pasture users; and
  - c. pasture committees, the executive body of *ayil aimak* (*ayil okmotu*) and pasture users of neighboring *ayil aimak*
- b) Conflicts between pasture committees, pasture users, and forestries or Specially Protected Natural Territories;
- c) Conflicts between pasture committees, pasture users, and secondary users; and
- d) Transborder pasture conflicts.

The causes of these conflicts over pastures are interrelated. At the root is competition over scarce and degrading pasture resources which are entrusted in PC management. Relieving the shortage requires rehabilitation of infrastructure and water supply to remote pastures as well as the strict enforcement of pasture management plans and tariff collection. Currently, the PCs lack both the capacity and the resources to fulfill these conditions. Moreover, the creation of multiple and sometimes conflicting approaches has led to confusion around the division of responsibilities between PCs, local administrations (AO), and other stakeholders including forestries, Specially Protected Natural Territories. As a result, four years after the introduction of the new management system, a uniform rational approach has yet to be found and disseminated all over the Kyrgyz Republic.

As a recently established institution, PCs have yet to develop their capacity and expertise to carry out their duties as intended under the Law. However, their current lack of capacity and the dearth of resources perpetuate the cycle of PC ineffectiveness and undermine its legitimacy in the eyes of other stakeholders. High labor turnover, confusion about the objectives of the PC establishment, its role and functions, the lack of transparency and awareness of existing regulations lead to low motivation among the staff. PCs must also cope with severely limited material and technical resources and uneven support from local agencies of self-government. The absence of accurate figures on livestock count coupled with the absence of enforcement mechanisms to collect grazing and other payments for secondary use of pastures make it difficult for the PCs to improve their revenue bases, which in turn perpetuates the cycle of ineffectiveness.

This contributes to continued non-recognition of PC authority on the part of pasture users who ignore pasture management plans and evade payment. Dissatisfied with the conditions of roads and infrastructure on remote pastures, high transport costs and lack of business opportunities in isolated areas, pasture users take advantage of PC weakness to continue grazing where they would like, partly due to their

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<sup>1</sup> United Nation Statistics Division, *World Statistics Pocketbook*. 2013

low awareness of PC working principles. Moreover, lack knowledge on carrying capacities of pastures of pasture users curbs the work of PC in the field of pasture degradation reduction.

Local administrations are often also reluctant to recognize PC's authority and independence, as this involves devolving some of their powers. This stems from the lack of clear delimitation of duties, rights and responsibilities between PCs and their host AOs. The absence of clear division of labor precludes fruitful collaboration among these institutions. Nor is there a legal framework for PCs to resolve problems with neighboring AOs. The resulting uncertainty hampers PCs in their work and undermines their ability to implement desired changes and resolve pasture conflicts.

Confusion around the division of responsibilities and the absence of formal mechanisms for cooperation also plagues the relationship between PCs and the administration of forestries and Specially Protected Natural Territories. Unwillingness of the part of these institutions to assist each other financially in solving their common problems of infrastructure repair and environmental conservation leads to competition and hostility, whereas joint management of the three types of land resources would rationalize their use.

Secondary use of pastures by herders, local and international companies whether for business or resource extraction exacerbates the existing competition over resources and leads to further degradation of pasture lands. To effectively resolve these tensions, PCs need to be able to calculate the carrying capacity of the pastures, to define the pasture use price for secondary users, and to garner enough legitimacy and legal recourses to enforce their decisions, neither of which is currently in place.

Transborder tensions around pasture resources arising from the presence of disputed territories, land-grabbing, absence of physical borders, unauthorized crossing, clandestine grazing of foreign livestock etc., on the other hand, cannot be resolved by PCs alone (even under the best conditions) and need to be addressed through international cooperation.

To remedy the current situation, the report calls for raising awareness among all key stakeholders including PCs, pasture users, AOs, forestries, Specially Protected Natural Territories, and businesses about the functions and responsibilities of the PCs as an institution and reinforcing its capacity to fulfill its obligations. The report includes the following seven key recommendations that have been discussed with key government officials:

- a) Strengthen cooperation between local self-governance bodies and pasture committees,
- b) Increase the power and improving the status of pasture committees,
- c) Introduce a new agreement between the Pasture Department and the State Agency of Protection of Environment and Forestries about pasture use on forestries' territories,
- d) Establishing joint pasture management between pasture committees and Specially Protected Natural Territories,
- e) Increasing pasture committee's awareness and capacity in area of pasture use by secondary users (enterprises),
- f) Developing an Agreement on pasture use in transborder areas, and
- g) Testing approach of joint management of natural resources at level of the water basin, including the Payment for Ecosystem Services (PES) instrument.

## 1. Introduction

Disagreements, disputes and conflicts are an integral part of our lives. When there is management of conflicts, it is possible to achieve great results, as evidenced by contemporary developments in all possible spheres of human activity. Conflicts over natural resources are particularly common, and can vary from household to global level disputes. Such conflicts exist since ancient times, and mankind has always sought and is looking for fair and effective mechanisms to resolve them. However, as traditional mitigation mechanisms are not always able to handle new conflict situations, there is a need to study these current dynamics and find solutions.

In the Kyrgyz Republic, as in many other agro-pastoral countries, conflicts over natural resources and especially over pastures play an important role. Livestock production is one of major sources of income for people living in rural areas. Due to the particular economic and social importance of pastures the Law “On pastures” (dated January 26, 2009) was developed which established the pasture committee. This new legislation introduced drastic changes in pasture management system (see Annex 1) and also intended to enhance seasonal transfer to remote pastures to address pasture degradation, as it is an emerging issue which can affect development in the long term. Natural restoration of degraded pastures requires halting grazing for a long period of time. Land degradation impacts economic activities of local residents and increase natural disaster risks (land slides and flooding). Scientific research shows that degradation can lead to deterioration of water quality. And at last, bio-diversity of flora and fauna also suffers from land degradation.

During its four years of work, the pasture committees (PCs) were successfully created and implemented measures for sustainable pasture management. However, there are still unresolved issues and problems leading to conflicts. Many of them are caused by the collapse of the Soviet pasture management system, disagreements on external and internal boundaries, instability and inexperience of the PCs, ambiguity in the legal framework on second pasture users and/or non-payment, common use of pasture with other states, government agencies, etc.

The Pasture Department, the pasture users and the *Ayil Okmotus* (AOs) have made various efforts, to strengthen the PCs with a view on the sustainable management of pastures, but there is a constant need of support from government agencies, international and non-governmental organizations.

To identify conflicts, their causes and possible ways to resolve them, this research study on conflicts over pasture resources in the Kyrgyz Republic was conducted. This study lasted four months and consisted of the following steps:

- Review of the available scientific and practical literature
- Development of a conflict typology and identification of four basic types of conflicts
- Discussion of the conflict typology at round-tables with government agencies, Non-Governmental Organizations (NGOs), international organizations and experts in Bishkek
- Interview with the experts in Bishkek (see Annex 2)
- Field trip to three southern oblasts of the Kyrgyz Republic to carry out in-depth qualitative analysis of three case studies, round-tables at the district level with Early Warning Network members as well as other interested stakeholders and public hearings at the oblast level.



- A round-table to discuss preliminary recommendations with involved government agencies, NGOs and international organizations.
- Interviews with young professionals of the Pasture Department from the seven oblast of the Kyrgyz Republic for mapping of conflicts over pasture resources.

Within the study conducted, the pastures conflicts were divided into four types. The first, and perhaps most common type, identifies the conflicts between PCs, pasture users (PUs) and AOs within one *aiyl aimak* (AA) or between several AAs. The second type addresses conflicts between the forestries and natural protected areas and PCs or PUs. The third is the conflict with secondary pasture users. And finally, the fourth type is the conflict associated with cross-border issues of grazing. Mapping of the conflict (in annex 12.4 to 12.13) reflects the relative importance of the conflict types by oblast.

For each conflict type, resolution or mitigation mechanism examples are given to show the high variety of solution that can be found. These examples are not deemed to be universal models but show a general framework that it is possible to adapt to specific constraints and opportunities.

In addition, three case studies are detailed along the study. They illustrate conflict types and the interaction between conflict types. For example, in Kyzyl-Tuu, the main conflict with forestries is interrelated with conflicts between AOs and PCs. These case studies were chosen with the local Early Warning Networks developed in the framework of the “Conflict Mitigation through Targeted Analysis and Community Action in Kyrgyzstan” program, funded by USAID, as they are showcase for conflict dynamic, causes and consequences.

## **2. Review of the regulatory legal acts governing the pasture management and use in the Kyrgyz Republic**

Pastures are extremely important for the people of the Kyrgyz Republic. It is stressed in the Constitution, which states: “The land, its resources, waters, air space, forests are the exclusive property of the Kyrgyz Republic, are used in order to maintain a uniform ecological system as the basis of life and activity of the people of the Kyrgyz Republic and are under special protection of the state. Land can also be in private, municipal and other forms of ownership, **with the exception of pastures, which cannot be privately owned.**”

It is noteworthy that earlier before the adoption of the Kyrgyz Republic Law “On pastures”, pasture management was carried out at three levels: pastures for winter use at village level were managed by local self-governments, spring and autumn pastures were leased to the district state administrations, and distant summer pastures were under the authority of oblast state administrations. Under this system the local communities and pasture users did not participate directly in pasture management. The decoupling of use and management has become one of the major causes of degradation and unsustainable use of this vital natural resource.

**The national sustainable development strategy of the Kyrgyz Republic for 2013-2017**, approved by the Kyrgyz Republic President’s Decree dated January 21, 2013, provides that in the next five years, the Kyrgyz Republic must be accomplished as a state, and society should find confidence in the success of development. This is possible if, within the framework of the implementation of the Strategy, the state and society will focus their efforts on realization of the three conditions, which are:

**- Rely on its own capabilities;**

- Adhere to rule of Law;
- Achieve unity.

In the pastoral sphere of agriculture, the national strategy has laid the foundation and created the precise conditions that enable the local communities to introduce for the first time in the Central Asia a fundamentally new system of sustainable use and management of pastoral lands, relying on their existing capabilities and potential. In accordance with the Constitution of the Kyrgyz Republic, this new system was based on delegated authority, with the local self-government agencies having the responsibility and control over state pastoral land management (except pastures of the State forest fund). This, in turn, meant that the authority over pasture management and utilization were transferred to pasture users associations (PUA) and their executive agencies – pasture committees (*jaiyt* committees) democratically elected by local communities. Thanks to the KR Law “On pastures” which laid necessary legal foundations for PUAs, they can now build and repair roads, bridges and other infrastructures necessary for the use of pastures, improve the condition of the pastures, take measures to vaccinate livestock, and successfully and independently achieve other objectives of effective and rational use of pasture resources using funds raised by the pasture committees.

The issue of improving and optimizing the legal framework governing the management and use of pastures will always remain relevant and critical. In order to avoid contradictions, necessary amendments and additions to the KR Land Code, the KR Law “On management of agricultural lands” and the KR Law “On local self-government and local state administration” were adopted at the time of the adoption of the KR Law “On pastures”. Later changes and additions were introduced into the legislative acts such as the KR Tax Code, the KR Customs Code and the Code on Administrative Responsibility, and also the KR Law “On pastures” were significantly amended and updated twice.

**The National Strategy for Sustainable Development of the Kyrgyz Republic** acknowledges that the degradation of lands for farming and livestock breeding poses a significant threat to the country’s food security and is becoming not simply an environmental problem but a major threat to sustainable development in the Kyrgyz Republic.

According to the Strategy, the objective of improving the effectiveness of land administration entails the maintenance and increasingly effective use of land and water resources. The following must be accomplished:

- Improving government accounting and monitoring after land and water resources;
- Ensuring the preservation of fertility and rational use of agricultural lands, water resources;

**-Strengthening the role of local authorities and public organizations in matters of preservation and restoration of soil fertility.**

Based on the discussion above, the general concept of the KR Law “On pastures” and the results of the review of the relevant regulatory legal acts, one can conclude that the KR legislation concerning the pasture use and management is socially oriented, in other words, it is aimed primarily at protecting the rights and interests of the KR pasture users. Therefore the first step towards strengthening the role of local authorities and public organizations (PUA/PC) in pasture preservation and restoration is further development and optimization of the existing legislation of the Kyrgyz Republic (more detailed legal review is provided in Annex 3).

### 3. Analysis of governmental AO passports as conflict prevention tools

Each *aiyl aimak* (AA), has a so called passport, a document that summarizes its overall socio-economic characteristics<sup>2</sup>. Passports contain information on the number of livestock, sourced from pasture committees' documentation which is collected through the census of livestock. This data is transmitted to the local, district, regional and national levels as the main statistical figure<sup>3</sup>. Usually, such data are not accurate, as some pasture users hide the exact number of their livestock in order to evade payment for pasture use<sup>4</sup>. Nevertheless, the number of livestock is used as a poverty indicator for calculating and distributing subsidies<sup>5</sup>. This way AOs and households are not encouraged to declare the right amount of livestock as they could lose subsidies.

Conflicts over natural resources are an important issue for the rural population and for the country in general, but such information is not provided in the passports, which limits the power and importance of national statistics. Reliable data about livestock number is necessary for the PCs to establish plans and payments. According to the Law "On Pastures" the payment is indeed calculated on the basis of the planned budget and then divided by the number of livestock heads. An accurate census of the animals would reduce the conflicts between pasture users and pasture committees about the payments but also among pasture users, as herders with larger amount of livestock are suspected to declare only a small part of their flocks<sup>6</sup>. This frustration can trigger conflicts inside communities between wealthy and poor herders<sup>7</sup>. Accurate census plays a key role to determine the area needed by herders (and accordingly to communities) to graze their animals. An underestimation of the livestock, leads to overuse and degradation of pastures which triggers conflicts inside and among communities.

This analysis was carried out on the basis of AA passport data as well as on the results of seminars on developing a Community plan for pasture management in five *aiyl aimaks* of Leilek district in Batken, two AA in Naryn region and five AA in Jalal-Abad region. The goal of the analysis is to identify weaknesses and suggestions for improvement. These institutions were chosen to be the most representative as possible of the different situations in the Kyrgyz Republic. The seminars were conducted and documented by CAMP Alatoo, a public foundation.

Estimations of the real number of available livestock grazing on pastures was determined through interviews with the chairmen, members of the pasture committees and other pasture users throughout the course of seminars for developing a Community plan for pasture management, conducted in the framework of the projects: "Management of conflict over pasture resources in the watershed of Hodja-Bakirgan river" (Leilek) and "Management of conflict over pasture resources in Jergetal and Onarcha watersheds, Naryn oblast" funded by the British Embassy in Bishkek (see Figure 1). The figures in the passports are based on the official census; however practitioners build estimation on their knowledge of the field.

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<sup>2</sup> They can be found in the AOs' offices.

<sup>3</sup> National statistic committee of the Kyrgyz Republic, Agriculture of Kyrgyzstan 2007 – 2011, Bishkek 2012.

<sup>4</sup> Fitzherbert, 2000, Steimann, 2011, Pienkina LM Expert, interview 2013/04/14.

<sup>5</sup> Steimann, 2011.

<sup>6</sup> Regional hearings in Batken, 2013/04/17, in Jalalabad 2013/04/25 and in Osh 2013/04/22.

<sup>7</sup> Round-table in Leilek 2013/04/17, CAMP Alatoo 2012.

Figure 1: Number of livestock heads according to statistical and actual data in studied AAs (data for 2012)

<sup>1</sup> AA, region <sup>8</sup>	Statistical data	Actual data on the basis of polling	Deviation, %
1. Batken	5144	7800	151,6
2. Batken	6662	12000	180,1
3. Batken	5371	8000	148,9
4. Batken	2260	3775	167
5. Batken	8697,7	13465,4	154,8
1. Jalal-Abad	10691	11679	109,2
2. Jalal-Abad	2645	6557	247,9
3. Jalal-Abad	6774,4	8990	132,7
4. Jalal-Abad	23172	23972	103,5
5. Jalal-Abad	4780	5670	118,6
1. Naryn	1738	1990	114,5
2. Naryn	4492	5269	117,3
<b>Average</b>			<b>145,5</b>

As the table indicates, on average for every 100 livestock declared there are 45 undeclared livestock. The value ranges from 3.5 to 148 undeclared livestock per 100 declared. This means that, on average, 31% of all livestock are not declared.

The polling revealed that undeclared livestock includes:

- Concealed livestock of the local residents because these pasture users do not want to pay for some quantity of livestock;
- Uncounted livestock from other AAs or abroad (in Batken region from Tajikistan) because local pasture users do not report foreign livestock they graze.

The pasture committees note that underreporting is most common among pasture users with a lot of livestock, and those who have connections with influential people. Population stresses the need to account for the actual number of livestock of pasture users. Barriers to this include low awareness of pasture users about the working principles of the PCs and opacity of the formation and use of the PCs' budget.

Thus, the analysis revealed that a third of the available livestock capita is hidden and not reflected in the data of pasture committees, what decreases the PCs' budgets and weakens their capacity. Official

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<sup>8</sup> These data are confidential and used only in the framework of projects. That is why the name of the *ayil aimak* is not mentioned.



community passports do not portray the reality and the efforts to improve the quality of statistical information are very limited.

In conclusion, the accurate census of the livestock is a key to strengthen pasture committees and to avoid and prevent conflicts. To this end changes should be implemented in the methodology of livestock census, for example, surveying multiple persons involved: shepherds, veterinarians, etc. Of course, this recommendation can be implemented only with approval from the relevant authorities and with the involvement of pasture committees, the Pasture Department, local self-governance and competent NGOs. Improvement, expansion and provision of reliable and objective information on the socio-economic indicators and conflicts at different levels would enable to make the passport as an effective mechanism for resolving issues in natural resources.

#### **4. Conflicts over pastures between pasture users, pasture committees, and AOs from neighboring AAs**

According to the specialists of the Pasture Department and the oblast and district meetings conducted, this type of conflict is widespread all over the Kyrgyz Republic (see Annex 4) and rated having a strong significance. This conflict type is divided into three sub-types for easier reading. However, they are highly inter-related and are most of the time concomitant.

##### **4.1. Conflicts between *ayil okmotu* and pasture committees**

This type of conflict occurs between the AO and the pasture committee. These conflicts are always present, though only in hidden form. They do not erupt and are noted in almost all AAs<sup>9</sup>.

Conflicts of this type arise following the creation of pasture committees when the AO, which formerly managed the pastures, refuses to yield power to the PC. In other words, the AO does not fully recognize the PC's authority and prevents them from fully manage pastures. This manifests itself when the head of the AO makes the final decision on questions related to pastures<sup>10</sup>. For example, the AO approves the installation of aerials on pastures without the PC's consent<sup>11</sup>. Cell phone companies simply pay the AO, without taking into account that the PC is mandated to manage pastures.

Some AOs demand that PCs cover their costs; thereby PCs are forced to an inappropriate use of funds<sup>12</sup>. Before PCs can build or rehabilitate infrastructure objects, they are in almost all AAs required to get consent of the AO, which creates additional obstacles for their work. Conflicts also arise due to land transformation<sup>13</sup>. Pasture land is a specific land category, which, according to the Law, cannot be transformed. However, pasture land is sometimes illegally shifted to the building land category, which than is under AO responsibility<sup>14</sup>. In the most cases people built their houses without getting an official permission for transformation and AOs are confronted with an accomplished fact. Sometimes, the transformation of land is done with the permission of AO, but still the process is illegal, as the AO does not have power to change land category.

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<sup>9</sup> Interviews with specialists of Pasture Department of the seven oblast of KR and Regional hearings in Batken, 2013/04/17, in Jalalabad 2013/04/25 and in Osh 2013/04/22.

<sup>10</sup> CAMP Alatoo, 2012.

<sup>11</sup> Interview with the head of Beshkent PC, 2013/04/17.

<sup>12</sup> Round-table in Leilek, 2013/04/16.

<sup>13</sup> Round-table in Suzak district, 2013/04/24.

<sup>14</sup> Round-table in Suzak district, *ibid*.

Pasture users are concerned by this situation and often do not know what powers AOs and PCs in deed have on pasture management. This lack of information weakens the legitimacy of the PC, which is perceived as an organization implementing AO decisions, and not as community-based management body. This misunderstanding is one factor of the low involvement in the PC activities and a trigger for conflicts between pasture users.

Figure 2: Concerned stakeholders of conflicts between *aiyl okmotu* and pasture committees

Concerned stakeholders	Interests
Pasture committee	To manage pastures fully legitimately and independently from the <i>aiyl okmotu</i> , to enhance their image, to enhance revenue.
Pasture users	To have clear information about rights and duties of PC and AO.
<i>Aiyl Okmotu</i>	To enhance their image, to show their powers through the support of residents, to supervise the work of PC, particularly in the areas of budget and pasture management.

This conflict type arises because of the lack of a clear mechanism of cooperation between AA and PC, and the lack of information about it<sup>15</sup>. Also the AOs are unwilling to recognize PCs' independence, as with the implementation of the new pasture management system they lose leverage over the community and sources of revenue. PC collects pasture use fees and transfers a part of it, the land tax, to the AO's budget. These phenomena are worsened by labor turnover in the AO<sup>16</sup> and a lack of awareness about objectives of establishment, role and functions of the pasture committee. As the local authority, AO restricts the activities of pasture committee, thereby fostering dependence of PC in resolving some issues. Finally, the conflict is fueled by pressure from the AO as well as PC's poor working conditions and lack of motivation due to small salaries, and the lack of material and technical foundation and support from the local agencies of self-government.

High labor turnover of PCs further weakens the already unstable institution. The turnover is largely explained by the difficult relationship with AOs and the lack of any recognition of the PCs as legitimate local authorities. The AO's negative attitude toward the pasture committee, in some cases, coupled with AO's infringing on PC's areas of responsibility, lowers the status of PC in the eyes of pasture users and provides reinforcement to activists fighting the existence of pasture committee. These activists appeal interests of opponents of PC as they consider the new management system as inefficient. As the two institutions are interdependent, the conflict between them will continue to hinder effective pasture governance until an institutional linkage is arranged.

In rare cases, joint work of PC and AO is organized. Much depends on the personnel and institutional strength of PC. For example, in Sumbula AA (Leilek district), seminars on pasture management for PC enhanced the understanding of their roles and have led to a positive outcome: AO and PC work according to the principles of mutual support. In this case, both the head of AO and the chairman of PC are highly educated persons who have studied at foreign universities and have extensive management experience.

<sup>15</sup> Round-table in Alay district, 2013/04/19

<sup>16</sup> Regional hearing in Batken oblast, 2013/04/17

To mitigate the conflict it is necessary to establish collaboration between the institutions: that requires raising the AO's awareness about the intended functions and role of the PC, so that the AO acknowledges and supports the work of the PC. For example, AOs could contribute to improve the working conditions of PCs. PCs are in dire need of material-technical support; almost all PCs do not have their own offices, furniture, computers and cars. Hence, because of the weak material and technical base of PCs, monitoring of remote summer pastures and storing of numeric documentation are not carried out<sup>17</sup>.

## 4.2. Conflicts between pasture committees and pasture users

This type of conflict occurs between pasture users and the pasture committee within one *aiyl aimak*. Conflicts are always present, especially in the south of the country, but have not shifted into the acute phase<sup>18</sup>.

Due to high transport costs, poor state of infrastructure, and lack of opportunities to do business in nearby areas, pasture users often are not interested in the implementation of pasture management plans, when it involves departure to the distant pastures. This causes conflicts with the PC. The condition of most roads and bridges to access remote pasture is degrading year after year and limits summer transhumance. On the other hand, the awareness of PU about the working principles of PC is still low. Many PUs hide the exact number of livestock, do not always pay the PC for pasture use and this creates conflicts. Because of its limited budget, caused by low fees, the PC cannot address the lion's share of infrastructure needs which leads to frustration on the part of the PUs.

Figure 3: Concerned stakeholders of conflicts between pasture committees and pasture users

Concerned stakeholders	Interests
Pasture committee	To manage pastures fully legitimately, to enhance their image, to collect payments from all pasture users.
Pasture users	To have pastures of high quality, to have access to their distant pastures, to pay low rates, not to allow grazing of livestock from other areas and the reverse in order to supplement their income through payments for grazing livestock from other AAs
Pasture users from other AAs	To graze livestock on additional pastures for free or on the basis of an agreement and guaranteeing security of the livestock, to graze livestock in easy to access areas.

The main conflict cause is the low awareness among pastures users about the working principles of PC and the importance of conservation and prevention of degradation of pasture lands<sup>19</sup>. The weak capabilities of the PC to collect pasture use payments, limit the improvement of the infrastructure on pastures, which was not repaired since the end of the Soviet Union<sup>20</sup>. PUs have low interest in going to remote summer pastures because of the lack of services and difficulties to access them<sup>21</sup>. This leads to the concentration of livestock on accessible pastures and a lack of transparency of the budget, caused partially

<sup>17</sup> CAMP Alatoo, 2012.

<sup>18</sup> CAMP Alatoo, 2012.

<sup>19</sup>Round-table in Alay, 2013/04/19

<sup>20</sup> Kerven, 2011.

<sup>21</sup> Crewett, 2012.

by the passivity of the pasture users. PUs from neighboring AAs also need additional pastures, again due to problems of infrastructure and degradation of their pastures.

In addition, the situation is aggravated by the low awareness and lack of transparency of the budget<sup>22</sup>. According to the Law, all pasture users are members of the Pasture User Association which is responsible for the control of PC-activities. However, these Associations are most of the time existing only in formality and pasture users are not aware about their role which leads to low participation and low control over PC activities<sup>23</sup>.

These conflicts are happening constantly because of the dissatisfaction of PU with the work of PC, whose low budget reduces effectiveness of its work. PCs are in turn, dissatisfied with low fee collection and passivity of pasture users during the meetings. Some pasture users believe that PCs are not needed and they can graze their livestock as the same way their ancestors did. Thus, some herders continue to graze livestock where it suits them, without taking into account the annual grazing plan developed by the PC. The two main reasons are that the pasture users are not aware about the role of the PC and that the PCs are not able to implement control mechanisms<sup>24</sup> for violations of the pasture use plans.

Another common conflict cause is the transformation of pastures for other purpose such as hay-making or building areas. This is illegal, but PCs are most of the time unaware about the procedures on how to sanction these violations.

In the Kyrgyz Republic, almost all households are involved in livestock breeding but only few leave to the summer pastures<sup>25</sup>. Households staying in the villages during the summer for the harvests give their animals to the herders, so that they could gain weight on the summer pastures. This task division also leads to conflict situations because overgrazed summer pastures, which are located closely by rivers, degrade the quality of water used for irrigation. This can happen inside of one AA, as well as between different AAs. This conflict type, though it is based on the concrete reduction of water quality, is closely interrelated with the weakness of PC, as they are unable to implement a balanced pasture use plan which would allow sustainable grazing. In 2009, CAREC identified the Chon-Aksuu watershed (Issyk-Kul oblast) as a relevant area to design and implement the first Payment for Ecosystem Services (PES) scheme in Central Asia<sup>26</sup>. Water quality for irrigation use was highlighted as the main problem impacting farming activities in the watershed: the water of the Chon-Aksuu River carries a high load of suspended sediments, especially during the irrigation period. As result, irrigation pipes and channels are blocked and fields become unfertile.

This situation is partly due to unsustainable land uses in the upper part of the watershed. Pasture lands are overgrazed and forests are being degraded, what leads to soil erosion and an increase of suspended sediments in the river. The unsustainable management of pastures leads to the reduction of the production of clean water, as an ecosystem service.

Project activities started in spring 2010 with different meetings and workshops including governmental and local authorities, water and pasture users and the local forestry administration. These first meetings aimed at raising awareness of these stakeholders on PES and at explaining the relevance of this tool to achieve sustainable watershed management.

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<sup>22</sup> Round-table in Leilek, 2013/04/16.

<sup>23</sup> Interview with members of Early Warning Network in Leilek, 2013/04/16.

<sup>24</sup> Crewett, *ibid*.

<sup>25</sup> Kerven, 2011.

<sup>26</sup> Charré S., Guenina M., 2013.



In spring and summer 2011, several field trips were conducted with experts to identify new practices to improve the ecosystem services flow, i.e. to improve water quality. These scientific assessments also identified a new group of stakeholders to be integrated in the PES mechanism: mushroom pickers. Their economic activities in summer only rely on mushroom picking which is possible only if forest ecosystem is in a good state. They were thus involved as buyer of ecosystem services.

Once buyers and sellers were clearly identified, discussions were conducted to establish the payment. The Monitoring and Evaluation plan was also drafted during multi-stakeholders meetings. Because of a lack of trust toward official structures, buyers were not interested in a cash payment. In-kind contributions were explored and discussed and it was finally agreed that the payment would be delivered in the form of a labor contribution. Buyers work to help sellers improving their land uses.

The conflict prevention and mitigation must be based on the application of the functioning mechanism of the PC which includes Pasture Users in the decision-making process and as control body<sup>27</sup>. The more PUs will be aware and involved in the PC work, the less frustration, misunderstanding and confusion will come up. In the same way, the Pasture Committee is intended to gather the PC head and PUs on a more regular basis to implement the decisions made by the Pasture User Association. This can be achieved by wide awareness raising campaigns and technically supported by the AO by providing rooms for the meetings and spreading information. Capacity building trainings should be conducted on technical points as the elaboration of the Pasture Use Plan and the calculation of carrying capacities. To be efficient, they should be based on a unified approach for the whole country and should involve PCs as well as PUs.

#### **4.3. Conflicts between *ayil okmotu*, pasture committees and pasture users of neighboring *ayil aimak***

This type of conflict occurs between the *ayil okmotu*, pasture committee and pasture users of neighboring AAs. Conflicts are present all over the country, only in the hidden form, and they do not shift into acute phase<sup>28</sup>.

These conflicts reflect the controversial relationship between PUs and PC of neighboring AAs. Disputes may arise out of uncertainty in the jurisdiction of pasture use right when according to entitling documents the area is owned by one AA but is de facto used by the PUs from a neighboring AA<sup>29</sup>. This can be the case, when pastures of one AA are not accessible for its PU but easy to access for PU of other AA. These situations happen as pasture lands are not located directly by the AA center but are geographically separated, sometimes even situated in other districts

For example, cases when AOs conclude long-term contracts for pasture use (they were mostly concluded in 1990 and should run until 2025), which are then terminated early by the lessor, lead to severe disputes between the parties involved. It may be the case that the lessor PC is interested in ending the contract to increase its incomes by collecting the fees from local PUs and those from neighboring AAs, since they pay higher rates. A similar example is when PUs from one AA cannot graze livestock on distant pastures where there is no water, while for the PUs from the neighboring AAs it is very convenient since they can graze their and return to their own AA to water it. In this case, conflict arises because neighbors do not want to pay for grazing.

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<sup>27</sup> CAMP Alatoo, 2012.

<sup>28</sup> CAMP Alatoo, 2012.

<sup>29</sup> Interview with members of Early Warning Network in Leilek, 2013/04/16.

Figure 4: Concerned stakeholders of conflicts between the pasture committees, pasture users of neighboring *ayil aimak*

Concerned stakeholders	Interests
Pasture committee	To manage pastures fully legitimately, to enhance their image, to enhance revenue of budget, to prevent grazing of outsider livestock or to collect fees from all outsider grazing livestock.
Pasture users	To redress an injustice, to have access to their distant pastures.
PC, PUs from neighboring AAs	To graze the livestock on additional pastures for free.

The main conflict cause is the shortage of pastures due to the lack of infrastructure in almost all AAs in the country. The growing number of livestock can exceed the carrying capacity of pastures, which leads to full degradation and contributes to grazing on the outsider territories, which are in better condition. Moreover, some PUs refuse to recognize pasture boundaries citing traditions, rental contracts and ancient use. There are also shortcomings and inaccuracies, when designing the maps for determining boundaries, for example when rocky and cultivated lands, unsuitable for grazing have been marked on maps as pasture lands<sup>30</sup>. As the PC has the obligation to pay a land tax on each hectare of pasture under its responsibility, the wrong definition of categories has an impact on the PCs' budget<sup>31</sup>.

PCs lack knowledge on the legal framework for resolving problems associated with the grazing of livestock from neighboring AAs and the problem is further aggravated by the passive position of the hosting AAs as in these cases conflict resolution is very time-consuming. Discussions have to be held with different stakeholders: the pasture users, the traditional courts, the PCs and the AOs of the two villages in addition with administrative bodies. Proving through official documentation the ownership of pasture land requires a deep understanding of governmental bodies and of the specificity of all administrative documents. Moreover specific commissions for border delimitation often lack legitimacy and their decisions are not taken into account<sup>32</sup>.

Conflicts can lead to growing resentment of PUs towards indifference and passivity of the authorities and the neighboring AAs which result in failure to reach any kind of agreement or arrangement. Dissatisfaction of PC is caused by the legal uncertainty and the limited grazing capacity. The PUs, who can no longer graze on the pastures of the outsider AA on the base of rental contracts, are grazing in other areas such as State Forestry Fund pastures and pastures of National Parks which, in turn, can lead to additional conflicts.

This conflict type was addressed in the framework of UNDP project "Demonstration of sustainable mountain pasture management in Suusamyr Valley" as they faced difficulties, namely in coordination of pasture boundaries and as it was one of the high-profile issues. To avoid conflicts, the project team ensured that *Akims* (heads) of Jayil and Moskovski districts were present during the adjustment of pasture boundaries. This mechanism gives the opportunity to discuss the delimitation on the field with stakeholders from different levels which gives more legitimacy and sustainability to decisions undertaken. "Suusamyrjaiyttary", an Association gathering pasture committees, was established in the Suusamyr Valley,

<sup>30</sup> Round-table in Suzak district, 2013/04/24.

<sup>31</sup> Regional hearing in Osh oblast, 2013/04/22.

<sup>32</sup> Round-table in Suzak district, 2013/04/24.

with the aim of moving toward a system where problems and disputes between the pasture committees are mitigated through negotiations within the framework of an Association. The Association develops management plans and infrastructure improvement centrally, represents the interests of the PCs at the district and oblast levels, and takes into account the interests of all parties and advocates PCs ideas. An information network was set up to promote formation of a fair and socially acceptable system of pasture distribution, a resolution of conflicts of interest, and provide effective social control (reporting and transparency); thereby improving the pasture management system at the local level.

This type of conflict is complicated by the lack of control over observance of borders<sup>33</sup> on the part of local self-governance and PC, and of course, by the lack of legal consultations for the PC. It is necessary to increase the capacity of the PC in resolving similar issues with involvement of local authorities<sup>34</sup>. Conflict situations involving illegal grazing and watering can be mitigated through the strengthening of PC capacities and skills. The financial aspects are a key point, as repairing or building new infrastructure to access remote pastures are essential, especially as the number of livestock is growing. This can be achieved by improving livestock census by the abolition of the livestock number as poverty indicator for subsidy allowance. Thanks to their status, the PC have the opportunity to apply to grants from international donors. To access these financial resources, they need capacity building on fundraising. Specialists in the pasture department in the oblast should be able to provide information on calls for proposals.

## 5. Conflicts between the pasture users or pasture committee and forestries and Specially Protected Natural Reserves

### 5.1. Conflicts between pasture users, pasture committee and forestries

This type of conflict exists in areas with forestries (see annexes 5 and 6) and is most intense during the grazing season (May to August). Generally, the stakeholders concerned act in the same area, but sometimes this conflict has oblast or district coverage.

Figure 5: Concerned stakeholders of conflicts between pasture users, pasture committee and forestries

Concerned stakeholders	Interests
Pasture committee	To manage pastures (including territories of forestries and conservation areas) fully legitimately, to enhance their image, to enhance budget revenue, to have enough pastures according to the livestock, to have sufficient remuneration.
Pasture users	To have a unified mechanism for collecting payments for using pastures, to have information access to transparent budget, to have low rates (including on territories of forestries and conservation areas), to have enough pastures, to have access to pastures (infrastructure and availability of water).
Forestry	To preserve and to restore forests, recognition of their authority, appropriate pasture management on territory of forestries, to collect payments <sup>35</sup> and other forest fees to use pastures from all users, to protect pastures from illegal

<sup>33</sup> Interview with members of Early Warning Network in Leilek, 2013/04/16 and Regional hearing Jalal-Abad, 2013/04/25.

<sup>34</sup> Regional hearing in Osh oblast 2013/04/22.

<sup>35</sup> Pasture land renting is the main income of Forestries (Undeland, 2011).

	grazing and degradation.
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The Kyrgyz State Forest Fund (SFF) owns pasture lands which are rented to pasture users through the forestries. These pastures are used under different conditions as the PCs' pastures. As PCs and forestries have different objectives<sup>36</sup> the pasture management is uncoordinated. Due to the lack of accessible pastures on territories of the pasture committees, the high competition for using close pastures with water access, and a lack of awareness of pasture users and pasture committees about different rules of grazing, many conflicts arise. Moreover, the PCs and forestries use different price-setting systems and thus have different tariffs. While the forestries still using a price-setting based on grazed hectares, the PCs set the price of the pasture use according to the number of livestock head, which makes even more complicated the understanding of herders about the pasture use rules<sup>37</sup>. The way they then use the funds collected differ and because of the inconsistency of management between the conflicting stakeholders, infrastructure to access pastures has not been repaired<sup>38</sup>.

These problems have led to the mistrust of forestries in competences of the PCs in management of the State Forest Fund's pastures<sup>39</sup>. Forestries do not believe that the pasture committees can carry out sustainable management of their pastures, as PCs' pursuit of improvements in livestock productivity will lead to the complete degradation of pasture lands, ruin the forest and newly afforested areas as they may prioritize livestock, even by grazing in wooded areas where forest is protected<sup>40</sup>. Livestock grazing on the territory of forestries is regulated by the SFF control mechanisms. According to the regulation n°482, forestries can call a tender for pasture utilization and those who won the tender get pasture lands for rent up to 5 years. To lease the land the forestry administration must calculate and monitor the carrying capacity which is rarely done<sup>41</sup>.

This type of conflict is often caused by the termination of pasture rental contracts between different AOs<sup>42</sup>. Pasture users who no longer have access to additional pastures are forced to graze more livestock on the territory of State Forest Fund, what leads to conflicts over degradation of State Forest Fund's pastures, non-payments, illegal grazing and overgrazing, etc. A possible solution could be grazing of livestock on distant pastures, but high transport costs and weak infrastructure render it not profitable for PUs.

Another conflict between the pasture committees, forestries and pasture users is caused by the fact that pasture users do not understand the reasons to pay twice for pasture use as they have to pay for pasture use to the pasture committees and to the forestry separately<sup>43</sup>. Not all PCs implemented a pasture use fee per season, thus PUs who use forestry pastures during summer overpay. In some cases, PUs uses this situation to avoid payment, reporting to each institution that the payment was made to the other institution<sup>44</sup>. Thus, the conflict arises from the duality of payment, despite of the statement of the forestries that they clearly demonstrate to pasture users how the forest use fee is calculated<sup>45</sup>. Such payment evasion would not be possible, if both institutions issued documents confirming payments made,

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<sup>36</sup> Undeland, 2011.

<sup>37</sup> CAMP Alatoo, 2012.

<sup>38</sup> Undeland, 2011.

<sup>39</sup> Regional hearing in Batken oblast, 2013/04/17.

<sup>40</sup> Round-table in Leilek 2013/04/16.

<sup>41</sup> Round-table in Suzak district 2013/04/24, Regional hearing Jalal-Abad, 2013/04/25.

<sup>42</sup> Round-table in Suzak district 2013/04/24.

<sup>43</sup> Regional hearing Jalal-Abad, 2013/04/25.

<sup>44</sup> Meeting with members of Early Warning Meeting in Leilek, 2013/04/16.

<sup>45</sup> Round-table in Alay district, 2013/04/19.

what would allow tracing any discrepancies between them. However, the inability to track down these irregularities attests to the imperfection of receipt issuing mechanism and the lack of coordination.

Another source of conflict is unwillingness of the pasture committees, as well as forestries to assist each other financially and to cooperate to improve roads and bridges in their territories. Pasture committees and forestries are completely different institutions with different objectives in the management of natural resources. Pasture lands in the territory of State Forest Fund force them to come into contact, but the existing differences and in some ways contradictory priorities, leads to tense relations and conflict escalation. The parties do not coordinate pasture management in their territories and do not keep each other informed of their actions taken, causing allegations about non-purpose use of funds and resulting in a deterioration of infrastructure<sup>46</sup>. Moreover, in some cases, there are questions about the boundaries between the pasture committee and the forestry, as they work with different maps<sup>47</sup>. This lack of mutual agreement on borders<sup>48</sup> strengthens overgrazing problems on the territory of State Forest Fund bordering PC pastures. The mechanism for determining pasture borders, including the borders with the forestries, implemented by the “Atlas +” enterprise<sup>49</sup>, was introduced recently. There are claims that “Atlas +” did not negotiate borders with all parties concerned and/ or didn’t take into account the long term land lease agreements. Thus, some pasture users refuse to recognize the existing delimitation, as evidenced by the increased conflict after the distribution of maps. This work was not aimed at resolving conflicts and the issuing of maps brought the attention to hidden conflicts or even triggered tensions<sup>50</sup>. However, these maps, which legitimacy is now disproved, were agreed and signed by PCs and AOs. The transhumance paths, when they cross the different pastures, trigger conflicts as rules for use are not known<sup>51</sup> or disputed. This can lead to illegal grazing along the way, when herders stay longer than authorized and to abusive fees given without any receipts.

The pasture users consider that tariffs of the forestry are too high. The problem is that there is no unified tariff<sup>52</sup>, since the two institutions have different objectives and, therefore, have different methods of calculating the value of the use of pasture resources. However, the majority of pasture users rates the quality of the State Forest Fund pastures higher than the pastures of pasture committees.

Also, small conflicts between pasture users and forestries arise due to the payment for use of the natural resources of the forestry as firewood, fruits picking, and fees for settlement areas<sup>53</sup>. The pasture users are not satisfied with the prices, which they consider too high, while forestries complain about the misuse of forest resources and the tries of payment evasion<sup>54</sup>.

Taking into account that animal husbandry is the main source of livelihoods in mountain oblasts, personal connections and bribery, for example, for grazing more livestock than the carrying capacity, illegal grazing, pressure on people, either at the local, district, oblast and national levels, can contribute to this type of conflict. PU users consider that the pasture allocating mechanism of the forestries favor wealthy farmers and thus its unequal access to forestry pasture renting<sup>55</sup>.

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<sup>46</sup> Regional hearing in Osh oblast, 2013/04/22.

<sup>47</sup> Interview with the Specialist of the Agriculture Department of the Alay rayon, 2013/04/19.

<sup>48</sup> Round-table in Suzak district 2013/04/24.

<sup>49</sup> « Atlas+ » is a private company which was contracted by Giprozem (Land registry) to define pasture borders in the whole Kyrgyz Republic. <http://www.agroprod.kg/> consulted on 2013/04/12.

<sup>50</sup> Regional hearing in Jalal-Abad, *ibid*, Round-table in Alay district, *ibid*.

<sup>51</sup> CAMP Alatoo, 2012.

<sup>52</sup> Regional hearing in Batken oblast, 2013/04/17.

<sup>53</sup> CAMP Alatoo, 2012.

<sup>54</sup> Undeland, 2011.

<sup>55</sup> Undeland, 2011, Regional hearing Jalal-Abad, 2013/04/25.

Due to the lack of joint administration and uncoordinated pasture use plans, degradation, deterioration of infrastructure condition, destruction of cultivated forests and crops, proceedings are not monitored. Infrastructure on some territories of the State Forest Fund is in very poor condition and further deterioration in the future can prevent access to pastures. If this would happen, nearby pastures and accessible parts of the State Forest Fund's pastures would degrade completely. The absence of joint management and infrastructure repair planning and lack of access to information on capacity of the State Forest Fund's pastures can impact on security of roads and bridges. Dissatisfaction of pasture users is growing due to the shortage of available pastures, "double" payment and unclear boundaries<sup>56</sup>. This is partly due to low awareness of pasture users and pasture committees and the weak capacity of the PCs. Frequent personal clashes of pasture users and foresters, as well as more frequent border violations take place. Borders were formally defined, but they are not always marked on the pastures<sup>57</sup>, which grows dissatisfaction, as it is difficult for all stakeholders to prove border violations, or to avoid abusive border violation fines<sup>58</sup>. A shortage of available pasture land is at the root of most conflicts in the light of the increasing number of livestock. The pasture committee cannot provide sufficient pasture land due to poor infrastructure and limited financial resources<sup>59</sup> and, therefore, needs the State Forest Fund's pastures. Consequently, the conflict will continue and escalate, if adjustment measures are not taken.

Mechanisms for the settlement of conflicts between forestries, pasture committees and pasture users exist. Court is the legal procedure to solve conflicts between PUs and forestries. However, inhabitants do not trust in these processes and consider them as time-consuming<sup>60</sup>. Until recently, pilot projects were carried out to foster cooperation between forestries and pasture committees through the conclusion of memorandum on use of the State Forest Fund's pastures. In addition, there are cases of attempts to prevent conflicts between the forestries and the pasture committee through the conclusion of agreements outside the framework of pilot projects<sup>61</sup>. For example, in Korul AA, Osh oblast, an agreement for coordinated pasture use was concluded between the pasture committee and the Uchdobo forestry based on the resolution n°482, but as currently a memorandum to allow direct cooperation between PC and forestries is in force, it was decided to use this memorandum instead of the previous agreement<sup>62</sup>.

Based on the results of the five pilot projects conducted in Naryn and in Jalal-Abad oblasts it was decided to enact the memorandum to the national level and on April 15, 2013. The Pasture Department under the Ministry of Agriculture and SAPE&F signed an agreement to allow the transfer of the forestries' lands into PC use through the establishment of a memorandum for voluntary PCs and forestries. This memorandum is a contract type agreement between the PC and the forestries which allows a PC to pay for pasture use directly to the forestry and then to collect pasture use payment for this area among the pasture users of its AA. This memorandum will enhance the status of pasture committees as an institution authorized to manage all pastures, including territory of the State Forest Fund, and will eliminate the problem of double payment. Coordinated management and planning of pasture use allow PCs and SFFs to enhance the fee collection thanks to a unified payment system which allows better monitoring of the payment. Pasture users will be able to pay to one institution and, last but not least, will be able to agree with the pasture committee to graze livestock on the State Forest Fund's territory.

In general, pilot areas where the memorandum was implemented have demonstrated positive results. For example, in the Kyzyl Unkur forestry, Jalal-Abad oblast, during the period of cooperation between the

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<sup>56</sup> Round-table in Suzak 2013/04/24.

<sup>57</sup> Regional hearing in Batken oblast 2013/04/17.

<sup>58</sup> Regional hearing Jalal-Abad, *ibid*.

<sup>59</sup> Round-table in Alay district, 2013/04/19.

<sup>60</sup> Undeland, 2011.

<sup>61</sup> Undeland, 2011.

<sup>62</sup> Interview with the Specialist of the PD in Osh oblast, 2013/04/22.

forestry and the pasture committee revenue has increased three times. An Eco systemic approach is also promoted by the Rural Development Fund (RDF) which promotes a joint management of forests and pastures, and to improve coordination between PC and forestries by the creation of forest committees. These community-based institutions for forest management are the equivalent to the PC which would make cooperation easier than with the forestries which are governmental bodies. Pilot projects were implemented in Chuy and Batken oblasts<sup>63</sup>.

However, there are some problems such as non-fulfillment of obligations by one of the parties, notably the reimbursement of the full amount of revenues collected for the use of SFF pastures by the forestries. There is a possibility that some forestries may deny the new memorandum which would aggravate the situation. Some forestries are unhappy with the work of PCs under the memorandum in framework of tested pilots, they oppose notions to transfer of their pastures to the PCs, while the PCs want to conclude memorandums, as this is the only common mitigation mechanism<sup>64</sup>.

The adoption of this memorandum has the potential to become an effective mechanism to mitigate conflicts between the forestries, the pasture committees and the pasture users. During the implementation it is important to raise the awareness of pasture users about the memorandum, its provisions and the importance of preserving forests and ecology by following the specific rules of natural protected areas. This has to be done together with awareness raising on PCs. Local associations and councils of elderly, women, and youth as well as schools can be involved in the campaigns in order to reach as many PUs as possible. However, this has to be based on the effective functioning of the PCs, i.e. a strong involvement of PUs in the PCs decision-making and control<sup>65</sup>.

On the basis of the conducted analysis of conflict and used mechanisms the need to increase confidence of the forestries to the pasture committees was identified, for which pilot projects with reliable local pasture committees can be carried out at the local or district levels. To avoid conflicts over payment collected for pasture use, it is important to ensure a transparent mechanism of payment collection. Of course, it is also necessary to adapt the model memorandum to local needs and requirements for its proper implementation<sup>66</sup>.

Finally, the capacity of pasture committees must be improved in order to strengthen its activities, role and status. This would lead to greater recognition of PCs by pasture users<sup>67</sup>. To implement improvement a legitimate mechanism for collecting fees from non-payers<sup>68</sup> should be established. The absence of legitimacy significantly undercuts the status and lowers the budget of pasture committees. Also, there is a need for legal support at the local level, which is currently not available. And, finally, a resolution of the issue related to negotiation of borders between the opposing parties will mitigate this conflict. This can be achieved by issuing materials on how the borders were defined and the procedures on how to legally contest borders.

## **5.2. Conflicts between PUs or the PC and governmental institutions such as natural reserves and national parks**

It was reported by the specialists of the Pasture Department and the experts of the Department of Specially Protected Natural Areas (SPNR) that this conflict type arises in all protected areas. However, there are few Specially Protected Natural Reserves (they include reserves and national parks) on the

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<sup>63</sup>Undeland, 2011.

<sup>64</sup>Regional hearing Jalal-Abad, 2013/04/25, interview with the Director of the Kyzyl-Unkur Forestry, Jalalabad 2013/04/25.

<sup>65</sup> Regional hearing in Batken, 2013/04/17.

<sup>66</sup> Regional hearing Jalal-Abad, 2013/04/25.

<sup>67</sup> Round-table in Alay district, 2013/04/19.

<sup>68</sup> Round-table in Alay district, *ibid*.

territory of the Kyrgyz Republic. This conflict type was assessed as having medium significance in Chuy, Naryn, Osh and Batken oblasts and as having high significance in Issyk-Kul, Jalalabad and Talas (see Annexes 6 and 7). These conflicts have seasonal dynamic depending on when herders use SPNR pastures.

Figure 6: Concerned stakeholders of conflicts between PUs or the PC and government institutions such as natural reserves and national parks

Concerned stakeholders	Interests
Pasture Committee	To manage pastures fully legitimately (including territories of forestries and conservation areas), to enhance image of institute, to enhance revenue of budget, to have large pastures, to have adequate remuneration, to have an opportunity to graze in the SPNR
Pasture users	To have enough pastures for grazing, to have an opportunity to graze in the SPNR
Reserves	To preserve flora and fauna, to conserve pastures from degradation, not to allow grazing
National parks	To preserve flora and fauna, to conserve pastures from degradation, not to allow grazing in prohibited areas and not to allow illegal grazing in household areas

The main causes of this type of conflict is the lack of available pastures according to the number of livestock heads and degradation of the PCs' pastures, interest and PCs belief in possession of rights on lands of the SPNR, low awareness of PUs and PCs of the legal basis to transfer pasture lands to the SPNR, and possibilities of lawful grazing in specific areas the national parks, high fines for grazing in protected areas of the national parks<sup>69</sup>.

While the Law of the KR prohibits grazing on specially protected natural reserves, violations and exceptions still occur. For example, in the Sary-Chelek reserve people who are living in the reserve territory cannot graze in other territories because of long distances and grazing livestock inside the natural reserve is exceptionally allowed. For national parks only, which also refer to the SPNR, grazing is possible in certain areas called exploitation areas. This specific use is made possible through an administrative procedure (contract) and payment which has to be done before the grazing season at the office of the national park. The violation of these rules is punished by high fines<sup>70</sup>. However, the management of these pastures is made difficult because of the lack of data and monitoring about carrying capacity<sup>71</sup>.

The conflict often arises when lands, used as pastures, are transformed into specially protected natural reserves. Pasture users, who do not want to abide by new regulations and often do not understand the legal framework and the environmental causes of land transfer, show dissatisfaction as they lose the grazing territory that their ancestors have used. Further, the conflict can escalate because grazing on other areas is hampered by poor infrastructure and because the number of livestock heads exceeds the pasture carrying capacity. For this reason, there are often cases of illegal grazing, for which pasture users pay large fines to the SPNR. For example, in 2009, 3500 ha of land in the Saimaly-Tash, Toguz Toro AA was

<sup>69</sup> Interview with Nazgul Turdumatova, SPNT department, 2013/04/26.

<sup>70</sup> Interview with the deputy director of Jalalabad Territorial Management of Natural Protected Territories Duvanakhulov Mametal Abdumaripovich, 2013/04/24.

<sup>71</sup> Interview with the deputy director of Jalalabad Territorial Management of Natural Protected Territories, *ibid*.



turned into a national park. This land used to be a pasture, and 20 to 25 families grazed their livestock there. Currently, the entry into the preserved area is forbidden; however, there is constant illegal grazing<sup>72</sup>. Pasture users do not wish to sign contracts for grazing because of geographical location of the national park office<sup>73</sup>. The office of Saimaly-Tash national park, where herders should go for the administrative procedure, is far from their villages and makes the whole process time-consuming and expensive. It is easier and cheaper for pasture users to come directly on Saimaly-Tash with their livestock. But it is illegal grazing for which they are imposed a fine and expelled from the territory. PUs and the PC express dissatisfaction with the situation and claim that the Saimaly-Tash has no rare flora and fauna to protect<sup>74</sup>.

As a result, flora and fauna of the preservation areas are suffering and uncontrolled grazing degrades the pastures in the SPNR. Dissatisfaction grows among other pasture users who do not graze their livestock in conservation area, as well as discontent on the part of the pasture committee. PUs and PC are often either unaware or refuse to recognize the legal basis for the establishment of specially protected natural reserves. They also lack of information about the opportunity to graze in so-called exploitation areas of the national parks after concluding a formal agreement. The conflict is exacerbated by the fact that administration of the SPNR shows no interest in livestock grazing on their territories and does not carry out activities to raise awareness of the PC about the possibility to graze in certain areas of the national parks. The conflict has the potential to escalate as PUs and PC, convinced of their legitimacy and of the illegality of the transfer of lands for the SPNR, openly express their dissatisfaction and complain to the local authorities, what could turn in uncontrolled protests.

Conflicts with the SPNR have been resolved in the past. For example, there was a conflict over illegal grazing between the Kara-Shoro national park and Akzhar AO in Uzgen district (Osh oblast). The parties had disagreements because Akzhar AO does not have enough pastures and the national park is located in the territory of this AO. The pasture committee felt that because there are insufficient pasture lands according to the high number of livestock heads, it has the right to use the land in the conservation area. To resolve the conflict all normative documents on the transfer of the pasture committee's lands to the Kara-Shoro national park were carefully examined and awareness between PUs and the PC about rightful and formal transfer of the land increased. The pasture committee changed the pasture use plan in order to coordinate grazing only in exploitation areas of the national park and to allocate other pastures (unused remote pastures and pastures of other AAs). The herders respect the administrative procedures to use exploitation areas, which secure their access to a sufficient pastoral resource. Kara-Shoro national park is now interested in the income created and there is less degradation of wooded and newly reforested areas<sup>75</sup>.

In general when conflicts arise between protected areas and PUs, protected areas implement severe monitoring and high fines. This was the case of the conflict between the Saimaly-Tash national park and the Kyzyl Tuu PC, where a strict policy of fines was implemented, which saved their pastures from degradation and restrained PUs. At present, negotiations are under way for the conclusion of an agreement on the use of pastures in the exploitation area of Saimaly-Tash. This agreement will allow the transfer of pasture use from the national park to the PC on the basis of the memorandum between the Pasture Department and the SAPE&F, dated April 15, 2013, which is used with forestries. Based on this document, administration of the national park has the right to conclude an agreement on use of pastures directly with the PC, and not the PUs, on the basis of the regulation 482. If the agreement is concluded, the conflict will be reduced as a coordinated management and a unified payment system will be implemented. As for the conflicts with forestries, allowing the PC to manage SPNR pastures through a

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<sup>72</sup> Regional hearing Jalal-Abad, 2013/04/25.

<sup>73</sup> Regional hearing Jalal-Abad, *ibid*.

<sup>74</sup> Round-table in Suzak district, 2013/04/24.

<sup>75</sup> Interview with the specialist of the Pasture Department in Osh, 2013/04/22.

memorandum makes the payment procedures easier for the PUs and reduces evasion. Moreover, the PC is more likely than the SPNR officers to raise awareness about the grazing rules in the SPNR to the PUs, as they are more in contact with them.

As a rule, these mechanisms are effective in mitigating conflicts, but they can be improved and refined. In such cases, e.g. in Saimaly-Tash, all conditions should be specified in the memorandum and awareness raising activities must be conducted with the population to prevent and mitigate future conflicts over tariffs and repair of infrastructure, fundraising, and conservation of flora and fauna have to be targeted. Moreover, the analysis in the previous section on conflicts between PCs and forestries has shown that the absence of coordination breeds hostility. Thus, another recommendation might be the joint management and planning of pasture use between PC and SPNR administration. In view of the fact that high fines are a severe, but effective control mechanism, SPNR should continue to use them to prevent illegal grazing, as the resulting degradation of pastures brings damage to the environment.

## **6. Case study: conflict over pastures between the pasture committees or pasture users and the forestries, Kyzyl Tuu AA, Suzak district, Jalal-Abad oblast**

Jalal-Abad oblast is, as other southern oblasts of the KR, ethnically very diverse. Due to geographical location of the area, people in this area are mainly engaged in farming and animal husbandry. Agriculture is the predominant activity, namely the cultivation of melons, watermelons, nuts, fruits and vegetables, mostly for export. The oblast also has tourism potential because of its Sary-Chelek specially protected natural reserve and nut forests in Arslan Bob. In Kyzyl-Tuu AA the main livelihood is livestock breeding and the population also engages in small scale farming. The number of livestock in recent years has increased. The density of grazing livestock now exceeds the carrying capacity, what negatively effects pasture conditions. In addition, the poor infrastructure facilities along with high transport costs often prevent grazing on distant pastures, which make up 45% of the total pasture area in this AA.

Figure 7: Information on Kyzyl-Tuu

Population	24 500 people
Area of pastures	8105 ha, among them distant pastures – 3685ha
Number of livestock heads	bovines– 8300, goats and sheep-52000, horses – 2000
Tillable land	3683 ha

### **Conflict dynamic**

Conflicts between the forestries, the PC and PUs in the Kyzyl Tuu arise, first of all, owing to a very common cause for this kind of conflict: illegal and excessive grazing on the territory of State Forest Fund, which damages planted forests. This conflict in turn leads to others, for example, disagreements over financial allocation of payments for pastures use. The divergences in views on this issue among all concerned stakeholders arise out of low awareness of the fact that payment for the use of pastures should be made to two institutions. As a result, the pasture committee and the forestries compete with each other. Other disagreements steam from forestries' collection of extra payments for firewood and settlement areas for people and livestock. Kyzyl Tuu PC's pastures are located in such way that the river basin belongs to the forestry and the stony pastures located on slopes without water and settlement areas

to the pasture committee. Pasture users graze livestock on their territory, and for watering and camping they go to the forestry areas, where they have to pay a fee.

In addition, SFF pastures are also used as livestock paths to pastures located in other national parks and forestries (see Annex 11). Notably, in Urunbash, Kara-Alma and Ortok forestries conflicts arise because some pasture lands are used for both grazing and as livestock paths. Conflict is especially intense during the grazing season (spring and summer) and periods of transhumance.

### **Concerned parties**

- Pasture users and the pasture committee of Kyzyl Tuu grazing livestock in the territory of Kara-Alma, Ortok and Urunbash forestries. Conflict has intensified because PUs used the pastures of Bazar Korgon AO under a long-term lease agreement, but since the agreement was terminated, they go to the State Forest Fund territory.
- Urunbash, Ortok and Kara-Alma forestries, which herders cross on their way to Kyzyl-Unkur forestry and then on their way back to their villages.
- Kyzyl-Unkur, Toguz-Toro forestries, Sary-Chelek reserve and Saimaly-Tash national park are indirectly concerned because pasture users of Kyzyl Tuu come to their pastures through the above forestries bordering with the territories of Kyzyl Tuu pasture committee.

At present indirect concerned stakeholders are not involved in the conflict openly, but they express their dissatisfaction with illegal grazing on their territories.

### **Conflict history**

In the past, Kyzyl-Tuu AO concluded a long-term agreement on pasture renting with Bazaar-Korgon AO until 2025. However, as the rented area wasn't reported on the newly created maps, which legally define the pasture borders, Bazar Korgon decided to terminate the agreement before the end of the term. This has complicated the problem of available pastures in Kyzyl-Tuu AA, increasing pressure on pastures of the forestries, which in turn led to the escalation of the conflict.

Pasture users have been using State Forest Fund pastures for a long time. However, owing to more frequent illegal livestock grazing throughout the SFF's territory, conflicts between the pasture committee and administration of the forestries have intensified. In addition, tariffs of the forestries are higher, due to a different calculation method, than tariffs of the pasture committee. This causes resentment of pasture users and the pasture committee. The pasture committee is dissatisfied with the fact that pasture users prefer to pay to the forestries and believe that they should not pay to the pasture committee. Low awareness of PUs about the role and functions of the PC, as well as differences between SFF and PC on pasture management and price-setting method intensify the conflict.

This situation was further exacerbated by the introduction of additional taxes for firewood and campsites in the budget of forestries. During the day livestock is grazed entirely on pastures of the pasture committee, but PUs settle their yurts on pastures of the State Forest Fund near the river as the PC territory is steep with no water access. Pasture users are very upset by the fact that they have to pay additional taxes at the amount of 1500 KGS per month, since they come to the State Forest Fund's territory not by choice, but because they are the only available pastures on their transhumance way. The practice of Kyzyl-Tuu pasture users of illegally grazing livestock on the territory of Saimaly-Tash national park and using pastures of the Kara-Alma forestry as livestock path to enter the park's territory and as spring-autumn pastures also plays a non-negligible role in this conflict.

### **The conflict causes and consequences**

The forestries with large pasture areas and more sustainable status collect high fees. However, the discontent of pasture users, caused by the uncertainty on payments and high tariffs adopted by the forestries, is rising. High tariffs of the forestries and the need to go to the forestry office, far from Kyzyl-Tuu, contribute to payment evasion, illegal grazing and concealing the actual number of livestock heads. The forestry in turn, tightens policy on fines, as high livestock density and non-observance of the rules lead to the degradation of pastures and the destruction of reforested areas. Border delimitation is not always clear on the field, which leads to tense situation, when forestry guards have to determine the pasture where herders are grazing. This problem is made even more difficult as herders constantly move and so can use the bordering pastures of the forestry and during inspection drive their livestock into PC territory. This is a concern for the Forestry administration, as this easy to access areas are overgrazed and thus degraded. As in other AAs, the maps provided by “Atlas+” do not satisfy the PC and Pus, who contest the border delimitation and highlighted the fact that because of the maps, tensions were brought back.

The main complaint of the Kyzyl-Tuu pasture committee is that they do not receive payment for the use of their pastures, since pasture users prefer to pay to the forestries even though pasture users still use winter pastures of the pasture committees. However, the PUs justify their position: the PC calculates the cost of the pasture fee for the whole year, which would entail overpayment by pasture users who only use PC pastures for part of the year.

The relationship between forestries, pasture users and pasture committee is made difficult, as they have different objectives. Pasture use plan designed by the pasture committee is not fully executed as a result of uncoordinated pasture management. Pasture users may not realize the importance of conservation and restoration of forests, which forces the forestries to strictly control grazing in their territories. Pasture users are dissatisfied with high fines and fees for firewood and camping, which the forestries use to protect pastures from degradation and preserve reforestation areas. In addition, this conflict has the potential impact on indirect concerned parties, as livestock go through Urunbash, Ortok and Kara-Alma forestries to Kyzyl-Unkur and Toguz-Toroo forestries.

In essence, the pasture committee is not fully fulfilling its role and functions, which lowers the already weak status of the institute. Weak motivation in the pasture committee is the result of low wages and the lack of financial possibilities to monitor and track the implementation of the pasture use plans. The lack of means limits the repairing and building of new infrastructure to access remote pasture. The livestock is thus kept on the closest and easiest to access pasture. This in turn contributes to the escalation of the conflict and degradation of nearby pastures. Moreover, the deterioration of infrastructure threatens the security of the people and livestock, which is one more factor of disagreement between pasture users and pasture committee. Urunbash, Ortok and Kara-Alma forestries, suffering from this conflict, take various measures of regulation and control over grazing to prevent illegal grazing and strengthen veterinary control. All listed mechanisms allow preservation of forests and prevention of pasture degradation, but do not resolve the conflict and at the contrary, intensify it.

Each institution sets its own mechanisms, without taking into account the interests of other institutions. Informal or traditional mitigation mechanisms may play a role, but by their nature they are less visible, especially for outside observers.

## 7. Conflicts between pasture users, pasture committees and secondary users

This study divides conflicts over pastures with secondary pasture users into two types: 1. Conflicts arising when local residents graze livestock and simultaneously carry out other activities as tourism or small shops on pasture lands, i.e. primary (or direct) and secondary (indirect) pasture use. 2. Conflicts resulting from the extraction of raw materials, including minerals, gravel, and coal, cement production or hunting by local and foreign companies on pasture territories.

### 7.1. Conflicts with pasture users using pastures indirectly (tourism, business, artisanal mining or bee-keeping)

These conflicts are rated as having a strong significance in Naryn oblast, a medium significance in Chuy, Issyk-Kul and Batken, and a low significance in Jalal-Abad, and as not significant in Talas. This type of conflict is always similar in nature and can be widespread in cases where all interested individuals use pastures for grazing as well as for tourism, business, primitive extraction of raw materials, or bee-keeping, because it allows to save time and work. These conflicts arise when pasture users disagree on access rights and rules for pastures where business and touristic activities can be implemented.

Such conflicts can arise between residents of one AA, different AAs, districts or even *oblasts*. They often occur in areas that are located near major transportation routes and touristic zones where there are many opportunities for engaging in side business.

Figure 8: Concerned stakeholders of conflicts with pasture users using pastures indirectly (tourism, business, artisanal mining or bee-keeping)

Concerned stakeholders	Interests
Pasture committees	To sustainably manage pastures. Head of committee: to be reelected and to keep positions, to gain enough monetary assets to ensure sufficient job wage (because job wage is calculated in percent from total amount), to promote their social status. Low interest in getting payment for secondary utilization of pastures as it raises conflicts.
Local residents carrying out business	To have additional income and at the same time to improve livestock census. To pay low taxes both for pasture use and additional business. To maintain low business competition by limiting the presence of new business. To ensure access to the best places to carry out the business.
Local residents not carrying out business	To have access to pastures which are in good conditions. To gain benefits from infrastructure providing access to the pastures.
<i>Aiyl Okmotu</i>	To be reelected. To promote social status. To collect land tax (by PC from pasture users). To collect taxes for businesses.

The causes of disputes are related to the absence of market outlets and alternative income-generating activities in the country side<sup>76</sup>, collection of taxes from secondary pasture users and unfamiliarity of the population concerning legislation and legal issues. The lack of sale opportunities is a recurring problem for households during summer, which is the period of maximum production of dairy products (milk of mare and cow). Different methods of processing milk enable producers to store products for sale at a later date<sup>77</sup>. However, sales of primary products allow them to reduce processing costs and thereby save time and labor costs. Households expect buyers, who have the opportunity to buy fresh milk products or even to receive orders regularly (usually between three and ten days). Despite lower prices than on the market, this method of marketing is still profitable, taking into account the cost of transportation to the nearest market. Households located on pastures have limited access to large market places, which presents an obstacle for distributors. Households with limited access to market simply consume their own products or sell them independently, which in their opinion sharply reduces profitability.

Moreover, through the income diversification rural households increase flexibility with regard to natural and non-natural risks. The tendency to diversify income is widespread across all oblasts. Households departing on summer pastures are interested in carrying additional activities in combination with livestock breeding to increase their income<sup>78</sup>. The first level of conflict arises because of competition for resources needed for this relatively new practice. For example, this applies to conflicts over the use or the right to occupy pastures where it is easy to conduct business. Alternatively, conflicts may be linked to contracting with travel agencies for tourist accommodation and other services. As more and more pasture users seek opportunities to start a business, competition among entrepreneurs will intensify and aggravate these types of conflicts, which, in general, arise primarily between pasture users. The second level of conflict breaks out when pasture committees or AO start collecting taxes from individuals carrying outside activities as they use the pastures. Since the corresponding regulations are not well known and are new, such tax collection creates misunderstandings. The third level of conflict arises when pasture users and the pasture committees from various AA have disputes over the use of pastures, located in strategically important market territories. This situation exists in the Gulcha, which is discussed in detail in the case study below.

Artisanal mining takes a special position because its significant impact on the environment may endanger the use of pastures for grazing. Under the current conditions, this activity is rare in the Kyrgyz Republic<sup>79</sup>. However the number of such cases is rising along with the growth in gold prices and the arrival of new mining companies on the market. In cases of artisanal mining a proportion of miners does not have licenses. Illegal mining leads to serious conflicts, involving standoffs between local residents and government authorities, such as police or ministries and enterprises. At the same time, incomes derived from such activities create tension with neighboring AAs. There is no monitoring of the impacts of artisanal mining, and if it was ever held, results are not reported.

Concerning secondary use of pastures linked with business and tourism, a large concentration of pasture users and pasture users/businessmen in one area contributes to degradation, particularly in cases where pasture committees face difficulties with development and implementation of the pasture management plan. Then, the lack of monitoring of the ecological impact of secondary use of pastures is questioning, the growing number of clients exacerbates the problem of waste collection, but up to date no action has been taken<sup>80</sup>. Concentration of herders in areas where business and touristic activities are possible the need for appropriate infrastructure increases. This in turn may lead to an increased

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<sup>76</sup>Steimann, 2011 ; Kerven *et al.* 2011 ; Round-table in Alay district, 2013/04/19.

<sup>77</sup> Kerven, *ibid.*

<sup>78</sup> Steimann, 2011 ; Kerven *et al.*, 2011.

<sup>79</sup> Appel, P.W.U., *et al.* 2004.

<sup>80</sup> Interview with the Specialist of DP in Naryn oblast, 2013/05/21.

concentration of infrastructure rehabilitation or construction works in this area, drawing attention away from other pastures where such works are also needed.

This type of conflict is unlikely to become severely acute, although the possibility remains, especially when community pastures use is the main topic of disputes. It can cause also major dissension inside communities between households herding and households herding and implementing complementary activities, the pasture committee and the *ayil okmotu*<sup>81</sup>. Because, at the local level conflict resolution mechanisms are rare, we cite one example when the conflicts involved secondary users, PC and forestry. This also highlights the strong interrelations between stakeholders involved in pasture management and the different conflict types. In this case forestry has introduced an innovative mechanism to resolve potential conflicts around the important tourist activities. In Grigoryevka village of Sadyrake AA (Issyk-Kul oblast), a lot of small tourism related businesses take place in the Grigoryevka gorge, in the forestry's territory. Because forestry is not able to collect payments, it has transferred powers to the Council of youth. At present, the Council is responsible for collecting payments according to rates determined by the forestry, and then forward a certain percentage of the total amount. This part is transferred to the forestry, which carries out road repairs and waste collection. The remaining amount covers the fee collection costs as well as the costs of financing Council's operations.

It is reported by PC that on Jany-Talap pastures located on the shore of Son-Kol Lake (Naryn oblast), the PC is establishing special payments from each yurt intended for reception of. The aim of this mechanism is to establish a contractual relationship between pastures secondary users which are interested in maintaining good quality of access infrastructure which are under the PC responsibility, and the PC which is the legal entity to manage the pastures. This mechanism is still being implemented.

Generally speaking, conflicts with secondary users, would they be related to business, tourism or artisanal mining are governed by traditional mechanisms, such as councils of *aksakals* (elders) which can promote negotiations and play the role of mediator between involved stakeholders<sup>82</sup>. However, these customary institutions lack of knowledge about legal aspects such as functions and rights of the pasture committees. Moreover, the decisions of this traditional institutional are not legally enforced and sometimes even not taken into account by formal stakeholders for instance AO, PC, district and oblast administrations<sup>83</sup>. The prevention of this conflict type is first of all based on the community-based and transparent management of the PC, which is the only way to get legitimacy. This is also necessary for the PC to have the skills to calculate the carrying capacity<sup>84</sup> of the pastures in order to ask payment from secondary users. In the case of the conflict already exists, support to examine legal resource is necessary. This support should be available at low cost and event for remote AAs.

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<sup>81</sup> Interview with the Specialist of PD in Naryn, 2013/05/21 and with the Specialist in Osh oblast, 2013/04/22.

<sup>82</sup> Round-table in Alay district, 2013/04/19

<sup>83</sup> Steimann, 2011.

<sup>84</sup> Round-table in Suzak district 2013/04/24

## 7.2. Conflicts resulting from the extraction of raw materials including minerals, gravel, and coal, cement production or hunting by local and foreign companies on pasture territories

This type of conflict occurs with local and foreign companies. Conflicts with companies are associated with the extraction of valuable minerals, gravel, coal, petroleum, cement production, hunting activities and private telecommunication companies setting up the antennas on pasture lands<sup>85</sup>. Such conflicts are more visible and intense with the arrival of foreign companies, but there are also conflicts with companies that have been operating there for many years<sup>86</sup>.

In general, such conflicts take place within the territory of one AA. However, they often result in complex situations if companies originate in other oblasts or even other countries, since in such cases the companies' decision makers are inaccessible for pasture users and pasture committees. These conflicts mainly stem from the payment or compensation requirements for the use of pastures (e.g. destruction in the case of mining works), as well as poor knowledge of the regulations in this area and the lack of monitoring of the impact on the environment.

Figure 9: Concerned stakeholders of conflicts resulting from the extraction of raw materials including minerals, gravel, and coal, cement production or hunting by local and foreign companies on pasture territories

Concerned stakeholders	Interests
Pasture committees	To sustainably manage pastures Head of committee: to be reelected and keep positions, to gain enough monetary assets to ensure sufficient job wage (because job wage is calculated in percent from total amount), to promote their social status.
Pasture users	To have access to pastures that are in good conditions To gain benefits from infrastructure providing access to the pastures To gain benefits from side effect of companies' activity: sell dairy products/provide workers with food, get job in companies, use companies' infrastructure for getting water or transportation To be informed on ecological impacts
Companies	To have access to their resources with minimal administrative procedures and costs. To avoid conflicts
Aiyl Okmotu	To be reelected To promote its social status To collect land tax (collected by the pasture committees from pasture users) To collect business taxes

Payments for the use of pastures are an important issue as, sometimes, companies operating on pasture lands do not have the appropriate permissions and, or are reluctant to enter into agreements with various organizations in charge of specific types of land<sup>87</sup>. Infrastructure under companies' management (such as roads or water supply systems) may lead to disputes because pasture committees and pasture

<sup>85</sup> CAMP Alatoo, 2012

<sup>86</sup> Ch. Biyalieva, interview 2013/05/07

<sup>87</sup> Round-table in Suzak district, 2013/04/24 ; CAMP Alatoo, 2012.



users believe that they have the right to participate in the planning (for example road project) and use (for example water supply) of these objects. Some companies may have a direct impact on the surrounding pastures. For example, cement production emits a lot of dust, which is spread in the nearby pastures, reducing its carrying capacity. These negative side effects are not taken into account by the companies, causing discontent among pasture users who use these pastures<sup>88</sup>. It is reported that pasture committees also have grievances against private telecommunication organizations that rent pastures to install antennas<sup>89</sup>.

Conflicts can be further complicated by a lack of information about the transformation of lands. If the land where the company works has been reclassified, it is no longer administered by the pasture committee. Large companies and especially foreign companies usually carry out the procedure of land reclassification before establishing their work sites. However, part of the land they use, for example, to store the materials may remain categorized as pastures. In such circumstance, the procedure becomes more complicated for companies, which must sign a contract with both the AO and pasture committee. At the same time, it also poses a problem to pasture committees that need to identify which areas for companies' use and/or the impact of their activities when developing the contract.

Environmental impact and land recovery plans lead PUs and pasture committees to submit complaints to authorities and companies because they want to ensure possibility of further utilization of these lands for grazing. Herders and pasture committees often lack information about the legislative framework on compensation and land use which together with lack of monitoring of environmental impacts from these companies intensifies the confrontation between pasture users and companies<sup>90</sup>. This is the case of gold mining companies which have conflicts with the local population, and with pasture users, who are asking for more information about the environmental impact of companies' activities, compliance with environmental protection standards, transparency of recruitment procedures and higher compensation. They also seek to strengthen the involvement of local people in determining the location of roads and bridges, as well as their design because these infrastructure facilities are of extreme importance to the communities.

Hunting tourism attracts foreigners with the possibility of getting prestigious trophies. They hunt in territories administered by the pasture committees however, the payment mechanism is still reviewed by the AO, which gets 20% of the license price for every killed animal. Currently, these conflicts are still potential because pasture committees have very little information on to how they should deal with this specific type of secondary pasture users. In addition, hunting takes place high in the mountains, and the season begins in the autumn, when the pasture users go down with livestock to the villages. Another question related to this activity is the issue of providing safe areas for endangered species. These areas are supposed to be protected from any human interference, including grazing. At present, boundaries of these areas are not clearly defined and there is a possibility that the companies organizing hunting trips will try to consolidate them in exchange of financial compensation by concluding agreements with the pasture committees. This process would be a big step towards conflict resolution as it permits to identify clearly the stakeholders and will give them the opportunity to negotiate terms of the contract. Moreover, hunting mostly takes place in Naryn and Issyk-Kul oblasts where there are large pasture lands so affected pasture users could find other pastures<sup>91</sup>.

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<sup>88</sup> Round-table in Alay district, 2013/04/19

<sup>89</sup> Interviews with Specialist of DP in the seven oblasts of KR.

<sup>90</sup> Ch. Biyalieva, 2013. « Местное население и геологические компании. Эффект домино » [Local population and mining companies, the domino effect] <http://ecopartner.org/> accessed on 2013/05/05.

<sup>91</sup> Interview with Turdumatov Talantbek Head of the Hunting Supervision Department and with Jusumanbetov Tynymseyit Senior specialist of the Hunting Supervision Department. 2013/05/27.

In some cases, such as when aerial antennas are installed in enclosed areas or when cement production prevents pasture use, the pasture committees cannot use the lands allocated for pastures. However, they must still pay the land tax if land reclassification was not implemented formally in the State register and the area was not recognized as officially unproductive, as it is sometimes the case. The above procedure is not clear enough for the pasture committees which rarely try to reduce the amount of land tax payable in the specified way.

The lack of information is a decisive factor of the emergence of such conflicts. This can lead to the cessation of pasture use as pasture users do not have reliable information on company activities impacts on human and animals' health<sup>92</sup>. This lack of awareness also leads to the spread of various rumors, which, in turn, aggravate the situation. Tensions may be very high in certain cases and turn into acute phase, as it occurred when local residents began to break down the equipment of mining company or block the road as it happened on the Buchuk<sup>93</sup> site in Naryn in 2011, in the Chatkal valley (Jalalabad oblast) in 2012<sup>94</sup>, in the Chong Alay district (Osh oblast) in 2012<sup>95</sup> and in the Issyk-Kul oblast in 2013<sup>96</sup>.

As awareness about this conflict type is only rising, new mechanisms are on the way to be implemented. In the Kerme-too AA (Aravan district, Osh oblast), the cement plant activities forced herders near its territory to leave this territory because of the spreading of dust. As this loss of pasture productivity is reversible, the pasture committee decided to calculate the carrying capacity of specified pastures and asked the company for payment as the same way they do with pasture users<sup>97</sup>. As potential cooperation, we can cite the case of Beshkent AA (Leilek district, Osh oblast) where an oil company installed a water supply system for its activities that are carried out near a pasture that had not been used due to the absence of water. The pasture committee would like to conclude an agreement for participation in the distribution of water resources in partnership with the company.

Conflicts with companies can be prevented through the PC capacity building (in the domain of carrying capacity calculation and legal framework). In serious situations, mediation committees can be created or, if already created, should involve PC and PU. These committees are implemented by NGOs (for instance Three of Life PF in the case of conflicts with mining companies) in order to gather enterprises, LSG and other interested stakeholders and to discuss the main issues.

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<sup>92</sup> Tiainen H, 2012. OXUS International, 2011.

<sup>93</sup> <http://www.respublika-kaz.info/news/politics/17067/>

[http://rus.azattyk.org/content/kyrgyzstan\\_solton\\_sary\\_naryn/24311067.html](http://rus.azattyk.org/content/kyrgyzstan_solton_sary_naryn/24311067.html)

<sup>94</sup> [http://www.knews.kg/action/19199\\_v\\_2012\\_godu\\_v\\_kyrgyzstane\\_proshlo\\_646\\_mitingov/](http://www.knews.kg/action/19199_v_2012_godu_v_kyrgyzstane_proshlo_646_mitingov/)

<sup>95</sup> <http://kloop.info/2012/08/15/kyrgyzstan-chon-alai-residents-threaten-to-burn-chinese-mine-because-of-the-pollution-to-the-river/>

<sup>96</sup> [http://www.vb.kg/doc/230404\\_daydjest\\_po\\_regionam\\_poneslos\\_narodovlastie.html](http://www.vb.kg/doc/230404_daydjest_po_regionam_poneslos_narodovlastie.html)

<sup>97</sup> Interview with the Specialist of the Pasture Department, Osh oblast, 2013/04/22

## 8. Case study: conflict over agricultural lands suitable for grazing and business activities: Gulcha AO, Alay district, Osh oblast

The Osh oblast is one of the most densely populated areas and is characterized by large ethnic diversity. Diversity of the oblast's ecosystems offers possibilities for various activities, such as: production of rice, fruits and vegetables in the Ferghana Valley and animal husbandry in Alay and Chong-Alay. Main commercial route between China and the Kyrgyz Republic passes through the oblast.

The Alay district, located in Osh oblast, stands out with its extensive pastures. The main activity here is livestock breeding. Gulcha AA is one of the largest AA in the Alay district. There are 6 villages in this AA, but only 4 have access to remote pastures. Small business has been actively developed here over the past 5 years. There are now numerous stalls, shops and guest houses near the pastures not far from the road leading to China. This place is known as Chyiyrchyk. As its reputation spreads, the area is starting to attract people from different areas, intensifying competition for access to agricultural lands for launch of businesses. This situation, as well as the collection of payments under the new pasture management system has caused conflict between the legal owners and traditional users (see annex 12).

Figure 10: Information on Gulcha

Population	17 705
Households	3929
Official number of livestock	cows, yaks: 4584, horses: 1474, goats and sheep: 13738
Pasture lands	6225ha in total, but only 1084ha are used, most of summer pastures are not used.

### Conflict dynamic

The disputed territory of 440 ha of pasture land near Chyiyrchyk located near the pass between Alay and Kara-Suu districts and on the border with Gulcha AA. Kashkar-Kyshtak AA, (Kara-Suu district) legally owns this land since Soviet times, but PUs of this AA have never grazed livestock in this territory. On the contrary, PUs from Gulcha AO claims that this area has historically been their established grazing area.

The Gulcha AO pasture committee backs the residents' claims to traditional ownership of this land, since getting the right to own this land would enable the PC to collect fees for the use of pastures and legally ensure the sustainability of PU business operations. At the moment, PUs who conduct business in Chyiyrchyk, feel threatened because pasture users from Kashkar-Kyshtak AA, would like to do business there as well. People from other AAs of Alay district are ready to bring their business to Chyiyrchyk, while families living in this area claim its exclusive use.

Another problem is the deteriorating relations between the residents of Alay and Kara-Suu districts. As a result, Kashkar-Kyshtak residents are unable to graze their livestock even on their summer pastures located in the mountainous area that they have traditionally used. The conflict over the ownership of this pasture is a barrier to the implementation of resource management measures. Density on the Chyiyrchyk pasture sharply increased because of the growing number of households doing business and grazing livestock and also because the new business incomes are capitalized as livestock. This amplifies pasture degradation and destruction of the surrounding fields by the livestock. Households, which graze animals

there as well as households owning the agricultural land regularly destroyed, complain about the weak management which leads to the depletion of the resources. Thus, the first conflict between Gulcha and Kashkar-Kyshtak AAs triggers a number of other conflicts.

### **Concerned stakeholders**

- PUs conducting business on pasture lands of Chyiyrchyk. They mostly come from the village of Tash Koro, Gulcha AA. The rest come from Konur-Dobo, Budalyk and Lenin AA. Other residents of these *ayil okmotu* tend to support them due to the solidarity and/or as a strategy in case they get an opportunity to start a business in Chyiyrchyk. The Council of elders (*aksakals*) actively participates as representatives of their communities to lobby the traditional use.

- Kashkar-Kyshtak AA, is the official user of this pasture and is represented by its pasture committee and the traditional Council of elders (*aksakals*). They are supported by residents of Kara-Suu district.

- Formal institutions of both sides at the level of AO and district. Seven deputies of the Jogorku Kenesh are natives of Alay district and residents of Gulcha AA require their attention to deal with changing boundaries between Alay and Kara-Suu districts. However, they were unable to change the border between the two districts.

### **Conflict history**

This conflict becomes more prominent in late spring, when the PUs depart to the Chyiyrchyk to graze and conduct business. At this moment, households willing to install new businesses have to negotiate their access rights with neighbors that can lead to tensions. The conflict peaks when the members of Kashkar-Kyshtak pasture committee come to collect payment for the pasture use. While violence is not shown, PUs are developing strategies to avoid payment or simply openly refuse to pay.

In 1938, land ownership of Chyiyrchyk was transferred from Alay district to Kara-Suu district. This land was officially owned by Kashkar-Kyshtak AO, Kara-Suu district, but in reality was used by shepherds from Uzbekistan as a transit point on the road to summer pastures, and on the way back to winter pastures. Furthermore, Chyiyrchyk was also partly used by residents of Alay district. After the dissolution of the Soviet Union, these lands remained free and available for use to residents of the nearby Gulcha AA. In 2006, traffic along the Chyiyrchyk road intensified, which spurred the creation of small and medium-sized businesses. People here produce and sell mare and cow milk, as well as other dairy products. Gradually, other activities, such as guest houses, appeared and started to provide various services for guests. The location became famous for its mare milk treatment and many people from other regions started to visit.

When pasture committees were legally established in 2010 the PUs turned attention to the question of land ownership because they had to pay for pasture use. Alay inhabitants using the Chyiyrchyk area started feeling vulnerable when their businesses expanded rapidly in the face of new powers of the Kashkar-Kyshtak's pasture committee.

The process of border delimitation started at the time of the adoption of the new Law "On Pastures", with the support of USAID and implemented by the government agency on land registration (Giprozem) and an enterprise "Atlas+". In the case of Gulcha AA, "Atlas +" created maps on pasture boundaries. In Gulcha, following the transfer of maps, local authorities have started a formal process to request changes to the delimitation of boundaries taking into account the fact that in 1938 the ownership of Chyiyrchyk was transferred from Alay to Kara-Suu district. Jany-Alay AA administratively belongs to Alay district, but it is inside the Kara-Suu district and its grasslands are used by the Kara-Suu district. Alay

district residents threaten to confiscate these grasslands, if Kara-Suu attempts to prove its right to pasture ownership in Chyirchik. Because the availability of feed is very important, tensions escalate.

### **The conflict causes and consequences**

The conflict is caused by economic problems and social aspects as well as the state of natural resources. Weak and inadequate access to documentation on procedures leads to vague notions about formal mechanisms for resolution of such disagreements. Residents, and even officials, are often unaware of all procedures, decisions made, their rights or how to protect them. In addition, official commissions lack legitimacy in the eyes of the residents, who choose to ignore them further fueling the conflict. These two aspects exacerbate the conflict, initially caused by the fact that the PUs sell their dairy production during the peak of season in summer. Distant summer pastures are difficult to reach, what is a barrier to pasture users for whom driving back and forth causes additional costs together with all economic inconveniences, including the absence of dairy products dealers and the difficult access to shops to purchase basic products such as noodles, sugar, tea, etc. On the contrary, grazing livestock during summer on Chyirchik is in this regard very profitable as they can sell their products, but also thanks to the proximity of the road easily buy products. Livestock owners are not motivated to graze in remote pastures, this leads to the crowding of livestock grazing on the pastures near villages. In connection with the lack of mobility, overgrazing and location in the middle zone, the livestock have low productivity, which in turn affects livestock owners, who seek additional benefits for their business.

In addition, the Kashkar-Kyshtak pasture committee pays, due to limited resources and high potential for conflict escalation, only rare and short visits in Chyirchik, which prevents it from accurately determine the carrying capacity of these pastures. The PC, which cannot count the number of animals on the Chyirchik pasture, since the PUs are intentionally trying to show fewer livestock than they actually have, is powerless, because it does not know the residents of Alay district personally. Pasture users in Kashkar-Kyshtak are dissatisfied with the inefficient work of their PC.

The determination of the number of livestock that can graze in a specific area is prerequisite for the development of a pasture management plan and is the first step toward the prevention of land degradation. In addition, the pasture committee from Kashkar-Kyshtak has trouble sorting out the issues of PUs' additional business activities on pastures, because it is not well informed about the questions concerning the secondary use of pastures and the imposition of tariffs. Whenever the PC tries to start the discussion on this issue, Chyirchik's "pasture users – businessmen" claim that eight meters of land on either side of the road are not pastures and, therefore, the PC does not have the right to collect fees for the use of these lands. Still, some shops and hotels are located outside this area. Considering the absence of documentation, it is unlikely that any form of restriction on grazing will be recognized as the Kashkar-Kyshtak pasture committee is considered illegitimate.

This large scale conflict, involving a large number of stakeholders, has economic, social and environmental impacts. The Kashkar-Kyshtak pasture committee cannot collect payments for pasture use in this area and, therefore, has no means for paying for the land tax and infrastructure improvements. This conflict prevents any regulation related to livestock and determination of grazing time. That situation leads to soil degradation and destruction of the surrounding fields. The owners of the fields, located close to Chyirchik, try to protect their plots by building fences and digging ditches around them, what appears ineffective. The high density of livestock forces PUs to descend to the villages in early September before the hay harvest, which increases the risk of livestock damages on the fields. Local residents claim that small business is the only source of income for the residents of Tashkoro, because land degradation limits agriculture activities. Local farmers say that they used to collect five to six tons of harvest, and are now struggling to collect 500 to 600 kg.

The Kashkar-Kyshtak pasture users use mainly pastures of the Kara-Suu forestry. On the way to these pastures they cross fields of Gulcha AO, cultivated by inhabitants of Tash-Koroo. As the harvests are often destroyed by livestock from Kashkar-Kyshtak, Tash-Koroo inhabitants refuse them to graze on Chyirchik. Tensions between the two AO have a district scale. Another AO of Kara-Suu district also owns summer pastures in Alay, but they avoid it because of potential conflicts that may arise when crossing Alay territory. This restriction of movement also contributes to soil degradation on pastures, located near the villages of Kara-Suu district.

Trust in the administrative processes and in the PC suffers from the situation. According to residents, the conflict has already lasted for a long time and is related to the inefficient work of the pasture committees, which are facing difficulties in their efforts to strengthen their institutional powers. The complexity of the situation for the Kashkar-Kyshtak PC increased after the events of the year 2010<sup>98</sup> in the south of the Kyrgyz Republic: residents of Kashkar-Kyshtak, mostly Uzbek and Uyghur nationalities, are unwilling to lobby their interests too intensively, as they fear that this could lead to further ethnic conflict.

Up until now formal and traditional mechanisms have failed to accomplish conflict mitigation. One of the approaches tested by the residents of Kashkar-Kyshtak was to delegate payment collection for pasture fees to Gulcha's PC. Part of the payment collected would then be transferred to Kashkar-Kyshtak PC for the land tax payment of Chyirchik, and leave the rest in Gulcha's budget for infrastructure repairs. However, during these discussions Gulcha's residents refused to pay anything to Kashkar-Kyshtak AO. Gulcha's residents' demands are based on their traditional use and ownership of this land in the past. They try to gather as much documentation and maps as possible to prove this. However, it is very difficult because the documents are stored in different locations under the responsibility of various bodies, and the cost to access documents is very high. A formal mechanism of resolving conflicts related to border issues has been realized through the establishment of the commission at the district level. However, the commission's decision failed to satisfy the representatives of Gulcha and Alay district. As an alternative, they decided to gather a Kashkar-Kyshtak and Gulcha's Council of elders on the issue of Chyirchik pastures. Residents joined this meeting but, eventually, the meeting was suspended by the village elders heightening the risk that the conflict might enter into a violent phase.

The attempted control mechanism was unable to achieve its goal, as it had a very narrow objective: to prove the right to ownership. Meanwhile, the conflict covers more complex issues, such as sale of additional animal products and use of distant pastures. This is trustworthy that, if infrastructure allows access to remote pastures, the conflict could be mitigated. If the roads and bridges are in good state, expenses to reach remote pastures are not overpriced and can be offset as the livestock gain weight. This guarantees better prices on the livestock market, but also less mortality linked with disease or at the reproduction period. Moreover, there could also be opportunities for dealers to trade milk products, if the number of households is big enough on the summer pasture.

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<sup>98</sup> Human Right Watch. "Where is the Justice?", 2010.

## 9. Transborder conflicts

Conflicts of such type arise between pasture users from different countries and PCs. These conflicts are present all the time in a hidden form, but rarely pass into an acute phase. Mainly, these conflicts occur on the border with Tajikistan and along the border in areas with livestock tracks (see Attachment 11). There are almost no conflicts on the border with Uzbekistan, as it was closed after the events in 2010. However, the situation is very tense near all enclaves<sup>99</sup>. In Talas oblast, small scale conflicts exist over the grazing of Kazakh livestock<sup>100</sup>. Transborder conflicts over pastures have a high potential for escalation as dissatisfaction of pasture users grows due to shortage of pastures. Besides, this type of conflict may also escalate into inter-ethnic conflicts. In the times of the USSR Uzbek, Tajik and Kazakh livestock was grazed together on the territory of the Kyrgyz Soviet Socialistic Republic. However, after the creation of pasture committees in the Kyrgyz Republic, transborder grazing was transformed into an ever growing problem. Before, no one demanded payment for grazing, and then all of sudden the PCs started doing it<sup>101</sup>.

In the framework of the project “Conflict potential reduction on the opportunities for temporary livestock grazing for citizens of neighboring countries in the border AA of the Batken oblast” implemented by a Kyrgyz NGO, the Rural Development Fund, with support of the UNDP were identified the main issues leading to conflicts<sup>102</sup>:

- Disputes for the use of common natural resources
- Territorial and land conflicts expressed by the presence of disputed territories, land-grabbing, and absence of physical borders.
- Crossing of borders, people, goods and services and which problems are linked with transborder roads and border-guards activities.
- Governmental and authorities actions
- Socio-cultural and inter-ethnic tensions, religious questions, and
- Low awareness.

Conflicts are deepened by the increase of livestock numbers, both in the Kyrgyz Republic and the transborder areas of neighboring countries and by the resulting degradation of pastures. PUs want to use nearby pastures and do not want to go to remote pastures because of extra costs and absence of infrastructure<sup>103</sup>. In addition, the pasture committee does not have sufficient means to develop needed infrastructure.

In this type of conflict the relationships between opposing sides are very complicated. This hinders its regulation within the framework of the law. For example, Batken oblast is characterized by an intense mutual dependence between villages on either side of the border. Kyrgyz parties have pastures while Tajik parties can cut off access to water and food if borders are closed for Tajik livestock. Because Kyrgyz villagers can buy food considerably cheaper and faster in Tajikistan, they are very responsive to this lever of influence. Similarly, interdependence is very strong between enclaves and surrounding territories. One should not forget that the living standards of the rural population are quite low and grazing foreign livestock represents a source of additional income. Thus, there is latent conflict between pasture users who graze Tajik livestock and those who do not. The third party in this situation is the PC, which wants to control the grazing of foreign livestock. For this reason, some pasture users present foreign livestock as

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<sup>99</sup> Interview with the Specialist of the Pasture Department of Batken oblast 2013/04/15.

<sup>100</sup> Interview with the Specialist of the Pasture Department of Talas oblast 2013/05/17.

<sup>101</sup> Regional hearing in Batken 2013/04/17.

<sup>102</sup> United Nations Development Programme, Rural Development Fund, « Конфликт, пастбища, граница » [Conflict, pasture and border] Kyrgyz Republic, 2013.

<sup>103</sup> Round-table in Alay district, 2013/04/19.

their own livestock, which complicates the work of the pasture committee as it is unable to gather evidence of foreign grazing.

Figure 11: Concerned stakeholders of transborder conflicts

Concerned stakeholders	Interests
Pasture committee	To manage pastures with full authority, to increase its image, to raise budget revenues, to prohibit grazing of foreign livestock
Pasture users not grazing foreign livestock	To restore justice, to have enough quality pastures for grazing
Pasture users grazing foreign livestock	To earn money, to preserve links with citizens of other countries
Village administration	To increase its image, to show its authority through support of residents
Border Guard of the Kyrgyz Republic	To keep peaceful situation, not allow conflicts at the border
Owners of livestock from neighboring countries	To use quality pastures for good livestock grazing, to preserve peaceful relations
Managers of self-administrations of neighboring countries	Not to impede its citizens livestock grazing in the KR, keep diplomatic relations with KR, to determine borders the way they want

The main reason causing conflict is the absence or limited area of pastures in border areas, which forces foreign citizens to graze livestock on the territory of the KR. The historic way of grazing foreign livestock on the Kyrgyz territory, perpetuates this practice<sup>104</sup>. Grazing foreign livestock became illegal after the collapse of the USSR and the creation of pasture committees. However, neighboring countries heavily depend on livestock breeding, especially in rural areas as the Kyrgyz Republic where it is the only way to do a livelihood. Therefore, they want to avoid a decrease in the number of livestock so as to be able to accommodate it within their own territory.

Another legacy of the Soviet Union is mutual dependence of parties on infrastructure objects which became apparent after its dissolution<sup>105</sup>. When the Kyrgyz Republic attempts to close the border, the opposite party closes off access to other resources.

In the meantime, the grazing of foreign livestock, often on a large scale, exacerbates pasture conditions, especially in accessible plots with the necessary infrastructure. Pasture users are upset about not having the opportunity to graze foreign livestock and express their dissatisfaction to pasture committee, which cannot yet effectively regulate illegal grazing. Moreover, the situation is complicated by the fact that livestock crossing the Kyrgyzstani border do not always have veterinary certificates, listing all the required vaccines. This leads to heightened tensions when diseases are discovered.

Confusion is increased due to the opportunity to lease legal pasture land of Forestries for foreign livestock owners. This leads to high competition between local and foreign pasture users to access

<sup>104</sup> Interview with Head of Pasture committee of Kyshtut, 2013/04/17.

<sup>105</sup> Regional hearing in Batken oblast, 2013/04/17.



forestry's pastures and can be a ground for conflicts. However, transhumance paths are located on PC pastures where foreign livestock owners are not allowed to graze<sup>106</sup>.

In the past there have been examples of conflicts for pastures escalating into fights between Uzbek or Tajik and Kyrgyz parties specifically close to the Sokh (Uzbekistan) enclave in 2010 and Vorukh in 2013. The first conflict arose because of a disagreement upon pasture ownership and the second one because Kyrgyz herders complained that livestock was missing after going on a livestock path to summer pastures through the enclaves<sup>107</sup>.

Uzbek national authorities dug along its borders in the south of the KR to avoid escalation and violent confrontations as the situation is very tense. Thus, as Specialist of the Pasture Department reported, they are *de facto* no conflicts with Uzbek parties at the moment and no conflict situations happen between the Kyrgyz Republic and Tajikistan. Nevertheless currently both stakeholders show their interest in keeping diplomatic and friendly relations. The parties have developed mechanisms to resolve this type of conflict. For example, the Kulundu village administration, Batken oblast, made informal agreements which state the “friendship” between the two countries and their inhabitants, which presumably regulates foreign livestock grazing. Even this is only a formality, since a few interested parties sign their own informal agreements and continue to graze foreign livestock. The absence of an official, coordinated and accurate mechanism of regulation of livestock grazing by foreign citizens, entails a situation where in order to avoid conflict (which could be of ethnic character) the stakeholders revert to using “softer” mechanisms such as fines, accords, and agreements. This type of conflict is politically dangerous, which explains the inactivity of the parties involved both at the national, district and local levels.

One of the mitigation measures identified by the Rural Development Fund (RDF) is the possibility of temporary use by citizens from neighboring countries on the base of an agreement between governments. In 2009, by the initiative of the RDF, the government of KR attempted to formalize foreign livestock grazing on its territory via the signing of an intergovernmental agreement under the condition of paying 3 US dollars for the grazing of one livestock head per season. However, the Tajik government didn't agree with the contribution conditions.

After conducting round-tables, the RDF elaborated a temporary solution to this question before the signature of an agreement between the governments. This solution was based on the Law “On the attribution of a special status to specific border territories of the KR and their development” of the 26/07/2011, n°145 and on its application decree. In accordance with this resolution, the local self-governance organs are allowed to give the temporary use of pastures to citizens from neighboring countries, this is intended to reduce transborder conflicts based on pasture use issues.

A legislation draft was also prepared by the RDF “On the introduction of additions to the Land Code of KR” where it examined the question of empowering LSG on fixed-term pasture use on particular land status according to the price-setting defined in the Law “On pastures”. The price of pasture use will thus depend on the carrying capacity and the budget will be oriented to the repairing of infrastructure. Bringing together the stakeholders will help building dialogue and the unified pasture management will enhance transparency. This is aimed to bring to national level the transborder conflicts issues in Central Asian countries and to accelerate the ratification process of the intergovernmental agreement on common use of pastoral resources.

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<sup>106</sup> Undeland, 2011.

<sup>107</sup> CAMP Alatau, 2012.

## 10. Case study: transborder conflicts over access to pastures, Kulundu AA, Leilek district, Batken oblast

Leilek district is the most remote district of Batken oblast. The district borders the Republic of Tajikistan on three sides (Ovche-kalacha jamaat -community-, Sogdian oblast) and the Batken district at the eastern side. The district occupies an area of 4,661 km<sup>2</sup> with 23,809 households and 116,861 inhabitants. It is the smallest district in area and population counts in the region. The major rivers of the district include Ak-Suu, Kara-Suu, Kodjo-Bakyrkan and Isfana.

Kulundu AO borders with Ovche-kalacha jamaat (community) of Tajikistan. The AO administers six villages: Kulundu, International, Razzakov, Akaryk, Bulakbashy and Maksat. Population is 22,243, and 92% are Kyrgyz ethnic. Major income-generating activities are agriculture and livestock breeding; therefore pasture is very important for the inhabitants. Kulundu pasture lands are in poor condition because of dry, hot climate, and large quantity of livestock. The absence of infrastructure or its degraded condition exacerbates land degradation every year.

In Kulundu, conflicts over access to pastures and damage of croplands during livestock transfer to summer pasture arise between Kulundu pasture users who graze Tajik livestock, pasture users who do not graze foreign livestock, the pasture committee, the AO, the Kyrgyz Republic border guards, Tajik livestock owners, and representatives of Tajik jamaat.

In Tajik Ovche-kalacha jamaat located near the border there are practically no pastures. Nevertheless, its residents keep livestock even though they have to graze it on Kulundu pastures. Meanwhile, although the option of grazing foreign livestock is not legislated, some Kulundu livestock herders graze Tajik livestock in return of large payments.

Figure 12: Information on Kulundu

Population	22,243 people
Area of pastures	30,839 hectares
Livestock number	11,424.8 nominal units
Tillable land	18,133 hectares

### Conflict dynamic

The increase of livestock in Kulundu and Ovchekalacha intensifies the conflict between PUs and PC as it is the case in many conflicts. As stated before, the problem is that people want to use near pastures, which worsens pasture degradation, and they do not want to go too far pastures due to financial abilities and absence of infrastructure there. The pasture committee does not have sufficient means to develop infrastructure, which develops degradation of pastures.

Conflicts escalate during months of April, May, and June, in which pastures are covered with maximum greenery. In July, pasture vegetation dries and burns, and in August vegetation is absent already. Some Kulundu pasture users state that some Kyrgyz herdsmen graze Tajik livestock in more remote pastures for the whole season and declare livestock as their own. People cross the Tajik – Kyrgyz border, specifically, the border of Ovche-kalacha jamaat and Kulundu in both directions. The border guards maintain observers when it comes to pasture conflicts, justifying that their main goal is to preserve stability on border.

### **Concerned stakeholders and their interests**

- The Tajik households owning and/or herding livestock. They are interested firstly in ensuring their access to pastoral resources and secondly to have legal recourse while the livestock is grazing.
- The Kyrgyz herders grazing Tajik flocks, as alternative incomes, are almost inexistent, in this context herding Tajik livestock without declaring is seen as a way to alleviate poverty.
- The Kyrgyz herders grazing Kyrgyz livestock want to avoid depletion of the easy to access pastures as infrastructure leading to remote pastures are in bad condition, and prevent free-rider behavior by Kyrgyz herding Tajik animals. The Kyrgyz and Tajik parties are interdependent.
- The PC aims at collecting pasture grazing fee for all the animals but it can adopt a passive behavior to avoid escalation at bigger scale.
- The AO adopts the same behavior as the PC and adopt a passive position. The Kyrgyz border-guards are responsible for the safety at the border and their priorities are to impede drug and weapon traffics.
- The Tajik jamaat is aware about the illegality of grazing in Kyrgyzstan despite it is a pillar of local livelihoods. It has no power and is affected by national resolutions.
- Tajik and Kyrgyz governments, their relations and resolutions are also influenced by national policies.

### **Conflict history**

During the Soviet Union, Tajik livestock was grazed on the territory of Leilek district. According to Tajik jamaat elders, prior to the formation of USSR, Kulundu lands located near the border (Tamchysai, Pulduusai, Maksat) belonged to Tajikistan. The PC existence and mechanisms did not influence the pasture use by Tajik herders and by Kyrgyz herders grazing Tajik livestock. However, as in other conflicts, by implementing a fee for pasture, the creation of the PC made conflicts more visible (see Annex 13).

There were some attempts on the part of pasture users not to allow Tajik livestock into pastures, but they have led to the closure of transit roads and water irrigation channels by the Tajiks. Kulundu, including Maksat and Kalacha, depend on these services. Therefore, such events cause intensification of conflict. The failure of the intergovernmental agreement maintains the decision-making at national level. Thus at the local level, the only opportunity is to implement informal processes to manage the issue of common used pastures.

During the research in the framework of this report it was observed that the parties agreed orally on the possibility of grazing Tajik livestock only in border pastures in Maksat and Kalacha over a period of no more than two months (April and May), under the condition that the veterinary certificate is presented at the border. The agreement was concluded between representatives of transborder area of Ovche-Kalacha and the Kulundu pasture committee. However, from what both sides reported this agreement does not mention livestock grazing explicitly, referring only to the preservation of the friendship of nations.

### **Conflict causes and consequences**

The international dimension of the conflict makes local stakeholders legally powerless. The national level which detains the competence is influenced by national policies and reactivity is limited as procedures take long time. Continuation of conflicts can have the following influence such as intensification of degradation of pastures due to high density of livestock on easy to access pastures. Many pasture users already complain about the low quality of grass cover. Because of mutual inter-dependence

the relations between Kyrgyz and Tajik villages are restrained. These tensions can easily escalate into other levels and types of conflicts as it can take be interpreted from an ethnic aspects and turn into violent phase. However, both stakeholders are rather diplomatic and careful when discussing this issue because they are aware of the political bases for transborder conflict.

Pasture committee does not have the means to account for and take payments for all livestock being. It also lacks information about ownership of livestock that spreads diseases. All this leads to growing wary of the PC, as pasture user dissatisfaction increases and breeds opposition to the PC.

Currently only informal approaches are used as mitigation mechanisms based on traditional grazing and historic relations between Tajik and Kyrgyz. These agreements do not solve the problem of livestock crossing the border in the mountains, but allow the two parties to preserve link and conduct negotiations to avoid escalation. Today the informal conflict mitigation mechanisms work and both parties perceive them to be legitimate. They integrate a payment for pasture use which is, according to the law, fines for illegal grazing. This interpretation of the legislation allows conserving relations and penalties which are used as partial payment for using pastures. However, other pasture committees do not want to use this type of mechanism as they are afraid of breaking the Law. Besides, these agreements are not feasible without personal ties with Tajik parties.

## 11. Recommendations

Recommendations to mitigate and reduce conflicts over pasture resources were developed on the basis of round-tables, regional hearings, personal interviews and the analysis in this report. To ensure that the recommendations comply with the laws of the Kyrgyz Republic regarding sustainable pasture management, the following grey boxes summarize the legal evaluation of every recommendation.

**As a general recommendation, all laws concerning different sectors should be coordinated using unified terminology to avoid disagreements and misunderstandings.**

### **1. Strengthen cooperation between local self-governance bodies and pasture committees**

*Recommendations to be sent to Ministry of Agriculture, local self-administration, Associations of Water Users, forestries, regional divisions of State ecological technical inspection at the Government of KR and pasture committees.*

#### **1.1. Expand cooperation between local self-governance bodies and pasture committees. Ensure participation of local deputies in pasture committees' decision-making processes**

Because associations of pasture users with their executive authorities represent one of the bodies of territorial public self-administration, all bodies of territorial public self-administration must report their activities to citizen assemblies and local councils who elected and registered them (article 55 of Law of KR “On local self-governance” dated 15th of July, 2011, <sup>1</sup> 101).

Also according to article 56, on the basis of an agreements envisaged by the Law, certain questions of local importance can be entrusted to territorial public self-administrations.

Moreover, local self-governance authorities have the right to transfer ownership of household objects, residential and non-residential accommodation as well as a portion of their material and other resources to the bodies of territorial public self-administration.

#### **1.2. Improve pasture users' access to information on activities of pasture committees by involving them in pasture committees' activities. Provide large scale awareness raising campaigns through mass media**

According to Law of the KR “On pastures” (article 5), members of pasture users' associations have the right to demand the implementation of the provisions of this Law by the association and to request information regarding the activities of the association.

Pasture users are accountable to the association regarding the realization of pasture use plans.

Pasture committee must report its activities to the general assembly of pasture users (article 6).

#### **1.3. Improve cooperation between institutions managing natural resources (pasture committee, Association of Water Users, forestries, regional divisions of State ecological technical inspection within the Government of KR) by implementing regular coordination meetings at district/water basin scale under the responsibility of district administration.**

Pasture committees must take into account the plans of state authorities in charge of the sphere of environmental protection when drawing up pasture management and use plans. PC community plans

need to be in accordance with the information available from state authorities at the moment of their adoption (article 7 of Law of KR “On pastures”).

According to the Regulation of State Agency of the Protection of Environment and Forestries, one of the major objectives of the Department of Development of Forest Ecosystems is to ensure access to information and participation of all interested parties in the making and realization of ecologically significant decisions (resolution of the Government of KR dated 28th of May, 2012 <sup>1</sup> 333).

## **2. Expand the power and status of pasture committees**

*Recommendations to be sent to mass media, the Pasture Department, non-governmental organizations, local self – administrations, territorial public self – administrations, Agency of Development and Community Investment, Rural Advising Service, district and regional administration, Fund for the Development of Law and Business, Supreme Council, Giprozem (Land registry), pasture committee and pasture users.*

**2.1. Increase reporting on role and functions of pasture committees among the population, administration and local self government at district and oblast levels. Conduct different trainings and use mass media**

**2.2. Improve pasture users unions’ control over activities of pasture committees as it is stated in the Law “on Pasture”. Organize regular meetings with pasture users (at least 1/3) of pasture users to discuss reports and budgets of pasture committee. Ensure open access of all pasture users to the reports of pasture committees.**

The amendments and complements into Law of the KR “On pastures” (in edition of Law of the KR dated 28th of December, 2011, № 254) providing members of pasture users’ associations with the right to demand the implementation of the provisions of this Law by the association and to request information regarding the activities of the association are relatively recent. Any question related to PC competencies should be presented for consideration before the general assembly of pasture users at the request of at least a quarter of the members of pasture users associations (article 5). Besides, article 6 of this Law was complemented with provisions that require the pasture committee to report all their activities to pasture users.

### **2.3. Strengthen pasture committees’ potential by providing them with consultations on legal fundamentals of pasture use**

According to article 14 of the Law of KR “On pastures”, the Pasture Department of Ministry of Agriculture of KR is in charge of “the realization of pasture use control measures by pasture users associations”. However, specialists from the Pasture Department are underrepresented at the local level (1-2 people).

It would therefore be expedient to either increase representation of Pasture Department in oblasts or assign duties (by inserting corresponding amendments into their regulations) to such territorial divisions of Ministry of Agriculture of KR as district administrations of agricultural development and services of Giprozem to provide assistance and support to pasture committees (and not only on legal issues).

**2.4. Improve quality of training on pasture management by disseminating appropriate teaching methods on pasture use and management plans and ensure regular trainings of pasture committees (integration of pasture management courses in colleges).**

**2.5. Strengthen control over the use of winter pastures, integrate a seasonal payment mechanism for use of pastures**

**2.6. Improve existing mechanisms of control over violations of the pasture use regime established within framework of local level administration, including violations by pasture users from other territories by raising fine amounts and carrying out fine collection at local level**

According to article 10 of Law of KR “On pastures”, the pasture committee determines the payment schedule for the right to use pasture lands annually. The size of the payment varies across pasture systems and types of pasture use but it must be higher than basic tax rate, taking into account the optimal pasture carrying capacity. The payment schedule is included in the annual pasture use plans and is approved by representatives of local self-governance authorities.

On the basis of article 193 about the administrative responsibility (edition of Law of KR dated 16th of December, 2011, № 239), “violations of the regime, laid out in the pasture and hay field administration and use plan, accepted and enacted according to the established procedure, are subject to administrative fines in the amount of two to five times the base rates for citizens, and five to ten times - for officials”.

In case of payment evasion (in cases when the Community pasture and hay fields administration and use plan has been approved by local council is available), then the pasture committees may turn to administrative boards of the district state administrations to bring the violators to administrative responsibility.

Nevertheless, pasture committees continue to face challenges when implementing administrative fines related to pasture use for various reasons (remoteness from district centers, financial expenses, and small fines etc.). It would therefore be advisable to raise fine amounts and carry out fine collection at local level by specialized boards created within local structures of self-governance.

**2.7 Strengthen border dispute resolution mechanisms (between AOs, districts and oblasts) through raising awareness among pasture users about pasture borders of the local self-governance bodies, agreed upon with state authorities, improve access to information about existing pasture borders and their modifications at local and national levels.**

Issues of establishment of external pasture borders are regulated by the Law of KR “On pastures” (article 3) and the resolution of the Government of the Kyrgyz Republic dated 19th of June, 2009, № 386 “On measures to implement the Law of the Kyrgyz Republic “On pastures”.

In order to minimize disputes, according to the resolution № 386, the issues of external pasture border determination are coordinated with special-purpose boards and working groups during the mandatory signing of corresponding documents by the parties concerned. Cadastral works are carried out by organizations selected through special tenders.

Cadastral works were completed in village districts of the northern oblasts. Map materials are being verified and their preliminary state registration has been completed by local registration authorities. Currently, these works are carried out in village districts of the southern regions.

**2.8 Improve the procedures of livestock census, ensure access to statistics of livestock number, reconsider the indicators serving as a base for subsidy allowance to the local population (For example, the indicator showing the number of livestock has a potential for conflict, since the actual number of livestock is concealed to get subsidies)**

**2.9 Expand the relevance of socio-economic passports of local self-governance. Include into passports high priority tasks defined in the plans of local institutions that manage natural resources. Provide access at local level to passports of local self-government worked out by REACH.**

According to Law of the KR “On pastures”, all key information needed to ensure sustainable pasture use and awareness of all users about their rights and duties should be contained in community pasture management and use plans.

Pasture administration and use plans (provided that they are developed competently) can also become a kind of passport in sphere of pastures use.

**3. Introduce a new agreement between the Pasture Department MoAM and the State Agency of Protection of Environment and Forestries dated April 11, 2013 about pasture use on forestries’ territories**

*Recommendations to be sent to Pasture Department, State Agency of Protection of Environment and Forestriesies, local self-governance bodies, pasture committees and pasture users*

- 3.1. Provide support to pasture committees in implementation of pilot projects and experience exchange**
- 3.2. Ensure transparency of joint agreements implementation and budget use, by meetings and exchange of correspondence**
- 3.3. Improve joint management and planning of State Forest Fund pasture use by implementing joint pasture use plans**
- 3.4. Adjust standard Agreement between the Pasture Department MoAM and the State Agency of Protection of Environment and Forestries dated April 11, 2013 about pasture use on forestries’ territories to local conditions with the involvement of local self-administration and local deputies**
- 3.5. Increase control over the implementation of the Agreements’ conditions between the Pasture Department MoAM and the State Agency of Protection of Environment and Forestries dated April 11, 2013 especially in cases of implementation of infrastructure projects by establishing working group and elaborating conditions for implementation of infrastructure objects.**

Pasture committees must take into account the plans of state authorities in charge of the sphere of environmental protection when drawing up pasture management and use plans. PCs’ community plans need to be in accordance with the information available from state authorities at the moment of their adoption (article 7 of Law of KR “On pastures”).

As a whole, availability of a coordinated document on the resolution of all disputes between various divisions of State Agency of Protection of Environment and Forestries, the PCs and pasture users, such as a Cooperation Agreement between Ministry of Agriculture of KR and State Agency of Protection of Environment and Forestries, is not sufficient. Amendments and complements must be introduced into corresponding legislative acts.

Meanwhile, there is an established procedure for leasing State Forest Fund land plots on the basis of agreements that could contain all provisions and recommendations provided below.

**4. Integrate joint pasture management between pasture committees and Specially Protected Natural Territories (national parks and reserves)**



*Recommendations to be sent to Pasture Department, State Agency of Protection of Environment and Forestries, Especially Protected Natural Territory, local self-governance bodies, pasture committee and pasture users*

- 4.1. Inform population on transformation of pasture lands into Specially Protected Natural Territories and provide information about the borders of these lands**
- 4.2. Inform population on the rules restricting grazing of livestock on the territories of national parks**
- 4.3. Use the Agreement between the Pasture Department MoAM and the State Agency of Protection of Environment and Forestries dated April 11, 2013 to conclude agreements with national parks on pasture use on their territory. Adjust this agreement to local conditions**
- 4.4. Increase informing of pasture committees on issues of flora and fauna conservation when using pastures within the borders of especially protected natural territories**

Pasture committees must take into account the plans of state authorities in charge of the sphere of environmental protection when drawing up pasture management and use plans. PCs' community plans need to be in accordance with the information available from state authorities at moment of their adoption (article 7 of Law of KR "On pastures").

**5. Increase pasture committees' access to information on issues of pasture use by secondary users (enterprises)**

*Recommendations to be sent to Ministry of Agriculture, State Agency of Geology and Mineral Resources, Pasture Department, NGOs working in mediation with mining companies, pasture committee and pasture users.*

- 5.1. Increase pasture users' access to information on the legal frameworks of resources use on the pasture territories practiced by secondary users through provision of trainings and dissemination of information materials.**
- 5.2. Improve existing mechanisms of control over activities of secondary users of pasture territories. Inform pasture committees and secondary users by organizing round-tables**
- 5.3. Inform pasture committees about facts of land transformation into other land categories, borders of these lands and legal frameworks of their use**
- 5.4. Ensure transparency and inform about the distribution of financial flows from payments contributed by secondary users of pasture territory. Ensure informing of pasture committees and pasture users**

According to Law of KR "On protection of environment" citizens have the right to receive complete and reliable information about environmental conditions, population's health, and planned construction of industrial objects (article 46).

One of key principles of environmental protection is transparency:

- transparency in solving preservation problems arising from economic and other activities that ecological consequences, close link with public organizations and population, stimulation and promotion of measures aimed at protection and rational use of natural resources, and alignment of national, oblast and international interests in sphere of environmental protection (article 3). Procedures and conditions for the use of natural resources are established by this Law, strains natural resources Law and other normative legal acts of the Kyrgyz Republic (Law of KR "On protection of environment" article 11).

Payments for the use of the environment consist of payments for the use of natural resources, payments for environmental pollution and other negative impacts on the environment (Law of KR “On protection of environment” article 15).

When it comes to secondary pasture use:

- on plots where the activities lead to the degradation of vegetation cover, payment amount is determined according to regulations regarding compensation for damages to agricultural production, established by Law;

- on plots where the activities preclude livestock grazing, but do not lead to break of pasture cover, - payment amount should equal the amount that would be paid for use of this plot for livestock grazing;

- on plots where the activities do not preclude livestock grazing and do not lead to the degradation of vegetation cover, payment should not be charged.

Payment is collected by pasture committee. The PC uses the resources obtained from sale of pasture tickets toward the improvement of pastures and other expenses determined by pasture committee (Law of KR “On pastures” article 10).

## **6. Development of Agreement on pasture use in transborder areas**

*Recommendations to be sent to Ministry of Agriculture, Pasture Department, Supreme Council*

**6.1. Determine framework and responsibility for cooperation on issues of pasture use in transborder areas at national, district and local levels**

**6.2. Develop mechanisms of management and control of pasture use in transborder areas**

**6.3. Review draft Law “On introduction of addenda into Land Code of the Kyrgyz Republic”, worked out by the Pasture Department MoAM jointly with Rural Development Fund with the aim of mitigating and preventing transborder conflicts**

Priority activity of state authorities and authorities of self-administration in area of the development of separate special-status transborder territories of the Kyrgyz Republic includes:

- providing preservation and rational use of natural resources of separate special-status transborder territories of the Kyrgyz Republic;

- assimilation of land plots, improvement and development of infrastructure of separate special-status transborder territories of the Kyrgyz Republic (Law of KR “On giving special status to separate transborder territories of the Kyrgyz Republic and their development”, article 4)

When granting the use of land plots on the territory of the Kyrgyz Republic to another state, the amount of payment is determined by inter-governmental agreement concluded by the Kyrgyz Republic with the state concerned. Intergovernmental agreements on such provision of land plots for use must be ratified by Supreme Council of the Kyrgyz Republic (Land Code of KR, article 8).

The draft Law “On introduction of addenda into Land Code of the Kyrgyz Republic” proposes to grant the representatives of local self-governance authorities in transborder territories corresponding powers to provide pasture plots to foreign persons for temporary use prior to the conclusion and ratification of the intergovernmental Agreements on the temporary pasture use in transborder territories.

Assigning (temporarily) such powers would allow local self-administration authorities and pasture committees of pasture users associations according to Law of the Kyrgyz Republic “On pastures”, to

settle conflicts in a timely manner and, most importantly, to prevent conflict situations. It would also and create more favorable conditions for the preparation of corresponding Agreements at international level.

**7. Test approach of integrated management of natural resources at level of the water basin, including the Payment for Ecosystem Services (PES) mechanism**

*Recommendations to be sent to Ministry of Agriculture, non-governmental organizations, international organizations and local self-administration*

- 7.1. Create corresponding pilot projects in the north and south of KR with the goal of promoting cooperation between local institutions (forestries, pasture committees, Councils for land management, Association of Water Users) at watershed level**
- 7.2. Conduct basic investigation about integrated management of natural resources at watershed level to study anthropogenic impacts on ecosystems in the pilot areas**
- 7.3. Increase awareness about integrated management of natural resources at watershed level and Payment for Ecosystem Services mechanism**

This legal analysis was based on technical report of project Integration of Payment for Ecosystem Services (PES) and Mechanism of forest carbon in the Kyrgyz Republic. The existing Law regarding the environment does not foresee a mechanism for promoting the rational use of natural resources. No reward is provided for the preservation of ecosystem. Moreover, this legislation does not govern the relations between interested parties, who provide and benefit from ecosystem services.

There is also contradiction between the Civil code and the PES mechanism. Civil code article 85 provides that legal entities can be commercial or non-commercial organizations (profit is not distributed among participants). In case of PES, some associations or other organizations can receive funds from the purchasers of Ecosystem Services and carry out activities related to ecosystem restoration and maintenance. Therefore, it is essential to consider this as a non-commercial activity. However, non-commercial organizations created in form of associations, political parties and other public or religious communities can be financed exclusively by their members, donors, charity organizations and other public funds, as well as in other ways that approved by the Law. Therefore, there is a contradiction in that the PES mechanism transfers money (or other incentives) not from donors, but from some non-commercial organizations to others, which is essentially impossible under the Law. Currently, this situation limits the use of financial revenues for ecosystem services in the Kyrgyz Republic.

However, this research has determined that within framework of joint management of forests it may be possible to legally formalize an in-kind reward mechanism. This was the decision used to draw up agreements on PES in the Chon-Aksuu river basin.

## **12. Conclusion**

As identified during this study, the main conflict cause is the lack of information on the Law “On pastures” among pasture users, pasture committees, AOs, enterprises, district, oblast and national administration. If mechanisms and solutions already exist, they have to be brought to the local level through large awareness-raising campaigns, capacity building and systematic trainings of PCs and PUs, as well as to other concerned stakeholders. Trainings and awareness-raising campaigns are the core of the prevention and respond to different conflict types.

After the first phase of the implementation of the Law “On Pastures” where different approaches were tested and implemented, there is a strong need of sharing experience and unifying methods among NGOs, international organizations and governmental bodies. The focus has to be put on the active involvement of AOs and PUs as well as the other concerned stakeholders in the functioning mechanism of the PCs, which is the base for a sustainable work of the promising Pasture Committees.

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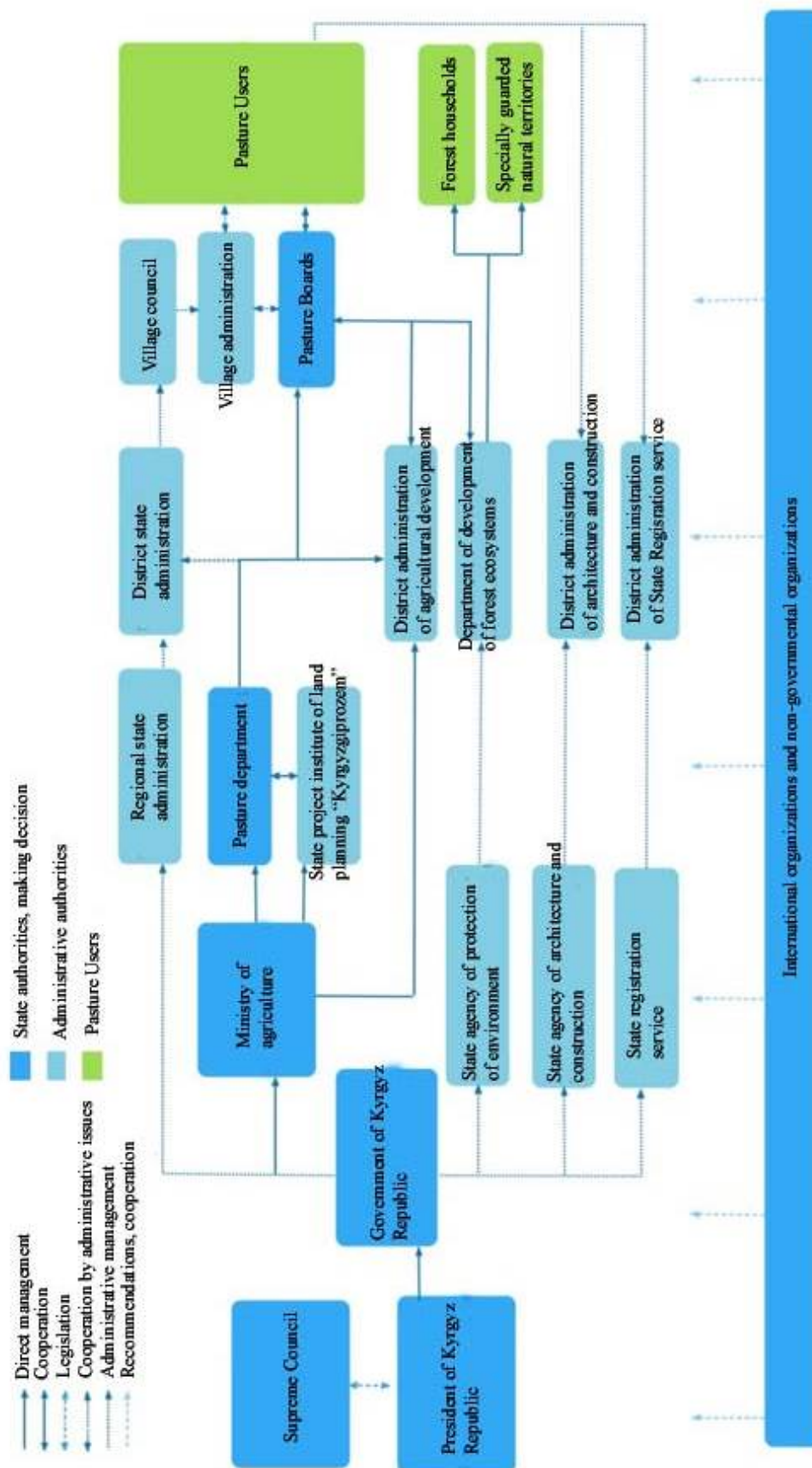
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## 13. Annexes



### 13.1. Institutional structure of state management of pasture resources of the Kyrgyz Republic



### 13.2. List of interviews

Organization	Name	Position
International Study Center for Local Development (CIEDEL)	Nicolas Heeren	Director
GIZ German Internationale Zusammenarbeit, Civil Society Fund	Philipp Reichmuth	Project manager
Tree of life	Kaliya Moldogazieva	Project manager
Rural Development Fund	Erlan Karypbay uulu	Project coordinator
UNDP Project in SUUSAMYR	Aida Umanova	Project manager "Demonstrating sustainable mountain pastures management in the Suusamyr valley, Kyrgyzstan"
Global Environment Facility/UNEP / Department of Specially Protected Natural Territories	NazgulTurdumatova	Project coordinator "Revision of biodiversity protection National strategy and Action plan - 5 convention"
Pasture Department MoAM	Barakanova Natalya	Pasture monitoring specialist
Regional Environmental Center of Central Asia	Simon Charré	Project manager "Integrating Payment for Ecosystems Services (PES) and a forest carbon mechanism in the Kyrgyz Republic"
Osh oblast Pasture Department	Mamytov Seidahmat	Specialist
Jalal-Abad oblast Pasture Department	Osmonaliev Ruslan	Specialist
Batken oblast Pasture Department	Eshmatov Baatyrbek	Specialist
Issykul oblast Pasture Department	Usenbaev Chyngyz	Specialist
Talas oblast Pasture Department	Kulshanova Bermet	Specialist
Naryn oblast Pasture Department	Sydykbaev Karybek	Specialist
Chui oblast Pasture Department	Naizabekov Baytemir	Specialist
Pasture Department MoAM	Kudaibergenov Kubat	Lawyer

Department of forest ecosystem development, SAoEPF	Koichumanov Bakyt	Director
Department of forest ecosystem development, SAoEPF	Yrysaliev Bakyt	Director deputy
Kyzyl-Unkur forestry, Jalalabad	Anarbay uulu Elmirbek	Director
Kyrgyzgiprozem	Penkina Lyudmila	Pasture Monitoring Department head
Norwegian Forestry Group	Êamel Chorfi	Coordinator
Hunting Supervision Department	Turdumatov Talantbek	Head
Hunting Supervision Department	Jusumanbetov Tynymseyit	Senior specialist
Ovchekalacha jamaat, Tadjikistan	Gadoibaev Gairojo	Head
Transboundary mahalin territories- Maksat and Kalacha, Tadjikistan	Numunov Yunusbay	Chairman
RAS Jalalabad	Caroline Wegner	International Advisor
<b>Agriculture Department of the Alay rayon</b>	<b>Mamyrov Kenjebay</b>	Specialist
Jalalabad territorial management of natural protected territories	Duvanakhulov Mametaly Abdumaripovich	Deputy director
Expert-consultant	Chinara Biyalieva	Expert

### 13.3. Survey table of regulations, regulating questions of management and use of pastures

<sup>1</sup>	Title of regulation	Date of acceptance	Short description of regulations or standards, regulating questions of management and use of pastures
<b>I. Constitution of the Kyrgyz Republic</b>			
	Constitution of the Kyrgyz Republic	Was accepted by national referendum on 27 June, 2010	<p>Pastures are exclusive property of the Kyrgyz Republic (article 12).</p> <p>Authorities of local self –administration can be assigned with state powers with transfer of material, financial and other means necessary for their implementation. State powers can also be assigned to authorities of local self-governance on the basis of Law or agreement. By assigned powers authorities of local self-governance are subject to report to state authorities (article 113)</p>
<b>II. Codes of the Kyrgyz Republic</b>			
1	Civil code of the Kyrgyz Republic	<p>8th of May, 1996, <sup>1</sup> 15 part I</p> <p>5th of January, 1998, N 1 part II</p>	<p>Civil code of the Kyrgyz Republic determines that right of ownership for land plot or right of use spreads to surface (soil) layer located within borders of this plot unless otherwise established by Law (article 233-2)</p> <p>This article also envisages that owner of land plot or land user has the rights to use everything that is located over and under surface of this plot at its discretion unless otherwise envisaged by Law of the Kyrgyz Republic “On subsurface resources” or other Laws and does not infringe rights of other persons.</p>
2	Land code of the Kyrgyz Republic	2 <sup>nd</sup> of June, 1999, N 45	<p>Pastures cannot be assigned to private ownership or lease (paragraph 4, article 4)</p> <p>Payment for land is made in form of lease payment of land use excepting pastures (paragraph 2, article 8)</p> <p>In competency of executive – administrative authority of local self –administration of village district there is also to provide pastures for use and establish procedure of their use (subparagraph 2, paragraph 2, article 13)</p> <p>Taxation of Pasture Uses is done according to fiscal Law of the Kyrgyz Republic (paragraph 6</p>

			<p>article 18)</p> <p>Representative authorities of local self-governance taking into account optimal load per unit of pastures square area, infrastructure and also its productivity and remoteness, establish amounts of payment for pastures use per unit of livestock (paragraph 7, article 18)</p> <p>In competency of the Government of the Kyrgyz Republic there is conversion of more valuable lands (plough land, multiyear plantings, old field, cultural pastures, hay fields and pastures with basic improvement) into less valuable types of lands or other category of lands (paragraph 12, article 20).</p> <p>Low yield agricultural lands excepting pastures can be provided to citizens of the Kyrgyz Republic into ownership by empowered authority free of charge for assimilation and conduct of agricultural production (paragraph 2, article 32).</p> <p>Special valuable agricultural lands are : irrigated and un-watered plough lands, old field, lands occupied with multiyear fruit plantings, cultural pastures, hay fields and pastures with basic improvements (paragraph 1, article 74)</p>
3	Tax code of the Kyrgyz Republic	17th of October, 2008, <sup>1</sup> 230	<p>Tax code of the Kyrgyz Republic determines major principles of taxation of pasture lands.</p> <p>Regulations of Tax code of the Kyrgyz Republic charge land tax from pasture lands by average rates of districts (article 337).</p> <p>Active tax Law of the Kyrgyz Republic does not free Community of Pasture Users from payment of major types of taxes which are paid by economic subjects during process of their economic activity.</p>
4	Customs code of the Kyrgyz Republic	12th of July, 2004, N 87	<p>According to Law of the KR “On introduction of changes into Customs code of the Kyrgyz Republic” dated 22nd of July, 2011, <sup>1</sup> 124, agricultural animals are included into list of commodities due to customs formalization and customs control in procedure and in conditions envisaged by Customs code of KR (subparagraph 38, article 9).</p>

5	Code on administrative responsibility	4th of August, 1998, N 114	<p>On the basis of article 193 of code on administrative responsibility (edition of Law of KR dated 16th of December, 2011, <sup>1</sup> 239) “break of regime established in plan of community regarding management and use of pastures and hay fields, accepted and which came into force in established procedure,</p> <p>- results in imposition of fine for citizens from to two to five rates, for officials from five to ten rates”</p>
<b>III. Laws of the Kyrgyz Republic</b>			
1	Law “On management of lands of agricultural purpose”	dated 11th of January, 2001, <sup>1</sup> 4	<p>Law of the Kyrgyz Republic “On management of lands of agricultural purpose” consolidates regulation of Land code of the Kyrgyz Republic about that lands of pastures belong to state. In article 21 of this Law it is also stipulated that lands of pastures are rendered only for use according to the Law of the Kyrgyz Republic “On pastures”.</p>
2	Law of the Kyrgyz Republic “On pastures”	26th of January, 2009, <sup>1</sup> 30	<p>Law of the Kyrgyz Republic “On pastures” determines major principles of legal regulation of pasture lands.</p> <p>Legal regulations of the Law reflect radically other approach in questions of use of pasture lands, pursuing major goal – providing stable and effective management of pasture resources.</p> <p>Law of the Kyrgyz Republic “On pastures” confirms regulations of Land code of the Kyrgyz Republic regarding land Law, establishing that management of pastures, their improvement and use are regulated by Land code of the Kyrgyz Republic and this Law and also other regulations of the Kyrgyz Republic.</p>
3	Law of the Kyrgyz Republic “On local self-governance”	15th of July, 2011, N 101	<p>In article 20 of this law, regulation of article 113 of Constitution of the Kyrgyz Republic was realized according to which authorities of local self – administration bearing responsibility and control management of pastures, can be assigned state powers with transfer of material, financial and other means required for their realization.</p> <p>In its turn, this Law envisages possibility of transfer of separate questions of local importance to authorities of territorial public self-administration by agreement (article 56), which is</p>

			<p>realized in Law of the Kyrgyz Republic “On pastures”. Accordingly, this Law reflects that different forms of territorial public self-administration attain its status from the moment of their accounting registration in local council (article 55).</p> <p>It also says that territorial public self-administration has the right to get status of legal entity in procedure set by legislation of the Kyrgyz Republic (article 55).</p> <p>The Law envisages that all forms of territorial public self-administration are subject to report to assemblies of citizens who elected and registered them in local council (article` 55).</p>
4	Law of the Kyrgyz Republic “On rendering special status to separate trans boundary territories of the Kyrgyz Republic and their development”	26th of July, 2011, N 145	<p>Priority activity of state authorities and authorities of local self-governance in sphere of development of separate trans boundary territories of the Kyrgyz Republic having special status, includes:</p> <ul style="list-style-type: none"> <li>- assimilation of land plots, improvement and development of infrastructure of separate trans boundary territories of the Kyrgyz Republic, having special status ;</li> <li>- conservation and rational use of natural resources of separate trans boundary territories of the Kyrgyz Republic, having special status ;</li> </ul> <p>(article 4)</p>
<b>IV. Decrees of the President of the Kyrgyz Republic</b>			
1	Decree of the President of the Kyrgyz Republic “On National strategy of stable development of the Kyrgyz Republic for period 2013-2017 years”	21st of January, 2013, decree of president N 11	To improve management of state pastures, mechanism will be used in the basis of which principle is put of rational balance of economic output of pastures for society and exclusion of their degradation. At this, the most important instrument of increasing efficiency will be implantation of modern technologies into practice of management and monitoring of pasture lands of country. (paragraph 10.1)
<b>V. Sub legislative regulations of the Kyrgyz Republic</b>			
1	Resolution of Government of the Kyrgyz Republic “On measures to realize Law of the Kyrgyz Republic “On pastures”	19th of June, 2009, N 386	With the goals to realize major regulations of he Law of the Kyrgyz Republic “On pastures” (№ 30 dated 26 <sup>th</sup> of January, 2009 year), the Government of the Kyrgyz Republic approved regulations allowing to realize new mechanism of regulation of legal mutual relations in process of use of pasture resources by resolution № 386 dated 19th of June, 2009, “On measures to realize Law of the

			<p>Kyrgyz Republic “On pastures” :</p> <ul style="list-style-type: none"> <li>• Regulation on state board establishing borders of pastures;</li> <li>• Regulation on oblast work groups and local (district) boards establishing borders of pastures;</li> <li>• Standard regulation on procedure of establishment of payment for use of pastures.</li> </ul> <p>This Resolution of the Government of Kyrgyz Republic also approved standard form of pasture ticket and prescribed heads of local state administrations to create local boards to establish external borders of pastures within month.</p> <p>It is established additionally, that pasture plots provided earlier (till June of 1999) for long term use of former collective households and joint households of districts and oblasts of the Kyrgyz Republic, located in administrative borders of other districts and oblasts, hereafter, remain in disposition of the same districts and oblasts till completion of works to establish borders of pastures.</p>
2	Resolution of Government of the Kyrgyz Republic “On approval of Program of development of pasture economy of the Kyrgyz Republic for period 2012-2015 years and Plan of events to realize Program”	10th of February, 2012, ' 89	This Program determined priority directions of development of pasture economy of the KR
<b>VI. Branch natural resource Law of the Kyrgyz Republic</b>			
1	Law of the Kyrgyz Republic “On protection of environment”	16th of June, 1999, N 53	<p>According to Law of the KR “On protection of environment” (article 10) nature is used in form of <u>general and special use of nature</u>.</p> <p><u>General use of nature</u> does not demand any special license and permit, is done by citizens due to natural rights arising and existing as result of its birth and existence (use of atmosphere air, water for drinking, therapeutic needs and etc.).</p> <p><u>Special use of nature</u> is divided into use of lands, use of subsurface resources, use of forest, use of water, use of flora and fauna, use of atmosphere air by types of used objects (article 11).</p> <p>Procedure and conditions of use of natural resources are established by above</p>



			mentioned Law, branch nature resource Law and other regulations of the Kyrgyz Republic (article 11 of Law of KR “On protection of environment”.
2	Law of the Kyrgyz Republic “On fauna”	17th of June, 1999, N 59	<p>According to article 30 of this Law of KR “On fauna” objects of fauna are used by legal entities and individuals in form of <u>general and special use</u>.</p> <p><u>General use</u> of objects of fauna is done free of charge, without taking out objects of fauna from natural environment and does not require any special permit.</p> <p><u>Special use</u> of objects of fauna is done with taking out objects of fauna (hunting, collection and etc.) from natural environment for a fee and license of state authorities in sphere of protection, use and reproduction of objects of fauna.</p> <p>According to article 28 of the Law of KR “On fauna” users of objects of fauna are legal entities and individuals assigned with right of use on the basis of agreement and/or license (special permit) concluded and/or issued by the republican state authority of protection of environment of the Kyrgyz Republic.</p> <p>Right of use of objects of fauna by foreign legal entities and individuals is provided in procedure established by the republican state authority of protection of environment of the Kyrgyz Republic.</p>
3	Law of the Kyrgyz Republic “On protection and use of flora”	20th of June, 2001, N 53	<p>According to article 11 of Law of KR “On protection and use of flora” right of use of objects of flora is established by official act for right of use of land or agreement for lease of lands or objects of flora.</p> <p>Owners of land and permanent users of land at the same time are permanent users of objects of flora growing at their lands.</p> <p>Transfer of objects of flora into use is done exclusively in procedure of allocation of lands.</p> <p>Article 12 of Law of the Kyrgyz Republic “On protection and use of flora” determines that</p>

			<p>harvesting wild growing feeding production for needs of <u>livestock breeding</u> (mowing hay), pasturing livestock, feeding silkworms can be realized both in special territories allocated for these purposes and in plots of other purpose by special permits with adhering to established standards.</p> <p>Individuals and legal entities can use greenery for needs of bee <u>farming by agreements with</u> permanent users of land plots provided for these goals.</p> <p>Individuals and legal entities being users of natural hay fields and pastures should abide to the requirements of their protection, rational use and growth of production according to the above mentioned Law.</p> <p>Optimal load for different plant assemblages, methods and periods of keeping livestock in them are established by regulations of the Government of the Kyrgyz Republic.</p> <p>Article 13 of Law of KR “On protection and use of flora” establishes that individuals can participate (individually or collectively) in harvesting <u>wild growing medical and industrial plant raw materials and production for food purposes by agreements</u> with major users of objects of flora who received right to harvest them.</p> <p>It is prohibited for individuals to harvest wild growing plants listed as containing drugs with goal of personal consumption, sale or processing their parts, products and after harvesting residues and also wastes of natural raw material containing drugs, approved by the Government of the Kyrgyz Republic. Harvesting, collection of this plant raw material by legal entities is admitted in procedure established by the Government of the Kyrgyz Republic.</p> <p>Harvesting, collection of wild growing medical and industrial plant raw material can be prohibited or limited in established procedure in natural plant assemblages where it can cause damage to flora or fauna and also to health of population.</p> <p>Harvesting, collection of objects of flora listed into Red data Book of the Kyrgyz Republic are prohibited.</p>
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4	Law of the Kyrgyz Republic “On subsurface resources”	9th of August, 2012, N 160	<p>According to article 3 of this Law, subsurface resources are exclusive property of the Kyrgyz Republic, are used as basis of life and activity of people of KR and are under special guard of the state.</p> <p>Powers of authorities in sphere of use of subsurface resources:</p> <p>1. Government of KR</p> <ul style="list-style-type: none"> <li>- realizes and develops state policy and Law in sphere of subsurface resources;</li> <li>- determines plots of subsurface resources and deposits intended for satisfaction of state needs in strategic types of mineral raw materials ;</li> <li>- approves list of plots of subsurface resources, deposits having strategic significance;</li> <li>- approves list of objects of general state importance subject to be submitted in tender;</li> <li>- performs other powers according to this Law and legislation of the Kyrgyz Republic in sphere of use of subsurface resources (article 5).</li> </ul> <p>2. Powers of empowered state authority regarding state policy of use of subsurface resources:</p> <ul style="list-style-type: none"> <li>- develops and submits state policy in sphere of use of subsurface resources for approval of the Government of the Kyrgyz Republic;</li> <li>- performs other powers envisaged according to this Law and legislation of the Kyrgyz Republic (article 6)</li> </ul> <p>3. Powers of empowered state authority realizing state policy of use of subsurface resources:</p> <ul style="list-style-type: none"> <li>- realizes state policy in sphere of use of subsurface resources;</li> <li>- arranges system of providing rights for using subsurface resources and land plots of State reserve of lands of deposits of useful minerals ;</li> <li>- controls protection of subsurface resources at borders of geological, mining and land allotments ;</li> </ul>

			<ul style="list-style-type: none"> <li>- performs state registration of rights of using subsurface resources in cases envisaged by this Law;</li> <li>- develops technical regulations and rules in sphere of use of subsurface resources;</li> <li>- controls use and protection of subsurface resource sat geological study and industrial exploitation of subsurface resources;</li> <li>- performs other powers envisaged according to this Law and legislation of the Kyrgyz Republic (article 7)</li> </ul> <p>4. Powers of empowered state authority of ecological and technical safety:</p> <ul style="list-style-type: none"> <li>- performs state control of adherence to Law protecting environment and industrial safety at ecological study and industrial exploitation of subsurface resources;</li> <li>- performs state control of providing ecological and industrial safety at borders of geological, mining and land allotments;</li> <li>- performs other powers envisaged according to this Law and legislation of the Kyrgyz Republic (article8)</li> </ul> <p>5. Powers of authorities of local state administrations and local self-governance:</p> <ul style="list-style-type: none"> <li>- provide land allotment and right of temporary use and of land plots for periods determined by license, in cases, established by this Law and Land code of the Kyrgyz Republic;</li> <li>- conduct work among local population with the goal to suppress illegal intervention into activity of users of subsurface resources;</li> <li>- perform other powers in sphere of use of subsurface resources according to this Law and legislation of the Kyrgyz Republic.</li> </ul> <p>Activity of individual miners is registered and regulated by local state administrations.</p> <p>List of deposits of useful minerals of general state significance is approved by the Government of the Kyrgyz Republic after submission by empowered state authority realizing state policy of use of subsurface resources and is published in</p>
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			<p>mass media.</p> <p>Right of use of subsurface resources regarding deposits of useful minerals of general state significance is provided exclusively by results of conducting tenders (article 15).</p> <p>Procedure of providing rights of use of subsurface resources</p> <p>Users of subsurface resources can be individuals and legal entities established according to legislation of the Kyrgyz Republic and also foreign individuals and legal entities who passed state registration according to legislation of the Kyrgyz Republic (article 21).</p> <p>Right of use of subsurface resources can be provided on the basis of conducting tenders, auctions and direct negotiations.</p> <p>Tenders of objects of general state significance are conducted by resolution of the Government of the Kyrgyz Republic.</p> <p>Auctions of deposits, occurrences, perspective areas are carried out by list approved by empowered state authority realizing state policy of use of subsurface resources.</p> <p>Right of use of subsurface resources is provided by direct negotiations for:</p> <ol style="list-style-type: none"> <li>1) deposits, occurrences of useful minerals and perspective areas not indicated in List of deposits, occurrences and perspective areas put in auction;</li> <li>2) deposits, occurrences of useful minerals and perspective areas if two auctions regarding them were acknowledged as failed;</li> <li>3) plots of subsurface resources not related to study of subsurface resources and mining deposits of useful minerals (article 23) (нòàòüý 23).</li> </ol> <p>Tender is admitted as failed, if no one of applied proposals does not satisfy conditions of tender or at absence of applications or at submission of only one application.</p> <p>If after repeated tender winner is not detected, board decides to transfer object to auction (article</p>
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			<p>24).</p> <p>Empowered state authority realizing state policy of use of subsurface resources arranges auctions on the basis of regulation, approved by the Government of the Kyrgyz Republic.</p> <p>Procedure of passing and activity of auction is regulated by rule of auction board approved by chairman of board.</p> <p>After winner of auction is not detected two times, right of use of subsurface resources is assigned by way of direct negotiations (article 25).</p> <p>Empowered state authority realizing state policy of use of subsurface resources provides right of use of subsurface resources by direct negotiations by applications of interested parties. Results of negotiations are formalized by minutes (article 26).</p> <p>All types of use of subsurface resources are subject to licensing except of :</p> <ol style="list-style-type: none"> <li>1) providing rights of use of subsurface resources by concession agreement;</li> <li>2) providing rights of use of subsurface resources by agreement on division of production ;</li> <li>3) state registration.</li> </ol> <p>To get license for the right of use of subsurface resources through direct negotiations, applicant submits the empowered state authority realizing state policy of use of subsurface resources application in state or official language indicating license object, type of right of use of subsurface resources and list of useful minerals. Required documents are attached to application according to article 30 of Law “On subsurface resources”</p> <p>Reasons of acquiring right of land use</p> <p>Land allotment and right of temporary use of land plot from State reserve of lands of deposits of useful minerals are provided by empowered state authority realizing state policy of use of subsurface resources for period of license validity of right of use of subsurface resources.</p> <p>Land allotment and right of temporary use of land plots not related to State reserve of lands</p>
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			<p>of deposits of useful minerals and not being private property, but required for use of subsurface resources (for construction of roads, industrial sites, electric power lines and other infrastructures) are provided by authorities of state power or local self-governance for period of license validity of right of use of subsurface resources.</p> <p>Right of temporary use of land plot being in private property or in temporary use, is provided by owner of land plot or user of land rights by agreement with licensee.</p> <p>To get right of temporary use of land plot, licensee submits to authorities of local state administration and (or) local self – administration:</p> <ol style="list-style-type: none"> <li>1) application;</li> <li>2) copy of license for right of use of subsurface resources and license appendix;</li> <li>3) map appendix indicating allotted land plot (article 39).</li> </ol>
5	Law of the Kyrgyz Republic “On tourism”	25th of March, 1999, N 34	<p>Interrelations between subjects of tourist activity and tourists are built on the basis of agreement (contract), which includes subject of tourist travel, quantity and quality of rendered services, their cost, terms and procedure of performance, specific amount of material responsibility of parties for break of its conditions (article 4).</p>
6	Law of the Kyrgyz Republic “On specially protected natural territories”	3rd of May, 2011, N 18	<p>Specially protected natural territories depending on their purpose and regime of guard of natural resources and objects are divided into the following categories, corresponding to international standards and classification, accepted by International union of nature guard :</p> <ul style="list-style-type: none"> <li>- state wildlife preservations;</li> <li>- state natural parks;</li> <li>- state wildlife sanctuaries;</li> <li>- state natural sanctuaries;</li> <li>- state botanic gardens, dendrological and zoological parks;</li> <li>- biosphere territories and/or reserves;</li> </ul>

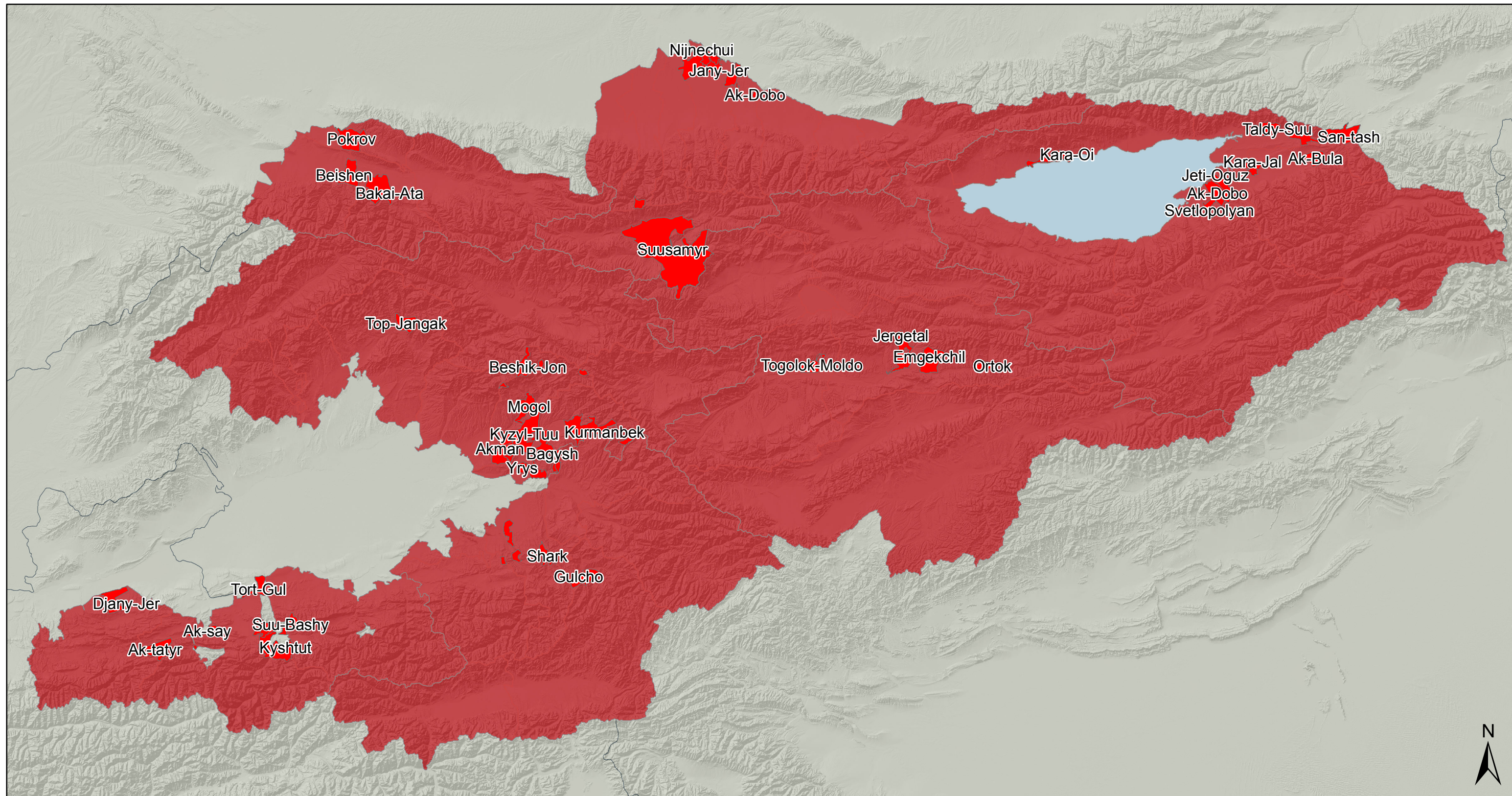
			<p>- transboundary specially protected natural territories.</p> <p>With the goal to provide due regime of protection of specially protected natural territories, zones are established there: major or wildlife (central core), buffer, conservation and others.</p> <p>Issues of zoning are settled simultaneously with the establishment of corresponding category of specially protected natural territory on the basis of scientifically grounded recommendations (article 5).</p> <p>Specially protected natural territories can be used for development of ecological tourism, attraction of local population for formation of tourist infrastructure and providing them stable functioning and also for familiarization with natural and historical – cultural amenities of local sites (article 8).</p>
<b>VII. Departmental acts</b>			
1	Agreement on cooperation between Ministry of agriculture and melioration of KR and State agency of protection of environment and forest household at the Government of KR	11th of April, 2013	<p>Parties which concluded this Agreement, set problem for themselves:</p> <ul style="list-style-type: none"> <li>- contribute to development of stable, effective and rational use of pasture lands, state forest fund and pastures of communities of Pasture Users in the Kyrgyz Republic.</li> </ul>



- 13.4. Map of internal conflicts for pasture resources in the Kyrgyz Republic**
- 13.5. Map of conflicts for pasture resources with forestries in the Kyrgyz Republic**
- 13.6. Map of conflicts for pasture resources with natural reserves and national parks in the Kyrgyz Republic**
- 13.7. Map of lands of forestries and natural reserves in KR**
- 13.8. Map of conflicts for pasture resources with secondary users in the Kyrgyz Republic**
- 13.9. Map of conflicts with enterprises in the Kyrgyz Republic**
- 13.10. Map of trans-boundary conflicts for pasture resources in the Kyrgyz Republic**
- 13.11. Infography of case-study: conflict between Pasture committees or Pasture Users and forestries, Kyzyl Tuu AA, Suzak district, Jalal-Abad oblast**
- 13.12. Infography of case-study: conflict for pastures with secondary users, Gulcha AA, Alay district, Osh oblast**
- 13.13. Map of case-study: trans-boundary conflicts over access to pastures, Kulundu AA, Leilek district, Batken oblast**



# Conflicts between Ayil Okmotus, Pasture Users and Pasture Committees in the Kyrgyz Republic



0 100 200  
Kilometers

Data sources:  
Administrative Boundaries: Kyrgyz State Geodesy  
Projection: WGS84  
Contact: kyrgyzstan.gis@acted.org





\*Significance was assessed as a combined measure between intensity and frequency based on literature, field research, and interviews with specialists from the Pasture Department of the Kyrgyz Republic.


This type of conflict is strongly significant in all oblasts of the Kyrgyz Republic.

*Note: Data, designations and boundaries contained on this map are not warranted to error-free and do not imply acceptance by the REACH partners, associated, donors mentioned on this map. This document has been produced with the financial assistance of the USAID. The views expressed herein should not be taken, in any way, to reflect the official opinion of the United States Government or the United States Agency for International Development.*

## Legend

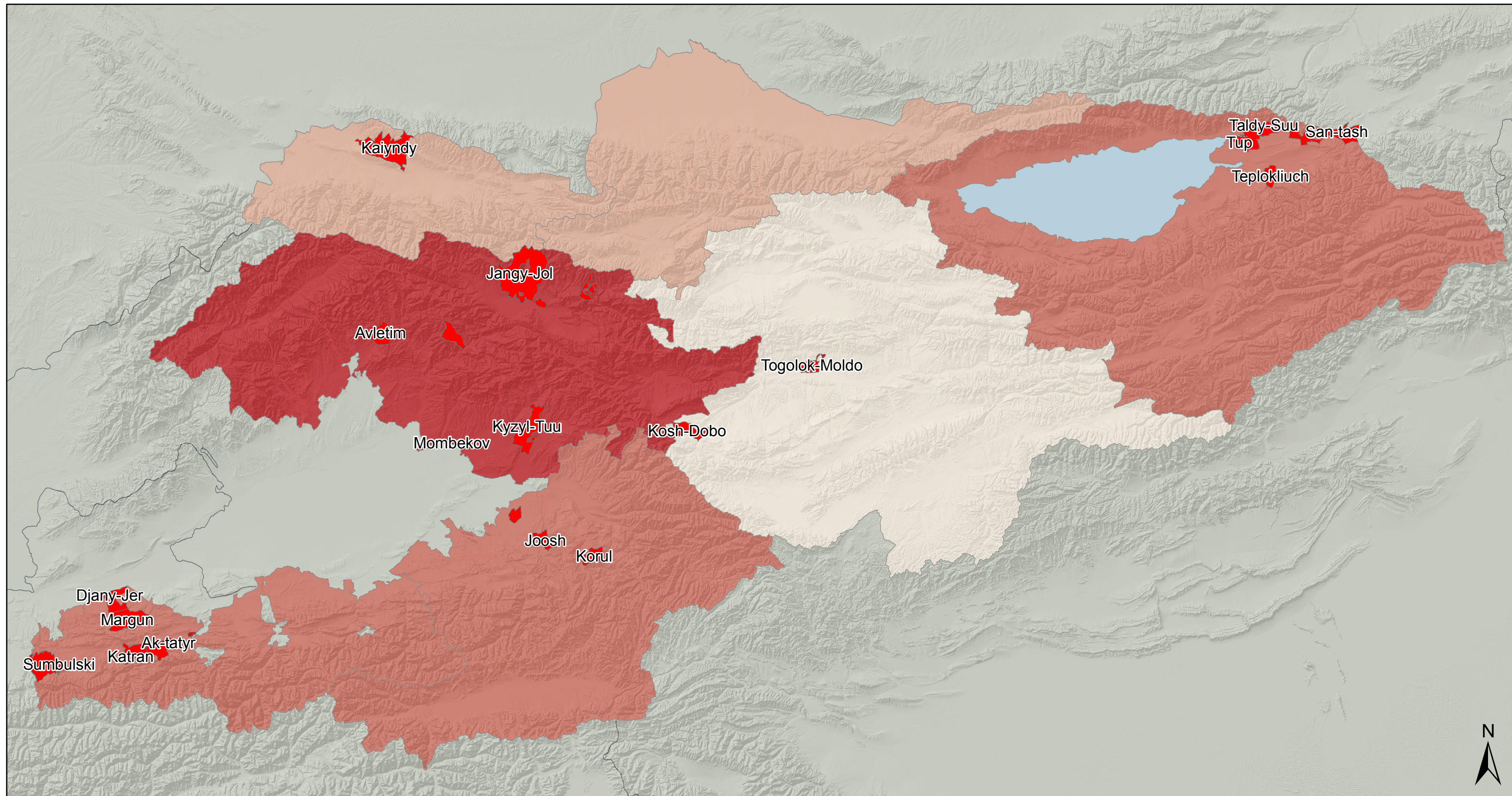
### Significance\* of Conflict for Oblast

-  Not Significant
-  Low
-  Medium
-  Strong Significance

 AO where conflict is present



# Conflicts with Forestry Administration in the Kyrgyz Republic



0 100 200  
Kilometers





Data sources:  
Administrative Boundaries: Kyrgyz State Geodesy  
Projection: WGS84  
Contact: [kyrgyzstan.gis@acted.org](mailto:kyrgyzstan.gis@acted.org)


\*Significance was assessed as a combined measure between intensity and frequency based on literature, field research, and interviews with specialists from the Pasture Department of the Kyrgyz Republic.

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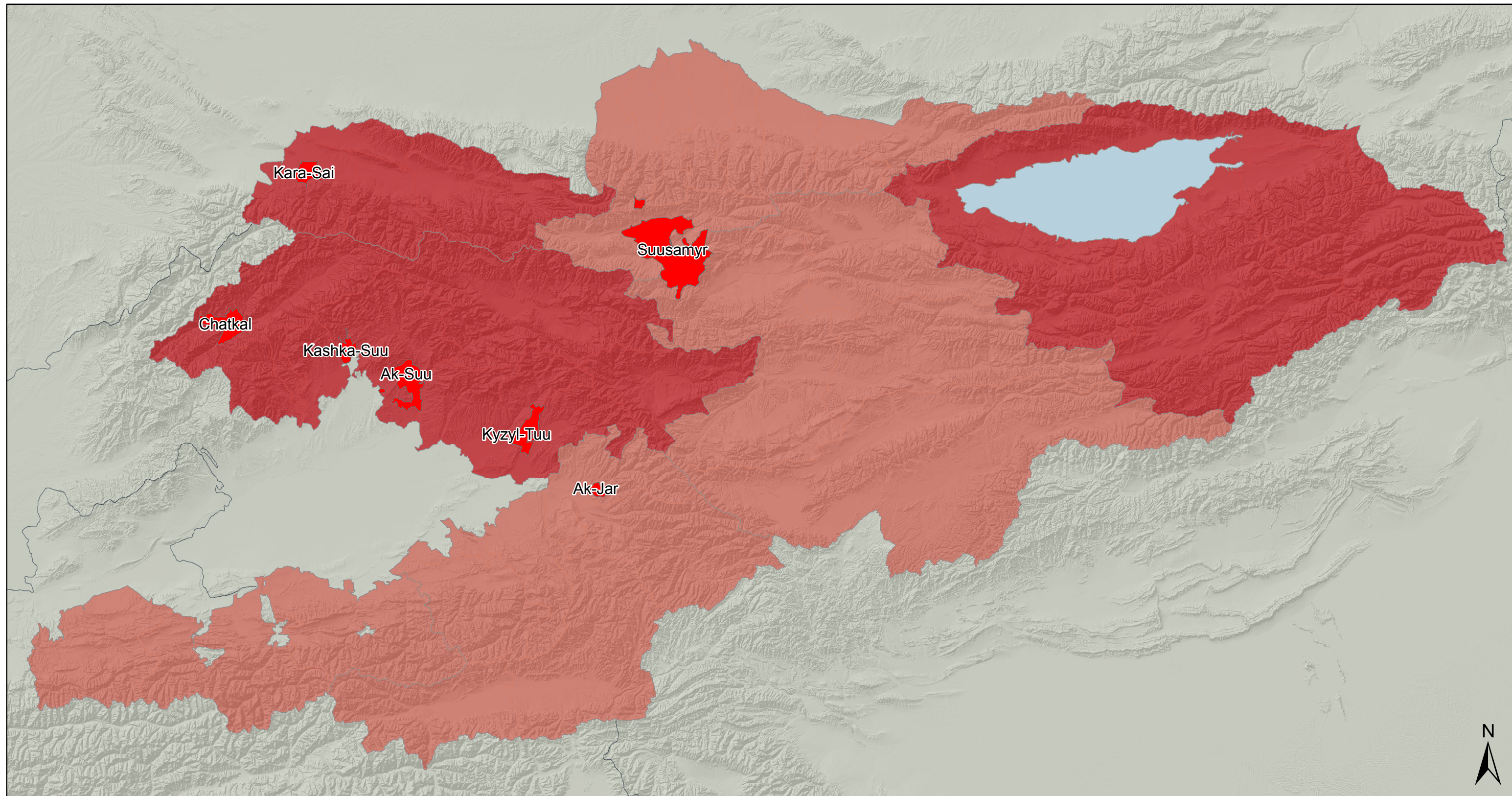
### Significance\* of Conflict for Oblast

-  Not Significant
-  Low
-  Medium
-  Strong Significance

 AO where conflict is present



# Conflicts with National Conservation Administration in the Kyrgyz Republic



0 100 200  
Kilometers





Data sources:  
Administrative Boundaries: Kyrgyz State Geodesy  
Projection: WGS84  
Contact: kyrgyzstan.gis@acted.org


\*Significance was assessed as a combined measure between intensity and frequency based on literature, field research, and interviews with specialists from the Pasture Department of the Kyrgyz Republic.

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## Legend

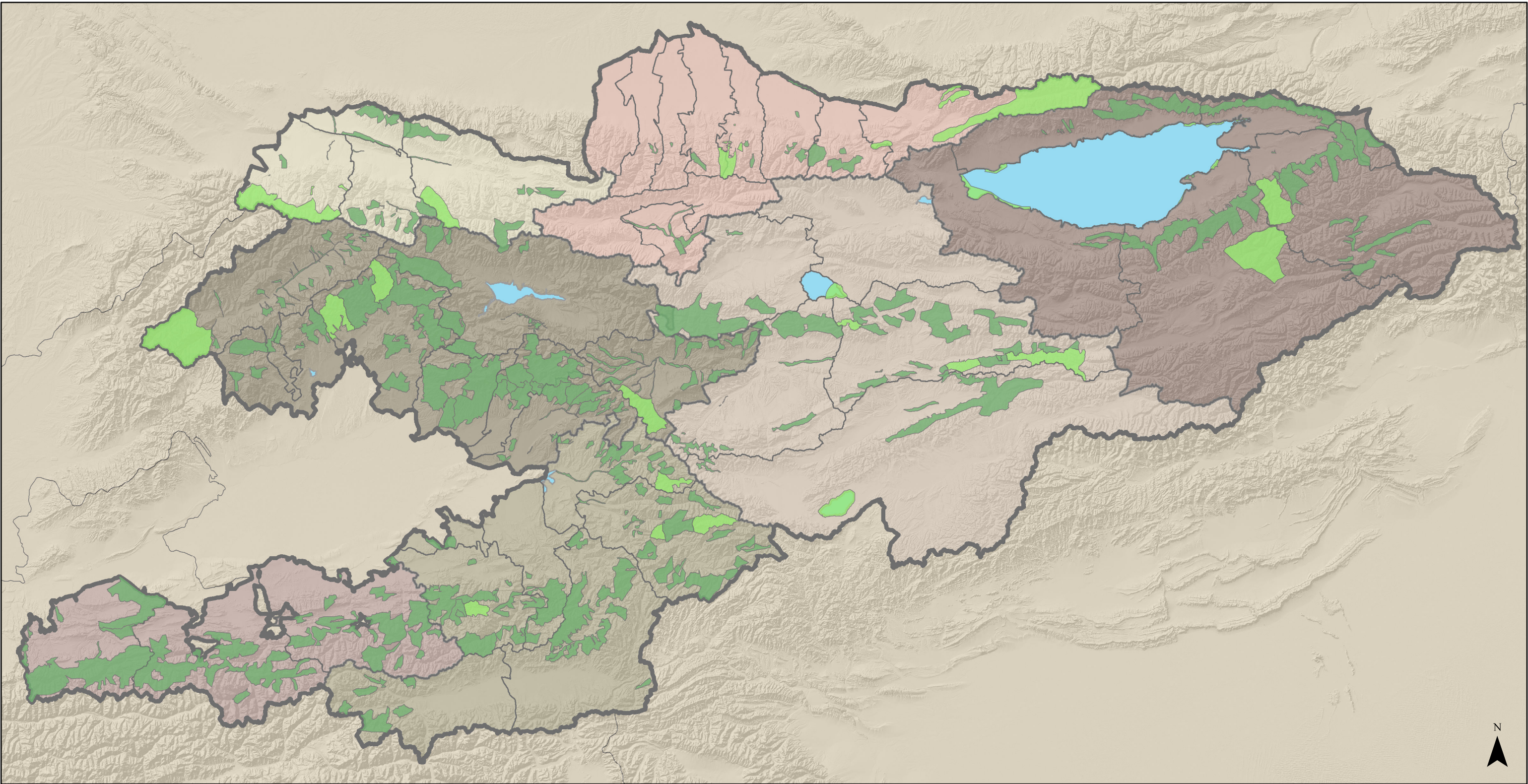
### Significance\* of Conflict for Oblast

-  Not Significant
-  Low
-  Medium
-  Strong Significance



 AO where conflict is present



# National Parks, Nature Reserves, and Forests of the Kyrgyz Republic



## Legend

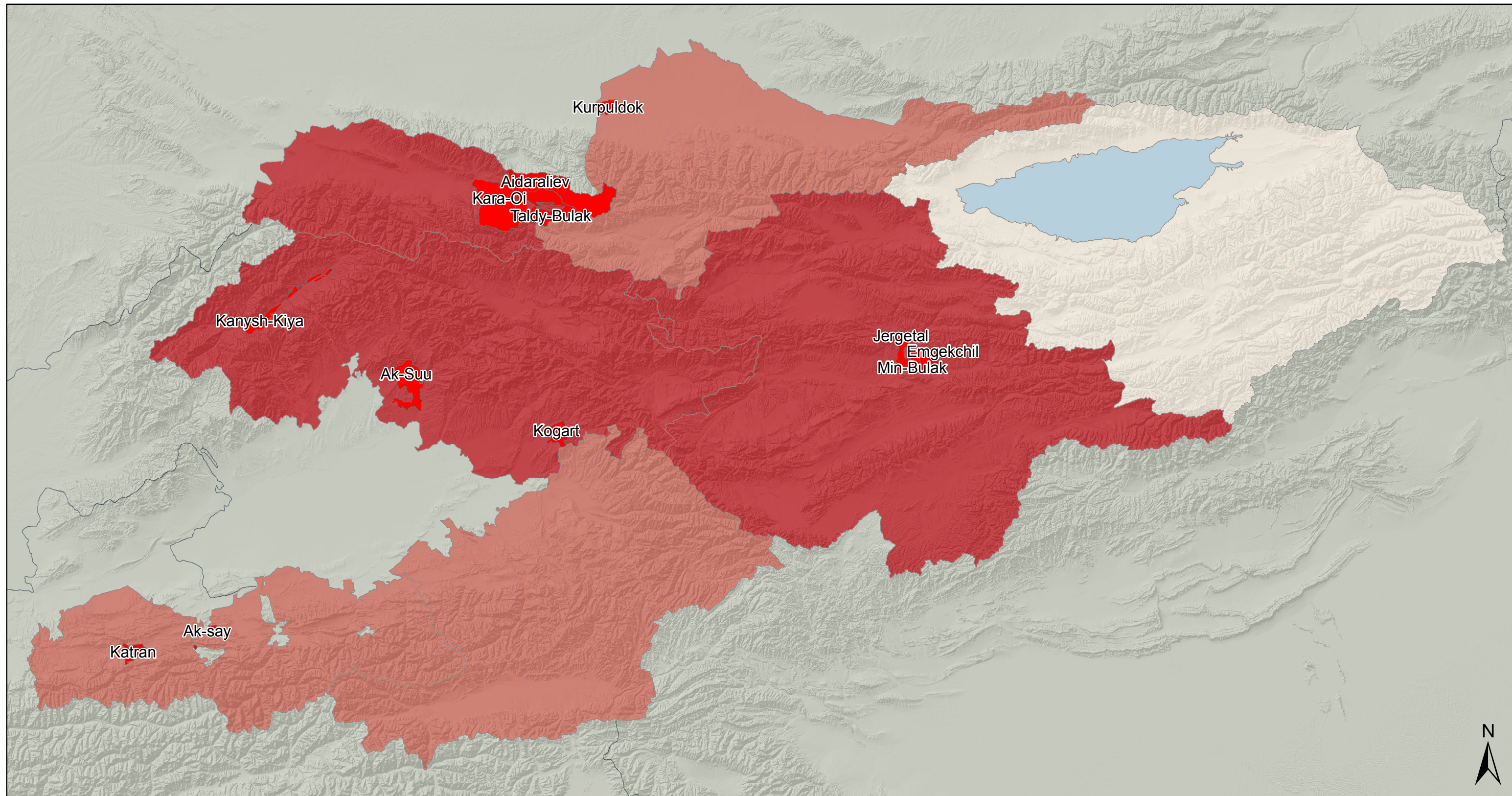
-  Forestry
-  National Parks and Nature Reserves

Data sources:  
Administrative Boundaries: Kyrgyz State Geodesy  
Forestry and National Park Data: Department of Forestry of the Kyrgyz Republic  
Projection: WGS84  
Contact: [kyrgyzstan.gis@acted.org](mailto:kyrgyzstan.gis@acted.org)

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# Conflicts with Mining Companies in the Kyrgyz Republic



0 100 200  
Kilometers





Data sources:  
Administrative Boundaries: Kyrgyz State Geodesy  
Projection: WGS84  
Contact: [kyrgyzstan.gis@acted.org](mailto:kyrgyzstan.gis@acted.org)


\*Significance was assessed as a combined measure between intensity and frequency based on literature, field research, and interviews with specialists from the Pasture Department of the Kyrgyz Republic.

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## Legend

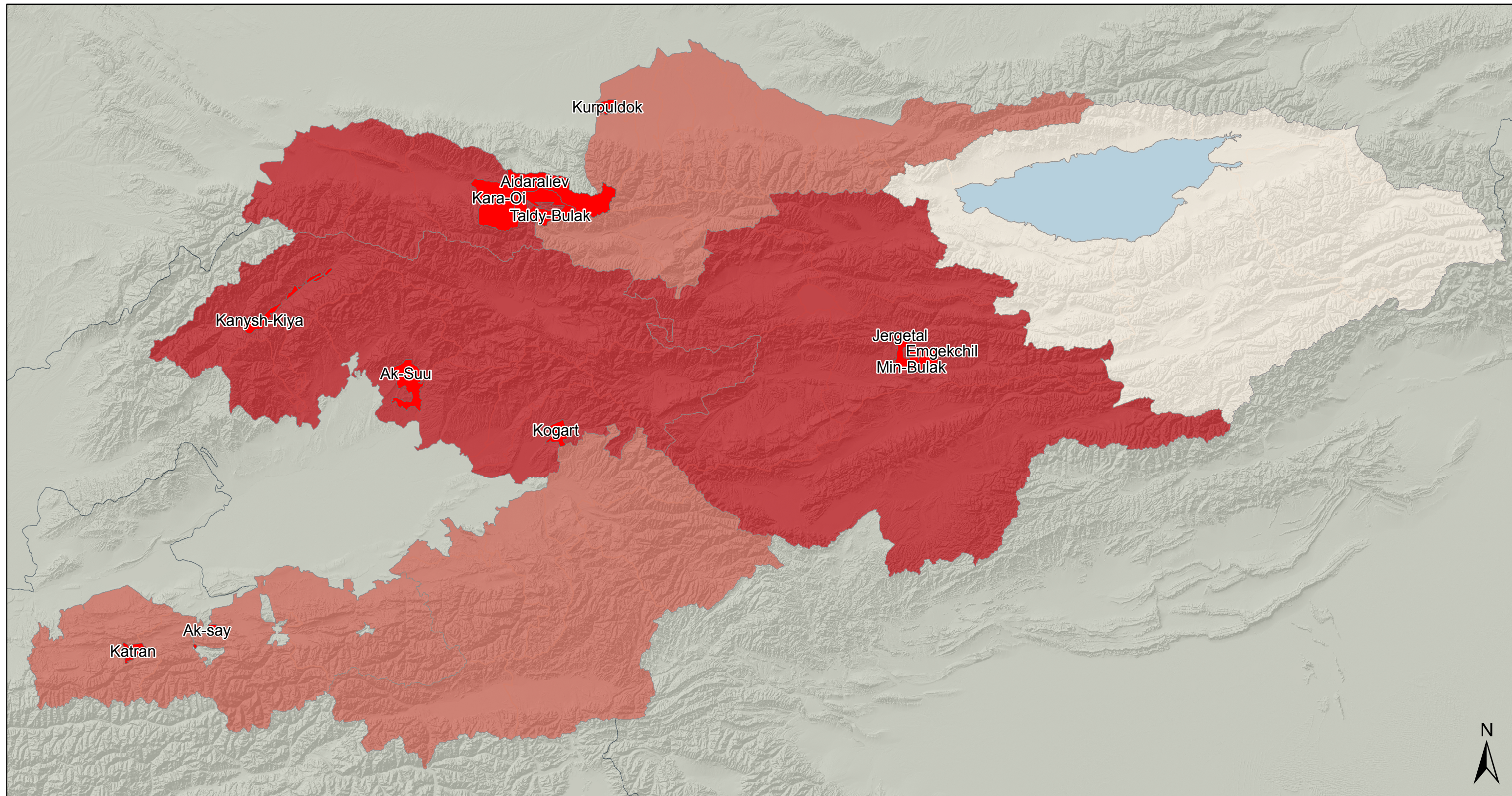
### Significance\* of Conflict for Oblast

-  Not Significant
-  Low
-  Medium
-  Strong Significance

 AO where conflict is present



# Conflicts resulting from the extraction of raw materials, minerals, gravel, and coal, cement production or hunting by local and foreign companies on pasture territories



0 100 200  
Kilometers





Data sources:  
Administrative Boundaries: Kyrgyz State Geodesy  
Projection: WGS84  
Contact: [kyrgyzstan.gis@acted.org](mailto:kyrgyzstan.gis@acted.org)


\*Significance was assessed as a combined measure between intensity and frequency based on literature, field research, and interviews with specialists from the Pasture Department of the Kyrgyz Republic.

*Note: Data, designations and boundaries contained on this map are not warranted to error-free and do not imply acceptance by the REACH partners, associated, donors mentioned on this map. This document has been produced with the financial assistance of the USAID. The views expressed herein should not be taken, in any way, to reflect the official opinion of the United States Government or the United States Agency for International Development.*

## Legend

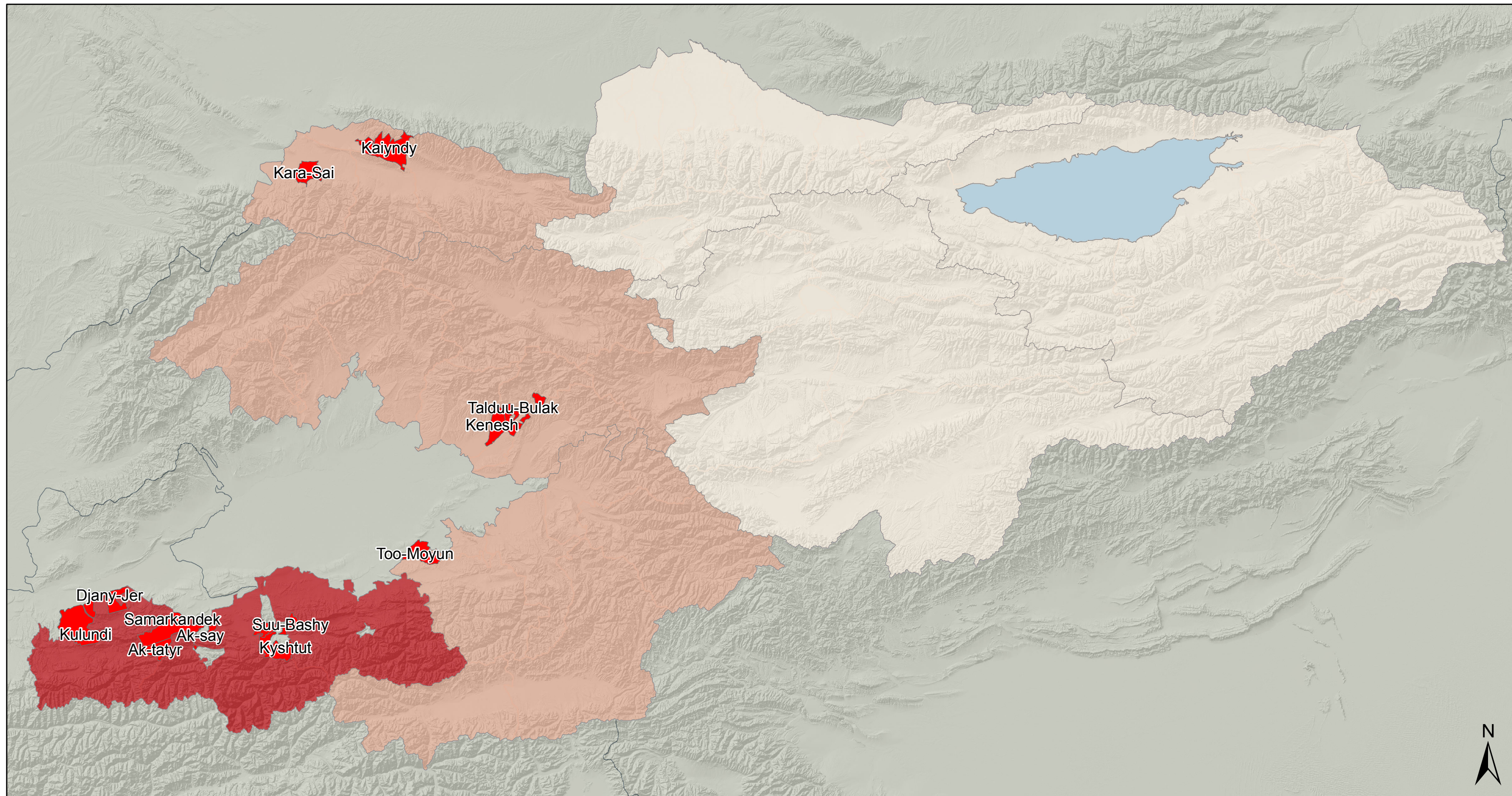
### Significance\* of Conflict for Oblast

-  Not Significant
-  Low
-  Medium
-  Strong Significance

 AO where conflict is present



# Conflicts Related to Transboundary Issues in the Kyrgyz Republic



0 100 200  
Kilometers





Data sources:  
Administrative Boundaries: Kyrgyz State Geodesy  
Projection: WGS84  
Contact: kyrgyzstan.gis@acted.org


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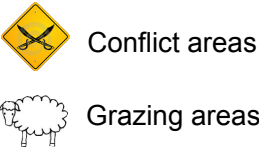


# Conflicts with Forestry and Natural Protected Area Administrations in Kyzyl-tuu

## Legend

Herders from Kyzyl-Tuu primarily take one of three different grazing routes:

1. Though Ortok lestnichestvo to Kyzyl-Unkur leskhoz (north)
2. Though Urumbash leskhoz to pastures of Toguz-Toro leskhoz (north-east)
3. Though Kara-Alma leskhoz to pastures of 'Saymaluu-Tash' National Park (east)



Herders travel through **Ortok** lestnichestvo on their way to and from **Kyzyl-Unkur** leskhoz and don't want to pay for grazing rights to both institutions.

**Toguz-Toro** leskhoz has a strained relationship and history of conflict with Kyzyl-tuu AO, who do not have grazing rights on this territory.

Pasture users would be willing to pay for them, but find it difficult to do so because of bureaucracy and distance to the administrative office.

Conflicts in **Kyzyl-Tuu** ayil okmotu are related to issues around the payment for pasture use

In **Kara-Alma** and **Urumbash**, Kyzyl-Tuu owns some pasture rights, but for land on steep terrain and without access to water. Thus, herders set up yurts and animal pens in flatter areas near the river, but don't want to pay fees.

**Saymaluu-Tash' National Park**, like all national parks, is primarily meant to preserve the environment. Illegal grazing leads to grazing across all areas of the park, which in turn could cause serious environmental damage.

Kyzyl-Tuu does not have any rights to graze on the pastures here. Herders would be willing to pay for them, but find it difficult to do so because of bureaucracy and distance to the administrative office.





Kashgar-Kyshtak  
60 km

**Kashgar-Kyshtak** ayil okmotu has ownership rights over Chyiyrchyk pasture, and by law can collect fees and taxes for use.

- Located ~60km northwest, in Kara Suu Rayon
- Is unable to collect fees from pasture users because Gulcha claims ownership of the pasture

## ! Chyiyrchyk Pasture

This small area of only appx. 440 hectares is located on the main road, and is extremely popular for grazing as well as the associated business activity of Kymyz retreats.

- Intensive use of this area has led to degradation and overcrowding
- Conflicts arise between users and owners of the pastures, due to overcrowding and non-payment

Customers come mainly from Osh and Batken to drink fermented horse milk (Kymyz), which the Alay region is famous for.

Customers

Herders and Businessmen

90% of herders and businessmen come from **Gulcha** ayil okmotu, while roughly **10%** come from other surrounding ayil okmotus. **Most of these users are unwilling to pay fees for pasture use.**

## ! Zone of Degradation

The intensive use of Chyiyrchyk leads to degradation of this pasture, and has begun to affect neighbouring areas as well



0 5 10 Kilometers

Korul

Konur-Dobo

Gulcha

Budalyk

Lenin

Almost all commerce goes through the **main road to Osh** from Alay and Chon Alay Rayons, making assets along it more valuable

\*Disclaimer: The information contained in this graphic, including political boundaries, does not necessarily represent the endorsement or opinion of the producers of this map, their organization, or donors. Map produced by ACTED Kyrgyzstan. For humanitarian use only. Produced 16 June 2013



# Cross-border Grazing Issues in Kulundu

