

Approved
by Resolution of the Government
of the Kyrgyz Republic
of July 8, 1996 # 310

Provisions on Government Agency on Land Organization and Land Resources at the Government of the Kyrgyz Republic

I. General Provisions

1. Government Agency on Land Organization and Land Resources at the Government of the Kyrgyz Republic (hereinafter - Goszemagenstvo) shall be a republican agency of government management which shall exercise the uniform policy on management of land resources and regulation of land relations.

2. Goszemagenstvo in its activity shall be guided by the Constitution of the Kyrgyz Republic, laws of the Kyrgyz Republic, decrees and resolutions of the President of the Kyrgyz Republic, Regulations of the Legislative Assembly and People's Representative Assembly of Jogorku Kenesh of the Kyrgyz Republic, regulations and resolutions of the Government of the Kyrgyz Republic and by these Provisions.

3. Goszemagenstvo of the Kyrgyz Republic shall be a legal entity holding a round seal with the Government Emblem of the Kyrgyz Republic with its name in Russian and in Kyrgyz, shall have independent balance and accounts in the bank including currency accounts.

II. Basic Objectives of Goszemagenstvo of the Kyrgyz Republic

4. Basic objectives of Goszemagenstvo shall constitute:

- carrying out uniform government policy in land relations;
- participation in land reforms together with the Ministry of Agriculture and Food on agricultural land;
- elaboration of works on land organization;
- maintenance of land cadastre and land monitoring, performance of scientific and research work on use of land resources, land organization and introduction of scientific achievements and advanced experience to production;
- holding auctions of land use rights in the established procedure;
- carrying out state registration of land rights;
- establishment of the single data base on land resources;
- government control over land use in the established procedure;
- defining land fees;
- development and improvement of the land legislation in the established procedure;
- selection and arrangement of personnel on all levels of the republican land organization service;
- financing of all land organization works and works on registration of land rights, development of fees, provision of corresponding instructions and methodical directives.

III. Functions of Goszemagenstvo of the Kyrgyz Republic

5. In accordance with the entrusted objectives Goszemagenstvo shall:

a) carry out complex inter-branch management of the single land fund of the Kyrgyz Republic by establishing equal conditions for all economic entities irrespective of the form of ownership and institutional subordination;

b) organize development of regional and target programs and forecasts of use of land resources of the Kyrgyz Republic together with republican scientific and research institutions, ministries, administrative institutions upon coordination with the local government administrations and local self-government of Bishkek;

c) issue scientific methodical directives, instructions, scientific and practical recommendations on effective use and protection of land resources of the Kyrgyz Republic;

d) create geoinformational system (GIS) on land;

e) form together with the Ministry of Agriculture and Food of the Kyrgyz Republic, local government administrations and local self-management of Bishkek, the fund of land subject to reallocation with subsequent auctions on sale of land use rights, allocation of land on expansion of rural settlements, lease of land to farms, peasant holdings, agricultural cooperatives and other economic agricultural entities, to individuals for personal subsidiary farming, enterprises and organizations of non-agricultural profile for production of agricultural products;

f) form and arrange the borders of land use of individuals, farms, peasant holdings, agricultural cooperatives and other agricultural enterprises, institutions and organizations with the account of clarifications and changes, and foster reallocation of distant pastures together with local government administrations;

g) develop materials on administrative and territorial division (organization) of oblasts, rayons and rural settlements with establishment of their borders on location;

h) develop the feasibility study of arrangement and establishment of borders of territories with special protective, legal and other regimes together with the interested ministries and administrative institutions of the Kyrgyz Republic;

I) carry out coordination and government control over the land use in the Republic, compliance with the land legislation by all land users irrespective of their institutional subordination and form of ownership including land use of defense organizations, organizations of national security and internal affairs, and over the target use of lands, timely and complete restoration (recultivation) of land parcels allocated for temporary use and of newly developed lands with their subsequent transfer to land users to be used in agricultural, forestry, fishing and other purposes;

j) organize and maintain land cadastre and land monitoring, register land use rights;

k) define land tax rates for all land users irrespective of their institutional subordination and form of ownership together with interested ministries and administrative institutions of the Kyrgyz Republic, corresponding local government administrations;

l) develop suggestions on improvement of norms on compensation of losses of agricultural production and lost profit in allocation of land for non-agricultural needs to land users;

m) carry out technical expertise of project and estimate documentation, drawn by enterprises and organizations on land organization irrespective of the source of financing.

Opinion of Goszemagenstvo of the Kyrgyz Republic on the materials of expertise shall be binding for authorities and must be followed by all ministries, administrative institutions and land users of the Republic irrespective of the institutional subordination and form of ownership;

n) manage land organization and registration agencies, plan and finance project research, examination and scientific research works on land organization and registration of land which include:

- a complex of aerial photographic, topographic and geodesic work of the territory of the Republic, compilation of planning cartographic materials on a scale allowing all types of project works, registration of land, maintenance of regular plans on administrative divisions of the Republic;

- soil and geobotanic examination of the territory of the Republic, salt survey and identification of the rate of the site class;

- inter-farm and inside-farm land organization;

- registration of land rights;

- land cadastre and land monitoring;

- development of measures on protection of soil from erosion and land reclamation;

- registration of land organization documents on allocation of land for government and public needs;

o) license, coordinate and control land organization works, performed by small and joint ventures and cooperatives, formed by local authorities, and shall coordinate the Charters (Regulations) of these enterprises.

6. Goszemagenstvo of the Kyrgyz Republic together with local government administrations and local self-government of Bishkek shall:

1) organize the work of the commission on selection of land parcels for all types of constructions, acceptance for operation of recultivated, newly developed and improved lands, formalization of requisite materials for their submission to corresponding authorities in the established procedure;

2) elaboration and issuance of government deeds, certificates and acts on use right of land parcels;

3) participate within its competence in consideration of issues on land relations of the Kyrgyz Republic with neighboring countries (republics), shall prepare suggestions to be considered by the Government of the Kyrgyz Republic on lease of land and preparation of suggestions on the amount of rent;

4) develop basic directions and organize implementation in the Republic of uniform government policy on rational land use aimed at improvement of soil fertility, restoration and improvement of productivity of natural feeding land, justified engagement of less productive and unused land in the economy.

IV. Rights of Goszemagenstvo of the Kyrgyz Republic

7. Goszemagenstvo of the Kyrgyz Republic and its agencies in sites shall have the right to:

5) develop and submit normative acts on land relations regulation for consideration to corresponding authorities in the established procedure;

6) organize, restructure and liquidate subordinate enterprises, institutions and organizations in the established procedure, approve their charters, regulations, approve¹ independently or together with other founders foundations, associations in the established procedure for purposes of effective use of land resources;

7) call and hold meetings, seminars and conferences of employees of the system of Goszemagenstvo of the Republic;

¹Translator thinks that there is a typo here. Instead of “approve” the word “found” should be used.

- 8) submit suggestions to the Government of the Kyrgyz Republic on hearing the reports of local authorities on their violation of land legislation and irrational use of land resources;
 - 9) submit in the established procedure suggestions on annulment of normative acts of agencies of state management and local authorities related to use of land resources contradictory to the existing legislation;
 - 10) submit to corresponding authorities suggestions on subsequent use of ineffective and non-target use lands based on results of government control over land use;
 - g) consider materials on administrative violations in use of land resources, impose fines and terminate unauthorized construction and works performed in violation of the project which consequences may cause damage to agricultural land, may lead to irrational use of the land, creation of erosion processes, loss of fertility of lands adjacent to the construction facility;
 - h) approve prices for project research, examination and other works and services performed by subordinate organizations, and related to land organization and registration of land rights;
 - I) file claims on indemnification of damages caused to land resources by their irrational use against land users irrespective of their institutional subordination, and to foreign individuals and legal entities, and stateless persons, and transfer the collected amount (including those in currency) to special accounts of Goszemagenstvo;
 - j) gratuitously receive from ministries, administrative institutions, enterprises, institutions, organizations, small enterprises and joint ventures, cooperatives and other organizations information on use of land resources current and final results of work on improvement of land, recultivation of land, reconstruction of irrigation network, development and operation of land, results of instrumental aerial photographing, planning cartographic materials, meteorological data, data of water cadastre and other materials necessary for whole complex of land organization work and for registration of land rights;
 - k) submit to superior agencies suggestions on rewarding employees of the system of Goszemagenstvo with Government awards and honorable titles.
8. Goszemagenstvo shall issue resolutions, instructions, shall give orders and directives on issues related to use of land resources and compliance with the land legislation binding for all ministries, administrative institutions, enterprises, organizations, institutions and citizens of the Kyrgyz Republic, foreign individuals and legal entities, joint and other ventures.
9. Goszemagenstvo of the Kyrgyz Republic shall exercise international cooperation on problems of use of land resources, land cadastre and land monitoring, land organization, land protection and improvement of land relations.

V. Organization of Work of Goszemagenstvo of the Kyrgyz Republic

10. Goszemagenstvo of the Kyrgyz Republic (central apparatus), oblast, rayon and city departments on land organization and land resources, enterprises and organization transferred to Goszemagenstvo and those newly established by it shall form single system of the Government Agency on Land Organization and Land Resources at the Government of the Kyrgyz Republic.

11. Goszemagenstvo of the Kyrgyz Republic shall be chaired by the director who is appointed and dismissed from the office by the President of the Kyrgyz Republic upon

consultation with the Prime-Minister of the Kyrgyz Republic.

12. Deputy director of Goszemagenstvo of the Kyrgyz Republic shall be appointed and dismissed from the office by the Prime -Minister of the Kyrgyz Republic upon presentation of the director of Goszemagenstvo.

13. Director of Goszemagenstvo of the Kyrgyz Republic shall be held personally liable for performance of tasks and obligations imposed on Goszemagenstvo, shall divide the duties among deputy directors, heads of departments, sections and other subdivisions of the central apparatus, shall appoint and dismiss employees of the central apparatus of Goszemagenstvo, leaders of subordinate organizations, subdivisions and their affiliates and their deputies upon coordination with the heads of local government administrations, leaders of oblast, city and rayon departments on land organization and land resources, and shall approve the structure and staff of oblast, city and rayon departments of land organization and land resources within payroll fund established by the Government of the Kyrgyz Republic.

14. Director of Goszemagenstvo of the Kyrgyz Republic shall issue decrees, resolutions, instructions, shall give orders and directives binding for all structural subdivisions of Goszemagenstvo.

15. Goszemagenstvo of the Kyrgyz Republic shall form a collegium consisting of the director (chairperson of the collegium), his deputies and other officials of the central apparatus, subordinate subdivisions and other organizations directly related to land relations issues.

Members of the collegium shall be approved by the Prime-Minister of the Kyrgyz Republic.

Collegium of Goszemagenstvo of the Kyrgyz Republic shall consider on its meetings production and economic activity of subordinate subdivisions and issues related to government control over land use, land organization, land cadastre and land monitoring, land registration, land legislation and other issues on regulation of land relations.

Decisions of the collegiums shall be formalized in decrees of the director. Where the votes split in half the decision which was voted for by the chairperson shall become effective. Members of the collegium who disagree with such decision may inform the Government of the Kyrgyz Republic thereof.

16. Goszemagenstvo of the Kyrgyz Republic shall form scientific and technical council (with section on each direction) to consider scientific and technical and technological issues. The central composition of the Council and provision thereon shall be approved by the Director of Goszemagenstvo of the Kyrgyz Republic.

17. Goszemagenstvo of the Kyrgyz Republic and its subordinate agencies, except for self-sufficient enterprises and organizations, shall be maintained at the expense of the republican budget and other means specified in the legislation.