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Policy, Legal and Institutional Framework within the context of the
Voluntary Guidelines on the Responsible Governance of Tenure of Land,
Fisheries and Forests in the Context of National Food Security (VGGT)

Case study – Tajikistan

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Definition of food security, World Food Summit, 1996

“Food security, at the individual, household, national, regional and global levels [is achieved] when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”.



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Constitution of Tajikistan

The Constitution is the main LAW of the country;

Article 39 is relevant to economic access to food as it establishes that: “Each person is guaranteed social assistance in old age, in the case of illness, disability, or loss of ability to work, in the case of loss of a provider, or in other cases determined by law.”



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Land Law & Land Reform



According Article 13 of the Constitution *“Land, its bowels, water, air space, plants and animals world are exclusively owned by State and state will guarantee its effective usage in the public interests”*.



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The Land Code (LC)

Land

Changes/amendments in LC since independence of the country:

- ✓ 13 of December 1996, №326;
- ✓ Akhbori Majlisi Oli of RT, 1996, №23, art. 351;
- ✓ 1997, №23-24, art. 333, part IV;
- ✓ 1999 r, №5, art. 59; 2001, №4; art. 176;
- ✓ 2004, №2, art. 55, №3, art. 189, art. 190;
- ✓ 2006, №7, art. 347; 2008, №1, part. 2, art. 22, №6, art. 463;
- ✓ 2011, №3, art. 171;
- ✓ 16 April 2012, №819.



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The Land Code

Land

Land code defines different forms of land use rights:

- ✓ **Perpetual use of land** - parcel is use without a previously fixed date (Art 11).
- ✓ **Life-long inheritable use** - Land parcels for life-long inheritable use shall be allocated to individuals or collectives, to citizens for organizing dehkan farms and traditional national crafts, as well as to citizens as an adjoining land parcel (Art 12).
- ✓ **Fixed term land use** - Land parcels may be allocated for fixed-term use to individuals and legal entities. Fixed-term land use may be short-term (up to three years) and long-term (from three to twenty years) (Art. 13).
- ✓ **Land lease** - Land users may lease land parcels by agreement.



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Land Code

Land

The last changes to LC mainly concerned to Right of Alienation, at the same time implement/development Land markets, which is function as a powerful tool for encouraging productivity and investment among land users. Effective markets for transferring land and rights for compensation provide a means to reallocate those rights to the most productive users.



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Law on Land Reform – in context of FOOD SECURITY

Land

The Law on Land Reform, adopted in March 1992.

The **objectives** of the land reform in Tajikistan is to create conditions for equal development of various forms of farming, the formation of a diversified economy, rational use and protection of land in order to increase agricultural production, as well as creating the conditions to shift to a market economy and provide access to land. The land reform aims also at achieving of citizens food security, hence the improvement of the people's material well-being.



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Law on Dehkan Farms (DF)



- ✓ Adoption of the *Law on DF* the widest land reform started;
- ✓ The *Law on DF No. 48 of 10 May 2002 No. 173 of 3 May 2006 expired*, and the active Law is accepted #526 19 May 2009, which is the main legal basis for the establishment of dehkan farms (DF) in the country.
- ✓ DF is independent economic entity whose activity as an entrepreneur based on the personal work of one person, one family or group of persons and which based on the land parcel and other property belonging to its members.



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Subsidiary legislation



- Additional subsidiary legislation adopted to achieve equitable land reform included:
- *Presidential Decree on the Reorganization of the Agricultural Entities and Organizations No. 522 of 25 June 1996;*
- *Presidential Decree of June 30, 2006 №1775, No. 342 September, 2005 Resolution of the Government of Republic of Tajikistan "Regulations on land allocation for individuals and legal entities" and #374 02.07.2009 "Instruction order of formation, registration, change and exception of Certificate Land Use Right and Sub – certificate of land shareholder";*



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TAXATION - Law on Land Valuation

Land

- Law on Land Valuation accepted in 12 of May 2001 #18 and last amendment accepted in 12 of May 2007 #262.
- According this Law Land Valuation conducted for establishment normative value of land (цены земли) with purpose of objective taxation and lease payment, creation of condition for rational use of land, its protection and land development (освоения), increasing of fertility of soil.



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TAXATION

Land

According part IV art.298 Tax Code (TC) adopted “Simplified tax regime for agricultural producers (single tax)”. Simplified tax regime for agricultural producers is a special tax regime for subjects of business engaged in the production of agricultural products, without further processing. Single tax applies dekhkan (farm) farms and other agricultural producers, for which land is the main means of entrepreneurial activity.



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The rate of single tax for agricultural producers in the cadastral zones and districts of the country, including mountainous territory for 2015

Land

(in somoni for one hectare)

	Name of cadastral zones	The view of Agricultural Land					
		Arable lands			Gardens		
		Natural irrigated	Technical irrigation	Unirrigated land	Natural irrigated	Technical irrigation	Unirrigated land
1	2	3	4	5	6	7	8
	I. Sugd	192,99	141,53	11,24	225,15	160,83	12,86
	Mountainous territory	167,25	128,67	16,08	180,12	141,53	16,08
	II. Hisor	205,86	141,53	12,86	225,15	160,83	16,08
	Mountainous territory	160,83	115,79	14,47	173,70	135,10	20,90
	III. Rasht	167,25	128,67	16,08	180,12	141,53	28,69
	IV. Kulob	212,28	141,53	14,47	224,59	160,83	11,24
	Mountainous territory	160,83	128,67	16,08	173,70	135,10	16,08
	V.Vakhsh	225,15	167,25	9,66	263,73	180,12	9,66
	VI. VMKB (excluding Murgob)	57,90	38,59	6,42	64,32	43,41	4,83



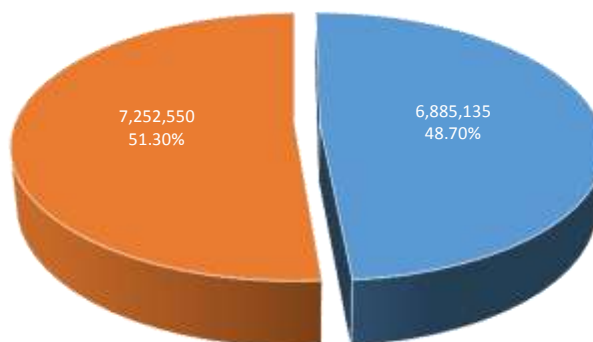
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Percent of the Land for agricultural purpose consist of 48,7% from the total size of Land of RT 14,137,685 ha

Land

- Land for agricultural purpose
- another view of Land





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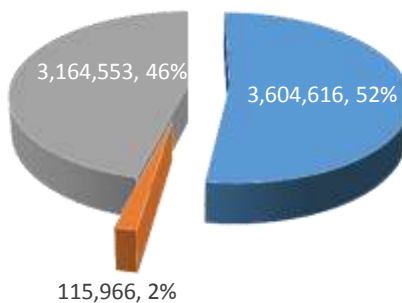
Distribution of Land for agricultural purposes 6,885,135 ha

Land

■ Arable Land (Пашни), Garden (Сады),
Haymaking (Сенокос), Pasture
(Пастбища), Fallow (Залежи)

■ Household plots

■ Another view of Land (forest,
rivers, desert (пустыни)...



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Land for agricultural purpose allocated for different view 3,604,616ra

Land

■ Arable Land

■ Garden

■ Fallow

■ Haymaking -

■ Pasture





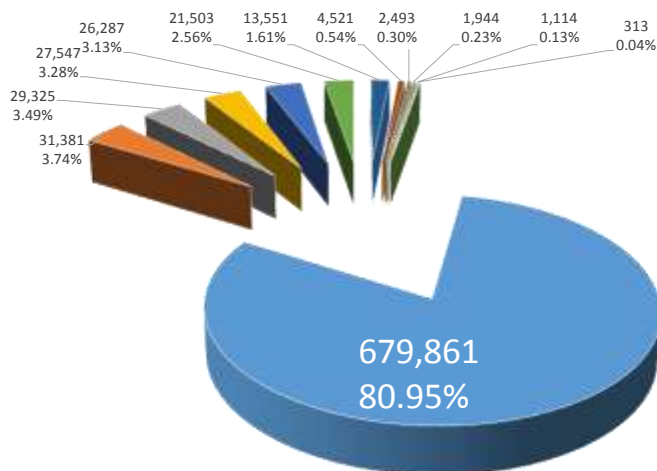
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Land

Agricultural lands allocated for agriculture by types of farms

- The Land of Dekhqan Farms
- Special Land Fund of Jamoats
- Subsidiary farm of agricultural enterprises
- State agricultural enterprises and another authorities
- New form of farming
- Agricultural cooperatives enterprises and organizations
- Collective Farms
- Leasing enterprises (land of enterprises for leasing to farmers)
- State agricultural enterprises and other state bodies
- Agrofirms
- Lands of inter farms of agro enterprises
- Collective horticulture



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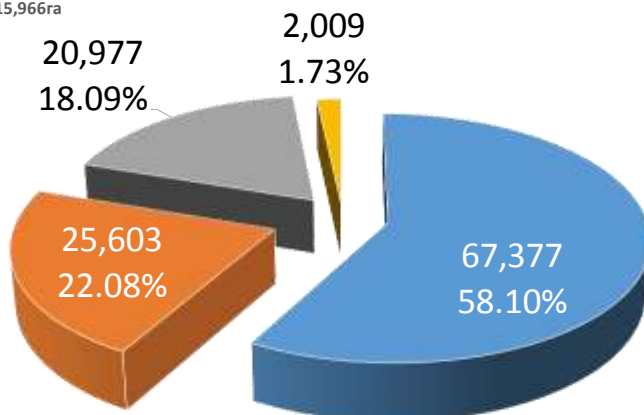


Land

Household plots 115,966ha

- Arable Lands
- Garden
- Under construction and others
- Land in reserve fund

Household plots 115,966ha



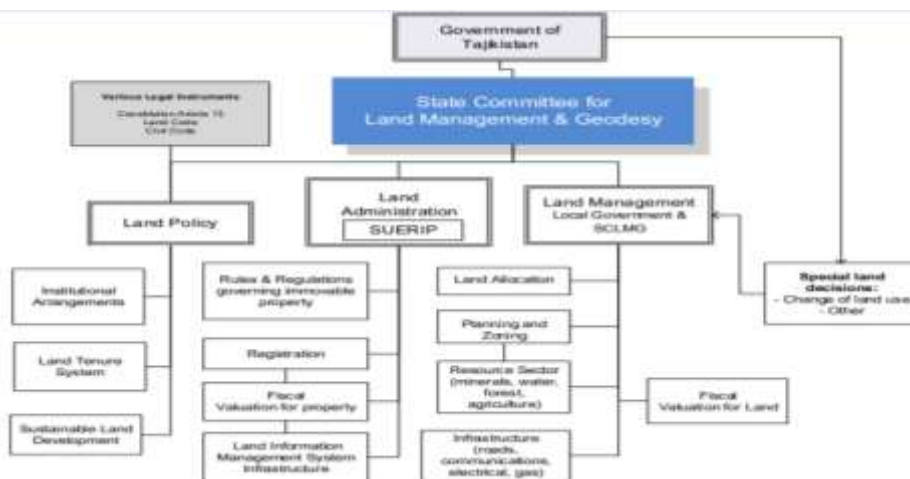


The dynamical changes of the Land Fund in administrative territory RT to 01.01.2014 in relation to 01.01.2013

		To 01.01.2012		To 01.01.2013		Differences
		Area (thousand ha)	%	Area (thousand ha)	%	
1	Land for an agricultural purpose	6988,0	49,02	6809,6	47,77	-178
	Of them arable land	683,5	91,35	683,2	91,14	-0,3
2	Land of populated areas (cities, settlements and villages)	149,3	1,05	155,2	1,09	5,9
	Of them arable land	50,6	6,76	51,6	6,89	1
3	Land used for industrial, commercial, transportation, communication, defense and other purposes	181	1,27	180,3	1,26	-0,7
	Of them arable land	4,4	0,58	4,4	0,59	0
4	Land for environmental protection, health improvement, recreation, historical and cultural purposes	2685,5	18,84	2686	18,84	0,5
	Of them arable land	0,3	0,4	0,3	0,04	0
5	Land of the state forest fund	1194,1	8,38	1342,5	9,47	148,4
	Of them arable land	4,3	0,57	4,6	0,61	0,3
6	Land of the state water fund	39,7	0,28	39,6	0,28	-0,1
	Of them arable land	0,9	0,12	0,9	0,12	0
7	Land of the state reserve	3018,2	21,17	3042,2	21,34	24



Current situation for Land Governance in Tajikistan





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FOREST MANAGEMENT

← FOREST

National Forestry Reform

A new Forest Code (FC) (#761 August 2011) was past to replace old FC (#770 June 1993). Accepted a reformed national FC acknowledges sustainable use as a guiding principle for forestry. This must be considered a crucial step for forestry sector reform.

Part VIII “Forest Use”, art.45 “Joint Forest Management” (FC) enhance state bodies and population to be involved in Forest Management.



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FOREST MANAGEMENT

← FOREST

Joint Forest Management

Joint Forest Management is a multi-level approach aimed at building trust between the State Forestry Enterprise and the local population to assure sustainable forest management.

Sustainable use of the forest ecosystem is achieved by stimulating investment in rehabilitation. Former illegal forest users are provided with legal user rights on the basis of lease contracts, and are, according to individual management plans, responsible for the protection and development of “their” plots.

The harvested products from the plots are divided between the tenants and the Forestry Enterprise, so both parties have a mutual interest in the sustainable management scheme.



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FOREST MANAGEMENT

FOREST

Forest and tenure system

As long as this land is not permanently allocated to collective dehkan farms.

Individuals may apply separately to the land committee for a permanent share of this pasture.

The law also allows applicants to register pasture on State Fund Land for exclusive use on a first come first served basis.



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FOREST MANAGEMENT

FOREST

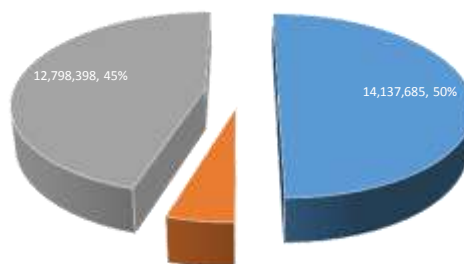
Percent of the Land of Forest Fund consist of 5 % from the total size of Land of RT
14,137,685 ha

Percent of the Land of Forest Fund consist of 5 % from the total size of Land of RT 14,137,685 ha

■ Total size of Land

■ Land of Forest Fund

■ another view of Land



[ЗНАЧЕНИЕ]: [ПРОЦЕНТ]



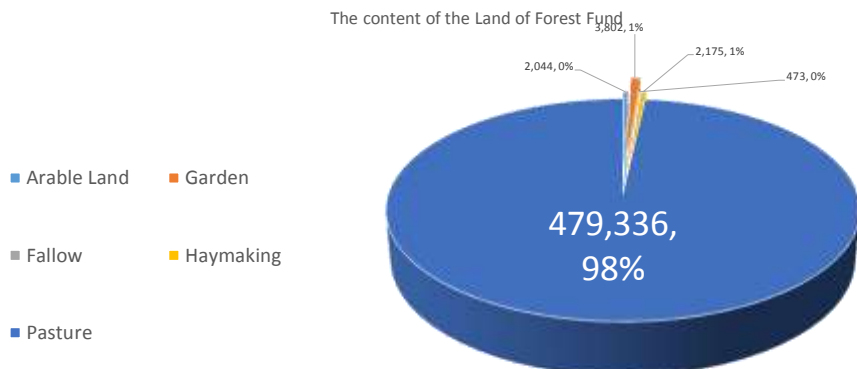
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FOREST MANAGEMENT

← FOREST

The content of the Land of Forest Fund



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Institutional Framework

← FOREST

The structure of the Management of Forests



1. **State Forestry and Hunting inspection** - carrying out state control over forest and hunting resources;
2. **State Research Institute of Forestry** - conducting research support;
3. **State forestry institutions** - leading forestry activities in the territory of the State Forest Fund;
4. **State institution of protected areas** - which are in charge of land protected areas.



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FOREST MANAGEMENT



Problems

- Weak material and technical base of State Forestry and hunting;
- Dual use of land state forest land and the absence of land certificates;
- Absence of forest management services in the country;
- Improvement of legal acts;
- Shortage of qualified personnel;
- Insufficient funding for the forestry sector;
- Low wages of employees forestry sector;



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FOREST MANAGEMENT



Pressures on forests

- Mass illegal cutting of trees and shrubs;
- Haphazardly without grazing pasture productivity features;
- Plowing mountainous areas under crops of grain and other agricultural crops;
- Urbanization territory (construction and expansion of existing villages, roads, etc.);
- Natural factors caused by global climate change.



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Fishery – Policy and legal framework

FISHERY

The Aquaculture Sector Development Program in the Republic of Tajikistan for 2009 – 2015 approved by the Government of Tajikistan by resolution #306 on 2 June 2008. This State Program developed with aims of conservation, extension, improvement of the genetic and productive characteristics of fish, to ensure food security of the population and create employment.



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Fishery - Policy and legal framework

FISHERY

The old Law passed by new Law approved by #1021 19 September 2013.

This Law defines the legal bases of activity in the field of fisheries, fishing and protection of fishery resources, aimed at providing the population with fish and fish products, fish breeding and protection of their habitat.

The competence of the authorized state body in the field of fish farming, fishing and protection of fish resources determined by the Law.



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Fishery – Institutional framework

FISHERY

According Government Regulation #486 01 August 2014 “On determination of State authorized body in fish farming, fisheries and protection of fish resources”, the [Ministry of Agriculture](#) responsible in area of fish farming and fisheries in pond (рыболовства в прудах) intended for fish farm, and [Committee for Environmental protection under the Government Republic of Tajikistan](#) authorized body intended for protection of Fish resources, excluding ponds intended for fish farm.



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Fishery – Institutional framework

FISHERY

The management of the fisheries sector (including capture fisheries and aquaculture) is under the responsibility of the Ministry of Agriculture of the Republic of Tajikistan. The Ministry has assigned the [State Unitary Enterprise – Mohii Tojik](#) with the basic monitoring, control and executive functions in the capture fishery and aquaculture sector.

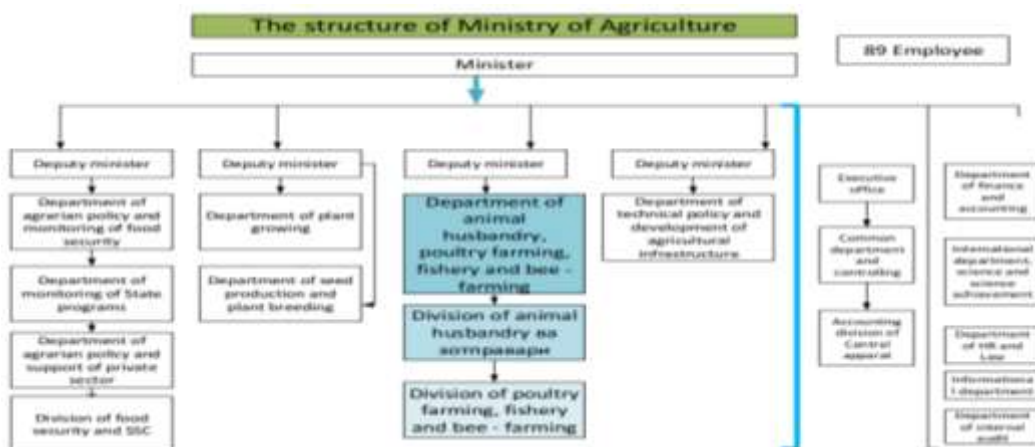


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Fishery – Institutional framework

FISHERY



Policy Recommendations

Fishery

- Reconsider the Government Resolution on State authorized body in fish farming, fisheries and protection of fish resources;
- Reconsider concerning articles of approved Law by #1021 19 September 2013 in order avoid of duplication in competences;
- Develop State Register of fish farms;
- Increase capacity of MoA laboratories;

Policy Recommendations – VGGT Principle 1

Legitimate tenure right holders and their rights recognized and respected

Land Tenure

- Introduction of Private Land ownership on a Household plots in rural area;
- Control properly registration of Tenure rights;
- Authorized state body should improve of monitoring of land resources and ensure registration of land use rights;
- Authorized state body should have coordination on equitable access to land, forests and fishery resources;
- Detailed analysis of Land Valuation and Land Taxation according category of lands;
- Develop mechanism condition of crediting for Dekhkan farms.

Policy Recommendations – VGGT Principle 1

Legitimate tenure right holders and their rights recognized and respected

Forestry

- Forest Code need for an improvement;
- Provision of single control on state Forest Land;
- Introduction of independent Forest Management Services which has competence on monitoring, evaluation and forecast of forest development in the country;
- Enhancement of inventory of forests, determine boundaries of the state forest fund;
- Conduct a gender analysis on equal access to forest use and management.

Policy Recommendations – VGGT Principle 2

Legitimate tenure rights safeguarded and protected

Land Tenure

- Introduction of stop – shop approach for registration;
- Authorized state body should be warranty for legitimate tenure rights;
- Professional development programs for land surveyors and other related professionals;
- Create cadastral maps using coordinates;
- Creation of software platform with geographical and legal part;
- To ensure secure of digitized data on tenure rights.

Forestry

- Strengthening of the material-technical base authorized state body;
- Solution of social problems of forest workers;
- Organization of forest management services and its maintenance;
- Professional development programs for forestry specialists in different levels;

Policy Recommendations – VGGT Principle 3

Legitimate tenure rights promoted and facilitated

Land Tenure

- Data/information on tenure rights to be input into the registration system;
- Establishing the processes and rules for conducting the collection and processing of the data;
- Organizing public awareness campaigns informing local citizens of the activities to be undertaken in the registration process (field and office activities, citizen's involvement, outputs from the activities, timelines for all activities, etc.);
- Producing the documents (maps, materials) to be displayed for public review and feedback;

Policy Recommendations – VGGT Principle 3

Legitimate tenure rights promoted and facilitated

Forestry

- The government should focus on building the capacity of concern authorities and right holders regarding the understanding and legal entrenchment of the new legal provisions and paradigms of forests;
- Establishment of sustainable forest-management schemes;

Policy Recommendations – VGGT Principle 4

Legitimate tenure rights provided with access to justice

Land Tenure

- Alternative dispute resolutions (private arbitration) for efficient and improved access to justice;

Forestry

- Provide free and easy access to dispute resolution for rural population;

Policy Recommendations – VGGT Principle 5

Legitimate tenure rights prevented from disputes, conflicts and corruption

Land Tenure

- Increase public awareness on land tenure to prevent potential conflicts and corruption

Forestry

- Increase public awareness on forestry tenure to prevent potential conflicts and corruption

Thank you for your attention!