

GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN

RESOLUTION

“ISSUES OF THE STATE LAND MANAGEMENT COMMITTEE OF THE REPUBLIC
OF TAJIKISTAN”

April 19, 2001 № 189 Dushanbe

Following the Decree of President of the Republic of Tajikistan issued on March 14, 2001, № 534 “On the Establishment of the State Land Management Committee of the Republic of Tajikistan”, the Government of the Republic of Tajikistan decrees:

1. Approve of the attached Resolution on the State Land Management Committee of the Republic of Tajikistan, the structure of its central staff and the list of national enterprises and organizations operating with it on the basis of bilateral agreements.

2. Establish the ceiling of the central staff of the State Land Management Committee of the Republic of Tajikistan in number of 76 units (without support staff) and the attached control chart of the State Committee.

3. Authorize the State Land Management Committee of the Republic of Tajikistan to have three deputy chairpersons, including one First Deputy, to form a board of 7 people, and to allot a staff limit of 4 units for motor vehicle servicing.

4. Establish the total staff of province land management committees in number of 34 units, of the city and district land management committees – 239 units.

5. The Ministry of Finance of the Republic of Tajikistan:

together with the State Land Management Committee of the Republic of Tajikistan, within the ten days limit, will define the labor compensation fund and maintenance costs of its central staff, the staff of province, city, and district land management committees;

will authorize to fund province, city, and district land management committees out of the state budget through the State Land Management Committee of the Republic of Tajikistan.

6. Authorize the State Land Management Committee of the Republic of Tajikistan, in accordance with the Land Code of the Republic of Tajikistan, to open a special account in the Central Treasury Office of the Ministry of Finance of the Republic of Tajikistan.

7. Consider the Resolution of the Government of the Republic of Tajikistan issued on February 4, 1999, № 31, “Issues on the State Land Resource and Land Management Committee under the Government of the Republic of Tajikistan” inoperative, with the exception of the approved Regulation on local land committees where all references to the State Land Resource and Land Management Committee under the Government of the Republic of Tajikistan should be replaced by references to the State Land Management Committee of the Republic of Tajikistan, and all references to local land committees to local land management committees.

In the Resolution of the Government of the Republic of Tajikistan issued on July 15, 1997, № 294, “On the Approval of the Regulation on the State Control Over the Use and Protection of Lands in the Republic of Tajikistan” and the approved Regulation on the State Control Over the Use and Protection of Lands in the Republic of Tajikistan as well as in the resolution of the Government of the Republic of Tajikistan issued on July 26, 2000, № 318, “On Introduction of Changes and Amendments in the Regulation on the State Control Over the Use and Protection of Lands in the Republic of Tajikistan” all references to the Land Resource and Land Management Committee under the Government the Republic of Tajikistan should be replaced by references to the State Land Management Committee of the Republic of Tajikistan.

Chairman of the Government
Of the Republic of Tajikistan

E. RAKHMUNOV

Approved by
The Resolution of the Government
Of the Republic of Tajikistan
April 19, 2001, № 189

RESOLUTION
ON THE STATE LAND MANAGEMENT COMMITTEE OF THE REPUBLIC OF
TAJIKISTAN

1. The State Land Management Committee of the Republic of Tajikistan (hereinafter referred to as GOSKOMZEM) is an agency of State administration responsible for the condition and the development of a unified State policy in the area of land regulations and implementation of land reform.

2. GOSKOMZEM performs its authority through local land management committees and surveying engineers from djamoats.

GOSKOMZEM and its province, city, and district land management committees, and in djamoats – surveying engineers, perform their duties under their respective terms of reference determined by corresponding Regulations and forming a unified super-ordinate system of State administration agencies in the area of land management, land use, and land regulations.

GOSKOMZEM performs its activity with State enterprises and organizations the list of which is endorsed by the Government of the Republic of Tajikistan according bilateral agreements.

3. In its activity, GOSKOMZEM follows the Constitution of the Republic of Tajikistan, the Land Code of the Republic of Tajikistan, the active legislation of the Republic of Tajikistan, decrees issued by President and the Government of the Republic of Tajikistan, international legal acts recognized by the Republic of Tajikistan and the present Resolution.

4. Financing of expenditures of GOSKOMZEM central staff and its local land management committees is exercised at the expense of the state budget allotted for state governance.

5. GOSKOMZEM is a legal entity; it has its own independent balance and an indivisible account in the Treasury Department of the Ministry of Finance of the Republic of Tajikistan, a stamp with the representation of the National Emblem and its letterhead.

6. GOSKOMZEM performs its activity in cooperation with other ministries and institutions of the Republic of Tajikistan, executive bodies of provinces, cities, districts, and djamoats, and with other public associations, enterprises, organizations, and citizens.

7. The key tasks of GOSKOMZEM are as follows:

development of an integrated policy and implementation of decisions taken in the sphere of land management, land use, and land regulations;

implementation of State control over an effective use and protection of land resources in accordance with legislation;

implementation of land management, maintenance of the land cadastre and land monitoring;

implementation of State cadastre land evaluation (GRRT № 610 issued 12.30.01);

development and implementation of State programs related to the land regulation, implementation of the land reform, rational use and protection of land resources;

improvement of economic and other methods of land resource management, creation of conditions for an equal development of various forms of land economy;

State registration of the right to land use;

drafting legislative and other normative-legal acts on State regulation of land relations and implementation of the land reform;

advancing proposals to the Government of the Republic of Tajikistan on calling off acts issued by chairpersons of Gorno-Badakhshan Autonomous Province, other provinces, the city of Dushanbe, cities, and districts of the republic contradicting the Constitutions of the Republic of Tajikistan and the laws of the Republic of Tajikistan on land;

promoting implementation of international obligations by the Republic of Tajikistan in the area of land regulation.

8. GOSKOMZEM, in accordance with its terms of reference, participates in the formulation and realization of State land regulation policy and implementation of the land reform;

elaborates, with participation of interested executive bodies, proposals on land resource management and implementation of the land reform;

executes planning of the rational use and protection of lands in cities and other settlements in cooperation with local executive administration (khukumats) and the State Architecture and Urban Planning Agency (GRRT № 60 issued 02. 05.03);

executes land management, conducts land monitoring, maintains the state land cadastre, exercises state control over the use and protection of lands;

develops and submits for approval, in accordance with established order, proposals on the land tax rate, penalty for violation of land legislation, land lease payment and payment for a limited use of land, follows the receipt of land funds and the use of these funds;

determines, in accordance with the legislation, the organizational order of land use, establishes technical requirements to the creation and registration of the land plot plans, and in cities and other settlements, executes these works together with the State Architecture and Urban Planning Agency (GRRT № 60, 02. 05. 03);

issues land plot plans and extracts from the state land cadastre;

exercises state control over the implementation of land legislation, use and protection of lands in accordance with the acting legislation;

drafts proposals on the improvement of regulating mechanisms of land relations and implementation of land reform;

provides methodological improvement of land evaluation works;

exercises state control over land management, implementation of land management activity and provision of the requirements determined by normative-technical documents under the elaboration of the land management documentation (GRRT № 60 issued 02.05.03);

considers and approves of the normative-technical documentation on the design, construction, maintenance, and pricing within its competence;

stands as State client and executor for the realization of designed, exploration, scientific-research and other works related to the implementation of land reform, land management, maintenance of the land cadastre, land monitoring;

creates an information system required for the realization of a complex of works related to the implementation of land reform, maintenance of the land cadastre, land monitoring, land management and other works providing a rational use and protection of lands;

in accordance with established order, executes scientific-technical cooperation with research institutions and organizations of the republic and foreign organization on the issues of land reform and other problems related to the protection and rational use of lands;

coordinates implementation of land management works, aerial photography and aerial phototopography, geodesic and other surveys for land management, land monitoring, maintenance of the land cadastre and other works related to the protection and rational use of land resources;

maintains a database and ensures preservation of planning and mapping materials in a raster and digital format for the maintenance of the land cadastre, land management and land monitoring;

exercises control over a proper use of funds received by way of compensation related to negative profits of agricultural and forestry production, land use fees and other funds allocated for land management and land use in accordance with the legislation;

exercises operational management of state property;

participates in drafting proposals on the conservation of contaminated and degraded lands;

organizes inventory of all categories of land, identification of unused lands and establishment of a special land fund for its further reallocation;

in accordance with approved decisions, organizes land surveys accompanied by identification (restoration) of local administrative-territorial boards, land use boards and its technical design;
organizes publication of thematic maps, chart atlases of land status and land use;

establishes land survey orders and control over technical requirements to the land survey, protection of the survey network points and landmarks, and, in cities and other settlements these works are carried out together with the State Architecture and Urban Planning Agency (GRRT № 60 issued 02.05.03).

develops and implements programs and plans on training, retraining and professional development of management staff, industrial, scientific and lower structures;

in accordance with established procedure, identifies costs for survey, aerial photography, cadastre and other land management works of state enterprises and organizations related to research and management of land use and protection implemented at the expense of budgetary and non-budgetary funds;

develops and approves, in accordance with established procedure and in a agreement with interested ministries and institutions, norms, rules and regulations, methodologies and instructions on the issues related to the state management of land relations;

in accordance with established legislative procedure, creates, reorganizes and liquidates enterprises and organizations within its system;

processes and prepares materials on the preliminary agreement on the location of objects, allotment, securing and re-securing of land;

provides an improved accounting system, reporting and state statistics in the area of land management;

provides, within the limits of allocated funds, financial, logistical and technical support to province, city, and district committee, enterprises and organizations within its system;

exercises, in accordance with established procedure, control over financial and economic activity of province, city, and district land management committees;

within its terms of reference, organizes and promotes implementation of legislative acts on land, exercises systematic control over their realization, develops proposals on the improvement of land legislation, and, in accordance with established procedure, submits them for approval of the Government of the Republic of Tajikistan;

exercises such other functions resulting from the tasks allotted to GOSKOMZEM.

9. Within its competence, GOSKOMZEM has the right to:

request and receive from ministries, institutions, local executive bodies, enterprises, organizations and land-users free documents and materials required for the implementation of tasks allotted to GOSKOMZEM;

order compulsory instructions on the elimination of identified violations of land legislation;

take a free legal recourse on the violation of land legislation, including recovery of penalty imposed by court;

submit proposals to the Government of the Republic of Tajikistan on the abatement of acts issued by chairpersons of the Gorno-Badakhshan Autonomous Province, other provinces, the city of Dushanbe, cities and districts of the republic contradicting the Constitution of the Republic of Tajikistan and legislation of the Republic of Tajikistan on land;

suspend any type of construction, exploitation of minerals and peat, maintenance of objects, forest amelioration, geological exploration, search activities, geodesic and other works if carried out with a violation of land legislation, including the absence of the land use clearance Certificate;

present to respective organizations compulsory instructions on the termination of funding (crediting) for the construction and maintenance of objects and implementation of other works carried out with a violation of land legislation;

apply to court on the issues relating to an abatement of acts issued by executive bodies and contradicting land legislation, as well as on reparation of damage and a negative profit of agricultural production;

issue licenses for implementation of land evaluation works (GRRT № 60 issues 12.30.01);
within its terms of reference, develop and endorse normative documents and issue instructions which are compulsory for implementation by land-users;
provide information on land management and land management documentation in accordance with established procedure (GRRT № 60 issued 02.05.03);
determine amounts, order, deadline and forms of payment for the provision of land management information (GRRT № 60 issued 02.05.03);
in accordance with established procedure, bring persons offending land legislation to administrative responsibility;
check up, in accordance with established procedure, on the implementation of land legislation requirements on enterprises, institutions and organizations, including military and defense objects, objects of internal affairs and security;
involve experts from executive bodies, institutions, organizations (by approbation of their management) to review the issues relating to the use of the national Land Fund depending on their area of expertise;
in accordance with established procedure, represent the Republic of Tajikistan in international and foreign organizations;
convene forums with respect to its area of expertise;
in accordance with established procedure, participate in establishing of non-for-profit organizations operating in the area of land reform;
in order to implement its allotted functions, carry out such other duties that are in compliance with the existing normative acts.

10. GOSKOMZEM is headed by Chairman appointed and relieved from his duties by President of the Republic of Tajikistan. At the same time, Chairman performs duties of Chief State Inspector on the use and protection of lands of the Republic of Tajikistan.

Chairman has deputies, including one First Deputy, appointed and relieved from duties by the Government of the Republic of Tajikistan as advised by Chairman. At the same time, Chairman deputies are deputies of Chief State Inspector on the use and protection of lands of the Republic of Tajikistan.

11. GOSKOMZEM Chairman:

performs general management of GOSKOMZEM:

issues decrees and resolutions with respect to his terms of reference;

establishes personnel arrangements, cost estimates of GOSKOMZEM central staff within the range of the approved number of staff, of its structure, labor compensation fund and fund allocations, charters of national enterprises and organizations operating within bilateral agreements with the State Land Management Committee of the Republic of Tajikistan, as well as provisions on structural units of central staff (GRRT № 60 issued 09.05.03);

in accordance with established procedure, appoints and relieves central staff;

determines terms of reference and the extent of responsibility of his deputies and heads of structural units of central staff;

appoints and relieves, in accordance with established procedure, heads of structural units of central staff;

in accordance with established procedure, appoints and relieves from duties heads (deputy heads) of national enterprises and organizations operating on agreements with GOSKOMZEM; signs, changes, and cancels contracts with these heads (deputy heads);

implements such other duties in accordance with the legislation of the Republic of Tajikistan.

12. GOSKOMZEM signs bilateral agreements with national enterprises and organizations according to the list endorsed by the Government of the Republic of Tajikistan.

Agreements for each economic agent define:

- its management status;
- level of its financial and managerial independence;

- working standards and criteria, as well as accountability of its management;
- reporting structure, property evaluation and depreciation;
- annual financial and production planning variables.

GOSKOMZEM Board regularly hears reports prepared by heads of national enterprises and organizations on the implementation of agreements, realization of endorsed long-term plans and programs.

13. GOSKOMZEM forms a Board consisting of Chairman of GOSKOMZEM (Chairman of Board), deputy chairmen of GOSKOMZEM (by virtue of their positions) and other lead central staff, territorial bodies and other organizations. The number of Board, approval and release from duties of Board members (except Board members by virtue of their position) is identified by the Government of the Republic of Tajikistan on the advice of GOSKOMZEM Chairman.

Board discusses at its meetings the most important issues of GOSKOMZEM activity. Board decisions are implemented through decrees and resolutions.

14. The analysis, processing of scientific and technical problems of land management, land use, and land regulations, as well as taking justified decisions on these issues require establishing a scientific-technical council headed by Chairman of GOSKOMZEM. The composition of this council and its provisions are approved by Chairman of GOSKOMZEM.

GOSKOMZEM can establish other consultative bodies. Their composition and provisions are approved by Chairman of GOSKOMZEM.

Approved by
Resolution of the Government of
The Republic of Tajikistan
April 19, 2001 № 189

STATE LAND MANAGEMENT COMMITTEE OF THE REPUBLIC OF TAJIKISTAN CENTRAL STAFF STRUCTURE

1. Management
2. General Office of State Land Management
3. Department of Elaboration of a Unified Land Policy
4. Department of Cadastre, Monitoring, and State Land Registration
5. Department of Accounting, Planning, and Financing of Land Management Works
6. Department of External Economic Affairs, Information, and Analytical Works
7. Administration
8. Unit of Economic Evaluation of Land and Payments
9. Legal Unit
10. Personnel Department

Approved by
Resolution of the Government of
The Republic of Tajikistan
April 19, 2001 № 189

STATE LAND MANAGEMENT COMMITTEE OF THE REPUBLIC OF TAJIKISTAN CONTROL CHART

1. State Land Management Committee of the Republic of Tajikistan
2. Province land management committees
3. Kuliab regional land management committee
4. Dushanbe city land management committee
5. City district committees on land management of cities and districts of republican subordination

6. City district committees on land management of cities and districts of province subordination
7. Djamoat Surveying Engineers

Approved by
Resolution of the Government of
The Republic of Tajikistan
April 19, 2001, № 189

LIST OF NATIONAL ENTERPRISES AND ORGANIZATIONS OPERATING IN
COORDINATION WITH THE STATE LAND MANAGEMENT COMMITTEE OF THE
REPUBLIC OF TAJIKISTAN ON THE BASIS OF BILATERAL AGREEMENTS

1. State Design Institute on Land Management “Tojikzaminsoz:
2. Design and Research Institute “Fazo”
3. National Unitary Enterprise “Markaz-Zamin”