



Human  
Settlements  
in Crisis

# HOUSING, LAND AND PROPERTY IN CRIMEA



UN-HABITAT

# Housing, Land and Property in Crimea



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## List of Acronyms

ARC	Autonomous Republic of Crimea
ASSR	Autonomous Socialistic Soviet Republic
BTI	Bureau of Technical Inventory
CAE	Collective Agricultural Enterprises
CIS	Community of the Independent States
EBRD	European Bank for Reconstruction and Development
EU	European Union
FDPs	Formerly Deported People
HRV	Hrivnia (the Ukrainian national currency)
NKVD	Soviet secret Police during the WWII
RLRC	Republican Land Resources Committee
RSSR	Russian Soviet Federative Socialistic Republic
SLRC	State Land Resource Committee
TIKA	Turkish Agency for International Development
TACIS	Technical Assistance Programme for Community of Independent States
USAID	United States Agency for International Development
UkSSR	Ukrainian Socialistic Federative Soviet Republic
USSR	Union of Soviet Socialistic Republics
US\$	United States Dollars

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# **Executive Summary**

The purpose of this report is to provide an assessment of land disputes in Crimea. The report highlights the principal weaknesses and gaps in institutional capacities of the authorities in the region. It also makes recommendations for addressing deficiencies and ensuring equitable and transparent administration of housing, land and property in Crimea.

The report recommends a UN-HABITAT presence in Crimea to assist the **domestic institutions** in developing a response to the problems identified. Although these do not flow from a post-conflict or natural disaster situation, disputes over land could lead to considerable inter-ethnic tension between the **majority of the Russian population and the Crimean Tatars**, which could generate instability. The report, therefore, proposes the development of a **preventive** approach to avoid the aggravation of these disputes.

Currently, **land related disputes in Crimea are at a critical stage**, both in numbers and intensity. The national authorities acknowledge that they lack the capacity to deal with the situation. The vast majority of institutional representatives in charge of land management interviewed during the research for this report expressly welcomed the prospect of an **international** presence in Crimea to empower their institutional position and to reduce their political dependency. As the specialist agency on human settlements, UN-HABITAT would be well placed to fill this role.

The two biggest challenges regarding land and property rights in Crimea are:

- how to increase the **transparency of decisions** taken by the national authorities regarding the allocation of land
- how to ensure **claims for land by formerly deported people** are dealt with fairly and in accordance with the law.

The aim of a possible UN-HABITAT intervention in Crimea should be to assist the domestic institutions to restore the rule of law and put an end to the widespread practice of illegal occupation of land.

The first stage of the intervention should focus on preventing conflict and reducing tensions generated by the current land disputes. The second intervention should concentrate on providing technical assistance to promote good governance and improve the public administration of land management, through training, supporting best practices and increasing the involvement of civil society in the planning process. The third stage should involve addressing longer-term issues such as **institutional, legal, and administrative reforms through the development of a Land Code** to consolidate the fragmented and chaotic legislative framework that currently exists.

The first part of this report analyses the immediate problems relating to land issues in Crimea while the second outlines some of the broader needs for a comprehensive mapping and survey exercises, and the need to strengthen land-related legislation, policies and institutions.



## Introduction

Ukraine is the second largest country in Europe with a population of about 47 million people. The country's administrative structure comprises 24 regions (oblasts) and one autonomous republic, Crimea, which became part of Soviet Ukraine in 1954. An estimated 68 percent of Ukrainians live in urban areas, with over three million inhabitants in the capital Kiev, the largest city. Ukraine is a lower middle-income country with a gross national income per capita of US\$1,520 (2005).

Ukraine declared its independence from the former Soviet Union, following a referendum, on August 24, 1991. According to the 1996 Constitution, Ukraine is a Republic with a presidential-parliamentary system.

The representative and legislative body of Ukraine is the unicameral parliament Supreme Council (Verkhovna Rada) of Ukraine. 450 parliamentary representatives (people's deputies) are elected by the Ukrainian citizens by universal suffrage. The current election system is mixed - majority and proportional.

Along with the **Parliament** the central state authorities are the **President** and the **Prime Minister**.

According to the Constitution the **President of Ukraine** is the Head of State and a guarantor of national sovereignty, territorial integrity, human and civil rights and freedoms. The President is therefore the representative of the Ukrainian state but is also the Chief Executive with wide-ranging powers. The President's power includes the appointment of all government ministers as well as the heads of local territorial administrations: Provinces (*Oblasts*) and Districts, (*Rajons*). The President is elected for a five-year term through the ballot box by citizens. In the last two years, especially when the division of the executive power between the president and prime minister has caused numerous political discussions between the prime minister Viktor Yanukovic and the President of Ukraine Viktor Yuscenko.

The highest **executive** authority in Ukraine is represented by the Cabinet of Ministers (Government).

The **Prime Minister** and the deputy prime ministers are appointed by the President and approved by the Supreme Council – parliament (Verkhovna Rada). The Council of Ministers is responsible to the President and its work is controlled by the Verkhovna Rada of Ukraine. The Verkhovna Rada exercises the parliamentary control over the Government concerning parliamentary approval or fulfilment of the annual budget submitted by the Council of Ministers, approval or rejection of government programs.

The President has the power to suspend the Prime Minister and discharge him/her. Upon the Prime Minister's proposal, the President of Ukraine also appoints and discharges the members of the Cabinet of Ministers and other chairs of the central executive authorities.

**The internal territorial organization** of Ukraine is based on the principles of indivisibility and unity of the country, as well as maintaining a 'balance of social-economic development of regions, according to their historical, economic, geographical and demography peculiarities.' Ukraine is currently composed of 490 districts (*rajons*) 446 cities (*gorod*) 907 towns (*mesta*) and 10,196 villages (*sela*).

The territorial framework of Ukraine comprises Crimea and the 24 administrative provinces. There are 24 provinces (*Oblasts*) including Vinnitsa, Volyn, Dnipropetrovsk, Donetsk, Zhitomir, Zakarpattya, Zaporizhzhya, Ivano-Frankivsk, Kyiv, Kirovograd, Lugansk, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsky, Cherkasy, Chernigiv, Chernivtsy.

The governors of those provinces (oblasts) are appointed and dismissed by the President of Ukraine. The State Representative in the districts (*rajons*) is also appointed by the President of Ukraine. The local self-governing bodies such as City Councils and Rajon Councils have limited powers.

The administrative framework is characterized by a high level of centralisation of state power, with the exception of **Crimea** which has constitutionally guaranteed territorial autonomy, and two cities, Kiev and Sevastopol, which have a special status set by the laws of Ukraine.

## **The Autonomous Republic of Crimea**

Crimea has over 2 million inhabitants, over 100 nationalities and national minorities and language groups. The largest single group are ethnic Russians, followed by Ukrainians and then Crimea Tatars. The Crimean Peninsula became part of the Russian Empire in the 17<sup>th</sup> century and it remained an important naval facility down through the Soviet times. The city of Sevastopol was the headquarters of the Black Sea Fleet and the Crimean Peninsula also hosted a number of large military bases.

The Crimean War (1854 - 1856) devastated much of the economic and social infrastructure of Crimea. Crimean Tatars had to flee from their homeland due to the conditions created by the war, persecution and land expropriations. Crimean Tatars claim that this is what turned them into a minority in their own land. During the Russian Civil War, Crimea was a stronghold of the anti-Bolshevik White Army. In 1921 the Crimean Autonomous Soviet Socialist Republic was created as part of the Russian SFSR.

In 1944 the Soviet Government forcibly deported hundreds of thousands of ethnic Crimean Tatars, as well as the smaller Bulgarian, Greek, German and Armenian communities to the Urals, Siberia and Soviet Central Asia for alleged collaboration with Nazi Germany. Small numbers of these groups returned during the 1960s and 1970s. In the period up to and immediately after the fall of the Soviet Union, between 1989 and 1993, more than a quarter of a million Crimean Tatars returned to their homeland from their places of exile.

The return of such a large number of people (over 12 percent of the total population of Crimea) created an immense burden on newly independent Ukraine. As a result, relations between the mainly Crimean Tatar Formerly Deported People and the local ethnic Russian and Ukrainian population and authorities deteriorated to a point where violence was imminent.

In 1991 the Crimean Tatars re-established a National Parliament, the **Supreme Representative Plenipotentiary Body of the Crimean Tatar people** (Kurultay), to give it direct political representation. Officially, the Mejlis, which is a representative body between the Kurultay sessions, is a “consultative“ body of the Ukrainian President. The Crimea and the Ukrainian authorities refuse to recognise the power of that body as many Russians in Crimea suspect that it has a hidden separatist agenda.

## **Institutional Status of the Crimean Peninsula**

Before World War II Crimea had the status of an Autonomous Socialistic Soviet Republic (ASSR) within the Union of Soviet Socialistic Republics (USSR). In 1946 the Soviet authorities stripped the autonomy of Crimean ASSR and transformed its status from autonomous Republic into simply administrative unit (Oblast) within the jurisdiction of the Russian Soviet Federative Socialistic Republic (RSSR).

In April 1954 the USSR authorities decided to change the status of Crimea again and to incorporate this Oblast into the territory of the Ukrainian Soviet Federative Socialistic Republic (UkSSR). The official explanation was that this would make a better and more efficient administration due to closer geographic and economic links of the Crimean Peninsula to the Ukrainian region, but many of Crimea’s majority ethnic Russians viewed it as annexation by Ukraine.<sup>1</sup>

From that period until the collapse of the Soviet Union in 1991 the institutional status of the administrative territory (oblast) of the UkSSR remained unchanged.

During the final turbulent period of Mikhail Gorbachev’s presidency, which preceded the USSR’s final collapse, Crimea’s Russian population began to agitate for stronger direct links with the central government in Moscow and greater autonomy from the UkSSR authorities. In September 1990, the representatives of the Russian majority in the local Crimean Parliament (the Crimean oblast Soviet of People’s Deputies) called a referendum in support of their demand for the restoration of the Crimean ASSR within the USSR. This was backed by over 90 percent of those who voted. The UkSSR authorities subsequently granted Crimean Oblast an autonomous status inside the Ukrainian Socialistic Federative Soviet Republic (UkSSR). However Ukraine’s secession from the USSR the following year meant that debates about Crimea’s future status have continued and options canvassed range from support for an independent Crimean Republic through an autonomous Crimean republic within Ukraine to secession from Ukraine and annexation to Russia.

The political sensitivity of this debate in multi-ethnic Crimea has been exacerbated by the large-scale return of formerly deported persons from Uzbekistan, Tajikistan and other Soviet Republics to their native homeland of Crimea. Crimean Tatars, who form the largest group of formerly deported people, have become increasingly assertive in demanding the restoration of their political, social and economic rights in the Crimean Peninsula, which has led to an increasing inter-ethnic tension, particularly in relation to land issues.

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<sup>1</sup> Some believe it was a ‘gift’ to Ukraine made by the Soviet Union leader then in power, Nikita Khrushchev, as a symbolic act to celebrate the 300th anniversary of Ukraine’s union with Russia.

## Crimea in the Socio-Political Context of Independent Ukraine

After the dismemberment of the USSR, and Ukraine's independence in 1991, the question of Crimea's institutional status remained open. In the beginning of the 1990s, when the newly independent Ukrainian State had to face numerous severe economic and social issues, the Crimean institutional position became one of the most challenging questions.

Russian representatives in the local Crimean Parliament tried to reinforce the institutional status of Crimean autonomy by proclaiming a new Constitution in 1992, which contained provision for institutions such as a Crimean Presidency and Parliament. The winner of Crimea's 1994 presidential election, Yuri Meshkov, based his electoral campaign on a promise to establish stronger economic and political links with Russia. Shortly after his victory he proposed a *Decree on Referendum on Crimean Independence* asking Crimean citizens to decide for an independent Republic of Crimea in union with other states. This provoked a strong reaction from the Ukrainian state authorities who vetoed several pieces of legislation claiming that they were violating the Ukrainian constitutional order.

Presidential elections also took place in Ukraine in 1994 and the newly elected Ukrainian President, Leonid Kuchma, tried to keep the Crimean pro-independent claims under control by issuing several Acts on the harmonisation of the Constitution of the Crimea with the provisions of the Ukrainian Constitution. Relations deteriorated and both the Ukrainian and Crimean economies suffered, which eventually contributed to popular disenchantment with the political leadership of both countries.

In 1995 the Ukrainian Parliament (Verkhovna Rada) passed the *Law of Ukraine on the Status of Crimea*, which abolished the Office of the Crimean Presidency and suspended the 1992 Crimean Constitution. All laws and decrees that contradicted Ukrainian legislation were declared null and void. These measures were strongly opposed by Crimea's Russian population, but Moscow withheld support for a Crimean independence. Both the Ukrainian and Crimean Tatars political representatives also supported the integrity of the Ukrainian state and pressure mounted on the Russian population's political leadership to seek a compromise. After a period of negotiations, agreement was reached on a division of powers between the Ukrainian central and the Crimean authorities. New elections in Crimea, in 1998, created a new political environment, and, in October, the Crimean Parliament drafted and adopted the new Constitution of the Crimea setting out a new legal framework of the Crimea as part of the Ukraine.

## Current Institutional Position of Crimea

Chapter X of Ukraine's Constitution (Article 134) describes Crimea as an 'inseparable constituent part of the Ukraine', whose autonomy to resolve matters within its jurisdiction is determined by the Ukrainian Constitution. According to the Crimea Constitution, it is a Republic with administrative and territorial autonomy within the Ukrainian State with two main representative bodies: *Verkhovna Rada*-Supreme Council (Parliament). The representative body with defined autonomous legislative powers; *The Council of Ministers*, which forms the government of the Crimea.

The Head of the Council of Ministers is appointed to and dismissed from office by the Crimea Supreme Council- *Verkhovna Rada* with the approval of the President of Ukraine. All normative

Acts adopted by the Supreme Council and resolutions of the Council of Ministers must be adopted and executed in accordance with the Ukrainian Constitution, laws of the Ukraine, and Acts of the President and Cabinet of Ministers of the Ukraine. The Crimea exercises normative regulation in the following affairs:

- agriculture and forestry;
- land reclamation and mining;
- public works, crafts and trades; charity;
- city construction and housing management;
- tourism, hotel business, fairs;
- museums, libraries, theatres, other cultural establishments, historical and cultural preserves;
- public transportation, roadways, water supply.

The Crimea territory is divided into 14 administrative districts (*Rajons*) as follows: Bakhchyssaray, Bilogorsky, Dzhankoysky, Kirovsky, Krasnogvardiysky, Krasnoperekopsky, Leninsky, Nyzhnyogorsky, Pervomaysky, Razdolnensky, Saky, Simferopol, Sovetsky, and Chernomorsky.

Local administrative bodies in Crimea are the villages, big villages (settlements), districts (*Rajons*) cities, districts in city councils (internal part of cities).

## **Population of Crimea**

The population of Crimea comprises 2,135,000 people. There are 16 towns, 56 settlements and 957 villages. More than 70 percent of Crimean population live in urban areas. The capital, Simferopol, has 358,900 inhabitants. The other large cities are Yevpatoriya, with 120,400 inhabitants; Yalta, with 142,600; Kerch, with 163,200 and Theodosius with 111,500 inhabitants. Most of the population are also concentrated in the coastal areas.

According to a census carried out in the Ukraine in 2001, there are more than 125 nationalities, national minorities and language groups in Crimea. The largest single group are Russians who, with a population of 1,180,400 people, make up 58.5 percent of the total population.

Between 1989 and 2001, there was an influx of Crimean Tatars, which led to their population rapidly increasing to around 12 percent of the population. This makes them the third largest ethnic group, behind the Russians and the Ukrainians. According to available data provided by *Reskomnats* (the Crimea Committee for Inter-ethnic relations), at the beginning of 2006 the current, total number of formerly deported persons in Crimea is 264,750: the Crimean Tatars represent 254,308, and all other formerly deported people's communities (Bulgars, Armenians, Greeks, etc) only 5,342 returnees.

The data of the most numerous nationalities (i.e. those comprising of more than 0.1 percent) are illustrated below.

Nationality	Thousands inhabitants	In % to the total	
		2001	1989
<b>Total</b>	<b>2024,0</b>	100,0	100,0
Russians	1180,4	58,5	65,6
Ukrainians	492,2	24,4	26,7
Crimean Tatars	243,4	12,1	1,9
Byelorussians	29,2	1,5	2,1
Declared as “Tatars”	11,0	0,5	0,5
Armenians	8,7	0,4	0,1
Jews	4,5	0,2	0,7
Poles	3,8	0,2	0,3
Moldavians	3,7	0,2	0,3
Azerbaijani	3,7	0,2	0,1
Uzbeks	2,9	0,1	0,03
Koreans	2,9	0,1	0,1
Greeks	2,8	0,1	0,1
Germans	2,5	0,1	0,1
Mordvans	2,2	0,1	0,2
Chuvashs	2,1	0,1	0,2
Roma/Gipsies	1,9	0,1	0,1
Bulgarians	1,9	0,1	0,1
Georgians	1,8	0,1	0,1
Maris	1,1	0,1	0,1

Source: The Crimea. Government Portal-statistic (Russian),www.crimea-portal.gov.ua

According to 2001 Ukrainian population census, there has been a noticeable decrease of the number of children in comparison to the total population. There has also been a considerable increase of elderly, retired people. In the longer term this trend could lead to a steep decline in the economically-active proportion of the population. The general trend of the ageing population makes the contemporary demographic situation in Crimea complex:

Age	Thousands of persons	In % to the total	
		2001	1989
Younger than economic active population	364,6	18,0	24,2
Economically active population	1203,8	59,5	57,4
Older than economically active population	454,9	22,5	18,2

Source: The Crimea Government Portal-statistic (Russian),www.crimea-portal.gov.ua

According to *Reskomnats* about 100,000 Crimean Tartars remain outside of Ukraine. The majority of them (approximately 80,000) are settled in Uzbekistan, while about 15,000 live in Russia, and about 2000 live in Tadjhikistan and Kirghistan. It is estimated that about 10,000 – 12,000 Crimean Tartars live in other regions of Ukraine, mainly Sevastopol and Kherson.

### **Location of Formerly Deported People Settlements**

The largest number of Crimean Tartars lives in the Bilogorsky district, where they constitute 30 percent of the total population. Other substantial presences of Crimean Tartars are in Bakhchysaray, Simferopol, Kirovsky, Pervomaysky, and the Sovetsky districts, where they account for 24 to 29 percent of the total population. In Simferopol city alone (the Crimea capital) there are 25,500 Crimean Tartars.

The smallest numbers of Crimean Tartars live along the southern coast, in cities like Yalta, where they compose 1.1 percent of the population; in Kerch – 1.2 percent, in Alushta – 3.3 percent; in Theodosius - about 4 percent. According to the population census of 1939 most Crimean Tartars previously lived in the foothills and along the southern coast of Crimea (Yalta, Alushta) before they were deported. The fact that so few have been able to return to their places of origin is becoming a source of grievance. Yalta is the richest area in Crimea and some of its characteristics will be discussed further below.

### **Conclusion**

The constitutional position of Crimea represents a compromise between its political leadership and the Ukrainian State. Reaching this agreement was a fraught process and there is still considerable dissatisfaction about its constitutional position. Many of the Russian ethnic population, who constitute the majority, would prefer independence or closer links with Russia. Many Ukrainians, who are the next largest group, are uneasy about the power which autonomy grants to the Russian majority and would prefer to be more integrated into Ukraine. The Crimean Tartars believe that the way in which autonomy was granted was a sop to Russian chauvinism which does not recognise the political, social and cultural rights of Crimea's indigenous inhabitants.

### **Right to Land as a Constitutional Principle in Ukraine**

Article 14 of Ukraine's Constitution reads: 'The land shall be the principal national asset subject to special protection by the State. The right to own land shall be guaranteed. This right shall be acquired and implemented by citizens, legal entities, and the State in strict conformity with the law.' The most important piece of legislation relating to this right is the Land Code of 2001, which establishes a legal framework governing land rights. Article 121 of the Land Code explicitly grants citizens of the Ukraine the right to be allocated land for certain specified purposes:

## Article 121. Norms of the Gratis Conveyance of Land Plots to Individuals

1. Citizens of the Ukraine shall be eligible for the free of charge obtainment of land plots from the state or community-owned lands of the following sizes:

- a) for keeping farmer homestead-in accordance with the size of the land share apportioned to members of agricultural enterprises located on the territory of a village, town or city council, where the farmer homestead is located. If several agricultural enterprises are located on the territory of a village, town or city council, the size of the land share shall be determined as the average size over the enterprises in question. If there are no agricultural enterprises on the territory of a village, town or city council, the size of the land share shall be determined as the average size for the district as a whole;
  - b) for personal farming purposes - not more than 2.0 hectares;
  - c) for horticultural purposes - not more than 0.12 hectares;
  - d) for construction and maintenance of a dwelling house, ancillary buildings and structures in villages - not more than 0.25 hectares; in towns-not more than 0.15 hectares; in cities-not more than 0.10 hectares;
  - e) for individual dacha construction - not more than 0.10 hectares;
  - f) for individual garage construction - not more than 0.01 hectares.
2. The size of land plots handed over free of charge to an individual for personal farming purposes may be increased in case of the obtainment of the land share in kind (on site).

The Ukrainian legislation therefore recognises the possibility to obtain (state duty to grant) the land plots free of charge in an administrative way upon the citizen's request within the above mentioned surface area limits. The procedure envisaged by the Land Code (Article 126) requires that any entitlement and the right to the permanent use shall be confirmed with State deeds. As will be discussed further below, however, the process of obtaining these deeds is slow and bureaucratic. The vast majority of the people who have plots of land on which to construct houses still do not have the deeds (State Acts) to this land.

According to data from the Cadastral department of the Republican Land Resource Committee (*Reskomzem*), there are currently 2,608,000 hectares of available land in Crimea: 72 percent (1,869,000 hectares) is agricultural land, 10 percent (256,000 hectares) is forest of stock, 9 percent (222,000 hectares) is designated as aquatic, 5 percent (127,000 hectares) is protected areas or areas of special regime, **and 5 percent (134,000 hectares) is designated as being the category of 'other'**. As of 1 December 2005, only 635,458 land plots had been designated for allocation, out of which 60 percent was set aside for housing, 27 percent for horticultural activity, and 12 percent for agriculture.



# Section One

**Formerly Deported Persons and Land Disputes**

# Formerly Deported Persons and Their Return to Crimea

## The Deportation

The deportation of hundreds of thousands of ethnic Crimean Tatars, as well as the minor Bulgarian, Greek, German and Armenian communities in 1944 was carried out in a harsh and brutal manner – the Crimean Tatars still refer to it as an ‘act of genocide’. A secret decree entitled *About the Crimean Tatars* was issued on 11 May 1944 and on 18 May officials of the Soviet secret police, NKVD, knocked on the door of each residence and advised the inhabitants to collect whatever personal belongings they could and be ready in 20 minutes. In two days, more than 200,000 people were exiled to Urals, Siberia and Soviet Central Asia, especially Uzbekistan.

The Crimean Tatars and other deported<sup>1</sup> communities were obliged to register themselves monthly at a special police office in their new countries of residence. Any kind of movement from their place of residence without previous approval by the special police was punishable by several years of hard labour. The controlled regime regulated even simple visits to relatives in neighbouring settlements.

It was not until 1956, 3 years after Josef Stalin’s death, that the Soviet authorities abolished this ‘hard regime’ of special surveillance. However, the regime continued to control the movement of formerly deported people through highly bureaucratic procedures. Formerly deported people were required to register their residence and obtain prior approval from the police for any change to this. The practice of enforcing strong control over movement and residence was common to all citizens of the Soviet Union. It allowed the State organs to turn back or expel any unauthorized arrival or settlement from the Crimean administrative boundaries and made the return of formerly deported people to Crimea impossible.

## The Dynamic of Returnees

In 1967 the authorities initiated a special state programme of agricultural development in Crimea. A limited group of professionals, with agricultural qualifications, were selected from among the formerly deported people for return to Crimea. Approximately 3,500 families, or 6,000 formerly deported people benefited from this program, which was intended to harness their local knowledge of agricultural conditions.

The authorities constructed 1,500 houses and granted the beneficiaries of this programme access to apartments under the State housing fund. They also received guaranteed employment in the agricultural sector. However, the policy was discontinued as the authorities became concerned that it could lead to a mass, uncontrolled, return. Some Crimean Tatars did, however, begin to establish settlements close to Crimea’s administrative boundaries in preparation for an eventual return.

The easing of restrictions in the late 1980s, as a result of the official policy of “Perestroika”, oriented to respect the civil liberties inaugurated by the former USSR president Mikhail Gorbachov, allowed many formerly deported people to begin returning to their native

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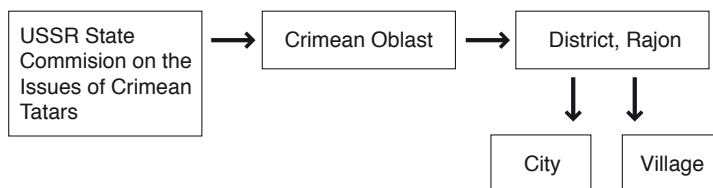
<sup>1</sup> The category of Formerly Deported Peoples comprises Crimean Tatars, as well as the minor Bulgarian, Greek, German and Armenian communities, since the Crimean Tatar community is the most numerous, the term of Formerly Deported People, principally refers to this community.

motherland. In November 1989, the Supreme Council of the USSR, adopted a Declaration ‘*On the recognition of illegal and criminally repressive measures against peoples, who suffered a forcible transfer and on the provision of their rights.*’ In the same year, the Committee of Ministers of the USSR decided:

- 1) To establish the special administrative body, *State Commission on the Issues of the Crimean Tatars* and the other formerly deported people to deal with the requests and demands of repatriation on the part of the formerly deported people.
- 2) To adopt the *Resolution of the Allocation of Funds* for the housing needs of the formerly deported people.

The *State Commission on the Issues of Crimean Tatars* introduced an ambitious *Programme of the Resettlement and Housing of the formerly deported people*. The Programme was envisaged as a comprehensive response to all issues concerning the formerly deported people wishing to return to Crimea. It includes measures concerning their arrival and the construction of houses for returnees, as well as the measures for their social and economic integration. The programme foresaw massive investments in the industrial and agricultural sectors in order to secure employment for the returnees, and improvement of the infrastructure, among others. It was thought that the Programme would solve all formerly deported people’s issues between 1989 and 1996.

The programme was highly centralised and applied according to the following schematic:



In order to offer assistance to returnees; the Soviet authorities established an administrative branch at the Crimean level called the *Committee of Formerly Deported People Affairs* in Crimean Oblast. Crimea at that time did not have the status of an autonomous republic, so the task of this Committee was to manage the arrival and the resettlement of the formerly deported people. Committees were also established at the level of districts (Rajons) and cities. The implementation of this programme was centralised and directed from Moscow, and the organ responsible for the implementation of this programme was the District (Rajon) State administration (Gosadministracija).

For the implementation of the *Program of the Resettlement and Housing of the Formerly Deported People*, drafted in 1990, it was planned to allocate 500M rublias, but up until 1991, before the institutional collapse of the USSR, just 300M rublias arrived in Crimea. The funds were used for the construction of houses and apartments, infrastructural projects and contributions to repatriation and travel expenses.

The first organised State settlement programme for formerly deported people was ambitious.

The authorities tried to provide everything for everyone. Starting from 1989 the Soviet Union intended to integrate formerly deported people by providing employment in the agricultural sector. To this end, the state began constructing 80 settlements in central Crimea, mostly in steep areas. The employment of the formerly deported people was organised within 'sovhoz' (state farms), mostly for dairy production.

The programme was bureaucratic, with the idea of repopulating the empty, depressed areas in central Crimea. However, the authorities failed to take into account all the economic and social effects of trying to force people into isolated locations, where the only opportunities for work were in agriculture and where there were no attractions for young professionals and other skilled workers. Young people soon began moving away from rural areas towards cities or the southern coast.

The sovhoz, were intended to provide people with employment, standardised houses, as well as medical and educational facilities. However, only eight of these settlements were constructed before the collapse of the USSR. Following the bankruptcy of the Soviet Union Central Bank in 1991 funds for further settlements dried up and the project was abandoned. Attempts were made during the 1990s to transform the sovhozes into various forms of individual and collective agricultural enterprises. Efficient full-time agricultural activity required intensive investment in agricultural equipment. Most of the settlements could not afford this.

The negative effects of this resettlement policy are visible nowadays in places such as the settlement of Sari Bash. This settlement was intended as a model showcase for the formerly deported people. Built for 2,000 inhabitants it now only has about 300, mostly elderly, formerly deported people. More than half of the constructed houses were abandoned, dismantled and reused as building material.

## **The Crimean Tatars**

The Crimean Tartars were the largest group within the formerly deported people to benefit from the state's openness and they began to arrive in increasing numbers at the end of the 1980s. In the final years of the USSR, the *National Movement of the Crimean Tatars* was organised as an institution to facilitate the return process. The process of return accelerated as the leaders of the Tatars warned that the 'perestroika' policy could be reversed and the Soviet authorities might change their minds about allowing people to leave their places of exile. Between 1988 and 1992, an estimated 215,000 people repatriated to Crimea. Movement peaked in 1989 when 35 000 formerly deported people returned to Crimea. This has since reduced substantially. In 1997, an estimated 5,300 formerly deported people repatriated, which fell to 2,200 in 2001 and 2,100 in 2004.

The rapid rate of return initially placed a considerable burden on the authorities, who were clearly unprepared to adequately face a mass arrival of such dimensions. In addition to this, the local administrative authorities, and their political leaders, were mainly composed of ethnic Russians, many of whom viewed the influx of such large numbers of Crimean Tatars unfavourably. The formerly deported people's representatives claimed that the local authorities were often slow and unhelpful in dealing with requests for assistance. According to Soviet procedures for dealing with allocation of health, education and welfare resources, all requests were processed individually, leading to long bureaucratic delays.

Although theoretically they were entitled to the provision of housing, most formerly deported people instead relied on their own resources, by drawing on their savings or selling their previous houses in Central Asia. However, even here many complained that the Russian-dominated local authorities were often unwilling to deal with the formal processes necessary for them to buy new homes in Crimea in a timely manner. These bureaucratic problems have led to a legacy of deep mistrust of the Russian-dominated local authorities by many formerly deported people in Crimea.

## **Repatriation after the Collapse of the USSR**

The collapse of the USSR caused a huge institutional vacuum. The Soviet government had previously tried to control people's lives, guarantee services and preserve overall social and economic control of its citizens. All this disintegrated. This was accompanied by a huge economic crisis that resulted in growing inflation throughout the former Soviet Union. In addition to this, the bankruptcy of the Central Soviet Union Bank in 1991 led to many formerly deported people being unable to withdraw their bank savings during the repatriation process.

This administrative collapse and economic crises coincided with the mass arrival of formerly deported people in Crimea and undoubtedly made the task of integrating them much harder. The previous mechanisms envisaged for dealing with the return process were simply unable to cope and it took several years before the young Ukrainian State was able to develop a coherent policy towards assisting the formerly deported people.

During the interim period the burden fell almost exclusively on the local governance institutions in villages and cities where the formerly deported people settled. These dealt with the situation in a reactive and uncoordinated way, since there was no functioning legislative framework in place. While, in theory, the *State programme* of the Ukraine provided a quota system for housing and settlement, and the allocation of free plots of land, the financial and administrative mechanisms required to implement this policy were simply not in existence.

Many State administrators observed the correct processes and made recommendations. A draft law was also developed on comprehensive assistance for formerly deported people, but this was never enacted. In its place a number of partial legal responses were developed.

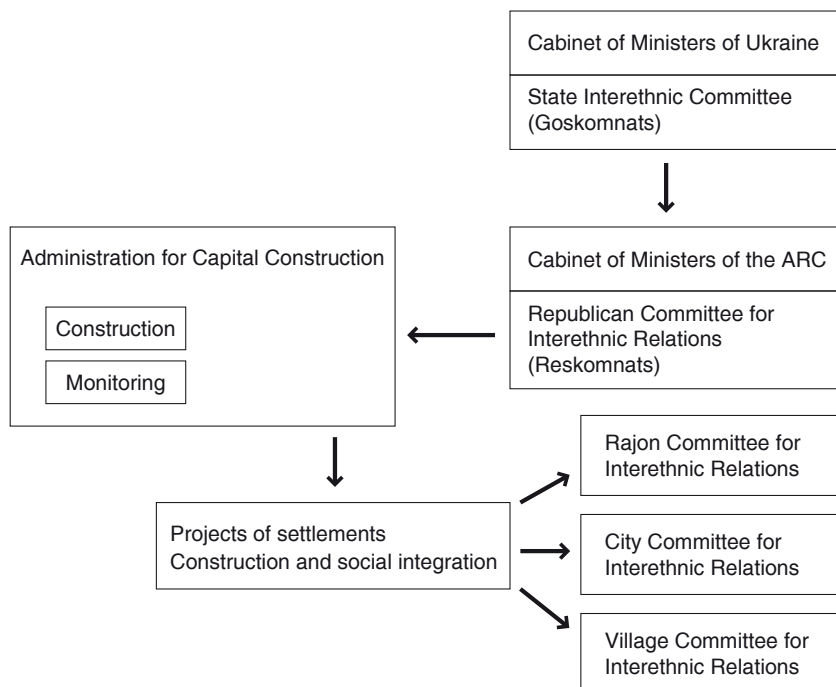
The *State Committee for Inter-ethnic Relationships (Goskomnats)* was established at the national Ukrainian level as an autonomous administrative unit, supervised by the Cabinet of Ministers of the Ukraine. The Cabinet of Ministers of the Crimea also established the *Republican Committee of Interethnic Relationships (Reskomnats)*, which attempted to ensure that formerly deported people were represented in the various branches of public administration. This committee also established the *Administration for the Capital Construction* as a separate unit in charge of housing construction in the designated settlements. The committee was given responsibility to carry out technical inspection work and empowered to supervise and monitor all activities connected to housing construction.

The *Reskomnats* established branches in districts (*Rayon*), cities and villages. Each *Reskomnats* branch was given the task of implementing settlement programmes according to their territorial jurisdiction, and collecting information to report on the allocation of land plots, and on the dynamics of the ongoing activities.

The implementation of the Special State programme of the Ukraine for formerly deported people's settlement was implemented according to the following scheme: Every year, a total sum of 50 million HRV or US\$10 million, was allocated for the needs of the formerly deported people. This amount went primarily to housing needs (housing construction and allotment of plots), but also to funding the programmes for the social, educational and economic integration of the formerly deported people. From this total annual amount of 50 million HRV, the contribution was divided into two parts: the contribution of the Ukrainian state budget was around 40 million HRV while the contribution of the Crimean authorities was around 10 million HRV.

The amount contributed by each institution turned out to be variable, because of irregular budget funding. While payments were supposedly fixed, their arrival was far from regular. **The Crimean authorities, for example, allocated 19 M HRVs in 2004, the highest amount allocated so far, while only 11 M HRVs were set aside in 2005. In 2004 and 2005 in particular the Crimean authorities have proven to be more active than the Ukrainian state.**

The practical implementation of the assistance for the formerly deported people was carried out through the following scheme:



## Resettlement of the Formerly Deported People

Most formerly deported people sought to return to the towns or villages of their ancestors. After choosing where to settle, they were obliged to make a written request for allotment and to put their names on the waiting list.

Once they had been formally approved for settlement, the next step was to physically obtain the allotted land plot. The procedure for allotting the plots depended on the quantity of requests received. Now that the return process has stabilised at 2,000-3,000 arrivals per year, it usually takes 3-5 months or more for a plot to be allotted, depending on availability and the efficiency of the local administration.

Requests for the allotment of land plots are sent to the local branches of the Regional Committee for the Inter-ethnic Relations (*Reskomnats*) which have been established at the district (*Rajon*) city and village levels. Many formerly deported people either rent apartments or stay with relatives or friends while they are waiting to obtain their plots of land.

At the time of repatriation, a huge majority of the returnees were Uzbek citizens. In order to resettle they needed to obtain Ukrainian citizenship. The process of relinquishing Uzbek citizenship in favour of Ukrainian citizenship is complex and usually takes about a year and a half. This procedure was simplified in 2000, after an agreement signed by the Presidents of the Ukraine and Uzbekistan, (Bishkek Agreement) which allowed the formerly deported people to renounce their Uzbek citizenship without costly visits to Kiev or Tashkent. This also reduced the waiting time to about six months.

### Criteria for the Allotment of Land

The new settlements were laid out close to already existing villages or cities, for the reason of cost effectiveness and easier access to existing infrastructures. The standard allotment was a land plot of 5-600m<sup>2</sup> for an individual house construction in urban areas, 1000m<sup>2</sup> for the settlements close to the urban areas, while in the villages such criteria was even larger up to 1,500 m<sup>2</sup>.

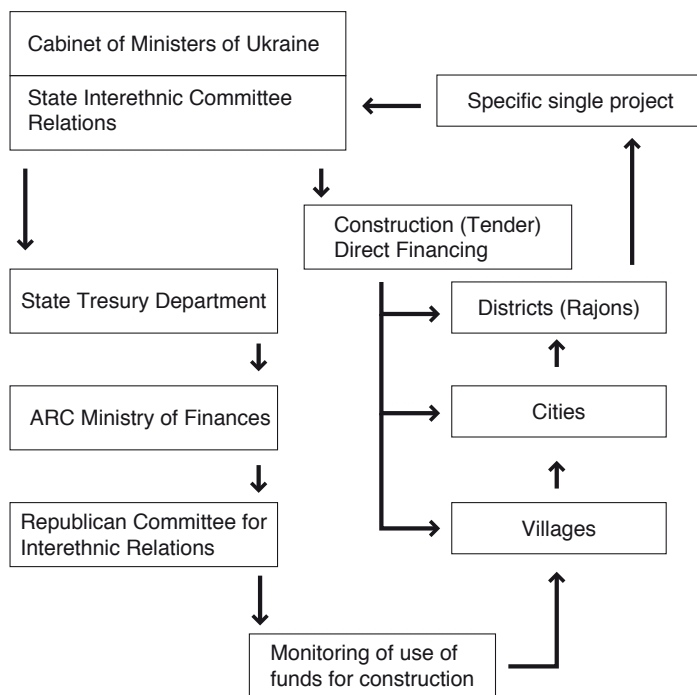
In practical terms, this meant that people were allocated one house plot per family free of charge. The State was also obliged to provide basic infrastructure, access to electricity and water, or in (very limited) cases, access to the gas supply. The formerly deported people supplied all other material for construction and house furnishing.

In 2001 a new Land Code entered into force establishing new criteria of land allocation. According to this law each Ukrainian citizen is eligible to obtain a land plots free of charge. According to criteria defined by Article 121 land allocation refers to the individuals and not to the families.

This law provoked serious difficulties for local municipalities attempting to manage the process of land allocation for formerly deported people. Many of them re-applied for land allocation under the new criteria and the number of applications dramatically increased. The lack of a central database made it difficult to distinguish between the original applicants and new requests, and this caused problems in desirable areas for land allocation such as around the southern coastal towns of Yalta and Alusta.

In 2006 a new programme of land allocation was adopted, in which the authorities decided to completely by-pass the *Reskomnats* and transfer control to the Ukrainian State Committee of Interethnic Relations (*Goskomnats*). The *Administration for Capital Constructions*, which was previously a separate unit within the *Reskomnats*, was abolished and the *Goskomnats* now contract construction companies directly, through a tender procedure, both for housing settlements and the construction of public buildings such as schools, kindergartens, theatres and libraries.

According to this scheme the *Reskomnats* are no longer involved in the construction process, but remain responsible for monitoring the proper use of the allocated funds, along with a fiscal control agency.



The 2002-2005 programme was basically oriented towards housing construction and the provision of basic living conditions for the formerly deported people, while the programme launched in 2006 involves a more ambitious attempt to facilitate their economic, social and cultural integration. As the need for new housing is decreasing it can be expected that more emphasis will be placed on the development of longer-term construction projects, such as school buildings.



## Challenges of Repatriation and Settlement

There is a huge difference in the values of the houses sold in Uzbekistan and the value of the houses or building materials in Crimea, which means that many formerly deported people are only able to obtain 30-40 percent of the funds for constructing new homes in Crimea through the sale of their previous ones in Central Asia. Many formerly deported people who have been allocated land plots are, therefore, unable to complete the construction of houses. It is estimated that more than 20,000 families still live in unfinished houses.

Frustration at the slow pace of official allocation also led some formerly deported people to begin occupying plots of land illegally and building houses without official permission. This phenomenon became particularly common in the immediate aftermath of the collapse of the Soviet Union as many people completely lost faith in the official administrative procedures. A decree was passed regularising these illegal constructions in 1996, but many remain without basic infrastructure, such as water supply, because they have been constructed in places where it is either too costly to connect them or the authorities have decided that the areas in which they are located are not viable for settlements.

### In summary

The strong collective identification of the formerly deported people with their native land of Crimea, led to a massive repatriation of Crimean Tatars in the 1990s. Their link to the motherland and willingness to return to Crimea remained unchanged even after 60 years in exile.

The bureaucratic and centralised state controlled approach offered by the former USSR was unable to meet the needs of the formerly deported people upon their arrival in Crimea and the situation worsened after the USSR's collapse.

The local institutions, in both the disintegrating USSR and the newly independent Ukraine, were too weak and unprepared to give adequate response to a large-scale repatriation of the formerly deported people.

The initial stage of the repatriation occurred during the disintegration of the banking system, which resulted in hyper-inflation, and made land a valuable asset.

## Socio-economic and Political Factors Affecting Land Issues

The current process of settlement and accommodation of the formerly deported people is characterised by a strong impact of certain determinate factors:

- **Absence of comprehensive law on the formerly deported people's Status in Ukraine**
- **Negative economic trend in Crimea and position of the formerly deported people**
- **Difficult political environment for solving outstanding land issues**

## **Absence of Comprehensive Law on Formerly Deported People**

Currently there is no legal framework for dealing with formerly deported people which means that all decisions related to their rights and status are based on internal administrative instructions. There is no comprehensive framework law dealing with the formerly deported people's status, rights and benefits, or even a legal definition of who can and who cannot be considered one.

In 2004 a representative of the Crimean Tatars in the Ukrainian Parliament proposed a comprehensive law on the formerly deported people's status, which obtained large support of the representatives (380 votes out of 450 members). However, it was vetoed by Ukraine's President on the grounds that it contravened the principle of equality of all citizens before the law. The President also stated that it could undermine the constitutionally-defined unity of the Ukrainian people and objected to some imprecision about the status of 'family members' of formerly deported people in the proposed bill.

## **Effects of the Economic Recession of the 1990s**

Crimea has not fully recovered from the huge economic recession of the 1990s. Although the economy has grown, inequality has widened, and the economic benefits have not reached many people. According to a **UNDP Crimea Human Security and Development Report**<sup>2</sup>, published in 2005, most Crimean citizens think that their social welfare situation is getting worse.

Only 43.6 percent of the economically-active section of the population is currently working. This falls to 38.2 percent for formerly deported people. Most Crimean citizens work in State-owned enterprises or the public sector. It is noticeable that a considerably higher proportion of formerly deported people (40.4 percent) work in the private sector than in the public sector (14.5 percent). Many Tatars allege that this is due to employment discrimination in the State sector. This tendency towards individual economic initiative should be taken into account by the State authorities and the international organisations when developing plans for reducing unemployment, through backing micro-finance, investment and training initiatives. Many formerly deported people are former professionals, such as doctors and engineers, who have since found difficulty obtaining work that matches their skills.

## **Politics and Land Issues**

The current land property issues have assumed high political dimensions and are one of the main topics in the political debate among the highest Crimea political representatives. Their views and the proposed solutions to redress outstanding land disputes are conflicting.<sup>3</sup>

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2 UNDP Crimea Human Security and Development Report (July 2004 – September 2005), page 5.

3 Conclusions based on the interviews conducted with the Mr. Radovilov, Russian party representative, Mr. Sefcet Ilijasov, and Mr. Refat Cubarov, Medjilis representatives.

## Position of the Russian Political Parties

The representatives of the Russian political parties argue that as the numbers of new formerly deported people are decreasing, the amount of funds allocated for new housing for them should also decrease. They argue that most formerly deported people returned in the late 1980s and early 1990s and any further movement is purely for economic reasons. Those formerly deported people who have not returned by now should not be allowed to claim any kind of special status, while those who have returned have had long enough to integrate. Many Crimean citizens live in mixed marriages and, they argue that it is divisive to categorise people separately.

The Russian political parties argue that a line needs to be drawn under events that occurred over 60 years ago. **It refers especially that the Russian population nowadays cannot be responsible for the events (i.e. deportation) occurred 60 years ago. They retain that 90% of FDPs turned back in the ARC in the beginning of 90s, and consequently, are no longer possible nowadays speak about repatriation but rather their “internal immigration”. They say it is discriminatory to allocate money for medical centres or elderly home communal services for a specific national group.** They are concerned that the Crimean Tatars have developed self-proclaimed representative organs (Kurultay and Mejlis) which are not officially registered and fear that the demands for recognition of the Mejlis as representative organisations of the ‘indigenous people’ of Crimea are the thin end of a separatist wedge. The Crimean Tatars are a minority within Crimea and the Russian parties believe that they should not be allowed to claim specific rights and privileges.

## Political Stand of the Crimean Tatars

As the largest ethnic group among the formerly deported people the Crimean Tatars population has always maintained that Crimea is their motherland. Their willingness to return home remained unchanged even after 60 years in exile. They complain that despite the official change of policy by the Soviet authorities they encountered both hidden and open obstacles from the Russian-dominated authorities in Crimea. Their claim to recognition as ‘indigenous people’ is a simple statement of historical fact and their political self-organisation was necessary to survive 60 years of enforced exile outside of their native motherland.

The Crimean Tatars have developed a strong representative structure known as the Kurultay (National Congress of Crimean Tatar People) which assembles once every two years based on general elections among Crimean Tatars living in Crimea and throughout the territory of the former Soviet Union. This in turn selects a Mejlis which, between the sessions of the Kurultay, is the highest representative organ of the Crimean Tatar people. The Mejlis has branches in villages and has also formed community, regional, and municipal Councils of the Crimean Tatars national self-government. **The justification that the Crimean Tatars give for maintaining a parallel system to the state administrative organs is that they continue to face discrimination from, and under-representation in, the official structures.**

Although neither the Kurultay nor Mejlis are officially recognised by the Ukrainian or Crimean authorities, the Mejlis were defined as a consultative-advisory body under the Ukrainian Presidential Decree ‘*On the Council of Representatives of the Crimean Tatar People*’, of 18 May 1999. The political representation of Crimean Tatars has also increased in Ukraine and Crimea’s elected bodies. They now have two representatives in Ukraine’s national parliament, eight in the parliament of the Crimea, 103 deputies in district councils, 640 representatives in village councils and 30 representatives in city councils.

The Mejlis continues to be a major forum for the Crimean Tatars' political activities and they have used this to continue to agitate on the question of land. Their representatives deem that the funds allocated to assist the Crimean Tatars are insufficient and that the Crimean authorities continue to create obstacles to prevent them obtaining homes. They allege that obstacles range from the deliberate creation of bureaucratic delays to 'secret instructions' to Russian families not to sell homes to Crimean Tatars. They also complain that they face a variety of other discriminatory practices related to their social and cultural rights, particularly in regard to obtaining education in their mother tongue.

## **Origins of Land Disputes in Crimea**

The current land property issues in Crimea originate from two determining factors:

- **Agricultural Land Reform and the criteria for distribution of land to formerly deported people**
- **The mismanagement or clearly abusive practices in land allocation by the authorities in charge, especially in the most valuable areas of the Southern Coast of Crimea**

## **Agricultural Land Reform**

The most controversial social and economic issue facing formerly deported people, remains access to land, and this has seriously divided Crimean society.

At the time of Ukraine's independence, in 1991, the new State inherited the land ownership system of the former USSR, thus granting the State a monopoly on both residential and agricultural land. Private property was limited to State-defined parcels both in and outside of residential areas. The basic forms of land management were collective farms (kolkhozes) and sovkhoses (state farms). This form of agricultural production proved inefficient in attracting investment in modern techniques and technology (irrigation systems, fertilisation etc). Despite the favourable natural and climatic conditions of Crimea, agricultural yields were poor.

Agriculture is an important sector of Ukrainian economy and, after independence, the Ukrainian authorities attempted to carry out a structural reform of the agricultural sector.<sup>4</sup> The agricultural reform process can be summarised in three stages:

- Transformation of the kolkhozes (collective farms) and sovkhoses (State farms) into collective agricultural enterprises
- Privatisation (sharing) of the collective agricultural lands and distribution of land certificates to collective agricultural enterprises members.
- Transferring land property to private ownership by collective agricultural enterprises members; through issuing titles and transforming land certificates into State Acts (title deeds);

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<sup>4</sup> Ukrainian total land stock is estimated around 60 mln. Hectares while productive agricultural land is estimated at 41,764 mln. Hectares (69,6 percent)

A Presidential Decree on 8 August 1995 *On the procedures of land sharing, applied to collective property of agricultural enterprises and organizations* marked the first stage of the reform process, although the transformation of the kolkhozes into **collective agricultural ownership made** little difference to the actual functioning of the farms. During the second stage **the collective agricultural enterprises members (ex kolkhoz workers) received land certificates confirming** their right to certain land plots, but without actual allocation of the plots. **Collective agricultural enterprises members were given ‘shares’ representing their land and a trade in these certificates was permitted.**

However, the pace of this ‘virtual privatization’ was considered by many to be too slow and in 1999, the President of the Ukraine issued another Decree entitled, “*Of the pressing measures for the acceleration of the reformation of the agrarian sector of the economy*”. By virtue of this Decree every former kolkhoz member was entitled to receive certificates which confirmed their entitlement to certain parts of land. Any entitled person (ex kolkhoz member) was free to transform the land certificate into a title deed (in which case it was necessary to conduct a land survey) or continue to use the allocated land parcels with certificates.<sup>5</sup>

It also introduced a number of different categories of land use including: private farms, rented land, and agricultural cooperatives. This reform required a systematic land surveying, mapping, registering and titling exercise, which was still in place in 2006. **The criteria for allocating land for distribution was based on the size of the territory previously managed by members of the collective farms.** For example, if the farm had comprised 1,000 hectares and consisted of 200 workers then they would be allocated between five to seven hectares of land per person, once allowances had been made for its quality and location.

There was some dissatisfaction with the way in which the allocation was carried out. **The distribution was managed by the former kolkhoz directors, sometimes in convoluted ways, which lacked transparency, leading to allegations of favoritism in the process.** The authorities also made little effort to inform people of their rights. Initially the distribution was restricted to members of the kolkhozes, **who only constituted a third of Crimea’s rural population.** Employees of the State and municipal institutions, those belonging to **organisations performing cultural, medical, pharmaceutical and pedagogical functions in the villages, as well as the retired employees of these institutions all began to agitate to be included in the process.** These, so-called ‘social categories’ were subsequently allotted two hectares each. However, many of them actually had little interest in working the land and most were content to rent their plots out and use the income to supplement their other earnings and pensions.

Even amongst the former kolkhozes, **most of the new private owners of agricultural land had little experience of private farming and marketing their produce.** They also lacked the financial resources to invest in the basic agricultural equipment necessary to start agricultural production. The most capable, private agricultural workers were the ex-kolkhoz directors who had the necessary experience and skills, as well as the basic equipments to work the land. Many have increased their effective holdings by renting land from those unable or unwilling to work it themselves.

The authorities declared a moratorium on the sale of agricultural lands in 2001 and this remained in force during the privatization process. **The moratorium was originally intended to**

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It is important to note that the Decree did not allocate private plots, the privatisation of land plots (i.e. transformation of land certificates into land deeds), which is an individual process.

last until 10 January, 2004, but this was subsequently extended until 1 January, 2008.<sup>6</sup> It seems likely that when this moratorium comes to an end, land ownership will consolidate in a much smaller group of hands.

## **Main Deficiencies of the Current Stage of Land Reform**

It is not possible to individualise *effective* ownership of agricultural land in this stage (*moratorium*).

Renting land and trading freely in land certificates is permitted, yet it cannot be said that the agricultural land in Ukraine has an established market price.

The majority of the agricultural certificate owners are not interested in professional agricultural work and are renting their parcels. There is a visible trend of depopulation in rural areas.

A lengthy titling process: transformation of the land share certificate into an ownership title requires the completion of a **technical survey by an authorized company, which is a slow and costly process.**

## **Effects of the Land Reforms on formerly deported people**

The initial attempts to restrict the allotment of land to members of kolkhozes increased social tension in the village, since they only constituted a third of the rural population of Crimea. Amongst the groups excluded were many formerly deported people, since only a small number of them (about 16,200) were employed in the agricultural sector at the time. The formerly deported people joined the other 'social groups' in calling for the criteria to be widened and a Presidential decree was issued entitled "*Of the pressing measures for the guarantee of the deported peoples and workers of social sphere by land sections for managing of personal peasant farm*" to include formerly deported people in the allocation process on the same basis as 'other social categories'.

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The moratorium on selling/buying land parcels through civil law contracts is established by the Transitional Provision of the 2001 Land Code, however it is possible to inherit or to exchange the land parcels.

Local authorities (city or village executive committees) have allotted land to formerly deported people, and other vulnerable groups, from the *State reserve fund*. The distribution of poor quality land from the reserve fund was one of the determining factors in deciding the claim of the formerly deported people for the revision of the criteria for agricultural land distribution. However, some inequalities can be observed in the criteria adopted:

- 52 percent of common Crimea **citizens**, ex-kolkhozes members (excluding formerly deported people), were entitled to agricultural land distribution, and 48 percent were not
- The percentage of beneficiaries of the agricultural reform **among the formerly deported people population is only 17 percent** (comprising ex-kolkhozes workers and formerly deported people who obtained plots under the same criteria as those in the social categories). Thus 83 percent of formerly deported people were not entitled to agricultural land distribution, as seen below:

	Population		Surface	
	Formerly Deported People	Others	Formerly Deported People	Others
<b>Total land</b>	17.1%	82.9%	25.6%	74.4%

Source: “Land Questions in Crimea, Statistical and Political Analysis”, page 9, Author: Evgenij Khan (Russian, unpublished).

**The real dimension of this gap must be viewed in comparison to the fact that 70 percent of formerly deported people (corresponding to 190,000 persons) live in rural areas.<sup>7</sup>**

Dissatisfaction remains that the two hectare allocation is smaller than the five to seven hectares that is typically given to ex- kolkhozes workers and that the land is often of poor quality and in isolated rural areas. Prior to displacement most of the Crimean Tatars lived in urban areas and along Crimea’s southern coast, but much of this land has now been allocated to other people and the Crimean Tatars claim that the current criteria of land distribution discriminates against them. In order to change the criteria of land distribution, the formerly deported people representatives have elaborated the following proposals:

<sup>7</sup> 71 percent Crimean Tatars settled in rural area and only 29 percent in cities (in the ARC as a whole, the urban population is 62,7 percent and rural-37,3%)

<b>Proposals</b>	<b>Assessment</b>
<p>The state should distribute the available land or to buy and re-distribute land to the formerly deported people, in case of buying the land by the State should have the right to pre-emptive purchase, referring both to agricultural and non- agricultural land.</p>	<p>To check the available land for distribution is necessary conduct the inventory and to update the dates in land register/cadastre (both actions are currently in initial stages). Buying the land by the State for following re-distribution required the notable financial resources currently unavailable from the Ukrainian state budget.</p>
<p>To annul the land certificates of persons who obtained the certificates for agricultural land plots but never transformed their certificates into the proper state act (deed title), and to restitute those land certificates to the State (according to the Crimean Tatars representatives, there are 76,000 hectares of land that fall under this category). To allow the transformation of the land certificates into deeds for only those who actively work on the land.</p>	<p>Legally uncertain, the land certificate holders are entitled to land, their certificates legitimize this (to transform these certificates into a deed title is necessary just to perform the technical survey). It is necessary to also consider the real situation in the Ukraine, as a consequence of the bankruptcy of the banks after the dissolution of the USSR, many Ukrainian citizens are still unable to access their savings (frozen deposits) in the banks. Land certificates (even if they do not represent the market value of the land) for the majority of the Ukrainian citizens are a unique resource and it represents a minimum of economic security. Promoting the active approach (processing the allocated land) could be achieved by other measures (e.g. with active land taxation, policy.)</p>
<p>State should “reserve“ land parcels (not only for agricultural land) on the attractive southern coast of Crimea for distribution to formerly deported people. According to the opinion of the formerly deported peoples’ representatives (Crimean Tatars), if the formerly deported people had were guaranteed land allocation, the current illegal capture of land by the formerly deported people would stop.</p>	<p>It is intended as a ”preventive measure“ in order to avoid the occurrence of land distribution in a non-transparent way by local administrative organs, but the current Land Code on the Law on Local self Government empowers these same organs with the ability to distribute land. It is an urgent necessary to introduce changes on those laws immediately.</p>
<p>Demilitarisation of the existing military sites, and distribution of the land which is not directly connected to military use. It is estimated that those military sites have encompass a huge amount of land not directly connected to military premises</p>	<p>Possible, but the inventory of the available land and its division into boundaries for those sites is necessary to perform beforehand.</p>



## Current Figures of Land Distribution

Before the agricultural reform, 249 agricultural enterprises in the Crimea possessed more than one million hectares of agricultural lands that have now been distributed to beneficiaries. According to data from the Republican Land Resources Committee, as of 1 November 2005, a total 212,400 citizens were entitled to privatize agricultural lands and 68.8 percent of these have received land titles confirming their ownership of land parcels. This is considerably lower than in the rest of the Ukraine, where 81.8 percent have received titles. There are also considerable regional discrepancies. In some parts of Crimea, such as Bakhchisaraiskiy and Belogorskiy districts the figures are as low as 31.7 percent and 25.7 percent. Both of these districts have a large presence of formerly deported people.

The claims made by the Crimean authorities and the Crimean Tatar representatives regarding the **criteria and figures for land distribution** and allocated plots are, however, radically different.

According to the authorities, they have allocated a considerable number of plots to formerly deported people in the last 15 years and the size of the plots has also grown: from 1,0 hectares in 2001; 1.45 in 2002; 1.63 hectares in 2003 and 1.72 in 2004. The authorities say that so far the formerly deported people have obtained 35,000 land plots and houses in the agricultural areas (where the house is connected with the farming or agricultural activities), plus 48,000 land plots for individual construction in urban areas. However, in **9,000 of these land plots the settlers did not initiate any building activities**, which the authorities claim shows that not all the formerly deported people who are being allocated land actually need it to live on. **The authorities claim that a total of 70,592 parcels have been allocated as of 1 December 2005.**

Crimean Tatar representatives claim that these figures include the land which the formerly deported peoples occupied without permission, in frustration at the inefficient and slow allocation procedures and so cannot be taken as evidence that the allocation system is working. They claim that the system is biased against them.

## Problems in Management of Land Allocation by Authorities

The Ukrainian *Land Code* 2001 specifies people who are entitled to obtain free legal title to plots of land for specified purposes,<sup>8</sup> but is less clear about the administrative procedures for how this should be implemented. Initially many decisions on land allocation were taken at the Crimea Council of Ministers. In 1997, the *Law on Local Self Government* specified that these decisions should be taken by local authorities at the village, city or district administration level instead. This law was amended in 2003, but the basic administrative procedures remain similar.

There are a number of problems with the current practices regarding land allocation. The decision-making procedures occur without any kind of effective control by the current administrative and judicial institutions. The lack of transparency and certain abusive practices that have accompanied the process has been a significant factor aggravating tensions.

Land allocation involves two procedures by the city or village council: a technical documentation on the size of the land parcels to be acquired, which is carried out anonymously, followed by a

vote (a simple majority of vote is necessary to adopt the binding decision) on whether to allocate the plot to a named person. The council's decision is final and can only be challenged in court, either by the aggrieved individual or on the initiative of the State Attorney's Office. However, the legal procedure is complex and slow and the initial lack of transparency in the decision-making process makes subsequent legal challenges difficult.

There are two main bodies that provide some oversight of the administrative procedures: the Land inspection contingent of Land Resource Committee (*Derskomzem* or in Crimea *Reskomzem*) and the State Attorney's Office. The Land inspection contingent does not currently have a mandate to act directly upon allocation decisions, but can merely submit its reports to the State Attorney's Office. The State Attorney's office can express its opinion regarding its validity of a particular decision and ask the administrative council to review it, but the council is not under any obligation to do so. Alternatively, the State Attorney's office can initiate procedures against the city/village council decision before the Court. Since court cases are slow and difficult, it has been suggested that these bodies should have the power to intervene directly to reverse dubious land allocation decisions and to initiate action against councils that are abusing their powers.

While there are no official statistics, it is estimated that more than 90 percent of the land in the Crimea is allocated on lease to individuals or legal entities. It is often alleged that public administrative bodies offer people very short term leases in order to keep the leaseholder dependent on powerful figures within the municipalities. Often the leaseholder is asked for personal favours as a condition of keeping the lease.

The current criteria for the evaluation of land leases are based on the old Soviet model. The rate in most areas of Crimea is 1 HRV for 1 hectare, while the maximum rate in the most valuable areas along the coast is around US\$ 24 per hectare. This is often far below the lease's true market value, which results in a loss of significant revenue to the authorities. In the period between 1999 and 2005, land evaluation was carried out in only 67 of the 1,028 populated areas of Crimea. These surveys used market value as a guide to determining land tax and lease rates, which resulted in a considerable increase in the income that local authorities were able to raise from taxes and the granting of leases. The main obstacle to conducting and developing the land evaluation process is undefined territorial boundaries, especially between populated areas. It is estimated that incomplete land evaluations of non-agricultural land beyond the boundaries of populated areas (for the moment evaluated at only 37 percent), leads to losses of budget of 15 M HRV per year (US\$3 million).

In the current legal framework of the Ukraine, village and city council representatives cannot be held directly accountable for collective decisions in the case of issuing incorrect land allocation decisions. Therefore it is not possible to specify the exact person responsible for adopting such decisions. The representatives responsible for certain sectors of the city or village councils, such as the head of the Commission on Land Resources, can only be held individually accountable for acts such as fraud and corruption. They are not accountable for collective decisions involving illegal land distribution taken by the city council.

Furthermore, all village and city council representatives enjoy immunity from criminal prosecution during their terms as Ukrainian parliament representatives. The status of local representatives was defined by the Ukrainian 1994 *Law on the Legal Status of the Parliamentary, District, Town and Village representatives*, which granted immunity to all such elected representatives. This was changed, in 2006, to restrict immunity to representatives in the national parliament. However, many believe that the period in which local councillors enjoyed immunity led to a culture of corruption and impunity.

Unlike the rest of the Ukraine, very little land in the Crimea has been sold through public auction. The procedures for the conduct of land auctions are set out in the 2001 Land Code,<sup>9</sup> which specifies that:

Within their scope of authority, state authorities and local self-administration bodies shall sell state or community-owned land plots to individuals and legal entities eligible to acquiring the title to land plots, as well as to foreign states in accordance herewith. The sale of state and community-owned land plots to individuals and legal entities shall be effected on a competitive basis (auction, bidding), except for cases of buying out the land plots, where the real estate objects owned by purchasers of such land plots are located.

The procedures for conducting such sales are complex. The council must prepare various technical documentation and obtain numerous approvals from the appropriate representatives. Nevertheless, auctions are a valuable source of revenue although councils within Crimea are reluctant to use them. Public sales also reduce the possibility of corruption, nepotism and the trafficking of influence. Since the Land Code entered into force in 2001 only three land plots have been sold within Crimea.

This policy of land management is aggravated by two additional elements:

- Unaccomplished digitalised land inventory processes
- Slow process (initial stage) of tentative cadastral digitalisation<sup>10</sup>

There is currently no existing data to verify the quantity of available land parcels in the Crimea. In the absence of a digitalised land inventory, all searches have to be done manually. Although this process has now started it could take several years to complete. The cost of introducing such a registry is estimated to be about 30 M HRV, but the Land Resource Committee, whose responsibility this would be has an annual operating budget of 1.2 M HRV.

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9 Article 127 of Land Code.

10 The term 'digitalisation' does not mean titling process but it refers to simply digitalised format of hard copy.

In the absence of such records it is only possible to approximate land parcels by referring to the Supreme Council (parliament) of the Ukraine document from 1990: *About the land to reform*. This carried out an inventory covering 2,053,400 hectares, or 84 percent of Ukraine's total land area, and gives the following break-down:

977,700 ha	agricultural enterprises,
309,900 ha	property of citizens (land shares),
45,800 ha	personal peasant farms
8,800 ha	gardening comradeships
9,700 ha	possessed by citizens for the hay mowing /truck-farming
14,200 ha	ministries and Black Sea fleet
182,100 ha	with internal waters
90,100 ha	forestry enterprises
415,100 ha	not allocated for property/ use

During 2006, 19 M HRV (US\$4 million) was allocated from the Ukrainian State budget and 9,6M HRV (US\$2 million) from the Crimea's budget to carry out inventory work on the southern coast, which has been identified as a priority. Prior to this exercise only 17 percent of this coast had been inventoried.

Obtaining evidence of land users (owners/lessees) is a time-consuming process. Since the comprehensive digitalisation of the cadastral system in the Ukraine started in 2003, land register data available in digital form are extremely limited. Available data shows that by April 2006, in the Crimea **there are around 1,000,000 land users; 800 000 of them are individual land users;** 260,000 State Acts (deeds) are issued to them while 48,000 land users are under lease contracts.

The available data from the land register in **electronic form** show that currently (April 2006) in the Crimea **there are: 50,000 State Acts (deeds) owners of Land and 8,000 lease contracts. Under** such conditions it is extremely difficult to check both to whom land is allocated, as well as the quantity of land parcels allocated to single holders.

As well as financial constraints, there is also evidence that the process of producing a comprehensive inventory and land registration has also been slowed down by politicians in order to conceal the fact that a considerable quantity of land parcels have been allocated to them. It was partly to deal with this situation that two presidential decrees were passed on the land registration process in 2005.<sup>11</sup> These aimed to achieve:

an increased control of economical utilization and the protection of the land, the observance of legislation and the sale of the earth; the protection of property rights; the guarantees governing the inventory of the earth; the guarantee of a special regime of the use the land for the improvement of health, recreational and nature conservation designation; the guarantee of a realization of public control in decision making, and regulating land relationships.

<sup>11</sup> Presidential Decree No.1643/2005 of 21 November 2005 g "about the resolution of the national security council and defence of the Ukraine of 29 June 2005 and "about the state of the observance of the requirements of legislation and the measures for the increase of the effectiveness of state policy in the sphere of the regulation of land relations, use and the protection of the earth".

## Particular Land Issues at Crimea's South-Eastern Coast

The problems relating to land allocation are particularly pronounced along Crimea's southern coast. This is due to the fact that the land market is almost non-existent for the following reasons: there is the moratorium on the sale of agricultural land, and in the non-agricultural sector not all citizens have obtained State Acts (title deeds) and instead possess only certificates, which cannot clearly define and represent the market price of land.

The value of land on Crimea's southern coast was recognized in Soviet times when most of the highest-ranking public officials owned summer residences there. The coast also has strategic significance due to the presence of the Black Sea Fleet. The city of Sevastopol is the fleet's headquarters and there are several important military bases nearby.

During Soviet times, the coast was considered an 'area of special priority', with a particular administrative framework, directly controlled by Moscow, which resulted in the restriction of building activities. A law on the protection of coastal areas prohibited construction activities along the 2 km coastal strip. The area also contains a number of national parks and protected areas, as well as areas designated for specific agricultural production, such as vineyards and roses gardens. The coast attracted some tourism during this period, although these were exclusively high ranked state officials, as well as rehabilitation centers and summer resorts for children and workers. The construction of hotels and sanatoriums was also subject to strict control by Moscow and usually also required approval from the local community.

In the past this area was an exception from the regular administrative framework of the USSR. Consequently, this area has never been governed or "covered" by a district division; and a State representative at the District level (*Rajgos Administracija*) has never been delegated to the South-Eastern Coast. The non-existence of the State representative in that area is currently a factor that allows local communities (villages and cities) almost unrestricted power in the decision of land issues. By the time USSR collapsed, Crimea's south-eastern coast remained a large, naturally preserved area, characterized by an extremely low density of urbanization.

After the disintegration of the former USSR, and following the discussion of Crimean autonomy within the newly formatted Ukrainian state in 1993 the *Agreement of the Division of Common former USSR Property located in Crimea* was signed by the Ukrainian state and the Crimean authorities. As a result of this agreement, jurisdiction over the valuable land in the Crimean coastal areas, including land allocation, passed to the Council of Ministers of Crimea.

However, the lack of a local administrative framework over land matters meant that when control from Moscow was removed, the power of politically-connected local residents to allocate land to themselves dramatically increased. The mid-1990s was marked by a rapid, and almost completely uncontrolled, allocation of the most valuable land along Crimea's southern coast. Much of it was given on long-term leases to powerful individuals, or legal entities, who began to export its commercial value. In many cases the land was formerly held by State bodies, or institutions such as the official trade unions, that went bankrupt after the collapse of the USSR. Often these transfers were made without a clear legal basis or for a fraction of the land's true value.

The subsequent adoption of the *Law on Local Self Government* in 1997 provided a clearer legal basis for land allocations, but the problems described above have been particularly marked along

Crimea's southern coast. The administrative authorities here had very little technical expertise for dealing with questions relating to land administration, as this had previously been dealt with by Moscow, and so corruption and mismanagement flourished.

Without a proper cadastre, the local authorities began to delineate the boundaries of the land parcels, and to allocate the best-situated and most attractive land to 'selected' beneficiaries. Those who benefited the most were high ranking politicians of Kiev and Moscow. Foreign investors used local proxies to buy up valuable land. The price of land also increased dramatically during this period. While the average price of a plot of land in the rest of Crimea is around three to four thousand dollars for 100m<sup>2</sup>, on the southern coast the price is around US\$ 20,000. As a result, the entire Crimean southern coast is currently subject to widespread, illegal construction of tourist premises. Within the last decade, it has been transformed from a relatively empty area to one with very dense urbanised areas built for tourism.

It is not known exactly how much land has been allocated irregularly, because the inventory process and the digitalisation of cadastre are still incomplete. However, according to the *Report of the Head of the National Security Department* of the Ukrainian President, around 4,700 hectares of land were allocated without a clear legal basis and 794,000 hectares of the most valuable land is currently being rented out at far below its market value.

## **Land Allocation Practices in the Southern Coast**

### **Practice of Bypassing Supervision Institutional Organ (parliamentary commission)**

The Crimea's Council of Ministers requested an 'inventory' of the protected environmental area, Gornjausnoja Zapovijedi, near to Yalta. These boundaries had not been precisely defined since the collapse of the USSR and the Council of Minister's was disturbed by reports that certain parts of the area 'had lost some qualities of a protected area.'

After establishing the new boundaries, the Council of Ministers approved a Ukrainian Presidential Decree allocating a 'surplus' area to a number of commercial companies. This was done by an administrative decision, without the approval of the Commission of Agricultural and Ecology of the Ukrainian parliament, as was required by the appropriate regulatory framework.

In a similar case, the Ukrainian Academy of Agricultural Sciences approved a municipal request to review and change the boundaries of Niktiskij Garden, which is a protected area. The authorities then permitted the construction of several 'dachas' (summer houses) for powerful businessmen with political links to the municipality. An investigation was launched after opposition politicians complained to the State Attorney Office. However, although this ordered a restoration of the territory of the Gardens where building work had not been carried out, it failed to order the demolition of the dachas already built.

## **Inconsistency in Land Allocation**

The local formerly deported people community proposed to build an ethno-tourist village for 500 families located in Tihaja Buhta in the territory of Koktebel village, which is spread out on 80 hectares, 3 km distant from the road and without basic infrastructure. The formerly deported people representatives developed this project and asked for the land allotment. However, some Russian political representatives questioned whether the project was intended as new settlement for formerly deported people.

Although the project obtained all necessary permissions from the relevant institutions (architecture, sanitary inspection, permission to build the houses 100m from the seaside, etc), when it reached the final stage of approval of obtaining the prime minister's signature there was an unexpected delay.

At this stage, in May 2005, the Crimean Parliament officially declared Tikhaya Buhta a natural protected area of local importance and prohibited all construction activity in the area. The proposal to declare the Tihaja Buhta area, together with the Enisharskiye Mountains, a protected area had first been made in 1998. Supporters of the proposal point out that it contains 64 species of flora and fauna which are protected by different international conventions (including 42 species that were added to the Red Book of Ukraine). However, the decision led to social tensions as the representative of the formerly deported people argued that this was used as an excuse to stop their project in its final stages.

A number of law enforcement bodies had to intervene to prevent the formerly deported people going ahead with building work on the project and an *ad hoc* Commission of the Council of Ministers has been established to verify the validity of the parliamentary resolution. Even if the decision is judged to have been correct, it highlights a lack of consistency and planning by official institutions.

## **Southern Coast: Land Occupation by Crimean Tatars**

Against this background of inconsistent, non-transparent and often irresponsible behaviour by the official institutions, groups of Crimean Tartars started to launch 'spontaneous protests' against the allocation of land on the Crimean southern coast.

In February 2005 the Medjlis of the Crimean Tatars, declared that they were 'compelled' to undertake an 'active seizure of lands', and called upon all regional Medjilises to support the unauthorised occupation of available lands by landless Crimean Tatars. These occupations have continued and their number is growing. They have also spread from the southern coast to areas around Simferopol, the capital city. It should be noted that these are the two areas of Crimea where land is most valuable.



### The formerly deported people base their actions on the following claims:

- Before deportation, the Crimean Tatars predominantly lived in urban areas, but most have been forced to settle in rural areas on their return. In 1939, before the deportation, 25 percent (65,000 inhabitants) of the Crimean Tatars lived along the Southern Coast, but only a little more than 5 percent have been able to return there.
- Requests for land plots along the southern coast have nearly always been met with refusal, limitation or delay from the local authorities, while land continues to be allocated to non formerly deported people
- Formerly deported people are significantly under-represented in the local councils responsible for land allocation (estimated at 1-2 percent) and so do not have any influence when non transparent and incorrect allocation decisions are taking place.
- The large-scale allocation of land by the authorities, particularly on the southern coast, means that there will soon be very little left to allocate. The land occupations are, therefore, regarded as a priority for immediate redress for individual landless formerly deported people.

However the Crimean authorities maintain that their land allocation policy has, in fact, been generous to formerly deported people on the Southern coast. According to the official statistics, by the end of 2005, 6,768 plots of land had been allocated to 15,144 individual formerly deported people. Assuming the average family size to be about five persons this means that each family has received, on average, two plots of land. The authorities also point out that no construction work has started on 2,608, plots **about a third of the total**, which indicates that the families are not intending to move there but are simply waiting to sell them for profit.

In another case, the authorities claim that they obtained, as an exception a special permission from the Ukrainian Academy of the Agricultural Sciences to allocate part of a vineyard for formerly deported people housing needs. However, once the land had been allocated to them the formerly deported people simply sold it to a third party. In addition, the authorities claim that upon their arrival on the Southern Coast, the formerly deported people insisted on allocation, despite the warnings that there was no available land technically inspected and approved for construction. In order to satisfy the formerly deported peoples' request for allocation, many exceptions to the general rules have been made (e.g. non-technical surveys prior to allocation, "virtual addresses" with the numbers of allotted parcels in formerly deported people's personal documents etc.)

In Yalta municipality, formerly deported people have been allocated over one and a half thousand plots of land but only about five hundred houses have been built. The authority's claim that far more land has been allocated to formerly deported people in Yalta than is justified by the numbers living in the area and that the formerly deported people are trying to obtain the maximum amount of land that they can for financial reasons.



## Assessment of Land Issues on the Southern Coast

- The roots of the current social tensions related to land in Crimea lie in the irresponsible public administration of land allocation, particularly at the local level.
- It is almost impossible to distinguish between where land has been allocated on the basis of need – or social and economic rights – and where it has been allocated for speculative or financial gain.
- While some allocation decisions may have had a discriminatory intent, as the Crimean Tatars maintain, it is likely that many were simply due to inexperience, incompetence or corruption on the part of the authorities.
- Formerly deported people may also have been allocated land wrongfully and there is currently a lack of information about the true needs of this community.
- Some formerly deported people who physically occupied land without permission may not have realized that they were acting illegally and may believe that they are entitled to it.
- Many occupations are, nevertheless, clearly motivated by the prospect of financial gain. It cannot be a coincidence that the occupations have all taken place on the Southern coast and around the capital city, where land is most valuable.
- Many of the places that have been occupied are clearly unsuitable for human settlement. Some would require substantial infrastructural investment to make them viable while others are in areas prone to landslides and the safety of their inhabitants cannot be guaranteed.

## Scale of Conflict and Potential Disputes

The main difficulties in establishing the actual number of formerly deported people is due to the lack of a central database of formerly deported people receiving housing benefits, therefore only a rough calculation is possible, based on various official sources. Yet not even the state organs possess reliable, accurate data. Cadastral system in the Ukraine started in 2003 and it has a very incomplete database in digital form. In such conditions it is not possible to check land holders as well as the quantity of land parcels which have been allocated.

According to the official estimates of the Republican Committee of Inter-ethnic Relationships (Reskomnats), the occupations<sup>12</sup> break-down on the following basis:

Simferopol city 543 ha occupied by 5,470 persons  
Simferopol region 403 ha occupied by 4,500 persons

### **Southern Coast:**

Boljsoj Yalta (big Yalta), for limited terrain of foothills 70 ha  
Sudak, 125 ha and 1,260 persons

According to this estimate, the illegal occupation in Semferopol and the Southern coast involves 11,490 persons and the amount of land occupied is around 1,100 hectares. The State land

inspectors of the Crimea believe that the total area of illegally occupied land plots in Crimea today amounts to about 28,000 ha. The authorities also believe that there are currently around 10,000 formerly deported people in need of housing, but the lack of a central database leaves this question open.

## Conclusion

The Ukrainian authorities have power at their disposal to resolve current issues related to property. However, the police force, the State Attorney's Office, the tribunal, land inspection, tax units, and the revision agencies still depend upon the political will of the ruling political powers, and rarely initiate action without approval. The allocation of land is a sensitive process which requires transparency and accountability and therefore the need for administrative and judicial improvement. In line with the proclaimed EU orientation of the Ukrainian State representatives, it is necessary to start with education and training of state officials and judges on professional ethics.

Widespread conflict of interest and practices of corruption by the local public administrators must be overcome by more accessible and transparent procedures for land allocation. A lack of transparency in the process of land allocation, accompanied by the low salaries of the public administrators, fosters corruption.<sup>13</sup>

The presence of specialised international agencies, such as UN-HABITAT, could help the Ukrainian authorities to develop an efficient organisational structure, while fostering a professional approach on the part of public administrators in this field. This is essential in order to establish the rule of law.

Civil society is currently weak in Crimea and there is need to develop the civil society sector to guard against unprofessional and unaccountable behaviour in public administration.

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According to Transparency International's Year Corruption Perception Index for 2004, Ukraine is ranked 122nd on the list of the 145 countries.

## Recommendations

To enact a Law on formerly deported people status, in order to avoid additional politicisation of the formerly deported people's question. This is an issue which caused numerous problems during the implementation of the formerly deported people's repatriation process.

To define the procedure for the allocation and distribution of land for formerly deported people, through a reliable, ethnically balanced, quota system taking account of geographical criteria. *Ad hoc* single consultations and agreements on land allocations for single areas/settlements between institutions and Mejlis should be avoided.

To develop a unified database of allocated plots for the formerly deported people. This is essential to verify the real housing needs of formerly deported people and the extent to which occupations, particularly on the Southern Coast, are being undertaken for speculative reasons.

To amend the *Law on Local Self-Government* to ensure more transparency in the land allocation process. Changes should be made relating to the accessibility of relevant documents, and to the voting procedures and other procedural steps.

To guarantee the access to relevant information on land as envisaged by Article 33, amended point 11 of Ukrainian *Law on the Local Self Government*.

To ensure better coordination between different local, regional and national State bodies over land allocation decisions.

To allow the State Attorney's office to evaluate and establish the real market values of allocated plots *before* decisions are taken by the city or village councils.

To carry out a complete inventory of land resources and to finalise the digitalised land inventory process. This may need international donor support.

To conduct a complete financial evaluation of the land and introduce an efficient land tax policy under economic criteria.

To amend the Criminal Code and the Law on Public Administration to provide effective sanctions against corruption by public officials

To amend Article 356 of the Criminal Code to criminalise activities related to the arbitrary seizure of land and unofficial building activity.

To establish clear procedural steps for fair and transparent land auctions.

To develop a unified database of all allocated plots to formerly deported people to verify who needs housing.

To strengthen legal and practical mechanisms to prevent the speculative resale of land allocated to the citizens of Ukraine free of charge.

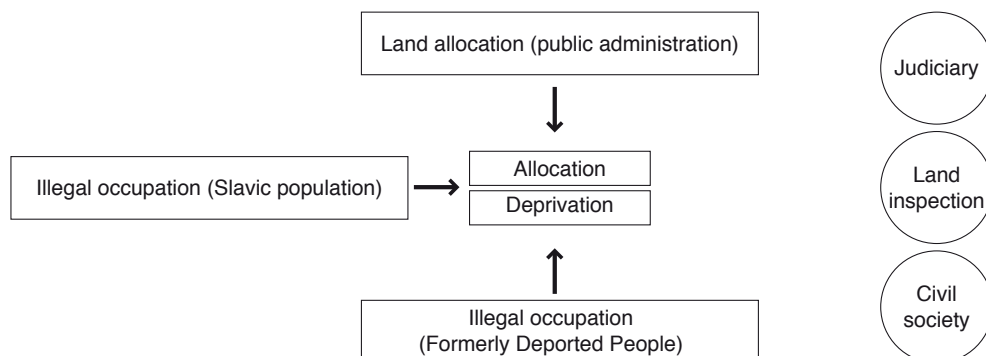
To strengthen legal and practical mechanisms to protect designated areas of national and environmental importance, particularly on the Southern coast.

## Consequences of Land Disputes in Crimea

The current state of land related disputes in Crimea is grave. The number of disputes is growing and they are generating significant inter-ethnic tensions, which could have wider political, social and institutional consequences. This can be summarised using the table below:

Institutional	Social	Political
Breakdown of rule of law	Impediment for normal socio-economic development	Permanent political instability
Institutional weakness	Stimulating corruption	Additional radicalisation of existing opposite political blocks
Inefficiency of public administration	Mistrust in institutions	Radicalisation of options for solving property related disputes (on the Russian side the group of “Cosacks” while on the Crimean Tatars side the radical Islamist group “Wahabism”. Both alleged paramilitary groups still do not represent a significant influence, but the existing instability deriving from land disputes could favour them).
Impunity for alleged incorrect behavior of public administrators	Passivity of the citizens’ social involvement	
Inspiring the accountability of public administrators	Encouraging illegal behaviour	

The current negative consequences of land disputes in Crimea are caused by illegal land allocation decisions made by non-accountable public administrators. Formerly deported people feel that they are excluded from the land allocation process. Their response is to capture land by force. As seen below, the consequence of this ongoing process is the exclusion of the institutions which should give effective control over the land management policy.



## Proposed Support for Resolving Property Disputes

The nature of land related disputes in the Crimea is different from a post-conflict or post (natural) disaster situation, which is the more 'traditional' field of UN HABITAT intervention. However, the majority of Crimean institutional representatives explicitly recognise that they lack the capacity to deal with the current problems, which are in danger of spiraling completely out of control. Most institutional professionals in land management (especially from the Governmental professionals, architecture, land inspection etc) also welcome the establishment of an international presence in Crimea.

Any future intervention by UN-HABITAT in this field should start from two basic principles:

- The need to reform the official institutional mechanisms for land allocation
- The need to stop the illegal occupation of land

The process of reforming the official institutional mechanisms can be divided into three stages:

- Stage one: corrective response
- Stage two: technical assistance
- Stage three: change legislation and policy

### First Stage: Corrective Response

The aim of UN-HABITAT's intervention in Crimea should be to assist the domestic institutions in restoring the rule of law and transparency in land allocation and to bring an end to the widespread illegal occupation of land.

UN-HABITAT should persuade the Ukrainian authorities to impose a temporary moratorium on all administrative allocation of land. This period should be used to assist the Crimean authorities formulate a strategy to deal with the issued land plots and to create laws and procedures for land distribution. The moratorium may be controversial, but without its imposition, all land will be illegally allocated. While it is accepted that the land allocation process has been dubious, it would be unconstitutional to reverse these decisions and so they should be allowed to stand.

The intervention program should assist the domestic institutions in finding an appropriate way to address cases in which land plots allocated by administrative decision exceeded the limits established by the Land Code. There are two basic ways in which this could be done:

- to restitute *ex officio* the exceeding part to the state/municipal organs.
- to establish a high, progressive taxation for the exceeding part.

The first step, as an emergency response, will be to create an efficient network among various institutions in charge of land management in Crimea, in order to put an end to the current conflict and instability including;

- 1) The abusive practice by individuals of applications for multiple pieces of land in different municipalities; and
- 2) The filing of claims for land that has already been allocated to formerly deported people, often in the case of land located in attractive places.

To provide effective redress, it will be necessary to develop a database from the land register comprising land users, as well as the creation of two additional rosters (the land allocation decision roster from the municipalities and the formerly deported people roster). Only when the above proposed structure and effective network among those institutions is put in place will it be possible to clearly distinguish the right to land as a social right, guaranteed by the Ukrainian Constitution and legislation, from the claims for land for speculative reasons.

Another priority in the intervention stage is to develop a comprehensive digitalisation - of the titling process - of land registration. Only with the help of a well-functioning, modern and centralized land registration system will it be possible to confirm the exact amount of allocated land and implement an effective approach to providing redress on these decisions.

The development of an efficient, accessible, land registration system will make it possible to check to whom the land is allocated, as well as the quantity of land parcels allocated to single holders.<sup>14</sup> While conducting the above mentioned actions, appropriate action should be taken to stop and prevent future practice of non authorized (illegal) occupation of land.

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<sup>14</sup> The comprehensive digitalization of the cadastral system in the Ukraine started in 2003, and land register data available in digital form are extremely limited. Available data shows that currently (April 2006) in the Crimea there are 50,000 State Acts (deed title) owners of land and 8,000 lease contracts.

## Second Stage: Technical Assistance Program

Along with supporting the introduction of a digitalised land inventory, UN-HABITAT could support programme activities aimed at strengthening the rule of law and the improvement of the public administration environment in land management through:

- Conducting **training** in professional skills and ethics for public administrators dealing with land management.
- Developing **impartial, efficient and functional** public administration executive bodies (state and local levels) in charge of land allocation.
- Developing **civil society** by promoting a participative approach of individuals and specialised associations in this field.
- Promoting **best practices** in land management in **good governance** in housing.

The first two stages (remedial support and technical assistance) are interdependent, therefore programming the activities only for one of two stages (e.g. performing the cadastral digitalization or inventory) will produce only limited effects.

### **Third Stage: Reform of Land Management Legislation and Policy**

Only after implementing the above mentioned stages, will it be possible to start with mid-term objectives such as the institutional, legal, and administrative reforms. **The starting point should** be to incorporate the different fragmentary legislations on land (estimated to be 20 different laws) into one single Land Code.

It is crucial to stress that during the implementation of the previous stages (remedial and technical assistance programmes) it is necessary to ensure a large political consensus and support (not only declarative) from the main ruling institutional and political representatives. This is a pre-condition to create a favorable political environment to start with the necessary reforms.

However, obstacles will be encountered throughout the programme implementation from the local and national political representatives. This is because the ruling political representatives benefit directly from illegal land allocations. However, the highest risk is to maintain the status quo which may generate permanent conflict and instability in Crimea and Ukraine.



# Section Two

**Institutional Mapping**

## Crimea's Council of Ministers

The jurisdiction of the Council of Ministers, as the executive organ in land issues, covers the creation of general conditions for land policy, land use management and State control over land use. The central activity of this Ministry is the coordination of state organs related to land resources.

The Council of Ministers is mandated to develop and support the implementation of national and **Crimea programmes concerning land use and land protection**. Responsibilities mainly cover administering State-owned land, acquiring land plots for public needs and preparing proposals related to infrastructural planning.

## The Ministry of Architecture and Construction, Housing and Communal Services Policy of Crimea

The Ministry of Construction, Architecture and Housing and Utilities Economy of Ukraine is the central organ of executive power in this field, whose activities are coordinated by a cabinet of ministers. In Crimea the activities of this Ministry are carried out by the **Ministry of Construction, Architecture and the Housing Communal Services Policy**.

The role of the Ministry of Construction, Architecture, and the Housing Communal Services Policy of the Crimea (hereinafter Ministry) entails:

- The creation of **State policy in the spheres of building, town planning and construction**, architecture, housing and utilities economy.
- The supervision of economic and social development, distribution and planning of inhabitants social resources in the Crimea within the allocated funds from the Budget of the Ukraine.
- Urban planning and ensuring that the Crimea urban plan is in accordance with the Ukrainian national urban plan.

The urban strategy in the Ukraine is based on the document, *Principles of the Concept of Constant Development of Populated Areas*, which is, itself based upon UN-HABITAT's 'principles' from the 1996 Istanbul conference.

The main weakness of this Ministry stems from its broad institutional mandate, which encompasses 'traditional' activities, such as construction, architecture, urban planning, housing and utilities, as well as activities such as the **regulation of urban electrical transport**. The Ministry is also in charge of the study, conservation, rehabilitation, restoration, repair and designation of those monuments of **Architecture meriting museum status and is involved in the preparation of objects of cultural heritage for eventual entry in the list of world heritage**. Some of these functions overlap with other administrative bodies, which contributes to an **inefficient, urban service**. The Ministry is presently burdened with more than 50 mandatory tasks. It is also significantly under-staffed, given its broad mandate, with only 70 officers, compared to 500 in Kiev.

Additional problems derive from frequent changes to the Ministry's institutional position. During the Soviet Union days, the Ministry was within the so-called *Gostroj* which also housed the

Department of Architecture and the Department of Construction. There was a separate administrative unit whose mandate was to create policy for communal services: the Committee of Communal and Housing Services. After the independence of Ukraine, the Committee of Communal and Housing Services was merged with the Ministry of Architecture and Department of Construction. Later the Council of Ministers decided to separate the Department of Architecture and Construction from the Committee of Communal and Housing Services. In 2005, the Ukrainian Council of Ministers merged the Ministry of Architecture and Construction and the Committee of Communal and Housing Services.

The mandate of the Ministry includes conducting policy in urban development at all administrative levels. To this end it recommends establishing urban departments as local administrative units within village or city councils and recruiting professional architects. In practice recommendations are often just a declaration. The local administrative units (especially villages) are empowered to decide whether to establish an urban department within the city council. Local councils make decisions about who to recruit because the professionals are paid by the council.

Cities and villages have a small budget and often cannot afford to employ professional staff. Even when they do have the staff, the decision-making process makes it impossible for them to do their jobs properly. Decisions are made by majority votes and delegated supervision of the Ministry at local levels is very weak.

### **Difficulties in Urban Planning**

The Ministry has a **supervisory role within the basic parameters of villages or cities under the designed urban plans of the Crimea and national urban plan of Ukraine. The general scheme of urban planning along the lines of the Ukraine national urban plan falls under the Ministry of Architecture and Construction of the Ukraine, while the regional scheme of urban planning falls under this Ministry.** Urban planning of municipalities is difficult since some urban plans are more than 30 years old. In Simferopol, for example, most urban development is spontaneous. Instead of new, expanded urbanised areas, 'villages' have been growing on the outskirts of the capital.

There have been some recent improvements. Almost all big cities in the Crimea have developed urban plans in line with the national urban plan. Thus, on the 'problematic' Southern Coast almost 70 percent of the cities have developed urban plans. The main problem, however, is that the Ministry of Architecture and Construction of Ukraine and Crimea can provide only technical supervision, while the final approval is made by village and city councils. This creates a serious obstacle since political influence, personal interests, and corruption often override the needs for long-term planning at the local level.

Crimea's large cities are expanding fast and in an environmentally-unfriendly manner. Medium-sized and smaller towns and villages are hardly growing at all, while rural areas are suffering de-population. Coherent planning needs to place limits on the growth of the larger cities while addressing the problems of unemployment and poor quality of life in rural areas.

## Inefficient Legislation/Illegal Construction

The quality of legislation relating to construction has improved since the days of the Soviet Union. New standards regarding the quality of work, the responsibility of constructors, and technical norms continue to be developed. However, the levels of punishment set for illegal private construction activity is low and there are insufficient inspection and enforcement mechanisms. The situation is similar for commercial construction norms. Fines need to reflect the huge profits that can now be made, particularly through the construction of hotels or other tourist facilities on the valuable land of the Southern coast.

Fines for carrying out illegal construction are set between US\$30-49. Illegal construction is considered an administrative not a criminal offence. Construction firms often seek approval to build private houses, but then convert these to hotels or pensions during the construction, knowing that they are unlikely to be prosecuted and only risk incurring small fines.

The situation is similar regarding the violation of construction norms and permits for economic use. The existing fine in such cases is 50 percent of the value of the constructed building, which is an inadequate punishment for preventing illegal construction. Usually the constructors pay such fines without objection since they are not proportional to the profits that they stand to make through the construction of hotels or other tourist facilities on the valuable land of the Southern coast.

### Recommendations:

- To streamline the Ministry's mandate and relocate certain tasks to other ministries.
- To place professionals in charge of local municipalities in order to allow them to effectively exercise their role as delegated supervisors of this Ministry.
- To empower delegated persons to express obligatory instructions by which the local councils are bound whenever deciding on a matter of urban planning or architecture.
- To enact stronger norms against illegal construction while instituting easier and faster procedures for the issue of necessary building permits.
- To ensure the availability of information about construction activity and to facilitate dialogue between the Ministry and the local community.

## Inadequate Housing Policy/Housing Affordability

In Crimea, as in the rest of Ukraine, privatisation of the former socialistic State-owned apartments was accomplished under very favourable conditions and approximately 80 percent of Ukraine's former state housing stock is now privatised. The majority of those apartments were constructed by State companies for their workers or by municipalities. As the 1992 *Law on the Privatisation of State Housing Stock* specified, the apartment users purchased their apartments by fulfilling some basic requirement such as: obtaining a 'technical passport' of the apartment from the Bureau of Technical Inventory (BTI), obtaining the certificate of the number of inhabitants within the apartment, keeping up with the payment of all communal expenses, changing the bill holder's name upon privatisation, and finally notarising documents from the local city district council to certify the new property owner. Upon payment of a symbolic administrative fee, no further particular financial contribution (lump sum or by instalments) was required. After that, each resident received the legal right to own the apartment she or he inhabited.

However, construction of new houses in Crimea has been steadily falling, from 90,000m<sup>2</sup> per year in 1991, to between 30-35,000 m<sup>2</sup> per year in 2006. The main reason for this is the unfavourable conditions for constructors to obtain investment and the absence of State initiatives to stimulate the building of new houses. State funded construction has become close to non-existent (330 apartments in 2002), while private companies constructed 62 percent of the total housing stock.<sup>1</sup>

The Ukrainian State housing policy swung from complete regulation and guarantees for all citizens (the previous regime favoured collective rights, and housing was considered a social right for all), to the current absence of any active approach to the creation of housing policy in a very short period. The current absence of State policy burdens the local municipalities who must face this problem with limited resources. Thus the current policy in apartment allocation is based on waiting lists established on generalised criteria, with special privileges for certain categories such as serious social/medical cases, former Afghanistan war veterans, and Chernobyl victims. There are a very limited number of apartments to allocate. In Simferopol, for example, 10,600 people (or families because only one person per family is listed) are currently on the waiting list for apartment allocation. The first person on this list has been waiting since 1971 and there has been no allocation of apartments since 1998.

Given the limited availability of apartments from the municipal housing fund, the remaining option is to buy one on the free market. Newly constructed apartments, however, are inaccessible to a huge majority of Crimean citizens (1,000 or more per m<sup>2</sup>) and the banking sector is insufficiently developed to support commercial housing construction. Domestic commercial banks have unfavourable loan conditions, which results in short term loans with high interest rates. The repayment period for bank loans is between 15 and 21 years, and the interest rate in HVR is 15.5 percent (or 11.8 percent in US\$). The first instalment is a 20 percent advance payment on houses built before 1995, and in other cases 20 percent of the house's value.

According to the Ministry of Architecture and Construction, Housing and Communal Services Policy of Crimea, the State housing programme, has been discussed by the Ukrainian parliament for more than 10 years. However, chronic budget shortages have postponed the adoption and implementation of a new policy. **The absence of any active State approach to housing policy coupled with the inability of municipalities to satisfy the housing needs of its citizens, makes**

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<sup>1</sup> UNDP Crimea Human Security and Development Report in 2002-2003, p. 43.

the drafting and development of a **private-public partnership for housing construction** at the national level an urgent necessity (some such initiatives already exist in certain municipalities). This project includes various possibilities for municipalities to allocate plots free of charge or to provide basic infrastructure under favourable conditions to potential private constructors. Private constructors would, in turn, be obliged to reserve a certain number of apartments for the municipalities (to be distributed to those belonging to the vulnerable categories).

## **The State Land Resource Committee**

The State Land Resource Committee (*Derzhkomzem*) of the Ukraine is the **central institution** in charge of land management. It has branches throughout the Ukrainian State and **employs** more than 10,000 professional staff, including cadastral surveyors, engineers, economists, and lawyers.

The *Derskomzem* mandate is defined by Article 14 of Ukrainian Land Code and comprises the following functions: development of all forms of land management policy; implementation of the state technical control; protection of land and the environment; monitoring of land privatization and farming development; carrying out of programs for rational land use and land protection; management of soil fertility; monitoring of land and the state land survey. The land committee is composed of the following administrations and departments:

- Administration of perspective development of land relations;
- Administration of land-utilisation and land protection;
- Administration of lands;
- Administration of evaluation and the economics of land use;
- Administration of state land-survey and monitoring;
- Administration of state land work regulation and licensing;
- Administration of state registration of territory, and the coordination of its branches.

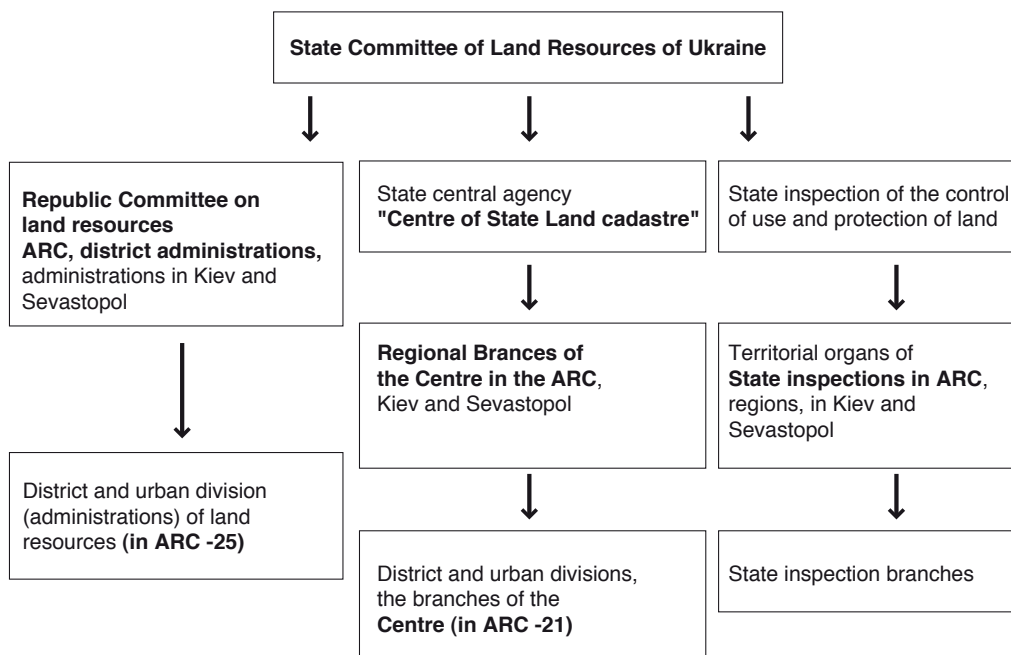
The *Derskomzem* exercises these functions through the Central Land Resources Executive Agency in the Field of Land Relations. Its main tasks are as follows:

- to make proposals on the creation of State policy in the field of land relations, and to ensure the implementation thereof;
- to co-ordinate the implementation of land reform;
- to participate in the development and implementation of national and regional programmes of land use and protection;
- to maintain the State land cadastre, including the state registration of land plots;
- to perform land use management, land monitoring and to exercise State control over land use and protection;
- to perform expert appraisals of land use management, the land cadastre, land protection, land relation reform programmes and projects;
- to develop economic and legal mechanisms for the regulation of land relations;
- to participate in the development and implementation of actions aimed at the development of the land market;
- to engage in international co-operation in the field of land resources;
- to solve other 'land issues according to the law.

The *Derskomzem* does not have jurisdiction over land management carried out by municipalities and villages. According to the *Law on Local Self-Government*, the municipalities and villages are the institutions responsible for land management within their administrative boundaries' and the committee can only offer technical support.

Within Crimea the *Derskomzem* acts under the Republican Committee of Land Resources (*Reskomzem*). Similar branches are provided for the cities of Sevastopol and Kiev – cities with special status. *Reskomzem* has branches in 14 districts (Rajon) and 11 branches in the cities in Crimea. It employs 266 persons while 54 are employed in the committee's central office in Simferopol. Although the committee and *Reskomzem* have a vital role in preserving the integrity of the system of land allocation, they have also been accused of **certain inappropriate practices, especially at high levels of the management structure**. The last two committee and *Reskomzem* chairmen were dismissed from their positions and stand accused of alleged conflict of interest.

The *Derskomzem* is currently responsible for the project to develop a digitalised land inventory, but, as discussed earlier, **this process is extremely slow, due to under-funding**. The **organizational** structure of this institution in the Ukraine and in Crimea can be understood according to the following schema (for clarity, the territorial jurisdiction of Crimea is written in bold format):



The Derzhkhozem, being the central institution in Ukraine in charge of land management, is responsible for two main tasks in land management:

- **Cadastral/land registration**
- **Land inspection**

## Land Registration

The current land registration systems in Crimea and the Ukraine suffer from serious deficiencies, because of the absence of a unified system of registration. Currently no single institution is fully responsible for the validation of information concerning titles to real estate in the Ukraine. There is also no unified system which could provide all relevant information related to: single land plots and their size, contention over plots, property status, technical features, real estate owner information and potential restrictions to property titles.

In order to conclude any real estate transaction, it is currently necessary to acquire documents from many different agencies, such as: the municipal organ in charge of land registration (municipality executive council), the Bureau of Technical Inventory, the private and State land surveying office among others. It is estimated that one requires 10 different documents from various offices to enter into any real estate agreement. Each office has its own rates of taxation and fees, conditions for the validation of documents, and other discrepancies. It is therefore difficult to validate documents within given deadlines.

The current registration system is also highly complicated, dysfunctional and cost ineffective, due to its origins in the former Soviet system where land plots (always considered State property) and real estate property (houses) were considered as two separate categories. As a result of this, there are currently three institutions in the Ukraine performing land registration:

- **The Regional branch of the State Central Land Cadastre in Crimea (Reskomzem):**  
Responsible for land registration
- **The Ministry of Justice:** A public notary office within this Ministry issues certificates related to property restrictions
- **The Bureau of Technical Inventory:** Prepares documents and issues property rights certificates for real estate units (houses) after the registration of houses is performed by the Municipal and village council department for land registration.

An attempt to harmonise land registration was made in 2004 when *Law 51 on the State Registration of Real Rights on Real Estate Property and Their Limitation* was adopted. This law created the basis for the modern and unified system of real estate registration, which established that land plots and real estate property on these plots were to be considered as part of the same unit, and should be unified and registered under the same cadastral number. It introduced a precise and simplified procedure for a unified registration system of ownership rights, technical details of plot size, details of immovable property, as well as details of rights restriction. In addition it assured accessibility to relevant information from the register, and established State responsibility for the authenticity of data contained in the register, as well as compensation for damage caused by inaccurate information.



This law also made provisions for putting a single group of specially trained professionals (register officers) in charge of the whole registration process. It was envisaged that these officials, like a notary, would be empowered to make decisions on ownership registration. Particular technical requirements (special stamps) for security and the authenticity of documents were proposed. However, due to a shortage of funds this law was never implemented and the secondary legislation, which would have defined its procedural details, was never enacted.

## The Current Land Registration System

The development of a digitalised state land cadastre has passed through various stages. In 1993 the land Committees of each Ukrainian Oblast<sup>2</sup> or, in Crimea, the *Reskomzem*, were instructed to compile available data into their various land registers using different registration software. However, this initiative failed due to lack of coordination. In 1998 the President of the Ukraine issued the *Decree on the Improvement of Cadastral Standards*, requiring that each Oblast set up a land registration unit/cadastre within the Oblast land committee (*Derzhkhomzem*), or in the Crimean case, *Reskomzem*.<sup>3</sup> Unified standards in data collection were established, however, chronic shortages of funds led to difficulties in conducting the activities of those registries. In 2003 the State Land Resource Central Office (*Derzhkhomzem*) started a comprehensive digitalisation of the cadastral data collection. Consequently, the Crimean Land Cadastre Unit was integrated into the land cadastre units of each Oblast termed Central Land Cadastre Units, and placed under the direct supervision of the *Derskomzem*.

The Crimean Land Cadastre Unit retains this status today. According to the data registered in the land book (in non-electronic form), the current situation is as follows: in Crimea there are 1,000,000 land users; of these, 800 000 of them are individual land users. 260,000 State Acts (deeds) are issued to them and 48,000 land users are under lease contracts.

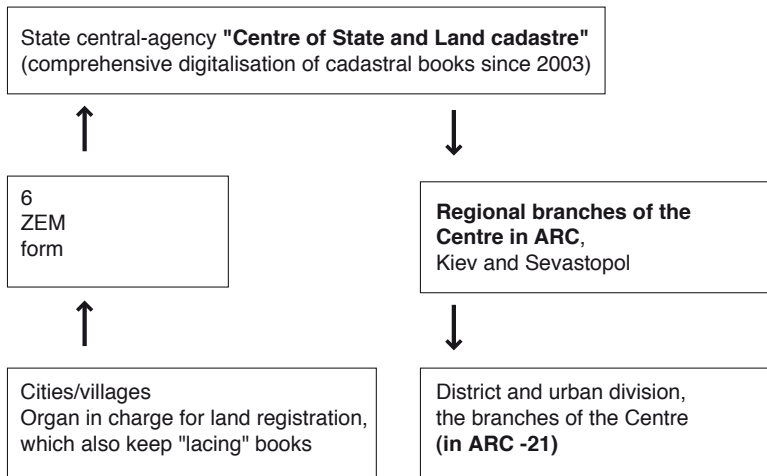
The available data from the land register in electronic digital form in Crimea shows there are currently (as at April 2006) 50,000 State Acts (deeds) owners of Land and 8,000 lease contracts.

Digitalisation is being implemented using the ARM Ukrainian Software programme. The procedure of registration specifies that every month the local land Cadastre branches are obliged to send updated digital data (in reality sending the floppy disks) to the Oblast Branches of the Land Cadastre (in the Crimean case, to the Regional Branches of State land Cadastre). In Crimea, like in the rest of Ukraine, the State Land Cadastre of the *Reskomzem* has both electronic and hard copy data on the State Acts (deeds) and lease contracts since 1991. Prior to this, the data was held in so-called “snjurovana knjiga” (lacing books), which were kept within the administrative units of the local government councils (cities/villages) during the Soviet period. The procedure of updating the status of the land parcels contained in the ‘lacing books’ into the land/cadastral books is very slow.

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2 Ukrainian territorial administrative unit.

3 Similar special branches existed in Sevastopol and Kiev since those two cities have a special status according to Ukrainian territorial and administrative framework.



Therefore there is an ongoing two way process of updating the land data into digital form:

- There is the centralised system of digitalisation which was initiated systematically in 2003 by the central State Land Cadastre (see above scheme -right).
- There is another process of updating the cadastral book from the ground up (see above scheme - left) in which each village and city council is obliged to report every six months using a specific blank form, the '6 ZEM form', in electronic and hard copy to the central land cadastral office on every real estate change.

Village and city councils are obliged to report every change relating to land within their territorial jurisdiction. These include change of ownership and change of land use such as shifting land from industrial to residential use.

The existing Ukrainian State Land Cadastre is called cadastre but it entails the function of land register and contains information on land parcels. The State land registration book is composed of two parts.

The first part is the land record book, which exists as an individual record, but it is physically divided into four books. Relevant information is contained in these four "different land books". The first book contains information on ownership by individuals while the second book contains the legal titles of ownership, legal owners.

The third book, contains records on the right to permanent use of certain buildings; civil service buildings, military buildings, roads and channels. The fourth Book contains contracts of rent. All four books are standardised with the same composition and tables for each page. Each page is also holographic protected and numerated. The division of information into four books facilitates access to particular kinds of information needed by different users.

The second part of The State land registration book contains information on land parcels.

This registration system is only for land plots as houses are registered separately. For real estate transactions of land parcels one must obtain the State Act (deed) only, while for houses it is necessary to obtain: the title deed, a copy of the technical passport of the house/apartment, and the primary estimate of the house/apartment value.

As stated previously, the system of buying or selling a house through a civil contract is enormously bureaucratic and the parties involved have to visit at least 10 different institutions to obtain the different necessary documents. One must obtain a property rights certificate from the Bureau of Technical Inventory. Purchase contracts must be notarized and the new owner should register in the village/city Council Registry<sup>4</sup> where the house is located. One must then visit the Technique Inventory Bureau with a sale and purchase agreement in order to register the change of owner. After the registration of the house, the new owner must register the land parcels in the branch offices of the State Cadastral Land Register.

The land committee registers land parcels through a standardised procedure which consists of registering only the owner rights and the technical data related to the land plot, such as its size and location, and then assigning it a cadastral record number. Other information about the house is kept in the Technique Inventory Bureau, which means that the house and the land parcels are registered with two different cadastral numbers. Apart from these highly complicated procedures, another weakness derives from the legal position of the Technique Inventory Bureau as the organ in charge of preparing and issuing property right certificates to house owners. The Technique Inventory Bureau is a municipally-based technical organ. Accordingly, the State is not responsible for the validity or accuracy of its certificates.

## **Other weaknesses:**

### **Fragmented information on single pieces of immovable property**

The registration process is not carried out in a unified and comprehensive way by a centralised State agency.

### **Accessibility**

The new 2004 *Law on Registration* established a single system of registration for real estate titles and envisaged the land book as a public document. However, in the absence of adequate funding, the 'old' procedure remains in force and public access to the registry is restricted.

### **Non-existent adjudication procedure**

Current procedures do not specify an administrative procedure for determining owner's/user's rights. There is no established administrative procedure for registration, and people wishing to register their rights are forced to gather diverse documents confirming each individual piece of property.

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<sup>4</sup> According to Article 33, b) 2) of the "Ukrainian Law on Local Self-Government" village, settlement, town and city councils are responsible for the registration of titles to land, and land lease agreements and rights to the use of land.

### **The direct electronic network**

A direct electronic network does not exist among the land registers, tax offices and other offices of public administration. The current process of exchanging information between offices is slow and encourages illegal actions, such as fraud and speculation.

### **The State is not a guarantor for the right of ownership**

At present, there is no direct responsibility of the state for the damage caused by incorrect data contained in the Land Register. The three different kinds of responsibility that do exist are as follows:

- **Licensing agencies** are responsible for carrying out surveys, detecting incorrectly recorded data and coordinating the land parcels. **In this case**, it is the contractual responsibility of the licensing agency, which derives from the contract stipulated with the customer.
- In the case of the wrong inscription of the date by an official, the public administration official is obliged to correct the data upon the customer's request. Otherwise, the usual tool is the regular procedure for the compensation for damage before the civil court. The customer is obliged to provide the burden of proof.
- A compensation fund for the direct compensation for damage caused by the incorrect insertion of data into the land registrar has been provided by the *2004 Law on State Registration of Real Rights on Real Estate Property and Their Limitation*

#### **Recommendations:**

Financial support must be given, as an absolute priority, for the introduction of secondary explanatory legislation (regulations, guidelines) to ensure the implementation of the *2004 Law on State Registration of Real Rights on Real Estate Property and Their Limitation*. According to information from the State cadastral office, the Ukrainian government has concluded and ratified an agreement with an international financial institution on a loan for the development of the digitalised cadastre costing US\$250 million.. However, the expenses have not been estimated either at the Crimean or at the Ukrainian state levels. Accordingly, this loan is still not operative.

This law provides for a clear and efficient system of land registration, and oversees transfers, as well as restrictions on the termination of real estate titles by way of a unified and simplified procedure. The Ukrainian land management institutions should be aware of the urgent need to enact this law as it is a prerequisite for the creation of a modern, accessible, and transparent system of state registration of claims and rights to immovable property. The creation of a centralised, immovable property registration system would probably take a decade, but once accomplished it would produce significant long term benefits (transparency, accessibility and cost effectiveness) for all Ukrainian citizens.

The unwillingness of political entities to adequately fund the digital cadastral registration, even when funds from international loans are assured, is probably the result of a desire to preserve the existing lack of transparency and to avoid the exposure of the real owners of certain land plots allocated under doubtful and non-transparent administrative procedures explained in the first part of this Report.

## **Formal and Informal Land Registration**

Informal land registration is not a widespread practice in Ukraine, but it is a growing problem. Although there were some cases of some formerly deported people attempting to settle on land without permission, during Soviet times, the authorities usually destroyed these houses. The strict bureaucratic control that the authorities imposed on people's movement and residence made such practices comparatively rare. More recently some people have registered property for less than its true value in order to minimise taxes and other fees. This practice has become prevalent in the areas of the Southern coast where the value of the land plots is higher than the value of a single house.

## **State Land Resource Committee Inspection - (Republican Committee of Land Resources in Crimea)**

The State Land Resource Committee, (with its branch in Crimea), has an Inspection Unit which is empowered to conduct land inspections. The institutional mandate of the Inspection Unit regards the control of land use and the control of all kinds of protection short of the ecological protection. In cases of land allocation, the inspectors are in charge of conducting the technical evaluation and status of the land.

The Inspection Unit is empowered to make written requests according to the *Law on Administrative Procedures* in order to stop alleged violations of law and reinstitute the previous situation in the case of asserted law infringement on the use of land.

Otherwise, the inspection unit could file a complaint with the State Attorney's office.

However, currently the inspection unit is affected by several restrictions that prevent it from performing its task successfully. The challenges include under-staffing and lack of resources. Currently the average salary of the inspectors is only 500 HRV (US\$100) a month. The staff is not provided with cars, or travel expenses for field visits, and not even the head of the inspection unit in Crimea has a computer. Under such conditions the inspectors are prevented from making field visits. They are obliged to remain in the office, almost exclusively dealing with claims from citizens on the infringement of land use legislation, and trying to determine the most serious alleged law infringements. Under such working conditions many cases of violations of land use remain undetected and unaddressed.

There are currently only 32 land inspectors for the whole of Crimea, which makes effective inspections impossible. (In the Simferopol *rayon*, for example, there are two inspectors for 64,000 land users). The Unit's mandate is also purely reactive and it cannot take preventive action against bodies who are acting unlawfully.

## Local State Administration (Rajgos administracija)

The State Representative is responsible for the implementation of all state programs and ensuring the effective use of natural, labour, and financial resources. He or she is appointed to a district/Rayon, which comprises a territory outside of that belonging to the cities/villages. The Rayon representative council is at district level and consists of delegates from cities and villages located within its territory. The State Representative is appointed and dismissed by the President of Ukraine. In Crimea, where there are 14 districts, the President acts on the advice of the Crimean authorities. The State Representative's primary task is to see that the *Law on the State Budget of the Ukraine* is executed properly. He or she proposes the budget and the Rayon council is tasked to execute it.

The State Representative does not have a strong institutional mandate, but when the Ukrainian State approves specific programmes, the State Representative is responsible for their implementation. This includes supervision of allocated funds and the control of tender procedures for programme implementation. The State Representative assumes the following tasks in land relations:

- administration of state-owned land
- participation in the development and implementation of national and regional (republican) programmes of the land use and protection
- coordination of land use management and state control over land use and protection
- buying land plots for public needs
- proposing specifications and modifications to villages, towns, districts, city districts, and city boundaries
- controlling the utilisation of funds received as reimbursement for losses in the agricultural and forestry sectors after expropriation
- coordinating the activities of local land resource management authorities.

The State Representative is mandated to support and coordinate the finalisation of the process necessary to transform land certificates (land shares) into State Acts, especially for agricultural land. At the present rate it is likely that this procedure will be finalised by early 2007. According to the current legislative framework, the municipality (city council) is authorised to allocate land for urban construction, but it is not clear whether the representative organs of the village council have the power to allocate land for construction within their boundaries. These councils maintain that their mandate includes such decisions, while the State Representative argues that this is his/her task. In practice, both of them allocate land, which creates confusion and legal uncertainty.

## The Role of Municipalities in Land Management

The role of the local self-governing bodies (villages/municipalities) in land management has been explained in the first part of this Report, which also outlined the problems with current arrangements. These include:

### Deficiencies of Legislative basis

The current *Law on Local Self Government* considers both village and city as administrative units of equal footing. However, this overlooks differences in size, development, infrastructure and status between different places. A draft *Law on Administrative Territorial Reform* would allow villages on the borders of cities to obtain the status of city district, and could be a good way to encourage the gradual development of urban areas, but the law has been stalled in the Ukrainian parliament for the last ten years. Land continues to be allocated on a non-transparent basis in these places and when the law does eventually come into effect, this could lead to high administrative and compensation costs for local authorities.

Urban development is also hindered because urban plans are not operative in many areas. The current process of urban planning and approval involves too many institutions (supervisory, approval, advisory), which results in high costs. When certain big cities have accomplished the technical part of a project (i.e. ordered and worked out plans from urban planning institutes), the institutions in charge of approving the project often lack the necessary political support. Blackmail and favouritism are also widely practiced by political and institutional organs. **For example, as a pre-condition to the approval of the abovementioned urban plan, certain “affiliated” firms, suggested by politicians or civil servants, must take place in the development of the urban plan.**

### Outdated land coordination system

The land coordination system is complicated, bureaucratic, secretive and practically inaccessible to interested parties, which creates numerous problems in urban development. When municipalities need to enlarge their external boundaries in order to allocate urbanised plots for the construction of apartment buildings, they are forced to hire licensed agencies to verify the coordinates and determine the size of the land plots. When licensed agencies gain access to classified maps and coordinate records, they sometimes discover that the municipal land plots on the external borders belong to other entities and that the city council cannot allocate this land for construction. In such cases it is necessary to determine new borders through costly procedures: Ukrainian legislation requires at least four points of verified coordinates for each plot.

Another problem, which derives from non-defined municipal borders, is that when a land plot is located on non-defined boundaries, it is considered State property and the municipality receives only 75 percent of tax on its sale.

## Legal Deficiencies

### General

Land legislation is still fragmented and contained in different, separate laws. It is estimated that apart from the 2001 Land Code, the single provisions on land regulation are comprised by another 20 to 40 separate laws. There is an urgent need to integrate this fragmented land legislation.

The existing 2001 Land Code is an improvement on the 1993 Land Code, but there are still many other laws relating to land some of which are contradictory and imprecisely worded, which can lead to disputes over their interpretation. The secondary, explanatory, laws which are necessary to put them into affect are also imprecise, contradictory and outdated. Most were adopted at the end of the 1980's and the beginning the 1990's, and have not been changed since.

## **2001 Land Code**

The widespread practice of non-transparent land allocations makes the introduction of changes to the Land Code of Ukraine a necessity.

The provision contained in Article 118. Paragraph 9 and Article 123. Paragraph 6 regarding the land plot allocation plan, state that these which shall be 'submitted to the relevant state administration or the village, town or city council'. This could permit the creation of parallel organs (departments of cities/villages) to the official system. In order to prevent such practices, the local self government bodies should be allowed to express only advisory opinions that are not compulsory for the public organs of land resources.

According to Articles 8 and 10 of the 2001 Land Code, the provincial and district councils are the organs in charge of the management of community owned land (immovable property of public interest such as squares, streets, passages, beaches, parks, etc). But the Land Code does not contain a provision related to the management of these areas by the corresponding organs, and article 83 refers only to the exclusion of those areas which cannot be placed into private ownership.

Article 15 of the Land Code explains the mandate of the land committee (Derskomzem). The function of the Inspectorate within the land committee as one of the most important branches of this institution is discussed in imprecise terms as the organ in charge of "*exercising state control over land use and its protection*". This needs to be more precisely defined, in line with its (formally) powerful mandate.

## **Law on Local Self Government**

This should be amended by adding an article/chapter regulating the interrelations of local self-government and the Supreme Council of Crimea to empower the latter provide effective redress in the case of doubtful administrative decisions. It is also necessary to consider denying the authorities of village/city councils the authority of exercising government control over the protection and use of land as a delegated administrative organ, in order to avoid different interpretations of the intended mandate. The State Land Resource Committee -*Derzkhomzem* should also be empowered to exclude local authorities from the land registration process where necessary. This proposal would be in line with the proclaimed creation of a unified and centralised system of land registration in Ukraine. To this end it is necessary to amend Article 33 of the *Law on Local Self-Government*. This Article, part of which refers to the regulation of land relations, should be fully harmonised with the 2001 Land Code as the organic law in land relations.



## **Law on Land Tax Payment**

The *Law on Land Tax Payment* should be amended to review existing privileges relating to sanatoriums and health spas. Chapter 5 (Land Payment Exemption) of Article 12 of this Law exempts these entirely from paying land tax. There are currently 649 sanitation and health complex establishments in Crimea, spread out over 3680 hectares. Currently, 75 medical and sanitary complexes (12 percent of the total dwellings) occupy 1389 hectares, or 38 percent of all sanitation complex land is totally exempted from land taxes. This represents a potential loss of revenue of approximately US\$3 million.

## **Law on Administrative -Territorial Device**

This law has been in draft form for 10 years and should be adopted as a matter of urgency. Some villages on the borders of the cities should be given the status of a city district (being a suburb of the city) as the current system generates numerous anomalies over the rational use of budget taxation, and property.

## **The 2003 Law on Mortgage**

This has recently entered into force, and is considered an essential tool for **strengthening creditor** rights and contributing to the development of land leases and especially the agricultural credit market. However, the law still requires explanatory legislation relating to its proper implementation. The secondary legislation should precisely define the procedural steps for the inscription of limitation rights in the land register, which has not been adopted yet. The interlocutors from the State Land Register Branch have confirmed that due to the **absence of supportive legislation** for the implementation of this law they refuse to provide information for creditors for bank loans.

## **The Law on the Delimitation of Land of State and Communal Property**

This law introduced very precise norms (plan, schedules) on how to perform the technical work of the determination of boundaries, and it lists the tasks of all actors involved (local councils, district state administrations, land committees, etc). The demarcation of boundaries of State and communal land is one of the most important land issues in Ukraine. In almost all urban areas the local authorities (villages/cities) possess parcels that belong to their municipalities, but also to the State. Precise boundaries are not defined, and this leads to irrational use or mismanagement of land resources. It is envisaged that this task should be accomplished in Crimea in 2007, and throughout the whole Ukraine by 2012, but the technical work on delimitation are financed by State and local budgets. However, neither state nor local budgets include separate funds for financing these expenditures, and the completion of the tasks within the defined period is dependent on the availability of funds.

## Settlement of Land Disputes

Apart from the Courts, the Land Code (Article 158) provides for two bodies for the settling of land-related disputes: the local self-administration bodies (municipalities) and the land committee. The State Land Resource Committee-*Derzhkhozem* is authorised to settle land-related disputes over the boundaries of land plots outside populated areas, and to place restrictions on land use and land leasing. The local self-administration bodies are in charge of settling land-related disputes within populated areas with respect to the boundaries of land plots owned and used by individuals. They are also responsible for ensuring individuals practice good neighbourliness, as well as for disputes relating to the delimitation of districts in cities.

However, in land related disputes, the Land Code states that only courts shall settle land-related disputes involving issues of the possession, use and administration of land plots owned by individuals and legal entities, as well as disputes related to the delimitation of territories of villages, towns, cities, districts and oblasts. Two different tendencies towards the future development of the judiciary can be observed in Ukraine's judicial system.<sup>5</sup> Traditionally, the judicial system was established on a territorial basis (courts of general jurisdiction), whereas the most recent trend is to establish specialised courts.

The Ukrainian 2002 '*Law on the Court System*' established that the system of courts of general jurisdiction consists of:

- Local courts
- Courts of appeal, the Appellate
- The Cassation Court of Ukraine
- Highest specialized courts
- The Supreme Court of Ukraine

As at April 2006 only the Commercial court (*Hazejski sud*), which is in part relevant to land, is fully operational. The Commercial court is mandated to solve disputes related to the commercial use of land. It is not intended to deal with cases involving individuals, but only with disputes between commercial companies or other legal entities or administrative State organs. In cases where one part of the dispute involves an individual the case falls under the jurisdiction of the regular territorial court.

The creation of a Special Court for land disputes could be useful given the vast number of disputes, and potential disputes, that currently remain unresolved and the importance that agriculture plays in the Ukrainian economy.

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<sup>5</sup> The Ukrainian Constitution (Article 125) established the judicial framework based on the principles of territoriality and specialization.

## The Impact of Islamic Land Law

The Crimean Tatar community practises a very moderate form of Islam, similar to that of the Turks, where religious practises co-exist with secularised State rules. Up to a third of the Crimean Tatar population lives in mixed marriages. Practices such as the veiling of women are rare. Traditional Crimean Tatar custom provide protection to women and, in line with Islamic law, dowry land remains the property of the woman in case of divorce.<sup>6</sup>

Most Tatars came from relatively prosperous backgrounds and are professional people, although they have suffered a drop in income since returning home.<sup>7</sup> The unemployment rate among Tatars is very high, around 60 percent and women suffer particular disadvantage. However, this disadvantage is more due to a lack of knowledge about their rights under existing law than to gender discrimination under the law. Ukrainian civil legislation related to property fully respects the principle of equality regarding the inheritance and property of spouses during marriage. Spouses have equal property rights and in case of divorce, the spouses share the property equally.

## International Land Projects in Crimea/Ukraine

### Land Projects in Crimea

#### The Turkish Agency for International Development (TIKA)

The Turkish Agency for International Development has been present in Crimea since 1997. The Turkish Agency funds the UNDP Office in Crimea, and also implements its own projects of co-operation. Previously, the Turkish Agency's main difficulties derived from the lack of regulation of international cooperation, which, prior to 2002, was a major obstacle to the carrying out of their regular activities (problems with registration, customs payments for imported materials, etc).

After 2002, The Turkish Agency implemented eight different housing-related projects for formerly deported people, which are all predicted to be accomplished by 2006. The estimated costs are around US\$6 million and have benefited 825 families. The housing project is organised in a way that has The Turkish Agency's experts evaluate every single case and estimate the cost of construction. Building materials are provided for and technical supervision is offered.

The second period, 2006 to 2008, of The Turkish Agency projects will be oriented towards the implementation of educational projects, entailing the construction and furnishing of 20 schools. The Turkish Agency also participates in the UNDP project of water supply in two districts comprising 32,000 beneficiaries.

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6 Conclusions based on the interview held with Mrs. Mahmutova Ekaterina, representative of "LIGA" Tatars Women Legal Service.

7 13-01-2005; Transcript of the discussion on repatriation and integration of the Tatars of Crimea in the Council of Europe, Committee on Migration, Refugees and Demography.

## **United States Agency for International Development - Ukraine Land Titling Initiative Project -ULTI**

The Ukraine Land Titling Initiative (ULTI) land privatisation process is aimed to help Ukrainian citizens convert their land certificates into State Acts (deeds). The United States Agency for International Development helps offer legal assistance through the different stages, including conducting the land surveys necessary to obtain proof of ownership. The Ukraine Land Titling Initiative selects private land survey companies through tender procedure and the surveyors organise all the technical work (field visits, land data collection, information on soil quality, and the evaluation of land parcels).

The most important technical work regards the geodetic survey for the division of boundaries. The main obstacle at this stage is the Crimea national coordinate system.

In official use is a 1:1,000 000 system dated from 1942. The coordinates are still considered “classified” and for access to detailed maps it is necessary to obtain special permission from the Geodetic authorities, which significantly slows down the land survey process. The second obstacle is technical: according to Ukrainian legislation, the division of boundaries requires the verification from at least four coordinates, which is costly (around US\$20). Recently survey companies started using the modern GPS system, which measures land plots from the centre to the boundaries, and it is three times less costly. So far the Ukraine Land Titling Initiative has assisted more than 1 million Ukrainian citizens to obtain State Acts for agricultural parcels, and 15,547 State Acts for non-agricultural land plots.

The Ukraine Land Titling Initiative project has very limited presence in Crimea having started work at the end of 2005. It is present in only two districts (Bakhchisaraiskiy and Bilogorskiy). It is intended to assist Crimean citizens in the conversion of 10,000 agricultural and non-agricultural land shares into State Acts in the first stage.

## **Other Projects Related to Land in Ukraine**

### **The World Bank project**

The World Bank granted a loan of US\$195.13 million for the *Rural Land Titling and Cadastre Development* project in Ukraine. The project supports the privatisation of the agricultural sector through the technical support of boundaries of former collective farms. The priority is to conduct a land survey, registering the demarcation of land parcels, in order to help land share holders convert their certificates into State Acts (deeds). Furthermore, the project supports legal registration, a digitalised land titling cadastre, and modern policies of local government land planning.

The land committee prepared the project and it is the exclusive institution in charge of its implementation. The project consists of the following parts:

#### *Cadastre System Development*

Intended to support the creation of a unified, centralised State cadastre system and the development of a title registry system (this part of the report explains in depth the state cadastral status and its future development).

### *Land Survey Works*

Identical to the Ukraine Land Titling Initiative project, this part of the project aims to help individuals, mostly rural land share holders, to perform land surveys free of charge, and to obtain State Acts (deeds). This project also envisages *Institutional Development and Legal Reform* intended to assist the land committee in modern land-use planning for the market economy. The *Farm Restructuring Services* element provides advisory services on rights and duties to new or potential land owners in altered conditions of the agricultural market economy. This project also entails *training* for lawyers, consultants and surveyors involved in the process of Cadastre Reform and land survey work.

### **The Technical Assistance Programme for the Community of Independent States (TACIS) Project**

The European Union funded the Technical Assistance Programme for the Community of Independent States (TACIS) and also provided for the pilot project (1996-1999) to support the development of the system of land registration. The project's purpose was to create a suitable legal, institutional and technical environment for a modern, transparent and cost effective system of land registration. The project was implemented by land survey agencies from Belgium, Denmark and Sweden.

### **The Canadian International Development Agency (CIDA)**

Two years (1994-1996) of technical assistance projects managed by the CIDA were aimed at sharing Canadian expertise relating to land registration systems. The integral part of this project was the establishment of a modern geodetic centre at the regional (oblast) level. Similar to the other projects mentioned in this part, the CIDA project also tried to develop specific working models on land registration for small geographic areas. This project carried out land inventory of more than 20,000 land parcels. The technical land inventory work was performed by a Canadian company, the UMA Engineering Company.

### **Ukrainian-Swedish Pilot Projects on Land Registration System Development**

Within the Ukrainian-Swedish international technical assistance, many small pilot projects were designed to support the land reform process. These projects had the same objective as the Ukraine Land Titling Initiative, the World Bank and the CIDA projects, which were all intended to support the land privatisation process, mostly in the agricultural sector, by performing land survey work free of charge and supporting registration systems. The first pilot project, the "Creation of the Prototype of the Land Registration System", was implemented in certain geographical areas, especially in the Kiev oblast. The project involved the administration of Geodesy, Cartography and the Cadastre of the Ukraine, as well as the corresponding Swedish institutions. The project's purpose was to assist village inhabitants in all the steps of the land privatisation process (survey, registration, and obtaining the State Act), through which 1000 State Acts were issued.

Further, the following small pilot projects in the field of land reform were implemented:

(i) “*Development of Cadastral and Land Information Systems in the Ukraine*” (1997-1998) was organised to support the government authorities in developing a well-organised system of land registration and mapping.

(ii) “*Efficient Data Capture and Registration Process to Support the Development of a Real Property and Title Registration System in the Ukraine*” (1998-2000), whose objective was to transmit the know-how of methods and practices in data collection, and to organise a centralised title registration system.

(iii) “*Capacity Building for the Implementation of National Spatial Data*”. This project (2000-2002) aimed to create the basis for an efficient legal framework through a National Spatial Data Infrastructure which comprises the implementation of new methods for land valuation and taxation of collective farms.

## **Conclusion**

The different active approaches of various international agencies in their efforts to support the Ukrainian government in the land reform process are notable. Many international agencies focused their activities on the land privatisation process, performing technical surveys and helping the Ukrainian citizens to obtain State Acts free of charge.

However, almost all agencies, being restricted by project costs, focused their activities mostly on small geographical areas (pilot projects) which is an inadequate response to establish the basis of an efficient system of land management at the national Ukrainian level. Taking into account specific land related issues in Ukraine and Crimea, it would be necessary to define and fund priorities at the national level, which are:

- the creation of a modern, digitalised land registration system (land cadastre)
- to perform digitalised cost effective land inventory

Therefore financial and technical assistance in good governance by global institutions such as the World Bank, and European Bank for Reconstruction and Development, should be considered a priority.





**HOUSING, LAND  
AND PROPERTY  
IN CRIMEA**



**UN-HABITAT**

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