

LAND CODE OF THE KYRGYZ REPUBLIC

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This Land Code regulates land relationships in the Kyrgyz Republic, the grounds for emergence and procedure of exercising and termination of the rights to land and their registration. This Code also aims at development of land market relationships in the conditions of state, communal and private ownership to land and of rational use and protection of land.

SECTION I BASIC PROVISIONS

Chapter one General provisions

Article 1. Terms Used in this Code

The following terms shall be used in this Code:

- 1) Secondary market of land - transactions with the right to land plot allocated by the authorized body.
- 2) Building and structures, installations - any constructions and installations which are firmly attached to land and can be removed only through infliction of harm on their objectives, including apartments and non-residential premises in a multi-apartment building.
- 3) Land share - a parcel of agricultural land allocated to a citizen of the Kyrgyz Republic in accordance with the procedure established by the Government of the Kyrgyz Republic.
- 4) Land plot - land area within closed boundaries.
- 5) Land fund - the entire land within the borders of the Kyrgyz Republic.
- 6) Land user - natural or legal person to whom/which the right to use the land plot is allocated or transferred for termless (non-fixed term) or for fixed-term (temporary) use.
- 7) State land user - state enterprises, institutions of the Kyrgyz Republic which have received a land plot for termless (non-fixed term) or for fixed-term (temporary) use.
- 8) Communal land user - communal enterprises, institutions, organization which have received a land plot for termless (non-fixed term) or for fixed-term (temporary) use.
- 9) Foreign person - foreign legal entities, foreign individuals and stateless persons acting as a party in land law relationships.
 - 10) Foreign legal entity - legal entity that has one of the following features:
 - a) established and registered in accordance with the legislation of a foreign state;
 - b) fully owned by one or more foreign individuals or legal entities;
 - c) controlled or managed by one or more foreign individuals or legal entities based on the written contract, the right to sell majority of voting shares, the right to appoint majority of members of the executive or supervisory body;
 - d) registered in the Kyrgyz Republic and having not less than 20 % of the authorized fund owned by the foreign citizens, stateless persons or legal entities mentioned herein;
 - e) established on the basis of the interstate treaty or agreement.
11. Categories of land - land used or meant to be used for one and the same targeted purpose.
12. Low-productive agricultural land - agricultural land having shallow and unstructured soil layer with low site class score and requiring vast expenses for their melioration improvement.
- 13) Authorized state agency - the bodies specified in Articles 13-17, 20, 21 of this Code.
- 14) Especially valuable land - irrigated, and dried land, intensively used agricultural land (ugodia) (irrigated arable land, land occupied with perennial fruit plantings, vineyards, cultivated pastures, hayfields, and dramatically improved pastures), lands occupied with protective forests and similar green plantings to be used for purposes not connected with running forest holdings, land of suburban and green zones, and experimental fields (testing area) of scientific research or educational institutions.
- 15) Demarcation of a land plot - allotment (separation) a land plot with the establishment and fixation of its borders at site in accordance with a decision of an authorized agency.
- 16) Assignment of the right to land - alienation of the right to land plot by a land owner/user, or transfer thereof to another person for temporary use through legal transactions.
- 17) Transfer of a land plot in accordance with the procedure of universal succession - creation of the title to land or of the land use right in the event of inheritance or of restructuring a legal entity.
- 18) Right to land plot shall include a title to land or the right of a person to termless (non-fixed term) or fixed-term (temporary) use of a land plot.
- 19) Use right to a land plot being the state or communal property - the right to termless (non-fixed term) or to fixed-term (temporary) use of a land plot being the state or communal ownership.
- 20) Right to use a land plot is a real right of individuals and legal entities other than owners of the land plot.

21) Title to land plot - recognized and protected by the Constitution of the Kyrgyz Republic, by this Code, and by other legislative acts right of a person of the Kyrgyz Republic to own, use, and dispose at their discretion the land plot belonging to him subject to limitations provided by this Code.

22) Granting of rights to land plot - allocation of a title or of a use right to individuals and legal entities with respect to a land plot being the state or communal property performed by an authorized agency.

23) Household plot is not a land allotment but a land plot allocated by state governance or local government bodies to citizens for individual house construction, with a plot adjacent to it.

24) Garden plot - land plot allocated by state governance or local government bodies to enterprises, institutions or citizens of the Kyrgyz Republic for establishment of a cooperative horticultural partnership producing fruit and vegetables, including agricultural products.

25) Agricultural land (ugodia) - land plots used for agricultural production, in particular: arable land, lea, land occupied with perennial plants, hayfields and pastures.

26) Easement - the right of a person to the limited targeted use of a parcel of land owned or utilized by another person.

27) Official land plot for use - is a land plot provided by the state and communal land users to their employees in the procedure established by this Code.

28) Agricultural Ugodia Re-Allocation Fund - parcels of land formed from agricultural land (ugodia) (except pastures) and being in state ownership.

29) Targeted use of land - specific use of land plots for the purposes set out in the documents certifying the rights to a land plot, in an agreement or other title establishing documents.

Article 2. Land Legislation

1. Land relations in the Kyrgyz Republic shall be regulated by the Constitution of the Kyrgyz Republic, the Civil Code of the Kyrgyz Republic, this Code, applicable laws of the Kyrgyz Republic, and by decrees of the President of the Kyrgyz Republic and resolutions of the Government of the Kyrgyz Republic and Jogorku Kenesh issued in accordance therewith.

2. Land law norms contained in other laws and legislative acts shall be consistent with this Code.

3. Should the provisions of the land law contained in acts other than the Constitution or the Civil Code of the Kyrgyz Republic contradict the provisions of this Code, the provisions of this Code shall govern.

4. Relations on use and protection of subsoil, forest and water resources, fauna and flora, and atmospheric air shall be regulated by legislation of the Kyrgyz Republic. Article 3. Principles of Land Legislation.

Land legislation of the Kyrgyz Republic shall be based on the following principles:

- 1) preservation of land as a natural object fundamental to the life and activity of the people of the Kyrgyz Republic;
- 2) securing state and ecological safety;
- 3) formation of the land market and its effective operation;
- 4) observance and protection of the rights and legal interests of land owners and land users;
- 5) effective use of land;
- 6) targeted use of land;
- 7) priority of agricultural land;
- 8) accessibility to information on rights to land;
- 9) state support of measures aimed at use and protection of land;
- 10) prevention of harm to land or elimination of its consequences;
- 11) rent payment for land;
- 12) equality of all forms of ownership of land.

Article 4. Ownership of Land

1. In accordance with the Constitution of the Kyrgyz Republic, land may be the state, communal, private or other forms of ownership.

2. State - owned land shall include lands allocated to state land users, lands of forest, water funds, lands of especially protected territories, lands of reserve stock, lands of frontier area, lands of the agricultural ugodia re-allocation fund, pastures of rural settlements, pastures in the zone of intensive use, as well as distant pastures, and other land not transferred in private or communal ownership.

State ownership shall include lands of state pedigree cattle breeding, seed-growing, experimental farms, testing stations and areas, bases of education and scientific research institutions of agricultural profile formed on lands of the agricultural ugodia re-allocation fund, except lands allocated to citizens residing or working in the said farms as land shares.

The right of the State to land shall be exercised by the Government of the Kyrgyz Republic throughout the entire territory of the Republic within jurisdiction established by this Code.

3. Lands within the borders of rural councils, as well as within the borders of cities shall be communal ownership, except lands in private and state ownership.

Management and disposal of lands in communal ownership shall be exercised:

within the borders of rural councils - by the executive body of aiyyl or village council;

within the borders of cities - by local state administrations and bodies of local selfgovernment;

within the borders of Bishkek city - by the local self - government of Bishkek city.

Management and disposal of lands within the borders of rural councils and cities being in state ownership shall be exercised by the bodies of local government in cases provided by this Code.

Article 5. Rights of Foreign Persons to a Land Plot

1. Allocation and transfer of agricultural land plots to foreign persons into ownership shall not be allowed.

Transfer of the agricultural land plot to the foreign person in the procedure of universal succession shall entail consequences provided in Art. 37 (2,3) of this Code.

2. The land plots within the boundaries of a settlement (cities, villages, rural settlements) may be provided to foreign persons, foreign legal entities on the rights of fixed-term (temporary) use or may be transferred into ownership in case of mortgage financing of housing construction in accordance with the Mortgage law of the Kyrgyz Republic.

3. Land plots outside settlements except agricultural land, may be allocated to foreign persons on the rights of fixed-term (temporary) use by the Government of the Kyrgyz Republic. In other cases, lands outside settlements shall be allocated, transferred, assigned to foreign persons in the procedure of universal succession for fixed-term (temporary) use.

Article 6. Right to Land as the Subject Matter of Civil Rights, and Transactions Therewith

1. Rights to land shall be a special subject matter of civil rights and may be the subject of sale, donation, exchange, mortgage and other transactions; the rights to land may also be transferred in compliance with the procedure of universal succession subject to limitations established by this Code.

2. The right to land may be acquired on a charge-free or on a compensatory basis.

3. No one may be deprived of the rights to land plot on any grounds other than those provided by law.

4. State authorities and bodies of local self-government shall be prohibited to interfere in the activities of land owners or land users on use of land plots, except in cases where the land owners or the land users violate the provisions of land legislation.

Article 7. Term of Utilization of a Land Plot by Land Users

1. The use of a land plot may be termless (without indication of term) or fixed-term (temporary).

2. The fixed-term (temporary) use of the land plot including the use right on the conditions of the lease agreement shall be recognized the use of land limited in term up to 50 years.

After expiration of this period, the period of use of the land plot may be prolonged subject to the agreement of parties

3. Land plots shall be provided to foreign individuals for fixed-term (temporary) use only.

4. Agricultural land of reallocation fund shall be leased out as a rule for the period of not less than 5 years.

Article 8. Land Tax. Real Estate Tax. Payments for the Utilization of Land

1. Land tenure in the Kyrgyz Republic shall be compensatory for all legal entities and individuals, except for state and communal land users financed from the budget and in the procedure defined by the Government of the Kyrgyz Republic.

2. Payment for land shall be made in the form of land tax, tax on real estate or rent for use of the land. Land tax rates and the procedure of payment shall be developed by the Government of the Kyrgyz Republic, shall be adopted by the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic, and shall be approved by the Peoples Representatives Assembly of the Jogorku Kenesh of the Kyrgyz Republic. Land tax rates shall be established depending on the quality (fertility) of soil, location of the land plot and accessibility to engineer communications.

3. Rent and the procedure for rent payment for use of the land plot by a land user who has been granted the right to lease the land plot shall be established on a contractual basis.

Conditions and procedure of giving LRF land by lease, including determination of the maximum rent, shall be established by primary local keneshes. In this case leased land may not be subleased.

A standard regulation on the conditions and procedure of lease of LRF land (without determination of the maximum rent for lease of LRF land) shall be worked out by the Government of the Kyrgyz Republic and approved by the Legislative Assembly of the Jogorku Kenesh.

For foreign persons the rent rate for lease of land except agricultural ugodia shall be established depending on the rate of the land tax subject to ratio approved by the Government of the Kyrgyz Republic.

4. Should the use rights to land plots situated within the territory of the Kyrgyz Republic be allocated to a foreign state, the amount of payment shall be specified by an agreement between the Kyrgyz Republic and the foreign state. Interstate agreements on allocation of the land plots for use shall be subject to ratification by the Jogorku Kenesh of the Kyrgyz Republic.

5. Land tax and rent payment for use of land plot allocated by the authorized body shall be directed at improvement of the land, raising of soil fertility, conduct of soil, geobotanical examinations and monitoring of lands, and placement of business entities with arrangement of their territory in the procedure of land tenure organization.

Article 9. State Registration of Rights to Land and of Transactions Therewith

1. Transactions with rights to a land plot shall be subject to state registration and shall not require notarization, except for the cases provided by law.

2. The following shall be liable to state registration in the uniform state register: creation of rights to land, assignment, transfer, limitations, easement, mortgage, and termination thereof. Registration of rights to immovable property and transactions therewith shall be performed in accordance with legislation of the Kyrgyz Republic.

Article 10. Land Fund

Land Fund of the Kyrgyz Republic shall comprise of agricultural and non-agricultural land and, in accordance with their targeted use shall be divided into the following categories:

- 1) agricultural land;
- 2) land of settlements (cities/towns, rural and urbanized settlements);
- 3) land of industry, transportation, communications, defense, and other designation;
- 4) land of specially protected natural areas;
- 5) forestry fund land;
- 6) water fund land;
- 7) reserve land.

Article 11. Reference of Land to Categories and Transfer of Land from One Category to Another

1. Land shall be referred to the categories established in Article 10 of this Code in accordance with its basic targeted use and with the procedure established by legislation of the Kyrgyz Republic.

Transfer of land from one category to another may be carried out in the event of a change in the basic targeted use of the land. 2. Reference of land to categories and its transfer from one category to another shall be carried out by the authorized body within its jurisdiction.

Article 12. Establishment and Alteration of the Targeted Use of Lands

1. Establishment of the targeted use of lands shall be performed by the authorized state body upon allocation of the land plot into ownership or for use.

2. Alteration of the targeted designation of lands shall be performed by the same body with incorporation of relevant changes in the documents certifying the rights to land plot.

3. The use of the land plot not for the targeted designation shall not be allowed.

authorities and local self-government
bodies in Regulation of Land Relations

Article 13. Competence of Ayl and Poselok Keneshes (Rural
Councils) in Regulation of Land Relations

1. Competence of ayl, poselok Keneshes (Rural Councils) on land within the boundaries of the ayl or poselok Kenesh (Rural Councils) in regulation of land relations shall respectively include:

- 1) allocation of the land plot into ownership or for use subject to restrictions established in this Code;
- 2) allocation of pastures adjoining rural settlements for use and establishment of the procedure of their utilization; except pastures located in the areas of intensive use and distant pastures;
- 3) land tenure organization;
- 4) control over use and protection of land;
- 5) carrying out land reform;
- 6) settlement of other issues in the field of regulation of land relations provided by this Code.

2. Governance and disposal of lands of the Agricultural Ugodia Re-Allocation Fund shall be carried out by the executive body of ayl and village council upon coordination with the state body supervising the Fund.

3. Allotment of a land plot for construction within the boundaries of a rural settlement shall be carried out on the basis of the general plan of a rural settlement construction project subject to coordination with the agency on architecture and construction (Chief Architect of a Region).

Article 14. Competence of City State Administration in Regulation
of Land Relations

Competence of city state administration on land within the boundaries of a city in regulation of land relations shall correspondingly include:

- 1) allocation of the land plot into ownership and for use;
- 2) approval of the land and town-planning cadaster and of the land organization designs and projects;
- 3) development and performance of programs on rational land use, development and maintenance of town-planning cadaster jointly with city kenesh (council);
- 4) carrying out control over the use and protection of land;
- 5) issuance of the permission to carry out project exploration works;
- 6) settlement of other issues in the field of regulation of land relations provided by this Code.

Article 15. Competence of Rayon State Administration in Regulation
of Land Relations

Competence of rayon state administration with the exception of rayons of Bishkek city in regulation of land relations shall include:

- 1) allocation of the land plot into ownership or for use to persons, subject to limitations established by this Code and legislation of the Kyrgyz Republic for land of specially protected natural territories and land specified in Articles 13 and 14 of this Code;
- 2) allocation of parcels of pastures for use in the area of intensive use and establishment of the procedure for their use;
- 3) approval of the land cadastre and of the designs and projects of land tenure on the territory of a rayon;
- 4) determination of livestock paths of rayon level, including livestock stopping platforms;
- 5) development and performance of programs on rational use of land and improvement of soil fertility, in cooperation with rayon kenesh;
- 6) carrying out control over the use and protection of lands;
- 7) issuance of a permission to conduct project exploration works except for especially valuable land;
- 8) carrying out of land reform;
- 9) settlement of other issues in the field of regulation of land relations provided in this Code.

Article 16. Competence of Local Self-Government of Bishkek City
in Regulation of Land Relations

Competence of the local self-government of Bishkek city for land within the city boundaries in regulation of land relations shall include:

- 1) allocation of land plot into ownership and for use within the city boundaries shall be performed in accordance with the general plan of city, the project of detailed planning and construction in the city;
- 2) approval of the land and town-planning cadastre and of the land organization designs and projects;
- 3) development and performance of programs on rational use of land in cooperation with the Bishkek city Kenesh;
- 4) exercising control over the use and protection of lands;
- 5) issuance of permission to conduct project exploration works;
- 6) settlement of other issues in the field of regulation of land relations provided in this Code.

Article 17. Competence of Oblast State Administration in Regulation of Land Relations

Competence of oblast state administration on the land within the boundaries of the oblast shall include:

- 1) allocation of plots of distant pastures for use and establishment of the procedure of their use;
- 2) carrying out control over the use and protection of land;
- 3) approval of the land cadastre and of land tenure designs and projects;
- 4) establishment of livestock paths of inter-rayon significance, including livestock-staying platforms;
- 5) development and performance of programs on rational use of land, improvement of soil fertility in cooperation with a oblast kenesh;
- 6) carrying out land reform;
- 7) issuance of permissions to conduct project exploration works on especially valuable lands;
- 8) settlement of other issues in regulation of land relations provided in this Code.

Article 18. Competence of Oblast, Bishkek City, Rayon, City Kenesh in Regulation of Land Relations

1. An oblast kenesh shall consider the proposals on administrative and territorial structure of ayl kenesh, rayon, and oblast, and shall approve general plans of projects for town-planning, rayon centers of oblasts, shall develop jointly with the respective local state administration programs on rational use of land and raising soil fertility.

2. Bishkek city kenesh shall consider proposals on boundaries of districts of Bishkek; shall develop the programs for rational use of lands jointly with the local self-government of Bishkek city and approve a project of detailed planning, projects of construction in Bishkek.

3. A rayon kenesh shall consider proposals on administrative and territorial structure of ayl or a poselok kenesh, and of a rayon, and shall approve the general plans of rural settlement construction projects; determine the maximum sizes of land plot allocated to individual into ownership, and of the one purchased by him at the secondary market of land for running agricultural production, shall develop programs for rational use of lands jointly with the rayon state administration.

4. A city kenesh shall consider proposals on administrative and territorial structure of the city and general plans on the town-planning projects, shall develop programs for rational use of lands jointly with the city state administration.

5. Ayil and village kenesh shall establish sizes of land plots for running personal sustenance household, construction and maintenance of the residential house, settle other issues in the field of land relations within its jurisdiction.

Article 19. Competence of the Special Authorized State Bodies

1. The Government of the Kyrgyz Republic shall define special authorized state bodies which regulate land relations.

2. To perform tasks imposed, special authorized state bodies shall establish territorial bodies in cities, rayons, oblasts, and Bishkek subject to coordination with local bodies of state power.

Article 20. Competence of the Government of the Kyrgyz Republic

The competence of the Government of the Kyrgyz Republic shall include:

- 1) pursuing of a uniform state policy in the field of administration of land resources and regulation of land relationships;
- 2) disposal of land within the Kyrgyz Republic for inter-government and government purposes subject to coordination with local keneshes (councils);
- 3) entering into agreement on allocation of land plots for a fixed-term (temporary) use with other state;
- 4) organization of land reform implementation;
- 5) approval of the size and procedure of formation of the Agricultural Ugodia Reallocation fund;
- 6) setting the norms of losses in agriculture and forestry for recovery of such losses;

- 7) approval of the republican and regional programs for rational use of land, raising of soil fertility, protection of land resources;
- 8) establishment of the procedure for land monitoring, keeping the land cadastre, and establishment of land tenure (zemleustroistva);
- 9) organization of control over land use and protection;
- 10) establishment of the boundaries for specially protected areas and procedure of their use;
- 11) determination of the procedure for withdrawal (redemption) of the land plot for government and communal needs;
- 12) transfer of more valuable agricultural land (ugodia) (arable lands, perennial plants, lea, cultivated pastures, hayfields and radically improved pastures) into less valuable types of land (ugodia), or to other categories of land;
- 13) approval of the General Plan of Bishkek;
- 14) establishment of borders of suburban zone of Bishkek;
- 15) settlement of other issues related to regulation of land relations provided by this Code.

The Government of the Kyrgyz Republic through special authorized state bodies shall carry out maintenance of state land cadaster and monitoring of lands, implementation of land organization, formalizing of documents certifying the right to land plot, issuance of permissions for works on land organization and settlement of other issues of land relations regulation.

Article 21. Competence of the Jogorku Kenesh in Regulation of Land Relationships

The competence of the Jogorku Kenesh shall include:

- 1) drafting and improvement of land legislation;
- 2) ratification of international treaties on providing the right of land use within the borders of the Kyrgyz Republic;
- 3) establishment and change of borders of administrative and territorial units (oblasts, Bishkek city, rayon, ail kenesh);
- 4) decision of other issues of land relationships regulation.

SECTION II RIGHT TO LAND PLOT AS A SUBJECT MATTER OF CIVIL RIGHTS

Chapter three Right to Land Plot as a subject matter of civil rights, and transactions therewith

§ 1. General Provisions

Article 22. Creation of the Right to Land Plot

The right to land plot shall be created by:

- allocation of the right to land plot in the procedure established by this Code;
- assignment of the right to land plot on the basis of civil law transactions;
- transfer of the right to land plot in accordance with the procedure of universal succession;
- on other grounds provided by legislation.

Article 23. Particularities of the Legal Status of State and Communal Land Users

1. State and communal land users shall carry on management of a land plot, subject to the targeted use of the land plot and to the charter purposes of the land user.
2. A state or a communal land user may not alienate or mortgage its use right to a land plot, except in the event of alienation or pledge of the buildings and structures located on the land plot in accordance with the established procedure.
3. Land plot used by a state or communal land user may not be the subject of foreclosure on creditors' claims including bankruptcy of the land user, except cases of foreclosure of buildings and structures belonging to the land user. (see Article 44 (3) of this Code).

4. In cases where a state or a communal land user leases out buildings and structures belonging to it in accordance with the established procedure, the right of use of the land plot attached to the building or to the structure shall also be transferred.

A state or a communal land user shall be prohibited to lease out a land plot on which buildings and structures are located to another person without corresponding lease of the building or structure.

5. A state or a communal land user may not transfer the land plot being in its use for temporary gratuitous use, except in cases of allocation of official land plot for use.

Article 24. Foreclosure of the Land Plot on Obligations of Land Owners/Users

1. The right to land plot shall be a part of the property of individuals and legal entities with which they are liable on their obligations including bankruptcy process.

2. A land plot that is owned or used may be foreclosed at claims of obligees in the procedure established by legislation of the Kyrgyz Republic.

The right of ownership or the right of use of a land plot may be terminated, and claims of obligees shall be satisfied from the proceeds from sale of the right to a land plot at public sale.

3. A land plot being in use by a state or a communal land user may not be foreclosed, except cases provided in Art. 23 (3) of this Code.

§ 2. Allocation of a Land Plot

Article 25. Allocation of the Land Plot into Ownership or for Use

1. Allocation of the land plot into ownership or for use to individuals or legal entities shall be performed by the special authorized body on gratuitous or compensatory basis in the procedure established by this Code.

2. Land plots shall be allocated to state or communal land users to which property is allotted on the right of business or operational management. Other individuals and legal entities shall be allocated land plots in ownership or for a fixed-term (temporary) use.

3. In the event of allocation of a land plot into ownership or for use, the use of the land plot shall be prohibited prior to establishment of borders in kind (at site) and issuance of documents certifying the rights to a land plot.

Article 26. Allocation of Land Plots for Agricultural Needs

1. Land suitable for agricultural needs shall be allocated primarily for agricultural purposes.

2. Suitability of land for agricultural purposes shall be determined based on the data of the state land cadastre.

Article 27. Allocation of Land for Non-Agricultural Needs

1. Land of non-agricultural purposes or unsuitable for agriculture, as a rule shall be allocated for construction of industrial enterprises, objects of housing and communal holding, rail roads and highways, power transmission lines, main pipelines, as well as for other non-agricultural needs.

2. Allocation of land plots from forest fund for the indicated purposes shall be performed primarily at the expense of areas not covered with forest, except for agricultural land or areas occupied with planting of minor value.

3. For construction of power transmission lines, communication lines, main pipelines and other lines structures the parcels mainly along roads of existing highways, borders of land plots, along canals of irrigation network shall be allocated.

Article 28. Allocation of Land Plots on Areas with Deposits of Mineral Resources

1. Allocation of land plots for construction on areas with deposits of mineral resources shall be performed with the observance of requirements established by the law of the Kyrgyz Republic "On Subsoil".

2. Land plots having small deposits of widely spread mineral resources having access to day (land) surface may be allocated in private and communal ownership. Determination of small deposits of widely spread mineral resources and the list thereof shall be established by the Government of the Kyrgyz Republic. All other mineral resources shall be state ownership.

3. If reserves of mineral resources, except mineral resources indicated in point 2 of this Article are discovered on the land plot being in the ownership or in use, the state shall reimburse damages incurred by the land owner/user and provide other land plot of equal value in the event the state decides to develop those reserves and to withdraw the land plot.

Article 29. Allocation of a Land Plot into Ownership or for Use at Sale

1. A special authorized body shall allocate a land plot into ownership or for use by the way of selling at sale, except as provided in Art. 32 of this Code. The value appraisal (normative price) of the land shall be the starting price of the land plot traded at sale.

2. The procedure for conducting sale shall be determined by the special authorized body in accordance with the Civil Code of the Kyrgyz Republic.

3. Sale of a land plot into ownership or for use shall be public.

4. The Government of the Kyrgyz Republic shall have the right to withdraw the land plot after announcement of sale and at the moment of its execution in exceptional cases for state or public needs.

Article 30. Particularities of Allocation of Agricultural Lands

1. Maximum sizes of the land plot allocated to the citizen of the Kyrgyz Republic into ownership or for use as well as of the land plot purchased at the secondary market of land to run agricultural production shall be determined by the rayon kenesh subject to availability of free land and provision of the rural population with agricultural ugodia (arable land, fallow land, hayfields, lands occupied with perennial plants).

2. Citizens of the Kyrgyz Republic who reside on the territory of a corresponding ayil kenesh (rural council) shall have the priority right upon allocation of land of agricultural designation into ownership or for use.

3. Land in frontier areas of the Kyrgyz Republic may be allocated to citizens of the Kyrgyz Republic into private ownership in the procedure established by this Code.

4. Pastures except those indicated in points 3 and 5 of this Article shall be allocated for fixedterm (temporary) use only.

5. Parcels of pastures and hayfields sprinkled or wedged in arable lands and in the lands occupied with perennial fruit plantings being in private ownership or in use, may be allocated into ownership.

Article 31. Documents Certifying the Rights to Land Plot

1. In cases where the land plot is allocated into ownership or for use by an authorized agency, the documents certifying the rights to land shall be as follows:

- in the event of private ownership to a land plot or termless use of a land plot (without definite term) - the governmental act on the right of private ownership to land plot and termless (without definite term) use of land plot;

- in the event of fixed-term (temporary) use of land - the certificate of the right of temporary use of a land plot or the agreement on lease;

- in the event of allocation of a land share - the certificate of the title to a land plot.

Forms of specified documents shall be approved by the Government of the Kyrgyz Republic.

2. In the document certifying the right to a land plot the targeted use of lands shall be specified.

3. Simultaneously with the document certifying the rights to a land plot the certificate of quality of agricultural land may be issued if the owner of the land plot or the land user is wishing it.

4. An authorized agency shall submit copies of the documents certifying the allocation of the rights to a land plot to the state agency registering the rights to immovable property, and shall assume the responsibility of submission of the copies of the documents in question.

Article 32. Gratuitous Allocation of a Land Plot into Ownership or for Use

1. A land plot shall be allocated to the citizens of the Kyrgyz Republic into ownership by the authorized body gratuitously only once throughout the entire territory of the Kyrgyz Republic, in particular: for construction and maintenance of a residential house and for personal sustenance households, dacha construction in accordance with established norms; as well as to citizens of the Kyrgyz Republic entitled to land shares of the size specified by the Government of the Kyrgyz Republic.

2. Low-productive agricultural land may be allocated to citizens of the Kyrgyz Republic into ownership by the authorized body free of charge to develop and run agricultural production.

3. Land plots shall be provided for the purposes indicated in Art. 73 (2) of this Code free of charge only once.

4. An authorized agency shall allocate land plots to state and communal land users for use on a charge-free basis, and may allocate land plots on a charge-free basis to certain legal entities for the following purposes: for state and public needs, industrial production, defense needs, water supply, transport, communication and other purposes, construction of state residential houses, nature protection, health care, recreational, historical and cultural purposes, and for other purposes established by legislation of the Kyrgyz Republic.

5. Norms of land plots for construction and maintenance of residential houses, personal sustenance households and dacha construction shall be established on the corresponding territory by authorized agencies.

Article 33. Procedure for Gratuitous Allocation of Land Plots in Ownership to Citizens of the Kyrgyz Republic

1. Citizens of the Kyrgyz Republic in need of gratuitous allocation of a land plot, in cases provided by Art. 32 of this Code shall apply to the authorized body of the area where the land plot is situated.

2. Application of the citizen of the Kyrgyz Republic on gratuitous allocation of the land plot shall be examined by the authorized body and the allocation shall be performed in the order of priority.

3. Gratuitous allocation of the land plot into ownership to citizens of the Kyrgyz Republic shall be performed subject to availability of vacant lands.

Article 34. Procedure of Gratuitous Allocation of a Land Plot for Use

1. State and communal land owners and other legal entities of the Kyrgyz Republic entitled to gratuitous allocation of a land plot for use shall petition the corresponding authorized body of the area where this plot is situated.

2. Petition for allocation of the land plot shall specify the purpose for which it is necessary, sizes, location of the plot with attachment of documents confirming the necessity of allocation of the plot, as well as the anticipated term of its use.

3. Petitions on gratuitous allocation of land plots for use shall be examined and settled on the merits by the authorized body within three month period from the moment of their receipt.

§ 3. Transfer of a Land Plot

Article 35. Transfer of a Land Plot. Payment for Transfer of a Land Plot

1. An owner of a land plot or a land user may transfer the rights he holds to a land plot fully or partially to other individual or legal entity without any permission of state agencies unless otherwise provided by this Code, other legislative acts of the Kyrgyz Republic, conditions of allocation of a land plot.

2. Upon transfer of a right to land plot by the owner or land user to other individual or legal entity the amount of payment for land plot shall be determined by the agreement of parties.

3. Transactions with the part of a land plot shall be concluded after separation of this part in the established procedure into a separate land plot with the subsequent state registration.

4. A land plot being in use may be transferred in the result of civil law transaction as follows:

- a land plot being in termless (without definite term) use - into termless (without definite term) use or into fixed-term (temporary) use;

- a land plot being in fixed-term (temporary) use - for the remaining period of fixed-term (temporary) use.

5. Upon transfer of the right to a land plot, the data about new owner or land user shall be indicated in the document certifying the right to a land plot without replacement of this document.

Article 36. Forms of Economic Management on the Agricultural Lands

The owner of a land plot of agricultural purpose shall have the right to establish collective and other forms of economic management on the land, based on the joint ownership (peasant (farmer) holdings), and to associate in agricultural cooperatives or general partnerships, having transferred to cooperatives or general partnerships the land plot they own for use. The will of land plot owners to transfer the land ownership for use shall be performed on the basis of the agreement concluded in writing.

§ 4. Transfer of Rights to Land Plot in Accordance with the
Procedure of Universal Succession

Article 37. Transfer of Rights to Land Plot in Accordance with
the Procedure of Universal Succession

1. The right to land plot may be freely transferred from one individual and legal entity to another in accordance with the procedure of universal succession (inheritance or reorganization) in compliance with civil legislation of the Kyrgyz Republic.

2. In cases where the successor is a foreign person, s/he/it shall alienate the right to land plot to a citizen of the Kyrgyz Republic within one year from the moment such right to the land plot has arisen.

3. Where the foreign person failed to alienate the right to the land plot which had been inherited within the period indicated in point 2 of this Article, the alienation shall be produced in the procedure provided by Art. 283 of the Civil Code of the Kyrgyz Republic.

§ 5. Mortgage of the Right to Land Plot

Article 38. The Subject of Mortgage

1. The rights to land plot may be the subject of mortgage.

2. The relationships on mortgage of the right to land plot shall be regulated by the law on mortgage subject to peculiarities established by this Code.

Article 39. Limitations of Mortgaging of the Right to Land

1. The mortgage of the right to land plot shall not be allowed in cases where transactions with the right to land plot are prohibited.

2. The mortgage of the right to a part of a land plot shall not be allowed, unless this part is demarcated as an independent land plot.

Article 40. Mortgage of the Rights to a Land Plot with Buildings
and Structures

1. In cases where buildings and structures are located on a land plot, mortgage of the rights to land plot must be simultaneously accompanied with mortgage of the said buildings and structures.

2. Part of the land plot occupied with the building and construction and necessary for their use may be demarcated into an independent land plot and not be a subject of mortgage.

3. If buildings and structures located on the land plot are held in common ownership, mortgage of a part of the building and structure shall mean that the mortgagor's share in the land plot being in common use or common (joint, shared) ownership is mortgaged simultaneously.

Chapter four
Common use of Land Plots

Article 41. Divisible and Indivisible Land Plots

1. A land plot may be divisible or indivisible. A divisible land plot is a land plot which may be divided into parts each of which will constitute an independent land plot after division, provided that such division does not cause alteration of the targeted use or violation of anti-fire, health, ecological, town-planning, and other obligatory standards and rules.

2. Indivisibility of a land plot shall be reflected in the document certifying the right to land plot.

Article 42. A Common Ownership (Joint or Shared) to Land Plot
or Common (Joint or Shared) Use of Land Plot

1. The land plot allocated to two and more persons on the right of private ownership or on the right of use shall belong to them on the right of common ownership (joint, shared) or common (joint or shared) use.

2. A land plot attached on the right of private ownership or use, may be in common ownership or in use with or without defining the share.

Article 43. Prohibition Against Division of a Land Plot Which Is
Acknowledged Indivisible by Legislation

1. In the event if a land plot has been acknowledged indivisible in accordance with legislation, division of the land plot and/or apportionment of a land share in-kind shall be prohibited.

2. Where apportionment of a land share in-kind is prohibited, a withdrawing participant shall be entitled to payment of value of his share.

Chapter five
Buildings, Structures, and the right to Land Plot

Article 44. The Relationship among Buildings, Structures, and the
Land Plot

1. A building and a structure shall be indivisible from the right to a land plot allotted to the building and the structure.

2. An owner of a building and a structure shall have the right to possess, use and dispose of the building and the structure at his own discretion, including destruction of them, unless it contradicts the conditions of land use or provisions of legislation.

3. In the event of assignment, transfer, or mortgage of the right of ownership of the building and structure, or part thereof, to another person, such person shall acquire the right to the land plot allotted to this building and structure on the same conditions and in the same scope as the previous owner of the building and the structure, unless otherwise established by the agreement of parties.

Article 45. Buildings and Structures in Common Ownership and the
Right to Land Plot

In cases where a building and a structure is held in common ownership, the right to the land plot where the building and the structure is located shall be held by the owners of the building and the structure on the basis of common ownership or common use of the land plot.

Article 46. Right to Land Plot Attached to a Building with Several
Apartments and/or Non-Residential Premises

1. A land plot attached to a building with several apartments and/or non- residential premises (a multi-apartment house) may be indivisible and shall belong on the basis of the common shared ownership to the owners of apartments and/or non-residential premises.

The right of ownership of an apartment and/or non-residential premise may not be assigned, transferred, or mortgaged without assignment, transfer or mortgage of the share in the right of common shared ownership of the land plot, as well as this share may not be assigned, transferred or mortgaged separately from the right of ownership to the apartment and/or non-residential premise.

2. Owners, tenants of apartments and/or of non-residential premises in a multi-apartment house may use the land allotted to the house for his everyday household activities.

Article 47. A Building and a Structure Upon Termination of the
Rights to Land Plot

In the event of termination of the right to land plot, the fate of any building and structure remaining on the land plot shall be decided by its owner.

Article 48. Retention of the Right to Land Plot in the Event of
Destruction of a Building and a Structure

Destruction of a building and a structure caused by a fire, natural disaster, dilapidation, and other reasons shall not serve as the ground for termination of the right to land plot.

Chapter six
Rights and responsibilities of Land
Owners and Land Users. Rights of citizens
of the Kyrgyz Republic and of their
associations to protection and control
over the Use of Land Plots

Article 49. Rights of Land Plot Owner/User

1. A land plot owner/user, unless otherwise established by law, the documents certifying the rights to land, or by an agreement, shall have the right to:

- 1) carry on independent management on the land using it in accordance with the targeted purpose;
- 2) stop any attempt to violate his rights to land or any intrusion in the land plot against his will;
- 3) own crops and plantings of agricultural and other crops and plants, produced agricultural and other crops received as a result of utilization of the land plot; own the revenues from sale of such products;
- 4) use, in accordance with the established procedure, small deposits of widely spread mineral resources having access to the day (land) surface, forest land, and water objects available on the land, and exploit other useful qualities of the land;
- 5) receive full compensation of losses in cases set forth in legislation of the Kyrgyz Republic;
- 6) erect, in compliance with the established procedure, buildings and structures consistent with the targeted use of the land subject to architectural planning, construction, ecological, health and hygiene, anti-fire, and other special requirements (norms, rules, standards);
- 7) carry out irrigation, drainage, cultivation and technical, and other reclamation activities in accordance with established construction, ecological, health and hygiene and other special requirements;
- 8) perform civil law transactions with the right to land subject to limitations established by this Code;
- 9) perform other actions provided by this Code.

2. Violated rights shall be subject to restoration in compliance with the procedure established by legislation of the Kyrgyz Republic.

Article 50. Responsibilities of a Land Plot Owner/User

1. A land plot owner/user shall:

- 1) ensure the use of land in accordance with its targeted use and with the conditions on which the land has been allocated;
- 2) observe the requirements of environment protection;
- 3) avoid aggravation of soil fertility. Apply systems of land cultivation and use rational methods of cultivation;
- 4) timely pay land taxes or rent;
- 5) observe the rights of owners of adjacent land plots, land users and other persons;
- 6) fulfill the procedure for use of forest, water and other natural resources;
- 7) comply with the current architectural planning, construction, ecological, health and hygiene, anti-fire, and other special requirements (norms, rules, standards) when performing construction on the land plot;
- 8) timely submit to the state authorities the information established by the Government of the Kyrgyz Republic on condition and use of the land and natural resources;
- 9) provide an easement in accordance with the procedure established in Article 53 of this Code.

2. Land owners/users may have other responsibilities provided by legislation and by the documents certifying the rights to land plot.

Article 51. Rights of Citizens of the Kyrgyz Republic and of
their Public Associations in Regulation of Land
Relationships

1. Citizens of the Kyrgyz Republic and their public associations may participate in consideration of issues of use and protection of land affecting interests of the population, through various types of meetings, assemblies and other forms.

2. Citizens of the Kyrgyz Republic and their public associations shall assist state authorities in the activities aimed at use and protection of land and improvement of environment protection.

3. State authorities shall inform the population about withdrawal and allocation of land targeted for the facilities the functioning of which affects interests of the population.

Chapter seven
Official Land Plot for Use

Article 52. Official Land Plot for Use

1. Official land plot for use is a special type of temporary gratuitous use of a land plot.
2. State and communal land users proceeding from the particularities of their economic activities may provide to certain categories of their employees official land plots for use. Lists of categories of employees entitled to an official land plot for use and its size shall be determined by the state and communal land users independently.
3. Employees may use the official land plot allocated to them for vegetable growing, forage production, cattle feeding, and hay-mowing. Construction of residential buildings and household facilities on the allocated official land plot shall be prohibited.
4. Official land plots shall be allocated for the period of the employment conditioning such allocation, and the land use right shall cease in the event of dismissal of the employee.
5. In cases where official land plot is planted with agricultural crops, the land use right of the dismissed employee shall be terminated only after harvesting.
6. Official land plots shall be retained:
 - 1) by employees who terminated their labor relations after retirement due to age or disability;
 - 2) by families of employees recruited to the active temporary military service for the entire period of their service;
 - 3) by families of employees who died in connection with performance of their professional duties: for a disabled spouse and an aged parent for their life time, for children until they achieve their majority.
7. The right of use of official land plots of persons set forth in point 6 of this Article shall terminate in the event of liquidation of the state or communal land user which has allocated the official land plot for use.
8. Assignment and transfer of the right of use of the official land plot shall be prohibited.

Chapter eight
Easement

Article 53. Creation of an Easement

1. An easement may be created by the agreement of the parties (voluntary easement) or in case of necessity, by the decision of the authorized agency (coercive easement).
2. Encumbrance of land with an easement shall not deprive the land owner/user of the right to use and dispose of its right to land plot.

Article 54. Voluntary Easement

An agreement on easement (voluntary easement) shall include:

- 1) identification of the land plot burdened by easement and of the land plot benefited by easement;
- 2) terms, conditions, and duration of the easement;
- 3) a plan or map of the land plot indicating the location of the easement.

Article 55. Coercive Easement

1. A coercive easement may arise on the basis of a decision of the authorized agency.
2. The decision of the agency authorized to allocate land use rights regarding establishment or refusal to establish an easement may be appealed in court by the party interested in easement or by the land owner/user.

Article 56. Purposes of Creation of a Coercive Easement

1. In cases provided by this Code and other legislation, an authorized agency may establish coercive easement upon demand of an interested party.
2. A coercive easement shall be established to secure:
 - 1) access to a land plot if another access is impossible, extremely difficult, or requires incommensurate expenses;
 - 2) laying and operation of electric transmission lines, communications, water supply, heat supply, reclamation, and other needs that may not be secured without establishment of a coercive easement.

Article 57. Indemnification of Damages Related to Establishment
of a Coercive Easement. Fee for a Coercive Easement

1. Damages inflicted upon a land owner/user by establishment of a coercive easement shall be subject to indemnification by the person in whose advantage easement is established.
2. The amount of damages shall be defined by the authorized agency and, in cases where the land owner or the land user disagrees, by the court.
3. The owner/user of a land plot encumbered with the coercive easement shall have the right to demand commensurate payment from the person benefited by easement instead of indemnification of damages.

Article 58. Retention of Easement in the Event of Assignment
or Transfer of the Rights to Land

1. Easement shall be retained in the event of assignment or transfer of the rights to land plot to another person.
2. An easement may not be an independent subject matter of sale or pledge, nor may it be transferred in any way to persons other than owner/user of the land plot to secure the use of which easement has been established.

Article 59. Termination of Easement

1. An easement arising under agreement may be established for an indefinite term or for a term specified in the agreement.
2. A coercive easement may be terminated in the event of termination of the grounds for which it has been established, subject to the decision of the authorized agency or of the court.
3. In case that the land use right may not be exercised in accordance with its designated purpose as a result of easement, the land owner/user may demand in court termination of encumbrance of the land plot.

Chapter nine
Procedure for Use of Land Plots
for Project Exploration Works

Article 60. Use of Land Plots for Project Exploration Works

1. A person designated by the State shall have the right of access to a land plot regardless of its targeted use on the basis of the decision of the authorized agency and of the contract with the land owner/user, to conduct geological photographing, geological exploring, prospecting, topography-geodesic, soil, archeological, scientific research, and other project exploration works in accordance with legislation of the Kyrgyz Republic, without withdrawal of the land plot.
2. The permission to occupy a land plot for project exploration works shall be issued by the authorized agency within its competence for a period of two years subject to subsequent prolongation within limits and for the period specified by the technical project coordinated with the relevant state bodies.

Article 61. Rights and Responsibilities of Persons Carrying out
Project Exploration Works

1. The person authorized by state carrying out project exploration works shall have the right to erect buildings and structures of a temporary nature, and use widely spread mineral resources and water facilities available on land plots for exploration needs in the established procedure.
2. The person authorized by State carrying out project exploration works must at his own expense bring the land plots as close as possible to their initial condition, and where impossible - indemnify the land owner/user the damages caused by reduction of value of the land plot. Land plots shall be brought up to the suitable condition in the course of the works.
3. The person authorized by State carrying out project exploration works which fully or partially restrict the use of the land by the land owner/user shall fully indemnify inflicted damages, including lost profit and rent.

Chapter ten
Termination of the Right to Land Plot

Article 62. Termination of the Right to Land Plot

The rights to land shall terminate in the event of:

- 1) alienation of the right to land plot to another person;
- 2) foreclosure of the land plot being in ownership or in use at claims of creditors in accordance with legislation;
- 3) death of a land owner/user, provided that the owner/user have no heirs;
- 4) voluntary waiver of the rights to land plot by the land owner/user;
- 5) expiration of the term of the land use;
- 6) termination of labor relations or of the relations equated to them which have conditioned the allocation of the official land plot for use;
- 7) impossibility of further use of the land plot caused by a natural disaster;
- 8) withdrawal of the land plot on the grounds and in the procedure provided in Chapter Eleven of this Code.
- 9) liquidation of a state or a communal land user, of a public association, of a social fund, or of a religious organization;
- 10) withdrawal of citizenship of the Kyrgyz Republic by the owner of the agricultural land plot or land plot, except in case of mortgage housing construction.

Article 63. Termination of the Right to Land Plot in Cases Where Further Use Is Impossible Due to a Natural Disaster

1. In the event if a natural disaster makes further use of a land plot with the residential house located thereon or allocated for construction and maintenance of the residential house impossible, the authorized agency shall take decision on unsuitability of the land plot for use for the indicated purposes. In this case the authorized body may allocate for free other land plot within the borders of this settlement for construction and maintenance of the residential house with the norms established for such settlement regardless of the size of the land plot acknowledged unsuitable for use.

2. Allocation of the land plot for free shall be produced based on the following: one land plot instead of the land plot acknowledged unsuitable for further use. Other cases of gratuitous allocation of the land plot shall be produced in the events provided by Article 32 of this Code.

Article 64. Transfer of the Land Plot to the State or Communal Owner in the Event of Termination of the Right to Land Plot

1. In cases where the right to land is terminated on the grounds set forth in points 3, 4, 5, 7, and point 9 of Article 62 and paragraphs 1 and 3 of point 1 of Art. 66 of this Code, the land plots shall be transferred to the State or to a communal owner.

2. Termination of the right of ownership of the land plot on the ground provided in point 10 of Art. 62 shall be produced in the procedure defined in points 2,3 of Art. 37 of this Code.

Chapter eleven Exceptional Cases of Withdrawal of the Land Plot

Article 65. Exceptional Cases of Withdrawal of a Land Plot

Withdrawal of a land plot shall be an exceptional measure of termination of the right to a land plot and shall be applied only by the court after written notification of the land plot owner/user about elimination of the violation, application of the administrative liability to natural or legal persons, except for the cases specified in subpoints 2, 3 of point 1 of Art. 66 of this Code. The notice of the authorized agency must define:

- 1) the violation committed by a land plot owner/user and the action required to remove the violation;
- 2) the term given to eliminate the violation;
- 3) the consequences of a failure to perform notice;
- 4) the method by which a land plot owner/user may appeal from the notice.

Article 66. Grounds for Withdrawal of the Land Plot

1. Withdrawal of the land plot shall be allowed in the event of:

- 1) utilization of a land plot in violation of its targeted use;
- 2) withdrawal (redemption) of the land plot for state and public needs in accordance with provisions of this Chapter;
- 3) failure to use a land plot or part of the land plot allocated for agricultural production within three years;

4) failure to use a land plot allocated for non-agricultural production in accordance with the town-planning legislation;

5) failure to pay land tax within the period established by tax legislation.

2. Withdrawal of the land plot in cases provided in subparagraphs 1,3,4 of point 1 of this Article shall be produced with payment of the value of the right to land plot to the owner or user of the land plot less expenses connected with withdrawal of the land plot and arrangement of sale.

3. Land plots withdrawn on the grounds provided by subparagraphs 1,3,4,5 of point 1 of this Article may be traded at sale.

In case if sale of the right to the land plot is acknowledged uneffected, the right to land plot shall be transferred to the authorized body with payment of appraisal value (normative price) of the land at the moment of sale to the owner or user of the land plot.

4. The land plot may be withdrawn for satisfaction of state and/or public needs subject to payment of the value of the right to land plot and indemnification of losses.

5. Withdrawal of the land plot in case of failure to pay land tax within the established period shall be produced in the procedure established by the Tax Code of the Kyrgyz Republic.

Article 67. Withdrawal of the Land Plot in the Event of Utilization thereof in Violation of Targeted Use

1. The land plot may be withdrawn in the event of utilization of a land plot in violation of targeted use only on the basis of a court decision.

2. The authorized agency may file a claim to the court on withdrawal of the land plot after administrative penalties are applied and written notice is delivered to the land plot owner or user on elimination of violation within the period not less than three months.

Article 68. Withdrawal (Redemption) of the Land Plot for State and Public Needs

1. Withdrawal (redemption) of the land plot for state and public needs may be based on the agreement between the authorized agency and a land plot owner/user. In the event of disagreement of the land owner/user with withdrawal (redemption) or its conditions the authorized agency shall have the right to petition to the court within two months following the day of denial regarding compensable withdrawal (redemption) of the land plot.

2. In this case, pending the court decision on withdrawal (redemption) of the land plot, the land owner/user may exercise his rights to land plot and make requisite expenses securing the use of the land plot in accordance with its targeted use. The land owner/user shall bear the risk of expenses and losses related to new construction, enlargement, or reconstruction of buildings and structures within said period.

3. Upon calculation of the redemption price of the land plot, it shall include the market value of the right to land and of the buildings and structures located on the land, and the damages inflicted to the land owner/user by termination of the right to land plot, including the damages connected with early termination of his obligations to third parties.

4. In the event of withdrawal of the land plot for the state or public needs another land plot may be allocated to a land owner/user, subject to his consent and the value of the right to it shall be credited to the redemption price.

Article 69. Withdrawal of the Land Plot in the Event of Failure to Use it

The land plot may be withdrawn by the court decision in cases provided by Art. 66 of this Code.

Article 70. Withdrawal of Especially Valuable Land

Withdrawal of especially valuable land indicated in point 14 of Article 1 and Art. 74 of this Code for non-agricultural and non-forest needs, shall be allowed only in exceptional cases subject to the decision of the Government of the Kyrgyz Republic.

Article 71. Withdrawal of Land Occupied with Especially Protected Natural Facilities

Withdrawal of lands occupied with especially protected natural territories and historical and cultural objects for the needs not complying with their targeted designation shall be allowed in the exceptional cases subject to the decision of the Government of the Kyrgyz Republic.

SECTION III CATEGORIES OF LAND OF THE LAND FUND OF THE KYRGYZ REPUBLIC

Chapter twelve Agricultural Land

Article 72. Agricultural Land

1. Agricultural land shall mean the land allocated or designated for agricultural needs.
2. The composition of land of agricultural designation shall include agricultural ugodia and land occupied with inter-farm roads, communications, isolated water reservoirs, buildings and structures necessary for agricultural operation.

Article 73. Purposes of Use of Agricultural Land

1. Agricultural land shall be used by individuals and legal entities for running seed-growing, pedigree cattle breeding and commodity agricultural production, protective forest planting, gardening, vegetable raising, dacha construction, carrying out scientific research and experimental works and for other purposes associated with agricultural production.
2. For the purposes of utilization of agricultural land allocated into ownership or for use to the citizens of the Kyrgyz Republic and located outside the borders of pedestrian accessibility at a remote distance from the settlement, allocation of the land plot located in the area unsuitable for agriculture or with low-productive agricultural land, into ownership or for use shall be allowed for erection of buildings or constructions. The land plot for erection of buildings or constructions shall be allocated by the authorized body.

Article 74. Especially Valuable Agricultural Ugodia

1. Especially valuable agricultural ugodia shall be as follows: irrigated and non-irrigated arable land, fallow land, land occupied with perennial fruit-tree plantations, cultivated pastures, hayfields and meliorated pastures.
2. Construction of buildings and installations, except hydro-technical constructions on especially valuable agricultural ugodia shall not be allowed.

Article 75. Land Plots Used as Livestock Driving Paths and Livestock-Staying Sites

1. Livestock driving paths including livestock-staying sites shall be established by the authorized state body within its competence.
2. Livestock owners shall be held liable to land owners/users for damages inflicted while driving livestock along paths.

Chapter thirteen Land of Settlements (cities, urbanized Settlements and rural Settlements)

Article 76. Composition of Land of Settlements

1. Land of settlements shall include the entire land within the boundaries of a settlement.
2. The entire land within the settlement boundaries shall be controlled by the corresponding authorized territorial body.

Article 77. Use of Land of Settlements

1. Land of settlements shall be used in accordance with the general plans, schemes of planning and construction, and schemes of internal land organization of settlements.

2. General plans of settlements shall specify the basic directions of use of the land of settlements for industrial, housing and other construction, development and location of recreational places for population.

3. Schemes of planning and building of settlements shall be developed on the basis of general plans, and shall determine the use of certain land plots of settlements.

4. Schemes of internal land organization of the territory of settlements shall identify the basic directions of use of the land of settlements which may not be used for construction works and which is temporarily unoccupied; the schemes shall be approved in accordance with the procedure established by the Government of the Kyrgyz Republic.

5. Allocation of the land plot for construction within the borders of settlement shall be produced on the basis of the general plan, the draft detailed plan, construction project subject to coordination with the relevant architecture and construction bodies (chief architects).

6. Construction of facilities on allocated land plots may be carried out subject to permission of the Kyrgyz Republic Government.

7. Land of settlements, which is temporarily not used for construction may be allocated for temporary use for erection of temporary facilities (tents, kiosks, advertisement structures, and other non-permanent facilities).

Article 78. Land in Common Use of Settlements

1. Land in common use of settlements shall consist of land used as communication lines, or for satisfaction of cultural and household needs of the population (roads streets, squares, sidewalks, passages, parks, avenues, public gardens, water reservoirs and etc.).

2. Land in common use of settlements shall not be allocated into ownership. In exceptional cases they may be allocated by the authorized body for fixed-term (temporary) use to natural and legal persons for lease for the period of up to five years.

3. Erection of buildings and construction of lightened type on the land in common use allocated for fixed-term (temporary) use by the authorized body may be allowed.

Article 79. Zoning of the Land of Settlements

1. Zoning is demarcation of territories of settlements aimed at introducing the targeted regime of utilization of such territories.

2. General provisions and principles of land zoning shall be established by the Government of the Kyrgyz Republic.

Article 80. City or Poselok Boundaries

1. City (poselok) boundaries shall mean the external border of city lands which separates them from other categories of land and is identified in accordance with the general plan of a city (poselok) development approved in compliance with the established procedure.

2. City (poselok) boundaries shall be established and altered by the agency approving the general plan of settlements construction project.

3. Inclusion of land plots into boundaries of a city (poselok) shall not entail termination of rights to land plot.

Article 81. Boundaries of Rural Settlements

Boundaries of rural settlements shall be established and altered by the agency approving the general plan of rural settlement construction project.

Chapter fourteen Land of Industry, Transport, Communication, defense, and Other Designation

Article 82. Land of Industry, Transport, Communication and Other Designation

1. Land of industry, transport, communication, and other designation shall mean the land allocated to individuals and legal entities for corresponding targeted use in accordance with the procedure established by this Code.

2. Particularities of use of the land of industry, transport, communication and other designation shall be established by legislation.

Article 83. Land for Defense Needs

1. Land for defense needs shall mean land allocated for location and permanent action of military units, agencies, military educational institutions, and other organizations of military forces and other troops implementing tasks related to defense and security.

2. The authorized agencies may provide certain land plots out of the land allocated for defense needs to persons of the Kyrgyz Republic for temporary agricultural use subject to consent of the Ministry of Defense.

Chapter fifteen Land of Specially Protected Natural Areas

Article 84. Composition of Land of Specially Protected Natural Areas

1. Land of especially protected natural areas shall include land of preserves, natural national parks, reserved areas (except hunting areas), natural monuments, botanical orchards, dendrological and zoological parks, and natural health care territories.

2. These lands may also include land plots where natural complexes and facilities having special ecological, nature protection, scientific, historical and cultural, recreational, medical and health care significance.

Article 85. Legal Treatment of Land of Specially Protected Natural Areas

1. Land of specially protected natural areas shall be subject to the regime of especial protection or regime of regulated economic activities.

2. Treatment of land of specially protected natural areas shall be established in accordance with requirements of legislation on nature protection and other legislation.

Chapter sixteen Land of the Forestry Fund

Article 86. Land of the Forestry Fund

Land of the forestry fund shall mean land covered with forest, as well as land not covered with forest, but allocated for forestry needs.

Article 87. Allocation of Land of the Forestry Fund

Land of the forestry fund shall be allocated for termless (without fixed term) or fixed-term (temporary) use to organizations running forestry holdings, and shall be used by them in compliance with the procedure and conditions established by this Code and by the forest legislation of the Kyrgyz Republic.

Article 88. Allocation of Land of the Forestry Fund for Fixed-Term (Temporary) Use for Agricultural Purposes

Land of the forestry fund may be allocated for fixed-term (temporary) use for agricultural purposes by the Government of the Kyrgyz Republic.

Chapter seventeen Land of the Water Fund

Article 89. Land of the Water Fund

Land of the water fund shall include land occupied with water bodies (rivers, lakes, water reservoirs, channels), glaciers, swamps, hydro-technical and other water facilities, and land allocated as designated strip of land.

Article 90. Use of Land of the Water Fund

1. Land of the water fund may be used for construction and exploitation of facilities for satisfaction of drinking, household, health, and other needs of the population, and for satisfaction of needs of water economy, agriculture, nature protection, industry, fishing, power sector, transport and other needs, provided that there is a permission issued according to the established procedure.

2. The procedure for use of land of water fund shall be established by this Code and by the water legislation of the Kyrgyz Republic.

Article 91. Land of Water Protection Zones

1. The area around hydro-technical structures and facilities of rivers, lakes, water reservoirs, channels, water intake and protective structures, near sources of drinking and technical water supply shall be allocated for protective zones in order to secure their normal operation.

2. Land plots included into protective zones shall be used by the persons supervising the protected object.

3. The width of water protection areas shall be established in the procedure determined by the Government of the Kyrgyz Republic.

Article 92. Allocation of Land of the Water Fund for Temporary Use

Land of the water fund may be allocated for fixed-term (temporary) use for agricultural, forestry, fishing, hunting, and other needs subject to the decision of the Government of the Kyrgyz Republic.

Chapter Eighteen Land of Reserve

Article 93. Land of Reserve

1. Land of reserve shall be all land which is not allocated into ownership or for use. These lands shall constitute state ownership.

2. Procedure for formation and use of land of reserve shall be developed by the Government of the Kyrgyz Republic and shall be approved by the Legislative Assembly of the Jogorku Kenesh of the Kyrgyz Republic.

Article 94. Allocation of Land of Reserve

Land of reserve supervised by authorized bodies, shall be allocated into ownership or for use for agricultural and other purposes in accordance with the procedure and on terms set forth by this Code.

SECTION IV PROTECTION OF LAND. STATE CONTROL OVER USE AND PROTECTION OF LAND. STATE LAND CADASTRE. LAND TENURE ORGANIZATION

Chapter nineteen Protection of Land

Article 95. Objectives and Tasks of Land Protection

1. Protection of land shall include a system of legal, organizational, economic and other measures aimed at protection of land as a part of environment, rational use of land, prevention of unjustified withdrawal of land from agricultural and forestry turnover, protection against harmful anthropogenic impact, and restoration and raising of soil fertility, and productivity of agricultural and forest land.

2. Land shall be protected by land owners and land users in accordance with the norms and requirements provided by this Code and by legislation on environment protection.

3. Objectives of land protection shall include:

1) prevention of degradation of and damage to top soil and other qualities of land by encouraging the use of nature protection technologies and forest reclamation measures;

2) ensuring improvement and restoration of topsoil;

3) restoration of natural forage land exposed to degradation or damage;

4) observance of the ecological standards.

Article 96. Scope of Land Protection

1. Land plot owners/users shall:
 - 1) rationally use their land plots;
 - 2) restore and raise soil fertility and other qualities of land;
 - 3) protect the land from degrading, water and wind erosion, dirt slides, submerging, bogging up, second salting, condensation, pollution with wastes of production, chemical and radioactive substances, and other destroying processes;
 - 4) protect agricultural and other land from quarantine pests, plant diseases, weed/bush overgrowing, and other types of aggravation of cultural and technical condition of land;
 - 5) re-cultivate damaged land, restore its fertility and other useful qualities, and timely involve the land in economic turnover;
 - 6) cut off, use, and preserve the fertile soil layer in the course of works causing damage to land;
 - 7) envision condemnation of degraded agricultural ugodia unless the soil fertility may be restored by other methods.
2. The procedure for land protection shall be established by the Government of the Kyrgyz Republic.

Article 97. Standards of Admissible Concentration of Harmful Substances in Soil

1. Standards of admissible concentration of chemical, bacterial, parasite, radioactive and other harmful substances, polluting the soil, shall be established to evaluate condition of the land in the interests of health care of people and environment protection.
2. The said standards and the methods of their establishment shall be approved by the Government of the Kyrgyz Republic.

Article 98. Ecological, Health and Hygiene, and Other Special Requirements to Location, Design, Construction, and Operation of Facilities, Structures, and Installations Affecting the Condition of Land

1. In the event of location, design, construction, and operation of new and reconstructed facilities, structures and installations, and introduction of new technologies, measures on land protection fostering observance of ecological, health and hygiene and other special requirements (norms, rules, standards) must be envisioned and taken.
2. Facilities negatively affecting the condition of land may be located in accordance with special ecological justification and shall be coordinated with the nature protection and other agencies in compliance with the procedure established by legislation of the Kyrgyz Republic.

Article 99. Condemnation of Land

In cases where the soil fertility of degraded agricultural lands (ugodia), land polluted with chemical or radioactive substances in excess of the established permitted standards, or land contaminated with quarantined pests and plant diseases is impossible to restore, condemnation of land shall be envisioned in accordance with the procedure established by the Government of the Kyrgyz Republic.

Chapter twenty Control over Use and Protection of Land

Article 100. State Control over the Use and Protection of Land

1. State control over the use and protection of land shall be carried out by authorized bodies and other agencies carrying out control over the use and protection of land.
2. Directives of agencies carrying out state control over the use and protection of land within their competence shall be binding upon any land plot owner/user.
3. The procedure for exercising of state control over the use and protection of land shall be established by the Government of the Kyrgyz Republic.

Chapter twenty one State Land Cadastre. Land monitoring.

Land tenure organization

Article 101. State Land Cadastre

1. The state land cadastre is the composite part of the system of state cadastres and is a systematized collection of data and documents on natural and economic characteristics, and on the legal regimes of lands of the Kyrgyz Republic, and their categories. This system in the form of cadastre maps and plans shall include the graphical information about location, size, and boundaries of land plots, texts of description of land composition, quantity and quality of land plots and their appraisal.

2. State land cadastre shall ensure priority of agricultural land over other categories of the land fund of the Kyrgyz Republic, the indices of quality of land which enable to assess the extent of suitability of the land for cultivation of agricultural crops, productivity of agricultural land and their value.

3. Data contained in the state land cadastre shall be the basis upon planning of the use and protection of land, of evaluation of economic activity, and of other measures connected with use and protection of land, upon carrying out land tenure organization.

Article 102. Purpose of the State Land Cadastre

Purpose of the state land cadastre is to provide governing bodies of all levels, individuals and legal entities with information on the quality of land of the entire Republic, of land on the territory of oblasts, rayons, ayl kenesh and on the individual land plot.

Article 103. Maintenance of the State Land Cadastre

1. State Land Cadastre shall be maintained on the basis of this Code and other legal normative acts of the Kyrgyz Republic.

2. State land cadastre shall be maintained through performance of air shooting topographic, photogrammetric, cadastre shooting, exploratory, cartographic and assessment works, soil, geobotanic, and other examinations and explorations, monitoring of land, quality and quantity reckoning of land and other works connected with maintenance of state land cadastre.

Article 104. Basic Principles of Maintenance of State Land Cadastre

Basic principles of maintenance of state land cadastre are as follows:

- 1) integrity of land cadastre system based on the principles of interaction and compatibility with the forest, water and other cadastres;
- 2) complete coverage of the entire territory of the Republic;
- 3) continuity of maintenance of the land cadastre;
- 4) application of the uniform system of cadastre maps and uniform technical conditions of cadastre measurements in the Kyrgyz Republic;
- 5) application of the uniform system of spatial coordinates;
- 6) integrity of the methodology of development of land cadastre information;
- 7) authenticity, clearness, efficiency and documentality of land cadastre information;
- 8) reliability, explicitness and simplicity, actuality, objectivity, economy, accessibility, continuous service period.

Article 105. Agency Maintaining State Land Cadastre

State land cadastre shall be maintained by a specially authorized state agency on use of the land resources in accordance with the uniform system, financed from the budget funds and other proceeds.

Article 106. State (National) Report on Condition and Use of the Land Fund of the Kyrgyz Republic

1. State (National) report on condition and use of the land fund of the Kyrgyz Republic as of January 1 shall be submitted to the Government of the Kyrgyz Republic in the form of text and graphic materials for approval.

2. State (national) report on the condition and use of the land fund of the Kyrgyz Republic shall be made annually and shall include data about quantity and quality condition of lands, their assessment for entire republic and for the administrative and territorial formations, their distinctions by categories, types of ownership and other information.

3. Full report on land cadastre shall be made every five years.

Article 107. Land Cadastre Documentation

1. Land cadastre documentation shall include:

- 1) documents describing location, quantity and quality condition of lands, allocated into ownership or for use;
- 2) land cadastre records of ayl okmotu, rayon, town, oblast, Bishkek city, and the Republic.

2. Land cadastre documentation shall also include the cartography (cadastre maps and plans), examination and other materials containing data about the borders of administrative and territorial formations and their value.

Article 108. Data Included in Land Cadastre Documentation

1. Land cadastre record shall contain the following data:

- 1) name of an owner or user of the land plot;
- 2) the square of the land plot;
- 3) type of ownership or use to the land plot;
- 4) targeted purpose of the land plot;
- 5) easements of the land plot;
- 6) divisibility or indivisibility of the land plot;
- 7) code and number of the land plot;
- 8) composition of lands;
- 9) qualitative characteristics of lands;
- 10) and other data.

2. While maintaining the state land cadastre the data of state registration of rights to immovable property, data from the forest, water, town-planning and other cadastres which contain the data about land shall be used.

3. Ministries, state committees, administrative agencies, enterprises, organizations, institutions, individuals and legal entities shall provide free of charge the data indicated in this article for the purposes of maintaining state land cadastres.

Article 109. Registration of the Quantity and Quality of Lands

1. The registration of the quantity and quality of lands shall be made in accordance with their actual state and use. All changes shall be recorded after their actual happening on the land. The data of lands registration shall be recorded in the state land cadastre book with respect to each land plot.

2. The inventory data shall be sorted by land plots, places, ail okmotu, rayons, oblasts and by the whole of the Republic.

3. Inventory of the quantity of lands by the land plots shall be made by geodesic and (or) cartometric methods depending on the sizes of the land plots, their value and the required rate of the measurement accuracy.

4. Registration of the quality of lands shall include natural and agricultural zoning, grouping, classification and soil and land judgment, their description as to agri-economic, ecological, technological and town-planning features.

5. The required information on the sizes, location, quantity, quality and composition of lands shall be recorded in the course of their initial registration, and the changes happening in the composition of lands, their quality and type of use, shall be found out in the course of current registration of lands, soil study and salt analysis, geobotanic study and land monitoring.

6. The main inventory of lands shall be made periodically, as the changes in the borders, location, state and nature of use of the land plots are accumulated substantially in certain locality, with compulsory renovation of the map-plan basis of the corresponding scale, conduct of lands inventory, soil, geobotanic and other studies of the lands monitoring.

7. The bodies of state registration must timely submit to the agencies, responsible for maintenance of the State land cadastre, the authentic information on changes on the land plots.

Article 110. Soil Judgment

Soil judgment shall characterize the qualitative state of lands and shall be used as a basis for development of measures to raise soil fertility, determination of the value appraisal (normative price) of a land plot and for other purposes.

Article 111. Value Appraisal (Normative Price) of Lands

1. Value appraisal (normative price) of lands of all categories shall be produced with the help of system of in-kind and value indices. Value appraisal (normative price) of lands shall be performed in the procedure established by legislation.

2. Value appraisal (normative price) of lands of different target designation shall be performed for establishment of the level of efficiency of their use, calculation of the land tax rates, starting price of the land plots in the event of their sale at the auction, reimbursement of losses and damages in the event of withdrawal of lands for state or public needs.

3. The data about value appraisal (normative price) of the lands shall constitute the land appraisal information.

Article 112. Land Cadastre Book

The land cadastre book shall be the primary document on the state registration, inventory and evaluation of lands and shall contain all the necessary information to determine the location, targeted use, right of ownership for the land plot or the land use right; it shall be the source of information on the quantitative and qualitative state and evaluation of a land plot.

Article 113. Cadastre Survey

The cadastre survey shall be one of forms of topographic survey to be carried out in order to establish the borders of land plots, to coordinate them and reflect them at cadastre maps and plans. The cadastre survey shall be performed by air-photo-topographic, photogrammetrical or by ground methods in scales conditioned by the size of the land plot in accordance with the technical requirements established for the performance of topography and geodesy works. The cadastre survey shall include the soil, geobotanic, reclamation, agrochemical and other special studies, surveys and researches.

Article 114. Land Cadastre Maps and Plans

1. The cadastre maps and plans shall be a composite (graphical) part of the land cadastre.

2. Preparation and maintenance in proper state of the cadastre maps and plans in the Kyrgyz Republic shall be made in accordance with legislation of the Kyrgyz Republic.

3. The cadastre maps and plans shall be prepared and updated both in traditional analog, and in electronic formats.

4. Depending upon the level of maintenance of the State land cadastre the following cadastre maps and plans shall be created and maintained in controlled state:

1) the cadastre map of the Kyrgyz Republic reflecting the borders and codes of the oblasts and Bishkek;

2) the cadastre map of the oblast reflecting the borders and codes of the administrative rayons and towns of oblast (rayon) jurisdiction;

3) the cadastre map of Bishkek reflecting the borders and codes of administrative rayons inside the city;

4) the cadastre map of administrative rayon, town of the oblast (rayon) jurisdiction reflecting the border and codes of inventory quarters;

5) cadastre plan of ayil kenesh with reflection of borders and codes of land plot owners/users;

6) the cadastre plan of the inventory quarter reflecting the borders and numbering of the land plots.

Article 115. State Land Cadastre Information System

1. The State land cadastre information system shall be designed to address scientific and practical issues (inventory, evaluations, planning, prognosis, land reserves management, etc.).

2. The State land cadastre land information system shall be subdivided: by designation - into multipurpose and specialized; by territorial coverage - into local (rayon, town), regional and republican.

Article 116. Use of Land Cadastre Information

1. Land cadastre information shall form the aggregate of land registration, land appraisal information and shall be designated for use by the bodies of state power and governance of all levels, as well as by all interested individuals and legal entities.

2. The data of state land cadastre shall be subject to compulsory application upon use, restoration and protection of lands, allocation and withdrawal of land plots, determination of rent payment for land, conducting land tenure

organization, assessment of economic activity and performance of other measures connected with use and protection of lands.

3. The Government of the Kyrgyz Republic may establish restrictions or prohibition of access to the land cadastre information.

4. The land cadastre information for the bodies of state power and governance financed from the budget shall be provided free of charge, and for other legal entities and individuals - for a fee at prices approved in the established procedure.

5. Information collected for land cadastre shall not be required for legal registration of the right to land.

Article 117. Land Monitoring

1. Land monitoring shall mean a system of constant supervision over the condition of the land fund carried out in order to identify changes, assess them, prevent and eliminate the consequences of negative processes on a timely basis.

2. Monitoring of lands shall be conducted by the state body on use of land resources, state body on environment protection from the funds of the state budget.

3. The structure, content, and procedure for land monitoring shall be established by the Government of the Kyrgyz Republic.

Article 118. Land Tenure Organization

1. Land organization shall include the system of measures directed at organization of rational use and protection of lands, creation of favorable ecological environment and improvement of natural landscape.

2. Land organization shall be implemented by the specially authorized state agency from the funds of the republican and local budgets, as well as other proceeds.

3. Development of land organization projects may be conducted at the application of the owners of the land plot or land users at their expense by the legal entities having the license for conduct of land organization works or specially authorized state agency.

4. The procedure and content of conducting land organization shall be approved by the Government of the Kyrgyz Republic.

Chapter twenty two Settlement of Land Disputes and liability for Violation of Land Legislation

Article 119. Land Disputes

1. Disputes ensuing from land legal relations shall be settled by the authorized state body which has allocated the land plot. In case of disagreement with the decision of the authorized state body the land disputes shall be settled in judicial procedure.

2. Settlement of land disputes connected with allocation, withdrawal and termination of the right to land plot shall be decided only by court.

Article 120. Liability for Violation of Land Legislation

Officials, land plot owners and land users shall bear civil, administrative, and criminal liability set forth by legislation of the Kyrgyz Republic for violation of land legislation.

The President of the Kyrgyz Republic A.Akaev

Adopted by the Legislative Assembly
of the Jogorku Kenesh of the Kyrgyz Republic on April 30, 1999

Signed by the President of the Kyrgyz Republic on June 2, 1999