

**LEGISLATIVE PROTECTION OF BIRDS OF PREY AND
STRENGTHENING THE FIGHT AGAINST THEIR ILLEGAL
TRAFFIC IN KAZAKHSTAN**

**ЗАКОНОДАТЕЛЬНАЯ ОХРАНА ХИЩНЫХ ПТИЦ И
УСИЛЕНИЕ БОРЬБЫ С НЕЛЕГАЛЬНОЙ ТОРГОВЛЕЙ
ИМИ В КАЗАХСТАНЕ**

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Legislative status of raptors

- The fauna of birds of prey in Kazakhstan includes 40 species, 15 of them are included in the "List of rare and endangered species of animals" (Red Book of the Republic of Kazakhstan).
- According to the Law "On the Protection, Reproduction and Use of Wildlife" (Article 15), the taking of individuals of rare and endangered species from nature is allowed in exceptional cases by decision of the Government of the Republic of Kazakhstan, for:
 - 1) breeding in specially created conditions for scientific, reproduction, commercial purposes, as well as for subsequent release into the environment;
 - 2) development of national hunting;
 - 3) scientific research;
 - 4) selection.
- In the last at least 10 years, no permits have been issued for the taken of rare species of birds of prey from nature.

Legislative status of raptors

- None of the species of birds of prey is included in either the “List of valuable species of animals that are objects of hunting and fishing”, or the “List of animal species, the number of which is subject to regulation ...”
- Permits for their taken from nature are not issued on a regular basis
- Under Kazakhtan’s law, taking birds of prey (as well as other animals) without a permit is illegal and punishable either under the Code of Administrative Offenses (AC) or the Criminal Code (CC).

Punishment for rare species

- Article 339 of the Criminal Code of the Republic of Kazakhstan punishes “Illegal procurement, acquisition, storage, sale, import, export, transfer, transportation or destruction of rare and endangered species of plants or animals, their parts or derivatives, including species , the treatment of which is regulated by international treaties of the Republic of Kazakhstan, as well as plants or animals on which a ban on the use, their parts or derivatives has been introduced, as well as the destruction of their habitats».
- Punishment, depending on the damage, the presence of a criminal group, etc., generally ranges from a fine of up to three thousand MCI (minimum calculated indicators; for 2023, 1 MCI = 3,450 tenge, or about 7.5 US dollars) to 12 years in prison.

Punishment for other species

- For "ordinary" species, Art. 337 "Illegal hunting", which includes only illegal obtaining or destruction, with punishment options from a fine of up to three thousand MCI to imprisonment for up to 10 years.
- Without signs of a criminally punishable act, Art. 382 of the AC "Violation of the requirements for the use of wildlife and hunting rules", according to which they can either be limited to a warning, or impose (on individuals) a fine of up to 70 MCI, or deprive the right to hunt for up to 2 years.

Compensation of damage for wildlife

- In any case, **in addition** the damages shall be recovered, as determined by the document “Amounts of compensation for damage caused by violation of the legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of wildlife”.
- The range of rates of claims by species is from 5 to 700 MCI.

Compensation of damage for wildlife

- Saker, Barbary Falcon – 700 MCI (700 x 7.5 USD = 5250 USD, or about 2 415 000 KZT)
- Peregrine Falcon – 600
- Gyr Falcon – 200
- Golden Eagle, Short-toed Eagle, White-tailed Eagle, Bearded Vulture – 400
- Imperial Eagle, Egyptian Vulture, Himalayan Griffon, Booted Eagle – 100
- Steppe Eagle – 20
- Cinereus Vulture, Eurasian Griffon – 10
- Spotted Eagle, Buzzards – 10
- Harriers – 5
- Other species - 5

Hunting birds of prey

- The keeping of birds of prey in captivity (except for those temporarily imported for up to 3 months) is regulated by the "Rules for keeping records and registration of birds of prey used in hunting" (*«Правила ведения учета и регистрации ловчих хищных птиц, используемых на охоте»*)
- Mandatory registration and tagging with the issuance of a "bird of prey passport"
- Passports are issued by the Republican Association of Public Associations of Hunters and Hunting Entities
- The process of legalization of birds is not sufficiently controlled, there is no centralized database even for rare species

Illegal trapping & killing

- Non-commercial capture for national hunting within the country, including the keeping of birds for photographing with tourists, etc. (often, basically commercial goals)
- Shooting for fun and for stuffed animals
- Commercial trapping and export, primarily to Arab countries, including transit (for example, gyrfalcons from Russia).



National hunting and show

- Golden Eagles (Red Book)



National hunting and show

- No permits have been issued for at least the last 30 years
- The legalization of birds on hand took place in 2004; cases of using birds from breeding centers are rare
- At all festivals etc. at least half of the eagles are 1-3 years old, it means withdrawal from nature weakly covered by "passports"
- If we follow the letter of the law, then not only the commercial use of golden eagles, but also the Kazakh national hunting with birds of prey will be practically destroyed
- It is necessary to create an opportunity to legally obtain golden eagles for hunting (about 10 birds per year), and then start implementing the law

Low enforcement and awareness

- For other types of illegal taking, sufficient awareness of the regulatory authorities (police, customs etc.) is required
- Annual autumn action of “Okhotzoprom” – “Saker Falcon”; some actions of the Committee for National Security
- Closely related to the implementation of the provisions of CITES - the Convention on International Trade in Endangered Species of Wild Fauna and Flora
- All birds of prey are included in the CITES Appendices, so their import and export from the country is regulated by a package of relevant regulations (KZ acts is a Party of CITES since 2002)

Low enforcement and gaps

- With the exception of the above-mentioned "Rules for accounting and registration ...", not a single regulatory document for direct use of any interested department has a clear requirement for birds to have non-removable rings (tags)
- This requirement exists only in the Environmental Code (Article 259), which is not used in direct work at the border
- For the effective application of CITES provisions, it is necessary to coordinate the activities of the relevant departments and inform them (training, manuals, etc.) with regular staff development, refine the regulatory framework, ensure the identification of CITES objects and the maintenance of seized live animals

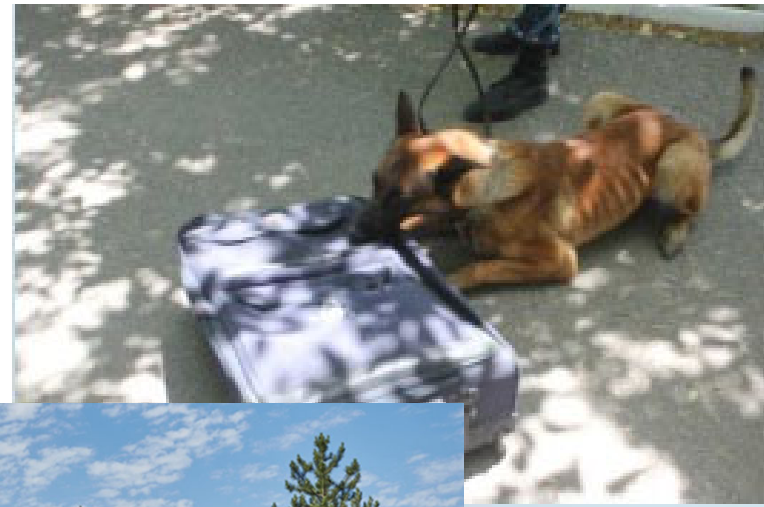
Capacity development

- Since 2014, ACBK, with the support of various donors, the Administrative and Scientific CITES authorities in the Republic of Kazakhstan, has been implementing special projects
- The goal - to assist government agencies in fight against illegal traffic in wildlife



Capacity development

- Training of sniffer dogs (including searching for falcons, saiga, tortoise and drugs) since 2014 (4, 8, 8 dogs is different years) on the base of the Custom Canine Center (Almaty)
- Since 2021, the Border Control Service started its own program



Capacity development

- Seminars for representatives of customs, border service, police (in total, about 90 people were trained), in cooperation with CITES Administrative and Scientific Authorities
- 2023 – seminar for teachers from police academy, border service training centre etc. (ToT)



Capacity development

- A manual on the application of CITES in the Republic of Kazakhstan has been developed (in press), in cooperation with Institute of Zoology and the Committee for Forestry and Wildlife
- 2023 – training modules on CITES implementation and combat of wildlife illegal traffic has been developed

