

**Ph.D. Malashevskyi M.<sup>1</sup>,**

**Malashevskia O.<sup>2</sup>**

*<sup>1</sup> Sumy National Agrarian University, Ukraine*

*<sup>2</sup> State Ecological Academy of Postgraduate Education and Management, Ukraine*

## **The Challenges of the Land Plots Exchange Implementation Aiming at the Land Tenure Rationalization in Ukraine**

Land plots exchange is the recognized constituent of the land redistribution aiming at the rationalization of the land tenure system. At the current stage, in Ukraine there are no legal obstacles for the land exchange through the exchange contract including land plots covered by the agricultural land plots market moratorium. However, land plots exchange is currently not widespread. According to the data provide by the Ministry of Justice, the number of the exchange contracts (2%) is less than lease contracts (76%) and selling of land not subject to the moratorium (3%). Currently 40 million ha or 96% of agricultural land available fall within the moratorium [1].

The quantity of the agricultural land exchange contracts is significantly lower than those of non-agricultural land (15%) [1]. At the current stage, all the possibilities for land plots exchange aiming at the existing agricultural land ownership and land tenures improvement are not used. One of the reasons for that is the lack of regulation and effective land exchange methods.

According to the latest legislation alteration, the legal basis for area and placement optimization of the existing agricultural land tenure and land ownership within the agricultural land masses based on the land plot exchange (sublease) is provided. Land plots of all the forms of property are subject to exchange and it is realized by the exchange agreement, mutual rent or sublease agreement.

However, in accordance to recommendations of the UN Food and Agricultural Organization [2], at land plots reallocation in the environment of the private property land owners' losses should be avoided. Thus, one of the key aspects is the

substantiation of land exchange at the existing land tenures and land ownerships improvement.

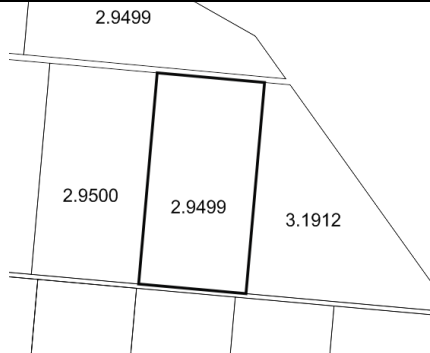

Not only is the "plot to plot" exchange is stipulated, but land plots of all forms of property situated within the agricultural land mass [3].

The exchange of land plots owned by the government or the local community situated within an agricultural land mass with a land plot within the land mass is conducted only in case the land plots have equal appraised monetary value or their appraised monetary value difference is no more than 10% [4].

Land plots lease or sublease agreements aiming at the land tenure rationalization can be executed by the court decision but for the formalized cases including the different agricultural masses, different relief, agricultural land composition, MV spread of more than 10%, etc. [5].

At MV, the land tenure spatial characteristics but placement in the natural and agricultural region are not taken into consideration. Taking into account that the land plots exchange of one type of agricultural land within the same agricultural land mass is envisaged, the spread of land plots MV is due to the soil ball-bonitet (Table 1).

Table 1. The various configuration land plots monetary value

Configuration		
Cadastral number	3224282400:02:002:0068	3224282400:02:002:0086
Area of land plots, sq. m	2,9499	2,9499
MV, UAH	101670,99	101670,99
Losses due to the configuration. %	20,05	26,26

At the MV in accordance to the existing methodology, other significant for the agricultural activity characteristics like relief and land plot configuration are not taken into consideration. The gradient in the direction of cultivation, length of furrow, residual triangles at cultivation, duration and length of travel within the land tenure impact the costs.

#### References:

1. Kyiv School of Economics. (2019). Capacity Development for Evidence-Based Land & Agricultural Policy Making. Available at: <http://www.kse.org.ua/uk/research-policy/land/analytical/?newsid=2565>.
2. FAO. (2003). The design of land consolidation pilot projects in Central and Eastern Europe. Rome. Available at: <http://www.fao.org/docrep/006/Y4954E/y4954e00.html>.
3. The Supreme Court (2016). Pravova pozytsiia u spravi № 6-464tss16 [Legal determination of the case № 6-464tss16]. Available at: <https://oda.court.gov.ua/sud1590/pravovipoziciivsu/6-464cs16>.
4. Verkhovna Rada of Ukraine. (2002). The Land Code of Ukraine. Available at: <https://zakon.rada.gov.ua/laws/show/2768-14#n2213>
5. Verkhovna Rada of Ukraine. (1998). The law of Ukraine on Land Lease. Available at: <https://zakon.rada.gov.ua/laws/show/161-14?lang=en>