

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

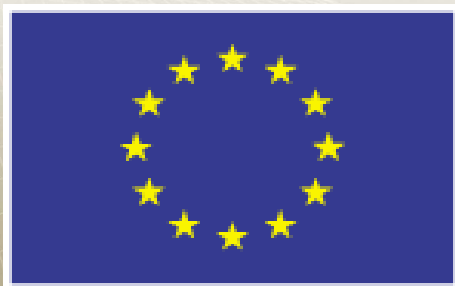
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Introduction

“...An effective land administration should be:

- ✓ Sustainable
- ✓ Affordable
- ✓ Open
- ✓ Meet requirements of all users ...”



Does current Ukrainian land administration system meet such requirements?

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Introduction

Planned economy

Market economy

Centralized management approach?

1 agent of management

Lots of management agents



Lots of management agents

Decentralized management approach?

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Historical background

Regular power centralization during the time being in Ukraine

Examples of decentralized management approach

From XI century

1) Several towns of western Ukraine in XII century



Up to nowadays

2) Zaporizhska Sich in XVI-XVII centuries

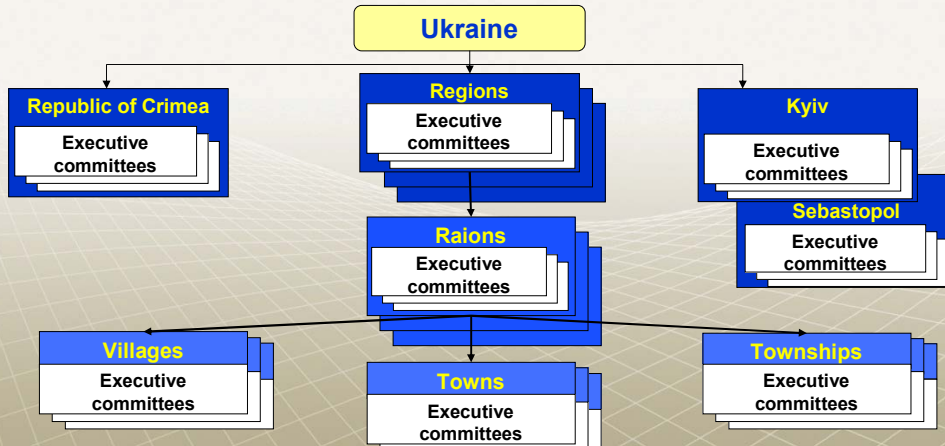


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Historical background

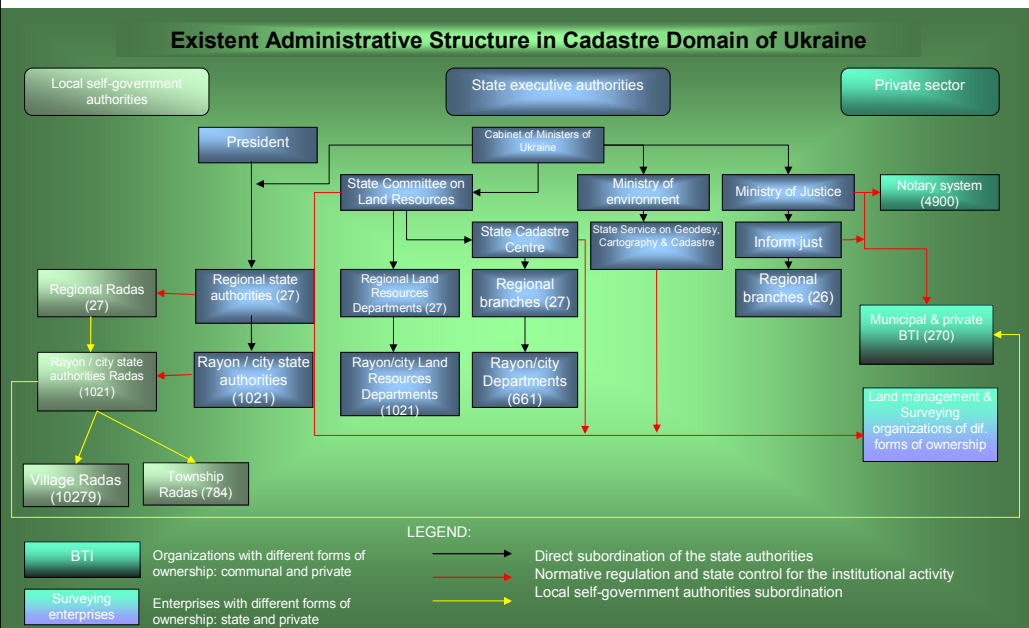
3) At the beginning of 90th XX century a tendency to have equal commissions differentiation between the state and self-government power – prescribed by the Law of USSR on fundamentals of self-government and local economy in USSR as of 1990



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Current situation in land administration



Current situation in land administration

Results of land administrative policy during independent time in Ukraine (starting at the beginning of 90th)

- ✓ Self-government institutions lost responsibilities in land administration
- ✓ In fact self-government lost the possibility to manage communal assets
- ✓ Self-government lost the possibilities to make decisions at the territories of their competency without sanctions from state authorities
- ✓ Strengthening of state power authorities (both state administrations and central government bodies)
- ✓ Increased bureaucracy
- ✓ Migration of qualified staff from local level to the top, mainly to the central state government bodies or to the private sector
- ✓ Cadastral system has been established but it's development was stacked
- ✓ People have no access to cadastral data
- ✓ Property rights are not protected
- ✓ Legislation is not working

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Need for decentralization in cadastre domain

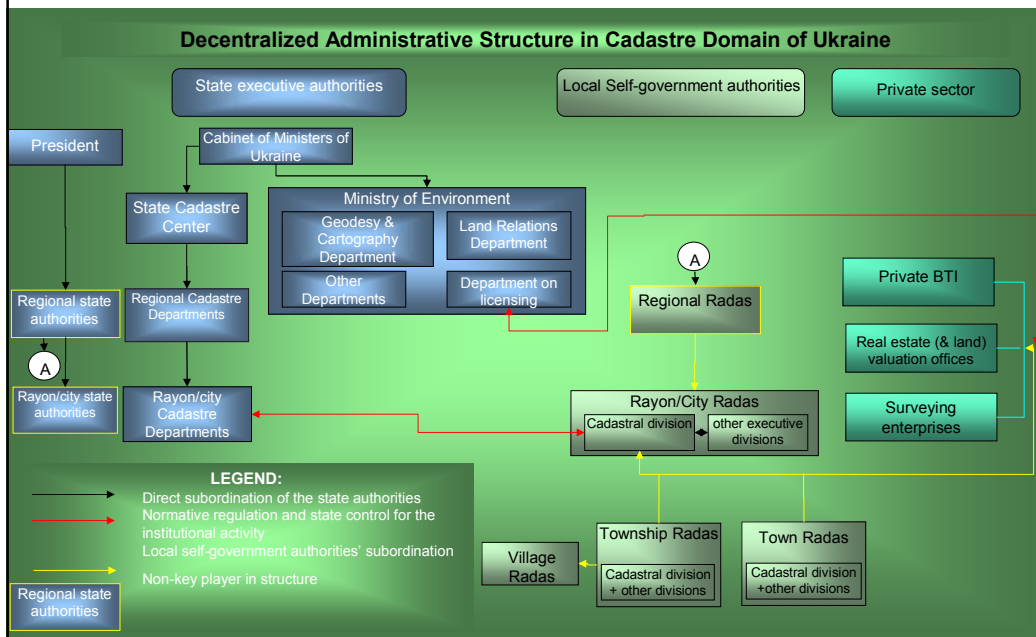
In the current cadastre domain:

- Users don't have an access to the cadastral data
- There is no information exchange between authorities which are responsible for the data capturing and maintenance
- Cadastral procedure (as well as title registration procedure) is time and cost consuming
- State authorities are losing qualified staff because of the salaries, but nevertheless the number of staff is increased in state sector
- Worsening of quality control work implemented by private licensed organizations
- Dispersion of financing for uncertain purposes
- Tendency to create separate municipal multipurpose land information systems

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Decentralized administrative approach in Cadastre Domain



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

Conclusions and proposals

Proposals	Risks
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

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...and also responsible
for the past of our parents...



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