Contract No. EPP-I-00-06-00013-00

Front cover: Bidding for land at an LRF auction in Ak Beshimskii AO, Chuy oblast. Photo credit: Dmitry Gudkov, LRMDP II staff.
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EXECUTIVE SUMMARY AND PROJECT BACKGROUND

Since the introduction of land reform in Kyrgyzstan more than 10 years ago, the Kyrgyz people have taken private ownership of land for the first time in the country’s century-long history. For low-income citizens, land means major wealth. Because much of the Kyrgyz population is engaged in agriculture, economic growth and poverty reduction require a well-functioning land market underpinned by secured land rights. Given the current state of international commodity markets, agricultural policy and land use problems are also closely related to the issue of food security.

The USAID Land Reform and Market Development Project II (LRMDP II), implemented in Kyrgyzstan from October 2008 through June 2010, was developed primarily to address problems related to realization of land rights, weakly functioning land markets, and unstable land use management. LRMDP II worked at the national and local levels to inform local people about their land rights.

In many cases, LRMDP II’s results exceeded target indicators. Although it aimed to achieve economic growth, the project also contributed to strengthening local democracy and good governance and fighting corruption. For example, LRMDP II cooperated with local governments to develop strategic plans for the use of state-owned agricultural lands presented at public hearings, stimulating citizen participation in decision-making on local issues.

Developing Land Markets in Kyrgyzstan

A nationwide referendum in October 1998 introduced private land ownership in Kyrgyzstan. The state retained only 25 percent of state-owned agricultural lands, which became the Land Redistribution Fund (LRF) for allocation to citizens who were entitled to, but had not received, land, and to socially vulnerable groups and state-owned companies. To date, 19 percent of arable farm land remains within the LRF, managed by ayl okmotu (AOs), or local government units, on behalf of the state.

Following enactment of private land ownership, the Government of Kyrgyzstan introduced a moratorium on agricultural land purchase and sale to allow time for information campaigns to educate the public about their land rights. The moratorium was lifted in 2001, although the legislative framework to support a healthy land market in Kyrgyzstan had not yet been developed.

Impediments — particularly restriction of agricultural land rights to rural residents — prevented an influx of investments and limited agricultural land transactions. Moreover, management of LRF lands was ineffective.

To improve this situation and strengthen Kyrgyzstan’s market economy, USAID introduced major LRMDP II components to stimulate development of an effective rural land market and improve management of state-owned agricultural lands.
Stimulating development of an effective land market. Within this component, LRMDP II continued efforts begun during the 2005–2008 USAID Land Reform and Market Development Project (LRMDP I) to introduce land market mechanisms by drafting legislation designed to expand the pool of agricultural landowners and facilitate agricultural land mortgages. One important result of LRMDP II within the legislative portion of this component was adoption of changes to land laws by Kyrgyzstan’s government, Jogorku Kenesh (parliament), and president. Now both rural residents and legal entities engaged in agricultural production may own agricultural land. Banks and other lending institutions also now have the authority and ability to issue mortgages on land.

Within this component, LRMDP II implemented a new activity, a pilot program on voluntary land consolidation of degraded agricultural land. The steady degradation of Kyrgyzstan’s agricultural lands and the difficulty of attracting investors attests to the timeliness of the pilot program. Following the efforts of LRMDP I and LRMDP II, legislative restrictions were lifted and land investment started to become a reality; then LRMDP II could focus on effective use of and attracting investment to agricultural land.

During the privatization program, the government divided more than 60 percent of all agricultural land into private parcels of approximately 0.37 hectare. The government then subdivided into even smaller parcels. Their small sizes and remoteness from settlements meant that the cost of transportation could exceed income derived from cultivation, often resulting in farmers’ abandoning the land.

The pilot land consolidation program results exceeded expectations. Local investors agreed to short-term leases or partial purchases to rehabilitate land and invested 17,876,000 Som (more than $394,000) in 397 hectares of land. To achieve more efficient and productive land plots where all agronomic and technical requirements were observed, LRMDP II assisted with voluntary economic consolidation of 928 plots. LRMDP II provided all project materials, methodology, and recommendations on further voluntary land consolidation to the State Registration Service (Gosregistry) to support further changes to laws and nationwide introduction of voluntary land consolidation.

Also within this component, the project assisted in establishing legal zoning rules and conducted a successful study tour, training workshops, and information campaigns.

Improving management of state-owned agricultural lands. LRMDP I specialists provided direct assistance to 130 AOs in conducting inventory activities (including land surveys, zoning, and establishment of boundaries), determining accurate LRF plot sizes, and developing five-year strategic plans for the use of LRF lands. LRMDP II continued to provide assistance to local governments in effective management of state-owned lands. In May 2008, the Government of Kyrgyzstan issued Ordinance #204-p on conducting inventories in the remaining AOs and provided funds to the Gosregistry to perform inventories. In turn, USAID provided funds to LRMDP II to train Gosregistry specialists and transfer project experience on inventory stages and resolving boundary conflicts related to LRF lands. As a result, the Gosregistry conducted inventories independently in 300 AOs.
LRMDP II also helped 60 AOs prepare strategic plans for use of LRF lands and provided educational and practical assistance for organizing auctions and investment tenders. An LRMDP II law-making activity promoted the LRF land use strategy. Exhibit 1 shows the locations of auctions and investment tenders and income derived from these activities.

Exhibit 1. Income from Investment Tenders and Auctions to Lease LRF Land

Challenges to Program Implementation

During LRMDP II implementation, circumstances in Kyrgyzstan had serious impacts on the project work plan.

During the autumn of 2009, the Government of Kyrgyzstan underwent reforms that significantly changed the core government’s structure and functions. As a result, some functions of the Ministry of Agriculture were eliminated. Land issues were transferred to a newly formed Ministry of Natural Resources, as were the functions of the Land Inspection Department and the land cadastre. In addition, the newly created Gosregistry subsumed the former State Agency on Registration of Real Estate Rights.

To implement its objectives, LRMDP II agreed to collaborations with several ministries and government agencies, including:

- The Ministry of Agriculture, to further develop mortgages and implement changes to land legislation on the LRF land use strategy, a pilot program for consolidation of agricultural lands.
- The Ministry of Natural Resources, to improve the land policy concept and address land inspection issues.
- The Gosregistry, to simplify registration of land consolidation.
The restructuring of the government also affected the Jogorku Kenesh.

Most relevant to the project was the formation of the Committee on Agrarian Issues, Ecology, and Regional Development.

Civil unrest and anti-government protests in April 2010 resulted in the overthrow of the existing government and establishment of a provisional government. The Jogorku Kenesh was dissolved and many ministers, governors, mayors, and AO heads were replaced. All previously approved schedules concerning consideration and adoption of changes to land legislation were postponed as the provisional government focused on adopting a new constitution and organizing a nationwide referendum.

Project Background

Kyrgyzstan’s economic prosperity rests to a significant degree on its people’s ability to buy, sell, and effectively use the nation’s agricultural land. Free market rights to land, effective land administration and distribution, and systems for financing land purchases all contribute to Kyrgyzstan’s prosperity and food security. These are building blocks upon which social stability and the quality of life of rural and urban dwellers depends. For more than a decade, Kyrgyzstan has been transitioning to a free-market economy, which has included important steps toward developing a market for land use rights. A nationwide referendum passed in 1998 allows for private ownership of land. To ease the transition to a market-based system of land ownership — especially for less well-to-do Kyrgyz citizens — the state set aside 25 percent of state-owned agricultural lands in an LRF for citizens.

Following enactment of private land ownership, the Government of Kyrgyzstan introduced a moratorium on agricultural land purchases to allow time for informational campaigns to educate the public about their land rights. The moratorium was lifted in 2001, although the legislative framework to support a healthy land market had not yet been developed in Kyrgyzstan.

Several factors slowed the growth of Kyrgyzstan’s agricultural land market, even as market use of urban land grew rapidly. Only rural residents have the right to purchase agricultural land; this obstructs land investment by urban dwellers and frustrates efforts to put the land to more efficient use. Local AOs, which manage LRF lands on behalf of the national government, tend to be inefficient because reliable information about the quantity and quality of LRF land has not been readily available and transparency in the allocation and use of the land is lacking. Following privatization, no accurate recording or monitoring of LRF land occurred. Legal reforms to improve conditions for land market development and allow for easier acquisition of agricultural land are still needed. Equally important, Kyrgyzstan’s people must understand newly adopted land market legislation.
Project Objectives

The project had two objectives:

- Stimulate an effective rural land market
- Improve management of state owned agricultural land

With USAID’s concurrence, LRMDP II also conducted activities building on past USAID efforts to facilitate implementation of effective zoning.

Project Highlights

- A total of 124,903 Kyrgyz citizens benefited directly from LRMDP II activities.

- On December 24, 2008, the Government of Kyrgyzstan adopted draft laws to develop agricultural land mortgages, enlarge the pool of agricultural land owners, and grant ownership rights to foreign banks for one-year terms. The Jogorku Kenesh approved the draft mortgage laws on April 10, 2009. On May 26, 2009, four laws on agricultural land mortgages were enacted by presidential decree.

- A governmental decree of March 10, 2009, confirmed the transfer of the draft Strategy for Future Use of LRF Land to the State Agricultural Land Fund; President Kurmanbek Bakiyev signed the strategy on April 10, 2009.


Training Activities

- Technical training in conducting final inventories and forming strategic plans for LRF land use in 60 AOs.

- A study tour to Moldova for Jogorku Kenesh members and other high-level Government of Kyrgyzstan officials. The tour demonstrated the necessity of expanding the pool of agricultural land owners, developing land mortgages, and improving land consolidation.

- Technical training for 107 Gosregistry regional office specialists and land tenure specialists in preparing electronic maps and conducting land surveys in the field.

- Seminars for local government specialists on developing strategic plans and conducting open auctions and investment tenders.
• Training on land auction procedures for 366 land commission members from 30 AOs.

• Public information sessions through which 1,355 residents took part in consultations on conducting auctions.

• A manual in Kyrgyz and Russian on organizing and conducting auctions and promoting and facilitating investment tenders.

• Two brochures on legal zoning for the Bishkek city working group.

Technical Assistance

• A pilot program for land parcel consolidation in the AOs of Arashan, Saylyk, and Uchkorgon, reaching 11,400 beneficiaries and resulting in consolidation of approximately 397 hectares.

• Legal backstopping for an investment tender within USAID’s Joint Agro-Initiative Project in Markaz.

• Technical assistance and development of an investment tender within the Joint Agrarian Initiative of USAID and Markaz AO.

• Auctions for LRF land leasing in 30 AOs.

• Promotion of investment tenders for degraded lands and assistance in preparing seven investment tenders, of which five were conducted successfully and attracted investments of more than 2 million Soms in 79 hectares.

• Assistance to residents in resolving land disputes through informational campaigns and publications on land issues.

Public Awareness Activities

• To raise public awareness of recent land legislation amendments, LRMDP II conducted a two-month informational campaign of meetings and public gatherings through the country that were attended by 6,229 Kyrgyz citizens, including at least 1,900 women.

• LRMDP II carried out public information campaigns on land auctions through local rural activists.

• Following political turmoil in Kyrgyzstan in April 2010, LRMDP II prepared an extensive public awareness campaign on land rights. The project printed and distributed 32,000 informational brochures in Kyrgyz and 8,000 in Russian through the Ministry of Agriculture, Gosregistry, and the office of the mayor of Bishkek. To ensure continuation of the information campaign after the project’s completion, LRMDP II enlisted project counterpart Aïl Demilgesi Public Association to use the information from the brochures for an outreach campaign in 125 AOs beginning in June 2010.
General Lessons Learned

• **Issues as complex as land reform require well-coordinated and multifaceted program solutions.** LRMDP II’s comprehensive approach included helping develop legislation that changed Kyrgyzstan’s legal framework to facilitate the growth of agricultural land markets. The project prepared regulatory impact analyses (RIAs), trained government staff to conduct future RIAs, and undertook public awareness campaigns to inform citizens of new laws and proposed legislative changes. Other activities included producing brochures and booklets for citizens on land issues, conducting a land consolidation study tour, and providing assistance with legal zoning.

• **Land reform projects must work in partnership with both national- and local-level stakeholders.** Land reform solutions cannot be parachuted into the country; they must be developed through close collaboration with local stakeholders. LRMDP II developed relationships with working groups in the Ministry of Agriculture, several AOs, the Gosregistry, the Land Commission and *aiyl keneshes* (local councils), among others.

• **Continuing to make progress toward land reform goals and targets is sometimes possible even during periods of political change and upheaval.** Despite major government structural reforms in 2009 and the overthrow of the government and establishment of a provisional government in 2010, the project continued to make progress toward its goals and objectives. Long-term relationships of trust between LRMDP II and national and local government officials allowed the project to continue to promote reforms and conduct impactful activities impact even during this period of political upheaval.
I. STIMULATING AN EFFECTIVE RURAL LAND MARKET

Background

Although Kyrgyzstan began allowing private ownership of agricultural land more than a decade ago, the country’s rural land market remains underdeveloped. Recent government statistics reveal that agricultural land transactions lag significantly behind urban land transactions. Given the importance of the agricultural sector to Kyrgyzstan’s economy, the agricultural land market must be supported to foster growth.

An LRDMP II analysis of major agricultural land transactions (purchase and sale, lease, inheritance, and mortgage) reveals that mortgages lag behind all other land transactions (Exhibit 2). In fact, agricultural land mortgages decreased steadily from 530 individually registered mortgage transactions in 2004 to just 122 in 2008. A dramatic increase is directly related to the mid-2009 adoption of a group of mortgage laws, facilitating transactions. As a result, mortgage transactions in 2009 increased more than sevenfold over the previous year.

Exhibit 2. Trends in Agricultural Land Transactions and Mortgages

Restrictions on agricultural land ownership affect Kyrgyzstan’s market structure. Agricultural land mortgages have decreased greatly, although real estate mortgage transactions increased overall.

The lack of dynamism in the agricultural land market would not be so serious a problem if productivity in the agricultural sector were increasing. However, the lack of investment in land led to disuse or degradation of privately owned land. The primary reasons for limited investments in agricultural land are legislative restrictions and fragmentation of land plots. Legislative changes in mid-2009 reduced legal restrictions to land ownership, allowing legal entities to own agricultural land; however, restrictions on foreign ownership or leasing remain. With respect to land plot fragmentation, farmers continue to cultivate their plots, often without rotating crops or investing resources into the LRF land they lease.

LRMDP II used a multifaceted approach to help stimulate an effective rural land market by addressing necessary legal changes, enhancing public awareness of these changes, conducting activities to encourage greater land consolidation, and encouraging land zoning.
For reference, project indicators are listed in Exhibit 5 on page 20.

**Legal Assistance and Advocacy Support**

*Facilitating establishment of an effective land market.* In collaboration with the Ministry of Agriculture, the Association of Businessmen of Kyrgyzstan, and the banking sector, LRMDP II staff helped develop legislation to facilitate growth of agricultural land markets, foster economic growth, and promote new national- and local-level policies to improve the effectiveness of land use. In addition, at the request of the Investment Council and President Bakiyev, LRMDP II helped draft legislation and amendments to four laws designed to facilitate agricultural land mortgages.

To further increase the government’s understanding of the draft mortgage laws, LRMDP II prepared an RIA of the proposed laws to examine current land problems and how the amendments addressed them and compare the amendments to similar laws in other countries. This was ministry staff’s first exposure to an RIA. To prepare for implementation, the LRMDP II expert who developed the RIA also trained Ministry of Agriculture staff to prepare future RIAs.

To raise awareness of the proposed draft laws among the Kyrgyz population, LRMDP II conducted public hearings attended by 499 people, including 52 women. The majority of participants found the proposed amendments necessary and timely. After taking part in project-sponsored working groups, representatives of local governments and the Jogorku Kenesh committees on Land, Agrarian Issues, and Ecology and Regional Development also expressed approval for the proposed amendments.

The government of Kyrgyzstan approved the draft laws in December 2008 and forwarded them to the Jogorku Kenesh for adoption. In April 2009, the Jogorku Kenesh approved the following draft laws; President Bakiyev signed them into law on May 26, 2009.

- *Amendment to Land Code of the Kyrgyz Republic N171.* This law grants ownership rights for agricultural land to foreign banks and specialized financial and credit institutions for a fixed term of one year in cases when enforcement of the pledged agricultural land plot is needed. The law also specifies that the starting price of a land plot during public sales be based on its market value rather than its normative value.

- *Amendment to the Law of the Kyrgyz Republic on Banks and Banking Activity, N172.* The law on Agricultural Land Management was adopted in a package of amendments to the Land Code of the Kyrgyz Republic. It grants ownership rights to agricultural land to banks and specialized financial and credit institutions for one year in case of defaults on loans.

- *Amendment to the Law of the Kyrgyz Republic on Pledge, N173.* Also adopted in a package of amendments to the Land Code of the Kyrgyz Republic, this law states that the starting price of a land plot during public sales be based on its market value.
Amendment to the Law of the Kyrgyz Republic on Agricultural Land Management, N174. This law stipulates that legal entities of the Kyrgyz Republic engaged in agricultural production and processing of agricultural products may acquire agricultural land. It also states that banks and specialized financial and credit institutions may hold ownership of agricultural land for one year when the land was acquired to enforce a defaulted loan — the only circumstance in which banks and financial institutions can acquire agricultural land. The amended law removed the land ownership ceiling for a single person or entity.

These laws improve land market development conditions in Kyrgyzstan and allow for free acquisition of agricultural land by legal entities engaged in agricultural production and processing of agricultural products. They also support rural producers who wish to use agricultural land as collateral for obtaining credit from banks and financial and credit institutions.

LRMDP II assisted the Ministry of Agriculture in drafting several by-laws:

- Resolution of the Government of Kyrgyzstan on Approval of the Procedure for Calculation of the Cost Value (Normative Price) of Agricultural Lands (No. 47), originally approved on February 4, 2002
- Procedure for Determining the Cost Value (Normative Price) of Agricultural Land (No. 47), originally approved on February 4, 2002
- Regulation on Purchase and Sale of Agricultural Land Plots, approved by Resolution of the Government of Kyrgyzstan (No. 427), originally approved on August 13, 2001
- Temporary Requirements on Mortgage Lending for Agricultural Land Plots, (No. 605), approved by Resolution of the Government of Kyrgyzstan and the National Bank, originally approved on September 4, 2002

The project prepared an RIA for the draft by-laws and coordinated all draft by-laws and regulations with stakeholder ministries and institutions.

LRMDP II also assisted in developing the draft Ordinance of the Government of the Kyrgyz Republic and the National Bank of the Kyrgyz Republic on Approval of Temporary Requirements for Mortgage Lending for Agricultural Land Plots. The draft was submitted to the Board of the National Bank of the Kyrgyz Republic for approval and was expected to be submitted for consideration to the Government of Kyrgyzstan in May 2010. However, following the April 2010 transfer of government functions to the provisional government, it was not known whether the draft regulations would be considered. LRMDP II submitted the entire draft law package, with its RIA, to the Ministry of Agriculture in May 2010.
Protection of arable land. In recent years, the amount of arable land in Kyrgyzstan decreased drastically because of ineffective use of irrigated land and transformation of agricultural land into other land categories. To prevent further reduction of arable land area and ensure food security, the Jogorku Kenesh Committee on Land, Agrarian Issues, and Ecology, with LRMDP II assistance, developed the Law on the Moratorium on Transformation of Irrigated Land into Other Land Categories and Types (N257). Signed by President Bakiyev on July 31, 2009, this law suspended transformation of irrigated land into other land categories or types.

LRMDP II’s continued support for efforts to protect Kyrgyzstan’s arable land included assisting a working group formed by the Jogorku Kenesh, whose members were deputies of the Agrarian Committee of the Jogorku Kenesh, Land Registration Service specialists, and representatives of the Ministry of Natural Resources and the State Environmental Protection Agency. LRMDP II helped develop the law on Transformation of Land Plots and drafted an RIA of changes to the law.

Due to Kyrgyzstan’s political situation, LRMDP II submitted a final version of the draft Law on Transformation of Land Plots and RIA to the Department of the Cadastre and Registration of Real Estate Rights to the State Registration Service of the Kyrgyz Republic in May 2010 for further consideration.

**Integrating Land Market Development Strategies**

Understanding that effective use of agricultural land is critical to ensuring Kyrgyzstan’s agricultural productivity and guaranteeing food security for future generations, the state prioritized improving agricultural land use. However, the lack of a comprehensive approach for an agricultural land market often leads to conflicting priorities among governmental structures and donors. Recognizing the need for a comprehensive land policy for Kyrgyzstan, LRMDP II cooperated with the Gosregistry in developing the draft Concept of Land Policy for 2010–2015 that establishes a single state land policy.

The draft Concept of Land Policy outlined the direction of the state land policy; developed a strategy for improving land resources management; and stipulated improvements to land legislation by developing a more comprehensive and detailed Land Code, further developing land markets and ensuring an inventory of the entire Kyrgyz land fund. The land concept attempted to optimize land use by increasing agricultural production and ensuring adherence to land survey principles through new national and regional programs aimed at enlarging small agricultural land parcels.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>LRMDP II proposed several principles to assist in reviewing land transformation documents.</td>
</tr>
<tr>
<td>• A concept for reimbursing agricultural and forestry losses to users and land owners</td>
</tr>
<tr>
<td>• Clear definition of state agencies’ land-transfer authorities</td>
</tr>
<tr>
<td>• Appointment of the state registration service to coordinate the land-transfer responsibilities of other government departments</td>
</tr>
<tr>
<td>• The “single window” principle as a means to reduce the time frame for consideration of transformation of documents by authorized bodies</td>
</tr>
<tr>
<td>• The specifics of land transformation for all land categories, including agricultural land</td>
</tr>
<tr>
<td>• Deadlines for authorized bodies to consider documents regarding transformation of lands</td>
</tr>
</tbody>
</table>
President Bakiyev’s restructuring of several government functions and responsibilities in October 2009 led to changes in some LRDMP II land reform and land market development activities. For example, the newly formed Ministry of Natural Resources was transferred from the Gosregistry to the Kyrgyz State Land Survey Project Institute (Kyrgyzgiprozem), a mapping service department. Ministry of Agriculture functions were significantly reduced. Land policy issues — especially development of the national land policy — were transferred to the new Ministry of Natural Resources. LRMDP II initiated creation of a working group under the Ministry of Natural Resources. The draft concept was sent to all stakeholder ministries and institutions for their comments and recommendations. In April 2010, with LRMDP II participation, a final version of the concept was to have been discussed at a land policy roundtable discussion.

The political turmoil and possible restructuring of government ministries following the events of April 2010 delayed adoption of the Land Reform Concept. LRMDP II formally submitted the latest version to the Ministry of Natural Resources. Within the framework of changes in the government structure, the ministry contacted USAID for assistance in identifying options; making recommendations for forming a new land inspection department; and determining its responsibilities, competence, and authority. While observing the principles of a free market economy, it is important that Kyrgyzstan apply examples of the Land Inspection and Control Services that fully respect and protect the right of private land use and ownership by Kyrgyz citizens and resident aliens while also protecting the interests of the state in providing food security, health care, safety, and reasonable development standards in urban and rural areas.

With the assistance of international experts, LRMDP II analyzed existing legislation on control over land use and provided examples of international best practices to enable the Government of Kyrgyzstan to determine the model best suited to protect the country’s economic interests and public policy.

A review of laws and regulations concerning inspection, control, and monitoring of various types of land for consideration by a new land inspection and monitoring service resulted in the following recommendations.

- Assign more than one state body to inspect and monitor land.
- Develop clear standards and procedures to support cooperation among public agencies inspecting and monitoring land; establish well-defined responsibilities for each agency to enhance inspection and monitoring and reduce corruption.
- Define clear administrative responsibilities for land inspection and monitoring activities undertaken by public agencies.

<table>
<thead>
<tr>
<th>National and Regional Programs Under the Land Concept</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Consolidation of land</td>
</tr>
<tr>
<td>• Introduction of territorial land planning principles that consider regional, social, and economic development needs</td>
</tr>
<tr>
<td>• Determination of regional specialization</td>
</tr>
<tr>
<td>• Development of mortgage lending to agricultural enterprises</td>
</tr>
<tr>
<td>• Use of agricultural land parcels by farmers as collateral against loans</td>
</tr>
<tr>
<td>• Attraction of investments to enable better use of land resources</td>
</tr>
<tr>
<td>• Improved soil quality and rehabilitation of degraded and unused land</td>
</tr>
</tbody>
</table>

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13
Following coordination with the Ministry of Natural Resources on improvement of laws and regulations on state land use control with the Ministry of Natural Resources, LRMDP II assisted in developing the regulations on State Control over Land Use and Protection in the Kyrgyz Republic and State Land Use Control Inspection.

Both regulations were coordinated with stakeholder ministries and sent to the government for approval. Adoption was planned for the first part of April 2010; however, the political situation delayed approval.

**Enhancing Public Awareness**

LRMDP II undertook a public information campaign to raise awareness of the newly adopted agricultural land market and legislation. The project implemented the campaign through a variety of methods and channels for maximum reach. These included *rayon* (regional) roundtable meetings, presentations at national meetings of Kyrgyz livestock breeders, public information meetings with rural populations, and updates delivered to regional and local media outlets.

The LRMDP II information campaign was carried out in every Kyrgyzstan. Meetings and public gatherings in 100 AOs were attended by more than 6,229 people, including more than 1,900 women. Additionally 11,581 individuals participated directly in LRMDP II’s information activities. Exhibits 3 and 4 present LRMDP II achievements with respect to public meetings in each *oblast* and outreach activities, respectively.

**Exhibit 3. Information Campaign Participants**

<table>
<thead>
<tr>
<th>Oblast</th>
<th>Number of Participants</th>
<th>Number of Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Batken</td>
<td>654</td>
<td>285</td>
</tr>
<tr>
<td>Chuy</td>
<td>723</td>
<td>251</td>
</tr>
<tr>
<td>Jalal-Abad</td>
<td>951</td>
<td>284</td>
</tr>
<tr>
<td>Naryn</td>
<td>1,126</td>
<td>329</td>
</tr>
<tr>
<td>Osh</td>
<td>1,333</td>
<td>339</td>
</tr>
<tr>
<td>Talas</td>
<td>676</td>
<td>156</td>
</tr>
<tr>
<td>Ysyk-Kol</td>
<td>766</td>
<td>257</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,229</strong></td>
<td><strong>1,901</strong></td>
</tr>
</tbody>
</table>

**Exhibit 4. Outreach Activities**

<table>
<thead>
<tr>
<th>Type of Activity</th>
<th>Number of Activities</th>
<th>Number of Participants</th>
<th>Number of Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public hearing to discuss amendments to land laws</td>
<td>9</td>
<td>656</td>
<td>80</td>
</tr>
<tr>
<td>Trainings and seminars</td>
<td>114</td>
<td>4,203</td>
<td>538</td>
</tr>
<tr>
<td>Roundtable discussions</td>
<td>34</td>
<td>493</td>
<td>151</td>
</tr>
<tr>
<td>Information campaign</td>
<td>163</td>
<td>6,229</td>
<td>1,901</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>320</strong></td>
<td><strong>11,581</strong></td>
<td><strong>2,670</strong></td>
</tr>
</tbody>
</table>
Avazbek Palvanov, head of Akman AO in the Bazar-Korgon rayon of Jalal-Abad oblast noted that these information campaigns were useful for farmers with insufficient pledges and who were unaware of changes in land legislation. Throughout project activities, LRMDP II produced and distributed 136,400 informational brochures and booklets on land issues, including the following titles produced in Kyrgyz and Russian:

- **How to Buy Agricultural Land** describes groups or individuals eligible to purchase agricultural land, existing restrictions, and important conditions and procedures for documenting the purchase and sale of agricultural land.

- **How to Pledge Agricultural Land** explains who is eligible to pledge land parcels, the procedure for obtaining credit against the pledge of a land parcel, documents required to obtain credit, and consequences of nonpayment.

- **Contemporary Issues of Land Legislation of the Kyrgyz Republic** answers frequently asked questions concerning agricultural land use and provides information on transactions, land transformation, development, and seizure.

- **How to Protect Your Right to Land** describes existing land legislation, citizens’ rights regarding land and ways to protect those rights, and repurcussions of stealing land.

Following political turmoil in spring 2010 and at the request of the office of the mayor of Bishkek and the Department of Cadastre and Registration of Real Estate Rights, LRMDP II distributed the brochures throughout the country to support efforts to end extensive squatting on agricultural land. The project also prepared posters describing effective use of LRF lands and protection of ownership of agricultural land for distribution throughout AOs.

These materials were distributed to citizens by local departments of the Gosregistry, Ministry of Agriculture, and project counterpart Aiyl Demilgesi. To ensure this important work continues after the project’s completion, Aiyl Demilgesi will distribute brochures and conduct public awareness activities for residents in 125 AOs throughout Kyrgyzstan beginning in June 2010.

**Land Consolidation Study Tour**

Kyrgyzstan has a critical need for land consolidation. LRMDP II conducted a study tour to the Republic of Moldova to learn from experiences, lessons learned, and best practices related to land and agrarian reform. Participants learned about Moldova’s agricultural land ownership rights, consolidation of agricultural land, and development of agricultural land mortgages. The delegation included members of the Jogorku Kenesh Committee on Land, Agrarian Issues, and Ecology and other representatives of the Government of Kyrgyzstan. The group met with Moldova’s minister of agriculture, director of the state cadastre office, and representatives from the banking sector, farmers’ associations, and international agricultural projects. The delegation also visited several primarias (the Moldovan equivalents of Kyrgyz AOs) and farms to study farming practices and the use of rural agricultural land.
Study tour participants met with national and local government representatives, investors, and farmers, to discuss issues related to expanding the pool of agricultural land owners, agricultural land mortgages, and land consolidation. The tour increased participants’ understanding of Moldovan experiences applicable to Kyrgyzstan:

- Expanding the pool of owners — the need to provide all citizens equal rights to land
- Mortgage development — the government’s responsibility for developing agriculture lands and favorable conditions for providing credits against pledges of agricultural land
- Land consolidation — more effective use of agricultural land, attracting investment in agriculture, and helping to resolve social problems in rural localities

**Land Consolidation Pilot Project**

Land parcels throughout Kyrgyzstan are highly fragmented, resulting in ineffective use and a host of land management problems. As a result, voluntary consolidation of parcels is an important element in effective land use. To address the issue, LRMDP II, with the participation of international experts, developed a pilot program for the consolidation of land parcels.

LRMDP II prepared (and the Ministry of Agriculture and the Gosregistry approved) an action plan for 2009–2010 to stimulate land consolidation through market mechanisms. The Gosregistry also agreed to consider a simplified application procedure for registration of transactions related to land consolidation.

In selecting pilot villages, LRMDP II considered the availability of fragmented, unused lands; the agreement and cooperation of local AO administrations and interests of land owners in developing villages; and investors’ interest in the land in pilot AOs. An extensive search for fragmented, unused land on behalf of investors and in coordination with local administrations revealed that identifying such lands — whether private or LRF — is time-consuming and that identified parcels may not suit investors’ requirements.

For example, fragmented unused private and LRF lands in the Ibraimov, Kegeti, and Oshkorgon AOs of Chuy rayon did not interest Vita-Agro-Service Ltd., which works in those AOs, because they lacked access to irrigation systems.

Three investors were chosen for the pilot program:
• Vinsai Ltd. With the Sailyk AO and Vinsai, LRDMP II conducted activities on consolidating private perennial plantations and enlarging State Agriculture Land Fund (SALF) lands. The consolidated land comprises 56 plots totaling 63.8 hectares. As of May 15, 2010, 23 plots totaling 26.6 hectares had been legally registered. The 23 transactions include one exchange and 22 land sales/purchases.

• Ibragim-Ata Ltd. With the Arashan AO and Ibragim-Ata, LRDMP II conducted consolidation activities on 78 non-irrigated plots of private agricultural land covering approximately 130 hectares. As of May 15, 2010, five plots totaling five hectares had been legally registered.

• Ellantra Ltd. The company worked on land consolidation of conventionally irrigated private lands and enlargement of SALF lands in Uch-Korgon AO. The consolidated land area comprises 867 plots totaling 328.18 hectares. As of May 15, 2010, 256 plots covering 224.72 hectares had been legally registered. All transactions were lease agreements.

Although May 15, 2010, was the last date for the project to report on land consolidation activities with these investors, legal registration of the consolidated plots continues. The project provided the investors with tools to continue registration independently.

The project conducted voluntary land consolidation activities in three pilot AOs:

• Meeting with AO heads and specialists to provide information on the consolidation program. LRMDP II also obtained data from pilot AOs regarding consolidation opportunities.

• Obtaining an accurate list of land owners from the Gosregistry. LRMDP II reviewed the Gosregistry’s local registration system to determine the number and types of land owners in each pilot AO.

• Creating a working group for land consolidation activities in each pilot AO. The working groups included land surveyors; farmers; and representatives of investors, the Gosregistry, and LRMDP II subcontractor Atlas Plus Ltd.

• Analyzing and preparing for transactions. LRMDP II gathered identification and title documents for land in each pilot AO, determined the land’s coordinates and topography, prepared an owner’s registry, compared actual against legal land use and land sizes, and determined approximate costs for leasing the SALF lands.

• Determining transaction registration cost and making efforts to lower Gosregistry fees.

• Meeting with land owners. LRMDP II, with investors and the working group, met with landowners to determine transaction conditions, amounts, and terms.

• Developing contracts. LRMDP II assisted investors and land owners in drafting agreements.
• **Concluding transactions and registrations.** LRMDP II assisted the Gosregistry in registering powers of attorney, signing agreements, and obtaining titles and other registration documents.

LRMDP II worked with land share owners, AO specialists, and local Gosregistry offices to identify investors interested in agricultural land consolidation. A total of 11,400 people participated in land consolidation activities, including 4,537 women.

The project encountered some problems in voluntary agricultural land consolidation.

• **High costs for registering transactions at the Gosregistry.** In addition to the direct costs of land rehabilitation, irrigation, land lease or purchase, taxes, and social fund payments, investors incur significant expenses for registering transactions. For example, the cost to register a land consolidation transaction in the Uch-Korgon AO is approximately 30 percent of the entire transaction amount.

• **Missing or inaccurate documentation.** Transactions could not move forward unless owners could produce identification documents, titles, or powers of attorney that established their rights; specified the location of land being consolidated; demonstrated the size of the land under consideration was consistent with that specified in AO documents; or actual land use conformed to documents issued to owners and system registration data.

• **Absent or unknown owners.** In some cases, the whereabouts of owners of unused land was unknown or owners were deceased and heirs could not be located.

LRMDP II learned valuable lessons that can be applied to future voluntary land consolidation activities in Kyrgyzstan:

• Consolidation should be based on principles of voluntary participation, local market land value, guaranteed participation of all stakeholders, effectiveness, and fairness.

• Voluntary land consolidation should be considered as integral an element of agricultural development as irrigation, drainage, and water supply.

• Land consolidation should be considered an instrument for developing the land market.

• Land use problems should be resolved prior to consolidation.

• Government involvement is necessary for successful voluntary land consolidation.
Promoting Land Zoning

As part of the Kyrgyzstan Land Reform Project (1999–2005) and Land Reform and Market Development Project I (2005–2008), USAID assisted in achieving adoption of legal zoning rules and development of maps in 11 pilot cities and two rural settlements. LRMDP II continued to promote legal zoning rules in Kyrgyzstan. The project’s efforts included developing an urban planning code and utilizing legal zoning rules and land use and development rules as urban planning tools. LRMDP II also participated in planned legal zoning work in Bishkek, the capital city.

With specialists from the Urban Planning Institute, LRMDP II conducted analysis and prepared a section on legal zoning to be included in the draft Urban Planning Code. The document detailed the status, structure, and application of the land use and development rules; urban planning regulations and their application; the authority of the Land Use and Development Commission; the procedure for public hearings; and other significant provisions. The members of the working group involved in drafting the proposed Urban Planning Code approved all suggestions proposed by LRMDP II.

By resolution in September 2009, the Government of Kyrgyzstan approved the Model Land Development Improvement Rules in the Kyrgyz Republic, although its legal zoning provisions lacked sufficient detail for practical application. In response, LRMDP II redrafted the model rules with detailed provisions on legal zoning rules, land use development, and development rules for cities. These changes allow cities to develop their own land use and development rules independently. All recommendations were submitted to the International Business Council and Urban Development Association for its endorsement, and promotion.

Developing Legal Zoning in Bishkek


LRMDP II participated in creating a working group on the development of a legal zoning concept and conducted an informational training workshop on legal zoning rules for the Bishkek administration and working group members.

In preparation for the workshop and to make additional efforts on legal zoning in Bishkek, LRMDP II revised and published 200 brochures on legal zoning. These documents introduce a legal zoning system in Kyrgyzstan, analyze existing legal zoning legislation, and discuss major concepts and technology for urban construction regulation in the legal zoning system, including steps for formulating land use and development rules.
Workshop participants were briefed on legal zoning technology and development stages of the concept of legal zoning and zoning technology development. The workshop also covered existing laws and LRMDP II’s experience in developing land use and development rules in cities and two rural settlements in Kyrgyzstan.

LRMDP II assessed current practices for developing legal zoning rules in the cities of Balykchy, Batken, Cholpona, Jalal-Abad, Karakol, Naryn, Osh, Talas, Tokmok, and Uzen, where land use and development rules are in effect and actively applied. Local administration officials in these cities emphasized the importance of adopting the rules to resolve daily issues and attract outside investments.

The political events of April 2010 threatened LRMDP II efforts to promote legal zoning rules. Further work in drafting laws for public agencies and local governments and developing legal zoning rules in Bishkek were suspended — perhaps indefinitely — due to political instability.

### Exhibit 5. Stimulation of Effective Rural Land Market PMP Indicators

<table>
<thead>
<tr>
<th>Expected Results</th>
<th>Indicators/Targets</th>
<th>Results Achieved</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage increase of rural land transactions, after amendments to legislation removing restrictions on land ownership</td>
<td>7,444 transactions 30% increase over baseline targets</td>
<td>Transactions: 2009: 9,326 2010: 8,069 Total: 17,395</td>
<td>Fully achieved 133% increase over baseline targets</td>
</tr>
<tr>
<td>Total area of land consolidated</td>
<td>300 ha consolidated</td>
<td>396.98 ha consolidated</td>
<td>Fully achieved 32% increase over baseline targets</td>
</tr>
<tr>
<td>Number of land parcels consolidated</td>
<td>40 parcels</td>
<td>928 parcels</td>
<td>Fully achieved 2,220% increase over baseline targets</td>
</tr>
</tbody>
</table>
II. IMPROVING MANAGEMENT OF STATE-OWNED LAND

Improving management of state-owned land is integral to the creation of a land market. LRMDP II’s analysis of LRF land use and management practices identified a number of problems related to the LRF land management system. Ineffective management and use of LRF land stemmed from a lack of reliable information about the amount and quality of LRF land and transparency in allocating land for lease and to the level of land degradation. Krygyzstan’s total LRF land area is decreasing as land shares are allocated for the construction of private housing.

Implementing LRF Land Strategy

To address LRF land management problems, a working group of LRMDP II project specialists was established under the Ministry of Agriculture. To ensure effective use of LRF land, the working group developed the Strategy of Future Use of Agricultural Land Redistribution Fund. Enacted on April 10, 2009, by Presidential Decree 199, the strategy mandates incorporation of LRF land into the State Fund of Agricultural Land; allocation of fund land to be leased through transparent and open public auctions; an enlarged pool of lessees; attraction of foreign investors; and suspension of the practice of granting land shares from the fund.

Following this decree, relevant ministries agreed on an action plan to implement the strategy which was forwarded to the Government of Kyrgyzstan for final approval. The action plan elaborates on transformation of LRF land into State Fund of Agricultural Land, suspension of land share allocation, transference of lease determination authority to aiyl keneshes, and obligation of AOs to sign lease agreements.

LRDMP II specialists analyzed all by-laws regulating management of agricultural land owned by the state. A working group under the Ministry of Agriculture prepared changes to all relevant laws and resolutions of the Government of Kyrgyzstan:

- Land Code of the Kyrgyz Republic (No. 45), originally approved June 2, 1999
- Law of the Kyrgyz Republic on Enactment of the Land Code of the Kyrgyz Republic (No. 46), originally approved June 2, 1999
- Law of the Kyrgyz Republic on Management of Lands for Agricultural Purposes (No. 4), originally approved January 11, 2001
- Model Regulation on the Conditions and Procedure for Lease of LRF Land (No. 1997-III), originally approved June 29, 2007
- Regulation on Communal Oversight of Forestry in the Kyrgyz Republic (No. 377), approved by Ordinance of the Government of the Kyrgyz Republic July 27, 2001
- Ordinance of the Government of the Kyrgyz Republic on Extra Measures for Improvement of State Pedigree and Seed Farms (No. 364), originally approved July 19, 2001
• Ordinance of the Government of the Kyrgyz Republic on Conception of Development of Pedigree Husbandry in the Kyrgyz Republic Until 2010 (No. 45), originally approved January 31, 2005

• Regulation on Allocation of LRF Lands to Seed, Pedigree, Selective, and Experimental Farms and State Grade Testing Institutions (No. 240), approved by Ordinance of the Government of the Kyrgyz May 27, 1996

LRMDP II analyzed the regulatory impact of all proposed changes to by-laws to establish the economic and legal grounds for amendments to the regulations.

LRMDP II conducted public hearings in Osh (in the southern region) and Bishkek (in the northern region) to encourage broad discussion of the proposed. The 157 participants included representatives of the Ministry of Agriculture, deputy heads of regional and rayon state administrations responsible for agriculture, rayon departments of agricultural development and architecture, State Registration Service, heads of AOs, and persons conducting agricultural business. The hearings elicited strong opinions on the issues. Approximately 64 percent of participants in Osh opposed terminating allocation of land shares and believed allocation of land shares was possible through the courts. Three-quarters (75 percent) of participants at the Osh hearings and 80 percent in Bishkek opposed SALF land lease rights to foreigners.

The working group reviewed and revised the draft by-laws to reflect the outcomes of the public hearings.

LRMDP II submitted the final draft regulations to the Ministry of Agriculture and stakeholder ministries and institutions for review. By April 7, 2010, most ministries had provided their comments to the Ministry of Agriculture; however, due to the country’s political situation, further action remained open.

For reference, Exhibit 10 on page 29 lists project indicators for activities related to management of state-owned land.

**Technical Assistance for LRF Management and Mapping**

During Kyrgyzstan’s initial stages of land reform in 1998, 75 percent of arable land was privatized and 25 percent remained under state ownership. State-owned lands were placed in the LRF and their management delegated to AOs. To improve management of LRF land, local governments needed technical assistance and training to develop allocation procedures and lease LRF lands efficiently and transparently.

The 2007 Model Regulation on the Conditions and Procedure for Lease of LRF stipulates that LRF land leases occur through open and transparent auctions. LRMDP II assisted an
LRF land inventory in 130 AOs to ensure the accuracy of the size and location of LRF plots.

LRDMP II helped develop strategic plans for LRF land use based on the inventories and presented to the public prior to approval by ayl keneshes, an important step in local democratic processes that promoted transparency and supported local decision-making on using a resource with direct budget implications for the community. The strategic plans include the LRF inventory and provide classifications and list of lessees for LRF land under AO management. The plans also document five-year strategic plans for AOs’ use of LRF resources. Because LRF land lease revenues support AO budgets, effective management of LRF land will generate increased financial resources for AOs.

In the project’s final year, the LRMDP II team assisted 60 AOs in developing strategic plans related to LRF land use based on inventory data obtained by Kyrgyzgiprozem, the Gosregistry subordinate organization. AOs were selected from oblasts where Kyrgyzgiprozem had completed surveys and provided maps (see Annex, page 37).

An analysis of LRF land use in these AOs revealed that only 18,081 of the 29,663 hectares of available LRF land (61 percent) were in use (Exhibits 6, 7, and 8).

**Exhibit 6. LRF Land by Oblast**

<table>
<thead>
<tr>
<th>Oblast</th>
<th>Number of AOs</th>
<th>Amount of LRF land (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Batken</td>
<td>6</td>
<td>4,843.85</td>
</tr>
<tr>
<td>Chuy</td>
<td>16</td>
<td>7,349.57</td>
</tr>
<tr>
<td>Jalal-Abad</td>
<td>7</td>
<td>1,537.90</td>
</tr>
<tr>
<td>Naryn</td>
<td>8</td>
<td>3,787.25</td>
</tr>
<tr>
<td>Osh</td>
<td>11</td>
<td>5,498.43</td>
</tr>
<tr>
<td>Talas</td>
<td>6</td>
<td>1,673.09</td>
</tr>
<tr>
<td>Ysyk-Kol</td>
<td>6</td>
<td>4,972.42</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60</strong></td>
<td><strong>29,662.51</strong></td>
</tr>
</tbody>
</table>

**Exhibit 7. LRF Land by Usage and Zoning**
Throughout the development of strategic plans, LRMDP II conducted activities in pilot AOs to improve effective management of LRF land, including:

- **Public hearings held to ensure participation of rural citizens in decision-making on LRF land management.** With LRMDP II support, administrations organized initial public hearings in each pilot AO where activities for developing LRF land use strategic plans were introduced. Nearly 2,100 people, including 455 women, attended the first public hearings.

- **Working groups established to develop strategic plans.** The 420 participants included AO heads, agronomists, land specialists, and village activists.

- **Maps obtained from Kyrgyzgiprozem to confirm the size and location of LRF land parcels.**

- **LRF land zoned in each AO.** Zones were designated as economically viable, land needing investment, or degraded.

- **Strategic plan drafted for LRF land use.**

- **Second round of public hearings conducted on draft strategic plan.** The hearings introduced draft plans for LRF land use and elicited comments from the public. More than 2,200 people, including 526 women, participated.

- **Strategic plans approved by aiyl keneshes.** Final approval at the local level ensured public control over AOs’ management and use of LRF land.

Additional LRMDP II technical activity included:

- Assistance conducting inventories and classifying borders and plot sizes for 29,662.51 hectares of LRF land in the 60 AOs. Unused parcels and reasons for non-use were defined; strategic plans included measures to eliminate these issues.
• Assistance from project specialists in preparation of lease agreements, enabling AOs to improve their filing systems and clarify lists of lessees, especially in cases where no signed agreements existed.

• Assistance in development of the AOs’ five-year strategic plans for LRF land use, allowing AO administration to manage LRF land in a more transparent manner. According to local Gosregistry officials and AO heads, the development of LRF land use strategic plans helped clarify the size and location of LRF land and helped decrease the number of disputes between AOs and lessees.

As AOs implemented the model regulation, adopted local legislative acts, and created strategic plans, AO heads and land specialists improved their awareness of legal LRF land management issues, with project guidance and support.

**Mapping and Inventory Support for Gosregistry Officials**

Following privatization, LRF land was not monitored or accurately recorded. In some cases high-quality parcels — originally LRF land — were swapped for poorer land during privatization. Discrepancies between Gosregistry registration records and actual land use delayed approval of borders and verification of the size of LRF parcels. These issues underscored the importance of surveying land plots, a process that LRMDP II began to implement.

**Resolving Inventory and Development Disputes: A Case Study from Jalal-Abad**

In Jany-Jol AO in Jalal-Abad oblast, a Gosregistry report listed 155 hectares of LRF land. However, an inventory conducted by Kyrgyzgiprozem identified only 67 hectares. To resolve this discrepancy, the project organized a working group, including specialists from Kyrgyzgiprozem and staff from national, oblast, and rayon Gosregistry departments. The investigation revealed:

• Because of incorrect processes, 30 hectares of hay fields were omitted from the LRF inventory.
• Although nine hectares of irrigated land and one of perennial plantations were used for expansion of residential areas, the absence of relevant documentation indicates that the LRF land was illegally transferred.
• Contradicting prevailing Kyrgyz land legislation, 48 hectares were transferred to a neighboring AO on the basis of a decree by the Jany-Jol ayl kenesi.

Following the investigation, all land was restored to Jany-Jol AO’s LRF lands. The AO currently uses all 155 hectares of its LRF land productively.

LRMDP II collaborated with the regional Gosregistry and Kyrgyzgiprozem offices to conduct and monitor land surveys and inventories of the 60 pilot AOs. With the support of its subcontractor Atlas Plus Ltd., LRMDP II conducted technical trainings on LRF land mapping, trained and assisted in developing electronic maps, and finalized mapping and strategic plans in the pilot AOs.

A total of 107 people, including 47 specialists from Gosregistry rayon offices and 60 land specialists, attended trainings presented throughout Kyrgyzstan. Fourteen attendees were women.

**Local Land Auction Support**

Prior to the development of strategic plans, AOs distributed leases directly to local residents at greatly reduced prices. Following AO approval of strategic plans, according to the Model Regulation on the Conditions and Procedure for Lease of
LRF, leases for arable land were to be auctioned in a competitive bidding process. This would increase the transparency of lease distribution because auction participants and local residents would observe auctions, and the names of those who win leases would become public information (previous distribution processes obscured lessees’ names). The competitive auction environment often leads to more leases, increasing local government revenue.

LRMDP II provided targeted trainings to members of land commissions and local keneshes to help promote model regulation procedures. The trainings established rules and regulations for ayl keneshes and land commissions to lease LRF land through auctions and outlined procedures through which participants can register and take part in the auctions. These trainings also assisted land commissions for LRF land auctions, establishing starting prices and security deposits on auctioned land. LRMDP II then assisted 24 AOs in conducting 30 auctions to lease LRF managed land. These activities helped improve LRF land management and increased AOs’ revenues.

LRMDP II ensured that AOs informed the public of upcoming auctions and provided maps designating parcels to be auctioned. Of 1,602.05 hectares auctioned, 830.12 were leased. In an auction in Uchkun AO, the price for one hectare of land increased approximately 330 percent over its original price. Auctions increased AOs’ income by an average of more than 180 percent.

Despite the overall success of the auctions, LRMDP II noted several issues:

- AO staff were not active facilitators at all auctions.
- Land commission and ayl kenesh members lacked knowledge of LRF land administration.
- Some auctions were rescheduled because some administrative functions were not completed — for example, posting auction information and registering participants.
- Public awareness of auctions was low.
- Success was impeded by social tension and local citizens’ reluctance to participate.
- Local residents opposed involvement by participants from outside AOs where auctions were held.
- Rotational and targeted blackouts limited utilities and other resources.

LRMDP II LRF land management activities resulted in better control over land use and reinforced local democracy. Project activities improved the transparency of management and allocation of lands for lease.

In accordance with the model regulation and following approval of AOs’ proposed plans, all economically viable green zone lands were designated for lease through auctions. LRMDP II specialists prepared a manual and provided a two-day training to help all AO heads organize auctions.

Day 1 of the workshop focused on theoretical training:

- The model regulation and procedures for allocating LRF lands for lease
- Stages of development of the proposed plan for LRF lands
• Planning and organizing auctions for leasing LRF lands
• Changes to land legislation

Day 2 was dedicated to a demonstration auction for workshop participants. Following the auction, an LRMDP II specialist discussed the auction’s organization, registration, and leasing agreements.

LRMDP II conducted seven training workshops from November 2008 through February 2009. Two special workshops were conducted for the remote Toktogulskii and Aksyiskii rayons. More than 1,040 individuals, including 100 women, participated. The education campaign enabled AOs to conduct open and transparent auctions, which the Agrarian Development Department will monitor per the agreement by the Ministry of Agriculture.

LRMDP II provided auction training for more than 306 members of the Land Commission, including 68 women, in 30 AOs. As it provided legal assistance for organization of 30 auctions, the Land Commission explained all requirements of the land legislation, established the regulatory basis for the organization of auctions, and eliminated violations.

The Aiyl Demilgesi Public Association, as part of its assistance to LRMDP II, conducted roundtable discussions, meetings, and consultations to provide information on auctions to residents of AOs where auctions were scheduled. More than 1,350 people, including 257 women, took part in the information campaign. A total of 2,768 people benefited from public information activities regarding land auctions.

**Assistance to Selected AOs in Issuing Investment Tenders**

LRMDP II developed and tested a methodology for conducting investment tenders for non-arable LRF land requiring modest investment. The project assisted in organizing seven investment tenders, of which five were conducted successfully.

LRMDP II initiated several activities to support the investment tenders:

• Seminars for 312 members of land commissions and local aiyl keneshes on conducting investment tenders
• Approval of rules for conducting investment tenders
• Preparation and posting of announcements about conducting investment tenders
• Facilitation of financial incentives investors interested in LRF land

Investment tenders used the following methods:

• Technical appraisal (Ak-Dobo and Burgondu AOs)
• Financial appraisal (Kyzyl-Oktyabr’ AO)
• Financial appraisal with Fixed Investments (Markaz AO)
• Technical and financial appraisal (Nurabad AO)

Analysis of the investment tenders revealed that 79.24 hectares were leased for an average of seven years. The total income from lease payments was 646,689 Som; investments totalled 2,041,990 Som. Investment per hectare varied across AOs.
depending on land parcel and the cost of required investments. The size of investments was determined by the distance of LRF land parcels from residential areas and the required scope of work and materials (Exhibit 9).

Exhibit 9. Investment Tender Details

<table>
<thead>
<tr>
<th>AO</th>
<th>Lease LRF Land Area (Hectares)</th>
<th>Lease Term (Years)</th>
<th>Payment for Entire Term (Som)</th>
<th>Investment in Improvement (Som)</th>
<th>Investment/Hectare (Som)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ak-Dobo</td>
<td>16.82</td>
<td>5 or 7</td>
<td>73,600</td>
<td>373,790</td>
<td>22,223</td>
</tr>
<tr>
<td>Burgondy</td>
<td>14.19</td>
<td>7</td>
<td>79,464</td>
<td>1,071,600</td>
<td>75,518</td>
</tr>
<tr>
<td>Kyzyl-Oktjabr’</td>
<td>6.21</td>
<td>7</td>
<td>48,390</td>
<td>314,800</td>
<td>50,692</td>
</tr>
<tr>
<td>Markaz</td>
<td>34.00</td>
<td>7</td>
<td>369,425</td>
<td>37,400</td>
<td>1,100</td>
</tr>
<tr>
<td>Nurabad</td>
<td>8.02</td>
<td>5 or 7</td>
<td>75,810</td>
<td>244,400</td>
<td>30,474</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>79.24</strong></td>
<td></td>
<td><strong>646,689</strong></td>
<td><strong>2,041,990</strong></td>
<td></td>
</tr>
</tbody>
</table>

The investment tenders generated positive feedback from local residents and officials, who praised the transparent process. In particular, projecting bids on a screen facilitated comparison and helped to prevent disputes.

The project observed that individual farmers generally did not have the financial resources to make even small investments in degraded land. For this reason, LRMDP II began developing plans with the Government of Kyrgyzstan to support land investment.

**Major Problems in Organizing Investment Tenders**

The pilot program revealed serious issues that should be resolved before investment tenders are expanded to other parts of Kyrgyzstan:

- Where large sections of land plots require improvement, including rehabilitation of irrigation networks, investment may require hundreds of thousands or even millions of Som. In general, only large investors or groups of investors could afford to make such improvements.

- Local populations were not ready to investment in agricultural lands because they lacked the financial resources and knowledge to implement these activities.

- The members of the Land Commission lacked the knowledge to determine required improvements and calculate the cost of investment.

Experience has shown that successful investment tenders and implementation in accordance with established rules require more than simply following correct procedures for organizing tenders. Favorable conditions should be created to attract foreign investors and increase opportunities for local investors through privileged target lending. Additionally, the state should focus on LRF lands zoned as requiring investment, which can be leased only through investment tenders. Once these issues have been addressed, investment tenders can be put into practice through the country.
Informational workshops for heads of AOs and land tenure specialists were held in southern Osh (on January 26, 2010, for 83 participants) and the north in Bishkek (on January 29, 2010, for 74 participants). The workshops focused on training AO specialists on investment tenders on LRF lands, especially on specific procedures. Workshop participants received rules for organizing investment tenders. The volume included blank forms for financial and technical proposals.

LRMDP II worked to attract investments to improve unused and degraded lands in Markaz AO within the Markaz Joint Agro-Initiative Project pilot program initiated by USAID. Implementation of the pilot program helped attract investment for rehabilitation of two farm irrigation canals and improve soil quality of LRF land in the AO. To address the importance of attracting foreign investments — particularly in land needing large investments — the project collaborated with the Ministry of Agriculture and Gosregistry to develop recommendations to encourage investments and remove land legislation restrictions.

### Exhibit 10. Management of State-Owned Agricultural Land

<table>
<thead>
<tr>
<th>Expected results</th>
<th>Indicators/Targets</th>
<th>Results achieved</th>
<th>Notes</th>
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<tr>
<td>Percentage increase of LRF land used</td>
<td>66% of LRF land used</td>
<td>74% of LRF land used</td>
<td>Fully achieved</td>
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<tr>
<td></td>
<td>34% of LRF land unused</td>
<td>26% of LRF land unused</td>
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<tr>
<td>Percentage increase in revenue generated for AOs</td>
<td>30% increase from baseline</td>
<td>80% increase from baseline</td>
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<tr>
<td>Number of LRF lease auctions</td>
<td>30 auctions</td>
<td>30 open auctions conducted</td>
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<tr>
<td>Number of LRF investment tenders</td>
<td>5 investment tenders</td>
<td>5 investment tenders conducted and assisted in organizing an additional 2 investment tenders</td>
<td>Fully achieved</td>
</tr>
<tr>
<td>Number of municipalities receiving assistance</td>
<td>90 AOs</td>
<td>94 AOs received assistance in conducting land auctions, investment tenders, and land consolidation 452 AOs benefited from training and information</td>
<td>Fully achieved</td>
</tr>
<tr>
<td>Number of citizens receiving assistance</td>
<td>25,000 citizens receive direct assistance</td>
<td>124,903 citizens received direct assistance</td>
<td>Fully achieved; 400% increase over baseline targets</td>
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<tr>
<td>Expected results</td>
<td>Indicators/Targets</td>
<td>Results achieved</td>
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<tr>
<td>Number of laws and regulations on land policy drafted and presented</td>
<td><strong>Drafted and Presented</strong>&lt;br&gt;Model SALF Regulation&lt;br&gt;Decree on Future LRF Strategy&lt;br&gt;Model regulation on land consolidation&lt;br&gt;Amendments to:&lt;br&gt;• Land Code&lt;br&gt;• Law on Agricultural Land Management Model&lt;br&gt;• Model Regulations on the Conditions and Procedure of Leasing SALF Land&lt;br&gt;• Model Regulation on Land Consolidation&lt;br&gt;• Draft of Model Zoning Regulation&lt;br&gt;• Amendments to Urban Planning Code (zoning part)</td>
<td><strong>Drafted and Presented</strong>&lt;br&gt;Amendments to&lt;br&gt;• Law on enactment of the Land Code&lt;br&gt;• Land Code&lt;br&gt;• Law on Agricultural Land Management&lt;br&gt;• Model Regulations on the Conditions and Procedure of Leasing SALF Land&lt;br&gt;• Regulation on communal keeping of forestry&lt;br&gt;• Ordinance of the Government on extra measures for improvement of state pedigree and seed farms&lt;br&gt;• Ordinance of the Government on Conception of Development of Pedigree Husbandry in the Kyrgyz Republic&lt;br&gt;• Draft of the Model Zoning Regulation&lt;br&gt;• Amendments to Urban Planning Code (Zoning part)</td>
<td><strong>Drafted, Presented, and Approved</strong>&lt;br&gt;Decree on Future LRF Strategy</td>
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</table>
III. FINAL PROJECT RECOMMENDATIONS

LRMDP II contributed to successes in legislative drafting, improving LRF land management, strengthening local government, and increasing public knowledge of land rights in Kyrgyzstan. Further activities will ensure the sustainability of the project’s activities.

Over the course of project activities, LRMDP II provided its counterparts with training and tools to implement these activities successfully. Based on the project’s extensive experience, pilot programs with AOs, regulatory impact analysis, public hearings analysis, and international practice analysis, LRMDP II developed recommendations and proposals to stimulate development of the land market in Kyrgyzstan and effectively manage state-owned agricultural lands.

Strategy for Future Land Use

*Adopt the Land Policy Concept for 2010–2015 that outlines a single state land policy.*

The latest draft of the Land Policy Concept was submitted to the Ministry of Natural Resources in April 2010, during a period of political turmoil. Adoption of the draft Land Policy Concept will establish a uniform state land policy to increase the effectiveness of land use and management. Adopting this comprehensive approach will also help eliminate conflicting priorities among governmental structures and donors.

The concept paper develops a strategy for improving land resources management; and stipulates improvements to land legislation by developing a more comprehensive and detailed land code, further developing land markets, and ensuring an inventory of the entire Kyrgyz land fund. It attempts to optimize land use by increasing agricultural production and ensuring adherence to land survey principles through new national and regional programs aimed at enlarging small agricultural land parcels.

The concept paper also includes the introduction of territorial land planning principles that consider regional, social, and economic development needs; determination of regional specialization; development of mortgage lending to agricultural enterprises; use of agricultural land parcels by farmers as collateral against loans; attraction of investments to enable better use of land resources; and improvement of soil quality and rehabilitation of degraded and unused land.

LRF Land

*Adopt draft regulations for realization of the LRF land use strategy.* LRMDP II submitted final draft regulations for realization of the LRF land use strategy to the Ministry of Agriculture in April 2010. Adoption will ensure the effective use of LRF land into the future. The draft regulations include:
• Termination of allocation of shares from LRF lands
• Reorganization of LRF lands into the SALF and establishment of new goals and objectives
• Allocation of degraded LRF lands for lease to foreign investors for participation in agricultural production
• Allocation of particularly valuable and arable LRF lands for the expansion of settlements, only if in accordance with the general plans of settlements in rural areas or urban planning documents developed on the basis of the general plans

To realize the LRF land use strategy, LRDMP II specialists analyzed all by-laws regulating management of agricultural land owned by the state, and a working group under the Ministry of Agriculture prepared amendments and additions to all relevant laws and resolutions of the Government of Kyrgyzstan:

• Land Code of the Kyrgyz Republic (No. 45), originally approved June 2, 1999
• Law of the Kyrgyz Republic on Enactment of the Land Code of the Kyrgyz Republic (No. 46), originally approved June 2, 1999
• Law of the Kyrgyz Republic on Management of Lands for Agricultural Purposes (No. 4), originally approved January 11, 2001
• Model Regulation on the Conditions and Procedure for Lease of LRF Land (No. 1997-III), originally approved June 29, 2007
• Regulation on Communal Oversight of Forestry in the Kyrgyz Republic (No. 377), approved by ordinance of the Government of the Kyrgyz Republic July 27, 2001
• Ordinance of the Government of the Kyrgyz Republic on Extra Measures for Improvement of State Pedigree and Seed Farms (No. 364), originally approved July 19, 2001
• Ordinance of the Government of the Kyrgyz Republic on Conception of Development of Pedigree Husbandry in the Kyrgyz Republic Until 2010 (No. 45), originally approved January 31, 2005
• Regulation on Allocation of LRF Lands to Seed, Pedigree, Selective, and Experimental Farms and State Grade Testing Institutions (No. 240), approved by Ordinance of the Government of the Kyrgyz May 27, 1996

Land Transformation

Adopt draft law on transformation of land plots. LRMDP II submitted the final version of the draft law to the Department of the Cadastre and Registration of Real Estate Rights for consideration in May 2010. The project recommends adoption of this draft law, which will contribute significantly to improving state regulation of land transfer issues by establishing specific conditions, transparent and simplified
procedures for transfer, clear rules for carrying out transformation activities, and the jurisdiction of public agencies.

The draft law aims to stimulate business and investment activity and increase the effectiveness of land use. It proposes several principles:

- A concept for reimbursing agricultural and forestry losses to users and land owners
- Clear definition of state agencies’ land-transfer authorities
- Appointment of the state registration service to coordinate the land-transfer responsibilities of other government departments
- The “single window” principle as a means to reduce the time frame for consideration of transformation of documents by authorized bodies
- Specifics of land transformation for all land categories, including agricultural land
- Deadlines for consideration of documents in transformation of lands by authorized bodies

Degraded Land

Establish a national program to attract investment in degraded agricultural land and offer financial incentives to investors. A national program for attraction of investments into degraded agricultural lands will:

- Stop degradation of agricultural lands and gradually lower the number of degraded lands
- Identify and direct financial assistance to improve LRF lands
- Create ideal conditions to attract foreign investment and
- Provide financial incentives to attract local investment by people willing to invest into degraded LRF lands

Monitor and assist in organizing open and transparent investment tenders in AOs on allocation of LRF lands. LRMDP II’s method for organizing investment tenders in AOs will increase effective management and the organizational potential of AO specialists, contribute to strengthening the use of legal mechanisms in allocating LRF lands for lease at the local level, and attract local investment into degraded lands.

Land with Unclear Status

Conduct a comprehensive inventory of all lands in administrative and territorial units, establish clear boundaries, establish forms of ownership, and define the legal status of agricultural lands under AO control. As of January 1, 2009, Gosregistry data showed the status of 0.14 million hectares (9 percent) of land in Kyrgyzstan as unknown due to abandonment (the former owners left Kyrgyzstan or died without heirs) or because it had not been not distributed during the land reform. The project recommends that the Gosregistry conduct comprehensive inventory activities to confirm the legal status of unknown lands and that it transfer to AOs or the SALF any lands for which private ownership cannot be confirmed.
Private Land

Legal Issues

To facilitate the specific recommendations below, we suggest that the Ministry of Agriculture promote the draft laws, expand the pool of owners of agricultural land, and become involved in agricultural production of degraded agricultural private lands.

*Lift legal restrictions that prohibit urban residents from owning agricultural land.* This will allow urban residents to legalize ownership of agricultural land and protect their right of ownership. For example, because garden and *dacha* plots are categorized as agricultural land, urban residents cannot own them. However, Article 6 of the Law on the Enactment of the Land Code of the Kyrgyz Republic recognizes the right of all citizens to own garden and *dacha* land plots. We recommend revision of the legislation to eliminate contradictory provisions, including restrictions that prevent urban residents from owning agricultural land. Consistent legal provisions will significantly revive the land market, increasing the value of agricultural land.

*Consider permitting municipal ownership of agricultural land.* Authorizing AOs to own agricultural land will also increase local governments’ interest in effective use of land resources, including improving soil composition.

*Grant foreign entities the right to lease private agricultural land.* The high cost of rehabilitating degraded private agricultural land limits interest in ownership among local investors. To encourage rehabilitation, the project recommends offering long-term land leases to foreign investors.

Land Transactions

*Delegate registration authority to AOs.* Providing AOs with the authority to register land transactions will simplify procedures registering land transactions, increasing the number of registrations.

*Establish a cooperative mechanism through which the Gosregistry and AOs can collect and disseminate information on local land transactions.* We recommend developing a database to record and track all transactions related to agricultural plots at the AO level, including information on sales, mortgages, and leases. The database would serve as an administrative tool to record general information on the condition of land resources and facilitate land transactions within a particular administrative unit. It would enable AOs and the Gosregistry to collect information and manage land resources more efficiently. Further, systematic collection of data would enable AOs to disseminate more accurate information on local land transactions.

Land Consolidation

*Develop a voluntary national program to consolidate fragmented agricultural land.* Voluntary land consolidation should be considered an integral part of agricultural development along with irrigation, drainage, and water supply; government involvement is essential to successful consolidation. As a means to long-term economic development in rural areas, we recommend that the Government of
Kyrgyzstan initiate and manage a program similar to LRMDP II’s pilot program, which would promote and expand land consolidation efforts nationwide. It is important that this national program not infringe on citizens’ rights, be voluntary, consider the local market value of land, guarantee participation for all stakeholders, and be administered fairly to ensure that investors base their choices on the quality and location of the land and not on the identity of the owner.

Conduct a public information campaign on the benefits of land consolidation through market mechanisms. Disseminating information on land consolidation is important to continuing and advancing the work of the LRMDP II pilot land consolidation program by increasing awareness among citizens, and investors. An information campaign also would help promote a national land consolidation program, encourage renewed interest in developing rural areas, and attract investments.

Introduce new legislative provisions. Despite LRMDP II’s coordination with the Gosregistry to simplify registration of transactions, government regulatory support will continue to be necessary — particularly in consolidating numerous plots into a single parcel.

A model regulation on consolidation should be developed based on the pilot AOs’ experience. This should establish a process of efficient registration, follow international best practices, and include all necessary steps for the realization of land consolidation transactions with land plots participating in the voluntary land consolidation program.

Changes and additions to existing legislation. The Gosregistry should delegate authority to local administrations to register inheritance of lands within their jurisdictions. Approved Gosregistry fees are for processing individual transactions rather than mass consolidations; however, the fee schedule should include rates for transactions involving multiple transactions in consolidation.

Degraded and Abandoned Private Land

Improve mechanisms to allow the state to seize unused and degraded land by simplifying withdrawal procedures. We recommend that the National Agency on Local Government Affairs develop a draft law to amend procedures for withholding unused and degraded land. Such an amendment would revise procedures so AOs would not be held responsible for paying state fees when initiating suits on withholding unused or degraded land. In addition to alleviating AOs’ burdens, this would enable the state to maintain better control over the effective use of land.

Land Tax

Increase the land tax to stimulate rural land markets and make land use more efficient. This measure would encourage passive owners to use their land effectively, including leasing or selling it. This measure would help make land use more efficient and generate tax revenues for local governments.
Legal Zoning

*Address legal zoning in the draft Urban Planning Code.* A specific section on legal zoning would reinforce the legal zoning provisions in the special legislative act on urban construction and architecture. Addressing legal zoning in the draft Urban Planning Code also would expand the regulatory basis for legal zoning.

*Adopt updated Model Land Development Improvement Rules.* LRMDP II redrafted the model rules with detailed provisions on legal zoning rules and land use development based on the project’s experience of the adoption of legal zoning rules in 11 pilot cities and two rural settlements during LRMDP I. The redrafted model rules aim to form uniform legal zoning standards in the development of local land use and development rules for settlements.

*Develop and adopt a concept paper on the introduction of legal zoning in Bishke, as called for in Bishkek’s 2009–2012 development program, “The Renewed Capital City.”* The concept paper would be a step toward complex preparatory and analytical measures needed for further development in Bishkek in accordance with the requirements of the Land Code and other regulations.
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