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Review Article

State Ownership of Land in Uzbekistan – an Impediment to Further Agricultural Growth?

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Abstract

The present paper aims to demonstrate how the state land ownership affects development of agricultural sector in Uzbekistan, and what are its strengths and weaknesses. It highlights the importance of secure land right regardless of ownership. Land in Uzbekistan is state-owned; the exclusive state ownership of land was first incorporated in the 1992 Constitution. The official rationale was to ensure food security and social stability; another concern was the state-run irrigation system, operation of which would be hampered in the event of land privatization.

Farming entities in Uzbekistan possess different rights to land: from long-life inheritable rights of the dehkans (small-scale household farms) to rights limited by 30 to 50 years and defined by lease contracts of the private farmers. The latter are monitored by the state and are subject to state interventions; in the first place they have to carry the burden of state quotas for cotton and wheat and they are obliged to sell these crops for state-dictated prices. Dehkans provide a major part of livestock production and they can, unlike private farmers, sell all their production at market prices.

Land tenure rights in Uzbekistan lack certain qualities that would make land tenure rights meaningful. The duration of land rights is sufficient, however they do not assure the holders that rights will be recognized and enforced at low costs and do not provide them with mechanisms allowing adjustment under changing conditions.The authors conclude that the insufficient land tenure security, which is further undermined by state interventions, poses a significant barrier impeding development in the agricultural sector. The paper identifies opportunities for change arising from the gradual strengthening of market principles.

Keywords: dehkans; land tenure rights; private farmers; rural population; state control; state ownership of land.

INTRODUCTION

The agricultural sector in Uzbekistan is characterized by an extensive shift of resources from the Soviet model of collective agriculture to more market-oriented individual and family farming. The present paper aims to demonstrate how the state land ownership affects development of agriculture and to emphasize the importance of secure land rights of the new agricultural entities. It characterizes land tenure rights in Uzbekistan: how their definition and application supports or hampers the activities of Uzbek farmers. Another key factor affecting the production process in agriculture is the state interventions, especially the ongoing state quotas for crops.

The concept of state ownership of land has been, to some extent, acknowledged by many countries all over the world. In its extreme form, the state may own all or nearly all the land and allocate rights of access and use, development and transfer. In different cases, only areas of strategic importance or as a reserve right in case of future needs are reserved for state ownership (Prosterman and Hanstad, 1999).

The concept of state land ownership is often a reaction to the presumptive and actual negative consequences of unrestricted private ownership. However, there are limitations, e. g. the administrative system cannot always respond efficiently to changes in demand for land.

Land is a critical asset for economic growth, social development, and poverty reduction. It is the primary means for generating a livelihood for most of the Uzbek rural population. Land is the key determinant of economic activities in the rural sector and therefore the definition of land rights plays a crucial role in the development of rural society. The terms on which land is held, used and transferred have important consequences for economic growth, the distribution of wealth, and alleviation of poverty.

With more effective land distribution and engagement of an increasing number of households in agriculture and crop diversification, agricultural outputs have increased significantly since the 1990s. Large collective and state farms have been restructured and transformed into cooperative enterprises. However, they did not prove to be more efficient (Khalikov, 2013). This process eventually resulted in the formation of smaller private farms which replaced most of the inefficient large enterprises, and the expansion of small household plots. Both have been main pillars of the growth of agricultural output in recent years. Over the years the three

forms of current agricultural entities have developed: private farms, dehkans working on small-scale household plots, and shirkats (former cooperative enterprises; only a few have remained).

Not only the state retained exclusive land ownership, it also retained control over production of certain crops. Since cotton and wheat production is crucial for the state, the government wants to maintain its supervision. State ordered quotas for cotton and wheat, which are by far the two major crops grown in Uzbekistan, have to be fulfilled by most private farmers. Cotton is the most important cash crop, export revenues of which are significant, and wheat is of essential importance to maintain food security (Rustamova, 2013).

Livestock production, just like horticulture, functions within the framework of a free market economy, and is dominated by dehkans. There are only a few government interventions in these sectors and the government does not provide any significant level of support (World Food Programme, 2008).

LAND TENURE CHARACTERISTICS

In order to assess the impact of state ownership of land, it is necessary to analyse legal framework, characteristics of land tenure in the country, and its consequences. To further determine whether or not the state ownership of land is an impediment to further agricultural growth, it is necessary to analyse land tenure security.

Land tenure can be generally defined as *"the set of rules and relationship among people concerning the use, development, transfer and succession of rights to land. Land tenure rules define the rights held and duties owed concerning land by private and public actors, by individuals and by groups"* (Prosterman et al., 2009). Land tenure arrangements may range from private to leasehold, community, group, shareholder, or other types of corporate rights.

Land tenure rights constitute one of the most basic and important institutions by which social and economic relations are conditioned. This is especially true in rural areas where land relations have profound implications for agricultural productivity, environmental sustainability, and the economic and social status of rural households (Prosterman and Hanstad, 1999). Land tenure rights refer to a bundle of rights that reflect agreement among people about how this asset is held, used, and exchanged. This includes the right *"to occupy, enjoy and use; to restrict others from entry and use; to dispose, buy, or inherit; to develop or improve; to cultivate; to sublet; to realize financial benefits; and to access services in association with land"* (USAID, 2007).

Land tenure security refers to the right of individuals or groups to effective protection by a central authority (the government) against any forcible evictions. Land tenure security is an element of property rights: the right to remain on land, and make use of and profit from it (Prosterman et al., 2009). Secure land rights are of crucial importance because they substantially affect rural development and subsequently economic development as a whole. Land tenure security can be measured and defined in a variety of ways. A definition by Deininger (2003) contains several key concepts:

"Land tenure security exists when an individual or group is confident that they have rights to a piece of land on a long-term basis, protected from dispossession by outside sources, and with the ability to reap the benefits of labour and capital invested in the land, whether through direct use or upon transfer to another holder."

The key characteristics are "confident", "long-term", "protected" and "ability to reap". Land tenure security can be therefore assessed using three important measures: breadth, duration and assurance (Deininger, 2003).

Breadth refers to the quantity and quality of the land rights (rights to possess land, to grow or/and harvest crops, to pass rights to heirs, to sell land, to lease land to others, to use land rights as collateral or to build structures). An important aspect of breadth involves transferability of land rights. Market transfers typically include selling or sub-leasing of rights, non-market transfers include passing them to heirs. The marketability of land is an important moment: once it becomes marketable, it can be efficiently allocated from less productive to more productive users. Marketable land can be also used as collateral for credits. ***Duration*** refers to the period for which land rights are valid. As one of the main effects of secure property rights to land is to increase incentives for investment, the duration needs at least to match the time frame during which returns from possible investments may accrue. Longer duration implies greater tenure security. ***Assurance*** tells us the level of certainty of the breadth and duration of the land tenure rights. If the rights of a specific breadth and duration are difficult to exert or enforce, the assurance is low and such right is not a meaningful right.

Legal Framework

After 1991, the exclusive state ownership of land was first incorporated in the 1992 Constitution and subsequently in the Land Code, adopted in 1998. The legal foundation for all land tenure in Uzbekistan is contained in three key documents: the Constitution (Article 55), the Land Code (Head 4), and the Civil Code (Head 8, Head 13 and Head 17).

The Land code stipulates that land is a state-owned national treasure, it is subject to rational use and it is protected by the state as a base of life, activities and welfare of the population (Land Code of the Republic of Uzbekistan, Head 4, article 16, 1998).

Lifelong inheritable land tenure is possible in the following cases and it includes Uzbek citizens only: dehkan farms, individual homestead construction and household operation, and collective orchards and vineyards (Land Code of the

Republic of Uzbekistan, Head 4, article 19, 1998).

Land plots can be provided to legal and physical entities for a continuous, long-term or temporary tenure and use. Continuous land use envisages, first of all, agricultural production and forestry (Land Code of the Republic of Uzbekistan, Head 4, article 20, 1998).

Land plots are given on lease to citizens and legal entities by hokims (mayors) of districts and cities; however, if any foreign element is involved, the contracting authority is the government of Uzbekistan (Land Code of the Republic of Uzbekistan, Head 4, article 24. 1998). Users pay for the use of the land in the form of land tax.

It is not permitted to sublease the leased land plot as a whole or even part of it (Land Code of the Republic of Uzbekistan, Head 4, article 24, 1998). This is quite a controversial provision since the common practice is to let the land after the harvest to be cultivated by a dehkan family for a prearranged payment either in cash or crop. This provision further says that leased land plots cannot be sold and purchased, cannot serve as collateral, and cannot be donated or exchanged. A specific form of subleasing, "intrafarm leasing", is permitted only to worker families within a shirkat (Lerman, 2008).

Nowadays, the tenure structure of private farms remains leasehold. Land is leased for a minimum of 10 years, usually for a period of not less than 30 years and not more than 50 years (Law on Farms, 1998). Apart from the above mentioned state interventions, i.e. quotas for cotton and wheat, private farms are at mercy of local authorities (hokimiyat) – lease contracts can be cancelled for various transgressions, usually if the leaseholder fails to comply with the contract terms such as the cropping plan (Wehrheim et al., 2008).

Dehkan farms are rural household producers operating on small household plots received on lifetime inheritable tenure rights. They can function as both physical and legal entities (Law on Dehkans, Head 1, article 1, 1998). Dehkan farms are the smallest of the three entities but the most numerous and very important. They satisfy basic needs of the large rural population – food, income (their surpluses are sold in the city and dehkan markets) and employment. Dehkan farms tend to specialize in vegetables, fruit and they are crucial for livestock production, they produce vast majority of meat, milk, eggs and other animal related products. Dehkans often work for private farmers – for cash or on the basis of a sharecropping agreement (dehkans receive a percentage of the yield) (Veldwisch and Spoor, 2008).

Official Rationale for State Land Ownership

Land is the only productive asset that cannot be owned privately. The official rationale against privatization of land included several concerns (Saidakbarov, 2013):

1. Food security. To secure enough food for such large population with limited land resources, agricultural production has to be well organized and no land speculations and accumulation of large tracts in the hands of absentee owners should take place.

2. Social stability. Stable agricultural sector secures stability in rural society.

3. Cultivation in Uzbekistan is totally dependent on irrigation, which is delivered by a state-run irrigation system.

The key question, whether the state ownership system in Uzbekistan impedes further development and under what conditions, will be discussed in detail.

WEAKNESSES OF THE CURRENT LAND TENURE MODEL

Land tenure rights in Uzbekistan lack a few qualities that make land tenure rights meaningful. Land rights should be of sufficient *duration* to provide incentives for investment, they should *assure* the holder that rights will be recognized and enforced at low costs and provided with mechanisms allowing *adjustment* under changing conditions.

Agricultural enterprises in Uzbekistan possess different levels of land rights security: dehkans have an obviously better position thanks to their lifelong lease rights so they tend to invest more into their plots. The position of private farmers, on the other hand, is not as secure; land tenure security in their case lacks some key aspects. The length of their lease contract is sufficient; however, the *assurance* to prevent outside interference is rather low. The farmer's lease contract can be terminated in case of violations of the lease contract, low effectivity of production or non-compliance of the state quotas for crops. Another burning problem is the *transferability of rights*. Land rights are inheritable only in the case of dehkans, but otherwise they are not transferable – neither market nor non-market transfers are permitted. The users (agricultural entities) cannot flexibly adjust the size of their leased land when they need it. They cannot easily acquire more land, if they want to expand their production, from a less efficient farmer or a farmer who does not need the whole area he or she disposes of. Removing restraints on transfer of land would enable more efficient producers to obtain more land from those who are less efficient, without any administrative obstructions.

Under circumstances described above, land markets cannot fully function. Absence of land markets where individual agricultural entities would trade their lands is a serious barrier to improving the efficiency of agriculture and economy as a whole.

Factors Weakening Land Tenure Security

Land rights in Uzbekistan, as described above, do not provide the farmers with sufficient level of assurance and cannot be transferred. Land tenure security is further weakened by state interventions.There are two particularities in the Uzbek agricultural sector; the first one is a permanent phenomenon and the other one took place in the not so remote

past. First, it is a continuing process of state quotas when state dictates what private farmers should grow on their fields. Rights associated with land have to correspond with the state endeavour to keep this system going. Second, an intervention that significantly changed the private farmers' sector was the consolidation of farms (the so-called "optimization"), which took place in three rounds between 2008 and 2010.

State Quotas

State ordered quotas determine the organization of production and mutual relationship between private farms and processing enterprises. As mentioned above, farmers are obliged to meet quotas set by the state for cotton and wheat. If the farmers fail to comply, they can be deprived of their lease contract and therefore lose rights to land (Wehrheim et al., 2008). The state keeps controlling not only the quantities produced but also the sown area. The production is being bought up by the state for low, state-dictated prices. The dual price system is typical for Uzbek agricultural system: production depending on its character (kind of crop) is sold either for state-set low prices (cotton and wheat) or for market prices (commercial crops such as rice, vegetables, fruits etc. or wheat surplus) (Khushmatov, 2013; Veldwisch and Spoor, 2008).The state, on the other hand, provides material support to the farmers. These resources and services constitute of fertilizers, seeds, fuel and tractors rental at preferential prices. Farmers are also entitled to buy fuel at subsidized prices. For agricultural machinery the farmers are largely dependent on the state-owned "Motor Tractor Parks" which prioritize production of state-ordered crops (Pulatova, 2013). Some of the Motor Tractor Parks are run by farmers themselves (Khushmatov, 2013).

During the cultivation period of the state-ordered crops, the cropping area is monitored by the state through regular controls to make sure that the field is sown under the appropriate crop, that fertilizers are applied in time and specifically used on the designated field and not elsewhere, and that the whole process is running according to directions (Trevisani, 2007).

Wheat producers are better off; the farmers are allowed to market, process or use as fodder 50% of their wheat production. However, in the case of cotton, even the surplus goes to the same processing enterprise (Khushmatov, 2013).

The discussion whether the state quotas should be abolished or kept and adjusted is principal. If the quotas get abolished, the farmers' situation can rapidly change and therefore such step has to be carefully considered. Many farmers are dependent on subsidized rental of agricultural machinery, on supplies of fertilizers and seeds, and on special credits for cotton production. Without this "initial capital" their farm might face enormous financial difficulties.

Another concern is the specialization of production. Would such release of the existing mechanisms lead to a rapid change in production specialization, which would have consequences for farmers' welfare, food security and irrigation requirements of the country? From the authors' point of view, abandoning of the state order system should be gradual and careful to mitigate negative impacts on producers, and introducing a well-functioning micro-financing scheme would be necessary. The initial phase might involve a simple solution: to fix only the required quantity of production, not the area sown under cotton or wheat. The crucial criterion would be the output, not the sown area. This would serve as an incentive for the farmers to increase the yields and it could lead to increased productivity. Abandoning of the state order system should be gradual to not cause a rapid change in cropping patterns.

If the quota and price liberalization gets implemented, shifts from wheat to cotton production can be expected (a reverse of what happened in the early 1990s). The reason is competitive imports of wheat (e.g., from Kazakhstan) and also the competitiveness of cotton on international markets. It is also the physical conditions of Uzbekistan that give a comparative advantage in growing cotton. This would impact water management as well – cotton is more water intensive than wheat, completely dependent on irrigation. This would probably lead to higher water consumption, which is a scarce resource in Uzbekistan. Introducing volumetric pricing of water, may, however, mitigate such consequence.

Farm Optimization

The consolidation of farms which took place between 2008 and 2010 proved that farmers' land rights can be difficult to exert. The so-called "farm optimization" took place between 2008 and 2010 on an involuntary basis. Some of the smaller farms merged with others and the total number of farms in Uzbekistan therefore decreased.

The preceding stages of farm restructuring involved dismantling of large-scale farms, sovkhozes and kolkhozes, and subsequent fragmenting shirkats into smaller private farms. Farms have been successfully established since 1998 and, in general, they have proved to be more efficient than the existing shirkats. However, in 2008 the state initiated a reverse land reform. Farm sizes were subject to adjusting in order to suit better the existent infrastructure (which had not changed much). A major challenge was the irrigation system because the network was aimed at large-scale farms. This new reforming procedure consisted in consolidating the smaller private farms into larger private farm units: particularly cotton and wheat farmers with land size under 30 ha were requested to give up their land (Djanibekov et al., 2012). This process was called the "optimization of farms".

Moreover, some of the farms had been facing difficulties, especially financial. They had taken credits and many of them were not able to comply with the credit terms and conditions. These farms were struggling and the state took measures to eliminate them (Pulatova, 2013).

The process triggered by the Decree "On Optimization of Cropping Areas and Enhancing Food Crop Production" and "Instruction on Constitution of a Special Committee in Charge of Developing Proposals for Optimization of Farm Plots" issued by the President of the Republic of Uzbekistan in October 2008. The key objective of the decree was to consolidate a large number of existing small (less than 10 ha) leasehold farms into sustainable (around 50 ha) agricultural enterprises and to improve the efficiency of irrigation (MAWR, 2009). In particular, cotton and wheat farmers with holdings of less than 30 ha were requested to give their farmlands back to the state. Subsequently, the returned lands were leased back to larger private farms. At the same time, the minimum size for cotton and wheat farms increased from 10 to 30 ha and the minimum size for other types of farms (horticultural, gardening) from 1 to 5 ha (Djanibekov, 2012). The average size of cotton and wheat growing farms after the consolidation is 105 ha (Khushmatov, 2013).

Optimization of the size of a land plot owned by a farm is construed in the regulations as change of the land size for more rational use of land and water resources and ensuring financial stability of the farm. In practice, it meant termination of lease contracts and resulted in a substantial decrease in the number of farms: from 215.776 in 2008 to 66.134 in 2010 (TGAU, 2014).

This reform's aim was to strengthen the farm households by drawing small farmlands under one holder. Obviously, a potential of dwarf size farms cannot go far beyond providing subsistence for farmers. As farmers remain uncontrollable, they also hamper the promotion of long-term plans of the government, negatively influencing a mass production of agricultural products ("Ferghana" News Agency, 2008).

The above mentioned regulations established the order of land optimization on a voluntary basis, the order of land optimization and liquidation of the farming entity on the ground of a violation of contract and inefficient activity of the farm. The regulation also prescribes the mechanism of debt amortization of the defunct farms.Voluntary liquidation shall be performed according to the Resolution of the President of Uzbekistan number PP-630 dated 27th of April 2007 "On Development of the Procedure of Voluntary Liquidation and Cessation of Activity of Entrepreneurial Entities" (Azizov and Partners, 2013).

However, during optimization, legal problems occurred and many farmers complained about the process. The president therefore issued a decree "On measures on Compliance with Law and Order during Re-organization and Optimization of Farm Plots" in April 2011. It is stated that without any exceptions, all questions regarding the farm plots must be arbitrated only (Uznews.net ,2011).

The selection of famers receiving the enlarged farms was not always clear. Officially the most successful farmers were chosen according to their results in the past. But this fact is arguable since socio-political connections have always played an important role in the economy – a fact emphasized by many authors (Trevisani 2007; Veldwisch and Spoor 2008; Djanibekov 2012).

Moreover, increasing productivity thanks to economies of scale is a debatable issue as international experience indicates. It shows that there is little empirical evidence of the existence of economies of scale in farming (Brooks et al. 1996; Hanstad 1998; Lerman 2008). Brooks et al. (1996) claim that the common view in most post-Soviet countries is that large farms are more efficient and competitive than small or mid-sized farms and the main argument is the presumed existence of economies of scale. They state that this assertion has not been confronted with empirical evidence on farm size and efficiency from around the world. Djanibekov (2012) argues that the land consolidations as implemented since 2008 will have limited effect. He claims that increasing the farm size alone will provide insufficient incentives for creating economically efficient farm enterprises. He supports this assertion by detailed evidence of the process of land reform in the Khorezm province in northwest Uzbekistan, which mirrors the nationwide farm restructuring processes.

Due to lack of statistical data, it is not possible to evaluate whether or not the optimization of farms in Uzbekistan achieved expected results.

Results of the Current Model of State Ownership of Land

Uzbekistan has promoted state ownership of land with supporting arguments of food security thanks to change in cropping patterns and limiting speculations with land, and social stability. Another argument is the state-run irrigation system. Privatization of land would bring complications in operating of the current irrigation network. These official goals have been fulfilled. The goal of food security was ensured thanks to the state order system. Since the early 1990s, the state has been taking measures to secure the rapidly growing population with food. The most important step was the change in cropping patterns where vast areas sown under cotton were sown with wheat to ensure food security of the population. The result of these measures was an expansion of the winter wheat area from 620.000 ha in 1991 to 750.000 ha in 1996 with a respective decline in the area sown with cotton; wheat production increased substantially, from 1 million tonnes in 1991 to 5.2 million tonnes in 2004 (Abdullaev et al., 2009). Complex evaluation of social stability is, however, hampered by lack of data. The current model of land ownership also facilitates operating of the state-owned and state-run irrigation network. On the other hand, state ownership of land is also a tool to control the agricultural sector. State interventions are typical for Uzbekistan. The current situation in the agricultural sector is characterized by gradual reforms that are supposed to liberalize the economic environment and introduce market principles. In fact, state control persists, and

although agricultural production is mainly in private hands, many aspects are still under state regulation, such as crop production or water allocation.

The previous analysis shows that a major barrier in further development of the agricultural sector lies in the *insufficient land tenure security*. To summarize the effects of secure land rights on economic development, the following benefits can be identified:

- Crop productivity rises through increased investment in land.
- Land can be transferred from less efficient to more efficient land users (farmers).
- Access to credit is facilitated thanks to the possibility of using land or land rights as collateral.
- Farmers invest more into measures to reduce soil erosion, soil salinization and other land degradation; they try to keep it in good conditions for the following years.
- Favourable conditions for farmers also create a stable social environment and strengthen political stability.
- Migration from rural to urban areas is reduced thanks to increased attractiveness of agricultural activities.

It is debatable whether private ownership of land is non-essential for agricultural development. China represents an example of a country that has maintained state land ownership and at the same time has experienced agricultural growth. Chinese agricultural success showed that private ownership of land is not a prerequisite for a strong supply response to reform (Lin, 1992; Zhu and Prosterman, 2009; Zhao, 2011). In Russia, land was privatized but the outcome in the 1990s was similar (and disappointing) to the one in Uzbekistan.[1]

The Chinese success demonstrated what was done to improve rural population's livelihood – especially what was done in the early stages of reforms where even a little land tenure security dramatically improved the lives of hundreds of millions of people. China has already released state quotas for crops and increasing the level of security of land rights proved that such efforts can help to achieve a significant improvement to the life standard of the rural population. Zhao (2011) predicts that further development of land reforms might include an explicit perpetual use rights to the contracted land.

CONCLUSION

Many experts perceive the state and ownership as a major obstacle in successful economic development. However, the advantages of privatization of land are often overestimated. It could lead to the situation that existed before 1917; landlords and tenants may re-emerge. This could lead to poverty of many of the rural workers and the rural sector would lose its stability. Private ownership of land may lead to more economically efficient use of land but it often excludes the poor. People with better relations to the local administration would very likely have preferential conditions and would be able to buy land at lower prices or more easily. Under the state ownership of land, the rural population is protected (more or less) from exploitation. On the other hand they are exposed to vagaries of local or regional state officers.

The choice to privatize land or not was affected by historical and legal legacies of landownership in the former socialist countries. Without a history of private land rights, in Uzbekistan, where no such tradition existed, the state did not take land rights from households that were farming individually, but the land was transferred from collective ownership to the state. As Swinnen and Rozelle (2006) point out, the absence of a tradition in private farming was reinforced by decades of collectivization.

State ownership can indeed be a great impediment to development of the agricultural sector. However, the state ownership itself is not the main hurdle if it does not restrict economic activities of the farmers. State ownership may lead to flourishing bureaucracy and corruption practices, but it facilitates equal access and distribution of land. The authors conclude that the major barrier impeding development in the agricultural sector lies in misusing the state power, manifesting itself in the insufficient land tenure security, which is further undermined by state interventions. Their gradual releasing and introducing market principles would be beneficial for farmers since they would gain more freedom in decision making and could maximize their profits.

[1] Lerman (2001) claims that privatization of land in Russia did not result in transfer of direct control to individuals, and most land privatized by the state got in the hands of large-scale successors of former collective farms. As a consequence, the anticipated benefits of privatization could not be fully realized.

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Tashkent State Agrarian University: Mr Kh. Saidakbarov (Head of Department of Agricultural Economics, associate professor), Ms R. Pulatova (Head of Department of Farm Management, professor), Ms I. Rustamova (Department of Agricultural Economics, associate professor), Mr S. Khalikov (Department of Agricultural Economics, associate professor).

Institute of Market Reforms in Agriculture, Tashkent: Mr N. Khushmatov (Head)

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