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OVERVIEW OF THE STUDY

The scope and methodology of writing this report was determined in accordance with the terms of the Outline for Reports on SDG Target 1.4 provided by ANGOC as a guide, and was adapted to the conditions of the Kyrgyz Republic.

The report was based on previous case country land monitoring report initiated by Land Watch Asia (2018) and the country scoping paper: A Scoping Study on National Statistics Committee of the Kyrgyz Republic in the context of SDG Indicator 1.4.2 (2018).

The methodology for writing the report included the following stages:

Stage 1: Desk research
- Review and analysis of the legal and regulatory framework governing the management and use of land resources in the Kyrgyz Republic;
- Collection and study of statistical data, review of basic legal and reference information, study of other reports and research in this area; and,
- Study of documents or materials about the SDGs in the Kyrgyz Republic.

Stage 2: Conducting consultation meetings to receive proposals from stakeholders and address missing information
- Organized a meeting with focus groups participated by representatives from NSC KR, KAFLU, Kyrgyz Zhaiyty, RDF, and NES Kyrgyzstan; and,
- Organized two round table discussions (in the South - 31 participants and in the North - 38 participants) with a representative of ILC Asia, water users, forest users, pasture users, and representatives of the MAFPM.

Stage 3: Synthesis/Analysis of all information and data obtained
- All suggestions and comments received were properly integrated into this report.

Stage 4: Submission of the report at the regional level
- Presentation of the draft report to the LWA Land Monitoring Working Group Members; and,
- Finalization of the report.

COUNTRY EFFORTS TO ACHIEVE SDG TARGET 1.4

National policy framework

The Kyrgyz Republic is committed to implementing the UN 2030 Agenda for Sustainable Development. Sustainable Development Goals (SDGs) are included in government policy and are reflected in:¹
- The National Development Strategy of the Kyrgyz Republic for 2018 to 2040; and,

¹ VNR to achieve the SDGs in the Kyrgyz Republic, 2020

The National Development Strategy of the Kyrgyz Republic for 2018 to 2040 is the main strategic document that defines targets and reflects a common vision of the future, showing the main direction of the country’s development for 2018 to 2040.

The quality and standard of living, the rights and obligations of a person are at the center of State policy. The strategy is aimed primarily at creating an environment for human development, unlocking the potential of everyone who lives in our country, and ensuring her/his well-being.

The Kyrgyz Republic adheres to a global commitment to “leave no one behind,” with a special focus and priority attention on the most vulnerable groups of the population.

Full and equal participation of women in management at all levels of decision-making in political, economic, and public life is ensured in Kyrgyzstan. State programs are being implemented aimed at achieving gender equality and eliminating the imbalance between the opportunities of women and men (National Development Strategy of the Kyrgyz Republic for 2018 to 2040).

The main strategic directions of the National Development Strategy of the Kyrgyz Republic for the period 2018 to 2040 are:

- Person - family - society;
- Economic well-being and quality of the development environment; and,
- Public administration.

Land rights are secured through the strategic direction Public Administration, clause 4.3. Rule of Law — that describes that the justice system will be the personification of justice in the State. By 2040, an independent justice system will be built in Kyrgyzstan, which will comprehensively ensure the protection of a person and his legal rights, guarantee the inviolability of property, creating the best conditions in the region for business development. Judicial protection will be available and the system will be transparent.

Poverty reduction is reflected in the strategic direction through:

- “Person - family – society,” which states that in 2040 a citizen of the Kyrgyz Republic has the potential to ensure a decent standard of living for herself/himself and her/his family. S/He is able to adapt to the conditions of a changing world and has the ability to responsibly choose her/his life path in her/his country and abroad;

- “Economic prosperity and quality of the environment for development,” which states that the development of the country’s economy will make it possible to level the standard of living of the population in cities and villages, and improve the provision of State and municipal services. Through the development of small and medium-sized businesses and the creation of productive jobs, employment and stable income will be provided. The economy will also be balanced in terms of regional development.

The leading benchmark for the Development Program of the Kyrgyz Republic for the period 2018 to 2022 “Unity. Confidence. Creation” is a long-term vision until 2040, allowing the maintenance of a clear framework, taking into account global challenges, opportunities, and national interests. The program is focused on
maintaining continuity and consistency on those results of the implementation of the National Strategy for Sustainable Development of the Kyrgyz Republic for the period 2013 to 2017, which remain important and/or have not achieved the desired result.

In this program, the rights to land are not directly reflected. However, the most important priority is to provide guarantees of security and justice for all Kyrgyzstanis, including landowners and land users. The result of the Government’s efforts in this area should be the effective application of the concept of protecting a person and citizen, which should prevail over the concept of protecting the system of power.

The priority measure of the next five-year development cycle, in order to protect the individual and ensure public order, will continue the restructuring of the law enforcement system, despite possible internal resistance.

**Mechanisms for SDG Coordination**

In accordance with the Resolution of the Government of the Kyrgyz Republic “On the Coordination Committee for Adaptation, Implementation and Monitoring of Sustainable Development Goals until 2030 in the Kyrgyz Republic” dated 22 December 2015, No. 867, a Coordination Committee for Adaptation, Implementation and Monitoring of the SDGs until 2030 was formed in the Kyrgyz Republic.

The said Committee is an advisory body that coordinates the activities of State bodies, plenipotentiary representatives of the Government of the Kyrgyz Republic from the regions and local self-government bodies, and representatives of civil society involved in adaptation, implementation and monitoring activities to achieve the SDGs.

It is composed of representatives of State executive authorities, Committees of the Parliament of the Kyrgyz Republic (as agreed), the Secretariat of the National Council for Sustainable Development of the Kyrgyz Republic (as agreed), and international organizations (as agreed). The Chairman of the Committee is the Prime Minister of the Kyrgyz Republic.

The working body of the Committee (secretariat of the Committee) is the Department of Economics and Investments of the Office of the Government of the Kyrgyz Republic.

On the other hand, the National Statistical Committee of the Kyrgyz Republic is the responsible body for building a monitoring and reporting system to monitor the achievement of the 2030 Agenda for Sustainable Development.

**Voluntary National Review**

The Voluntary National Review (VNR) indicates that 16 SDGs are included in State policy. They are likewise reflected in the National Development Strategy of the Kyrgyz Republic for 2018 to 2040 and the government program of the Kyrgyz Republic “Unity, Confidence, Creation” for the period 2018 to 2022.

Approved by the Order of the Government of the Kyrgyz Republic dated 9 June 2020, the first VNR was transmitted by the Ministry of Foreign Affairs of the Kyrgyz Republic to the Department of Economic and UN Social Affairs, and presented at the High-Level Political Forum on Sustainable Development at the United Nations in July 2020.
In the first NVR, information on progress in land rights, in particular SDG target 1.4.2

**CSO initiatives in monitoring SDGs**

Currently, in the Kyrgyz Republic, CSOs do not monitor and do not compile data on the achievement of the SDGs.

**LEGAL FRAMEWORK FOR LAND RIGHTS FOR SMALLHOLDERS, INCLUDING POLICY ON WOMEN’S LAND RIGHTS, AND POLICY ON ANCILLARY SERVICES**

**On farmers and smallholders**

According to the Constitution of the Kyrgyz Republic, civil and sectoral legislation, all citizens of the Kyrgyz Republic have equal rights to own and dispose of land and other forms of property, as well as access to natural resources, to appropriate new technologies and financial services, including microfinance.

With the attainment of independence by the Republic (1991), radical changes took place in agriculture, which led to the reform of the collective farm system and the formation of peasants farms through the denationalization and privatization of many State-owned agricultural enterprises.

In the course of reforming the agrarian sector, more than 286 thousand peasant (farmer) households, about 1,200 various associations and cooperatives were created. Usually, a farm consists of members of the same family: these are parents, brothers, children and other close relatives.

In the Constitution, private ownership of land was introduced, and a law “On the management of agricultural land” was adopted.

In 2016, there were more than 400,000 farms. The process of fragmentation and an increase in the number of farms is associated with the fact that individual family members live separately and create new farms. There is a further decrease in the average size of the area of farms. This suggests that the current farmer mentality prefers individual activities rather than collective ones.

The average farm size is usually one to three hectares. At the same time, this also includes the plowed lands of the National Fund for the Redistribution of Agricultural Lands they lease. In fact, in the southern regions, average farm size is 0.6 to 1.1 hectares, and in the northern, it is from one to five hectares (Akmataliev, 2019).

An analysis of the economic activities of peasant farms shows that many of these farms exist on the verge of bankruptcy or are fragmented into smaller individual farms. In addition, some newly formed peasant farms have exist only on paper.

The implementation of the State policy on reforming the agrarian sector, in which the personal interests of the land user were given priority, was embodied in practice by the legislative consolidation of private ownership of land and the adoption of laws regulating the land market. For example, in 1999, the Law “On Peasant (Farm) Economy,” the Law “On Mortgage,” and others were adopted, aimed at further stimulating agricultural development.
Given the acute shortage of agricultural machinery — in particular, harvesters and tractors — the government has embarked on the development of leasing. The annual demand for equipment is about 1,000 tractors of various brands, more than 100 combines, as well as attachments. In 2013, under the leasing program, the country had already received more than 1,000 units of agricultural machinery, which any farmer could purchase on acceptable terms (Akmataliev, 2019).

The market of leasing services in the Republic is expected to average about $280 million annually. In January 2013, the government approved the Agriculture Financing Project, which opened the opportunity for commercial banks to invest in agriculture in the form of loans from three to five billion soms (approximately US$35 to 59 million) at 10 to 11 percent per annum. In addition, another 10 percent per year is to be received in the form of subsidies from the budget. In effect, banks were granted the opportunity to earn decent money without taking particular risks (Akmataliev, 2019).

As the experience of developed industrial countries shows, the overwhelming majority of individual private peasant farms cannot survive amidst tough competition. The government decree of 24 December 2012 No. 875 “On the State Program for the Development of the Agricultural Cooperative Movement in the Kyrgyz Republic” and the adopted Law of the Kyrgyz Republic “On Cooperatives” are timely for the development of agriculture. At the same time, the association into cooperatives should be on a purely voluntary basis, and as a member of the cooperative; the peasant (farmer) should remain the owner of his land and other means of production. However, the cooperative movement in Kyrgyzstan has not yet reached its goal due to many problems, among them a weak material and technical base (Alymkulova, 2015).

The Food and Agriculture Organization of the United Nations (FAO) launched a project to help improve the living conditions of more than 400,000 small farmers in Kyrgyzstan, allowing local producers to ensure the safety of their products, and expand access to domestic and international markets. The project is expected to help increase the share of domestic and international markets for fruits and vegetables and improve food security in Kyrgyzstan (Khazirov, 2021).

**On women**

Land relations in the Kyrgyz Republic are regulated by legal acts aimed at observing and protecting the rights and legitimate interests of landowners and land users, regardless of their gender and other characteristics.

Kyrgyzstan is a party to international conventions and covenants on gender equality in various fields, including ratifying the Convention on the Elimination of Discrimination Against Women (CEDAW) in 1997, which obliges member States to take appropriate measures to eliminate all types of discrimination against women and ensure that, among other things, the same rights of spouses in relation to acquisition, management, use, and disposal of property.

The national policy is upheld in medium- and long-term development plans, as follows:

- The National Development Strategy of the Kyrgyz Republic for 2018 to 2040 is aimed primarily at creating equal opportunities for every citizen, an environment for human development, unlocking the potential of everyone who lives in our country, ensuring their well-being.
• In the program of the Government of the Kyrgyz Republic “Unity. Confidence. Creation” for the period 2018 to 2022 provides for a gender aspect of development: with an emphasis on improving the situation in the field of ensuring equality in all aspects of the human dimension, including equal rights to work, equal access to socio-economic benefits, public infrastructure, and infrastructure of security and justice.

The main regulatory legal acts of the Kyrgyz Republic governing the rights of tenure and use of land resources irrespective of gender are:

• The Constitution of the Kyrgyz Republic prohibits gender discrimination, provides everyone with equal rights and establishes that men and women have equal opportunities and freedoms (Part 4 of Article 16); this includes international agreements to which Kyrgyzstan is a party.

• The Family Code of the Kyrgyz Republic/FC KR (dated 30 August 2003, No. 201) regulates family relations between spouses and defines the family as the basic unit of society, while only registered marriages are recognized, and family relations are regulated on the basis of the principles of equality of spouses. The FC KR also establishes a rule in which all property of the spouses acquired during the marriage is considered joint property and is co-managed by the spouses. In the event of a divorce, the joint property of the spouses is equally divided, unless otherwise specified in the marriage contract. In addition, the legislation of the Kyrgyz Republic also defines equal inheritance rights for sons and daughters.

• The Law of the Kyrgyz Republic “On the Basics of State Guarantees for Ensuring Gender Equality” prohibits direct and indirect gender discrimination, including traditional ways and cultures that discriminate against women. It guarantees equal property rights, defines equal rights to use land and to protect these rights equally for men and women.

• The Law of the Kyrgyz Republic “On State Guarantees of Equal Rights and Equal Opportunities for Men and Women” defines State guarantees for the provision of equal rights and opportunities to persons of different sexes in the political, social, economic, cultural, and other spheres of human life.

• According to the amendments made in July 2016 to the Land Code of the Kyrgyz Republic and the Law of the Kyrgyz Republic “On the management of agricultural land,” owners of a land plot (land share) in the amount of up to five hectares are allowed to sell only a single complete piece of the land area, without segmentation, with the transfer of a document on ownership. Since such a title deed is usually issued in the name of the husband alone, a woman who is separated from her husband cannot sell, exchange, or inherit her share of the family’s land or any part of it. This is discriminatory, and often results in women finding themselves indigent and economically dependent.

The above documents are structured around four main priorities: economic empowerment of women; creation of a functional education system; eliminating gender discrimination and increasing women’s access to justice; and, promoting gender parity in enhancing women’s political participation. These documents recognize the needs of specific social groups, including rural women, youth, the elderly, and people with disabilities.
However, despite the regulatory legal framework of the Kyrgyz Republic formally providing the basis for equal rights of men and women, including women’s rights to property and land, traditional stereotypes are still strong and the prevailing opinion is that a man is the breadwinner and a woman is the keeper of the home.

The contribution of rural women to the country’s economy goes unnoticed and ignored. Women themselves are often unable to defend their rights to land, access to vital resources (clean water), social services, and justice on their own.

An ambiguous practice exists regarding the registration of the right to inherit land shares and the division between spouses of land shares that were obtained in the course of the country’s land reform. At the time of its implementation, the determination of the land share of citizens was carried out taking into account their family members at the time of the reorganization of collective and state farms. At the same time, as a rule, the Certificates for the right to a land share — at present, the Certificates on the right of private ownership of a land plot (for a land share) — were issued to the head of the family (to a father, brothers, spouse).

As a result, if a woman gets married, divorced, or is widowed, she loses the right to a land share. Often, in rural areas, women usually cede/lose their rights to land to their husbands (as the head of the family), fathers and brothers (in the event of marriage), to fathers-in-law in the event of divorce and division of property or the death of a husband, or to sons in the event of inheritance. In most cases, the courts do not rule in favor of women, referring to the norms of the Labor Code of the Kyrgyz Republic that the land share is indivisible and, instead, issue a court decision to pay her the value of her share in monetary terms.

An example of unequal access of women and men to land resources can be found in the results of a small study “Gender in the perception of society” (NSC KR National Survey 2016), with 5,950 surveyed households composed of 16,145 people (8,469 women and 7,676 men) aged 15 years and older. The bulk of household property (62 percent) is registered to men, and only 29 percent to women. At the same time, almost every tenth household (nine percent) has land registered to a person who is not a member of the household. The study revealed that household land resources are mainly registered in the name of men (80 percent). The ability of women to dispose of household assets is noticeably lower than that of men, and coincides with the level of ownership for all assets, except for real estate. The ability to dispose of residential and commercial real estate for women is higher than the level of ownership, which is because the right to dispose of real estate acquired in marriage is limited by the need for the consent of both spouses. Moreover, in cities, 14.2 percent of the female population have the right to dispose of land resources, while in rural areas it is 8.2 percent. For men, it is about 86 percent and 92 percent, respectively (NSC KR, 2016).
On Pastoralists

More than 93 percent of the territory of Kyrgyzstan is occupied by mountain ranges of the two greatest mountain systems, Tien Shan and Pamir-Alai, which are covered with large tracts of natural pastures — the total area of which is more than nine million hectares and occupies more than 85 percent of the total agricultural land.

Pastures are the exclusive State property of the Kyrgyz Republic. As such, the Land Code of the Kyrgyz Republic and the Law of the Kyrgyz Republic “On Pastures,” as well as other regulatory legal acts of the Kyrgyz Republic regulate pasture management, improvement, and use.

According to the Law of the Kyrgyz Republic “On Pastures,” responsibility and control over the management of State-owned pasture lands, in addition to the right of disposal, is transferred to local government bodies, which have the right to delegate authority for the management and use of pastures to pasture user associations. The executive body of the association of pasture users is the Pasture Committee.

The Pasture Committee (hereinafter referred to as the PC) consists of representatives of pasture users, deputies of the local convocation, a representative of the authorized body for the environment and forestry, and heads of the executive body of local self-government. The functions of the PC are:

- development of a community plan for the use of pastures;
- development of an annual plan for the use of pastures;
- implementation of the provisions of the community plans for the use of pastures and the annual plan for the use of pastures;
- monitoring of the condition of pastures;
- issuance of pasture tickets in accordance with the annual plan for the use of pastures, as well as the conclusion of agreements on the use of pastures for other purposes;
- establishment and collection of payments for the use of pastures with its obligatory approval by the local convocation;
- settlement of disputes related to the use of pastures, within the powers of the pasture committee; and,
- management of income received from payments for the use of pastures and other resources directed as investments in pasture infrastructure, for their maintenance, management, and improvement in accordance with the current legislation of the Kyrgyz Republic.

Currently, 456 housing estates have been established operating under rural self-government of the Republic, three of which housing estates are located in urban-type settlements. The law of the Kyrgyz Republic “On Pastures” establishes the structure, functions, and responsibilities of the PC. With the support of donor organizations, pasture user associations and PCs received basic training and technical support.

In addition, livestock grazing is allowed on the territory of the State Forest Fund, an area of 927,609.6 hectares regulated by the Forest Code and the decree of the Government on the “Procedure for the use and disposal of the State Forest Fund,” dated 10 April 2018, No. 192.

Today, both on the pastures and on the SFF pasture lands, there is an irregular load on pasturelands, causing deterioration in their condition due to soil erosion, and leading to a significant decrease in the productivity of land resources.
**On Water Users**

After gaining independence, Kyrgyzstan began agrarian and land reform. By the Decree of the President of the Kyrgyz Republic, dated 22 February 1994, No. 23 “On measures to deepen the agrarian and land reform,” the former collective and State farms were liquidated, and agricultural land was transferred to the ownership of the peasants, who received them in the form of land plots.

Some of the peasants united in peasant farms and agricultural cooperatives, while some began to work independently. Under these conditions, the irrigation network, which previously belonged to the former collective and State farms, became ownerless.

Under the new conditions, instead of one water user — a collective farm or State farm with an average area of about 2,000 hectares of irrigated land — now from 10 to 2,000 water users share a common irrigation network. The total number of agricultural water users in the Republic has reached more than 310,000 units. These peasant farms have not been able to maintain the on-farm irrigation network at the proper technical level.

The lack of funds from farmers for the proper operation, maintenance, and rehabilitation of the on-farm network and structures led to the steady deterioration of their technical condition. The normal operation of the irrigation network and the fair distribution of water became practically impossible to carry out.

In the second half of the 1990s, the Government of the Kyrgyz Republic found a solution to these problems in the implementation and development of water users associations (WUAs). WUAs are organizations of the water users themselves and therefore their water supply activities must meet their needs and be fully accountable to them.

During this period, three separate grants from the Asian Development Bank (ADB), the FAO, and the Japanese Government were used to establish pilot WUAs and study the international experience with such associations.

In order to provide State assistance and conditions for the creation and development of WUAs, and based on the results of the projects of the above-mentioned donors, in 1995 the Government of the Kyrgyz Republic adopted Resolution No. 226 dated 5 June 1995 “On Approval of the Regulation on Water Users Associations in Rural Areas.” This was replaced by a new Regulation “On Water Users Associations in Rural Areas,” approved by Resolution No. 473 dated 13 August 1997, taking into account the experience gained and the changed conditions. Currently, there are 475 WUAs with a total service area of 736,000 hectares.

**On Forest dwellers (Forest users)**

The Kyrgyz Republic possesses only sparsely forested areas (5.6 percent of the total area of the county). Nevertheless, forests perform important ecological-economic and social-health-improving functions.

The forests of the republic mainly grow near 283 (62.5) out of 453 settlements and more than two million of the rural population live near forests or directly on the territory of the State Forest Fund, their social development is highly
dependent on forest resources. (Concept paper for the development of the forestry industry in the Kyrgyz Republic for the period of 2040).

Based on the results of studies conducted on the value chain of walnut as a forest product, it was established that (PROFOR and RDF, 2011):

• 546,862 people (109,372 households) live near spruce forests, which are mainly located in the northwestern and central parts of the country, as well as in the high mountain zones of the Fergana Valley;
• 1,279,081 people (255,816 households) live within or near the walnut-fruit forests in the south of the country;
• a significant number of people (approximately 546,862 people in 109,372 households) live in or near juniper forests in different parts of the country; and,
• more than 150,000 people (about 30,000 households) live in the area of floodplain forests.

According to the Forestry Code of the Kyrgyz Republic, SFF plots can be provided for use by organizations and citizens, etc. on a rental basis. In total, there are about 290,000 forest users on the lands of the SFF who have formal lease agreements.

Forest management of local communities is multipurpose and is formed based on the needs of local communities and the potential of ecosystem products and services of each individual forest landscape. Local communities use a wide range of woody (commercial forest, firewood) and non-woody forest products (fruits, medicinal plants, mushrooms, etc.), as well as organize side-use of various types of forest resources (grazing and haymaking, tourism and recreation). Unfortunately, in the absence of proper accounting of all types of forest use, the volume of products and services of forest ecosystems is almost overlooked in the system of national accounts, which ultimately translates into an insignificant figure for the contribution of forestry to GDP. In most cases, the women collect forest fruits, medicinal herbs, and firewood, thus impacting poverty reduction and national food security. Therefore, gender balance should be ensured in the distribution of access rights to forest resources.

Forest use is regulated by the procedure for the use and disposal of the State Forest Fund, approved by the Resolution of the Government of the Kyrgyz Republic dated 10 April 2018 No. 192, and applies to individuals and legal entities of the Kyrgyz Republic that carry out forest use. The following types of forest uses can be carried out on the lands of the SFF:

• agriculture, haymaking, cattle grazing, placement of apiaries, collection of wild food resources, medicinal plants, technical raw materials;
• procurement of secondary forest resources;
• reproduction of forest resources;
• the use of the forest for scientific research, cultural, recreational and tourist purposes, as well as for the needs of the hunting economy;
• performance of work in order to develop mineral deposits (geological exploration of mineral resources, development of mineral deposits);
• the use of reservoirs; and,
• community forestry.

The provision of lands of the SFF to forest users is carried out on a competitive basis.


On fisherfolk

There are several types of fishing in Kyrgyzstan: commercial fishing, amateur, and sport fishing. The Fisheries Department of the Ministry of Agriculture and Food Industry and private entrepreneurs are involved in the development of the fishing industry in the Republic.

After the prohibition of fishing on the Issyk-Kul and Son-Kul lakes, commercial fishing was carried out mainly on the large fishery reservoirs: Toktogul, Kirov, Orto-Tokoiisk and Bazar-Korgon, and Lake Kara-Suu. The main commercial fish species in reservoirs and lakes are Issyk-Kul trout-gegarkuni, whitefish-ludoga, peled, carp, bream, tench, pike-perch, grass carp, silver carp, and marinka.

The development of commercial fishing, which currently involves more than 80 fishery entities, is hampered by the low production potential of fishery entities. Aside from a decrease in the fish productivity of reservoirs, wear and tear and low productivity of equipment, the industry is plagued by ineffective logistics, difficulties with lending, difficulties in obtaining land for organizing pond farms, etc.

In the opinion of fish farmers, there are no favorable conditions for the growth of the scale of fish production. Despite the existence of the existing mechanism for protecting the interests of fish farms when water is discharged from reservoirs (advance notification of water release, coordination of the water level after water discharge, etc.), there are no effective practices for implementing these norms.

How does the government report or measure SDG 1.4.2?

On methodology for legally-recognized documentation

Indicator 1.4.2 “Proportion of the total adult population with guaranteed land tenure rights, as supported by legally recognized documents, and who consider their land rights to be guaranteed, by sex and type of land tenure” is currently categorized as Tier II.

Interpretation of the indicator 1.4.2. The indicator shows the number of land users by area of various categories of land of the Land Fund.

- Indicator type: quantitative indicator.

- Level of detail: Republic, oblast (an administrative-territorial unit that unites the territories of cities of regional significance, as well as districts located on the territory of this region, in which State administration is carried out taking into account the interests of local communities and the competence of local self-government bodies), district, village administration.

- Data source: the State Administrative Reporting Form No. 22 “On the availability of land in the Kyrgyz Republic and their distribution by categories, owners, land users and lands” (i.e., land balance). The following items are included:
  - Number of the land contour;
  - Full name of the owner, name of the land user, contour, categories of the land fund;
  - Total area of land, including irrigated land;
  - Total area by form of ownership (State, communal, private);
Area Arable land (irrigated, rainfed);
Area of perennial fruit plantations;
Haymaking area (flooded, dry land, waterlogged, radical improvement);
Pasture area (dry land, swampy, cultural and radical improvement, summer, spring-autumn, winter);
Household lands;
Gardens, vegetable gardens, lawns, flower beds;
Forest areas; and,
Arboreal and shrub plantations.

- Intended purpose of land balance data (Form 22) to characterize the country’s land resources and assess the impact on them of diverse economic activities, data on the availability of land in the Kyrgyz Republic, their distribution by categories, lands, owners, land users, and their qualitative characteristics.

- Term for the provision of land balance (Form 22): annually in June after the reporting period (approved by the decree of the Government of the Kyrgyz Republic).

- Data collection and processing: responsible for data collection is the Department of Cadastre and Registration of Rights to Real Estate under the State Registration Service under the Government of the Kyrgyz Republic. Data collection is carried out by a specialist - land surveyor of the village administration who submits these to the district administration for land management and registration of rights to real estate, then to the Department of Cadastre and Registration of Rights to Real Estate at the State Registration Service under the GKR.

**Disaggregation by sex and type of ownership**

Currently, information on the number of landowners disaggregated by sex is not available. This information is available in part at the national level of the Department of Cadastre and Registration of Rights to Real Estate under the State Registration Service under the Government of the Kyrgyz Republic.

The National Statistical Committee of the Kyrgyz Republic has information on the population by sex and age, in the territorial context.

**Perceptions of tenure guarantees**

The Constitution of the Kyrgyz Republic recognizes a variety of forms of ownership and guarantees equal legal protection of private, State, municipal and other forms of ownership. The Kyrgyz Republic protects the property of its citizens and legal entities, as well as its property located on the territory of other States.

The Civil Code of the Kyrgyz Republic defines that “real estate includes land plots, subsoil plots, isolated water bodies, forests, perennial plantings, buildings, structures and everything that is firmly connected with the land, that is, objects whose movement without damage disproportionate to their purpose is impossible.”

Rights and encumbrances to real estate, as well as transactions with it, are subject to mandatory State registration. The registration procedure is regulated by the Law of the Kyrgyz Republic “On State registration of rights to real estate and transactions with it” (dated 8 December 2011 No. 230).
According to the legislation of the Kyrgyz Republic, the following are subject to mandatory registration:

- ownership;
- the right of economic management;
- the right of operational management;
- the right to unlimited (without specifying the term) use of the land plot;
- rights arising from a mortgage, including a mortgage by virtue of law or a pledge;
- the right to temporary use, lease or sublease for a period of three years or more;
- easements;
- restrictions on the rights to design, build, and use a separate unit of immovable property, except for restrictions that apply to immovable property in accordance with the legislation and other regulations of the Kyrgyz Republic;
- rights arising from court decisions;
- rights to use natural resources, the list of which is established by the legislation of the Kyrgyz Republic;
- rights arising from the legalization of property; and,
- other rights subject to registration at present or in the future in accordance with the Civil Code and other regulatory legal acts of the Kyrgyz Republic.

State Registration Service under the Government of the Kyrgyz Republic (SRS) is a State executive body that provides functions for the implementation of State policy in the field of registration of the population, rights to real estate within the granted powers, as well as for the formation, storage, and updating of the Unified State Register of Population.

In addition, the SRS submits proposals for the consideration of the Ministry of Justice regarding the development of a unified State policy in the field of land management and regulation of land relations, including on improving the standards for compensation for losses, the procedure for using State land, and transferring land from one category to another.

The Department of Cadastre and Registration of Rights to Real Estate deals directly with the issues of registration of rights to real estate in the SRS.

Currently, 49 local registration bodies function in the structure of the Department, in which 1,670 people work, of which 23 are employees in the central office of the Department. The main functions of local registration authorities are:

- registration of rights to real estate and transactions with it, including encumbrances and restrictions;
- carrying out land surveying and cadastral works;
- provision of data on units of real estate; and,
- technical inspection of real estate units.

**On what data are available**

- Legally recognized documentation

*Farmers and smallholders.* According to the Law of the Kyrgyz Republic “On Agricultural Census” dated 29 September 2000, N80, the agricultural census in the Kyrgyz Republic is carried out once every ten years and is timed to coincide with the next round of world agricultural censuses.
The statistical unit of the agricultural census is a holding engaged in agricultural production, which includes livestock and poultry, buildings and structures, agricultural machinery, equipment and implements, perennial plantations, land used in whole or in part for agricultural production, regardless of the form of ownership and size.

Enterprises of agriculture, forestry and fisheries, subsidiary farms of educational institutions, industrial, transport, construction and other enterprises and organizations, peasant (farmer) enterprises are subject to a continuous census. Individual households of the population (including collective orchards and vegetable gardens) are subject to a selective census with at least 35 percent coverage for accounting for the plant growing industry; and for accounting for livestock and poultry, they are subject to a complete census.

Agricultural census data are published and disseminated only in a generalized form in accordance with the Law of the Kyrgyz Republic “On Official Statistics.”

The Kyrgyz Republic conducted a full-scale agricultural census in two stages — the first stage (crop production and horticulture) in 2002, and the second stage (livestock, agricultural fixed assets infrastructure) in 2003.

The Kyrgyz Republic plans to conduct the next agricultural census in 2024 as part of the GSP (Generalized system of preferences) 2020 Program, which covers the period from 2016 to 2025.

In 2022, the Agricultural Census Program of the Kyrgyz Republic 2024 will begin development. The aim of this agriculture-focused census is to create a database for subsequent monitoring of the Kyrgyz Republic’s achievement of the Sustainable Development Goals. In this upcoming Agricultural Census Program in 2024, the registration of regulatory information on the land area of land users will be laid down according to the following documents:

- the State act on the right of unlimited use (without specifying the term) of the land plot;
- State act on the right of private ownership of a land plot;
- certificate of private ownership of the land plot;
- certificates for the right to temporary use of a land plot; and,
- lease agreements.

During the land reform implementation, the determination of the area of the land share of citizens took into account their family members at the time of the reorganization of collective and State farms. In the upcoming census of 2024, the criteria to be taken into account will be based on the principle of disaggregation required in the SDGs:

- date of issue of the document to the land share (allotment);
- type of ownership; and,
- gender, date of birth, and nationality for each owner (land user) and family members of the owner.

With this in mind, the results of the 2024 agricultural census will serve as a basis for improving land relations in the Kyrgyz Republic.

Women. The statistical publication “Women and Men of the Kyrgyz Republic” contains data on the population, representation of women and men in government, employment and unemployment, living standards, education, health care, delinquency, as well as crimes committed against women and children, and domestic violence for the years from 2013 to 2017.
The publication is supplemented with a new section on indicators of the SDGs that determine the position of women and men in Kyrgyzstan. It is intended for employees of management bodies, scientific, business and banking circles, teaching staff, graduate students and students, and other interested persons.

According to the NSC KR National Survey (2016), the employment of women in agriculture, forestry, and fishing of the total employed population is:

- 2013: 41.4 percent;
- 2014: 44.5 percent;
- 2015: 44.0 percent;
- 2016: 41.1 percent; and,
- 2017: 36.9 percent.

According to the data registered in the Unified State Register of Static Units (USRSU), as of 1 January 2018, 19.2 percent of the heads of existing peasant (farmer) households are women.

Pastoralists. In order to obtain reliable information on the number of livestock and poultry in the Kyrgyz Republic, by the Order of the Government of the Kyrgyz Republic dated 2 April 2010, No. 107-r, Methodological Guidelines for keeping records of livestock and poultry in farms of all categories of the Kyrgyz Republic were approved.

When registering livestock and poultry, State statistics bodies determine the presence of livestock and poultry:

- in the farms of legal entities, subsidiary farms of enterprises and organizations - according to the data of Form No. 24 “Report on the state of animal husbandry”;
- in personal subsidiary plots of citizens in rural areas, in peasant (farm) farms and farms of individual entrepreneurs engaged in agricultural activities living in rural areas, according to reports of village administration - Forms No. 6, 9-c;
- in summer cottages, in holiday homes, boarding houses, shepherds’ houses, and other detached buildings - on the basis of complete accounting according to Form No. 3; and,
- in personal subsidiary plots of citizens, in peasant farms and in farms of individual entrepreneurs engaged in agricultural activities, living in cities and urban settlements, according to reports of quarter committees and local territorial administration bodies - Form No. 4.

Water Users. By the Resolution of the Government of the Kyrgyz Republic dated 25 January 1995, N19, the “Regulation on state accounting and control of water use in the Kyrgyz Republic” was approved.

All water bodies and water resources concentrated in them, constituting the State Water Fund of the Kyrgyz Republic, as well as waters withdrawn from water bodies and used for the needs of the population and the national economy with the help of structures and technical devices, or discharged into water bodies, are subject to State accounting.

The National Statistical Committee of the Kyrgyz Republic approves:

- the procedure and forms for maintaining State statistical reporting on the use and protection of waters, developed by the concerned ministries and departments; and,
- instructions on the procedure for conducting State statistical reporting.
The State body for water management of the Kyrgyz Republic conducts:

- State accounting and control of water use;
- accounting and registration of water users;
- registration of water facilities;
- control over compliance with the water use conditions specified in the licenses;
- control over compliance with the established limits for water consumption and water disposal from irrigation and collector-drainage systems;
- control over the observance of the norms and rules for the operation of water facilities and devices, except for the systems of communal water supply and wastewater disposal in cities and regional centers;
- accounting of water resources in state irrigation systems;
- control over compliance with norms and rules for the primary accounting of water use carried out by water users;
- State water cadastre for the section “Water use”; and,
- monitoring of water bodies using the departmental observation network.

**Forest dwellers.** Official registration or collection of information about forest dwellers is not carried out, since there is no concept of “forest dwellers” in the RLA KR (Regulatory Legal Acts of the Kyrgyz Republic).

In 2011, a study on the “Walnut value chain” was carried out, which determined the size of the population or the number of households living in or near forestlands. When accounting for forest resources, the Land Code (LC KR) mainly determines the boundaries, areas, quantitative and qualitative characteristics of forest resources, types and volumes of forest use (wood), as well as the volume of forestry work and permissible volumes of forest use for the next year.

**Fisherfolk.** The Law of the Kyrgyz Republic “On Fisheries” regulates the legal, economic, and organizational foundations of the Republic’s fisheries in order to fully develop it, preserve and increase fish stocks, increase the fish productivity of reservoirs and ponds, and fully meet the needs of the population in terms of fish products.

In accordance with Art. 5 of this Law “Accounting for fish stocks”: Fish stocks, as well as fish grown in artificial reservoirs, are subject to accounting, which is carried out separately for water bodies and fish species in accordance with the procedure established by law.

Subjects engaged in fisheries are obliged to provide state fisheries management bodies annually with information on fish stocks and volumes of their catch.

**Comments on the methodology and data**

In order to identify the views of CSOs and other stakeholders on the methodology used by the government to measure SDG 1.4.2, two roundtable discussions were held (one in the north and another in the south of the country), with the participation of water users, land users, forest users, and pasture users. At these meetings, this report was presented and the participation of CSOs in reporting on the SDGs in the Kyrgyz Republic was discussed.

The roundtable talks revealed that, although the approach for preparing the VNR was multi-stakeholder, multi-sectoral, with the involvement of various stakeholders, many participants did not have a common understanding of the SDGs, methodology, and process of preparing the VNR of the country.
The roundtable participants noted that, in the first VNR, information on progress in the area of land rights, in particular SDG indicator 1.4.2., there are no data. However, there were opportunities to collect for this indicator, since the database of the Department of Cadastre and Registration of Rights to Real Estate under the State Registration Service under the Government of the Kyrgyz Republic and its regional divisions has all the necessary data.

Participants recommended the following:

- Regularly increase the legal capacity and awareness of CSOs and other stakeholders on the correct collection and processing of data/information regarding the SDGs;
- When preparing the VNR, involve relevant CSOs in collecting data for their respective sectors (for example, the National Pasture Users Association, the Kyrgyz Association of Forest Users and Land Users, the Water Users Association, etc.); and,
- When preparing the next VNR, include information on SDG indicator 1.4.2.

**On Legally recognized documentation**

Target 1.4, “By 2030, ensure that all men and women, especially the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control of land and other forms of property, inheritance, natural resources consistent with new technologies and financial services, including microfinance” is reflected in the Constitution of the Kyrgyz Republic, and in civil and sectoral legislation, since all citizens of the Kyrgyz Republic have equal rights to own and dispose of land and other forms of property, as well as access to natural resources, to appropriate new technologies and financial services, including microfinance.

The main normative legal acts of the Kyrgyz Republic ensuring the implementation of SDG Target 1.4:

- Constitution of the Kyrgyz Republic;
- Civil Code of the Kyrgyz Republic;
- Land Code of the Kyrgyz Republic;
- Forest Code of the Kyrgyz Republic;
- Water Code of the Kyrgyz Republic;
- Tax Code of the Kyrgyz Republic;
- Law of the Kyrgyz Republic “On Land Reform”;
- Law of the Kyrgyz Republic “On Peasant Economy”;
- Law of the Kyrgyz Republic “On Management of Agricultural Land”; 
- Law of the Kyrgyz Republic “On Pastures”;
- Decree of the President of the Kyrgyz Republic of 1994 “On measures to deepen land and agrarian reform in the Kyrgyz Republic”; and,
- Government Decree dated 18 April 2018, No. 192 “On approval of the Procedure for the use and disposal of the State Forest Fund.”

**Perceptions over warranty ownership?**

According to statistics, about 64.37 percent of the country’s population lives in rural areas (300,952 people), where almost 40 percent of the economically active population are women (1,025 people) and 32 percent are young people aged 20 to 40 years (1,986,000 people). The poverty rate was 25.4 percent in 2016 (NSC KR Population and Housing Census of the Kyrgyz Republic, data
for 2017). About 1,800,000 people live below the poverty line, of which more than 68 percent are residents of rural settlements. About 26 percent of male-headed households and 15 percent of female-headed households are poor. In households where the head of the household is a woman, the level of general poverty is lower than in households headed by men, and the level of extreme poverty is practically the same for both male and female heads.

The rural population has advantages in acquiring rights to agricultural land plots in the Kyrgyz Republic. Thus, the Regulation on the Procedure for the Purchase and Sale of Agricultural Land (as amended by the Resolution of the Government of the Kyrgyz Republic dated 9 September 2005, No. 422) regulates the priority rights of citizens of the Kyrgyz Republic when purchasing an agricultural land plot, as follows:

- Agricultural land, which is in State or private ownership, can be sold only to citizens of the Kyrgyz Republic who have permanently resided in rural areas for at least two years.
- When granting ownership of agricultural land, the citizens of the Kyrgyz Republic who live in the territory of this village council, as well as have land plots (irrigated arable land) less than 0.10 of a hectare per family member and live in high mountainous and remote areas, have a priority right.

According to the Law of the Kyrgyz Republic “On Pastures,” responsibility and control over the management of State-owned pasture lands, in addition to the right of disposal, is transferred to local government bodies, which have the right to delegate authority for the management and use of pastures to pasture user associations. The local community creates an association of pasture users, representing the interests of livestock owners and other users of pastures in a given territorial unit in relation to the use and improvement of pastures.

According to the NLA “On approval of the procedure for the use and management of the State Forest Fund, approved by the Resolution of the Government of the Kyrgyz Republic” dated 10 April 2018, No. 192, the lands of the SFF are provided for use to forest users on a competitive basis.

For the purpose of participation of communities in joint forest management, the territorial State forestry management body grants the right to use the lands of the SFF to communities) and/or associations of communities. Such groups are formed on a voluntary basis from local residents or citizens living in the territory of the SFF or near it.

**HOW TO ENSURE THAT THE METHODOLOGIES AND DATA COLLECTED FOR SDG 1.4.2 ADDRESS TENURE ISSUES?**

**Informal and traditional recognition of land rights: Key issues and recommendations**

The legislation provides for many ways of acquiring property rights, among which inheritance occupies a special place, which can be explained as traditional ownership of property, including land resources. Its importance is also evidenced by the inclusion of the right of inheritance in Article 19 of the Constitution, paragraph 4 that states, “in the Kyrgyz Republic, the right to inherit is protected and protected by law.”
The civil legislation of the Kyrgyz Republic provides for two bases of inheritance — by will and by law. Inheritance by law takes place insofar as it is not cancelled or changed by the issuance of a will. On the other hand, drawing up a will is a way for the testator to exercise the power to dispose of his property in case of death.

In order to become the heir under the will, a citizen needs to be legally capable. In accordance with paragraph 2 of Art. 52 of the Civil Code of the Kyrgyz Republic, the legal capacity of a citizen arises at the moment of birth and terminates by death. Legislation does not impose requirements for the legal capacity of heirs by will. The lack of full legal capacity of a person is compensated by the capacity of his legal representative - parent, adoptive parent, guardian, and trustee.

**Guarantee of ownership of women**

According to the NLA of the Kyrgyz Republic, women have the same property rights to land and other agricultural resources as men. Despite this, laws are still not effectively enforced and there is a high level of inequality and imbalance at the regional level.

On their own, women are often unable to defend their rights to land, access to vital resources (clean water), social services, and justice. To provide land to socially vulnerable groups of the population, such as young families, the State has the right to be a buyer on the agricultural land market based on a special decision of the Government of the Kyrgyz Republic, approved by the Parliament of the Kyrgyz Republic (Article 33 of the Law “On agricultural land management”).

One of the main problems in the gender aspect is legal nihilism, illiteracy, a high level of mistrust in decision-makers at both the State and local levels, lack of awareness and capacity to protect their interests, in particular among women in rural areas. A further restraining factor for the protection of the rights of women in the Kyrgyz Republic are folk traditions and established stereotypes and customs.

**Land conflicts and human rights defenders: Key issues and recommendations**

According to the review of judicial practice on issues related to the application of land legislation, the most common subjects of litigation are:

- Recognition of ownership of land plots;
- Challenging acts of local self-government bodies on the provision and seizure of a land plot;
- Disputes regarding land plots adjacent to the house;
- Payment of land tax;
- Challenging actions (omissions) of officials of state bodies;
- The procedure for granting lands of specially protected natural areas;
- Mortgage of land plots;
- Requirements to remove obstacles in the use of a land plot and to reclaim a land plot from someone else’s illegal possession; and,
- Recognition of contracts as invalid and application of the consequences of their invalidity, among others.
Among the problems that cause the greatest number of conflicts and disputes, the following issues on land resources are identified:

- Changing the boundaries of land shares;
- Unauthorized seizure of land plots; and,
- An imbalance in decision-making between “the obligatory provision of every citizen of the Kyrgyz Republic once throughout the entire territory of a land plot for the construction of a residential building” and “preservation of agricultural land to address the issue of ensuring food security.”

In Kyrgyzstan, any dispute can be resolved through pre-trial settlement mechanisms, in court, as well as alternative dispute resolution.

In accordance with the legislation of the Kyrgyz Republic, disputes/conflicts involving land rights can be resolved through:

- **Appeal to a higher authority** in accordance with the Law of the Kyrgyz Republic “On the Procedure for Considering Citizens’ Appeals” and the Law of the Kyrgyz Republic “On the Basics of Administrative Activities and Administrative Procedures.”

- **Appeal to the administrative commission of local self-government bodies**, which consider cases of administrative offenses provided for by the Code of Administrative Activity. These are administrative offenses infringing on the protection of the health of citizens, administrative offenses in agriculture, administrative offenses infringing on the rules of trade, causing harm (damage) to the consumer, administrative offenses infringing on urban planning and architectural activities, administrative offenses in housing and communal services. All these norms protect the healthy lifestyle of the local population, the improvement and welfare of citizens and will allow problems at the local community level to disappear, such as selling in unidentified places, dumping garbage in unidentified places, wasting crops, violating the regime of using pastures, etc.

- **Appeal to the prosecutor’s office** is one of the out-of-court mechanisms for realizing access to justice in matters related to the right to own and use land resources, where, according to the Law of the Kyrgyz Republic “On the Prosecutor’s Office of the Kyrgyz Republic” (dated July 17, 2009, No. 224), the prosecutor’s office supervises:
  - the observance of legislative acts by local self-government bodies and subordinate to the Government of the Kyrgyz Republic by all executive authorities, legal entities, public associations, officials for compliance with the laws of the acts issued by them, as well as citizens;
  - the implementation of laws by bodies carrying out operational-search activities, inquiry, and preliminary investigation;
  - the observance of laws in places of detention of detainees, in places of preliminary detention, during the execution of sentences and other measures of a coercive nature, imposed by the court; and,
  - over observance of laws by military administration bodies, military units and institutions.

- **Appeal to the Ombudsman** is one of the mechanisms for protecting violated rights to land or, as it is also called, the parliamentary ombudsman for human rights, whose activities are regulated by the Constitution of the Kyrgyz Republic and the Law of the Kyrgyz Republic “On the Ombudsman of the Kyrgyz Republic” (dated 31 July 2002, No. 136). The purpose of the control of the Ombudsman are:
protection of human and civil rights and freedoms proclaimed by the Constitution and laws of the Kyrgyz Republic, international treaties and agreements ratified by the Kyrgyz Republic;

- observance and respect for human and civil rights and freedoms, by citizens of the Kyrgyz Republic, regardless of their location, by foreigners or Stateless persons who are in the territory of the Kyrgyz Republic, and by State authorities, local self-government bodies and their officials;

- prevention of violations of human and civil rights and freedoms or assistance in their restoration;

- assistance in bringing the legislation of the Kyrgyz Republic on human and civil rights and freedoms in line with the Constitution of the Kyrgyz Republic, international standards in this area;

- improvement and further development of international cooperation in the field of protection of human and civil rights and freedoms;

- prevention of any forms of discrimination in the exercise of human rights and freedoms; and,

- promotion of legal awareness of the population and protection of confidential information about an individual.

In this regard, in the exercise of his powers, the Ombudsman does not depend on any State bodies and officials; it is prohibited to interfere in his activities or influence him in any form, and such actions entail liability in accordance with Kyrgyz criminal law.

The administrative procedure for the protection of civil rights provides for the resolution of disputes, restoration of rights, suppression of illegal actions of subjects of law by means of instructions, resolutions, acts of authorized bodies (administrative bodies, local self-government bodies, ministries and departments) adopted in accordance with the current legislation of the Kyrgyz Republic.

Courts of general jurisdiction consider civil (including land) and criminal cases. Any interested person has the right, in accordance with the procedure established by law, to apply to the court for the protection of his violated or disputed rights, freedoms or interests protected by law. Waiver of the right to go to court is invalid (Code of Civil Procedure of the Kyrgyz Republic, Article 4).

If one of the parties disagrees with the decision of the court of first instance, this party has the right to appeal the decision in the court of appeal). The last instance of the courts of general jurisdiction is the Supreme Court of the Kyrgyz Republic; its decision is final and not subject to appeal. The procedure for considering cases in the field of land legal relations is provided for by the Code of Civil Procedure of the Kyrgyz Republic.

Alternative resolution of disputes in the Kyrgyz Republic is possible through the courts of elders and arbitration courts. Courts of elders are created by decision of a meeting of citizens, local convention or other representative local self-government bodies on the territory of villages, settlements, cities from among elders, other citizens who enjoy respect and authority. The courts of elders consider property, family disputes, and other cases provided for by law, transferred by agreement of the parties for their consideration, in order to achieve reconciliation of the parties and make a fair decision that does not contradict the law. The decisions of the courts of elders can be appealed in the manner prescribed by the legislation of the Kyrgyz Republic.
Arbitration court. By agreement of the parties, a dispute within the jurisdiction of the court, in cases stipulated by the legislation of the Kyrgyz Republic, may be referred to an arbitration court before a decision is made in the court of first instance. The activities of arbitration courts are regulated by the Law of the Kyrgyz Republic “On the Arbitration Court of the Kyrgyz Republic” (dated 30 July 2002, No. 135).

Mediation. Disputes can be resolved through mediation, which can be carried out both before going to court and during court proceedings, arbitration proceedings, and enforcement proceedings. Mediation cannot be applied to administrative cases (actions/inactions, invalidation of administrative acts). In most cases, according to experts, access to justice is limited by the absence of norms providing for the resolution of disputes over the ownership and use of land resources through mediation.

There are no national statistics on land offenses. However, it can be considered as an example of an appeal to the Ombudsman institution for 2017, when this apparatus received 231 complaints on land issues, equivalent to about seven percent of the total number of complaints received from citizens (International Business Council for GTZ Property Rights Protection, 2017), and for the period from 4 January to 31 March 2017, the State Registration Service received 108 complaints from citizens on land issues (registration of real estate, issuance of documents, land disputes) (State Registration Service Centre, 2017).

Human rights defenders. Kyrgyzstan protects the rights of all its citizens, including the protection of human rights defenders working in the field of land relations, as well as their right to freedom of opinion and expression, peaceful assembly and association, set forth in the UN Declaration on Human Rights Defenders and the International Covenant on Civil and Political Rights, which Kyrgyzstan ratified in 1994.

Thus, in order to support the rights and freedoms of citizens, the Human Rights Committee (HRC) was established in 2014. On 28 October 2015, the UN General Assembly elected Kyrgyzstan as a member of the UN Human Rights Council (UN HRC) for a period until the end of 2018. States elected to the Human Rights Council commit themselves on their territory to uphold the highest standards in the promotion and protection of human rights, and to cooperate fully with the UN HRC. In addition, in 2014, the Parliamentary Assembly of the Council of Europe (PACE) awarded the Parliament of Kyrgyzstan the status of “Partner for Democracy.” Since its inception in 2009, this status has been awarded to the national parliament only for the third time. This status is seen as an important incentive for the further development of democracy, the principles of the rule of law and the protection of human rights (Report of the international mission 2016).

In 2014, the Law of the Kyrgyz Republic “On Public Councils of State Bodies” was adopted, which provides for the creation of supervisory and advisory bodies under all executive authorities. It includes representatives of civil society for cooperation and promotion of public initiatives, as well as inclusion in these bodies of the most authoritative human rights defenders in the country.

Thus, the Kyrgyz Republic has an Ombudsman; there are independent human rights institutions: various human rights movements, NGOs, media, trade union movements, etc., but the State does not ensure the safety of human rights institutions during court proceedings. Having analyzed the current legislation and the current situation with human rights defenders in the Kyrgyz Republic,
we can conclude that there is not even one among the national institutions that would demonstrate a willingness or ability to take effective action in this area. The newly-created State institutions have also proved incapable of fully meeting their purpose: the human rights ombudsman is not sufficiently involved in high-level human rights discussions (such as the EU-Kyrgyzstan Human Rights Dialogues), and national preventive mechanisms are very weak, in particular due to lack of adequate funding required for inspection and public awareness raising.

**Transparency and enforceability of land administration: Key issues and recommendations**

According to the division of land, during privatization, 25 percent of agricultural land was transferred to State ownership and 75 percent was given to private ownership. Currently, all State and municipal lands under land legislation are managed centrally, while citizens of the Kyrgyz Republic decentralize private property ownership.

According to the Law of the Kyrgyz Republic “On Normative Legal Acts,” all innovations and changes in the legislation of the Kyrgyz Republic are carried out based on the results of preliminary public hearings, including in focus groups at the national and subnational levels. The results of such public opinion gathering should be taken into account when laws are passed, but this process is not always followed at present.

Local communities play a critical role in the planning and management of the country’s pasture, forest, and water resources. For example, according to the Law of the Kyrgyz Republic “On Pastures” dated 26 January 2009, No. 30, all pasture lands were transferred to the management of Pasture Committees (PCs), consisting of representatives of pasture users, deputies of the local convocation, a representative of the authorized body for the environment and forestry, and heads of the executive local government body. The PC is in charge of the current activities of the association of pasture users, and is engaged in planning the use of pasture resources.

**Joint forest management** is the planning and implementation of activities that regulate the impact on forests and is aimed at achieving sustainable forest management with the participation of local governments, the population, and local communities. The instruments of joint forest management are through the lease of forestland and community forestry. Today, the forestry enterprises have about 20 thousand lease agreements for land plots of SFF.

The water resources management process was transferred to local communities represented by water users associations (WUAs), organizations established in accordance with the Law “On Water Users Associations” in order to operate and maintain irrigation systems. The norms of the Water Code also provide for the consistent expansion of the participation of water users, the public, and other stakeholders in the process of planning, making, and monitoring the implementation of governing decisions.

**Natural resource management** in the Kyrgyz Republic is based on the following principles:

- participation of all stakeholders in the planning and decision-making process;
- taking into account the needs of generations when making decisions on the use and protection of natural resources;
• taking into account the economic value of natural resources when planning, making decisions, and implementing activities for the use and protection of natural resources;
• precaution in decision-making (lack of complete scientific information should not be a reason for postponing or refusing to take effective measures where there is a risk of causing serious harm to natural resources, the environment, or human life);
• providing users with real guarantees in the exercise of their rights and legal protection; and,
• accessibility, according to which information on the State and use of natural resources should be available to members of the public.

In order to improve access to the population and expand the transparency of decision-making regarding the management and use of natural resources, various platforms have been created in the Kyrgyz Republic:

• The National Council for Sustainable Development under the President of the Kyrgyz Republic, which was established on 24 November 2012 in order to unite the efforts of all branches of government, the private sector and civil society on the future development of the Kyrgyz Republic to reach consensus on the main positions of the future sustainable development of the Kyrgyz Republic on the political “platform” at the highest level;

• Coordinating Council on Macroeconomics and Investment Policy under the Government of the Kyrgyz Republic (Resolution of the GKR dated 13 May 2011, No. 215), chaired by the Prime Minister to stabilize and achieve sustainable economic development of the Kyrgyz Republic by making coordinated decisions on the development and implementation of macroeconomic and investment policies;

• Coordination Commission on Climate Change Problems (Resolution of the Government of the Kyrgyz Republic No. 783 dated 21 November 2012), chaired by the Vice Prime Minister of the Kyrgyz Republic to provide guidance and coordination of the activities of ministries, departments, and organizations to fulfil the obligations of the Kyrgyz Republic under the UN Framework Convention on Climate Change and the Kyoto Protocol;

• Council for Business Development and Investment under the Government of the Kyrgyz Republic (Resolution of the GKR dated 5 August 2010 No. 149), which is an advisory body to the Government, ensuring the development and preparation of recommendations and proposals for government bodies on improving the business environment and investment climate and the implementation of measures necessary to accelerate the socio-economic development of the country; and,

• National Water Council (Resolution of the GKR dated 3 February 2006, No. 64) to coordinate the activities of ministries, State committees, administrative departments, local State administrations, and local self-government bodies on water resources management, use, and protection.

There are also public platforms for full participation in the discussion of the most important decisions in the field of efficient use of natural resources of the Kyrgyz Republic:

• Coordination Council on the effective use of the pasture resources of Kyrgyzstan - providing assistance to further reform the system of
management and use of pastures in the Kyrgyz Republic through the implementation of joint projects; exchange of experience and information on the implementation of measures in the field of sustainable management of pasture resources; and, making proposals and recommendations to government agencies on the effective management and use of pastures.

- **Regional Pasture Network** - an information platform designed to share experiences and expertise in pasture management in Central Asia, China, and Mongolia. This network focuses on pasture management and includes aspects of forest and wildlife management.

- **Mountain Partnership Sustainable Mountain Development** - a voluntary alliance of partnership efforts to improve the livelihoods of mountain communities and protect mountain ecosystems around the world. The Mountain Partnership was launched during the World Summit on Sustainable Development in 2002. Today, this global alliance has members from 50 countries, 16 intergovernmental organizations, 112 different groups, representatives of civil society, NGOs, and the private sector.

- **Coordinating Council of the National Dialogue on Water Policy in the Kyrgyz Republic** - considers key issues of the national water policy and makes decisions on activities; coordinates the activities of partners and projects on water issues in the Kyrgyz Republic; and, recommends institutional, economic, and financial aspects of water resources management and water management systems.

- **Climate Network of Kyrgyzstan** - a voluntary, self-governing, non-profit association of legal organizations created to reduce the negative impact of climate change on the environment and human life at the national and international level. The main goal of the Network is to promote the development of national policies, technologies, and practices, as well as represent public interests in the field of mitigation and adaptation to climate change in order to reduce the negative impact of climate change on the environment and human life at the national and international level.

In accordance with the current legislation, measures have been taken to ensure transparency, and all data on the implemented and approved programs are published on the official websites of the Government of the Kyrgyz Republic, ministries, departments, and agencies. All laws of the Kyrgyz Republic are published in the republican newspaper “Erkin Too,” and are publicly available on the Internet, on the websites of ministries, departments, and other concerned parties. All laws and changes on these are stored in the information system “Toktom.”

The Kyrgyz Republic annually collects information on land resources, compiles reports on the distribution of land by type, and publishes reports by the NSC KR in the form of annual and quarterly data. The population census is carried out once every ten years in accordance with the presidential decree. In the Kyrgyz Republic, official documents of State authorities and local self-government are accepted in the State language (Kyrgyz), in cases stipulated by legislation, are translated into the official language (Russian), and published in two languages. A document in the State language is considered original. In some cases, documents are translated, as necessary, into local languages (for example, Uzbek). In addition, there is an accessible and complete system for recording land ownership by types of categories and forms of ownership. This data is stored in the State Register and Design Institute for Land Management, “Kyrgyzgiprozem.”
Despite all the measures taken to ensure open access to official legal information in the country and the publication of news in the field of legislation on the official website of the government and in the bulletin of the Ministry of Justice on a regular basis, it is necessary to note the low level of knowledge of this information on the part of the population (estimated at about half of the population), especially in rural areas. This is primarily due to the lack of practice of public discussion and clarification of the meaning of laws, as well as the lack of a felt need for detailed knowledge of legislation by the average rural resident.

**GUIDELINES FOR GOVERNMENT TO CREATE A TRUE AND ACCURATE LAND TENURE SECURITY REPORT**

The analysis showed that the global objectives and indicators of the Sustainable Development Goals (SDGs) are reflected in the national strategic documents of the country, such as the National Strategy for Sustainable Development of the Kyrgyz Republic for 2018 to 2040 and the Program of the Government of the Kyrgyz Republic “Unity. Confidence. Creation.”

However, despite this, there is still a need to adapt and harmonize the global SDGs in the country’s national strategic documents, as well as to reflect them in sectoral development programs.

Considering that the SDGs (targets and indicators) and national strategic documents of the Kyrgyz Republic are closely interconnected and aimed at achieving common development goals, it is nevertheless necessary to strengthen the process of adapting the SDGs in the country.

At the same time, building an effective monitoring and reporting system for the SDGs, in turn, will create an effective mechanism for monitoring national strategic development documents.

The main recommended next steps to build a monitoring and reporting system for the Sustainable Development Goals in the Kyrgyz Republic are:

- Create an effective mechanism for coordinating global and strategic documents at the national level in order to create a common vision of the country’s development, by assigning a coordinating function to the Secretariat of the National Council for Sustainable Development of the Kyrgyz Republic, in coordination with the Government Office of the Kyrgyz Republic;
- Create a national formal mechanism for cooperation among government bodies in order to clearly define responsibilities, make public the activities being implemented, and ensure transparency of processes related to the SDGs and national strategic documents;
- Form a system of national SDG indicators, taking into account the national priorities and interests of the Kyrgyz Republic, provided for in the national strategic documents for the period up to 2040 and for the period 2018 to 2022;
- Identify possible sources of funding for special surveys based on broad consultations with the Ministry of Finance of the Kyrgyz Republic and development partners;
• Implement digital solutions everywhere in the process of collecting, processing, storing, and disseminating SDG indicators;
• Conduct an inventory of sectoral strategic documents for their consistency with indicators of sustainable development and develop principles for the inclusion of SDG indicators in national strategic documents and in sectoral documents;
• Carry out regular analysis of the interaction of the global Sustainable Development Agenda with national strategic documents; and,
• Maintain the maximum account of the levels of disaggregation when developing regional development programs, which will make the starting conditions the most favorable for the collection and subsequent processing of data of adapted indicators (NSC KR Report, 2016).

Currently, information on the number of landowners disaggregated by sex is not available. This information is available in part in the regional structures of the Department of Cadastre and Registration of Rights to Real Estate under the State Registration Service of the Government of the Kyrgyz Republic. However, the National Statistical Committee of the Kyrgyz Republic (NSC KR) has information on the population by sex and age, in the territorial context.

It is necessary to combine all sources of information and plan the next steps, which will entail testing and conducting questionnaires among landowners.

It is also necessary to carry out activities aimed at obtaining disaggregated data:
• area of land plots under private ownership;
• area of land plots by sex of the landowner;
• grouping of landowners by gender and year of birth; and,
• form of ownership by the landowner.

**Reflections on how CSOs can support the land agenda through the SDGs**

Currently, the number of registered CSOs in Kyrgyzstan, according to various sources, ranges from 8,000 to 12,000. Despite the large number of registered CSOs, there are no more than 600 to 700 actually operating throughout the country. According to experts, from 90 to 100 percent of CSOs are funded by international organizations.

Today, CSOs play an important role in Kyrgyzstan, forming a responsible civil society, actively participating in the political life of society, and providing a wide range of social services. CSOs help vulnerable groups, solve environmental problems, protect the rights and interests of citizens, among others.

CSO leaders are involved in supervisory councils created under each ministry of the Government. Therefore, in Kyrgyzstan, CSOs can support the land agenda through the SDGs through:

• Research, provision of information. CSOs often conduct various types of research and surveys that they need to carry out project activities. The results of such studies quite often turn out to be very useful for government agencies as an alternative source of information.
Cooperation with international institutions. Women’s CSOs have extensive experience in preparing both government and alternative reports on the implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which are successfully presented at international forums. Using international institutions, CSOs have a real opportunity to lobby for their interests.

Impact through the media. Organizing awareness raising, educational, or protest campaigns using the media is a long-standing NGO technique. Influence through the media draws the attention of the local and international community to the problem, expands the number of supporters, and activates officials for cooperation.

Conducting joint events - Conferences, round table discussion, seminars, trainings on social issues, charity events, cultural campaigns, among others are also effective venues for rallying support.

Lobbying for bills

Appeals, organization of peaceful pickets and other public actions. NGOs repeatedly makes appeals to the President, leaders of political parties, and parliamentary factions on a wide range of issues.

Participation in government advisory bodies. In February 2011, the Decree of the President of the Kyrgyz Republic On Amendments and Additions to the Decree of the President of the Kyrgyz Republic “On Improving the Interaction of Government Bodies with Civil Society” dated 29 September 2010 was issued. The decree provides for the creation of a local council under each ministry, in which representatives of NGOs are actively involved. The objectives of the creation of the Public Supervisory Board are: a) ensuring the participation of citizens in the management of State affairs; b) exercising public control over the activities of executive authorities; c) establishment of effective interaction of these bodies with the public; and, d) taking into account public opinion in the formation and implementation of State policy.

WAYS FORWARD

Within the framework of this report, the following recommendations are identified:

- Amend the Civil and Land Codes of the Kyrgyz Republic and the Law of the Kyrgyz Republic “On the Management of Agricultural Lands” to eliminate discrimination against women in divorce and inheritance of a land share (for example, provide an alternative mechanism, such as payment of life annuity on the woman’s share in the land share);
- Determine the procedure for the seizure of land plots and other real estate for State, public, and municipal needs by adopting a special regulatory legal act at the legislative level;
- Provide in the legislation an effective and simplified mechanism for registering land leases;
- Amend the regulations that “the owner of the land user must have the right without restrictions, the right to use, own and dispose of land: freely sell and buy, give and bequeath by inheritance, take loans secured by land”;

...
• At the level of national policy, decide on the adoption of effective and fair regulation of the issue of “unauthorized seizure of land” for individual housing construction;

• Create favorable conditions for investment in agro-industrial complexes;

• Develop and implement a program document for the development and State support of the land market, taking into account the responsible institutions for management, forecasting, monitoring, and reporting on the land market;

• Create an open and accessible electronic database, taking into account the gender, social status, age and other parameters of land users and landowners;

• Strengthen the implementation of national legislation in the field of observance and protection of legal rights of tenure and use of land, fishery, and forest resources in the context of national food security;

• Develop a procedure for the provision of lands of specially protected natural areas; and,

• Create an effective mechanism for assessing and pledging land, especially for agricultural purposes, in which landowners and financial and credit institutions will be interested in using them as collateral.

Acronyms

ADB  Asian Development Bank
ANGOC Asian NGO Coalition for Agrarian Reform and Rural Development
CCP KR Code of Civil Procedure of the Kyrgyz Republic
CSO civil society organization
FAO UN Food and Agriculture Organization of the United Nations
FC Family Code
FC KR Forest Code of the Kyrgyz Republic
GDP Gross Domestic Product
GSP Generalized System of Preferences
LWA Land Watch Asia
SFF State Forest Fund
SRS State Registration Service
HRC Human Rights Committee
KAFLU Kyrgyz Association of Forest Users and Land Users
KR Kyrgyz Republic
LC KR Land Code
LSG Local Self-Government Bodies
MFA KR Ministry of Foreign Affairs of the Kyrgyz Republic
MAFPM Ministry of Agriculture, Food Industry and Land Reclamation
NAPU National Association of Pasture Users
NGO non-governmental organization
NLA Normative Legal Act
NSC KR National Statistical Committee of the Kyrgyz Republic
NUWUA National Union of Water Users Association
PACE Parliamentary Assembly of the Council of Europe
PC Pasture Committee
PSC Public Supervisory Council
RG KR Resolution of the Government of the Kyrgyz Republic
RDF Rural Development Fund
RLA KR Regulatory Legal Acts of the Kyrgyz Republic
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This report was compiled based on data from State organizations: National Statistical Committee (NSC), Ministry of Agriculture, Food Industry and Land Reclamation (MAFPM), State Agency of Environmental Protection and Forestry under the Government of the Kyrgyz Republic (SAEPF) and State Registration Service of the Kyrgyz Republic (SRS). Similarly, reports of NGOs of the Kyrgyz Republic were also used as inputs to this paper. The authors express their deep gratitude to the management and staff of the above organizations.

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Terminologies

Peasant (farm) economy - an independent economic entity that has the status of a legal entity or carries out its activities without forming a legal entity, whose activities are based mainly on the personal labor of members of one family, relatives, and other persons jointly producing agricultural products, which is based on a land plot and other property belonging to members of a peasant farm on the basis of joint ownership or received for use (lease). If a peasant (farm) economy is created as a legal entity, it is a commercial organization (Law of the Kyrgyz Republic “On the peasant (farming) economy, dated 03.06.1999, No. 47).

Single forest fund - all forests and lands under State, communal, and private ownership, provided for the needs of forestry, form a single forest fund of the Kyrgyz Republic; all forests and lands provided for the needs of forestry, except for forests in communal and private ownership, form the State Forest Fund (Forest Code of the Kyrgyz Republic).

Household - the activity of a person or a group of persons living together in a dwelling and providing themselves with everything necessary for life through running a common household, fully or partially combining and spending their funds. These persons may be connected by marriage and family relations, kinship relations, or without the presence of such a relationship (National Statistical
Land user - an individual or legal entity to whom/which the right to use a land plot has been granted, transferred or transferred for unlimited (without specifying a period) or fixed-term (temporary) use (Land Code of the Kyrgyz Republic).

The Unified State Register of Static Units (USRSU) - an automated data bank about all economic entities of the Kyrgyz Republic: legal entities, branches (representative offices), citizens engaged in entrepreneurial activities without forming a legal entity as an individual entrepreneur, as well as peasant (farm) farms. The procedure for maintaining the USRSU is determined by the Regulation on the Unified State Register of Statistical Units of the Kyrgyz Republic, approved by the Resolution of the Government of the Kyrgyz Republic dated 14 November 2003, No. 722.

The right to a land plot - the right of ownership of a land plot or the right to an indefinite (without specifying a period) or urgent (temporary) use of a land plot (Land Code of the Kyrgyz Republic).

The right to use a land plot - a property right of individuals and legal entities that are not the owner of a land plot (Land Code of the Kyrgyz Republic).

Ownership of a land plot - the right of individuals and legal entities at their discretion to own, use and dispose of the land plot belonging to them, recognized and protected by the Constitution of the Kyrgyz Republic, the Land Code, and other legislative acts, with the restrictions established by this Code (Land Code of the Kyrgyz Republic).

Granting rights to a land plot - granting by an authorized body to individuals and legal entities the ownership or use of a land plot that is under State or municipal ownership (Land Code of the Kyrgyz Republic).

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Constitution of the Kyrgyz Republic. (KGZ).


Forest Code of the Kyrgyz Republic


Land Code of the Kyrgyz Republic

Law of the Kyrgyz Republic “On peasant (farm) economy”, dated 06 March 1999, No. 47


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