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11<sup>e</sup> Séminaire Annuel "*L'allocation des ressources foncières dans les espaces méditerranéens : usages du droit et formes de régulation*", Meknès, Maroc, 8-10 Novembre 2018

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## Buggering strategies on the land policies of Cyprus

Chrysafo-Anna Chatzipetrou

University of Thessaly, School of Agricultural Sciences, Department of Agriculture Crop Production and Rural Development, Laboratory of Biometry, Fytokoy Str, 384 46 N.Ionia, MagnisiaVolos, Greece, E-mail:

[cchatzipetrou@agr.uth.gr](mailto:cchatzipetrou@agr.uth.gr)

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### Abstract

Due to the fact that real world situations are modeled as non-equilibrium systems, complex and adaptive [1] causing conflicts or illegal rights on landscape elements, the legal system has to regulate the rights of occupation and ownership of land in Cyprus.

According to annotated bibliography in this study we report the regulatory framework for the reform of Cypriot agrarian structure and the rights of private property, as well as the revisions to the land laws and how significant are the induced impact by these evolved forms on the social and economic stability of the country.

### Main subject - Contextualization of the problem

#### Cyprus

Cyprus is a small country, of 9251 km<sup>2</sup> total area, in the eastern Mediterranean Sea, characterized by the big growth in social complexity, the spread of farming technologies and a fully developed economy (Clarke 2007) that relies on tourism, financial services and shipping. The coastal zone of Cyprus defined as 2km from the coastline and represents 23% of the country's total area [4]. The economy's over-dependence on seaside tourism puts intense pressure on the sensitive coastal zone [5]. Historically:

- 1571-1878: the island has been part of the Ottoman Empire. The ottomans had used Cyprus as a source of agricultural products.
- 1878- 1960: the British colonial administration wanted to use the island as a military base. In the 60s, urbanization was intense and a large scale population movement started [1], altering the ethnic synthesis and producing cultural change in the regions. People are being categorized in terms of religious.
- At 1973 Greeks, Turks, Maronites, Latins, British, Armenians were the nationalities of the island's citizens [2].

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- At 1974 the Turkish invasion and the forced division of Cyprus. Many thousand people were displaced, abandoning their property in the north which a lot of those have been transferred to other people, without the original owner's consent [2].
- At 2004 Cyprus joined the EU. The island was accepted into the EU as whole, but the European Community Regulation is applicable just to the 58% of the island, the Greek Cypriot part, and the basis of the agricultural and environmental policies has been reformed to ensure the objectives' achievement that meet related obligations from Cyprus to EU [3]. In 2004, the utilized agricultural area under the Cyprus government control represented 14,5% of the total area [6] and only 7% of the gainfully employed persons were engaged in agriculture. Farm income has decreased about 25% (Eurostat 2006).

In Cyprus there are significant variations in terrain morphology, specific climatic conditions, local environmental changes followed by severe water resource problem, water pollution and loss of wildlife habitats [6]. Agricultural and other rural land is converted into areas that provide residential, commercial, administrative, environmental recreation and infrastructure services. The land use change is accompanied by movements of labor force from rural activities in urbanization. An evidence of economic reform. The last few years an attempt take place by planners to bring again the equilibrium to the employment mixture in the country [6].

### **Land issues**

In Cyprus there are two complexities: lack of road access to land parcels in certain areas and issues relating to ownership rights [7].

#### *Land consolidation*

Lack of roads and high level fragmentation of agricultural land is a problem in Cyprus. Even though a continuous and well carried out program of land reform and reclamation are pursued in the country, structural weakness is a permanent bottleneck for any plans for economies of scale in production [6].

Consolidation is a spatial problem-solving technique as scattered plots are grouped into single compact units [8]. In 1962 the basic principles of a land consolidation authority were outlined [8]. Today the main organizations involved in implementing the land consolidation projects are the Land Consolidation Department (LCD), the Land Consolidation Committee (LCC) and the Valuation Committee [7]. Land consolidation impacts at macro level (FAO 2008) focus on changes that can positively affect the whole country; by reducing the disparities between rural and urban areas, as well as creating a great number of economically viable holdings [7].

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### *Land as an asset-private ownership*

Land is a cultural, tangible asset that can be valued in a market, exchanged inherited, given as a gift, used as collateral [11]. Cypriots have attitudes to land ownership valued as a means of self-expression and personal fulfilment [8].

Property ownership is a major issue in the divided Cyprus [9]. On the one hand, for the mixed tenures [8] which have their origin in the Ottoman period – for example: land and land's trees were accorded different ownership rights, on the other hand the illegal occupation of property.

The economic and social evolution combined with industrialization, the development of cultivation's sophisticated methods and the lack of alternatives investment's forms have diverted capital both from home and abroad to land ownership [9]. This trend became even more pronounced after Cyprus became a full member of the EU in 2004 and it necessitated the establishment of a suitable legal framework which allowing the involvement of Cyprus in the international land market, protects the social, economic, agricultural, industrial interests of the island and its people [9].

The Constitution of Cyprus establishes the equality of all persons irrespective of their nationality [9]. The underlying principal of Cypriot land law is that all privately owned land has been registered in the name of owners and title deeds issued [10]. Forms of ownership are: full title, beneficial ownership, leasehold, undivided shares [10].

### **Legal and regulatory framework & policies for land rights**

Land was always been considered as one of the most precious commodities, closely connected with social and economic stability and progress [9]. Legal system through history has sought to regulate the rights of occupation and ownership of land as immovable property [9].

As the government willingness is to adjust development by adapting actions to socio-economic context, it has to create an institutional framework. Historically in Cyprus the legal and regulatory framework for land and ownership trends has been some of the most sensitive political difficulty, due to the longtime enslavement.

The formal basis for the state management of land is contained in the Cyprus' Constitution. A robust legal system for immovable property is operated through a series of laws, decrees, directives and guidelines which are regularly amended to meet everyday demands and balance [9] and define how land may be used, by whom, and the conditions and procedures for modifying those uses [11]. Revisions to the land laws should be based on a consistent set of principles that apply to all rights in land [11].

The policies formulated by the government need to be efficient, equitable and effective [11]. These are implemented by its ministries and their relevant departments. The outcome of government policies designed to promote rapid economic growth, social harmony,

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international competitiveness, food security and environmental sustainability [11]. Many provisions are implemented as intended but others are not.

Given the overall scarcity of land in Cyprus, access to land use rights should be viewed as a privilege. Land tenure systems must respect the variety of rights and sources of legitimacy and the complexities of land governance be effectively addressed [12]. In Cypriot society, land tenure shapes the distribution of employment opportunities and incomes in the agricultural sector [8], which means Government has to meet local demand for secure land tenure by formalizing non-written land rights and regularizing written land rights [12]. The application of economic principles to legal issues gives the challenge to the government using the law to modify economic behavior, to ensure that the created opportunities or the imposed constraints are consistent with national goals generated by access to land. Legal issues that will support land's commercialization include construction of national registration system of land use rights [11].

### **Institutions' strategies & proposals**

Social changes require the establishment of mechanisms for the coordination of infrastructure and public works impacts on landscapes (Halstead 1989) whether rural or urban.

The former mechanisms were the most susceptible to manipulation by individuals or subgroups, contributing to social inequality, while the later tend to be embedded in social institutions which have many other actual and ostensible functions; their role in buffering might be latent for long periods of time (Halstead and O'Shea 1989) either the results are not realistic or operationally applicable [7] or buffering strategies being identified at some sites and not at others [1]. However institutions' behavior is an integral part of optimally functioning cultural systems in equilibrium [1].

Institutions and local organizations are not able to solve every collective action problem, mainly concerning access to environmental resources which is a worth considering conflict [1]. The conflicts between the landowners and the organizations could be reduced by using a system that carry out especially the land consolidation project. For Cyprus has already designed the system LACONISS, which is based on expert knowledge, it uses multi-criteria methods and provide the necessary outputs required by the EU framework [7].

Land is a finite resource. Urbanization and industrialization affect the value of agricultural land, for that leased constraints on convertibility are crucial [11]. Farmers can use land economically raising its value by investing in ways that increase its productivity [11], ie exploiting natural resources and protecting environment, avoiding potential conflicts with co-landowners about the kind of cultivation or execution of development works [7].

Cyprus' future economic growth depends on the rapid expansion of alternative forms of tourism, so the according formulation of policies is needed [5]. Concerning the disputes for ownership rights a large number of court cases have resulted and is ongoing [9].

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