




## ACRECREVIEW №1/2020

# **EXPERT (EXTERNAL) ASSESSMENT OF CORRUPTION RISKS IN THE ACTIVITIES OF THE STATE GEOCADASTRE OF UKRAINE**



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## I. INTRODUCTION AND METHODOLOGY

The formation of effective anti-corruption programs requires ensuring the process with the objective assessment of corruption risks in the activities of the government by involving public representatives and external experts (hereinafter – experts) who have theoretical and practical knowledge about the external and internal environment of the State Service of Ukraine for Geodesy, Cartography and Cadastre (hereinafter – the State Geocadastre of Ukraine<sup>[1]</sup>).

Existing forms of involvement of public representatives and external experts in the process of assessing corruption risks and forming anti-corruption measures to eliminate the conditions and causes of these risks in the Anti-Corruption Program of the State Geocadastre of Ukraine, as a result of this process, are necessary elements to ensure objectivity and quality of it; the same time, the influence of public representatives and external experts on this process remains insufficiently studied.

Activities in this direction involve work of the external experts with the authorities on practical problems and gaps in the legislation that generate, encourage (stimulate) corruption in the activities of the State Geocadastre of Ukraine <sup>[2]</sup>.

This process requires more inclusive involvement of experts <sup>[3]</sup>, by providing proposals concerning anti-corruption measures to eliminate (minimise) the conditions and causes of corruption risks in the State Geocadastre of Ukraine and the appropriate influence on the Anti-Corruption Program of the State Geocadastre of Ukraine for 2019-2020 (hereinafter - the program), which is a guarantee of objectivity, impartiality and quality of the program. Instead, there are adopted “anti-corruption programs and realised in cooperation with the same predators that control the government, and in some cases, anti-corruption tools”

[4: 87]

1 Methodical recommendations on preparation of anti-corruption programs of authorities. Decision of the National Agency for the Prevention of Corruption January 19, 2017 № 31. URL: <https://zakon.rada.gov.ua/rada/show/v0031884-17>

2 Proposals of the Program "U-LEAD with Europe" on the state policy on certain issues of providing administrative services for state registration of land plots and issuance of information from the State Land Cadastre through the ASC URL: <https://tsnap.ulead.org.ua/wp-content/uploads/2019/04/Polisi-zapyska-poslugy-Derzhgeokadastru-U-TSNAP-U-LEAD.pdf>

3 Anton Marchuk. Evaluation methodology of anti-corruption programs. URL: <http://www.pravo.org.ua/img/zstored/files/Anticorruption%20programs%20evaluation%20methodology.pdf>

4 Alina Mungiu. Corruption: Diagnosis and Treatment. *Journal of Democracy*, Volume 17, Number 3, July 2006, pp. 86-99. Johns Hopkins University Press. DOI: <https://doi.org/10.1353/jod.2006.0050>

The subject of this study lies in conducting the expert assessment of corruption risks in the activities of the State Geocadastre of Ukraine and providing recommendations to the program. It goes beyond previous studies and proposes to ensure the influence of the public representatives and external experts on this process. The study is carried with the aim of better understanding by a wide range of stakeholders the importance of the influence of experts on the formation of the Anti-Corruption Program of the State Geocadastre of Ukraine, in particular, in the field of improving the objectivity and quality of the program. Such an understanding will help to identify appropriate monitoring mechanisms for the realisation of anti-corruption measures or alternative ways to identify and eliminate (minimise) the conditions and causes of corruption risks.

To achieve the aim of the study, it is proposed to apply a structural approach: focus on institutions. With such an approach to the formation of anti-corruption programs, it is necessary to involve a wide range of people interested in preventing and combating corruption [5 :98].

This thesis is in line with the results of an analytical study <sup>[6; 9]</sup> to “The main causes of land-related corruption lie in

the lack of political will at the state level, which is related to the interests of land development and to the control of the land resources”.

According to the concept of corruption given in the Law of Ukraine “On Prevention of Corruption» [7], we consider legal, organisational and other factors that generate, encourage (stimulate) corruption in the State Geocadastre of Ukraine, for the purposes of the study, as corruption risks. Thus, corruption risks are “weaknesses in the system that can create opportunities for corruption” [8: 1].

For the purposes of this publication, corruption risks need to be differentiated from actual cases of corruption, because corruption risks describe the potential of corruption in this system <sup>[9]</sup>. Their goal is to allow writing of such a program that will prevent the real cases of corruption in the activities of the State Geocadastre of Ukraine.

The object of corruption risk assessment is the procedures of performing the functions and powers of the authority, which are assessed concerning the presence or absence of corruption risks. The detection of corruption risk is usually based on the judgments of (internal or external) experts, so this study provides a set of criteria for

- 5 Alina Mungiu. Corruption: Diagnosis and Treatment. Journal of Democracy, Volume 17, Number 3, July 2006, pp. 86-99. Johns Hopkins University Press. DOI: <https://doi.org/10.1353/jod.2006.0050>
- 6 Koehlin, L., Qian, J., and Mulukutla, H. (2016) Tackling corruption in land governance. A LEGEND Analytical paper. URL: <https://landportal.org/sites/landportal/files/Analytical%20paper%20Tackling%20corruption%20in%20land%20governance.pdf>

7 On the prevention of corruption: Law of Ukraine, 14.10.2014, № 1700  
– VII. Data of the Verkhovna Rada.

8 Andy McDevitt (2011). Corruption Risk Assessment Topic Guide.  
Gateway Corruption Assessment Toolbox. TI. URL: [https://  
knowledgehub.transparency.org/assets/uploads/kproducts/  
Corruption\\_Risk\\_Assessment\\_Topic\\_Guide.pdf](https://knowledgehub.transparency.org/assets/uploads/kproducts/Corruption_Risk_Assessment_Topic_Guide.pdf)

9 Corruption in the land sector. TI Working Paper № 04/2011.URL:  
<http://www.fao.org/3/am943e/am943e00.pdf>

## 11 Methodological recommendations on preparation of anti-corruption

13. [Ando, M. D. \(2011\). Corruption Risk Assessment Topic Guide.](#)





## II. ORGANISATION AND FORMS OF PUBLIC PARTICIPATION IN THE PROCESS OF FORMING THE ANTI-CORRUPTION PROGRAM OF THE STATE GEOCADASTRE OF UKRAINE

Formalities should be avoided during the process of preparing anti-corruption programs of the government agencies. It is necessary to ensure that the measures of the program are aimed at a real corruption reduction, and they are optimal and most expected for society. This can be achieved through a transparent and open process of preparing of anti-corruption program. **The choice of measures aimed at achieving a certain result and a clear procedure of their realisation can be guaranteed by involving public representatives and experts, who have both theoretical and practical knowledge about the specifics of the department work and sphere of its regulation, to the preparation of anti-corruption programs.**

The envisaged forms of participation of civil society representatives and experts take place through:

- ▶ submission of substantiated proposals concerning corruption risks identification in the activities of the State Geocadastre of Ukraine taking into account the results of research (study) of the issues related to the activities of the department to

the Commission on Corruption Risk Assessment and Monitoring of the Anti-Corruption Program of the State Geocadastre of Ukraine (hereinafter – the Commission);

- ▶ participation in an open meeting of the Commission to discuss the draft Report on the results of corruption risk assessment in the activities of the agency;
- ▶ participation in the public discussion of the submitted proposals and comments to the draft of the Anti-Corruption Program in the form of a meeting of the Commission with the participation of experts and representatives of public organisations in order to prevent corruption in the field of land relations.

Information support for the process of involving experts in the formation of the Anti-Corruption Program of the State Geocadaastre of Ukraine remains at unsatisfactory level. The announcement about carrying out of the events connected with anti-corruption initiatives is actually published the

day before the open event <sup>[14]</sup> and two weeks before in case of necessary pre registration <sup>[15]</sup>. Such a situation does not ensure the involvement of a wide range of stakeholders to this kind of initiatives, including the process of preparation of the Anti-Corruption Program of the State Geocadastre of Ukraine.

The information above is confirmed by the materials of the Report of the State Geocadastre of Ukraine <sup>[16]</sup>, in particular, by the fact that proposals from the public, representatives of other authorities, lawyers and experts were not received. This also can be evidence of the improper information policy.

Data about the participation of the public in the preparation of anti-corruption programs indicate an extremely low level of their involvement to this process, which generally influence negatively on the quality of anti-corruption programs. In such circumstances, experts try to solve the outlined problems in an alternative way, namely: organising and holding round tables, public discussions (business

environment, public); carrying out scientific and practical events (scientists) to find ways to solve the problems; the Commission on Corruption Risk Assessment and Monitoring of the Anti-Corruption Program of the State Geocadastr of Ukraine summarises the existing practice of preventing and detecting corruption in the State Geocadastr of Ukraine to improve the Anti-Corruption Program. **This state of affairs facilitates the separation of efforts in this direction, distribution of subjective factor and requires the unification of the widest possible range of stakeholders in order to achieve an objective and impartial assessment of corruption risks in the activities of the State Geocadastr of Ukraine.**

Assessment of corruption risks and monitoring of the realisation of anti-corruption programs of the State Geocadastre of Ukraine indicates the ambiguity of the process of integrating expert opinions into anti-corruption programs. On the one hand, it was noted in the report of the State Geocadastre of Ukraine<sup>[17]</sup> that the dissertation of Kurenda S.V. was considered <sup>[18]</sup>, however, it wasn't noted which provisions of the dissertation were used during the formation of anti-corruption measures to the Anti-Corruption Program of the department.

14 Announcement about carrying out of an open meeting of the Commission for Corruption Risk Assessment and Monitoring of the Anti-Corruption Program of the State Geocadastre. Official website of the State Geocadastre of Ukraine. URL: <https://land.gov.ua/info/oholoshennia-pro-provedennia-vidkrytoho-zasidannia-komisi-z-otsinkyi-koruptsiinykh-ryzykiv-iv-monitorynghu-vykonannia-antykoruptsiinih-programy-dierzheokadastru-2/>

15 Notice of public discussion of the draft of the Anti-Corruption Program of the State Service of Ukraine for Geodesy, Cartography and Cadastre for 2019-2020. Official website of the State Geocadastr of Ukraine. URL: <https://land.gov.ua/info/povidomлення-pro-publichne-obhovorenня-proektu-antikorupcijsnoho-programy-dzherzhavnoi-sluzhby-ukrainy-z-pytan-heodezii-kartohrafiї-na-ta-kadastru-na-2019-2020-roku/> it is actually published the day before the event but is indicated that it was done two weeks before

16 Report on the results of assessment (reassessment) of corruption risks in the activities of the State Geocadastre of Ukraine dated 23.10.2018. URL: <http://land.gov.ua/info/zvit-za-rezultatamy-otsinky-dootsinky-koruptsiijnvkh-rvzykiv-u-dijalnosti-derzhheokadastru-2/>

17 Report on the results of corruption risk assessment in the activities of the State Service of Ukraine for Geodesy, Cartography and Cadastre dated June 1, 2017. URL: <https://land.gov.ua/info/zminy-do-antykoruptsiinoi-prohramy-derzhavnoi-sluzhby-ukrainy-z-pytan-heodezii-kartohrafi-ta-kadastru-na-2017-rik-zatverdzeni-nakazom-derzhehkadastru-vid-09-06-2017-137/>

18 Kurenda S.V. Land and legal principles of corruption prevention in Ukraine. dis... cand. jurid. Sciences: 12.00.06 / Lesia Ukrainka East European National University. Lutsk, 2015. 230 p. URL: <https://pravo.studio/ukrajini-pravo-zemelne/zelumno-pravovi-zasadi-zapobigannya-koruptsii.html>

The next report <sup>[19]</sup> announces the consideration of proposals of employees of higher educational institutions of Ukraine, which were received by e-mail of the State Geocadastre of Ukraine, to identify and assess corruption risks in the activities of the department, but which proposals were used remains unnoticed, in particular, we also sent materials of proposals in the framework of this study <sup>[20]</sup>, as well as sent a letter <sup>[21]</sup> concerning the consideration of the possibility of providing the act of implementation of results in practice activity, but the answer to this letter was not given by the State Geocadastre of Ukraine. That is, there is no data on the confirmation of consideration of proposals during the preparation of the Anti-Corruption Program of the department for 2018. In the frameworks of the involvement of experts to the process of assessing corruption risks in the activities of the State Geocadastre of Ukraine within the preparation of the program of the agency for 2019-2020, proposals were submitted (February 6, 2019) <sup>[22]</sup>, it was participated

in a public discussion of proposals to the draft of the Anti-Corruption Program at a meeting of the Commission. The proposals were partially taken into account by the State Geocadastre of Ukraine, it was noted in the draft of the Anti-Corruption Program and later in the approved program, namely in the report on corruption risk assessment in the activities of the State Geocadastre of Ukraine, which is an obligatory part of the program <sup>[23]</sup> and in the letter № Ш-1377/0-0.12-2499/6-19 <sup>[24]</sup>. The letter contained a denial to the request about an act of implementation in practice <sup>[25]</sup> with reference to the Regulation <sup>[26]</sup> and to the Article 19 of the Constitution of Ukraine <sup>[27]</sup>, arguing this denial by the lack of such powers. A letter <sup>[28]</sup> was sent concerning the denial regarding the disparity of the answer of the State Geocadastre (№ Ш-1377/0-0.12-2499/6-19) <sup>[29]</sup> to the form and content of the request, as well as providing information about taking

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|----|---|---|---|
| 19 | Report on the results of corruption risk assessment in the activities of the State Service of Ukraine for Geodesy, Cartography and Cadastre dated February 14, 2018. URL: <a href="https://land.gov.ua/info/zvit-za-rezultatamy-otsinky-koruptsiynykh-ryzykiv-u-dialnosti-dzhalnovo-sluzhby-ukrainy-z-pytan-heodezii-kartohrafi-i-ta-kadastru/">https://land.gov.ua/info/zvit-za-rezultatamy-otsinky-koruptsiynykh-ryzykiv-u-dialnosti-dzhalnovo-sluzhby-ukrainy-z-pytan-heodezii-kartohrafi-i-ta-kadastru/</a> | 30.05.2019). Letter of the State Geocadastre of Ukraine dated 24.06.2019. № 1377 / 0-12-2499/6-19. URL: <a href="https://drive.google.com/open?id=1bfwL-tltFqjMG3ZzX9bk_8QUHpg5NcT">https://drive.google.com/open?id=1bfwL-tltFqjMG3ZzX9bk_8QUHpg5NcT</a> |   |
| 20 | Proposals to the Anti-Corruption Program of the State Geocadastre of Ukraine for 2018. URL: <a href="https://drive.google.com/open?id=1C2MYxmROHd15ldzCOTjvRNRI7KjA9XAxr">https://drive.google.com/open?id=1C2MYxmROHd15ldzCOTjvRNRI7KjA9XAxr</a>   | 25  | Regarding the provision of the act of implementation of the results of the dissertation research in practice. URL: <a href="https://drive.google.com/file/d/1nmr1CHL8-ad6eL6trPJvIKJMKMuwkkdf/view?usp=sharing">https://drive.google.com/file/d/1nmr1CHL8-ad6eL6trPJvIKJMKMuwkkdf/view?usp=sharing</a>                      |
| 21 | Regarding the possibility of providing a confirmative document (the Act of implementation of the results of the dissertation research in the practical activities of the State Geocadastre of Ukraine during the preparation of the Anti-Corruption Program of the department for 2018. URL: <a href="https://drive.google.com/file/d/1VwVz52vY5NuMF6PboFd7vzRfKhN_e-Rq/view?usp=sharing">https://drive.google.com/file/d/1VwVz52vY5NuMF6PboFd7vzRfKhN_e-Rq/view?usp=sharing</a>                                | 26  | About the State Service of Ukraine for Geodesy, Cartography and Cadastre. Resolution of the Cabinet of Ministers of Ukraine for January 14, 2015 № 15. URL: <a href="https://zakon.rada.gov.ua/laws/show/15-2015-%D0%BF">https://zakon.rada.gov.ua/laws/show/15-2015-%D0%BF</a>   |
| 22 | Shpak N.A. Proposals to the chapter of the Anti-Corruption Program of the State Geocadastre of Ukraine on the assessment of the identification of corruption risks, their reasons and the conditions that facilitate to them, as well as appropriate measures to eliminate/minimise them. URL: <a href="https://drive.google.com/file/d/1SoSHSEwY5-WmJkTnD1_xlTwOCwupMvL/view?usp=sharing">https://drive.google.com/file/d/1SoSHSEwY5-WmJkTnD1_xlTwOCwupMvL/view?usp=sharing</a>                                | 27  | Constitution of Ukraine. Law of Ukraine. Data of the Verkhovna Rada of Ukraine (DVR), 1996, № 30, Art. 141. URL: <a href="http://zakon.rada.gov.ua/laws/show/254/k%96-sp/print">http://zakon.rada.gov.ua/laws/show/254/k%96-sp/print</a>  |
|    |   | 28  | Request for a letter № ЛШ-1377/0-0.12-2499/6-19 dated 24.06.2019. URL: <a href="https://drive.google.com/open?id=1G15mz5G44kM84vGFwZxt_gC_ava7EcB">https://drive.google.com/open?id=1G15mz5G44kM84vGFwZxt_gC_ava7EcB</a>  |
|    |   | 29  | About the consideration of the appeal (Л № ЛШ-1377.0-5.19 dated 30.05.2019). Letter of the State Geocadastre of Ukraine dated 24.06.2019. № 1377 / 0-12-2499 / 6-19. URL: <a href="https://drive.google.com/open?id=1bfwL-tltFqjMG3ZzX9bk_8QUHpg5NcT">https://drive.google.com/open?id=1bfwL-tltFqjMG3ZzX9bk_8QUHpg5NcT</a> |

into account of the proposals from the public with substantiation of the decision or reasons for the refusal to take them into account.

The State Geocadastre of Ukraine by the document dated 28.10.2019, № Ш-1377/1-0.12-4491/0/6-19 <sup>[30]</sup> provided information on the results of consideration of proposals dated 06.02.2019 on the assessment of corruption risks in the activities of the department, ignoring the issue of form and the content of the previous answer.

Thus, the information support of the process of involving experts in the formation of the anti-corruption program of the State Geocadastre of Ukraine in 2019 became better than in 2018 due to increase of the transparency of the procedure and external criticism.

30 On the results of consideration of proposals dated 06.02.2019 on the assessment of corruption risks in the activities of the State Geocadastre of Ukraine. Letter of the State Geocadastre of Ukraine dated 28.10.2019, № ІШ-1377/1-0.12-4491 /0/6-19 URL: <https://drive.google.com/open?id=1jhtc4czcIKfSKsoriBD9F9KekJ4-fpao>; <https://land.gov.ua/info/informatsiia-pro-rozhlad-zvernennia-shpak-n-a-vid-17-10-2019-shchodo-shchodo-otsinykh-korupsiitsinykh-ryzykv-u-dialnosti-dierzheokadastru/>

### III. THE OVERVIEW OF IDENTIFIED CORRUPTION RISKS WHICH SHOULD BE INCLUDED IN THE ANTI-CORRUPTION PROGRAM

According to the structure of Anti-Corruption Programs, defined in part 2 of Article 19 of the Law of Ukraine “On Prevention of the Corruption”<sup>[31]</sup>, sections about the assessment of corruption risks in the activities of body, institution, organisation, their causes and conditions that facilitate them, measures to eliminate the identified corruption risks, persons responsible for their implementation, deadlines and necessary resources play an important role in it.

**We will show the examples of corruption risks identifying that require the development of a number of measures to eliminate them.**

**AMONG THE MOST COMMON  
CORRUPTION RISKS WE CAN  
NAME:**

1.1. Approval by the territorial bodies of the State Geocadastr of Ukraine of land management projects on the allocation of land. Despite the fact that the principle of “extraterritoriality” during the approval of land management projects had to solve the problem of corruption at the

local level by eliminating direct contact of the developer of land management documentation with officials of the State Geocadaastre of Ukraine and eliminating territorial monopoly during the providing of administrative services, in practice, the introduction of this principle has led to the increase of the cost of corruption rent<sup>[32]</sup>.

1.2. Absence of common standards, approaches and principles for the development and approval of land management documentation at the national level, as determined by the Cabinet of Ministers № 677 on the Procedure of developing of land management projects concerning the allocation of lands, which expired in 2013<sup>[33]</sup>

Absence of clear requirements for the development of land management documentation and rules for their verification unified in one normative act, which should be understandable both to developers of land management documentation and to specialists of the State Geocadastre of Ukraine who check

31 On the prevention of corruption: Law of Ukraine dated 14.10.2014, № 1700 – VII. Data of the Verkhovna Rada. URL: <http://zakon3.rada.gov.ua/laws/show/1700-18>

32 Interview with business representative, April 24, 2019. Kiev.

33 The procedure of developing land management projects on the allocation of lands. Resolution of the Cabinet of Ministers of Ukraine for № 677, (expired in 2013). URL: <https://zakon.rada.gov.ua/laws/show/677-2004-%D0%BF>

such documentation on the principle of «extraterritoriality», add ambiguity to this process. For example, the formatting Rules of land management project on the allocation of land (lands) for placement, construction, exploitation and maintenance of long-distance overhead power lines with recommended samples (standards) of text and graphic materials approved by the decision of the Scientific Expert Council of the State Land Agency of Ukraine, Protocol dated February 9, 2015 № 6, is a good example of unification of the approach to land documentation standards.

1.3. Absence of regulation at the legislative level of the approval procedure of all available land management documents by the State Geocadastre of Ukraine on the “extraterritorial” principle, providing a package of documents for approval and state registration of land in electronic format.

1.4. Concentration of powers concerning the operations with state-owned agricultural land and state supervision (control) in terms of compliance with land legislation, use and protection of lands of all categories and forms of ownership in one executive body (State Geocadastre of Ukraine).

1.5. Existence of an access monopoly to state databases, archival land management documentation and land valuation documentation. The documentation was developed at the beginning of land reform at the expense of budget funds or at the expense of landowners' costs or costs

of state enterprises land users (state land management institutes; state topographic and geodetic enterprises, state land cadastre centres). Under such conditions, there can be no question of fair competition between representatives of the land management business and state-owned enterprises managed by the State Geocadastre of Ukraine. State-owned enterprises often parasitise on government orders, as well as distort competition in the market of such works and services.

The reasons for the presence of corruption risks are:

- ▶ Absence of a number of legislation and procedures, which govern the process of interaction of developers of land management documents by public authorities and local governments, namely: the general administrative procedure in Ukraine and requirements for the development of land management documentation and rules for their verification unified in one normative act , understandable, both to developers of land management documentation, and to specialists of the State Geocadastre of Ukraine who check such documentation;
- ▶ absence of a clear procedure for free privatisation of land is allegedly deliberately intended to stimulate corruption, increase social inequality, redistribute the main national wealth – land “manually”;



## IV. LIST OF MEASURES TO ELIMINATE CORRUPTION RISKS IN THE ACTIVITIES OF THE STATE GEOCADASTRE OF UKRAINE

Carrying out expert (external) assessment of corruption risks in the activities of the State Geocadastre of Ukraine during the development of the Anti-Corruption Program facilitate the dialogue and interaction of authorities with external experts, by:

- ▶ working on the practical problems and gaps in the legislation, which generate, encourage (stimulate) corruption in the activity of the State Geocadastre of Ukraine;
- ▶ the contribution of a wide range of stakeholders in the process of preparing the Anti-Corruption Program of the agency;
- ▶ improving the quality and ensuring an objective and unbiased result of the assessment of corruption risks in the activities of the State Geocadastre of Ukraine.

The list of measures to eliminate corruption risks in the activities of the State Geocadastre of Ukraine includes:

1) improvement of the legislation and regulatory framework in the field of land relations, in particular:

- ▶ unification of the procedure by developing and adopting the Instruction / Procedure / Regulation on approving of the land management documentation by territorial bodies of the State Geocadastrе of Ukraine, which should contain information concerning the mechanisms of its realisation <sup>[35, c. 153]</sup>;
- ▶ development of the templates or standards for all types of land management documentation by the State Geocadastrе of Ukraine, their acceptance, approval and bringing to the notice of a wide range of stakeholders;

35 Tilchik V.V., Shpak N.A. On the issue of administrative and legal support of the elimination of corruption risks in the activities of the State Service for Geodesy, Cartography and Cadastre of Ukraine. Scientific collection. Actual problems of domestic jurisprudence. Oles Honchar Dnipro National University. 2017. № 3. P. 149–154.



- ▶ support of the Draft Law of Ukraine "On Change to the Law of Ukraine "On Land Management" concerning the unification of certain types of land management documentation" <sup>[36]</sup> by the State Geocadaastre of Ukraine. The purpose of its acceptance is unification of the components of land management documentation, process optimisation in the sphere of land relations;
- ▶ changes in the legal regulation of the institution of free privatisation and replacing it on other types of social assistance for vulnerable groups of people, at the same time, the right to register for free land plots with privately owned houses on them and plots for PPF should be preserved;
- ▶ clear division of powers in the field of land relations between state and local governments (especially in the context of decentralisation);
- ▶ establishment of electronic land auctions concerning the operations with lands of state and communal property or rights on them by the acceptance of the Draft Law (№ 2195 dated 01.10.2019) <sup>[37]</sup>, which provides the establishment of the sale of lands or rights on them through electronic auctions in electronic

trading system at the legislative level, not as it happens on the basis of the Resolution of the Cabinet of Ministers dated June 21, 2017, № 688 (amended on June 20, 2018, № 492) and the Resolution of the Cabinet of Ministers dated June 7, 2017, № 413 with changes <sup>[38]</sup>, i.e. in an extralegal manner (see the Decision of the Constitutional Court № 8-р/2019 dated 25.06.2019) <sup>[39]</sup>.

**2) in the field of financing:**

- ▶ ensuring proper financing of measures to control compliance with land legislation about completion the cadastral documentation for all types of restrictions and encumbrances of land use, filling the public cadastral map with geodetic information;
- ▶ ensuring adequate funding for measures to monitor the implementation of anti-corruption programs;
- ▶ financing of measures to prevent corruption risks identified in anti-corruption programs.

36 On changes to the Law of Ukraine "On land management" concerning unification of certain types of documentation on land management. URL: <https://land.gov.ua/info/proekt-zakonu-ukrainy-pro-vnesennia-zmin-do-zakonu-ukrainy-pro-zemleustroi-shchodo-unifikatsii-deialykh-vydov-dokumentatsii-iz-zemleustroi-2/>

37 On amendments to some legislative acts on the sale of land plots of state and communal property or rights on them (lease, superficies, emphyteusis) through electronic auctions. Draft Law of Ukraine, № 2195 dated October 1, 2019. URL: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=66972](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=66972)

38 Some issues of realisation of the pilot project concerning the establishment of electronic land auctions and ensuring storage and protection of data during their carrying out. Resolution of the Cabinet of Ministers of Ukraine dated June 21, 2017, № 688; (amended on June 20, 2018, № 492). URL: <http://zakon.rada.gov.ua/laws/show/688-2017-n/print>; <https://zakon.rada.gov.ua/laws/show/492-2018-%D0%BF#n48>; Some issues of management improving in the field of use and protection of state-owned agricultural lands and their disposal. Resolution of the Cabinet of Ministers of Ukraine dated June 7, 2017, № 413 with changes.

39 Decision of the Constitutional Court № 8-р/2019 dated 25.06.2019.  
URL: <https://zakon.rada.gov.ua/laws/show/v008p710-19#n63>

**3) in the institutional and administrative sphere:**

- ▶ carrying out permanent training concerning the proper use of geospatial data, the formation of databases for specialists in land management, development of guidelines for local governments and other authorities on the proper management, use and disposal of lands;
- ▶ carrying out open procedure of developing the Anti-Corruption Program. Wide involvement of the expert public, proper informing about the stages of program development, taking into account received proposals;
- ▶ carrying out training on the topic of the relationship of land legislation with other regulations to coordinate the actions of all participants in land relations.

In particular, conducting education on the order of application of the procedure of strategic environmental assessment during the development of land management schemes and urban planning documentation [40].

40 Paragraph-by-paragraph commentary to the Law of Ukraine «On Strategic Environmental Assessment». URL: <http://ep.lorg.ua/human-posts/postatemyj-komentar-do-zakonu-ukrayiny-pro-strategichnu-ekologichnu-otsinku-2/>



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