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Importance of State Land Cadastre in Administration of Land Relations

The land reform has been implemented in Azerbaijan on the basis of the updated materials of the state land cadastre and land use organization works performed before 1996 year. At the first stage, which has been successfully completed, land of collective and state farms were gratuitously transferred to rural population.

For performance of works at the next stages of land reform, urgent measures are being taken in the country for privatization of lands attached to houses in 3591 populated areas out of 4456, 865 of which are on the occupied territory.

The main purpose of the land reform in Azerbaijan was to develop market economy and entrepreneurship, create new land ownership relations, achieve economic independence and provide foodstuff on the basis of principles of economic independence of the country and social equality and consequently to improve welfare of the nation.

The main task of the land reform of the Azerbaijan was to determine quantity of land remained in the state ownership, transferable into municipal and private ownership and ensure rights of land owners. 4,9 million hectares (56,9%) of land remained in state ownership, 2,03 million hectares (23,5%) of land were transferred into municipal ownership and 1,7 million hectares (19,6%) of land were transferred into private ownership, i.e. 3374633 individuals (857627 families) became private owners.

For achievement of the aims set for land services of the Republic of Azerbaijan, about 50 legislative and normative-legal documents were adopted. This normative-legal base fully provided conditions for dynamic development of agriculture and land-related legal relations. Based on the land reform, creation of modern information system containing information regarding immovable property rights has begun. Cadastre, being established in the Republic, is designated for legal purposes, i.e. for registration of transfer of immovable property rights, and for assistance in administration and use of land.

The key purpose of the state land cadastre of Azerbaijan was to implement land legislation as well as to regulate land relations, administer land resources, conduct land-use organization,

valuation and planning of activities of land users, landowners, take other measures related to use and protection of land.

These works conducted in Azerbaijan have attracted attention of experts of international organizations, including World Bank. Financial loans of the World Bank gave a stimulus to implementation of large-scale projects on creation of land cadastre. The outcome of these projects was establishment of regional centres of land register in 10 regions of Azerbaijan.

State Committee on Land and Cartography of Azerbaijan was involved in these projects as a body implementing state policy. Consequently, a system of land cadastre and immovable property register was created, where data are stored in the unified database. This system, as it was already mentioned above, has been elaborated in accordance with the recommendations and financial support of the International Development Association since 1999. One of the components of the project “Development and Financing of Agriculture” was creation of land cadastre and immovable property register.

In March of 2004, an agreement on financial support for the project on cadastre was concluded between the Republic of Azerbaijan and Switzerland. The agreement was approved by law. Based on this law, modern geodetic equipment for global positioning was purchased for regional centres by the grant of the Switzerland.

All this resulted in creation of possibilities for proper regulation of state policy regarding state land cadastre and land register the State Committee on Land and Cartography is responsible for.

State land cadastre is ensured by geodetic, topographic, cartographic, surveying, agrochemical and other prospecting works. The data of the state land cadastre are used for land use planning and protection, specification of normative price, collection of taxes imposed on land (land tax and lease rent), performance of land use organization works, etc.

The state land cadastre being established in the Republic of Azerbaijan is a unified system of databases, which consists of legal and technical information.

Destination of land, its legal status, cadastral information on quantitative and qualitative characteristics of land parcels are administered through the state cadastral fund of Azerbaijan.

For establishment of the economic value, one of the main tasks of the state land cadastre is precise definition of land bonitation. It was carried out for establishment of quality indices of land. Bonitation of land was valued on the basis of fertility of soil as the key measurement of its internal quality, i.e. factors affecting fertility (humus, nitrogen, phosphorus, etc). The basic assesment scale was prepared using these indices. An average bonitation mark was calculated on the basis of the prepared scale.

The law of Azerbaijan on State Land Cadastre, Monitoring and Land Use Organization also regulates issues regarding appraisal and economic valuation of land.

Irrepective of ownership form, the authorities of Local Government, municipalities and owners are participants of legal relations.

State management of use, protection and transfer of land for lease to land users and formalization of legal rights to lease state owned land is carried out by executive authorities of rayons and cities.

Privately owned land is managed by owners, which are authorized to conduct purchase and sale. Purchase, sale and transfer of an owner's land parcel for lease are carried out according to notarial procedure.

Destination of a land parcel is changed by the Cabinet of Ministers at the proposal of local government authorities in agreement with the State Committee on Land and Cartography.

The State Committee on Land and Cartography is involved in regulation of legal relations irrespective of the ownership form. In addition, the State Committee on Land and Cartography exercises control over land use and protection. These tasks are performed by city and rayon departments of the State Committee on Land and Cartography. Irrespective of the ownership form, transfer of land into private ownership, for permanent use and lease are implemented with the consent of the State Committee on Land and Cartography. Under any condition, appropriate documentation on division

of land is prepared by rayon and city departments of the State Committee on Land and Cartography.

While transferring land into ownership, for permanent use and lease, consents are required from the departments of Architecture, Ecology, Sanitary-epidemiology, gas supply, electricity supply, water supply, sewerage, etc.

The State Committee on Land and Cartography prepares and records documents confirming property rights, permanent use and lease of lands.

Register of immovable property is maintained by re-created State Register Service of Real Estate under the Cabinet of Ministers of Azerbaijan Republic.

Register is maintained in regions by re-created departments of this Authority.