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Implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) in Tajikistan

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9th International LANDNET Workshop
3-5 October 2017, Budapest, Hungary



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Constitution

← Legislation

The main Law of the country states that *“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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Land Code (LC)

Legislation

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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Land Code

Legislation

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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Land Code

Legislation

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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Law on Land Reform

Legislation

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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← Legislation

Law on Dehkan Farms (DF)

- After adoption of the *Law on DF* the widest land reform started;
- The last changes of the new Law on dekhkan farm adopted in March 15, 2016 #1289.
- Among the positive changes, farmers now have more rights, for example, at their own request the DF can have the status of a legal entity.
- According to the new law, one person or a group of persons with up to 50 people can create the dekhkan farm as an individual enterprise. To create a dekhkan farm with legal powers, the number of founders does not matter.



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← Legislation

Law on Land Valuation

- 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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TAX CODE

Legislation

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 farms and other agricultural producers, for which land is the main means of entrepreneurial activity.



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Subsidiary legislation

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”;*





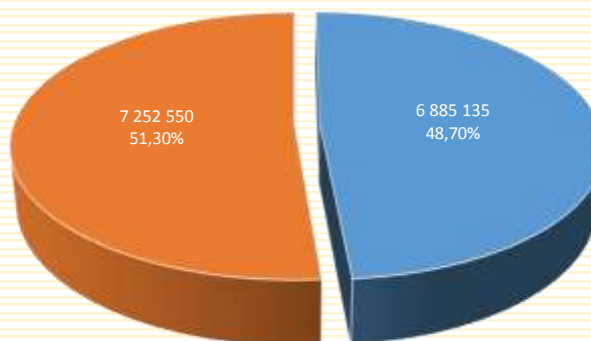
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Percent of the Land for agricultural purpose consist of 48,7% from the total size of Land of RT 14,137,685 ha

Land category

- Land for agricultural purpose
- another view of Land



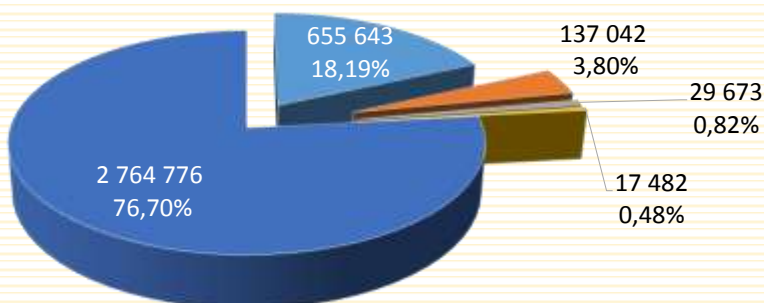
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Land for agricultural purpose allocated for different view 3,604,616ra

Land category

- Arable Land
- Garden
- Fallow
- Haymaking -
- Pasture





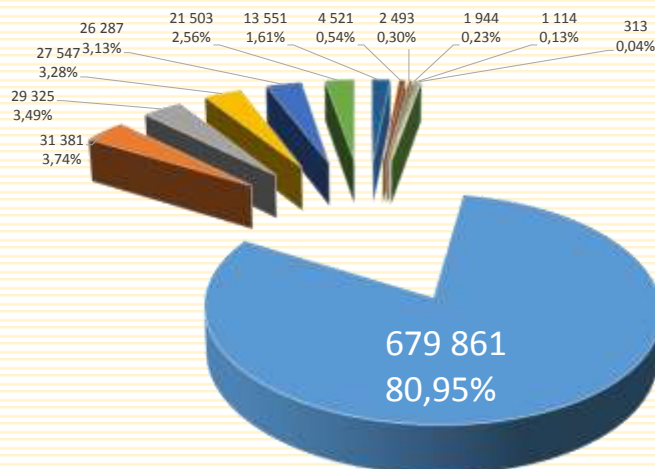
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Land

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

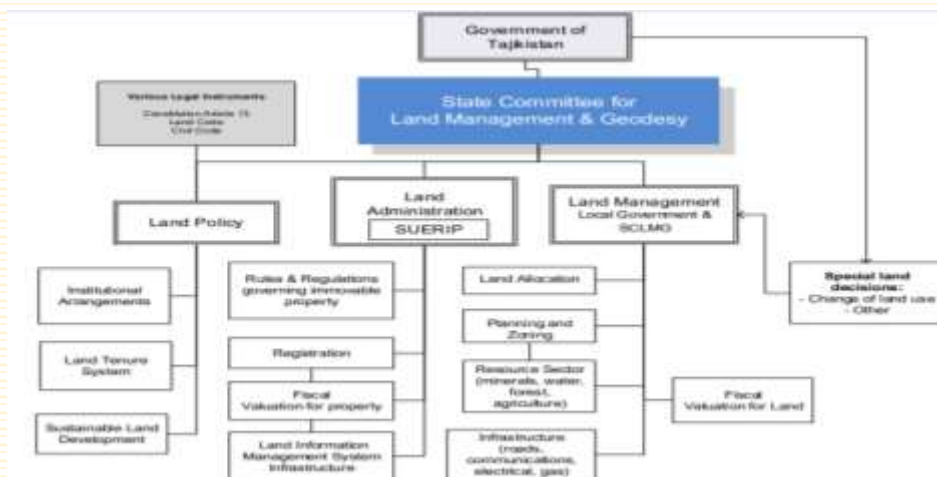


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Institution

Current situation for Land Governance in Tajikistan





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Implementation of VGGT in Tajikistan

- 26-27 November 2015 conducted technical Workshop on awareness raising on the VGGT in Tajikistan;
- 43 participants participated from relevant Government institutions, academia and Civil society organizations (CSOs);
- Developed preliminary screening in terms of constraints and opportunities related to the VGGT.



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;
- 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, and land market activity;
- 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;
 - Update and creation of digitized cadastral maps;
 - Creation of software platform with geographical and legal part;
 - To ensure secure of digitized data on tenure rights.
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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;
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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
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Forestry

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





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Implementation of VGGT in Central Asia
(Tajikistan and Kyrgyz republic)

- 26-27 September 2017 conducted technical Workshop on awareness raising on the VGGT in Dushanbe;
- 35 participants participated from relevant Government institutions, academia and Civil society organizations (CSOs).



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Implementation of VGGT in Central Asia
(Tajikistan and Kyrgyz republic)

In relation to VGGT national consultants in the beginning planning to conduct an analysis on:

- Administrative of tenure, including management and use of pastures;
- Joint forest management;
- Small-scale fishery and aquaculture





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Implementation of VGGT in Central Asia (Tajikistan and Kyrgyz republic)

- Administrative of tenure, including management and use of pastures;
- ~ **Legislation of administrative of tenure, including management and use of pastures;** [review current legislation of administrative of tenure, including management and use of pastures, registration (sporadic and systematic), revealing main issues interested parties, gender issues, taxations, land use right market development];
- ~ **Structure of administrative of tenure, including management and use of pastures;** [review competence of responsible institutes of administrative of tenure, including management and use of pastures];
- ~ **Alternative methods conflict resolution mechanisms;**
- ~ **Analyse and recommendations.**



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Implementation of VGGT in Central Asia (Tajikistan and Kyrgyz republic)

- Joint forest management;
- ~ **Legislation of management and use of forest resources;** [review current legislation of management and use of forest resources, revealing main issues interested parties, gender issues, taxations];
- ~ **Structure of management and use of forest recourses;** [review competence of responsible institutes of management and use of forest recourses];
- ~ **Alternative methods conflict resolution mechanisms;**
- ~ **Analyse and recommendations.**





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Implementation of VGGT in Central Asia (Tajikistan and Kyrgyz republic)

- Small-scale fishery and aquaculture:
- ~ **Legislation of management and use of fishery recourses;** [review current legislation management and use of fishery recourses, revealing main issues interested parties, gender issues, taxation];
- ~ **Structure of management and use of fishery resources;** [review competence of responsible institutes of management and use of fishery recourses];
- ~ **Alternative methods conflict resolution mechanisms;**
- ~ **Analyse and recommendations.**



Thank you for your attention!

