A. Land administration

Goskomzemgeodezkadastr is the mapping and cadastral authority. In Uzbekistan, other State bodies do not engage in land accounting and do not have a land database.

The geodetic base of Uzbekistan is implemented as a State geodetic network. The State levelling grid contains established geodetic coordinates, heights and gravimetric measurements, which serve as starting points for other geodetic, levelling and gravimetric networks, as well as for geodetic work and topographic and other surveys.

Uzbekistan has complete map coverage, and its national maps are maintained by Goskomzemgeodezkadastr using the established scale range for topographic maps and plans. The basic scale for topographic maps of irrigated land is 1:10,000; for the rest of the territory, it is 1:25,000. For urban areas, the primary scale of topographic maps is 1:2,000, while for urban development it is 1:500. The accuracy of topographic maps and plans corresponds to a graphical accuracy of 0.2mm on the scale of the map or plan.

Uzbekistan also has a single system of 20 State Cadastres, created as a Geographic Information System (GIS). There are cadastral layers for:

- Cartographic base
- Land
- Subsoil
- Water
- Forests
- Buildings and structures
- Roads and railways
- Transmission pipelines
- Communication objects
- Energy facilities
- Waterworks
- Protected nature areas
- Production and consumption waste
- Flora and fauna
- Historical and cultural heritage
- Zones of high natural and manmade hazards

Cabinet Resolution No. 1 of 7 January 2014 states that from 2015, an account of land plots will be kept in the land cadastre book. This will contain general information on land users, land composition and quality of farmland, as well as its standard cost; particular importance is to be given to irrigation conditions. In the future, the land cadastre book will become part of the Integrated Information System of Cadastre and Registration of Real Estate, currently under development.
A cadastral register held at district land registry level contains the following information:

- Record number
- Land parcel cadastre number
- Name of the juridical or real person - rights holder
- Parcel postal address
- Type of the right to parcel
- Name of right constituting document, authority/organization and date of issue
- Parcel purpose
- Restrictions of rights to parcel
- Servitude
- Coordinates of the parcel’s centre
- Parcel area in hectares or in m²
- Cadastre assessment as of … (date) – soil score
- Cadastre assessment as of … (date) – value in UZS
- Information about buildings and structures
- Taxation zone, coefficients, date
- Disputable issues, date
- Detailed documentary information and its availability (# of cadastre documentation)

Cabinet Resolution No. 1 of 7 January 2014 also approved a form for the unified State registration of property rights. This ensures maintenance of land rights records, buildings, structures, apartments (flats) and perennial plantings. This registry, as well as the land cadastre book, also will be part of the new Integrated Information System of Cadastre and Registration of Real Estate.

All regions of the country are divided into register zones, housing estates and quarters. To identify the location of a land plot, a national cadastral division system is used, and each land plot is assigned a unique 21-digit cadastral number. This identifier specifies the region, administrative district, cadastral zone, cadastral array, cadastral block and land parcel, as well as whole or partial buildings or structures within it.

Ministries and departments provide information to the territorial bodies of Goskomzemgeodezkadastr on:

- Real estate transactions, within two days of transaction registration;
- Homes and other buildings or structures that are subject to demolition; the territorial bodies of the Goskomarkhitektstroy provide this within two days of the relevant public authority decision
- Restrictions on transfer of property and liens imposed against it, provided within two days by the Department of Enforcement of Judgments, court logistical and financial support under the Ministry of Justice, bodies of prosecution, and the Interior and National Security Service
- Status of property and land tax (single land tax) debt, provided by the State Tax Committee according to established requirements to restrict access to information in real time

Applications to update the cadastral register can use the web-based service "Uzbek Land Register," introduced by Goskomzemgeodezkadastr in 2011. This provides cadastral and registration services using a one-stop-shop principle and encompasses:

Five types of online public service are available through the website. It contains information on:

- Land resources
- State registration of rights to real estate
- Order and composition of documents submitted for State registration rights to land plots
- Order and content of documents submitted for State registration of rights to buildings and structures
- Natural/geographical conditions and the historical/cultural heritage of the Republic of Uzbekistan

Real estate buyers can register online with an e-signature, obtained through the Digital Key Registration Centre. Although application for registration is electronic, it still must be supported by documentation sent separately by post.

The Presidential Decree “On measures for further development of the National Information and Communication System,” dated 27 June 2013, Number PP-1989, establishes the integrated cadastre information system. Real estate registration follows from this, given standardization of data collection and processing as well as the creation of a National Geographic Information System being implemented from 2013 to 2017 as part of e-government system components.

Where it is discovered that the cadastre is incorrect, it can be corrected by supporting documents from an authorized official. Complaints must be submitted in writing to the central office of the Committee, which reviews them, then sends them to the relevant departments. Some complaints are considered by committee experts on-site, and in some cases they are sent to regional offices for consideration. Correction of legal errors and compensation for losses caused by land registry errors can be recovered only by a court order, and only if employees of Goskomzemgeodezkadastr were at fault.

The State registration of property title or rights is mandatory under Paragraph 8 of the “Regulations on the procedure of State registration of rights to immovable property and transactions with them.” This was ratified by Cabinet Resolution No. 1 of 7 January 2014. This states, “Legal and natural persons who own or have interest in immovable property, or their authorized representatives, must inform the agency carrying out local State registration. This must be done within one month after emergence, transfer, limitation or termination of the right of ownership or other interest in immovable property, or change in the legal status of the real estate.” Even so, the State land cadastre is not yet complete; no data exists on many land plots, and a full record is not always kept in cities and towns.

For any country, land registry is always a sensitive subject, and the rules vary between countries. The Uzbekistan register is not open to public inspection, but Goskomzemgeodezkadastr shares information with law enforcement agencies and other public authorities. Article 84 of the Civil Code states: “The body carrying out State registration of real estate rights and transactions is obliged to provide information on any person’s registrations and rights. This information is available from any office responsible for real estate registration, regardless of the actual place of registration.”

Because the register is semi-closed, there is no business case for it to be transparent in its dealings. However, if private ownership of land should become the norm in Uzbekistan, the role of
Goskomzemgeodezkadastr will become much more significant. In that case, a cadastral agency using a private land ownership model will need to be supported by a strong legal framework, as well as robust institutional and technological infrastructure.

B. Land use

The 1998 Land Code establishes the following principles for land use in Uzbekistan:

- Establishment of a fund set up to improve land quality and soil fertility as a vital natural resource
- Ensuring of sound, effective and targeted use of land
- Provision of State and other support to improve the fertility of reclaimed agricultural land, along with land conservation
- Prevention of damage to the natural environment, thereby providing environmental security
- Promotion, through various forms of ownership and land use, of equality of participants in land relations, including protection of their legitimate rights and interests
- Payment for land use
- Provision of a complete record of State land, with full access to information

Two State committees share responsibility for effective land management, but have different mandates; these are the State Committee for Nature Protection, and Goskomzemgeodezkadastr. The State Committee for Nature Protection exercises State control over land pollution and other industrial waste, chemical effluents and radioactive substances, as well as over sewerage. It also is responsible for general land use and environmental protection, as well as for protection of recreational and water-resource land. For its part, Goskomzemgeodezkadastr exercises State control over land use policies not covered by the State Committee for Nature Protection.83

Since Uzbekistan’s independence in 1991, the law has remained rooted in its former Soviet history. Land use is directed by the State at central and local levels to ensure productivity of crops essential to the national economy, such as cotton and wheat. Farmers have land use rights granted by khokimiyat officials based on highest bids, and tied to successful productivity. These rights may be either:

- The right of inheritable possession of land for individual housing construction or dekhan84 (small) farming
- Tenants’ rights to lease the land, unless otherwise provided by contract or by law

According to Part 5 of Article 24 of the Land Code, land leased out cannot be sold, mortgaged, given away or exchanged. Only the right to lease the land can be offered as surety against a loan, and then only with the consent of the landlord, unless the law or lease agreement states otherwise.

The inability to have secure tenure, transfer leases or use them as a source of credit all represent serious investment impediments, for example, with regard to farming equipment upgrades, soil quality improvements and general farm innovation. Meanwhile, a growing rural population and a declining

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83 Goskomzemgeodezkadastr.
84 According to USAID in Uzbekistan, since 1999 the term dekhan is used for a formalized form of household (plot) farm, which employs the household labour force, and for the private plot given to the head of household. At the same time, State ownership of land remains unchanged, with only different forms of leaseholds in place. Available from http://pdf.usaid.gov/pdf_docs/PNADC874.pdf (accessed 5 May 2015).
agricultural sector have led to increased inequality between rural and urban areas, which create challenges in addressing low living standards. According to the World Bank, in 2013 14.1 per cent of the population lived below the poverty line, of whom 57.4 per cent lived in rural areas.

Table 14
Land categories of Uzbekistan, as at 1 January 2013

<table>
<thead>
<tr>
<th>Number</th>
<th>Categories of land resources</th>
<th>Total area (thousand hectares)</th>
<th>Including irrigated land</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>Ratio (percentage)</td>
</tr>
<tr>
<td>1</td>
<td>Agricultural land*</td>
<td>20,481.1</td>
<td>46.12</td>
</tr>
<tr>
<td>2</td>
<td>Settlement land</td>
<td>214.1</td>
<td>0.48</td>
</tr>
<tr>
<td>3</td>
<td>Lands used for industry, transport, communication, defence and other purposes</td>
<td>914.5</td>
<td>2.06</td>
</tr>
<tr>
<td>4</td>
<td>Lands used for nature protection, health improvement and recreational purposes</td>
<td>75.9</td>
<td>0.17</td>
</tr>
<tr>
<td>5</td>
<td>Lands used for historical and cultural purposes</td>
<td>6.2</td>
<td>0.01</td>
</tr>
<tr>
<td>6</td>
<td>Forestry fund lands</td>
<td>9,636.9</td>
<td>21.70</td>
</tr>
<tr>
<td>7</td>
<td>Water fund lands</td>
<td>831.4</td>
<td>1.87</td>
</tr>
<tr>
<td>8</td>
<td>Land reserve</td>
<td>12,250.2</td>
<td>27.59</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>44,410.3</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Agricultural land use = arable land, 10.83 per cent; permanent crops, 0.83 per cent; other, 88.34 per cent (2001).

Source: Goskomzemgeodezkadastr.

A discussion of Uzbekistan land use would be incomplete without the mention of the critical issue of water and irrigation. Eighty per cent of the country is classified as desert or semi-desert, and of 20.5 million agricultural hectares, only 4.2 million are irrigated land. Therefore, a lack of access to water has a strong influence on Government land policy and the issue of land privatization. However, in some cases evidence is emerging that unaccountable and opaque land allocation processes have led to valuable agricultural land being taken out of the rural economy for housing construction, leading to economic losses.
C. Land valuation and taxation of real property

Land valuation

According to the UNECE publication “Land Administration Guidelines With Special Reference to Countries in Transition” (1996), “In countries of East and Central Europe currently in transition, the cadastral system was based on the Russian model and focused on land use. Land was ‘valued’ in terms of its agricultural potential, based on soil types, climate, rainfall, etc., and the farmers were then instructed to grow appropriate crops. This concept of the term ‘value’ is only indirectly connected with the sort of valuations that are needed to manage land in a market economy.”

This principle may explain why Uzbekistan’s Land Code has no information on land valuation, making information difficult to obtain. No information about valuation methods was received, although national experts confirmed that “determination of standard value of farmland is done by the State Research and Design Institute Uzdaverloyikha, employing the income method.”

According to Articles 27 and 55 of the Land Code, rights on inheritable possession of up to 0.04 hectares for individual housing construction or 0.06 hectares for dekhan farming are sold via formal auctions held by khokimyat officials. Interviews on-site showed that newly built detached houses (part of the State Programme on Construction of Model Detached Housing in Rural Areas; see also Chapter IV), are valued based on recovery of project costs, not on construction and land costs.

Land taxation

According to the Tax Code, legal entities and individuals pay land tax, while agricultural producers pay a single tax on land.

The tax is paid on land plots that are:

- Provided in lifetime inheritable possession for dekhan farming
- Provided in lifetime inheritable possession for individual house construction
- Provided for collective gardening, viticulture and horticulture, as well as for individual garages
- Provided for employment-related land allotment
- In ownership, possession and use, together with the dwelling-house and buildings, by inheritance, gift, or as a result of acquisition
- Legally acquired as private property
- Provided for use, or lease, for entrepreneurial activity

The taxable base is the land area recorded by the State authority registering rights to real estate. It is determined by the standard taxable land value, set by Goskomzemgeodezkadastr. Land tax rates, and the single land tax, are set annually by Presidential Decree. Legal entities using agricultural land and opting not to pay a single land tax calculate their land tax based on the area of land and the quality of agricultural irrigated land.

Land tax for non-agricultural land is based on the area and location of the land plot. Towns and cities are divided into zones, by availability of utilities and social infrastructure, for which different tax rates

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are approved. Thus, Tashkent is divided into five zones, smaller cities into four, towns into three and villages into two.

The Tax Code provides a system of benefits for taxpayers of land tax and the single land tax.

Calculation of property tax payable is based on cadastre information. The volumes of real estate objects that have been valued for taxation purposes are shown in Table 15.

<table>
<thead>
<tr>
<th>Object type</th>
<th>Quantity (thousands)</th>
<th>Percentage of total taxable property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments in cities</td>
<td>1,049.8</td>
<td>98.5</td>
</tr>
<tr>
<td>Apartments in rural areas</td>
<td>111.4</td>
<td>93.0</td>
</tr>
<tr>
<td>Houses in cities</td>
<td>1,603.2</td>
<td>80.0</td>
</tr>
<tr>
<td>Houses in rural areas</td>
<td>1,380.6</td>
<td>68.0</td>
</tr>
<tr>
<td>Commercial premises</td>
<td>156.6</td>
<td>97.5</td>
</tr>
<tr>
<td>Agricultural plots up to 0.35 hectares</td>
<td>2,380.6</td>
<td>68.0</td>
</tr>
</tbody>
</table>

Source: Goskomzemgeodezkadastr.

Based on information provided by national experts, the Uzbekistan land taxation system adheres to international good practices as set out in the UNECE “Land Administration Guidelines with Special Reference to Countries in Transition.” Good practices are defined as:

- Serving clearly defined social objectives
- Raising significant amounts of revenue
- Controlled exclusively by Government authorities
- Administered so that the public understands it and sees it as fair
- Relatively simple and cheap to collect
- Designed to make it difficult to avoid making payments
- Distributing the tax burden equitably across the community
- Encouraging good use of resources

D. Land policy

Land policy is a part of national policy for promoting economic development, social justice, equity and political stability. Land policies associated with land privatization include:

- Security of tenure
- Land markets (particularly land transactions and access to credit)
- Real property taxation
- Sustainable management of land use, natural resources and the environment
- The provision of land for poor people, ethnic minorities and women
• Measures to prevent land speculation and manage land disputes.  

For the Government of Uzbekistan, a key issue is to balance owners' rights with the need to regulate land use in society’s best interests. The Government seeks to protect the land’s productiveness, avoid land speculation and prevent the emergence of landowners who take no active part in land management. It also needs to preserve the principle that land is worthless without water, and that water is a national resource provided through the State irrigation system.

The answer is a national land policy that enables diversity and change, and that will foster more urban and rural prosperity than one tied to a specific economic model.

Land issues can be analyzed horizontally as complexity increases, or vertically, by hierarchy (see Figure XXVII). This hierarchy should be kept sustainable by four principles: economic (profit), environmental (planet), social (people), and good governance. Governance determines if individual people or communities can acquire rights and duties to use land and other natural resources. Land policy, as the most complex land issue, is followed by land management, fulfilling political objectives and achieving sustainable development. It is the process by which a country’s resources are put to good effect.

As already highlighted, since gaining its independence, Uzbekistan has decided not to change to its land policy framework, opting instead in favour of more gradual reforms in the land sector. It has, therefore, largely avoided a complex and volatile transitional phase. Multiple agencies were established, each charged with specific responsibilities and administration of particular land resources. Records kept during Soviet times were dispersed among these independent agencies.

The challenge now is to assist the land policy framework to move away from large-scale, centralized planning toward more of a market economy. At its core, this will involve increasing legal ownership of land by individuals, families and farmers.

In this regard, the Government can benefit from best practices accrued in many other countries’ models, especially in other CIS or former Soviet republics. It will be essential to choose those most relevant for the current situation in Uzbekistan, with realistic policies that preserve aspects of land administration that are important to the nation, but that provide opportunities for more inward investment through greater security of land tenure.

Figure XXVII

Hierarchy of land issues embedded in sustainable development

Land policy
(values, objectives and legal regulatory framework)

Land management
(includes the core functions: land tenure, land value, land use, land development)

Land Administration System

Spatial Data Infrastructure
(access to and interoperability of cadastral and other land-related information)

Land registry & cadastre

Sustainable development
(economic, environmental, social and governance dimensions)