

Republic of Kyrgyzstan

LAW

On land reform

This Law regulates the public relations, legal and organizational issues related to the conduct of the land reform in the Republic of Kyrgyzstan.

Article 1. Purposes and the tasks of the land reform.

The land reform is carried out under the system of land management and provides for the redistribution of the land in order to create necessary conditions for equal in rights development of various forms of economy on the land, formation of versatile economy, determination of the rates of the fees for land, the rational use and protection of the lands at the territory of the Republic of Kyrgyzstan.

In the course of the land reform the borders of the oblasts, Bishkek-city, rayons, towns, villages and settlements shall be made clear and established in kind, and the economically grounded allocation of the land plots to the legal entities in accordance with the procedure established by the Land Code of the Republic of Kyrgyzstan shall be made.

Article 2. The bodies carrying out the land reform

Execution of the land reform shall be imposed on the local Soviets of peoples' deputies, the Committee for land reform and land management with participation of the interested ministries and departments.

Article 3. The main directions of the land reform

The land reform shall provide for:

- 1) inventory of all the lands of the Republic by types of the land;
- 2) specification and establishment in kind the borders of the lands of the villages, settlements, towns, rayons and oblasts;
- 3) creation of the special land reserve;
- 4) restructuring of non-effective kolkhoz, sovkhos and other agricultural enterprises;
- 5) allocation of the lands to individuals on the basis and in accordance with the procedure provided by the Land Code of the Republic of Kyrgyzstan;
- 6) allocation of the lands for temporary use to other union republics;
- 7) specification of the territories for inter-oblast and inter-rayon use and redistribution of the lands between them;
- 8) inventory of the lands allocated for defense purposes;
- 9) allocation of the lands for use to joint ventures with participation of the soviet and foreign legal entities, international associations, foreign legal entities and individuals;
- 10) justification of the placement and establishment of the borders of the territories with the special nature-protection, sanitary, recreational, historic and cultural, and protected regimes;

- 11) re-registration and issue of the documents certifying the right of ownership and the right for use of the land;
- 12) maintenance of the land-survey documentation and the certificate system;
- 13) establishment of the land tax rates and the rent for the land;
- 14) development of scientific-research, technological, design and research works on land maintenance, land survey and land monitoring;
- 15) provision of the state control over the use of lands, land monitoring, land survey and land maintenance, organization and conduct of topographical - geodesic, map - making, soil map, agro-chemical, geodesic-botanical and other research and study works.

Article 4. Lands Inventory

The lands inventory shall be made in order to specify the data on availability and distribution of the land stock of the Republic of Kyrgyzstan by categories of the lands, land owners, land users and arable lands.

All the categories of the lands, granted for ownership, lease or other use to the state, cooperative, public enterprises, agencies and organizations, irrespective of their institutional subordination, and to individuals, as well as the lands of the towns, villages, rural settlements and the non-distributed land reserve, - shall be subject for the inventory.

Article 5. Specification and establishment in kind the borders of the lands of the rural settlements, villages, towns, rayons and oblasts

Specification, establishment or alteration in kind the borders of rural settlements, town-type settlements and towns shall be made in the following cases:

- 1) absence of the border of the settlement;
- 2) alteration of the General Plan of the settlement;
- 3) allocation of the additional land territory for the needs of the settlement.

The borders of the settlement shall be established considering the creation of the optimal territorial conditions for its development, maximum protection of the natural landscape, improvement of the living and recreational conditions for the working people, creation of the possibilities for development of the subsidiary small-holdings of individuals, and the interests of all the adjacent landowners and land users.

For each settlement the description of the borders and map-making documentation shall be developed, subject for approval by the local Soviets of peoples' deputies within their competence. The borders of a settlement enacted in accordance with the established procedures shall be marked in kind by land-marks.

The description of the borders and map-making documentation shall be developed for each rayon and oblast. The borders of rayons and oblasts enacted in accordance with the established procedures shall be marked in kind by land-marks.

Article 6. The procedures for the formation of a special land stock

The special land stock shall be formed by the results of the regular discovery of non-used and non-rationally used lands on the account of the lands of all the categories which are used not in accordance with their designation; the lands allocated for agricultural production and not used within one year, as well as allocated for non-agricultural purposes and not used within two years; lands of the agricultural enterprises which actual productivity for the last five years was below the normative one to be determined by land-survey evaluation; agricultural lands withdrawn from turnover or transferred to the category of less valuable lands, and other lands rights of ownership and use of which were terminated in accordance with the Land Code of the Republic of Kyrgyzstan.

By the result of discovery of non-used and non-rationally used lands the special land stock shall be formed, and the proposals on possibility and the conditions of the further use of all or part of the lands by the landowners or the land users, their (lands) taking (confiscation) in accordance with the established procedure for allocation to other land owners and land users, transfer to the land reserve for subsequent allocation for possession, lease and other use, or for conservation of degraded agricultural lands if it is not possible to recover the productivity of the lands, exchange in accordance with the established procedure of more productive lands from the stock of forestry and non-agricultural enterprises to less productive lands from the stock of agricultural lands, etc., shall be developed and submitted for consideration to a rayon Soviet of peoples' deputies.

The discovered non-used and non-rationally used land plots before their transfer to the new owners and users shall be left in the disposal of their former owners and users and shall be used under terms and conditions established by the rayon Soviets of peoples' deputies.

Article 7. Procedure for restructuring of the non-effective kolkhoz, sovkhos and other agricultural enterprises

The restructuring of non-effective kolkhoz, sovkhos and other agricultural enterprises into various types of cooperatives and associations of peasants' holdings, as well as redistribution of their lands to lease holders, peasants' holdings, other legal entities and individuals for agricultural production shall be made by the rayon Soviet of peoples' deputies with the consent of the general meeting of the members of the kolkhoz, the meeting of the working collective of sovkhos or other agricultural enterprise.

The procedure for restructuring of non-effective kolkhoz, sovkhos and other agricultural enterprises shall be established by the Cabinet of ministers of the Republic of Kyrgyzstan.

The compulsory dissolution of kolkhoz, sovkhos and other agricultural enterprises shall not be allowed.

Article 8. Re-registration of the documents certifying the right for ownership or the right for use of the land by individuals

The land plots allocated to individuals for maintenance of a peasant's holding, subsidiary small-holding, construction and maintenance of a dwelling house, summer-cottage construction, gardening and livestock production, and for other purposes provided by the Land Code of the Republic of Kyrgyzstan shall be subject for re-registration within the period from

1991 to 1995 with the issue of the documents certifying the land ownership or the land use in existing borders and size. Registration of the documents certifying the right of ownership (use) of the lands shall be provided by the corresponding village, town, city, rayon Soviets of peoples' deputies where the land plot is located.

The right for the land plot established earlier shall be kept within five years from the beginning of the land reform before re-registration of the land plots. After expiry of this term the right for the land plot shall be terminated.

Article 9. Re-registration and issue of the documents, certifying the right for ownership and use of the land, to legal entities

Re-registration and issue to legal entities the state acts for the right of ownership (permanent use) of the land and the certificates for the right of temporary use of the land shall be done by local Soviets of peoples' deputies and a land-maintenance agency on the account of the state budget.

The right for the corresponding land plot established earlier shall be kept within five years from the beginning of the land reform before re-registration of the documents for land ownership or the land use. After expiry of this term the right for the land plot shall be terminated.

The specific terms for re-registration and issue of the documents for the right of ownership and the right for use of the land shall be established by local Soviets of peoples' deputies in coordination with the land-maintenance agency.

Article 10. Organization of work on allocation of the lands for temporary use to other union republics

The local Soviets of peoples' deputies, the Committee for the land reform and land maintenance jointly with the interested in allocation of the lands union republics shall specify in kind the area and the borders of the requested lands, their quality, prepare the proposals on the registration of the documents certifying the right for temporary use of the land, determine the amount of the payment for the land and submit the draft of the agreement for granting the lands for temporary use on a commercial basis for consideration of the Cabinet of ministers of the Republic of Kyrgyzstan and the interested union republic.

After signing by both the republics of the agreement on granting the lands for temporary use on a commercial basis the land-maintenance bodies of the Committee for land reform and land maintenance shall make demarcation of the lands in kind by the land marks of the established form, prepare necessary documentation certifying the right for temporary use of the land in accordance with the Land Code of the Republic of Kyrgyzstan; issue of the documents shall be made by the local Soviets of peoples' deputies.

Article 11. Specification of the territories of inter-rayon and inter-oblast use. Settlement of the lands redistribution issues.

The rayon Soviets of peoples deputies, land-maintenance bodies of the Committee for land reform and land maintenance jointly with land owners and land users shall specify in kind

the territories and borders of the lands of inter-rayon and inter-oblast use, their quality, prepare proposals on lands redistribution and the amounts of payment for the land and submit them for consideration of the following bodies:

- Oblast Soviet of peoples deputies - in cases referred to inter-rayon use;
- Cabinet of ministers of the Republic of Kyrgyzstan - in cases referred to inter-oblast use.

The agreement on temporary use of the land shall be concluded between the rayon Soviet of peoples deputies and a land user after decision is made on granting the land for temporary use. The land-maintenance bodies of the Committee for land reform and land maintenance shall make demarcation of the lands in kind by the land marks of the established form, prepare necessary documentation certifying the right for temporary use of the land.

Article 12. Inventory of the lands allocated for defense purposes

The local Soviets of peoples deputies, the land-maintenance agency of the Committee for land reform and land maintenance jointly with the interested parties shall perform the inventory of the lands allocated for defense purposes, specify their size, borders and further purposeful use, prepare proposals on re-registration of the documents certifying the right for land use, determine the amounts of payments for the land and submit the proposals for consideration of the Cabinet of ministers of the Republic of Kyrgyzstan, which shall submit the documentation with the draft of the agreement on granting the lands on a commercial basis for the defense purposes to the Supreme Soviet of the Republic of Kyrgyzstan.

After signing by both the parties of the agreement on granting the lands for temporary use on a commercial basis the land-maintenance bodies of the Committee for land reform and land maintenance shall make demarcation of the lands in kind by the land marks of the established form, prepare necessary documentation certifying the right for temporary use of the land in accordance with the Land Code of the Republic of Kyrgyzstan; issue of the documents shall be made by the local Soviets of peoples' deputies.

Article 13. Allocation of the lands for temporary use to joint ventures, international associations, foreign associations, foreign legal entities and individuals

The selection of the land plot for allocation for use by joint ventures with participation of soviet and foreign legal entities, international associations, foreign legal entities and individuals shall be made with participation of these persons by local Soviets of peoples' deputies, the State committee for nature protection and the Committee for land reform and land maintenance of the Republic of Kyrgyzstan with involvement of the land owners and land users whose lands are planned to be taken.

The agreed draft for the lands allocation with the decisions of the local Soviets of peoples' deputies and the draft of the Agreement shall be sent for consideration of the Cabinet of ministers of the Republic of Kyrgyzstan.

After making the decision by the Cabinet of ministers on allocation of the lands for use to the land users mentioned in paragraph one of this Article the agreement on use of the land

shall be concluded between the local Soviet of peoples' deputies and the land user. Land-maintenance bodies of the Committee for land reform and land maintenance shall make demarcation of the lands in kind by the land marks of the established form, and prepare necessary documentation certifying the land use right.

Article 14. Justification of the placement and establishment of the borders of the territories with special nature-protection, sanitary, recreational, historic and cultural, and protected regimes

Formation and establishment of the territories with special nature-protection, sanitary, recreational, historic and cultural, and protected regimes, establishment of their borders shall be made in the course of development of the republican and regional programs, plans of use and protection of the land resources, plans of the land maintenance and the projects of intra-sectoral land maintenance, and where necessary - as independent type of land-maintenance works.

In the documents, certifying the right of ownership and use of the land, and in the land lease agreements, the borders of the territories with special regimes and the compulsory requirements on observance of these regimes shall be indicated.

Certificate of the protected territory, comprising the list of measures, norms and requirements for support of the regime and the necessary graphic documents shall be prepared upon the results of the works for the whole territory with the special nature-protection, sanitary, recreational, historic and cultural, and protected regimes.

Article 15. Maintenance of the land-survey documentation and the certification system

The land-maintenance agency of the Committee for the land reform and land maintenance shall provide annual maintenance of the land-survey documentation, regular conduct of the land monitoring, perform land examination, registration and issue of the land certificates to the land owners and land users dealing with agricultural production. These land certificates shall be used for calculation of the rates of the land tax and the rent for the land, and for the control over the change of the soil productivity of the lands.

The form of the land certificate shall be established by the Cabinet of ministers of the Republic of Kyrgyzstan.

Article 16. Establishment of the rates of the land tax and the rent for the land

Annual land tax or rent shall be imposed on the land owners, land leaseholders and other land users in accordance with the Land Code and other Laws of the Republic of Kyrgyzstan.

The maximum values of the tax rates shall be determined by the Committee for land reform and land maintenance depending upon the quality and location of the land plot, and shall be approved by the Supreme Soviet of the Republic of Kyrgyzstan.

The specific rates of the payment for the land not exceeding the established maximum values shall be established by the local Soviets of peoples' deputies.

Article 17. Development of scientific-research, technological, design and research works on land maintenance, land survey and land monitoring

Development of scientific-research, technological, design and research works on land maintenance, land survey and land monitoring required for the performance of the land reform shall be made on the account of the Republican budget, and shall be imposed on the Committee for land reform and land maintenance.

The Committee for land reform and land maintenance shall carry out the necessary scientific-research works in cooperation with scientific units of the Kyrgyz section of VASHNIL (BACXHIJ), Academy of Sciences of the Republic of Kyrgyzstan and other scientific units of the Republic and USSR.

Article 18. Provision of the state control over the use of lands, land monitoring, land survey and land maintenance, organization and conduct of topographical - geodesic, map -making, soil map, agro-chemical, geodesic-botanical and other research and study works

Provision of the state control over the use of lands, land monitoring, land survey and land maintenance, organization and conduct of topographical - geodesic, map -making, soil map, agro-chemical, geodesic-botanical and other research and study works shall be imposed on the land-maintenance agency of the Committee for land reform and land maintenance and shall be carried out on the account of the Republican budget.

Development of land-maintenance projects related to improvement and protection of the land plots can be made by initiative of land owners and land users on their account by the state and other land-maintenance organizations.

Article 19. Formation and organization of work of the land commissions of the local Soviets of peoples' deputies

For coordination and legal support of the land reform works the local Soviets of peoples' deputies shall form land commissions from peoples' deputies of the corresponding local Soviet of peoples' deputies.

The land commissions shall work in close cooperation with the land-maintenance bodies of the corresponding local Soviet of peoples' deputies and may enlist the services of the interested experts.

Article 20. Land commission of village's, town's Soviet of peoples' deputies

The land commission of village's or town's Soviet of peoples' deputies shall be elected from peoples' deputies and shall consist of 3-5 members.

The land commission jointly with the land-maintenance bodies shall register, summarize and analyze the petitions for granting the lands, develop and submit for

consideration of the corresponding Soviet of peoples' deputies the proposals on the issues of distribution and use of the lands within the borders of the settlement.

Article 21. Land commission of the rayon Soviet of peoples' deputies

The land commission of the rayon Soviet of peoples' deputies shall be elected from peoples' deputies and shall consist of 5-7 members.

The land commission jointly with the land-maintenance bodies shall register, summarize and analyze the petitions of the village's, town's Soviets of peoples' deputies, individuals, cooperatives, enterprises, agencies and organizations for granting the lands, organize the work for discovering the lands which are used non-rationally or not in accordance with their designation, develop and submit for consideration of the rayon Soviet of peoples' deputies the proposals on the issues of distribution and use of the lands within the borders of the rayon.

Article 22. Land commission of the oblast Soviet of peoples' deputies

The land commission of the oblast Soviet of peoples' deputies shall be elected from peoples' deputies and shall consist of 5-9 members.

The land commission of the oblast Soviet of peoples' deputies jointly with the oblast land-maintenance department shall develop proposals on regulation of land relations of inter-rayon scale within the borders of the oblast, control and supervise the work of the land commissions of village, town and rayon Soviets of peoples' deputies.

Article 23. The land commission of Bishkek city Soviet of peoples' deputies

The land commission of Bishkek city Soviet of peoples' deputies shall be elected from peoples' deputies and shall consist of 5-9 members.

The land commission of Bishkek city Soviet of peoples' deputies jointly with the land-maintenance agency shall register, summarize and analyze the petitions for granting the lands, develop and submit for consideration of Bishkek city Soviet of peoples' deputies the proposals on the issues of distribution and use of the lands within the borders of the city.

Article 24. Land commission of the Supreme Soviet of the Republic of Kyrgyzstan

The land commission of the Supreme Soviet of the Republic of Kyrgyzstan shall be elected from peoples' deputies and shall consist of 7 members.

The land commission of the Supreme Soviet of the Republic of Kyrgyzstan jointly with the Committee for land reform and land maintenance shall develop the proposals on regulation of land relations of the republican and inter-oblast scale, granting the lands to other union republics, shall control and supervise the work of land commissions of the oblast and Bishkek city Soviets of peoples' deputies.

Article 25. Land reform stages

The land reform shall be carried out stage by stage with the account of local specifications and upon the rate of readiness of the lands inventory documentation.

At the first stage of the land reform within the period from 1991 to 1993 the normative legal Acts on lands relations regulation shall be developed, the special land stock shall be formed, the principles of the payment for the land shall be established, the rates of the land tax and the rent for the land shall be determined, the land borders of villages, settlements, towns and rayons shall be specified and established in kind.

At the first stage of the land reform the economically grounded transformation of unprofitable kolkhozes and sovkhoses shall also be carried out.

At the subsequent stages of the land reform the rates of the land payment shall be corrected, the data base on the land survey and land monitoring shall be created and up-dated, the certificates of the lands being in possession, lease or other use shall be registered and maintained, the lands evaluation and map-making documentation, soil and geodesic-botanical studies, prognosis and project documentation shall be up-dated, the control over the use of the lands and observation of the land laws and other land-maintenance works shall be carried out.

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