

## REPUBLIC OF TAJIKISTAN

### LAW on LAND REFORM

Wording of the laws of the Republic of Tajikistan as of July 21, 1994, No. 1005, and November 4, 1995, No. 134 as of May 5, 1997)

#### CHAPTER 1. GENERAL PROVISIONS

##### Article 1. Goals and objectives of the land reform

The objective of the land reform in the Republic of Tajikistan shall be the creating of conditions for equal development of different forms of economics on the land, formation of plural economics, rational land tenure and protection of land to increase agricultural production.

##### Article 2. Contents of the land reform

1. The land reform is a complex of legal, economic, and efficient measures that shall provide transfer to qualitatively new land relations.

2. The land reform shall provide the right of every citizen and collective for voluntary choose of the form of the landowning, land-using and economic activity on the land.

3. Reclamation of land that used to belong to ancestors and religious organizations shall not be admissible.

4. The present law, the Land Code of the Republic of Tajikistan, and other legislation of the Republic of Tajikistan shall regulate the implementation of the land reform.

##### Article 3. Basic lines of the land reform

Basic lines of the land reform shall be:

Land surveying by categories, landowning, land-using and types of agricultural land;

Determination of the unused land and the land that is used irrationally to found a special land fund local governments (Khukumats) to create its further determination for more efficient land-usage (wording of the law of RT as of 4.11.1995, No. 134)

Assignment of land for the citizens of the Republic of Tajikistan to use the life inherited land for dekhkan farms and individual part-time farm, gardening, hand-raising, building and farmhouse service; traditional home industry and fork-crafts;

Redistribution of land in the event of transformation of kolkhozes, denationalization and privatization of state farms and other state owned enterprises;

Circumscription of administrative-territorial formations, inhabited localities and their land economic structure;

Official registration and re-registration of documents for the right of land-using and land owning of land plots.

##### Article 4. Implementation phases of the land reform

The land reform shall be implemented step-by-step.

Within the first phase the local governments (Khukumats) shall be vested with the right to dispose of the land, clarify the administrative borders, determine the need of the citizens, establishments and organizations in land, found a special land fund for further redistribution, adjust land tax assessment and appreciate the land.

Within the second phase the local governments (Khukumats) and the Ministry of Agriculture of the Republic of Tajikistan shall transfer the land and vest the citizens, enterprises, organizations and establishments with the right of landowning, land-using, including lease of land, pursuant to the Law of the Republic of Tajikistan.

#### Article 5. Bodies responsible for implementation of the land reform

1. Local governments (Khukumats) and the Ministry of Agriculture of the Republic of Tajikistan shall be vested with implementation of the land reform.

2. The Ministry of Agriculture of the Republic of Tajikistan and its local branches shall fulfill the following objectives on implementation of the land reform (wording of the law of RT as of 4.11, 1995, No. 134):

- state registration of landowning (land-using) and execution of landowning (land-using) rights;
- maintaining of state records of the land, state land cadastre, and monitoring of lands;
- implementation of land-tenure, drawing up general land-utilization schemes, schemes and draft land-tenure, valuation of land, mapping of the land farms;
- state control of the land-using;
- implementation of common technical policy in the utilization of land and land tenure.

Local governments (Khukumats) within their commission shall render decisions on the issues of the land reform and land tenure on the basis of the materials provided by the land-tenure service of the Ministry of Agriculture of the Republic of Tajikistan. (wording of the Law of RT as of 21.04, #1005)

#### Article 6. Financial and material support of the land reform

Implementation of the land reform shall be financed by both republican and local budgets, other sources and also for the account of allocations from the land payment and it shall be supported by material resources in the necessary measures.

## CHAPTER II. LAND INVENTORY

#### Article 7. Objective and implementation of the land inventory

The land inventory shall be implemented to adjust the data on availability and distribution of the land of the Land Fund of the Republic of Tajikistan.

The land inventory shall be implemented by the categories of land, landowning, land-utilization and types of land farms.

## CHAPTER III. SPECIAL FUND of LOCAL GOVERNMENTS (KHUKUMATS)

#### Article 8. Foundation of a special fund

1. A special land fund shall be founded for the account of:

- lands, the right for utilization of which, shall be subject to termination pursuant to Article 17 of the Land Code of the Republic of Tajikistan;
- agricultural land farms that are not utilized any more or transformed into less valuable land;
- reserved land;
- unforested forestland good for agricultural production;
- lands that are used irrationally;

other lands of kolkhozes and sovkhoses not to be used before in agricultural production (wording of the Law of RT as of 21.07, 1994, #1005).

2. The special land fund shall not include the land plots the condition of which does not allow growing of the agricultural products, the plots that do not meet sanitary norms and requirements.

#### Article 9. Purpose of the land fund

The special land fund of the local governments (Khukumats) shall be intended for the agricultural purpose for the citizens to run dekhkan farms (farms) and individual part-time farms; cooperatives, industrial part-time farms and other part-time farms of the enterprises, associations, establishments and organizations (wording of the LA of RT as of 21.07, 1994, No. 1005).

#### Article 10. Determination of the unused lands and the lands that are used irrationally

1. Determination of the unused lands and the lands that are used irrationally shall be implemented by the bodies of the state land tenure service in the form of the independent kind of work through inventory, as well as in the form of control for the observance of the land legislation, development of schemes and drafts of land tenure, keeping records of the land cadastre and monitoring of land.

2. Materials on determination of the unused lands and the lands that are used irrationally shall be sent to the local governments (Khukumats) for them to make a decision on withdrawal of these lands and registering them in the special fund.

#### Article 11. Withdrawal of the lands registered in the special land fund

The local government (Khukumat) shall withdraw from the landed proprietors (land-users) the land plots registered in the special land fund as individuals, cooperatives, enterprises, associations, and organizations submit applications and petitions (wording of the Law of RT as of 4.11, 1995, #134).

The consent of the landowners (land-users) for withdrawal of the land plots to register in the special land fund shall not be required.

Disagreement on decision on withdrawal of the land may be appealed in the court or in the economic court (wording of the Law as of 15.05, 1997, No. 421).

Before the lands are transferred to the new landowners (land-users), they shall be used by the former landowners (land-users).

#### Article 12. Terms and conditions of distribution of the special land fund

1. Distribution of the land plots of the special land fund shall be implemented in the procedure of land tenure, as a rule by a sole massive land.

2. The land plots of the special land fund first shall be distributed among the individuals for dekhkan farming and part-time farming, for collective gardening and market gardening.

3. The residents with agricultural knowledge and qualification, and with practical experience in agriculture, including on competition basis, shall have the right of priority to be distributed a land plot.

Part-time farms of the industrial and other enterprises, associations, establishments and organizations shall be also distributed the land plots on competition basis.

### **CHAPTER IV. REDISTRIBUTION of LANDS of KOLKHOZES, SOVKHOZES and AGRICULTURAL ENTERPRISES in the EVENT of their TRANSFORMATION, DENATIONALIZATION and PRIVATIZATION**

Article 13. Forms of transformation, denationalization and privatization of the agricultural enterprises

New landowning (land-using) may be built in the course of transformation, denationalization and privatization of the agricultural enterprises through formation of the dekhkan farms, rental collectives, agricultural cooperatives and other forms of economics.

Article 14. Distribution and registration of the land plots while new landowning (land-using) is built. .

1. The dekhkan farms, rental collectives, agricultural enterprises and other legal entities that are built in the course of denationalization and privatization of sovkhoses and other state owned agricultural enterprises, or in the event of transformation of kolkhoses, the land plots shall be provided from the lands of the specified farms.

2. The size of the land plot distributed for a dekhkan farm, an agricultural cooperative, a rental collective shall be determined proceeding from the land available in the farm.

3. The local government (Khukumat) shall have to make a decision on withdrawal and distribution of the land plots for new landowners (land-users) on the ground of the draft land tenure.

After the decision is made, the draft land tenure shall be in deed, and the appropriate documents for the right of landowning (land using) shall be drawn up.

Article 15. Inadmissibility of denationalization and privatization of the state agricultural pilot stations

Denationalization and privatization of agricultural pilot stations, elite-seed-growing and nursery farms, pedigree reproduction farms and other farms of the scientific- research institutions shall not be permissible.

## **CHAPTER Y. RANGING of the ADMINISTRATIVE-TERRITORIAL FORMATIONS, SETTLEMENTS and THEIR LAND-ECONOMIC STRUCTURE**

Article 16. Specification and ranging of the borders of inhabited localities

Specification, ranging or change of the borders of inhabited localities shall be made in the event of:

- absence of the border of the inhabited locality;
- changes of the general plan of inhabited localities;
- assignment of the additional land area for the needs of the inhabited locality.

Description of borders and mapping material of each inhabited locality and administrative-territorial formation shall be made.

Local governments (Khukumats) shall approve the borders of the rural settlements and urban-type villages, and Majlisi Oli of the Republic of Tajikistan shall approve the borders of cities and administrative-territorial formations (wording of the Law of PT as of 4.11, 1995, No. 134).

The borders of inhabited localities and administrative-territorial formations approved in the established procedure shall have actual measurements and be delimited by representation of the Government of the Republic of Tajikistan (wording of the Law of PT as of 21.07, 1994, No. 1005).

Article 17. Assignment of land in the rural settlements

Dzhamoat shall make the decision on assignment of the land plots for utilization or lease within the borders of the rural settlements pursuant to Article 98 of the Land Code of the Republic of Tajikistan (wording of the Law of PT as of 4.11, 1995, No.134).

## CHAPTER XI. REGISTRATION and RENEWAL of DOCUMENTS on LANDOWNING (LAND-USING) of LAND PLOTS

Article 18. Applying petition for official registration of documents and assignment of lands

1. Citizens, enterprises, associations, and organizations owning the land plots, or those wishing to have the land, shall apply the petition for the local governments (Khukumats) in which authority the asked land plot is.

2. The local governments (Khukumats) shall be obliged within a month time consider and make a decision on the petition applied for renewal of the documents or assignment of the land plot (wording of the Law of PT as of 4.11, 1995, No. 134).

Article 19. Renewal of the documents on the right of landowning (land-using)

1. The local government (Khukumats) shall register the petitions and send them to the bodies of state land- tenure service for preparation of proposals.

2. The bodies of state land tenure service shall have to carry out necessary activity on specification of the borders of utilization of land in view of withdrawal of the lands to the special land fund, and also change of the border of the rural settlements, and submit to the local government (Khukumats) the draft land tenure for approval.

After the draft land tenure is approved and actual measurements of the borders are registered, the landowner (land-user) shall be given out a document authorizing his/her right on the land.

Article 20. Official registration of documents on the life inherited right of landowning (land plots)

1. The citizens of the Republic of Tajikistan living in the territory of the republic and owning the land for the purposes specified in Article 48 of the Land Code of the Republic of Tajikistan shall be given out state certificates on the life inherited right of landowning (land plots).

2. When the documents for the land determined for the collective gardening and market gardening are registered, the land plots belonging to the individual members of the partnership shall be issued state certificates on the life inherited right.

3. A member of the gardening and market gardening partnership shall have the right at his own discretion to transfer, for required payment or gratuitously, to other persons the constructions and plantings on the life inherited land plot of his. Thus the consent of the partnership shall not be required.

Article 21. Reservations of the right of landowning (land using) of the land (land plot) up to the official re-registration of the documents

Before the documents on the right of landowning (land-using) are registered and renewed, citizens, enterprises, associations, and organizations shall reserve the right of landowning (land-using) of the land plots established earlier.

President of the Republic of Tajikistan

R. Nabieev

Dushanbe, March 5, 1992, # 594

**RESOLUTION of the SUPREME SOVIET of the REPUBLIC of TAJIKISTAN**

On prolongation of the Law of the Republic of Tajikistan “On Land Reform”

The Supreme Soviet of the Republic of Tajikistan hereby resolves:

That the Law of the Republic of Tajikistan “On Land Reform” should be put into execution from the moment of its publication.

Chairman  
Supreme Soviet of the Republic of Tajikistan

S.Kendzhae

Dushanbe, March 14, 1992, # 604