

# CURRENT STATE OF THE NATIONAL LAND CADASTRE IN UKRAINE: PROBLEMS AND PROSPECTS

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During almost 18 years of democratic power Ukraine is making for reforming economics based on market principles. Therefore, some urgent changes in land laws are needed. The first legislative act about land was considered to be the regulation of Verkhovna Rada under the title "About the land reform" on the 18-th of December 1990. The reallocation of lands with their further right of possession and use is seen as the foremost task. Another important thing is to create favorable conditions for resources conservation and protection, development of different forms of management and formation of mixed economy.

Today, Ukraine has made a big step by restoration of national land property to private ownership. This is mainly concerned with lands of agricultural purpose. Market turnover of lands between farmers and land users has already started. Although it is not yet perfect due to the existing moratorium on the transfer of lands belonging to holders of land shares for conducting commodity exchange economy. This procedure is not valid in case lands are subjected to inheritance or removal for some social needs.

In the course of such important processes as land denationalization and privatization it is of great necessity to set a legislative control of new land relationships. Land code of Ukraine, adopted by the Parliament on the 25-th of October 2002, fully met the aims indicated above. This fundamental law side by side with necessary legal norms of regulating land relationship strengthened legislative norms of land cadastre.

Content and methodological approaches of getting land-cadastral information were already executed and tested in Ukraine before the Independence proclamation. In order to switch over into secular data-based system of land cadastre the Cabinet of Ministers approved on the 12-th of January 1993 a decree "Regulations concerning procedure of the national land cadastre". It presupposes that the land cadastre is aimed at informing consumers not only about land (as it is stated in the Land code) but also about economic and legislative regimes of lands.

At the same time, for lack of financial and science-based support the government failed to make a division between lands of national and communal property (9,7%). Furthermore, the demarcation of population aggregates (64,3 %), lands of naturally-protected, health-improving and recreational functions has not

yet been completed. What is more, such lands of special appointment as defensive (15 %), areas of minerals (5 %) and also territories of a great scientific importance (7%) are not yet arranged.

Regulation of land and property relationships demands implementation of new approaches to registration of land ownerships and land use together with real estate objects located on certain territories.

In 1999 Verkhovna Rada of Ukraine did not approve a bill "About national land cadastre" that serves as a fundamental law for creating an automated guarantee system of land property. Though 80 % of bill regulations in course of 10 years have not changed, the governments did not pass this bill for lack of political will. The blocking processes of its adoption are continuing up to now. Due to the fact that there is no guarantee system of land property, our country does not receive a decent amount of investments.

Thus, according to property theory it is required to ensure the certification of property rights, its free turnover and guarantee system of land property. Unfortunately, none of these stated above obligatory conditions is executed in Ukraine in a proper way. Consequently, it might have a negative effect on the state's economy.

It is evident that the situation in the sphere of land cadastre and land protection is still very complicated. Urgent measures should be taken for its improvement. Today the most acute problems are:

- 1) absence of conception and state development programme of land relationships;
- 2) incompleteness of land laws ( there are still 25 bills to be drafted and adopted ), lack of guarantee system as regards to land property rights (automated system of land cadastre and registration of real estate rights are not established);
- 3) lack of perspective and strategic planning of land use and protection, inefficient state management of land resources and use;
- 4) underdevelopment of economic and legal property relationships. As a result, lands of agricultural appointment are concentrated in hands of one person;
- 5) imperfection of land laws and land market infrastructure, especially when it deals with agricultural lands;
- 6) absence of laws that are important for conducting national land cadastre and its automated system supposed to solve problems concerning guarantee of property rights.

According to results of the conducted research we could make the following conclusions:

- 1) It is necessary to improve the national management of land resources; to form legislative and regulatory basis regarding land use and functioning of land market.
- 2) Economic mechanism of regulating land relationships should be definitely

improved. It is mainly concerned with price regulation of land market turnover. We really need the improvement of land policy and permanent renovation of monetary land evaluation. It is necessary to implement an automated gross-up system for taxpayers and to fix price for land lease. Economic stimulation of sustainable land use and protection play a great role too. The government should impose sanctions for breach of the valid law in sphere of land relationships and use.

- 3) Updating of land cadastre system and monitoring is seen as the foremost task. It is required to inform landowners and land users about land's quality and fitness for use.
- 4) It is very important to create legal, social and economic mechanisms for effective realization of property rights on agricultural lands. According to the Constitution of Ukraine the government should complete the issue of the National documents concerning land property rights and demarcate lands that have different forms of ownership and use.

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