Sustainable Development in Land Cadastral Domain of Ukraine due to Institutional Arrangements

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14-19 June 2008, FIG Working Week - Integrating generations

Introduction

“…An effective land administration should be:

✓ Sustainable
✓ Affordable
✓ Open
✓ Meet requirements of all users …”

Does current Ukrainian land administration system meet such requirements?
Introduction

Planned economy   Market economy

Centralized management approach?

1 agent of management   Lots of management agents

Historical background

<table>
<thead>
<tr>
<th>Regular power centralization during the time being in Ukraine</th>
<th>Examples of decentralized management approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>From XI century</td>
<td>1) Several towns of western Ukraine in XII century</td>
</tr>
<tr>
<td><img src="image1.png" alt="Image" /></td>
<td><img src="image2.png" alt="Image" /></td>
</tr>
<tr>
<td>Up to nowadays</td>
<td>2) Zaporizhska Sich in XVII-XVII centuries</td>
</tr>
<tr>
<td><img src="image3.png" alt="Image" /></td>
<td><img src="image4.png" alt="Image" /></td>
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2) Zaporizhska Sich in XVI-XVII centuries

Examples of decentralized management approach

1) Several towns of western Ukraine in XII century

State ownership to the land

Lots of management agents

1 agent of management
**Historical background**

3) At the beginning of 90th XX century a tendency to have equal commissions differentiation between the state and self-government power – prescribed by the Law of USSR on fundamentals of self-government and local economy in USSR as of 1990.

**Current situation in land administration**

**Existant Administrative Structure in Cadastre Domain of Ukraine**

- **Local self-government authorities**
- **State executive authorities**
- **Private sector**
- **Organizations with different forms of ownership: communal and private**
- **Enterprises with different forms of ownership: state and private**

**LEGEND:**
- Direct subordination of the state authorities
- Normative regulation and state control for the institutional activity
- Local self-government authorities subordination
### Current situation in land administration

<table>
<thead>
<tr>
<th>Results of land administrative policy during independent time in Ukraine (starting at the beginning of 90th)</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Self-government institutions lost responsibilities in land administration</td>
</tr>
<tr>
<td>✓ In fact self-government lost the possibility to manage communal assets</td>
</tr>
<tr>
<td>✓ Self-government lost the possibilities to make decisions at the territories of their competency without sanctions from state authorities</td>
</tr>
<tr>
<td>✓ Strengthening of state power authorities (both state administrations and central government bodies)</td>
</tr>
<tr>
<td>✓ Increased bureaucracy</td>
</tr>
<tr>
<td>✓ Migration of qualified staff from local level to the top, mainly to the central state government bodies or to the private sector</td>
</tr>
<tr>
<td>✓ Cadastral system has been established but it’s development was stacked</td>
</tr>
<tr>
<td>✓ People have no access to cadastral data</td>
</tr>
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<td>✓ Property rights are not protected</td>
</tr>
<tr>
<td>✓ Legislation is not working</td>
</tr>
</tbody>
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### Need for decentralization in cadastre domain

<table>
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<th>In the current cadastre domain:</th>
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<tbody>
<tr>
<td>➢ Users don’t have an access to the cadastral data</td>
</tr>
<tr>
<td>➢ There is no information exchange between authorities which are responsible for the data capturing and maintenance</td>
</tr>
<tr>
<td>➢ Cadastral procedure (as well as title registration procedure) is time and cost consuming</td>
</tr>
<tr>
<td>➢ State authorities are losing qualified staff because of the salaries, but nevertheless the number of staff is increased in state sector</td>
</tr>
<tr>
<td>➢ Worsening of quality control work implemented by private licensed organizations</td>
</tr>
<tr>
<td>➢ Dispersion of financing for uncertain purposes</td>
</tr>
<tr>
<td>➢ Tendency to create separate municipal multipurpose land information systems</td>
</tr>
</tbody>
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Decentralized administrative approach in Cadastre Domain

**Decentralized Administrative Structure in Cadastre Domain of Ukraine**

- **State executive authorities**
  - Cabinet of Ministers of Ukraine
  - Ministry of Environment
  - State Cadastre Center
- **Local Self-government authorities**
  - President
  - Regional state authorities
  - Rayon/City Radas
  - Village Radas
- **President**
  - Cabinet of Ministers of Ukraine
  - Ministry of Environment
  - State Cadastre Center
- **Regional Cadastre Departments**
  - Rayon/City Cadastre Departments
  - Village Cadastre Departments
  - Township Radas
  - Town Radas
  - Regional Radas
- **Other departments**
  - Geographic & Cartography Department
  - Land Relations Department
  - Department on both
- **Private sector**
  - Private BTI
  - Real estate & land valuation offices
  - Surveying enterprises

**LEGEND:**
- Direct subordination of the state authorities
- Normative regulation and state control for the institutional activity
- Local self-government authorities' subordination
- Non-key player in structure

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**Conclusions and proposals**

Partly decentralized administrative structure of cadastre domain will allow:

- Keep cadastral and title registration data in common system. Will help to make cost reduction on data migration between institutions
- Provide access to cadastre information for different groups of society
- Operate with relevant information on land and other real estate both at the central and local level
- Use state standards and procedures. Simultaneously operate choosing reliable kinds of technologies
- Attract specialists to work locally
- Decrease urbanization
- Use money from municipal and state budgets for particular purposes
- Decrease a number of state officials
- Private sector will benefit having the possibility to resolve problems locally
- Simplify cadastral procedures decreasing a number of authorities

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Conclusions and proposals

<table>
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<tr>
<th>Proposals</th>
<th>Risks</th>
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</table>
| 1. To keep balance between centralization and decentralization | 1. Disbalancing  
  - fragmentation leads to control loss over the land use and implementing land policy by the state  
  - strengthening of state power leads to bureaucracy and losing initiatives from the communities |
| 2. To divide and clearly determine obligations between the state and communal authorities, living control functions to the state and real activity in cadastre domain – to the municipalities | 2. Changes in legislation will take time and in transition period can cause misuse |
| 3. Reduction a number of state authorities involved in land administration process | 3. Strong resistance from state authorities |

THANK YOU for your attention

We borrowed the future from our children…

…and also responsible for the past of our parents…