

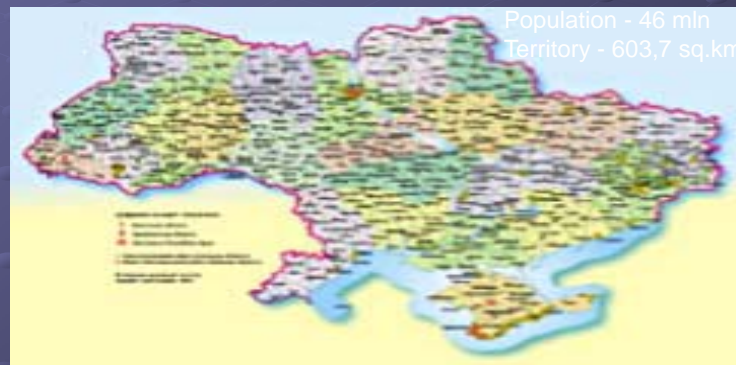
# Is It Possible To Have Effective Land Administration When There Is Power Disproportion?

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## Land administration

“The process of determining, recording and disseminating information about the ownership, value and use of land when implementing land management policies” [FIG, 1999].

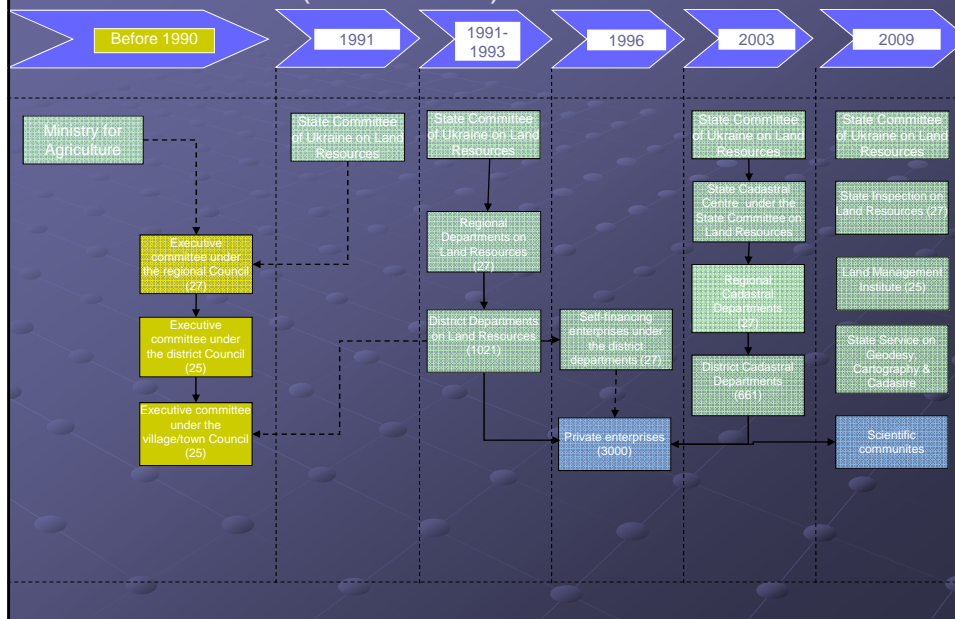


## Who are responsible for the effectiveness of land administration?

- a master of the land (owner/user)
- a land manager individually as a professional
- power bodies in the person of state and self-government authorities, which are actually make land policy
- by the highest standards it is a society, which allows to the master to make useful or harmful activities on the land. A society demands and pays for well-educated land managers. A society chooses government and vests it with authority.



## Land Administration Sector Development during Land Reform (1991-2010)



## Who are decision makers and land policy elaborators?

Self Government power		Executive power	
Elected Responsible from self-government side	Self-government	State Land Administration Authorities	Appointed responsible from state government side
Deputies of Regional Rada	Regional Rada	State Committee on Land Resources	Head of the Committee and deputies of the Head
		Ministry of Environment and Natural Resources	Minister and deputies of the minister
		Ministry of Health Care	Minister and and deputies of the minister
		State Committee on Water Resources	Head of the Committee and and deputies of the Head
		State Committee on Forestry Resources	Head of the Committee and deputies of the Head
Deputies of District Rada	District Rada	Ministry of Regional Policy	Minister and and deputies of the Head
		Ministry on Agrarian Policy	Minister and deputies of the minister
		State Committee on construction and architecture	Head of the Committee and deputies of the Head
		Regional (oblast) Administration	Head of Regional Administration
Deputies Of Local (Village/Township/Town) Rada	Local Rada (Village/Township/Town level)	District Administration etc	Head of District Administration
<b>Legislature</b>			
Deputies of Suprime Rada	Suprime Rada		
<b>Judicial authority</b>			
	Courts		

## Do they have power disproportion?

### Self-government responsibilities

- Regulation of land relations
- Delegated responsibilities of state executive authorities

### State executive authorities responsibilities

- Land management
- Land monitoring
- Land policy
- Land protection
- Land evaluation
- Land registration
- Land Cadastre

## Who implements land policy?

- Self-government authority



- State executive authority



- Private sector



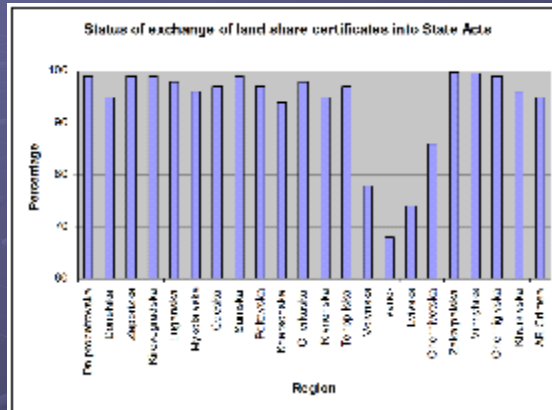
## How evaluate efficiency of land administration?

- Fundamental prerequisites for effective land administration are constructive land policies and strategy, cadastral system development, secured property system, appropriate land planning and land management, land monitoring and protection.
- Land protection & environmental sustainability aspects.
- Level of intrusion into environment : how human's activity effects quality of soil, pollution, environmental degeneration, sustainability
- Macroeconomic indexes
- land profitability
- time and labour consuming
- GDP
- prime costs and values of the end products
- labour-intensiveness,
- etc .,



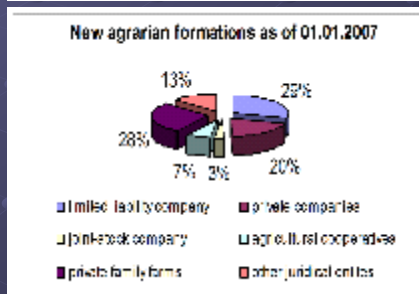
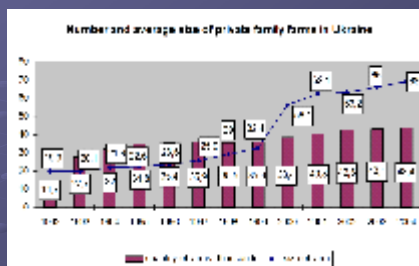
## Economical effect of land administration

- 6.9 million (98%) land share certificates were converted into State Acts
- About 12 million state acts on the right of private ownership to land registered in the cadastral system and issued to the citizens
- About 5 million agreements on land lease are registered
- About 40 thousand state acts on the right of private ownership is issued and registered to the juridical entites



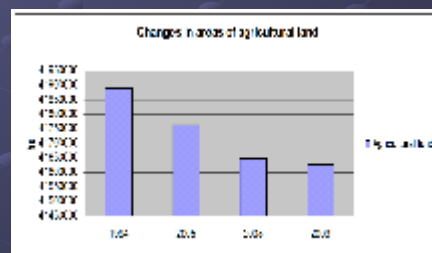
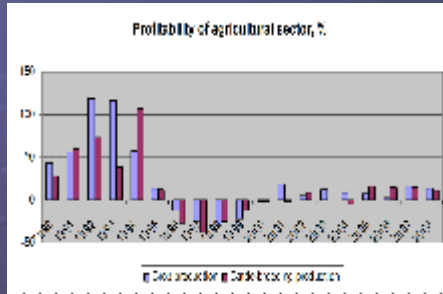
## Economical effect of land administration

- The number of private family farms during 15 years increased from 80 to 43403. As of 01.01.2008 – 64837.
- A number of obstacles which prevent private farming development, determined: lack of initial capital, difficulties in getting credit, official limitations on farm size, inexperience and little access to services once provided by the collective
- 11847 agricultural enterprises were restructured into 11831 private companies. As of 01.01.2008 23883 new agrarian formations were established

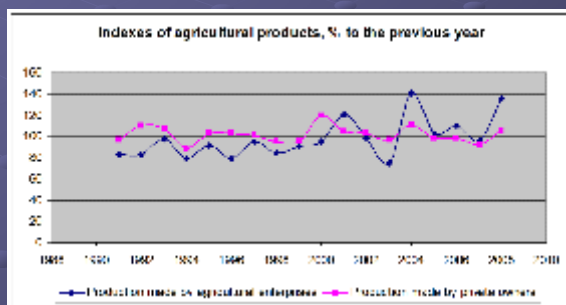
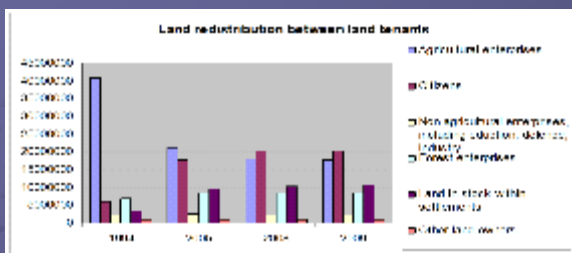


## Economical effect of land administration

- Lots of profitable agricultural enterprises unjustly ruined
- Ruined cattle-breeding industry as unprofitable. The decrease is bigger comparing to World War 2 (3 times decrease).
- Gardens and vineyards were destroyed, 2/3 of capital assets of agricultural enterprises were made away, 40 sugar-beet factories were demolished. Destroyed the melioration systems, system of crop rotation
- Share of productive lands decreased from 93,5% to 83,8% of total agricultural lands



## Economical Effect of land administration



- Along with the changes in land tenure Land reform brought quantitative and qualitative changes to the structure & volume of production
- There is no proper land management with crop rotation, new technologies and scientific arrangements in private farms. So, people return back to collective land use

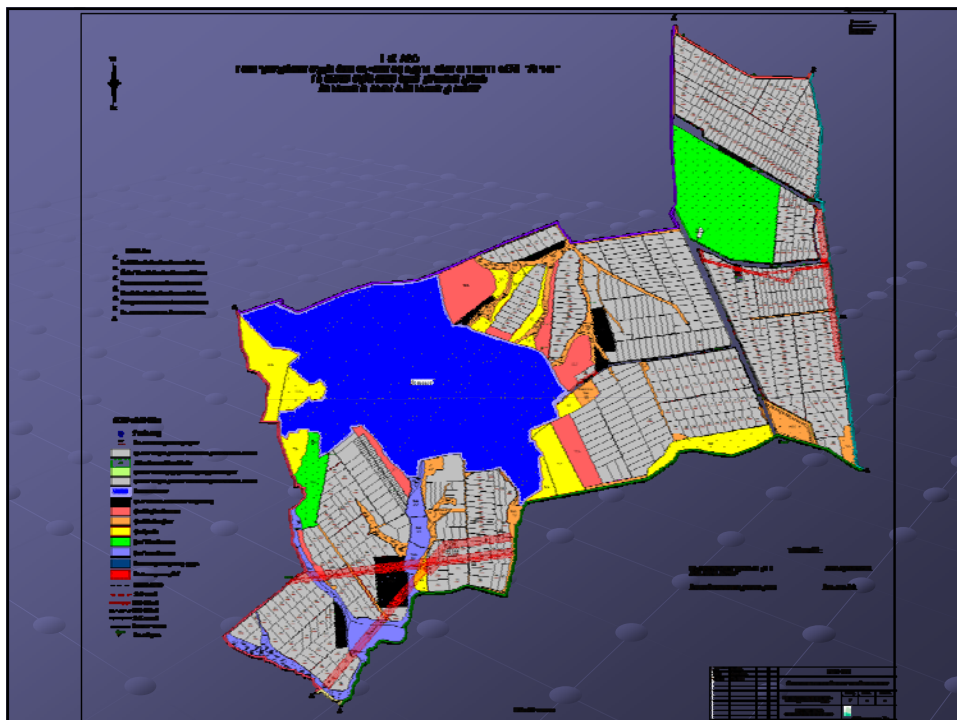
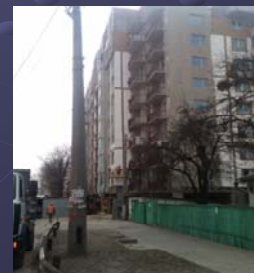
## Social effect of poor land administration



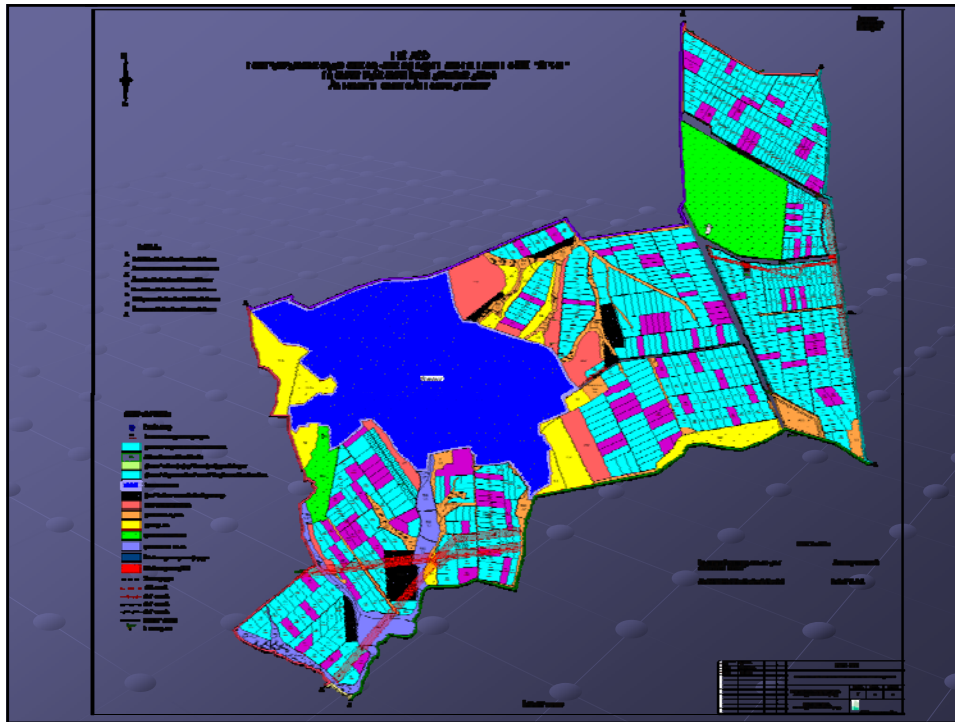
## Different principles of land sharing in Ivano-Frankivska and Odessa regions

- Odessa region
- Principle of sharing based on the fair proportion distribution of the whole tract of land between workers of former collective farm: 3000 ha: 375 = 8 ha.
- This principle of land sharing corresponds to the state legislation
- Ivano-Frankivska region
- Principle of sharing based on the proportion between the size of actual owned adjoining the farm house-land and the size of land share. If 1 owns 0,8 ha of adjoining farm-house land his land share is 0,3 ha. If 2 has 0,3 ha of adjoining farm-house land his share is 0,8 ha.
- This principle was determined by the resolution of local administration as of 1995. Since 1999 it contradicts to the state legislation

# Land planning – infringement of national law

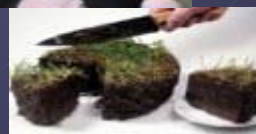






## Attributes of existent land administration system

- Duplication of major functions of ministers and committees which leads to difficulties in making decision
- Lack of clear determination of the responsibilities between self-government and state authorities
- Infringement of state regulations and laws
- Decline of rural budget infrastructure and as a consequence migration of rural inhabitants
- Inconsistency between the qualification of self-government representatives and level of comprehending the importance of land administration decision
- Increasing state control and bureaucracy
- Polarization of state land administration
- Universal corruption in land relations system
- Regular transfer of manpower in land administration sphere
- Chaotic land redistribution without good working land registration system and owner's rights protection



## Different approaches. What shall we choose?

### Western society

State proposes decision for the consideration – society (municipality/individuals) evaluates – find compromise – task implemented – strengthening legislation



### Ukraine

- State dictates - local authorities do not implement a state decision - state control &/or punishment - no local initiative in making or supporting policy implementation - breaking the rules and inventing shadow schemes



## Lessons to learn

- By no means not rejecting western values like guarantee of personal liberty, property rights and private initiatives while implementing land policy the power institutions should take into consideration peoples willingness for changes
- Discussions and consultations with public based on common economical interests will lead to sharing ideas and making common decision for the benefits of the community not just separate individuals
- State intrusion in community decisions leads to the loss of local initiatives
- Any expedient methods and practices of land policy will be inefficient on the local level if they are not corresponded to peoples needs
- No social and other state guarantees for the officials. No interests to improve the quality and standard of work. Officials don't afraid to loose their job

## Conclusions

- ✓ We shouldn't apply administrative resource forcing people to rush into market economy. Take into consideration Chinese experience of long-term lease or Israel communities' land management or Netherlands leased experiences by farmers on the territories where people willing to work in the collective
- ✓ Existent state land administration system is bulky, complicated, has internal contradictions and it's detached from people. The system demands reconstruction on power proportion based basis. All power branches should interact.
- ✓ A number of state authorities involved in land administration process should be reduced
- ✓ The main challenge should be focused on clear responsibilities determination. State should control obeying regulations, state programs and principles of effective land management and administration. Municipalities should be obligated for the growth of community well-being and cooperation between land owners.
- ✓ Allow to implement different land management mechanisms but equal conditions for the West and East of Ukraine, taking into consideration differences in traditions, economical conditions, interests of variety of social groups

Thank you  
very much  
for  
your attention!