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LAW OF THE REPUBLIC OF TAJIKISTAN On the Specially Protected Natural Territories

Section I. – General Provision

Section II. - State Wilderness Areas

Section III. – State National Parks

Section IV. - State Special Nature Reserves

Section V. - State Natural Monuments

Section VI. - Ecological and Ethnographic Areas;

Section VII. - Dendrology Parks and Botanical Gardens

Section VIII. - Natural Health Treatment Territories and Resorts

Section IX. - Natural Recreational Areas

Section X. - Organization of the Specially Protected Natural Territories

Section XI. - Liability for Violation of the Specially Protected Natural Territories Regime

Section XII. - International Agreements concerning Protection and Use of the Specially Protected Natural Territories

Nature of the Republic of Tajikistan is protected by means of application of the legislative, organizational and economic, technological and special measures including territorial forms of nature protection realized through the system of the specially protected natural territories. Increasing man's impact on the biosphere predetermines the necessity to enlarge diversity and areas of these territories and to increase their efficiency. Functioning of the specially protected natural territories has priority over economic and socioeconomic interests of the society.

SECTION I. General Provisions

Article 1. The Legislation on the Specially Protected Natural Territories

The relations in the field of the specially protected natural territories are regulated by the Constitution of the Republic of Tajikistan, the present Law and laws on nature protection, subsoil, protection of atmospheric air, protection and use of wild animals, forest, land and water codes, as well as the normative acts of the Government of the Republic of Tajikistan and specially authorized state bodies, local authorities, international and intergovernmental agreements elaborated in accordance with the above-mentioned laws.

Article 2. Notion and Categories of the Specially Protected Natural Territories

Specially protected natural territories mean the plots of land and water areas with special ecological, nature conservation, scientific, cultural, aesthetic and health treatment significance which are fully or partially, permanently or temporarily withdrawn from economic circulation and for which the special regime of protection is established by the Government of the Republic of Tajikistan.

The specially protected natural territories of the Republic of Tajikistan, as well as the territories included in the approved general scheme of development and allocation of the specially protected natural territories form the uniform functional system intended for

preservation and study of a natural diversity, maintenance of ecological equilibrium and monitoring of biosphere.

The aggregate of these territories is a natural-reserved fund of the Republic of Tajikistan use of which is permitted only with observation of the requirements of the present Law. The specially protected natural territories may be of international, state, republican and local significance. The specially protected natural territories are referred to the category of objects of international, state, republican and local significance in accordance with the legislation and resolutions of the Government of the Republic of Tajikistan.

The following categories of the specially protected natural territories are established:

- state wilderness areas, including state biospheric;
- state natural parks of republican (national parks) and local significance (provincial parks);
- state special nature reserves of republican and local significance;
- state natural monuments of republican and local significance;
- ecological and ethnographic areas;
- dendrology parks and botanical gardens;
- natural health treatment territories and resorts;
- natural recreational areas.

The legislation of the Republic of Tajikistan and resolutions of state bodies may provide other categories of the specially protected natural territories, as well as other territorial forms of protection of natural territories from adverse man impacts. Protected areas with the regulated and controlled regime of economical activity may be established on the adjacent territories.

The specially protected natural territories are taken into consideration in the process of making forecasts, elaboration of action plans, perspective plans of economic and social development and schemes of land organization and area planning

Article 3. State Ownership of Specially Protected Natural Territories

The specially protected natural territories are the state ownership – *res omniuni communis* of the people of the Republic of Tajikistan.

Actions which break the right of state ownership of the specially protected natural territories in the direct or latent form are forbidden in the republic.

Article 4. Terms of Reference of the Government of the Republic of Tajikistan in the field of Protection and Use of the Specially Protected Natural Territories

The terms of reference of the Government of the Republic of Tajikistan in the sphere of protection and use of the specially protected natural territories cover: provision of functioning of the specially protected natural territories in the interests of the present day and future generations; coordination of activity of the state bodies in respect of the specially protected natural territories; making decisions on founding and liquidation of state organizations for protection and use of the specially protected natural territories.

The Government of the Republic of Tajikistan may have other powers in accordance with this Law.

Article 5. Terms of Reference of the Specially Authorized State Bodies of the Republic of Tajikistan in the field of Protection and Use of the Specially Protected Natural Territories

The terms of reference of the specially authorized state bodies of the Republic of Tajikistan in the field of protection and use of the specially protected natural territories cover:

- management of the specially protected natural territories in the Republic of Tajikistan, pursuing the unified scientific and technical policy in this field;

organization of monitoring, appointment and support to the government service engaging in monitoring the specially protected natural territories;

submission of claims for damage caused as a result of violation of the environmental legislation;

drawing up protocols and consideration of cases in relation to administrative violations in the field of protection and use of the specially protected natural territories.

Resolutions of the specially authorized state bodies of the Republic of Tajikistan in the field of protection and use of the specially protected natural territories on issues, which are referred to their competence, must be compulsory for all legal entities and citizens and may be appealed juridically.

Article 6. Terms of Reference of the Local Authorities in respect of Regulation of Relations in the Field of Protection and Use of the Specially Protected Natural Territories

The terms of reference of the local authorities in respect of regulation of relations in the field of protection and use of the specially protected natural territories cover:

determination of basic trends in the field of protection and use of the specially protected natural territories and approval of ecological programs;

coordination and control over environmental activities of the local regulatory bodies, assistance in voluntary cooperation of the specially protected natural territories;

consideration of other issues relating to protection and use of the specially protected natural territories.

Article 7. Specially Authorized State Bodies for the Specially Protected Natural Territories

The specially authorized state bodies in the field of protection and use of the specially protected natural territories are the Ministry for Nature Protection of the Republic of Tajikistan and its bodies in the provinces, ministries, departments, organization and enterprises under authority of which they are (as amended by the Law of the Republic of Tajikistan No. 628 as of 22.05.98).

Article 8. Planning of Activities in the field of Protection and Use of the Specially Protected Natural Territories

Activities on protection and use of the specially protected natural territories are provided for in the economic and social plans.

Protection and use of the specially protected natural territories are planned subject to and on the basis of scientifically grounded combination of economic and ecological interests of the society.

Short-term and long term planning of measures in the sphere of protection and use of the specially protected natural territories shall be performed within the framework of programs and economic and social development forecasts on the basis of the state ecological program and general scheme of development and allocation of production capacities, sectors of the national economy subject to the natural resources potential of the Republic and separate regions.

Sector planning in the field of environmental management and protection of the specially protected natural territories shall be performed by the ministries and departments, organizations and enterprises under authority of which they are.

Article 9. Material and Technical Support and Financing of the Activities in the field of Protection and Use of the Specially Protected Natural Territories

The Government of the Republic of Tajikistan, local authorities, ministries and departments, enterprises and organizations, irrespective of their form of ownership and subordination, take all necessary measures for material and technical support of the activities in the field of protection and use of the specially protected natural territories.

The activities in the field of protection and use of the specially protected natural territories, except for wilderness areas and special nature reserves, are financed at the expense of:

- republican and local conservation foundations;
- funds of enterprises, institutions, organizations, irrespective of forms of ownership, as well as out of proceeds' of bank credits;
- voluntary contributions of the population and other funds.

Financing of the wilderness areas and special nature reserves is performed at the expense of the republican and local budgets, funds of enterprises, institutions and organizations which use these territories for laboratorial purposes, as well as voluntary, collective and individual contributions.

Article 10. State Management and State Control in the field of Organization, Use and Protection of the Specially Protected Natural Territories

State management in the field of organization, use and protection of the state wilderness areas, including biospheric, national and natural parks and special nature reserves of republican significance is performed by the Government of the Republic of Tajikistan and specially authorized state bodies.

State control in the field of planning, creation, protection and use of the specially protected natural territories is realized by the specially authorized state bodies on specially protected natural territories (as amended by the Law of the Republic of Tajikistan No. 628 as of 22.05.98).

Article 11. State Cadastre of Specially Protected Natural Territories

The state cadastre of specially protected natural territories contains the information about legal status of these territories, their geographical situation, regime, users of natural resources, quantitative and characteristics of a natural complex, ecological, scientific, educational and cultural value.

The state cadastre of specially protected natural territories is kept for the purpose of assessment of condition of the natural-reserved fund of the Republic of Tajikistan, determination of network development prospects of such territories in the Republic of Tajikistan, provision of their protection and conducting scientific researches, raising of level of state control over genetic conservation and adherence of the appropriate regime, as well as taking into consideration the role of these territories in the process of planning of social and economic development and allocation of the production capacities in the region.

The state cadastre is kept according to the unified system elaborated by the specially authorized state bodies with participation of other interesting departments and is entrusted to the departments under authority of which these specially protected natural territories are. The procedure of conducting the state cadastre of specially protected natural territories is established by the Government of the Republic of Tajikistan.

Article 12. Participation of Public Associations in Organization, Protection and Use of the Specially Protected Natural Territories

Trade unions, youth organizations, nature conservation societies, scientific communities and other public organizations, labour collectives, as well as citizens participate and render assistance to state bodies in realization of actions for organization, protection and use of the

specially protected natural territories in accordance with the legislation of the Republic of Tajikistan, as well as the articles of associations (regulations) of such public organizations.

SECTION II. State Wilderness Areas

Article 13. General Provisions

The state wilderness areas are nature-oriented scientific and research establishments established for the purpose of conservation and study of natural resources rate, process and phenomenon, gene pool of microorganisms, plants and animals, typical and unique ecosystems.

Land, water, subsoil, the vegetable and animal world of the state wilderness areas are fully transferred without compensation to the reservation parks for permanent use the procedure of which is established by the bodies under authority of which they are. Transfer of lands and other natural resources of the reservation parks into lease is prohibited.

Article 14. Goals of the State Wilderness Areas

The following goals are assigned to the state wilderness areas:

- conservation of biological diversity by means of maintenance of the whole natural complex of the wilderness area in natural state;
- carrying out of biological monitoring;
- participation in state ecological assessment of projects and schemes of allocation of economic and other entities, realization of which may have adverse influence on natural complexes of the wilderness areas and their protected zones;
- assistance in training of scientific staff and specialists in the field of nature protection;
- dissemination of ecological knowledge.

Article 15. State Biosphere Reserves

The state wilderness areas, which enter into the International System of Biosphere Reserves, perform global ecological monitoring and received the certificate of UNESCO in accordance with the procedure established by this international organization, have the status of state biosphere reserves.

Article 16. Procedure of Formation of the State Wilderness Areas

The resolution on formation of the state wilderness areas and approval of regulation in respect of them, as well as on expansion of their territories is adopted by the Government of the Republic of Tajikistan on application of the specially authorized state bodies on nature protection, local authorities and interested state bodies.

Consent of departments, enterprises, institutions and organizations performing economic activities and environmental management on these territories is not required for organization of state wilderness areas.

In case of necessity to preserve natural territories which are in the possession of enterprises, institutions or organizations or are used by them, such territories are withdrawn in accordance with the procedure established by the legislation of the Republic of Tajikistan... the general scheme of development and allocation of the specially protected natural territories and territorial scheme of nature protection the local authorities adopt a resolution on reservation of ground areas intended for preservation. Economical activity on this territory is limited by them up to adoption of the resolution on organization of wilderness area.

Article 17. Management of the State Wilderness Areas

The state wilderness areas are managed by the specially authorized state bodies. The state wilderness areas are under the authority of the specially authorized body in accordance with Article 7 of this Law.

Every wilderness area operates on the basis of its Regulations approved by the Government of the Republic of Tajikistan.

Article 18. Regime of the State Wilderness Areas

Economical and any other activities which break natural processes development and threaten the condition of natural complexes and objects, as well as which are not connected with fulfillment of the tasks assigned to the wilderness area, are prohibited on the territory of the state wilderness areas.

Acclimatization of plants and animals is prohibited on the territory of state wilderness areas and their protected zones.

In the state wilderness areas carrying out of the following measures is permitted:
realization of actions on preservation, restoration and prevention of changes of natural complexes as a result of man impact, as well as actions on fulfillment of scientific and research tasks of wilderness areas;

carrying out of fire and sanitary actions, as well as other types of limited economical activity and actions on nature management, which are necessary for provision of fulfillment of the state wilderness areas' tasks.

The territories on which the zones with the following regime are marked out, may be annexed to the biosphere reserves:

Zone of limited economical activity (biosphere ground) within the limits of which applied scientific researches answering the purposes of the reserve are conducted and their results are implemented;

buffer zone regime of which is directed to decrease the influence of economical activity on the reserved center.

Specific regime of the zone of any biosphere reserve is established in accordance with its scientific profile, goals of creation and is determined by its Regulations.

Separation of areas of traditional nature management is permitted in the biosphere reserves which are organized in living areas.

Staying of citizens and officials (except for the persons performing state control) who are not employees of wilderness areas or bodies under authority of which the state wilderness areas are on the territory of such state wilderness areas is permitted if they have approval of these bodies and administration of wilderness areas.

Within the limits of protected zones economical and other activities which have adverse influence on natural objects and complexes of the wilderness areas are forbidden.

Construction of new economic objects and other activities on the territories adjacent to the state wilderness areas which threaten the reservation conditions, increase in fund concentration of pollutants and change of hydrological regime within the limits of the state wilderness areas are performed by agreement with specially authorized state bodies in the field of nature protection.

Article 19. Scientific and Research Activity in the State Wilderness Areas

Scientific and research activities in the state wilderness areas are conducted by means of stationary round-the-clock long-term complex researches and directed to study of natural complexes and long-term monitoring of natural processes dynamics for the purpose of assessment, forecast of environmental situation, elaboration of scientific foundations of nature

protection, preservation of the biosphere diversity, reproduction and rational use of the natural processes. All state wilderness areas must keep "Nature Records".

Scientific councils may be set up in the state wilderness areas. Membership of the scientific council and its Regulations are approved by the body under authority of which the wilderness area is.

Scientific funds of the state wilderness areas are subject to permanent custody.

The state wilderness areas are entitled to publish scientific works.

Specific peculiarities, regime and scientific profile of the state wilderness area are established in the separate Regulations about it, which are approved by the body under authority of which this wilderness area is.

Section III. State Natural Parks

Article 20. General Provisions

State natural parks are environmental institutions territories (water areas) of which include natural complexes with special ecological, historical and aesthetic value and are intended for use in the nature protection, recreational, educational, scientific and cultural purposes.

The state natural parks are situated on the territories, which are granted them in possession and use as well as on the territories of other owners and users.

The following goals are assigned to the state natural parks:

- preservation of standard and unique natural complexes and objects of the nature;
- preservation of cultural heritage (ethnographic, archeological, historical and cultural landscapes);
- organization of ecological education of the population;
- elaboration and application of scientific methods of nature protection;
- arrangement of conditions for regulated tourism and rest in nature conditions.

State natural parks may have republican (national parks) and local (provincial parks) significance.

Article 21. Procedure of Formation of the State Natural Parks

Resolution on formation of state natural parks of republican significance (national parks) and approval of the Regulations about them is adopted by the Government of the Republic of Tajikistan upon application of the specially authorized state bodies.

Resolution on formation of natural parks of local significance (provincial parks) is adopted by the local authorities upon application of the specially authorized state bodies.

The territories for organization of the state natural parks are reserved in accordance with the same procedure which is established for organization of the state wilderness areas.

Article 22. Regime of the State Natural Parks

The differentiated regime of protection and use which is determined by the Regulations about this state natural park is established on the territory of the state natural parks subject to local natural and social peculiarities.

In accordance with the abovementioned the following zones are established on the territory of the national natural parks:

- conservation areas with the regime provided for state wilderness areas;
- special nature reserves, protected zones of historical and cultural objects, zones for recreational, economic and other use in which the activity, which does not contradict the tasks

of the state natural park, is performed. Possibility and appropriateness of division of territory of the state natural parks of local significance into zones are determined by the specially authorized state bodies in the sphere of nature protection.

The following actions are prohibited on the territory of the state natural parks:
activities threatening existence of the natural complexes and historical and cultural objects protected;
exploration works and resources development;
cutting of trees and bushes, unsystematic use of flora and fauna, activity of the enterprises constituting special ecological danger (pulp and paper, chemical industry);
actions which change hydrological regime;
construction of main roads, pipelines, transmission lines and other service lines which are not connected with the activity of the parks;
placement of living organisms for the purpose of acclimatization.

The regulations on the state natural parks may prohibit or limit other types of activities resulted in decrease of natural, scientific, aesthetic and cultural value of their territory.

Section IV. State Special Nature Reserves

Article 23. General Provisions

State Special Nature Reserves mean territories established with a view of preservation and restoration of natural complexes and its components for the period required for fulfillment of this task.

The state special nature reserves may be of republican or local significance.

The state special nature reserves of republican significance are under the authority of the specially authorized state body and they are financed from the republican budget.

The state special nature reserves are managed by the bodies under authority of which the protected natural territories are.

Subordination and procedure of financing of the special nature reserves of local significance are determined by the bodies taking decisions on their organization.

Article 24. Procedure of Formation of the State Special Nature Reserves

The state special nature reserves of local and republican significance are formed by the Government of the Republic of Tajikistan upon application of the specially authorized bodies.

The state special nature reserves of local significance are formed by the regional and district authorities.

The state special nature reserve may be formed without withdrawal of land plots from their land users and land-owners.

Article 25. Regime of the State Special Nature Reserves

On the territory of the state special nature reserves any types of activities contradicting the tasks of these special nature reserves must be ceases or limited.

Specific tasks and peculiarities of the regime of every state special nature reserve are provided for by the Regulations approved by the body taking the decision on formation of such state special nature reserve.

Enterprises, institutions and organizations on lands of which the state special nature reserves are formed are obliged to observe the regime established in the state special nature reserves.

Section V. State Natural Monuments

Article 26. General Provisions

State natural monuments mean unique and irreplaceable natural objects of natural or artificial origin which are valuable in the ecological, scientific, cultural and aesthetic respect.

The state natural monuments may be of republican and local significance.

Article 27. Procedure of Announcement of Natural Objects as the State Natural Monuments

Natural objects are announced as the state natural monuments of republican significance by the Government of the Republic of Tajikistan upon application of the specially authorized state bodies in the field of nature protection, interested ministries and departments, regional and district authorities.

Resolutions on announcement of natural objects as the state natural monuments of local significance are adopted by the local authorities upon application of the specially authorized state bodies in the field of nature protection and interested organizations.

Announcement of natural objects as the state natural monuments is permitted without withdrawal of the corresponding land plots from the owners and users.

Article 28. Regime of the State Natural Monuments

Any activities threatening the safety of the state natural monuments are prohibited on the territory where such natural monuments are situated.

Enterprises, institutions and organizations, other users and owners on the lands of which such natural monuments are situated assume the obligation to provide protection of the state natural monument. The body, taking a decision on announcement of natural object as the state natural monument, transfers it for protection, execute the protective obligation and passport in which the regime of protection of the state natural monuments is determined... are paid at the expense of the republican and local nature protection funds with possible attraction of financial resources of state, cooperative and other public enterprises, institutions and organizations.

Section VI. Ecological and Ethnographic Areas

Article 29. General Provisions

Ecological and ethnographic zones mean regions where native population live and which require special regime of nature management for the purpose of preservation and restoration of biological nature resources of the living environment and traditional mode of life of this population.

The ecological and ethnographic areas are organized by the Government of the Republic of Tajikistan upon application of the regional and district authorities.

Article 30. Regime of the Ecological and Ethnographic Areas

Economic activities within the limits of the ecological and ethnographic areas must exclude any activity which results in environmental collapse and destruction of the biological resources. The traditional limited economical activity of the native population is permitted on the territories where such native population permanently lives (centers of the ecological and ethnographic areas).

The ecological and ethnographic areas are under authority of the Government of the Republic of Tajikistan which approves separate Regulations for every ecological and ethnographic area.

Section VII. Dendrology Parks and Botanical Gardens

Article 31. General Provisions

Dendrology parks and botanical gardens are organizations established for the purpose of preservation, study and enrichment of artificial objects of the vegetable world. The dendrology parks and botanical gardens may be separate legal entities recorded in the state budget or be a part of scientific and research or educational institutions and be recorded in their balance sheet. Land plots of the dendrology parks and botanical gardens are withdrawn from economical exploitation and transferred to the dendrology parks and botanical gardens for temporary use.

Article 32. Procedure of Formation, Regime of the Dendrology Parks and Botanical Gardens

The dendrology parks and botanical gardens are organized by the Government of the Republic of Tajikistan upon application of the regional and district authorities or by the later upon application of the interested organizations.

Any activities which are not connected with fulfillment of tasks of the dendrology parks and botanical gardens and threaten the safety of natural and cultural forms of vegetation are prohibited on the territory of such dendrology parks and botanical gardens.

Territories of the dendrology parks and botanical gardens may be divided into the following zones:

- expositional zone, visit of which is permitted in accordance with the procedure established by the administration;

- scientific and experimental zone access to which only researches of a dendrology park or botanical garden, as well as specialists of other institutions have;

- action area providing safety of typical and unique complexes and objects of natural vegetation;

- administrative zone.

Specific tasks, scientific profile, legal status, organizational system, peculiarities of the regime and protection of every dendrology park and botanical garden are determined in the separate Regulations approved by the body under authority of which they are.

Section VIII. Natural Health Treatment Territories and Resorts

Article 33. General Provisions

Natural health treatment territories and resorts are the specially protected territories which have natural properties (special dryness of air, plenty of phytocides and mud, mineral water) which are favourable to diseases treatment and prevention.

The procedure of announcement of any natural territories as resorts and health treatment areas, as well as regime of their protection are determined by the Regulations approved by the Government of the Republic of Tajikistan.

Article 34. Regime of Natural Health Treatment Territories and Resorts

For preservation of the natural properties and treatment products of the health treatment territories, their protection from damage, pollution and early exhaustion sanitary protection units are organized.

Works resulting in pollution of soil, water sources, atmosphere air, causing damage to forests and having adverse influence on medical properties and sanitary treatment are prohibited in the sanitary protection units.

Section IX. Natural Recreational Areas

Article 35. General Provisions

Natural recreational areas are specially protected territories or areas of water space intended for organizational leisure of population and tourism.

The natural recreational areas are announced according to the resolution of the Government of the Republic of Tajikistan upon application of the local authorities agreed with the interested land-users, water-users and forest-users.

Article 36. Regime of the Natural Recreational Areas

Any economical and other activities which have adverse influence on the environment and result in change of natural landscapes, as well as performance of other actions preventing from use of these areas according to their intended purposes are prohibited on the territory of such natural recreational areas

The natural recreational areas for organizational leisure of population and tourism are used in accordance with the agreements, which are concluded by labour collectives, trade union organizations and tourist institutions with main user of natural resources of these territories by agreement with the specially authorized state bodies in the field of nature protection.

Regime of the natural recreational areas is determined by the Regulations approved by the Government of the Republic of Tajikistan.

Section X. Organization of the Specially Protected Natural Territories

Article 37. Protection of the State Wilderness Areas and State Natural Parks

Protection of the state wilderness areas and state parks is carried out by the special environmental protection service of state wilderness areas and state natural parks and regulated by the Regulations approved by the body under authority of which the state wilderness area and state natural park are.

Employees of the specially protected territories protection service are taken on the staff of the state wilderness areas and state natural parks. Director of the state wilderness area and state natural park, as well as its deputies are main state inspectors on protection of these territories.

Article 38. Rights of State Inspectors on Protection of the State Wilderness Areas and State Natural Parks

Employees of the state wilderness areas and state natural parks who are state inspectors on protection of such territories have the right to use all rights and benefits of state inspectors on nature protection and state forest protection of the Republic of Tajikistan.

The employees engaged in protection of the state natural parks have the right to carry arms during performance of his/her official duties. Arms must be issued, kept, carried and used in accordance with the established rules

Article 39. Protection of the Local State Natural Parks, State Special Nature Reserves and other Specially Protected Natural Territories

Protection of the local state natural parks, state special nature reserves and other specially protected natural territories is carried out by the bodies under authority of which they are in accordance with the procedure established by the legislation of the Republic of Tajikistan.

Section XI. Liability for Violation of the Specially Protected Natural Territories Regime

Article 40. Liability for Violation of the Specially Protected Natural Territories Regime

Citizens and officials who are guilty of violation of the specially protected natural territories regime shall bear responsibility in accordance with the existing legislation.

Enterprises, institutions, organizations, including joint enterprises, international, foreign legal entities as well as citizens are obliged to indemnify against any damage caused by them as a result of violation of the specially protected natural territories regime in amount and in accordance with the procedure established by the legislation of the Republic of Tajikistan.

Section XII. International Agreements concerning Protection and Use of the Specially Protected Natural Territories

Article 41. International Agreements

The specially protected natural territories of the Republic of Tajikistan may be included in the list of world heritage and other categories of international objects in accordance with the international agreements.

If any international agreement establishes any other rules than those ones which are stated in the legislation of the Republic of Tajikistan on the specially protected natural territories the rules of such international agreement are applied.

The President of the Republic of Tajikistan

E. Rakhmonov

Ahbori Madzhlisi Oli RT, 1996, No. 23, article 353; 1998, No. 10, article 125