A close-up photograph of a rock surface covered in vibrant green moss. The moss is dense and textured, growing in various patches and crevices. The rock itself is light-colored and has a rough, uneven surface. The lighting is natural, highlighting the different shades of green in the moss.

RESULTS OF MONITORING OF NATIONAL PARKS OF ALMATY OBLAST IN 2018

ECOLOGICAL SOCIETY "GREEN SALVATION"

ALMATY

2019

Ecological Society “GREEN SALVATION”



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RESULTS OF MONITORING OF NATIONAL PARKS OF ALMATY OBLAST IN 2018

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The present material is a continuation of the publication titled “Results of monitoring of national parks of Almaty oblast in 2017.” The main focus is on the situation in the Ile-Alatau State National Natural Park, which is invaluable for conservation of biological diversity of the region, ensuring health and well-being of residents of Almaty agglomeration.

Based on the collected documents and photographs, the organization identified factors that have, in our opinion, a critical impact on the development of the environmental situation.

*THE ECOLOGICAL SOCIETY “GREEN SALVATION” EXPRESSES ITS SINCERE
GRATITUDE TO THE NATIONAL ENDOWMENT FOR DEMOCRACY (USA)
WITHOUT WHOSE HELP IT WOULD BE IMPOSSIBLE TO PERFORM
THE WIDE-SCALE PHOTO AND VIDEO MONITORING OF THE ECOLOGICAL
SITUATION IN THE CITY OF ALMATY AND ITS VICINITIES.*

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Unfortunately, the sense of responsibility for nature, for the extraordinary vulnerability of its finest structure is not sufficiently developed among those who are called upon to decide its destinies. Now, too often, we are witnessing irreparable and bitter mistakes due to hasty decisions made without sufficient grounds, or even simply without them. The time of irreversible losses that could have been avoided has long come; now there are too many losses due to ignorant treatment of nature to be silent about them.

*P.I. Marikovsky. The Commandments of the Singing Dune,
Soviet naturalist, biologist, and famous writer*

Maintaining the ecological balance through the organization of specially protected territories of various types, and seportology as a science that studies and optimizes these processes, are turning into a socially and economically significant tool for the survival of mankind.

*N. Reimers. Soviet zoologist, ecologist,
one of the main participants in the formation
of conservation movement in the USSR*

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Actions of the Ecological Society “Green Salvation.”

One of the areas of work of the Ecological Society “Green Salvation” (hereinafter—ES) is to promote preservation of ecological systems of national parks of the Almaty region. In order to assess whether the maintenance and use of resources corresponds to the public interests and national parks’ objectives, the organization conducts monitoring.

The collected information allows the ES to take practical actions that are necessary for conservation of specially protected natural territories (hereinafter—SPNT). The ES files inquiries for environmental information, demands implementation of certain measures, and follows up with the results of actions of authorized bodies on the organization’s statements. In cases of severe violations of the law, the ES contacts prosecution authorities and courts. And finally, if problems cannot be solved at the national level, the ES submits information to the bodies of international environmental conventions ratified by the Republic of Kazakhstan.¹

This material is a continuation of the publication titled “Results of monitoring of national parks of Almaty oblast in 2017.” The focus is on the situation in the Ile-Alatau State National Natural Park² (hereafter—Ile-Alatau SNNP), which is invaluable for conservation of biological diversity of the region, ensuring health and well-being of residents of Almaty agglomeration. The authors do not seek to identify all the circumstances affecting the environmental situation, since a small organization cannot do this. Using examples of photographs taken in the national parks of the Almaty oblast, on the basis of legal acts, project documentation, correspondence with authorized bodies and administrations of the parks, appeals to deputies of the Mazhilis of Parliament (lower house of Parliament), the organization identified factors that have, in our opinion, a critical impact on the development of the environmental situation.



Materials collected during the monitoring were used by the Ecological Society “Green Salvation” to address administrations of the national parks and the Committee for Forestry and Wildlife of the Ministry of Agriculture of the Republic of Kazakhstan. We sought strict observance of law and order on the territory of the national parks. We demanded to stop illegal construction, eliminate ruins and unauthorized dumpsites, vandalism markings on stones and trees, equip hiking trails and river crossings.

In 2018, the organization prepared and sent out 56 inquiries. Replies were received in 47 cases (84%), out of them, incomplete or inaccurate information was provided in 23 (49%) letters. 9 letters (16%) received no reply. In some cases, we had to resend the letters. Due to the fact that in some cases no measures were taken to liquidate the identified violations, the organization filed lawsuits to courts.

Total number of letters sent	Number of replies received	Number of unanswered letters	Number of replies containing incomplete or inaccurate information
56	47	9	23
	84%	16%	49%

10 inquiries resulted in correctional measures:

- unauthorized dumpsites in the gorges of Shukur, Turgen, Butakovka, Kimasar of the Ile-Alatau SNNP and in the Kok-Zhailau nature tract were eliminated;
- illegal structures in the Walnut Grove of the Big Almaty Canyon of the Ile-Alatau SNNP were dismantled;
- some abandoned facilities and ruins in the Butakovka gorge of the Ile-Alatau SNNP were dismantled;
- the road was cleared of fallen trees and abandoned facilities were dismantled in the Bedelbai River gorge of the Medeu branch of the Ile-Alatau SNNP;
- works were carried out to equip the tourist route in the Prokhodnoye gorge of the Ile-Alatau SNNP;
- inspectors of the “Kolsai Koldary” National Park were fined for violating the rules for visiting SPNTs.

The organization went to court:

- due to littering of the riverbanks during reconstruction of the Kimasar riverbed in the Ile-Alatau SNNP;
- due to a lack of action of state bodies in elimination of ruins in the Butakovka gorge of the Ile-Alatau SNNP;
- due to severe violations of the requirements of the law “On Specially Protected Natural Territories” during construction of a cableway on the Talgar Pass on the territory of the Ile-Alatau SNNP.

LEGAL SITUATION

- 8 1. Non-compliance with international conventions.
- 9 2. Numerous changes and contradictions in the legislation regulating the operation of specially protected natural territories.
- 10 3. Intervention of local executive authorities and other agencies in the activity of national parks of national importance.

PART I



1. Non-compliance with international conventions.

In the Republic of Kazakhstan, there are specially protected natural territories of international importance. For example, the Sary-Arka—Steppe and Lakes of Northern Kazakhstan and the Western Tien Shan are included in the UNESCO World Heritage List; ten sites are included in the Wetlands List of the Ramsar Convention.³

Article 75 of the law “On Specially Protected Natural Territories” (hereinafter—the Law on SPNT)⁴ recognizes that there are SPNTs of international importance in the country. Despite this, the law does not have a category to include SPNTs of international importance. Paragraph 1 of Article 14 states: “Specially protected natural territories, depending on the importance of the areas of the state natural reserve fund, are classified into a category of either national or local importance.”

The law does not establish a protection regulation for the SPNTs of international importance, which is provided for by the Convention on the Protection of the World Cultural and Natural Heritage, namely: “To ensure that effective and active measures are taken for the protection and conservation.”⁵

Wetlands “of international importance are included in specially protected natural territories.” They are “managed according to established rules of a reserve or regulated economic activity” (Article 75). Paragraph 3 of Article 28 clarifies that the regulated economic activity provides for “limited use of natural complexes, as well as owners of land plots and land users conducting of traditional types of economic activity by means and methods that do not adversely affect natural complexes and objects of the state natural reserve fund.” That is, there is no mention of any stricter regulation for protecting the wetlands, as well as other types of protected areas. Site owners use them in accordance with their own understanding, and not with the requirements of the conventions, which is a serious danger to the natural complexes.

Law on SPNT declares⁶ a priority of the international treaties which is also provided for in the Constitution (Article 4, paragraph 3) and other laws. But in practice, the norms of the conventions are not applied.

Even on the territory of national parks listed in the World Heritage List or its tentative list, the law allows for manipulation of the land. Zoning can be changed and the area of limited economic activity expanded (and this is already happening). Land lease is encouraged even for a period of 49 years. Moreover, transfer of lands of SPNTs to the category of reserved lands (земли запаса) that can be privatized became legal.

Accordingly, natural habitats of Red List species can be leased out for a long-term use. With the current practice of land lease, this will lead to destruction of the ecosystems. This is contrary to the norms of the Convention on Biological Diversity, which stipulates that each Party to the convention shall “promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings” (Article 8, paragraph d).

The Land Code states that if an international treaty ratified by the Republic of Kazakhstan “establishes rules that differ from those contained in this Code, the rules of the said treaty apply” (Article 7). However, in the Land Code, there are no rules regulating legal procedures on territories covered by international environmental conventions, but there is a reference to the law “On Protection and Use of Objects of Historical and Cultural Heritage”⁷ adopted in 1992.⁸

Article 26 of this law introduces the category of “monuments of history and culture of international importance, representing historical, scientific, architectural, artistic and memorial value included in the UNESCO World Cultural and Natural Heritage List.”

Contradictions between the laws are obvious. In the Land Code and environmental legislation, there is no category of SPNT of international importance. And in the law “On Protection and Use of Objects of Historical and Cultural Heritage,” there is a category of monuments of international importance. Thus, the sites inscribed on the World Heritage List have different status at the national level.

Such contradictions in the legislation are “reinforced” by arbitrary interpretation of conventions allowed by state authorities. For example, in the attachment to the Prime

Minister's reply to a request of the Mazhilis's deputies regarding violations of the Law on SPNTs on the territory of the Ile-Alatau National Park, it is stated: "To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country.

This provision of the Convention is related to sites already included in the World Cultural and Natural Heritage List. So far, the Ile-Alatau State National Natural Park... is only included in the Tentative List of the UNESCO World Natural Heritage sites."⁹

Meanwhile, paragraph 1 of Article 11 of the Convention states: "Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article."

Article 13, paragraph 1, states: "The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists mentioned referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property."

That is, provisions of the Convention apply to all sites of cultural and natural heritage, regardless of whether they are included in the main List or the Tentative List of World Heritage. The above statement by officials serves as an excuse for a violation of the Convention and national law. Intensive development of the territory of the Ile-Alatau National Park significantly reduces its chances to become a World Heritage Site!

2. Numerous changes and contradictions in the legislation regulating operation of specially protected natural territories.

Contradictions in the legislation are, firstly, a result of a lack of a state environmental policy, in particular, in the area of development of SPNTs. Secondly, it is a result of endless changes in the norms of current legislation, often implemented in the interests of influential companies and businessmen.

Since 2006, the Law on SPNTs has been amended 20 times. Most of the amendments are aimed at mitigation of the environmental regulations.

We believe, the most negative norms of the law¹⁰ are the following:

1. The law does not contain a category of "specially protected natural territories of international importance included in the UNESCO World Cultural and Natural Heritage List."

2. Authority of the government "to transfer lands of specially protected natural territories into a category of reserved lands at a proposal of an authorized body" (Article 7, subparagraph 6-1). Article 7 is supplemented by the subparagraph 6-1 in 2008.

3. Competency of the authorized body to make proposals "on transferring lands of specially protected natural territories into a category of reserved lands" (Article 8, paragraph 4).¹¹

4. Competency of the authorized body to develop a procedure for a transfer of lands of specially protected natural territories to reserved lands (Article 8, paragraph 16-6). The article is supplemented by the subparagraphs 16-1—16-8 in 2012.

5. Zones of limited economic activity on the territories of national parks (Article 45, paragraph 1, subparagraph 4) and paragraph 5). Sizes of these zones are not regulated by law.

6. Lease (long-term use) of land plots of national parks (Article 46, paragraph 2).

7. Construction of facilities on the leased plots of national parks (Article 46-1). The law was supplemented by the Article 46-1 in 2012.

8. Another paradox of the Law on SPNTs is Article 46, paragraph 1: "Tourism and recreational activities in state national natural parks are carried out directly by the state national natural park with a license for tourist operator activities, as well as by individuals and legal entities providing tourist services." In other

words, a specialized agency must obtain licenses in order to carry out its core activity!

In addition to the listed shortcomings of the law on SPNTs, there are numerous conflicts with other regulatory legal acts. This exacerbates the legal chaos and paralyzes activity of the national parks' administrations.

It is very indicative that the forest fund and specially protected natural territories are, in fact, equated to each other. That is, a forest fund is a SPNT, and a SPNT is a forest fund. Prices for the use of SPNTs are based on the principles of forest use, and the special value of national parks is being forgotten. Contradictions in the laws are obvious. On the one hand, according to the Land Code, these are two different categories of lands: lands of specially protected natural territories (Article 122) and lands of the forest fund (Article 128). On the other hand, according to the Forest Code (Article 44, paragraph 2, subparagraph 1), lands of specially protected natural territories together with five other categories of forests are assigned to the category of "specially protected forest territories" of the state forest fund with all its consequences.

3. Intervention of local executive authorities and other agencies in the activity of national parks of national importance.

According to Article 10 of the law on SPNTs, the local representative and executive authorities of regions, cities of national importance, and the capital do not have any authority to protect, preserve, and use SPNTs of national importance. According to paragraph 2 of Article 14, national parks are SPNTs of national importance. They are managed by the Committee for Forestry and Wildlife (hereinafter—the Committee) of the Ministry of Agriculture (Article 9, subparagraph 5 of the Law on SPNTs). Intervention of local authorities in the activity of national parks on the grounds that a part of their territory is located within a city limit is illegal. Paragraph 6 of Article 108 of the Land Code states that "inclusion of land into a city, town, or village limit does not entail termination of property or land use rights to these sites." That is, administrative boundaries do not affect the main activity of national parks and do not change their subordination.

Practice shows that local authorities flagrantly violate the norms of the Land Code.

A striking example is the intention of the Akimat of Almaty to build an auto road through the national park¹² to the planned ski resort on the territory removed from the Ile-Alatau National Park. The basis for the project design development is the decisions of the Akimat of Almaty.¹³ It is obvious that the construction will damage the ecological systems of the protected natural area. But the officials are not embarrassed by the fact that the designers planned a massive felling of Red List plants,¹⁴ even though it is prohibited by the national legislation, Convention on Biological Diversity¹⁵ and is a criminal offence.¹⁶ The Akimat is not bothered by the fact that the Ile-Alatau National Park is included in the UNESCO World Heritage Tentative List.¹⁷ The decision on a temporary delay of the construction, made on April 8, 2019, does not change the situation.¹⁸ Not only akimats, but also other agencies interfere in the activity of national parks. Works on strengthening slopes and mudflow protection activities are allowed to be carried out in national parks, but despite of this, transfer of more and more new plots into the category of reserved lands for construction of various technical facilities continues.¹⁹ As a result, the integrity of ecological systems is more and more deteriorating, and their fragmentation is increasing. A significant part of the Ile-Alatau National Park has become inaccessible and even dangerous for visitors.

In the fall of 2018, construction of the Mynzhylki mudflow dam on the Small Almaty River was completed. It is known that it is planned to transfer sections of the national park on the Aksai and Ayusay Rivers. However, government decree No. 293 on transferring lands of the SPNT into the category of reserved lands for construction of the dams was adopted only on May 16, 2019. Specific areas are not indicated in the decree.²⁰

Very indicative is the justification for the construction on the Ayusay River. Dozens of cafes and restaurants were built on the banks of the Big Almaty River, which is prohibited by law. Now they need to be protected even at the cost of destroying the national park. "The protected area includes the Almaty hydroelectric power stations facilities, the highway from Almaty city to the sanatorium "Alma Arasan," as well as recreation

areas, cafes and restaurants.”²¹ Apparently, they are of greater value than the objects of the nature reserve fund, including the Red List plants that grow on the lands to be transferred.

The intervention of local executive bodies into the core activity of national parks indicates serious violations of the law that impede their normal functioning.

¹ For more details about the work of the ES, please, see the insert.

² All names of the state organs are given as of January 1, 2019.

³ Republic of Kazakhstan joined the Convention on Wetlands of International Importance especially as Waterfowl Habitat by the law No.94-III ZRK dated on December 13, 2005. For more details, please, visit the website of the Convention:

[https://rsis Ramsar.org/ris-search/?f\[0\]=regionCountry_en_ss%3AKazakhstan&pagetab=1](https://rsis Ramsar.org/ris-search/?f[0]=regionCountry_en_ss%3AKazakhstan&pagetab=1).

⁴ 2006 the law “On Specially Protected Natural Territories” (with amendments as of June 29, 2018).

⁵ Convention Concerning the Protection of the World Cultural and Natural Heritage, Article 5. Ratified by the Decree of the Government of the Republic of Kazakhstan on July 29, 1994.

⁶ The law “On Specially Protected Natural Territories,” Article 2, paragraph 4: “If an international treaty ratified by the Republic of Kazakhstan establishes rules other than those contained in this Law, then the rules of the international treaty apply.”

⁷ Land Code of the Republic of Kazakhstan (with amendments as of April 3, 2019). Paragraph 2 of Article 127 “Lands of historical and cultural significance” refers to the law “On Protection and Use of Sites of Historical and Cultural Heritage” (with amendments as of May 24, 2018).

⁸ 1992 the law “On Protection and Use of Sites of Historical and Cultural Heritage” (with amendments as of May 24, 2018).

⁹ Attachment to the reply of the prime-minister dated on December 14, 2018 on the deputy request No.DZ-195 dated on November 15, 2018: <http://www.parlam.kz/ru/mazhilis/question-details/15898> (date of the website visit—May 15, 2019).

¹⁰ Changes that are being introduced into the Law on SPNTs contradicts its main principles (Article 3), in particular:

- “preservation of the state natural reserve fund and natural ecological systems;
- responsibility for violation of the legislation of the Republic of Kazakhstan in the field of specially protected natural territories;
- participation of individuals and legal entities in solving problems in the field of specially protected natural territories;
- availability of information in the field of specially protected natural areas.”

¹¹ This change was made in accordance with the Law of the RK dated December 1, 2008 No.94-IV.

¹² Designers first admitted that the road will pass through the territory of the national park, then indicated that “these lands have been allocated from the Ile-Alatau SNNP according to the Decree of the President of the Republic of Kazakhstan “On changing the boundaries of the city of Almaty” dated September 21, 2012 No.385.” Preliminary environmental impact assessment. Access road. Outdoor drainage.—Almaty, 2018, v.3, book 2, pp.9, 13.

¹³ Preliminary environmental impact assessment. Access road. Outdoor drainage.—Almaty, 2018, v.3, book 2, pp.7, 10.

Decree of the Akimat of Almaty city No.4/1074 dated December 12, 2013 on the approval of a detailed land planning project from al-Farabi Avenue to the Big Almaty Lake along the Big Almaty River.

Resolution of the Akim of Almaty No.4/461-k dated November 7, 2017 On Amending the Resolution of the Akimat of Almaty dated December 20, 2016 No.4/603 “On the Implementation of the Decision “XIIst Session of the Maslikhat of Almaty City of the VIth convocation “On the budget of the city of Almaty for 2017-2019.”

Decree of the Akim of Almaty city No.3/32 of June 3, 2018 On introducing amendments to the resolution of the Akimat of Almaty city of December 22, 2017 No.4/558 “On implementation of the decision of the XXVth session of the Maslikhat of Almaty city of the VIth convocation “On the budget of the city of Almaty for 2018-2020.”

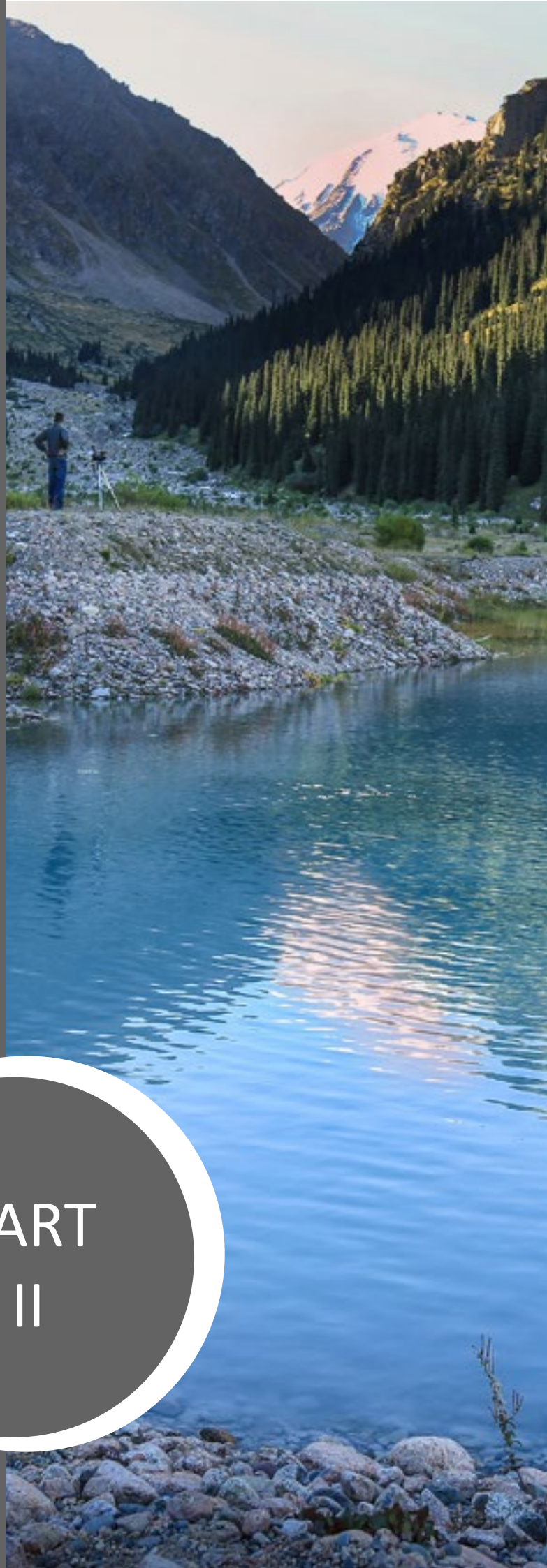
¹⁴ Preliminary environmental impact assessment. Access road. Outdoor drainage.—Almaty, 2018, v.3, book 2, pp.22-23.

- ¹⁵ Convention in Biological Diversity adopted by the Decree of the Cabinet of Ministers of the Republic of Kazakhstan dated August 19, 1994, No.918.
- ¹⁶ Criminal Code of the Republic of Kazakhstan (with amendments as of April 19, 2019), Article 339.
- ¹⁷ Tentative Lists: <http://whc.unesco.org/en/tentativelists/state=kz> (date of the website visit—May 15, 2019).
- ¹⁸ Akim of Almaty proposed to postpone construction of Kok-Zhailau. April 8, 2019: https://www.zakon.kz/4964865-kokzhaylau-i-gornyy-plast-kak-budet.html?utm_source=zakon&utm_campaign=ourmm5prgtopnews&utm_medium=cp&fbclid=IwAR1XN93Ru4sbqkKh9gRIMoZ8dreTbJIVk0hXrKmFk3u9HuHNf0YxRhgnAHE (date of the website visit—May 15, 2019).
- ¹⁹ Rules for development of projects of natural-scientific and feasibility studies on creation or expansion of specially protected natural territories, as well as adjustments to feasibility studies (as of December 25, 2015). Approved by order of Acting Minister of Agriculture of the Republic of Kazakhstan dated September 1, 2010 No.558, paragraphs 26, 36.
- ²⁰ Decree of the Government of the Republic of Kazakhstan dated May 28, 2019, No.293 “On transferring lands of specially protected natural territories into a category of reserved lands”: <http://adilet.zan.kz/rus/docs/P1900000293> (date of the website visit—May 28, 2019).
- ²¹ Draft. Feasibility study of transferring lands of the Ile-Alatau State National Natural Park into a category of reserved lands for construction of mudflow containment facilities.—Almaty, 2017, pp.9, 59.

VIOLATION OF INTERNAL REGULATIONS WITHIN SPECIALLY PROTECTED NATURAL TERRITORIES

- 14 4. Poor performance of the authorized body responsible for specially protected natural territories.
- 15 5. Poor operation of national park administrations.
- 16 6. Limited economic activity.
- 17 7. Uncontrolled tourism.
- 20 Photo attachment to the part 5.
- 30 Photo attachment to the part 7.

PART II



4. Poor performance of the authorized body responsible for specially protected natural territories.

The legal situation and gross violation of the norms of the legislation do not contribute to the effective work of authorized bodies and park administrations and are the main cause of serious shortcomings in their activities. This is confirmed by the results of photomonitoring carried out by the ES.

The Ile-Alatau SNNP is located near the city of Almaty, so its territory is experiencing a strong anthropogenic impact.

Currently, the Ministry of Agriculture is developing a master plan for development of ecotourism in the Ile-Alatau SNNP allegedly “taking into account all factors.”

According to the Committee: “During 2017-2018, the commission created by the order of the Committee for Forestry and Wildlife ... conducted an inventory of land plots of the Ile-Alatau State National Natural Park.

By the results of the work of the commission, information was provided that 77 third-party land users located within the national park do not have title documents for land...

Currently, on behalf of the Committee, the National Park is taking measures to return the land plots through the judiciary.

Because of the refusal of the Akimat of the city of Almaty to coordinate, a joint action plan for expropriation of lands from land users who do not have title documents and demolition of illegally constructed buildings in the national park has not been approved.

In this regard, it is not possible to present the action plan.”²²

Along with the identification of third-party land users located within the national park, the “Adjustment of the feasibility study of the Ile-Alatau State National Natural Park in the part of the master plan for development of infrastructure” (hereinafter—2017 Adjustment) provides for a massive lease of lands of the national park.²³ Monthly cost of land lease of one hectare of the national park (regardless of its location) is equal to a rent of a two-bedroom apartment in a multi-story building—6000 tenge.²⁴ For example, the total amount received by the park from leasing its lands in 2016 was equal to 39,034.4 thousand tenge.²⁵

Back in 1998, American experts pointed out that “the park is losing some of the profits” from the operation of ski resorts and other complexes, which “are entirely dependent on its natural resources.” “The park has no authority to manage natural resources within these privatized territories.”²⁶

An obstacle to the normal operation of the Ile-Alatau National Park is the ongoing dubious corrections of its feasibility study (hereinafter—the feasibility study), which are carried out at the expense of the state budget.²⁷ They were carried out in 2007, 2013, and 2017. A new agreement on the next adjustment was signed in 2017 just 2 months after the approval of the “Adjustment of the feasibility study of the Ile-Alatau State National Natural Park in terms of changing the functional zoning due to the necessity to build mudflow dams”²⁸ and a year and a half after the approval of forest inventory materials of 2014-2016.

It should be noted that in accordance with paragraph 2 of Article 57 of the Forest Code **“forest management projects of the state-owned forests and other forest management documents** that have passed state environmental assessment are approved by the authorized body and **are mandatory regulatory acts for forest management, its current and long-term planning.”**

Adjustment is not a mandatory regulatory act for forestry! It is a part of design documentation. This is also indicated by its developers: the purpose of the adjustment is “to coordinate location of existing and planned infrastructure facilities with changes in the grid of the Ile-Alatau SNNP.” In violation of subparagraph 1 of paragraph 1 of Article 47 of the Environmental Code, the Committee for Forestry and Wildlife approved the 2017 Adjustment without environmental assessment and without a prior scientific justification. Will the connivance of the state bodies lead to the specially protected natural territories losing their ecological value?

The review and modification of the functional zones of national parks continue. According to the 2017 Adjustment, the total area of the Ile-Alatau National Park is 199,252 ha. 52.8% of the park’s land is transferred to the zone of limited economic activity²⁹ and can be leased out. In

other words, more than half of the territory of the national park will largely lose its conservation value. Compared to 2012, the territory of the park managed under nature conservation regulations³⁰ decreased from 81,066 hectares³¹—40.46% of the total area of the park—to 78,549 hectares, or 39.4% of the park. And the area of the limited economic activity increased by 1057 hectares compared to the 2013 project.

It is extremely puzzling that the Committee for Forestry and Wildlife which is responsible to carry out “the functions of managing, controlling and supervising, protecting and preservation of specially protected natural territories” (Article 1, subparagraph 9 of the Law on SPNTs), is empowered to make proposals “for transferring lands of specially protected natural territories into a category of **reserved lands**” (Article 8, subparagraph 4 of the Law on SPNTs).³² In fact, the Committee becomes an initiator of reduction of national parks territories.

The real reasons for the above manipulations are: lack of a clear concept of SPNTs’ development, focus on commercialization of their activity, non-compliance with national laws and international treaties, desire of businessmen to privatize valuable state lands.

It is strange, but the website of the Committee for Forestry and Wildlife does not contain any information about the national parks of Kazakhstan.³³

5. Poor operation of national park administrations.

5.1. The websites of national parks of the Almaty region lack informational materials for visitors. Despite the fact that the parks have unique landscapes rich in biodiversity, their websites cannot be compared with the websites of famous foreign national parks.³⁴ For example, there are no detailed maps for visitors with marked tourist routes; there is no information about the security system.³⁵ Visitor centers and entrances to national parks have no printed materials for tourists (postcards, booklets, albums with marked tourist routes and overlooks).

5.2. Poorly equipped trails, crossings, rest areas, bathrooms. Lack of constant control leads to their decay, littering, and destruction. Primitive rest areas look wretched. Without clear

instructions on equipping and maintaining the national parks’ facilities, the administrations act at their discretion.

5.3. Poor garbage collection system. Unsealed garbage containers and stone waste bins are installed in the Ile-Alatau National Park. Often they contain remains of burnt garbage. Apparently, the garbage is either burned in place, or a spontaneous combustion occurs. The wind spreads the garbage throughout the territory. Animals, including domestic ones, feed on the waste. The park administration does not have a mechanism to encourage visitors to collect their own garbage.

5.4. Tourism activity in the Ile-Alatau National Park is carried out without taking into account the environmental load. As a result in some areas of the park, vegetation and topsoil are destroyed, household garbage is accumulated. Violations caused by the recreational load are “found in almost all gorges of Zailiysky Alatau, especially in the lower and middle altitudes, where the majority of the rare species included in the Red List is concentrated.” Excessive recreational load also causes damage to high mountain areas, for example, ecological systems of the Small and Big Almaty Canyons.³⁶

5.5. The park does not have an emergency communication system in case of natural disasters, wildlife attacks, injuries and other unforeseen situations. “The current state of mudflow monitoring cannot be considered satisfactory.”³⁷

5.6. Many areas in the Ile-Alatau National Park are closed to visitors, as evidenced by numerous banners informing about the restrictions. But these same areas are open to tenants who carry out various types of activities, including those damaging the natural environment.

5.7. No air basin monitoring is carried out in the Ile-Alatau National Park, although it has been scientifically confirmed that the smog from the city of Almaty travels to the territory of the park and harms its ecosystems.

5.8. Lack of a protection buffer zone from the side of the city of Almaty and no on-site marking of the boundaries of the national park. This indicates a poor interaction between the Committee for Forestry and Wildlife and the Committee for Land Management, despite the

fact that both are subordinate to the Ministry of Agriculture. There is no interaction between local executive authorities, the Committee, and the administrations of the SPNTs.

Akimat of Almaty oblast established the protection zone of the Ile-Alatau National Park by the resolution No. 255 of June 15, 2015. But it has not yet been established by the city of Almaty,³⁸ even though it has been 13 years since the law on SPNTs was adopted.

Unfortunately, on-site marking of the boundaries of national parks of Almaty oblast has not yet been carried out. Because of this, numerous conflicts arise between visitors, entrepreneurs, local authorities, on the one hand, and national park administrations, on the other. Lack of the marking contributes to destruction of ecological systems.

6. Limited economic activity.

6.1. Tenants and outside users.

As of July 1, 2017, 104 land plots with a total area of more than 560 hectares were leased out for a long-term use in the Ile-Alatau National Park.³⁹ 25 sites were leased out for a short-term use (up to 5 years), including for construction of high-voltage 220 kV power lines,⁴⁰ which require arrangement of protection strips of 25 m wide from the outside lines on the both sides.

In addition to the leased land, there are 167 land plots of outside users within the park. This complicates the efficient management of the park. According to the 2014 forest inventory materials, their total area is 1,304.257 hectares.⁴¹ Despite the negative impact of the lease on ecological systems, the 2017 Adjustment states: "The Ile-Alatau SNNP is able to offer additional long-term and short-term leases of land, existing and planned buildings and structures for tourist use.

Among the residents of the region, the number of businessmen who are willing to invest in construction of guest houses, tourist centers, and similar facilities with a condition of further long-term lease is currently increasing."⁴² This means that destruction of the national park is officially sanctioned by state authorities.

There is no data on the damage caused by tenants and landowners. However, it is officially recognized that "the main problem of creating

a SPNT in a status of a legal entity ... is the land issue, as many land plots are privately owned or in long-term leases."⁴³

According to paragraph 4 of Article 45 of the Law on SPNTs: "In the zone of tourist and recreational activity, a nature reserve protection regulations are applied to ensure preservation of natural complexes and objects of the state nature reserve fund, where regulated tourist and recreational use is allowed (except for hunting), including organization of tourist routes, trails, arrangement of campsites and viewing platforms, beaches, boat stations, rental points for water transport and beach equipment, taking into account the norms of recreational load, placement of stationary apiaries with the construction of temporary structures needed for beekeeping."

However, due to the arbitrary interpretation of this norm of the law in the 2017 Adjustment, the land lease applies to new sections of the national park. In the section describing the zone of tourist and recreational activity, it is said: "In order to ensure regulated tourism and recreation in accordance with paragraph 2 of Article 46 of the Law on SPNTs and in accordance with the master plan for the development of infrastructure, the SNNP can provide land plots to individuals and legal entities on a contractual basis **for short and long term use**."⁴⁴ Here, the concept of "zoning" is replaced by the vague wording of paragraph 2 of Article 46: "Plots of state national natural parks **for tourism and recreation activity** are provided for short-term use for a period of up to five years and for long-term use for a period of up to forty-nine years." Land plots for tourist and recreational activity and the zone of tourist and recreational activity are not the same thing. They have different legal status.

6.2. Grazing livestock.

Livestock moving and grazing are carried out in the Charyn SNNP and in almost all gorges of the Ile-Alatau SNNP. A particularly large number of livestock is concentrated in the Kaskelen and Turgan Canyons. Usually, the grazing is uncontrolled, which leads to destruction of vegetation, contributes to development of soil erosion and pollution of water sources. Livestock transfers alien plant species to the territory of national parks.

As a result of overgrazing in 2016-2017, landslide events were observed on the territory of the Ile-Alatau National Park.⁴⁵

Nevertheless, the authors of the 2017 Adjustment, instead of proposing to reduce the number of livestock, they suggest creating sanitary protection zones in the park: “The livestock complexes located in the protection zone and **on the territory of the park itself** must be equipped with special ventilation with a treatment of the ventilation emissions. The livestock complexes **are proposed to be surrounded by sanitary protection zones**, which will be separated from the residential area by hedges of tree and shrub plantings.”⁴⁶

The authors are not embarrassed by the fact that livestock complexes are not allowed even in the zone of limited economic activity. According to the law “On Architectural, Urban Planning and Construction Activities in the Republic of Kazakhstan”: “Sanitary protection zone is a territory separating special-purpose zones, as well as industrial enterprises and other industrial, municipal and storage facilities in a populated area from nearby residential areas, buildings and housing, and civil facilities, in order to mitigate the impact of adverse factors.”⁴⁷ The Law on SPNTs does not even mention special-purpose zones, industrial enterprises, utilities, warehouses and other facilities.

6.3. Construction and other activities of outside land owners and tenants.

On the territory of the Ile-Alatau and Charyn national parks, construction works are ongoing. Construction of parking lots, restaurants, cafes and other facilities is carried out under a plausible pretext of developing tourism infrastructure. There is a special clearly distinguished group of developers who build mansions. Many of which are surrounded by 3-4 meters-high fences and resemble fortified areas (Butakovka Canyon of the Ile-Alatau SNNP).

With such economic activities, as a rule, neither construction, nor environmental, nor sanitary standards are observed. Natural ecological systems, to put it mildly, are simply erased from the face of the earth. Red List plants or animals are not taken into account. The resulting construction and household waste is dumped

into neighboring gorges, often in the territory of the national park (Small Almaty Canyon and Big Almaty Canyon of the Ile-Alatau SNNP). As measures to protect the soil cover of the national park, the authors of the 2017 Adjustment propose creating “special landfills for storage of construction and household waste!”⁴⁸ These suggestions absolutely contradict the goals and objectives of national parks.

7. Uncontrolled tourism.

Ile-Alatau and Charyn national parks are visited by a large number of tourists. Exact information on the relationship between organized and unorganized tourism is not available in open sources. Thousands of cars enter the Ile-Alatau SNNP and move uncontrollably. To serve tourists, food stops and other facilities are built along the main roads.

The lack of effective control over the actions of tourists and owners of recreational areas results in numerous violations: cluttering up the territory, making bonfires in prohibited places, cutting down trees, collecting Red List plants, parking cars on river banks, etc.

Uncontrolled tourism poses a serious threat to strategic natural resources. Employees of the Hydroelectric Power Station in the publication “Cascade of Hydroelectric Power Stations: Life-long Strategic Object”⁴⁹ propose establishing an appropriate status for the vital Big Almaty Lake. Cascade management is concerned that the unique lake “**may significantly suffer from the wild tourism.**”⁵⁰

At one of press conferences, Director of the Kazakhstan Tourism Association R. Shaikenova shared her views on the development of tourism in national parks. “The state program of (tourism—KazTAG) development industry was launched. Among other things, it includes questions of allocation of land plots, including lands on the territory of national parks. The process is very difficult, snatching a piece of land from the Ministry of Agriculture for construction of tourist infrastructure is not an easy task.”⁵¹

²² Reply of the Committee for Forestry and Wildlife of April 12, 2019 to the request of the Ecological Society “Green Salvation” No.052.

Also, see the reply of the Prime-Minister dated December 14, 2018 on the deputy request No.DZ-195 dated November 15, 2018: <http://www.parlam.kz/ru/mazhilis/question-details/15898> (dated of the website visit—April 15, 2019).

²³ Adjustment to the feasibility study of the Ile-Alatau State National Natural Park in the part of the master plan of infrastructure development. “CDZ and GIS “Terra” LLP,” approved by the order of the Chairman of the Committee for Forestry and Wildlife dated January 3, 2019, No.17-5-6/1.—Almaty, 2019, pp.54-66.

²⁴ Reply of the Committee for Forestry and Wildlife of April 15, 2019 to the request of the Ecological Society “Green Salvation” No. 051. “According to the order of the Committee dated May 31, 2017, No. 17-1 / 158 “On approval of tariffs for services provided by environmental entities” the monthly fee for temporary use of land of the national park is 6,000 tenge per hectare.”

²⁵ Adjustment ...—Almaty, 2019, p.97.

²⁶ H.Hagemann. Ile-Alatau National Natural Park. Strategies for Revenue Management. ACIDI/VOCA Kazakhstan, 1998, p.11.

²⁷ Adjustment ...—Almaty, 2019, p.14.

²⁸ «In 2017, “CDZ and GIS “Terra” LLP” developed a Draft “Adjustment to the feasibility study of the Ile-Alatau State National Natural Park in the part of changing of the functional zoning in relation to the need of construction of mudflow containment facilities.”

“The Draft received a positive conclusion of the state environmental assessment KZ30VCY00097514 dated May 2, 2017 and is approved by the order of the Committee for Forestry and Wildlife No.17-1/153 dated May 23, 2017.” Adjustment ...—Almaty, 2019, p.14.

“The Draft “Adjustment to the feasibility study of the Ile-Alatau State National Natural Park in the part of the master plan of infrastructure development” was prepared by the Remote sensing center and GIS “Terra.” The Draft is developed in accordance with the Public Procurement Contract No.157-07/17 dated July 25, 2017, together with the State Enterprise “Ile Alatau State National Natural Park.” Adjustment ...—Almaty, 2019, p.7.

²⁹ Adjustment ...—Almaty, 2019, p.15:

- Zone of nature reserve regulations (protection regulations of a nature reserve)—62,137 hectares (31.2%).
- Zone of ecological stabilization (protection regulations of a nature reserve with some exceptions for scientific and recreational activity)—16,412 hectares (8.2%).
- Zone of tourist and recreational activity (protection regulations of a nature sanctuary)—15,408 hectares (7.8 %).
- Zone of limited economic activity (protection regulations of a nature sanctuary)—105,292 hectares (52.8%).

Thus, protection regulations of a nature reserve currently cover 78,549 hectares of the park territory, or 39.4% of the total area of the park.

³⁰ This refers to the zone of a nature reserve regulations and the ecological stabilization zone. According to paragraphs 2 and 3 of Article 45 of the law on SPNTs, the regulations of these zones is significantly different!

³¹ Draft. Adjustment to the feasibility study of the Ile-Alatau State National Natural Park in the part of functional zoning and the master plan of infrastructure development.—Almaty, 2013, pp.14-15.

³² This change was introduced in accordance with the Law of the Republic of Kazakhstan dated December 1, 2008, No.94-IV.

³³ Committee for Forestry and Wildlife: <https://moa.gov.kz/ru/committee4> (date of the website visit—April 18, 2019).

³⁴ Sequoia National Park: <https://www.nps.gov/seki/index.htm>; Yellowstone National Park: <https://www.nps.gov/yell/index.htm>; Grand Canyon National Park: <https://www.nps.gov/grca/index.htm>.

³⁵ RSE Ile-Alatau State National Natural Park: <http://www.ile-alatau.kz/>, the website does not work (date of the website visit—June 21, 2019).

RSE State National Natural Park “Altyn-Emel”: <http://altyn-emel.kz/index.php> (date of the website visit—April 15, 2019).

RSE Charyn State National Natural Park: <http://charyn.kz/rus/> (date of the website visit—April 15, 2019).

RSE Zhongar-Alatau State National Natural Park: <http://zhongaralatau.kz/>, the website does not work (date of the website visit—May 24, 2019).

RSE State National Natural Park “Kolsai-kolderi”: <http://kolsay.kz/>, the website does not work (date of the website visit—May 24, 2019).

³⁶ I.I. Kokoreva, I.G. Otradnykh, I.A. Sedina. Anthropogenic impact on natural populations of rare endemic species of the Northern Tien Shan.—Almaty, 2017, p.37.

³⁷ A.R. Medeu, V.P. Blagoveshchensky, T.A. Baimoldaev, T.L. Kirenskaya, B.S. Stepanov. Mudflows of South-East Kazakhstan.—Almaty, 2018, v.2, part 2. Basics of monitoring in Ile-Alatau, p.16.

³⁸ Reply of the Committee for Forestry and Wildlife dated May 28, 2019, to the inquiry of the Ecological Society “Green Salvation” No.089.

³⁹ Adjustment ...—Almaty, 2019, pp.47-51.

⁴⁰ Adjustment ...—Almaty, 2019, p.53.

⁴¹ Adjustment ...—Almaty, 2019, pp.10-13. “An urgent need for the Ile-Alatau SNNP remains to settle the relations with outside land users, which complicates the effective management of the SNNP,” p.93.

⁴² Adjustment ...—Almaty, 2019, p.93.

⁴³ Sixth National Report of the Republic of Kazakhstan on Biological Diversity.—Astana, 2018, p.90: <https://www.cbd.int/doc/nr/nr-06/kz-nr-06-ru.pdf>.

⁴⁴ Adjustment ...—Almaty, 2019, p.17.

⁴⁵ I.I. Kokoreva, I.G. Otradnykh, I.A. Sedina. Anthropogenic impact on natural populations of rare endemic species of the Northern Tien Shan.—Almaty, 2017, p.29.

⁴⁶ Adjustment ...—Almaty, 2019, p.124.

⁴⁷ Law of the Republic of Kazakhstan dated July 16, 2001, No.242-II “On Architectural, Urban Planning, and Construction Activity in the Republic of Kazakhstan” (with amendments as of April 19, 2019), Article 1, paragraph 47.

⁴⁸ Adjustment ...—Almaty, 2019, p.128.

⁴⁹ Hydroelectric Power Stations Cascade: strategic facility for life, August 8, 2018:

<http://www.ales.kz/ru/my-v-smi/88-2014-god-5/950-kaskad-ges-pozhiznenno-strategi> (date of the website visit—April 15, 2019).

⁵⁰ Hydroelectric Power Stations Cascade: strategic facility for life.

Also see: Big Almaty Lake can be closed for private autotransport, March 12, 2016:

<https://www.kazpravda.kz/news/obshchestvo/bolshoe-almatinskoe-ozero-mogut-zakrit-dlya-chastnogo-transporta> (date of the website visit—May 15, 2019).

⁵¹ State support measures for tourism in the Republic of Kazakhstan include issuance of land on the territory of national parks. April 10, 2019: https://kaztag.kz/ru/news/mery-gospodderzhki-turizma-v-rk-vklyuchayut-v-sebya-vydachu-zemelnykh-uchastkov-na-territorii-natspa?utm_source=twitter&utm_medium=cpc (date of the website visit—May 14, 2019).



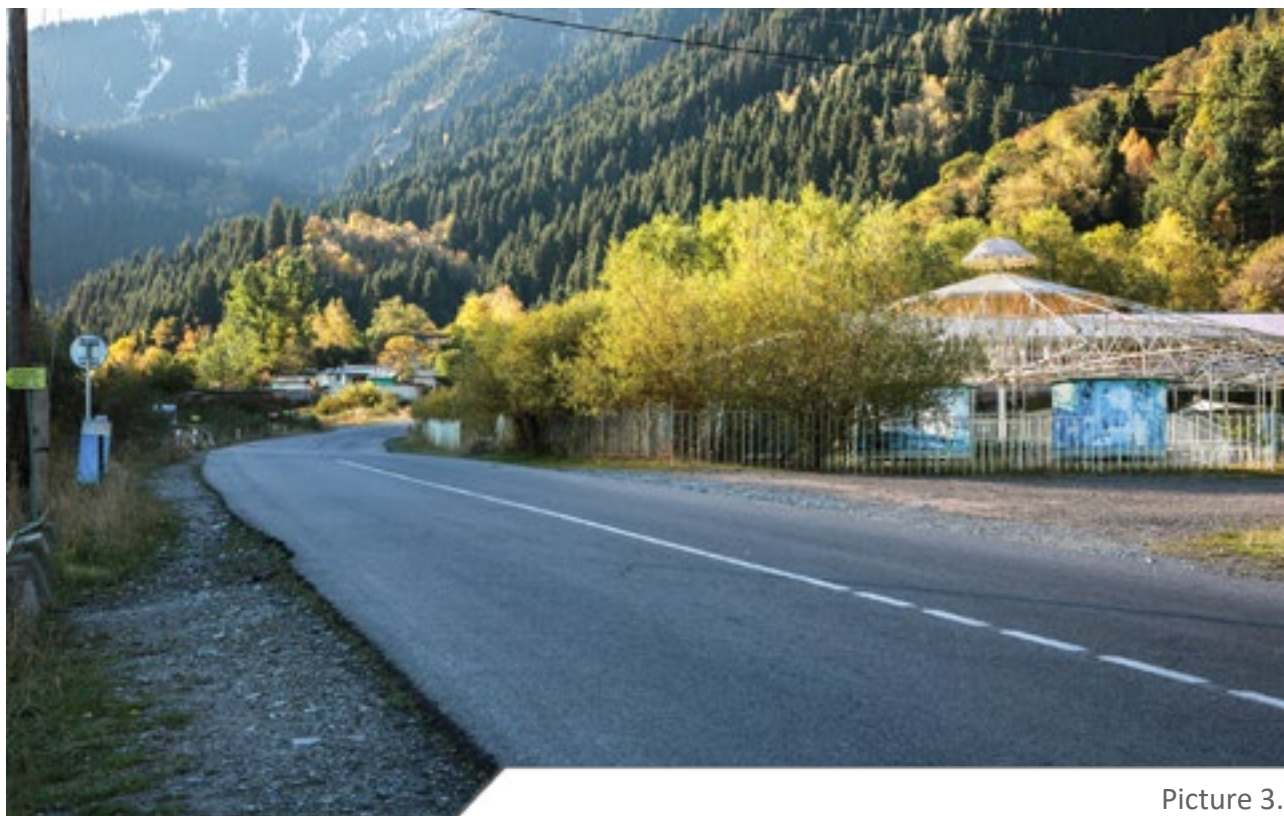
Picture 1.

Aksai Canyon. October 1, 2018.



Picture 2.

Big Almaty Canyon. September 25, 2018.



Picture 3.

Big Almaty Canyon. September 25, 2018.



Picture 4.

Big Almaty Canyon. September 25, 2018.



Picture 5.

Big Almaty Canyon. September 25, 2018.



Picture 6.

Butakovka Canyon. September 9, 2018.



Picture 7.

Butakovka Canyon. September 9, 2018.



Picture 8.

Kaskelen Canyon. September 13, 2018.



Picture 9.

Kaskelen Canyon. May 29, 2018.



Picture 10.

Kotirbulak Canyon. August 7, 2018.



Picture 11.

Kotirbulak Canyon. August 7, 2018.



Picture 12.

Kazachka River Canyon. September 2, 2018.



Picture 13.

Kazachka River Canyon. September 2, 2018.



Picture 14.

Small Almaty Canyon. September 17, 2018.



Picture 15.

Prohodnoe (Almaarasan) Canyon. September 25, 2018.



Picture 16.

Turgen Canyon. August 17, 2018.



Picture 17.

Turgen Canyon. August 17, 2018.



Picture 18.

Turgen Canyon. August 17, 2018.



Picture 19.

Turgen Canyon. August 17, 2018.



Picture 20.

Turgen Canyon. August 17, 2018.



Picture 21.

Big Almaty Lake. April 30, 2018.



Picture 22.

Big Almaty Lake. April 30, 2018.



Picture 23.

Big Almaty Lake. April 30, 2018.



Picture 24.

Big Almaty Lake. April 30, 2018.



Picture 25.

Big Almaty Lake. August 26, 2018.



Picture 26.

Big Almaty Lake. August 26, 2018.



Picture 27.

Butakovka Canyon. September 2, 2018.



Picture 28.

Butakovka Canyon. September 9, 2018.



Picture 29.

Butakovka Canyon. September 16, 2018.



Picture 30.

Butakovka Canyon. September 16, 2018.



Picture 31.

Butakovka Canyon. September 16, 2018.



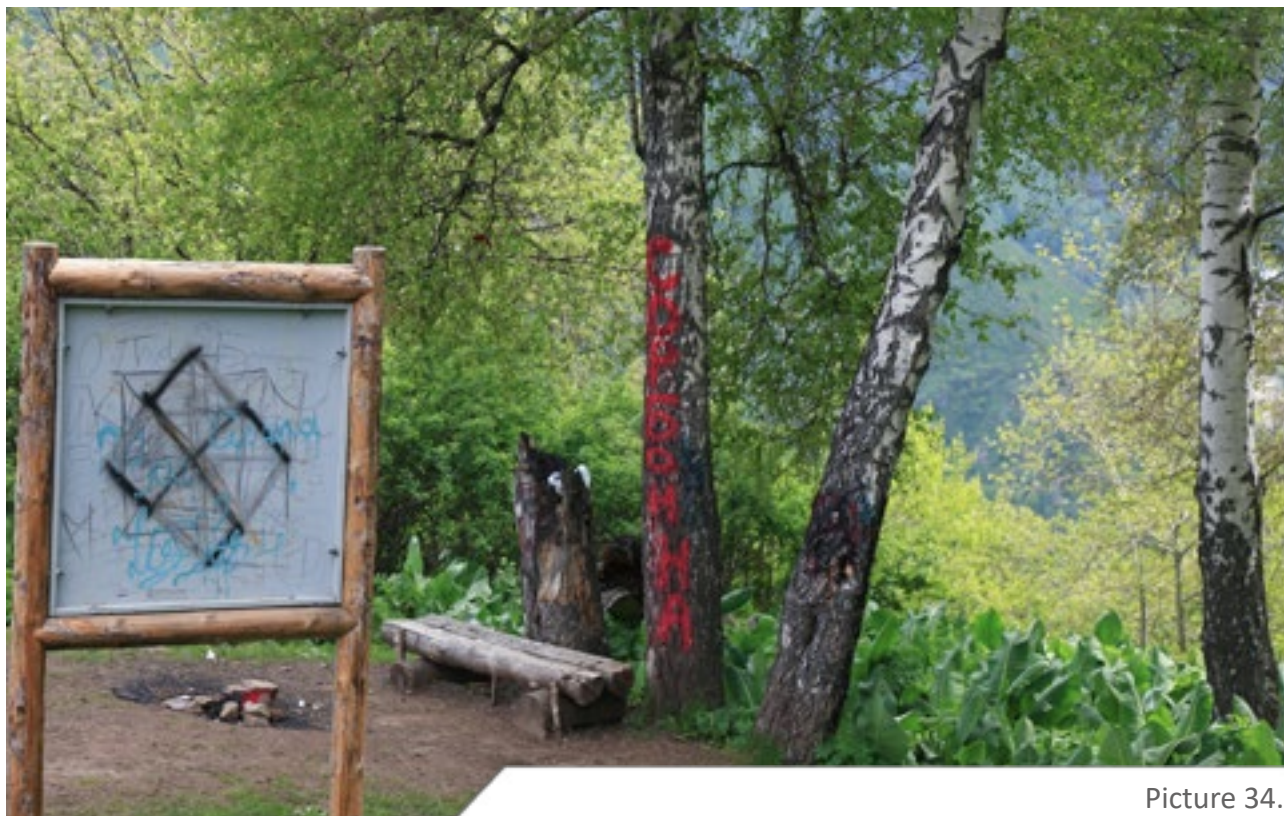
Picture 32.

Issyk Canyon. April 17, 2018.



Picture 33.

Issyk Canyon. April 17, 2018.



Picture 34.

Kok-Jailau Hollow. May 23, 2018.



Picture 35.

Small Almaty Canyon. September 17, 2018.

DAMAGE CAUSED BY
VIOLATION OF INTERNAL
REGULATIONS WITHIN
SPECIALLY PROTECTED
NATURAL TERRITORIES

- 39 8. Fragmentation of ecosystems.
- 39 9. Damage from soil contamination.
- 39 10. Damage from pollution and destruction of natural water bodies.
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- 41 13. Abandoned sites.
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- 45 Photo attachment to the part 12.
- 61 Photo attachment to the part 13.

PART
III

8. Fragmentation of ecosystems.

Allocation of lands for rent, construction of roads, guest houses, installing fences, and other economic activities are carried out without taking into account characteristics of ecosystems leading to their fragmentation. Animal migration and water access routes are getting blocked, habitats of many species of animals and plants are being destroyed. Even if, in accordance with paragraph 6 of Article 46-1 of the law on SPNTs, after expiration of the lease period, all structures are dismantled and removed, natural ecological systems cannot be restored. At best, plant communities that remotely resemble those that previously existed can emerge.

The transfer of lands of national parks to the category of reserved lands also leads to fragmentation, especially if the plots are withdrawn from the internal territories of the SPNT. For example, the area of the Ile-Alatau SNNP decreased "from 199,673 hectares to 198,669 hectares, only 1004 hectares, of which 1002 hectares were allocated for construction of the ski resort "Kokzhailau" (2015) and 2 hectares for construction of the Aksay water conduit (2016)."⁵²

9. Damage from soil contamination.

Unauthorized dumpsites constantly occur on the territories of national parks. Tourists, construction and road workers, shepherds, special services leave a large amount of garbage. The largest dumpsites are located on leased land and on outside owners' territories. Garbage pollutes the soil, is washed away with water, is carried by the wind, and increases the likelihood of fires. In open sources, there is no data on soil contamination in national parks. Garbage collection activities organized by park administrations are clearly inadequate. The Ile-Alatau SNNP is exposed to especially massive littering.

10. Damage from pollution and destruction of natural water bodies.

In the Ile-Alatau SNNP, many guest houses, campsites, restaurants, and other facilities are located directly on the banks of water bodies. The facilities built without consideration of the sanitary and environmental standards, requirements of the Water and Environmental

Codes, become sources of chemical and biological contamination, and also block free access to water.

Riverbeds undergo alterations and fencing. Natural riverbanks, without regard to their meaning to the life of animals and plants, are "improved" by installation of gabions, the flow of flood waters and hydrological rhythms of river valleys are changed (Big Almaty and Small Almaty Canyons of the Ile-Alatau SNNP).

A very unfavorable situation has developed around the Big Almaty Lake. It has been included in the Ile-Alatau National Park since its inception. The status of the lake did not change, which is confirmed by the 2014 forest inventory materials. The lake is a strategic site, a source of drinking water for 25% - 30% of the citizens.

The exceptional value of the reservoir is constantly emphasized by government regulations, according to which the lake is included in:

- "The list of environmental protection sites of special ecological, scientific, and cultural value" (June 21, 2007 No. 521);
- "The list of sites of the Republic of Kazakhstan that are vulnerable to terrorism" (August 28, 2013 No. 876);
- "The list of water facilities with special strategic value, including those that can be leased and transferred to a trust management" (December 29, 2017 No. 933).

Paragraph 4 of Article 214 of the Environmental Code clearly states:

"Land allocated for water protection strips cannot be transferred to a category of lands of populated areas or industrial facilities; special regulations for economic activity are established on them to prevent pollution, clogging and depletion of water." It follows from Article 19 of the Water Code that the status of a national park provides for a higher level of protection of water bodies in specially protected natural territories than the Water Code.

However, contrary to all the above legal acts, including the Environmental Code, the territory of the Big Almaty Lake and sections along the water conduit were included in the city limits. This opened up free access to the local population and tourists directly to the source of drinking water supply.

A stream of motorists poured onto the shores of the lake. Long traffic jams occur along the way to the lake, especially on Sundays. Visitors freely approach the water. Based on the aforementioned Resolution No. 933, plots near the lake can be leased. And there are already people who want to get them.⁵³ Thus, a strategic object can be legally transferred to private hands.

The publication "Who guards the Big Almaty Lake" states (with reference to the Ile-Alatau SNNP) that it is, in fact, already taking place: "The reservoir is on the balance sheet of Almaty Electric Stations JSC on **the basis of private property**."⁵⁴

It remains unclear what is the status of Lake Issyk. Its eastern and southeastern shores are included in the territory of the Almaty State Nature Reserve, and the northern and northwestern shores are a part of the Ile-Alatau SNNP. Despite this, spry entrepreneurs organized motor boat rides on the lake for visitors of the park. According to the Ile-Alatau National Park, "Lake Issyk is not included in the lands of the SPNT, it is located on the territory of the State Institution "Kazselezashchita." In this regard, the national park does not have the right to give permission or take measures to prevent the use of motor boats and other means of navigation."⁵⁵

In accordance with paragraph 63 of the Sanitary Rules "Sanitary and epidemiological requirements for water sources, places for water intake for household and drinking purposes, drinking water supply and places for cultural and domestic water use and the safety of water bodies," approved by order of the Minister of National Economy of the Republic of Kazakhstan dated March 16, 2015 No. 209:

"Sanitary protection zones (SPZ) are established at water supply sources and at water supply facilities supplying water for household and drinking needs from surface and underground sources."

In paragraph 65, it is determined that "a SPZ consists of three subzones."

In accordance with paragraph 72, "the boundary of the first subzone of a SPZ of a surface source of drinking water supply is established in the following limits":

"3) for water bodies (a reservoir, a lake), the boundary of the first subzone is established depending on local sanitary and hydrological

conditions, but not less than 100 meters in all directions along the water intake and along the shore adjacent to the water intake from the water line during the summer-autumn low water season."

"Entrance of persons not related to the operation of water supply facilities into the territory of the first subzone of the SPZ and into the territory of water supply facilities is not allowed. The territory of the first subzone of water intake is equipped with a solid fence of at least 2.5 meters high." But no one remembers that.

And finally, the most incredible! According to the "Rules for classifying a water body as a source of drinking water," approved by order of the Minister of National Economy of November 28, 2015 No. 739: "State control over the quality of drinking water in urban and rural settlements is carried out by a territorial division of the authorized body in the field of sanitary and epidemiological welfare of the population in the manner prescribed by the **Entrepreneurial Code** of the Republic of Kazakhstan dated October 29, 2015!"

This paragraph of the Rules clearly contradicts the requirements of Article 90 (paragraphs 3, 4, 5, and 7) of the Water Code and Article 144 (paragraphs 3 and 6) of the Code "On the Health of the People and the Health Care System!" The health and well-being of thousands of Almaty residents cannot be made dependent on the preferences and whims of entrepreneurs!

11. Damage from air pollution.

Sources of air pollution include vehicles, construction equipment, production facilities of restaurants, cafes, hotels, guest houses, saunas. It is necessary to take into account the dust generated on the sides of numerous asphalt and dirt roads built by tenants and other business entities (the Big Almaty Canyon of the Ile-Alatau SNNP, the Valley of Castles of the Charyn SNNP).

The 2017 Adjustment states: "Negative impact on the forest in the park is caused by smoke and gas emissions from industrial enterprises, increased recreational load ... as well as motor vehicle exhaust gases affecting the area of up to 500 m on both sides of roads. As a result, the harmful effect on the forest causes premature partial drying of individual trees, slowdown of growth and general weakening of tree stands,

as well as hindering of the course of natural regeneration.”⁵⁵

Studies conducted by scientists also confirm that “automobile emissions inhibit the leaf development in plants, causing changes in the anatomical and physiological nature, leading to underdevelopment or deformity of the leaves and further death of plants.”⁵⁷

12. Damage from infrastructure development.

Any economic activity inevitably leads to development of transport and engineering infrastructure, which require additional territories. Their placement is regulated by the “Rules for development of projects of natural-scientific and feasibility studies for creation or expansion of specially protected natural territories, as well as adjustments to feasibility studies.” When planning specially protected natural territories, the general principle is “development of the main transport routes and reception of the main flow of visitors, their accommodation **within the protected zone**.”⁵⁸

But in the Ile-Alatau National Park, visitors are accommodated on its main territory—and very chaotically. Infrastructure facilities are often built outside of the leased territories, which causes additional damage to ecosystems, in particular, it leads to “destruction of natural plant communities on a large territory.”

Construction of motorways, access roads, and parking lots results in the increasing number of cars entering national parks. “With the increase of the transportation load, the undergrowth of forest-forming species decreases, a significant part of which is affected or damaged, composition and structure of fruit forest stands is getting simplified, which leads to its fragmentation or death.”⁵⁹ Grass covers are getting destroyed as well.

13. Abandoned sites.

On the territory of the Ile-Alatau National Park, there are several dozen abandoned and collapsing buildings that were constructed after it was founded (Butakovka Canyon, Turgen Canyon, Almaarasan Canyon, and others). Many facilities constructed both before and after foundation of the park are abandoned and are gradually turning into ruins and landfills.

The current situation contradicts paragraph 5 of Article 46-1 of the Law on SPNTs, which states that “individuals and legal entities **shall remain responsible to bring the site into a state that ensures safety of the objects of the state nature reserve fund and to comply with environmental protection requirements.**”

On November 28, 2018, the Ecological Society “Green Salvation” appealed to the Specialized Inter-district Economic Court of Almaty in order to oblige authorized state bodies to liquidate the ruins in the Butakovka Canyon. The Department for Control over the Use and Protection of Lands of the city of Almaty was brought to court as a defendant.⁶⁰ After six months of trial, the courts of the first and appeal instances recognized that the Department was not obligated to take action against the offender.

The decision, without reference to documents, indicated that the defendant conducted an audit and that the site was “formally used for its intended purpose.” And further: “The claimant [ES – author’s note] mistakenly believes that, since the sports complex **is partially destroyed** and not used, this constitutes a basis for issuing to the owner an order to eliminate violations of land legislation on the use of the land for its intended purpose. However, in the court’s opinion, the Department’s competency does not include an obligation to control distressed and destroyed buildings.”

The court ignored subparagraph 4 of paragraph 3 of Article 93 of the Land Code, which states that “use of a land plot, which has led to a significant deterioration of the environmental situation,” is a violation of the law.

The Committee for Forestry and Wildlife, the administration of the national park, and local authorities do not respond to the danger posed by the ruins to ecological systems and visitors.

14. Damage from anthropogenic impact and man-made disasters.

In the conditions of increased seismicity and instability of mountainous soils, any economic activity on the territory of the SPNTs increases the likelihood of technological disasters. The threat of their occurrence increases due to almost uncontrolled activities of various business entities. For example, as a result of leveling the

slopes, carried out to improve the ski slopes in the tract Chimbulak (the Ile-Alatau SNNP), the soil and vegetation cover was destroyed. This led to soil erosion and severe rain floods.

Experts emphasize: “The soil and plant factor plays an important role in the formation of surface and underground runoff, intercepting a significant proportion of precipitation. Disturbance of the grass cover even on relatively small areas during planning of tobogganing and ski slopes led to mudflows which caused hundreds of millions tenge of damage.”⁶¹

According to scientists, “the anthropogenic factor has a significant, and sometimes even critical impact on formation of mudflows, primarily in the mid-mountain and low-mountain zones.”⁶²

The causes of technological disasters are not being studied properly. Most often they are explained by natural processes. But this opinion is not shared by all scientists and specialists. For example, the authors of the study “Anthropogenic

Impact on Natural Populations of Rare Endemic Species of the Northern Tien Shan” have a different point of view. In their opinion, the May windstorm of 2011, which destroyed the spruce forest on Mount Mokhnatka and apple orchards along the banks of Small Almaty River, was provoked by “ignorant actions on planning and developing the Small Almaty River Canyon.”⁶³

15. Obstruction of access to the natural resources of national parks.

The main obstructions are the numerous fences installed by tenants and outside landowners which block the passageways to trails, roads, water bodies, and sights of national parks. Because of this, many sites have become inaccessible to tourists. The Law on SPNTs does not qualify such actions as illegal. Usually, administration of the parks does not attempt to stop such actions. Therefore, no one is deemed responsible for creating obstructions that impede free movement of the park visitors.

⁵² Sixth National Report of the Republic of Kazakhstan on Biological Diversity.—Astana, 2018, p.88: <https://www.cbd.int/doc/nr/nr-06/kz-nr-06-ru.pdf>.

⁵³ Hydroelectric Power Stations Cascade: strategic facility for life.

⁵⁴ Who guards the Big Almaty Lake, December 5, 2018: https://tengrinews.kz/kazakhstan_news/kto-ohranyaet-bolshoe-almatinskoe-ozero-359024/ (date of the website visit—April 15, 2019).

⁵⁵ Reply of the Ile-Alatau national park dated November 28, 2017, to the inquiry of the Ecological Society “Green Salvation” No.154.

⁵⁶ Adjustment ...—Almaty, 2019, p.130.

⁵⁷ I.I. Kokoreva, I.G. Otradnykh, I.A. Sedina. Anthropogenic impact on natural populations of rare endemic species of the Northern Tien Shan.—Almaty, 2017, p.115.

⁵⁸ Rules for development of projects of natural-scientific and feasibility studies on creation or expansion of specially protected natural territories, as well as adjustments to feasibility studies (as of December 25, 2015). Approved by order of Acting Minister of Agriculture of the Republic of Kazakhstan dated September 1, 2010 No.558, paragraph 64, subparagraph 3.

⁵⁹ I.I. Kokoreva, I.G. Otradnykh, I.A. Sedina. Anthropogenic impact on natural populations of rare endemic species of the Northern Tien Shan.—Almaty, 2017, p.115.

⁶⁰ According to the administrative division, part of the national park is included into the borders of the city of Almaty.

⁶¹ A.R. Medeu, V.P. Blagoveshchensky, T.A. Baimoldaev, T.L. Kirenskaya, B.S. Stepanov. Mudflows of South-East Kazakhstan.—Almaty, 2018, v.2, part 2. Basics of monitoring in Ile-Alatau, p.11.

⁶² Same as above, p.15.

⁶³ I.I. Kokoreva, I.G. Otradnykh, I.A. Sedina. Anthropogenic impact on natural populations of rare endemic species of the Northern Tien Shan.—Almaty, 2017, p.120.



Picture 36.

Chimbulak Hollow. September 17, 2018.



Picture 37.

Small Almaty Canyon. Mynzhylki Hollow. July 29, 2018.



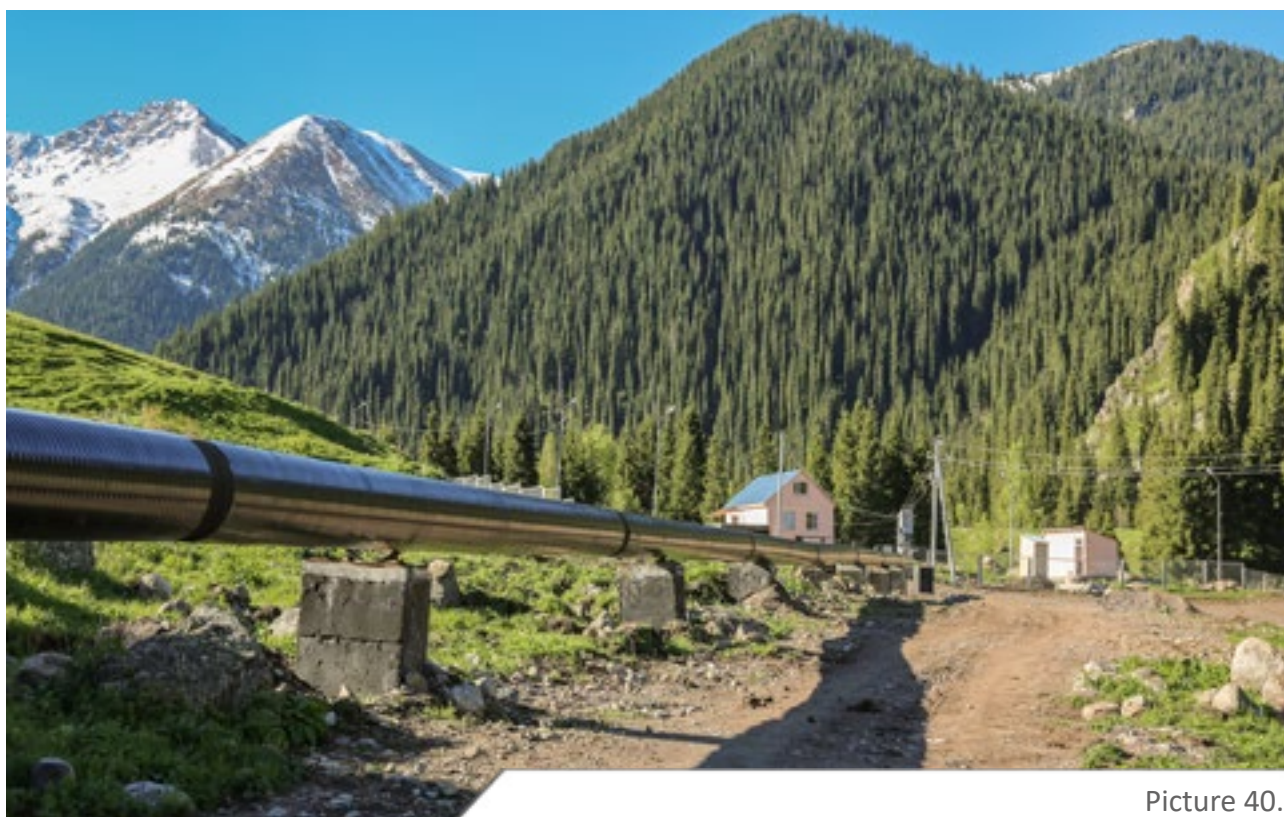
Picture 38.

Chimbulak Hollow. September 17, 2018.



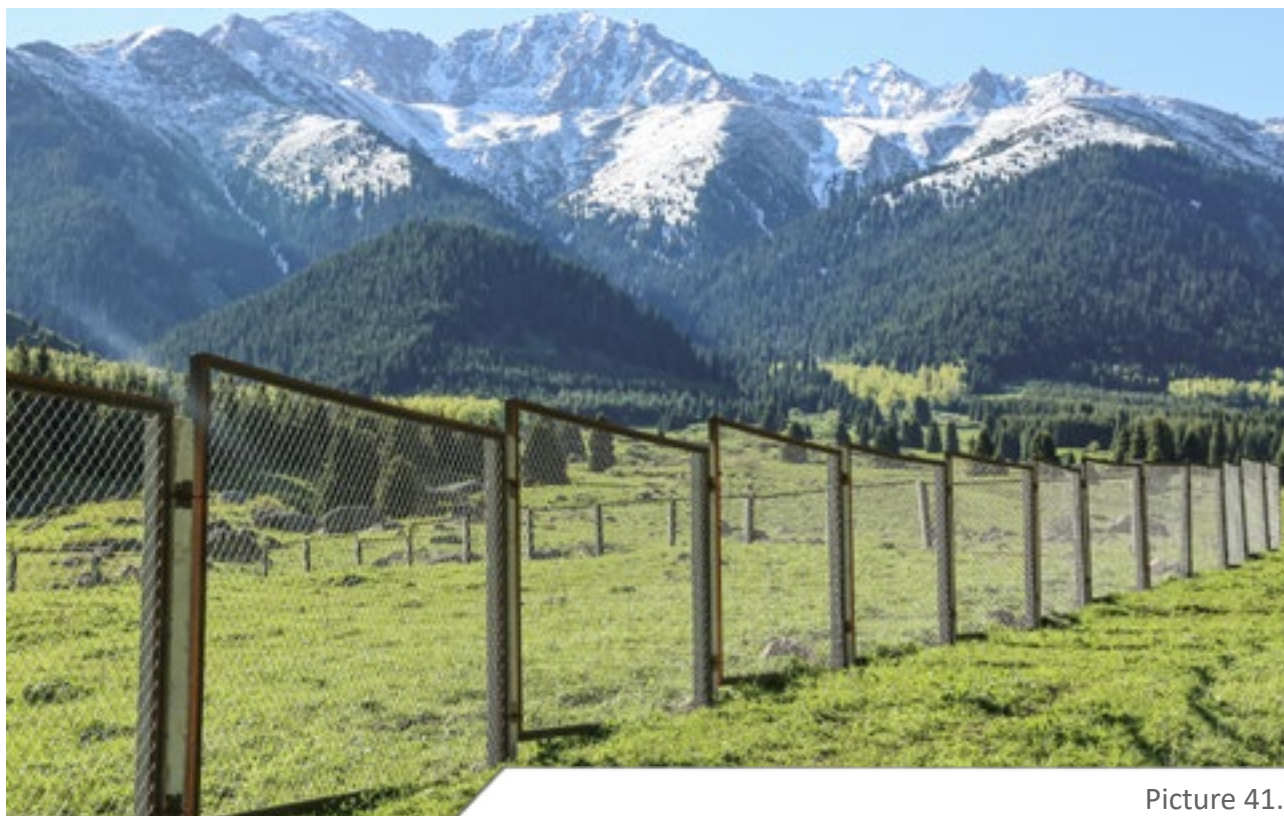
Picture 39.

Aksai Canyon. October 1, 2018.



Picture 40.

Kaskelen Canyon. May 29, 2018.



Picture 41.

Kaskelen Canyon. May 29, 2018.



Picture 42.

Kaskelen Canyon. May 29, 2018.



Picture 43.

Kaskelen Canyon. May 29, 2018.



Picture 44.

Kaskelen Canyon. September 13, 2018.



Picture 45.

Kaskelen Canyon. September 13, 2018.



Picture 46.

Kaskelen Canyon. September 13, 2018.



Picture 47.

Kaskelen Canyon. September 13, 2018.



Picture 48.

Kaskelen Canyon. September 13, 2018.



Picture 49.

Kaskelen Canyon. September 13, 2018.



Picture 50.

Kaskelen Canyon. September 13, 2018.



Picture 51.

Kimasar Canyon. August 3, 2018.



Picture 52.

Kimasar Canyon. August 3, 2018.



Picture 53.

Kimasar Canyon. August 3, 2018.



Picture 54.

Kimasar Canyon. August 3, 2018.



Picture 55.

Kimasar Canyon. August 3, 2018.



Picture 56.

Kimasar Canyon. August 28, 2018.



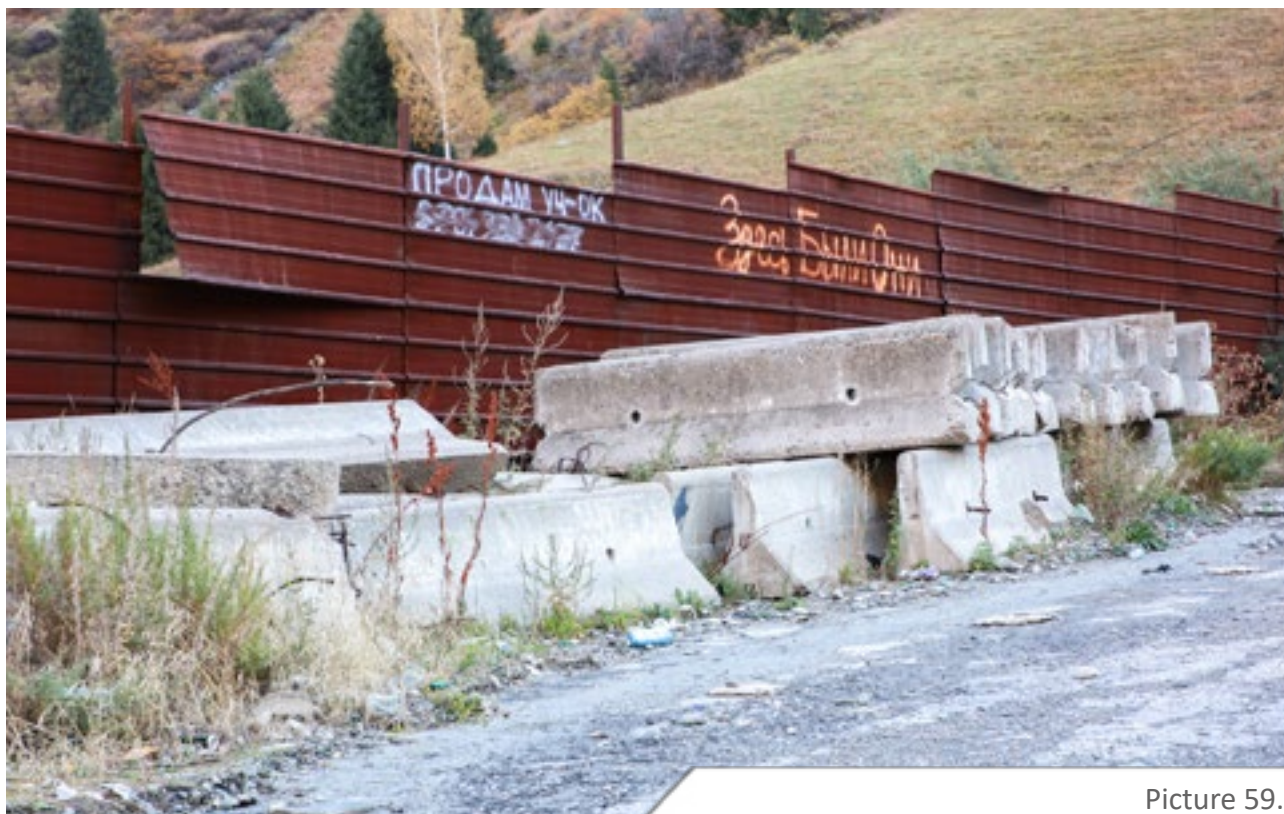
Picture 57.

Kok-Jailau Hollow. April 28, 2018.



Picture 58.

Prohodnoe (Almaarasan) Canyon. September 25, 2018.



Picture 59.

Prohodnoe (Almaarasan) Canyon. September 25, 2018.



Picture 60.

Prohodnoe (Almaarasan) Canyon. September 25, 2018.



Picture 61.

Small Almaty Canyon. September 17, 2018.



Picture 62.

Small Almaty Canyon. September 17, 2018.



Picture 63.

Maralsi Hollow. October 30, 2018.



Picture 64.

Maralsi Hollow. October 30, 2018.



Picture 65.

Small Almaty Canyon. Mynzhylki Hollow. July 29, 2018.



Picture 66.

Small Almaty Canyon. Mynzhylki Hollow. July 29, 2018.



Picture 67.

Small Almaty Canyon. Mynzhylki Hollow. September 17, 2018.



Picture 68.

Small Almaty Canyon. Mynzhylki Hollow. September 17, 2018.



Picture 69.

Small Almaty Canyon. Mynzhylki Hollow. September 17, 2018.



Picture 70.

Big Almaty Canyon. The Tien Shan Alpine Scientific Station. June 27, 2018.



Picture 71.

Big Almaty Canyon. The Tien Shan Alpine Scientific Station. August 26, 2018.



Picture 72.

Big Almaty Canyon. September 25, 2018.



Picture 73.

Butakovka Canyon. June 8, 2018.



Picture 74.

Butakovka Canyon. September 9, 2018.



Picture 75.

Butakovka Canyon. September 9, 2018.



Picture 76.

Butakovka Canyon. September 16, 2018.



Picture 77.

Butakovka Canyon. September 16, 2018.



Picture 78.

Butakovka Canyon. September 16, 2018.



Picture 79.

Butakovka Canyon. September 16, 2018.



Picture 80.

Canyon of Batareika River. August 9, 2018.



Picture 81.

Canyon of Batareika River. August 9, 2018.



Picture 82.

Kimasar Canyon. August 23, 2018.



Picture 83.

Kimasar Canyon. August 3, 2018.



Picture 84.

Kimasar Canyon. August 23, 2018.



Picture 85.

Kazachka River Canyon. September 2, 2018.



Picture 86.

Kimasar Canyon. August 3, 2018.



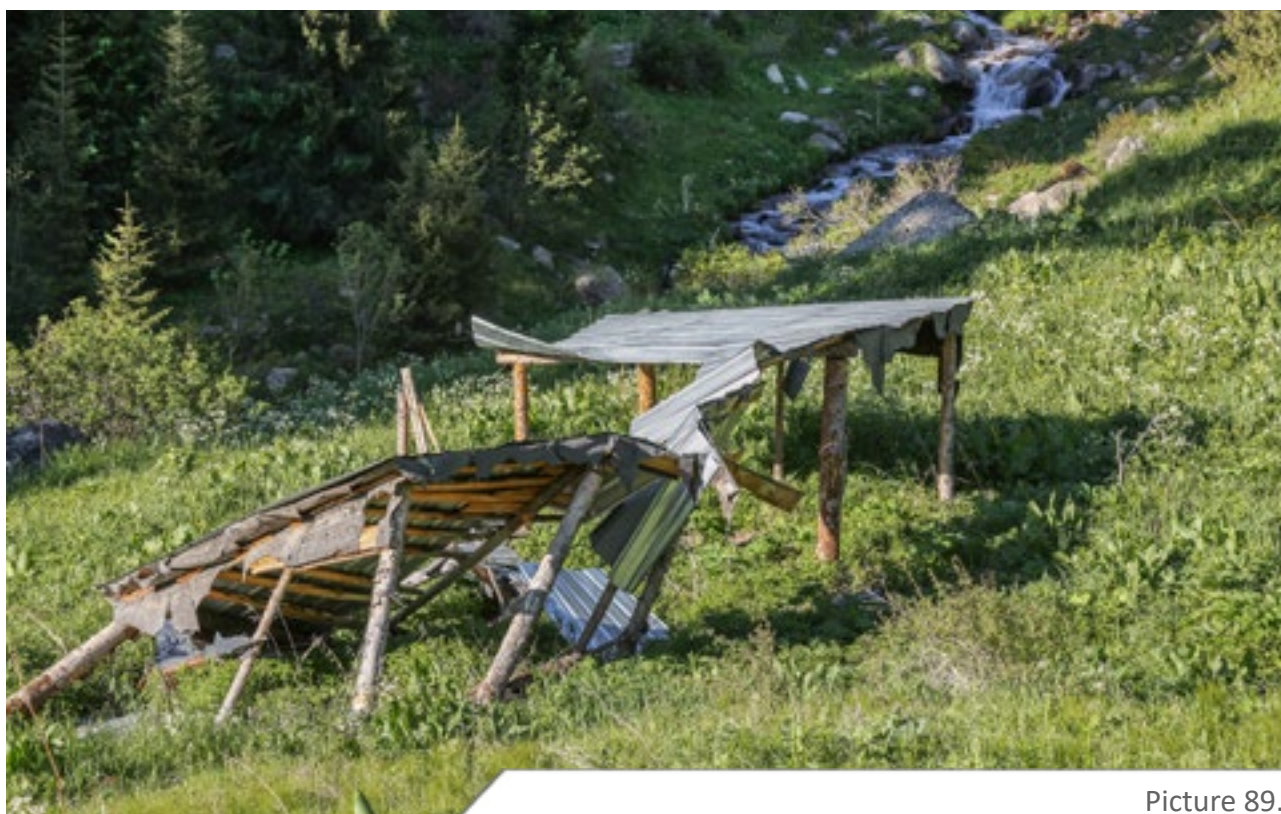
Picture 87.

Kimasar Canyon. November 27, 2018.



Picture 88.

Kimasar Canyon. November 27, 2018.



Picture 89.

Small Almaty Canyon. Gorelnik Hollow. June 13, 2018.



Picture 90.

Small Almaty Canyon. July 29, 2018.



Picture 91.

Small Almaty Canyon. Medeu Hollow. Pit on the site of demolished hotel "Medeu." March 22, 2018.

CONCLUSION

- 73 Conclusion.
- 75 Video application.

PART IV



1. Development of national parks is spontaneous, as the country still lacks environmental and forest policies,⁶⁴ biological diversity conservation policy,⁶⁵ and policy for development of SPNTs.⁶⁶ “There is no single strategic document in the Republic of Kazakhstan that directly provides for implementation of the Strategic Plan for conservation and sustainable use of biodiversity for 2011-2020 and objectives for conservation and sustainable use of biodiversity adopted in Aichi.”⁶⁷

The Ministry of Agriculture and the Committee for Forestry and Wildlife are not actually guided by the norms of international conventions, primarily the Convention on Biological Diversity and the Convention Concerning the Protection of the World Cultural and Natural Heritage.

2. Back in 1997, American experts prepared a report on the results of work with the personnel of the Ile-Alatau National Park. They identified that the management system was one of the main reasons hindering normal functioning of the park. “The park administration structure and policies should be updated in order to fully meet the transition from a forestry system to a modern park management system.”⁶⁸ Over the past 22 years after publication of the report, the policy for development and management of the parks practically did not change.

3. Development of the national parks is determined by the needs of the “business community.” For example, the 2017 Adjustment “is carried out on the basis of the following letters of the Committee for Forestry and Wildlife of the Ministry of Agriculture of the Republic of Kazakhstan:

- “Roadmap for development and presentation to the business community of tourism development projects on the territory of state national natural parks” dated December 30, 2015 No. 18-02-41 / 1834-I;

- on development and presentation of a Roadmap of measures to adjust the master plan of tourism infrastructure development, taking into account suggestions of business communities based on the results of cluster meetings in the regions dated July 24, 2017 No. 17-1-40 / 1136-I.”⁶⁹

The development boils down to primitive use of land for restaurants, saunas, guest houses, ski

resorts, even high-voltage power lines. All these activities create an additional environmental pressure on national parks. The idea of liquidation or removal of the facilities unrelated to the parks’ objectives beyond their borders is not considered at all.

4. Development is planned without taking into account the ecological capacity of the national parks and recreational loads.⁷⁰

For example, the 2017 Adjustment says that, according to official data, at the checkpoint of the Ile-Alatau National Park, “on average about 117,000 visitors are registered annually, which is almost 3.3 times the amount of the annual permissible recreational load.”⁷¹ However, the same document emphasizes a need to increase the flow of tourists and a possibility of long-term lease of 127 more plots with a total area of more than 450 hectares.⁷²

5. The chaotic development of the territory of national parks leads to destruction of ecological systems. The Sixth National Report of the Republic of Kazakhstan on Biological Diversity says: “Much attention is paid to plants, which are a valuable gene pool. For example, world science has proved that 57% of the genes in all cultivated varieties of apples come from the wild Sivers apple tree from Kazakhstan. To preserve this unique gene pool, almost the entire growing range of the Sivers apple tree is under special protection in SPNTs (the Ile-Alatau SNNP, Zhongar-Alatau SNNP, Almaty Reserve, Sairam-Ugam SNNP, Aksu-Zhabagly Reserve, Tarbagatai SNNP).”⁷³

This statement seems controversial for the Ile-Alatau National Park. “Today, plant communities in the most popular tourist destinations of Zailiysky Alatau—the Small Almaty Canyon, Chimbulak resort, Turgen, Chin-Turgen Canyons, Aksai Canyon, and Kaskelen Canyon—have been significantly altered... The existing structure of visiting the national park by tourists and the local population does not correspond to its status and objectives.”⁷⁴

6. Kaskelen, Butakovka, Small and Big Almaty Canyons of the Ile-Alatau National Park are gradually turning into squalid dirty suburbs of Almaty with high fences, dumpsters, livestock paddocks, pipelines, parking lots, ruins, disfigured river banks.

A significant territory of the park is included in Almaty city limits. This gives the officials of the Akimat and other departments an illusion that they have a legitimate reason to intervene in the park's main activity. If this trend continues, in the near future the national park will lose the ecological systems for which it was created. Its value as a tourist destination site will be lost as well.

⁶⁴ "The Forest Code was approved in 2003, and has been updated, most recently in 2017. However, there is not yet a national strategic document for the sector for long and medium-term perspective." State of Forests of the Caucasus and Central Asia.—New York and Geneva, 2019, p.89: <http://www.unece.org/fileadmin/DAM/timber/publications/sp-47-soccaf-en.pdf>.

⁶⁵ "The government did not approve the 1999 National Strategy and Action Plan for the Conservation and Balanced Use of Biodiversity. As a result, Kazakhstan lacks existing strategic instruments that would focus on the conservation of biodiversity and (or) the development of a network of specially protected natural territories (despite the explicit requirement of the CBD), and these issues are not integrated into other sectoral strategic documents." Environmental Performance Reviews. Kazakhstan. Third review.— Geneva, United Nations Economic Commission for Europe, 2019, p.315: http://www.unece.org/fileadmin/DAM/env/epr/epr_studies/ECE_CEP_185_Rus.pdf.

⁶⁶ The concept for transition of the Republic of Kazakhstan to "green economy," approved by Decree of the President of the Republic of Kazakhstan dated May 30, 2013 No.577, affects only some aspects of environmental policy, focusing on transformations in the economy.

⁶⁷ Sixth National Report of the Republic of Kazakhstan on Biological Diversity.—Astana, 2018, p.5: <https://www.cbd.int/doc/nr/nr-06/kz-nr-06-ru.pdf>.

Aichi Biodiversity Targets, see: <https://www.cbd.int/sp/targets/>.

⁶⁸ D. Coler, R. Hoem, H. Heigmann. Ile Alatau State National Natural Park. Tasks and opportunities. ACDI/ VOCA Kazakhstan, 1997, p.14.

⁶⁹ Adjustment ...—Almaty, 2019, p.7.

⁷⁰ Rules for development of projects of natural-scientific and feasibility studies on creation or expansion of specially protected natural territories, as well as adjustments to feasibility studies (as of December 25, 2015). Approved by order of Acting Minister of Agriculture of the Republic of Kazakhstan dated September 1, 2010 No.558, paragraph 61.

⁷¹ Adjustment ...—Almaty, 2019, p.104.

⁷² Adjustment ...—Almaty, 2019, pp.54-66.

⁷³ Sixth National Report of the Republic of Kazakhstan on Biological Diversity.—Astana, 2018, p.225: <https://www.cbd.int/doc/nr/nr-06/kz-nr-06-ru.pdf>.

⁷⁴ I.I. Kokoreva, I.G. Otradnykh, I.A. Sedina. Anthropogenic impact on natural populations of rare endemic species of the Northern Tien Shan.—Almaty, 2017, p.119.



VIDEO 1. National parks are in danger (mp4)

<https://www.youtube.com/watch?v=OogV7xJvLnk>

