

FEATURES OF LAND ADMINISTRATION: LATVIAN AND UKRAINIAN EXPERIENCE

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Introduction

Currently the agriculture in Europe meets a number of new problems and challenges, therefore the EU within the framework of its General Agricultural Policy (hereinafter - GAP) is necessary to develop strategy for long-term future of agriculture and rural areas. GAP should act in order to achieve the objectives of the EU, it should have the following strategic goals:

- on long-term basis to maintain potential for food production, to ensure population of the EU with food and to contribute in ensuring of constantly increasing demand for food in the world, which according to FAO estimates up to 2050 may increase by 70%;
- to support people engaged with agricultural production and producing high-quality, valuable and varied food;
- to preserve the rural landscape and to exclude the loss of biodiversity an important tool is active management of natural resources in agriculture, giving also contribution into reducing of climate changes and creating of foundation for the dynamic development and long-term economic viability of the territories;
- maintenance of stable rural communities for which agriculture is an important economic activity and provides local employment, as well as number of economic, social, environmental and territorial benefits.

Agriculture is an integral part of the European economy and society. Any restrictions of agricultural production in the form of indirect influence may have an influence on gross domestic product (GDP) and employment in related sectors of the economy, especially in the chain agricultural supplies, as well as in the sectors of non-food industry. This may affect the various activities associated with the rural area, such as tourism, transport, local and public services, and can also lead to decrease in the number of rural residents, which means coming into existence of significant social consequences.

GAP should create the conditions for long-term, rational and integrated development in European rural areas. This will allow to unfurl untapped production potential especially in the new EU Member States and achieve the goals of the strategy „Europe 2020”, taking into account severe impact of the economic crisis on agriculture [2].

The aim of the article is to investigate the legal basement of land administration, to analyse existing system of land administration in Latvia and Ukraine, and give proposals for improvement of land administration process.

The results of research described in specific article are based on our former research in field of land administration and management, as well as on other published materials in related fields. Regulatory acts, another official document and records, literature and other sources of information in specific articles are used.

The method of comparative analysis of legal and regulatory acts, graphical method for statistical data reflecting, methods of analyses and induction for interpretation of the results as well as the monographic and abstract-logical methods for analyses of the normative acts and scientific literature were applied in the article.

Objectives of the land administration system in the EU at the present stage.

Efficient use and protection of the land is one of the main problems of development of land relations, which need to be solved comprehensively, taking into account economic, social, legal and environmental aspects of land use. Land administration system is the one of the measures for ensuring of sustainable use of land as a unique resource, for shortcoming of the negative results of land reform, improving of structure of land ownerships, direct or indirect interference in relationships between the landowners and land users. Land administration system is the sum of relevant policies and measures of land tenure associated with the purpose of establishment and maintenance of land ownership and land use within specific socio-economic conditions.

United Nations Economic Commission for Europe (UN-ECE) determines land administration as tool of implementation of land management policies, which

refers to the processes of determination, recording, and disseminating information about the ownership, value, and use of land [5].

Historically, in the old Member States of the EU the goal of land management system was the protection of family farming, which resulted from land reforms. The size of land property may be restricted by government regulation relating to property rights and land leasehold, limiting the total area of land ownership, land acquisitions, etc. The continuation of viability of farms and prevention of land fragmentation is usually carried out by special laws, as well as general laws of inheritance, etc.

As part of the historical development in Europe have been developed fundamentally different models of land administration:

- Anglo-Saxon model, where on the land market prevails freedom of contractual relationships;
- German model, where contractual relationships are supplemented with comprehensive regulation of land relations;
- French model, which is based on the strict regulation of agriculture;
- Danish model, where in order to maintain the land in the family use is strictly limited freedom of contractual relations [1].

Due to population growth land administration plays a key role in solving of newly appeared external problems in terms of climate change, increased demand for energy resources, fresh water, food, natural disasters, rapid urban growth, et al. Main objectives of the internal land administration is increasing of the area of fallow land (unused agricultural land), inconvenient ownership structure, the risks of land degradation, increasing urbanization, the limited availability of information on the land, etc. [4; 11].

Main tasks of land administration are:

- stabilisation and promotion of the use of land;
- development and strengthening of family farms;
- support of ecologically friendly and sustainable agricultural production in terms of land use;
- continuation of cultivation of agricultural land;
- coordination of agricultural production in terms of nature conservation, environmental protection, soil protection, regional development, water management, etc.;
- promotion of rational system of land ownership and leasehold;
- support in creation of competitive farms with sizes that are suitable for the particular type of farming;
- transformation of the structure of production and products;

- use of the arable land in most suitable for agricultural production way;
- accelerating of the use of uncultivated land or areas which are disadvantageous for use because of their size and shape.

Land administration system is effective if it contains:

- publicity and transparency;
- private - public partnership;
- one – stop – shop approach;
- standardisation and concentration;
- availability of textual and graphical data on Internet;
- data sharing – no work duplication;
- better institutional coordination;
- services based on digital data(e-services);
- cost recovery [6].

Land administration system in Latvia

In nearest future in Latvia will be officially completed the land reform both in rural and urban areas. According to Latvian legislation, land reform is completed when:

- are examined all applications on assignation of the land;
- in all cases of mentioned applications are made relevant decisions;
- in the field are established or surveyed boundaries of all land parcels;
- by Cabinet of Ministers is made decision on completion of land reform in particular municipality.

During the land reform land administration in Latvia mainly was determined by laws of the land reform and physical (territory) planning. However from 1st of January, 2015 entered into force the Land Administration Law, which have had a long and complicated coordination and approval procedure. The purpose of this law is to promote the long-term use and protection of the land. The law regulates following issues:

- principles and conditions of use and protection of land;
- responsibilities of land users;
- administration of state-owned and local municipality-owned land;
- administration of the state land stock and land stock of local municipalities;
- prevention of degradation of the land and soil;
- land consolidation;
- providing of information about land stock (*Zemes pārvaldības likums*) [3].

But it should be noted that for implementation of mentioned law it is necessary to develop and approve about 13 governmental regulations. Very important

activity is updating of materials of qualitative assessment of the land once every 20 years. This was not conducted during last 25 years in Latvia. It is also required to develop a methodology and criteria for evaluation and approval of a common classification of soils. Land administration system in Latvia mainly is based on territory development (physical planning), real property cadastre and land management (Fig. 1).

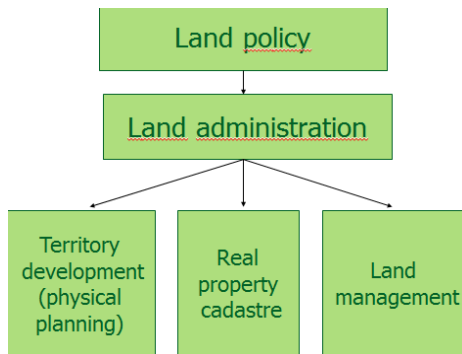


Fig.1. Components of the land administration system in Latvia

For effective use of the land in balance with land protection in Latvia should be implemented such activities as variety of land use, land conservation, spatial planning, sustainable structure of settlements, the quality of public space, etc. In the some time for the implementation of effective and sustainable legal, economic and informational environment should be carried out such activities as land reform, modern methods of registration of property rights, land use restrictions, financial instruments, reliability and compatibility of land information, etc.

Land administration system in Ukraine

Since 1991 in Ukraine is going on land reform, in process of which land administration should solve the problems of rational use and protection of land by organized, purposeful activity of the administration subject in terms of market type land relations (Fig.2).

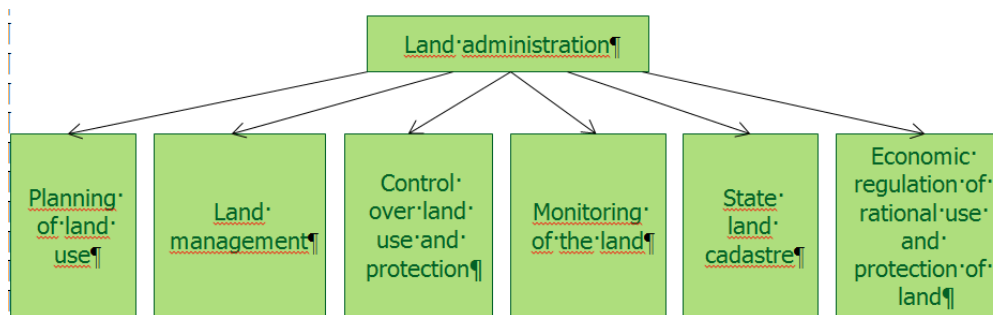


Fig.2. Components of the land administration system in Ukraine

In accordance with Land Code of Ukraine Land administration authority realizes functions showed in table 1.

Table 1

Functions of land administration system in Ukraine

Function	Measures
Land use planning	national and regional programs of land use and protection, natural and agricultural zoning of the land, zoning of the land within settlements
Land management	set of socio-economic and environmental activities for regulation of land relations and rational organization of the territory of administrative units and subjects of management, which are carried out under influence of socio-productive relations and the development of the productive forces
Control over land use and protection	control of observance of land legislation of Ukraine by state authorities, local municipalities, enterprises, institutions, organizations and citizens
Monitoring of the land	monitoring system of conditions of land in order to detect changes, their assessment, prevention and elimination of consequences of negative processes
State land cadastre	joint state geographic information system on land located within the borders of Ukraine, its intended purpose, restrictions of use, as well as data on the quantitative and qualitative characterization of land, its assessment and distribution between owners and users
Economic regulation of	economic stimulation of sustainable land management (tax and credit facilitation,

rational use and protection of land	exemption from payment for land, compensations), compensation of loss on agricultural and forestry production, payment of taxes and lease payment
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Analysis of land administration functions testifies the versatility of the process. Important role in land administration process plays land management, main objectives of which are:

- implementation of the state policy according to the scientifically founded redistribution of the land, formation of rational system of land ownership and land use, with elimination of deficiencies of location of the land, creation of environmentally sustainable landscapes and agro-ecosystems;
- informational providing of legal, economic, environmental and urban planning mechanisms of regulation of land relations;
- organization of the territory in order to create territorial conditions for effective use of the land, considering restrictions and encumbrances in land use [12].

But if we analyse actual situation in land use in Ukraine, it should be noted that land management, as well as land administration in general, is not sufficient in rational use and protection of land. The Guidelines (Concept) of the State special-purpose programme of development of land relations in Ukraine for the period up to 2020 are identified major issues of implementation of land reform:

- incomplete reformation of economic and legal relations of the ownership;
- imperfection of the system of public administration in field of use and protection of the land, land legislation and land market infrastructure;
- undeveloped automated system of state land cadastre;
- lack of effective mechanism of economic stimulation of use and protection of the land;
- slow activities in implementation of rational land use [13].

To improve land reform, in Ukraine should be implemented an integrated multi-functional land administration system, part of which should be a land policy, land management and land administration [10; 14].

It is important that in this land administration system should dominate principles of legality, transparency, publicity, openness of decision-making, an independent judiciary, effective administration institutions [9]. Unfortunately, in Ukraine remained model of administrative-command management - principle "top-down". Solving land issues, local municipalities have too little of rights, but citizens are involved in the process rather formally. Still actual are

issues on protection of land resources in context of balanced development of use of natural resources. In this respect, land policy should be focused on environmentally-oriented public administration of land use. The main elements of such administration should be environmental impact assessment, environmental audit, payments on land, including assimilating payments [7].

To achieve effective land management in land use, in Ukraine is necessary to realise an inventory of land in urban and rural areas, to complete surveying of state owned and municipality owned land, to form automated integrated system of land cadastre and system of registration of ownership rights to real property, including land, to improve public cadastral map, to improve normative monetary value of land, taken into account restrictions and encumbrances of land use, to consider influence of environmental factors on land assessment for formation of land taxes. Comparative analysis of land administration systems in Latvia and Ukraine (table 2) indicates that in Latvia do not exist such functions as control over land use and land monitoring, but land administration is more oriented on development of territories, real property cadastre and improvement of spatial land use.

Comparison of land administration system in Latvia and Ukraine

	Latvia	Ukraine
Land administration system	<ul style="list-style-type: none"> territory development (physical planning) real property cadastre land management 	<ul style="list-style-type: none"> land management land cadastre monitoring of the land control over land use
Basic legislative acts, regulating land administration	<ul style="list-style-type: none"> law "On land privatisation in rural area" (1992) Regulations regarding Agricultural Territories of National Significance (2010) Spatial Development Planning Law (2011) Land Administration Law (2014) 	<ul style="list-style-type: none"> Land Code of Ukraine (2001) law "On land management" (2003) law "On State land cadastre" (2011) law "On land protection" (2003) law "On State control over land use and protection" (2003)
Land administration authorities	<ul style="list-style-type: none"> State Land Service of Latvia Ministry of Environmental Protection and Regional Development of Latvia 	<ul style="list-style-type: none"> State Agency of Land Resources of Ukraine Ministry of Ecology and Natural Resources of Ukraine

Also different are regulatory documents. There should be mentioned high importance of Latvian "Land Administration Law" (2015), which is concentrated on basic legal regulations of land relations in field of land use. Also, legislative acts of Latvia are significantly upgraded to compare with Ukrainian legislative acts. It presents evidence on continuous improvement of land legislation. Regarding land administration authorities there is no significant difference.

Conclusions

- In Latvia, for implementation of Land Administration Law is necessary to develop and approve significant number of governmental regulations.
- In general, the land administration system in Ukraine is formed, but it does not work properly on effective result of land use, as it is approved by the Concept of the State-target program of development of land relations in Ukraine for period up to 2020.
- To improve land administration it is necessary to implement land policy, which is oriented on multifunctional administration of land use - land management, land valuation, development of territories, etc.
- It is very important to decentralize land administration authorities and give more rights to local authorities and citizens.
- The system of land administration should reflect the social relationships between people and land in the context of balanced land use.

References

- Biró Szabolcs, Role of the state in the land market: the state land fund/bank, its functions and tasks (Hungarian experience), workshop on land market in the context of ensuring free movement of capital [Electronic resource], Kyiv, 17 March, 2011. – Mode

of <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0286+0+DOC+XML+V0//EN> access:

2. European Parliament resolution of 8 July 2010 on the future of the Common Agricultural Policy after 2013.

3. LR likums "Zemes pārvaldības likums" (2014).

4. Parsova V. Impact of cadastre on economic growth / V. Parsova, E. Kapostins, V. Gurskiene // Proceedings of the 6th International Scientific conference „Rural Development 2013”, volume 6, book 3, ASU Publishing Center, 2013. – R. 392 – 398.

5. UN-ECE (1996): Land Administration Guidelines with Special Reference to Countries in Transition [Electronic resource]. United Nations Economic Commission for Europe ECE/HBP/96, New York and Geneva, 112 p. – Mode of access : <http://www.ica.coop/house/part-2-chapt4-ece-landadmin.pdf>

6. Williamson. Land administration for sustainable development / I. Williamson, S. Enemark, J. Wallace, A. Rajabifard. – Esri press, Redlands, California, 2010. – 487 p.

7. Druhak V. Zemel'na polityka shchodostvorennya systemy ekolohe-ekonomichnoho administruvannya zemlekorystuvannya v Ukraini/ V. Druhak // Zemlevporyadnyyvisnyk. □ 2013.– # 6. – S. 29–32.

8. Zemel'nyy kodeks Ukrayiny vid 25. 10. 2001 r. # 2768-III [Elektronnyy resurs]. – Rezhym dostupu: <http://zakon4.rada.gov.ua/laws/show/2768-4/page?text=%EA%EE%ED%F1%E5%F0%E2%E0%F6%B3%FF>

9. Kuryl'tsiv R. Kontseptsiya "Governance" yak osnova novoyi paradyhmy upravlinnya zemlekorystuvannyam/ R. Kuryl'tsiv // Zemlevporyadnyyvisnyk. □ 2013.– # 5. – S. 17–20.

10. Mytrofanova E. Y. Kontseptsyya novoy uchebnoy prohrammy podhotovky mahystrov "Zemel'noe upravlenye" / E. Y. Mytrofanova, E. A. Hermonova // Naukovi pratsi Donets'koho natsional'noho tekhnichnoho universytetu. Ser. : Hirnycho-heolohichna. – 2012. – Vyp. 16. – S. 95–101. – Rezhym dostupu: http://nbuv.gov.ua/j-pdf/Npdntu_gg_2012_16_19.pdf
11. Parshova V. Kadastr nedvyzhymoho ymushchestva kak ynstrument upravlenyya zemel'nymy resursamy v Latvyi / V. Parshova, E. Stoyko // Teoretychni osnovy i praktychni aspekty vykorystannya resursooshchadnykh tekhnolohiy dlya pidvyshchennya efektyvnosti ahropromyslovoho vyrobnytstva i rozvytku sil's'kykh terytoriy : Materialy Mizhnar. nauk.-prakt. Forumu, 24-26 veresnya 2014 roku. – m. L'viv, 2014. – S. 171–177.
12. Pro zemleustriy: Zakon Ukrayiny vid 22.05.2003 r. # 858-IV [Elektronnyy resurs] – Rezhym dostupu: <http://zakon.nau.ua/doc/?code=858-15>
13. Pro skhvalennya Kontseptsii Derzhavnoyi tsil'ovoyi prohramy rozvytku zemel'nykh vidnosyn v Ukrayini na period do 2020 roku: Rozporyadzhennya Kabinetu Ministriv Ukrayiny vid 17 chervnya 2009 r. N 743-r [Elektronnyy resurs]. – Rezhym dostupu: <http://zakon4.rada.gov.ua/laws/show/743-2009-%D1%80/conv>.
14. Tretyak A. Kontseptual'ni zasady rozvytku v Ukrayini suchasnoyi bahatofunktsional'noyi systemy upravlinnya zemel'nymy resursamy / A. Tretyak, R. Kuryl'tsiv, N. Tretyak // Zemlevporyadnyy visnyk. □ 2013. – # 9. – S. 25-28.

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