
MANAGEMENT OF LAND RESOURCES AND LAND USING

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FINANCIAL SUSTAINABILITY OF UNITED TERRITORIAL COMMUNITIES AND LAND MANAGEMENT: STATE AND PROBLEMS

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Abstract. *It is grounded that in order to improve the financial condition of the created united territorial communities, land management measures should be implemented in order to establish their boundaries and land management of the territories, which, as land improvements, will increase the cost of land and, accordingly, revenues to the budget from the payment for land. To determine the legal and organizational principles of land management of the united territorial communities, proposals were made for amending the current legislation.*

Keywords: *land management, schemes of land management, territory of united territorial communities, land use, land management, land payment*

Formulation of the problem.

According to Article 2 “Principles of Voluntary Association of Territorial Communities”, of the Law of Ukraine “On Voluntary Association of Territorial Communities” [1], one of the principles of voluntary association of territorial communities is the principle of economic efficiency. At the same time, the

legislative and organizational directions of the implementation of this principle are not disclosed in the law.

According to Article 142 of the Constitution of Ukraine [2], the material and financial basis of local self-government is movable and immovable property, revenues of local budgets, other funds, **land and other natural resources** owned by territorial

1. Revenues of the united territorial communities in January – October 2017–2018 [3]

№	Budget revenues	2017		2018	
		mil. UAH	%	mil. UAH	%
1	Personal income tax	4100.8	40.6	9388.3	58.4
2	Excise tax	1259.7	12.5	1281.0	8.0
3	Land use payments	2279.5	22.6	2253.6	14.0
4	Single tax	2231.2	22.1	2803.9	17.4
5	Immovable property tax	227.8	2.2	349.5	2.2
Total		10099.0	100.0	16076.3	100.0

2. Estimation of the existing use of natural resource potential on the territory of the Desnianska united territorial community of Chernihiv region [4]

The name of the village councils that are part of the UTC	Resource potential as of 2016, ths. UAH						
	Mineral	Water	Land	Forest	Faunis- tic	Recre- ational	Total
Desnianska	0.00	0.0	0.0	23.6	1.4	3.1	28.1
Kosachivska	0.00	167.7	55413.7	51550.8	2246.7	46.3	109425.2
Mosivska	0.01	29.1	85067.0	12767.2	555.6	15.2	98434.1
Koropiivska	0.00	3.9	40109.6	1733.4	76.0	10.5	41933.4
Total	0.01	200.8	180590.3	66075.0	2879.6	75.1	249820.8
Specific weight of use of existing potential of NRP, in % to 1990	0.04	0.04	81.4	71.7	19.0	0.2	60.2
In % to existing NRP*	-	-	16.3	14.3	-	0.004	12.2

* Expert estimation of potential of natural resource potential of A. Tretyak

communities of villages, settlements, cities, urban areas, and as well as objects of their joint property, which are in the management of district and regional councils. Thus, the land and other natural resources located on the territory of the united territorial communities (UTC) are their material and financial basis. However, as shown in the Table 1, the revenues to the budget of the united territorial communities from the land payments are increasing, but their specific weight of the total in-

come is reduced. This situation is explained by the uncertainty of the status and boundaries of the UTCs, the low efficiency of the use of land and other natural resources (*Table 2 shows, as an example, an assessment of the existing use of natural resource potential in the territory of the Desnianska united territorial community of Chernihiv region*) because of the absence of land management on their territories as an instrument for regulating land relations and land use rationalization.

Research results.

The process of community association lasts more than four years. However, by that time, there is no established (in the locality) territory of any one united territorial community and they are not included in the State Land Cadastre. The absence of community boundaries does not allow territorial communities to manage land resources within the jurisdiction of local self-government bodies. Consequently, these bodies remain isolated from resolving issues in the field of land relations.

According to the decision of the Cabinet of Ministers of Ukraine, 940,000 hectares of state-owned land outside of settlements was transferred to communal ownership during this year, representing only 4.8% of the total area of the united territorial communities. Of the total area of communal land, which is estimated now by experts of 5.2 million hectares, the State Land Cadastre has registered about 60 thousand ha or 0.1% of the entire territory of the country.

Legislative unregulated issues of establishing boundaries, developing schemes and projects for land management of a single land resource space of united territorial communities, village, settlement, city councils, land management projects for the formation of agricultural land masses that would allow the establishment of a landscape organization of the territory are at this stage one of the serious shortcomings of the introduction of the ubiquity of local self-government, the formation of a rational land use system, the creation of an ecologically balanced landscapes. However, only land management measures provided in the land management documentation permit the work on rational use and protection of land, the forma-

tion and organization of the territory of the object of land management, taking into account their purpose, restrictions on use and restrictions (encumbrances) on the rights of other persons (land easements), conservation and enhancement of soil fertility, etc. [5], namely, to make land improvements that increase the value of land and, accordingly, revenue to the budget of UTC.

Thus, according to our experimental researches in the Desnianska united territorial community [4], implementation of a complex of land tenure and legal measures to organize the use of existing natural resource potential, will increase average annual revenues of the budget of UTC to 2042.6 thousand UAH compared with 424.4 thousand UAH in 2015 (4.8 times more). If such an increase in the proceeds from the payment for land is expected within the territory of the UTC [3], it will amount to 10817.28 million UAH, and it's share of all revenue in 2018 would be 67.3% instead of 14.0%. Thus, land management is among the most important tools for increasing the financial sustainability of the united territorial communities.

According to Article 1 of the Law of Ukraine "On land valuation", land improvement is a change in the qualitative characteristics of the land due to the location of buildings, structures, engineering infrastructure objects, melioration systems, perennial plantations, forest and other vegetation, as well as due to economic activity or carrying out of certain type of work (change of relief, improvement of soils, etc.) [6]. Thus, the formation of a rational system of land use, the creation of ecologically balanced landscapes, the preparation of scientifically grounded proposals in the field of land relations, in particular regarding the redistribution of land, envi-

ronmentalization of land use, is impossible without the development of land management schemes and projects.

In accordance with Article 184 of the Land Code of Ukraine [7], land management provides for the drawing up of land management schemes, the development of feasibility studies on the use and protection of land in the respective administrative-territorial units. According to Article 45 of the Law of Ukraine “On Land Management” [5], the above schemes and justifications are drawn up in relation to the territory of the district, village, town, city. However, in accordance with Article 53 of the same Law for villages, settlements, cities, individual land management projects are being developed to streamline the territory of these settlements. Thus, in the legislative field, there are conflicts as to the nature of such a type of land-use documentation as “Land Management Schemes”.

Land-use problems can not be covered by the scheme of planning of the united territorial communities, plans of territorial communities or other city-planning documentation. This is especially true of specific problems – creation of ecologically balanced landscapes, ecologization of land use, organization of territorial agricultural and non-agricultural enterprises and organizations.

Thus, in addition to the land management schemes of administrative districts, land management schemes of the territories of the united territorial communities of village, settlement, city councils should be developed.

In this regard, *we are proposing amendments and additions to some legislative acts of Ukraine that are related to the necessity of land management of the united territorial communities.*

I. Land Code of Ukraine

The title of Chapter 29 of the Code should be worded as follows: Establishment and change of the boundaries of the administrative-territorial units, as well as territories of the united territorial communities, village, settlement and city councils.

To supplement the Code by **Article 173ⁱ in the following wording:**

Article 173ⁱ. The boundaries of the united territorial communities, village, settlement, city councils

1. The boundaries of the united territorial communities, village, settlement, city councils are conditional closed lines on the surface of the land separating the territory of the united territorial communities, village, settlement, city councils from other territories.

2. The boundaries of the united territorial communities, village, settlement, city councils are established and changed by land management projects in relation to the establishment (change) of their boundaries.

Land management projects on changing the boundaries of the united territorial communities, village, settlement, city councils are developed taking into account the existing boundaries of village, town and city councils on the petitions of the respective communities.

3. Information about the established boundaries of the united territorial communities, village, settlement and city councils is entered into the State Land Cadastre and is determined in the extract from the State Land Cadastre, which is issued free of charge to the corresponding united territorial community, village, settlement, city council.

4. The decision to establish and change the boundaries of the united territorial communities, rural, settlement and city councils, shall be adopted by the

district council on the proposal of the respective united territorial communities, village, settlement and city councils.

5. The boundaries of the united territorial communities, village, settlement, city councils are established in accordance with the procedure and in accordance with the law.

3) In **Article 184** of the Code, the paragraph “c” should be worded as follows:

c) drawing up schemes of land management of oblasts, districts and territories of united territorial communities, village, settlement, city councils;

4). In **Article 186** of the Code:

in paragraph 1 of part one, the words “Land management schemes and feasibility studies for the use and protection of land of administrative-territorial units”, replace with the words “Schemes of land management of oblasts and districts”;

paragraph 2 of part one is to be worded as follows: “In the case of the development of a land management scheme for a territory of a united territorial community, village, settlement, city council, this scheme shall be approved by the respective village, settlement, city councils”;

paragraph 3 of part one is to be worded as follows: The scheme of land management of the oblast, district is approved by the relevant oblast or rayon council, and land management schemes of the territories of the united territorial communities, village, settlement, city councils are approved by the corresponding united territorial community, village, settlement, city council;

paragraphs 3 and 4 of part one should be deleted.

II. Law of Ukraine “On Land Management”

In **Article 25** of the Law, paragraph “(c)” of the second part shall be worded as follows:

c) schemes of land management of oblasts, districts and territories of united territorial communities, village, settlement, city councils.

2) **Article 45** shall be amended to read as follows:

Article 45. Schemes of land management of oblasts and districts.

Schemes of land management of oblasts and districts are being developed with the purpose of determining the prospects for the use and protection of land for the preparation of substantiated proposals in the field of land relations, the organization of rational use and protection of land, redistribution of land, taking into account the needs of rural, forest and water management, development of villages, towns, territories of recreational, historical and cultural purposes, nature reserve fund and other nature protection purposes, etc.

Schemes of land management of oblasts and districts are developed by the decision of the regional, district council.

The scheme of land management of the oblast or rayon includes:

- a) the task of drawing up a layout scheme;
- b) an explanatory note;
- c) the decision of the relevant local authority on the development of a land management scheme;
- d) characterization of the natural conditions of the region, district;
- e) information on the current state of use and protection of land within the region, district (including restrictions on land use);
- f) cartograms of land categories in the context of land within the territory;
- g) cartography of agro-industrial groups of soils and steepness of the slopes;
- h) environmental and economic justification for the use and protection of land;

- i) technical and economic indicators of the land management scheme;
- j) materials for geodetic surveys and land-use planning;
- k) information on the perspective state of use and protection of land within the region, district;
- l) scheme of planned measures for rational use and protection of land;
- m) materials for approval of the land management scheme.

3) To supplement the Law with **Article 45¹** in the following wording:

Article 45¹ Schemes of land management of territories of united territorial communities, village, settlement, city councils

Land management schemes of territories of united territorial communities, village, settlement, city councils are developed with the purpose of determining the directions of use and protection of land and other natural resources depending on their suitability, value and potential, market redistribution of land taking into account the interests of the state, territorial communities, citizens and legal entities. Land management schemes of territories of united territorial communities, village, settlement, city councils are developed with the purpose of determining the directions of use and protection of land and other natural resources depending on their suitability, value and potential, market redistribution of land taking into account the interests of the state, territorial communities, citizens and legal entities.

Land management schemes of territories of united territorial communities, village, settlement, city councils are developed by the decision of the respective territorial community or council.

The scheme of land management of the territory of the united territorial community, village, settlement, city council provides:

- analysis of land use, evaluation of resource potential of land resources, ecological stability of land use, determination of the main ways of improving land redistribution, their rational use and protection;
- development of proposals for optimizing the composition and correlation of land, classification of land for suitability for agriculture, melioration and improvement, justification of land redistribution taking into account the value of other natural resources for further use in recreational and other purposes;
- formation of the ecological network at the local level and expansion (refinement) of the territories (lands) of nature conservation, nature reservation, recreational, historical and cultural purposes;
- identification of land with different usage regimes, as well as land that is restricted in use;
- clarification of the boundaries of settlements and the definition of land reserves to expand their boundaries;
- substantiation of the prospects for development and improvement of the territorial allocation of land use by agricultural enterprises and farms, taking into account the suitability of land and the value of other natural resources, non-agricultural enterprises of small and medium-sized businesses and their cooperation, engineering, industrial and social infrastructure objects;
- development of measures for erosion organization of the territory, protection of land from erosion, flooding, waterlogging, secondary salinization, pollution by production and consumption wastes, radioactive substances, improvement of natural landscapes, etc.;

- determination of the need for capital investments and material resources for implementation of the planned measures, development of proposals for financing and implementation of measures envisaged by the land management scheme;
- an assessment of the environmental impact of changes in the structure of land use and the environmental, economic and social effectiveness of the proposed measures.

The scheme of land management of the territory of the united territorial community, village, settlement, city council includes:

- a) the task of drawing up the scheme;
- b) an explanatory note;
- c) the decision of the relevant local self-government on the development of a land management scheme;
- d) characterization of the natural conditions of the territory of the united territorial community, village, settlement, city council;
- e) information on the current state of use and protection of land within the territory of the united territorial community, village, settlement, city council (including restrictions on land use);
- f) materials of geodetic surveys and land-use planning;
- g) mapping the suitability of agricultural lands for the cultivation of crops and the value of natural resources;
- h) land zoning plan by category, type (subtype) of land use;
- i) the plan of territorial environmental and other restrictions on the use of land and other natural resources;
- j) information on the perspective state of use and protection of land and other natural resources within the territory of the united territorial community, village, settlement, city council;

- k) information on planned measures on rational use and protection of land and data on their volumes, terms of execution, cost and efficiency;
- l) technical and economic indicators of the land management scheme;
- m) materials for acceptance and approval of the scheme by the relevant united territorial communities, village, settlement, city councils.

III. Law of Ukraine “On State Land Cadastre”

Article 10 of the Law shall be worded as follows:

1. The objects of the State Land Cadastre are:

- land within the state border of Ukraine;
- land within the territory of administrative-territorial units;
- land within the territory of the united territorial communities, village, settlement, city councils;
- restrictions on the use of land;
- land plot.

Article 13 of the Law shall be worded as follows:

Article 13 Composition of information of the State Land Cadastre for land within the territories of administrative-territorial units, united territorial communities, village, settlement, city councils.

1. The State Land Cadastre includes the following information about land within the territory of the administrative-territorial units (the Autonomous Republic of Crimea, oblasts, cities of Kyiv and Sevastopol, districts, cities, towns, villages, urban areas) **and territories of united territorial communities, rural, township, city councils.**

- a) the name of the administrative-territorial unit, the united territorial community, village, settlement, city council;

- b) a description of the boundaries of the administrative-territorial unit, the territory of the united territorial community, village, settlement, city council;
- c) the area of land within the territory of the administrative-territorial unit, the united territorial community, village, settlement, city council;
- d) the full name of adjacent administrative-territorial units, united territorial communities, village, settlement, city councils;
- e) information on the acts on the basis of which the boundaries of the administrative-territorial units, the united territorial community, village, settlement, city council are established and changed;
- f) information on the category of land within the administrative-territorial unit, territory of the united territorial community, village, settlement, city council:
 - name, code (number), boundaries of the category of land;
 - description of boundaries;
 - area;
 - information about the documents on the basis of which the category of land is established;
- g) information about the territory of the administrative-territorial unit:
 - name, code (number);
 - contours of the land;
 - area;
 - information about the documents on the basis of which the site is determined;
 - information about the qualitative characteristics of the land;
- h) information on the economic and normative monetary valuation of land within the territory of the administrative-territorial unit, the

united territorial community, village, settlement, city council;

- i) information on bonus of the grounds of the administrative-territorial unit, territory of the united territorial community, village, settlement, city council.

2. The volume of information of the State Land Cadastre on qualitative characteristics of land in the territory of the administrative-territorial unit **and the united territorial community, village, settlement, city council** is determined by the Procedure of the State Land Cadastre.

3) Part one of **Article 18** should be worded as follows:

1. The documents of the State Land Cadastre, which are created during its administration, are:

- index cadastral maps (plans) of Ukraine, Autonomous Republic of Crimea, regions, districts, villages, settlements, cities, territories of united territorial communities, village, settlement, city councils;
- index cadastral maps (plans) of the cadastral zone, cadastral quarter;
- cadastral maps (plans) of the Autonomous Republic of Crimea, regions, districts, villages, settlements, cities, territories of united territorial communities, village, settlement, city councils, other thematic maps (plans), the list of which is established by the Procedure for conducting the State Land Cadastre;
- land books.

Conclusions.

In order to improve the financial condition of the formed united terri-

torial communities, land management measures should be implemented in order to formalize their boundaries and land management of territories, which, as land improvements, will increase the cost of land and, accordingly, revenues to the budget from payment for land. To determine the legal and organizational principles of land management of the united territorial communities, proposals were made for amending the current legislation.

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**ФІНАНСОВА СТІЙКІСТЬ ОБ’ЄДНАНИХ
ТЕРИТОРІАЛЬНИХ ГРОМАД ТА ЇХ
ЗЕМЛЕУСТРІЙ: СТАН І ПРОБЛЕМИ**

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Анотація. Обґрунтовано, що для поліпшення фінансового стану створюваних об’єднаних територіальних громад необхідно здійснити землевпорядні заходи щодо встановлення їх меж та землевпорядкування територій, як земельні поліпшення дадуть змогу збільшити вартість земель і, відповідно, надходжень у бюджет від плати за землю. Для визначення правових і організаційних засад землевпорядкування об’єднаних територіальних громад розроблено пропозиції щодо внесення змін у чинне законодавство.

Ключові слова: землеустрій, схеми землеустрою, території об’єднаних територіальних громад, землекористування, землевпорядкування, плата за землю

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ФИНАНСОВАЯ УСТОЙЧИВОСТЬ ОБЪЕДИНЕННЫХ ТЕРРИТОРИАЛЬНЫХ ОБЩИН И ЗЕМЛЕУСТРОЙСТВО: СОСТОЯНИЕ И ПРОБЛЕМЫ

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Аннотация. Обосновано, что для улучшения финансового состояния создаваемых объединенных территориальных общин необходимо осуществить землеустроительные мероприятия по установлению их гра-

ниц и землеустройства территорий, как земельные улучшения позволят увеличить стоимость земель и, соответственно, поступлений в бюджет от платы за землю. Для определения правовых и организационных основ землеустройства объединенных территориальных общин разработаны предложения по внесению изменений в действующее законодательство.

Ключевые слова: землеустройство, схемы землеустройства, территории объединенных территориальных общин, землепользования, землеустройства, плата за землю