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**ECONOMIC COMMISSION FOR EUROPE**

COMMITTEE ON HUMAN SETTLEMENTS

Working Party on Land Administration

REPORT ON THE SECOND SESSION

(19-20 November 2001)

Introduction

1. The Working Party on Land Administration held its second session in Geneva from 19 to 20 November 2001. Ms. B. Lipej (Slovenia) chaired the meeting.
2. Representatives of the following countries participated: Albania, Armenia, Austria, Bulgaria, Estonia, Finland, Germany, Hungary, Iceland, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.
3. The United Nations Centre for Human Settlements (Habitat) and the European Commission were also represented.
4. The following non-governmental organizations (NGOs) attended: International Federation of Surveyors (FIG) and EuroGeographics.

## I. ADOPTION OF THE AGENDA

5. The provisional agenda (HBP/WP.7/2001/2) was adopted.

## II. MATTERS ARISING FROM THE SIXTY-FIRST AND THE SIXTY-SECOND SESSIONS OF THE ECE COMMITTEE ON HUMAN SETTLEMENTS, THE MINISTERIAL DECLARATION AND THE FIFTY-SIXTH SESSION OF THE ECONOMIC COMMISSION FOR EUROPE

6. The Working Party took note of the Committee's decisions taken at its sixty-first and sixty-second sessions (in regard to social cohesion, needs for cross-sectoral cooperation, and development of new linkages between land administration activities and housing, physical planning and environment activities). The ECE Strategy for a Sustainable Quality of Life in Human Settlements in the 21<sup>st</sup> Century was also presented. The Working Party also took note of the Ministerial Declaration and the related decisions taken at the fifty-sixth session of the Commission. The Working Party agreed to bear these decisions in mind when discussing its programme and methods of work.

## III. PUBLIC-PRIVATE PARTNERSHIP AND PROVIDING OPEN ACCESS TO LAND INFORMATION

7. The Working Party held an in-depth discussion on the basis of an introductory paper (HBP/WP.7/2001/3). The moderators of the discussion were Mr. J. Manthorpe (United Kingdom) and Mr. J. Valis (Slovakia). Mr. P. Creuzer (Germany) and Mr. B. Kjellson (Sweden) were the key speakers on (a) public-private partnership, and (b) providing open access to land information, respectively. The summary of the discussion is presented in annex I. The discussion showed that both topics needed further attention and action by the Working Party. A study on open access to land information was suggested.

## IV. REVIEW OF WORK ACCOMPLISHED OR IN PROGRESS

### A. Programme of workshops

8. The Working Party reviewed the workshops organized or planned since its first session. A workshop on public-private sector relationship in the establishment of land registration systems had taken place in Tirana from 30 March to 1 April 2000 (HBP/WP.7/2000/1). A workshop on security mechanisms in the creation of real property markets: protecting rights had been held in Madrid from 28 to 29 September 2000 (HBP/WP.7/2001/1). A workshop on EU accession from a land administration perspective had been held in Gavle (Sweden) from 14 to 15 June 2001. A workshop on title registration systems and real property markets had taken place in Erevan from 10 to 13 October 2001 (HBP/WP.7/2001/11). The delegations of these countries and experts from other countries reported on the results of the workshops and on the follow-up.

9. The delegation of the Russian Federation reported on the organization of a workshop on mass valuation in Moscow (27-28 June 2002). The delegation of Austria informed the Working Party of the preparations for a "customers-cooperation-services" workshop to be held in Vienna

(12-13 September 2002). The delegation of the United Kingdom suggested organizing of a workshop in Edinburgh (autumn 2003).

B. Land administration reviews

10. Mr. H. Sahakyan (Armenia) reported on the results of the land administration review of Armenia (HBP/WP.7/2001/5). The mission of the international expert team had taken place on 19-24 November 2000. It had been organized in cooperation with and with financial assistance from the United Nations Development Programme's office in Armenia. Mr. A. Overchuk (Russian Federation), member of the international expert team presented the review's conclusions and recommendation. In line with the terms of reference of the mission, the review and its recommendations had concentrated on (i) the completion of first-title registration; (ii) the operation of the cadastre; (iii) land consolidation; (iv) land valuation; and (v) mapping.

11. Mr. T. Beardsall (United Kingdom), member of the international expert team, reported on the conclusions and recommendations of the land administration review of Georgia (HBP/WP.7/2001/9). The mission of the international expert team had taken place on 27 May-2 June 2001. The scale of land privatization in Georgia had involved almost all families, but the resultant change in farm structures and the loss of markets had led to a dramatic drop in farm production.

12. Mr. P. Creuzer (Germany) presented a paper on the organizational arrangements for the preparation of land administration reviews in the ECE countries (HBP/WP.7/2001/6). The land administration reviews were part of the operational activities of the Working Party to assist the authorities of the country under review in assessing the current situation and performance of their land administration systems, and in defining and setting national policies and priorities in this area.

13. The Working Party discussed the usefulness of such activities, and ways to make them more effective, including procedures for selecting candidates for the international expert teams. However, given the limited resources, it would be possible to implement only one review per year. Additional funding to the ECE Trust Fund was needed. One delegation held that it would be useful to implement such an activity not only in a country in transition, but also in a country with a modern land administration system.

14. The Working Party:

- (a) Approved the organizational procedures for the ECE land administration reviews as presented in document HBP/WP.7/2001/6;
- (b) Reminded delegations interested in such a review in their countries, that their national land administration authority should, as a first step, send a letter with a detailed proposal to the ECE secretariat;
- (c) Invited all delegations to contribute to the ECE Trust Fund on Human Settlements for this activity.

C. Survey of restrictions on the ownership, leasing and transfer of real property in the ECE countries

15. The delegation of the Russian Federation reported on progress in the preparation of the survey. The objective of the survey was to achieve a better understanding of the present legal position on these issues that prevails in the ECE region. Access to land and real property, financing its development, leasing, transferring and buying land and real property were recognized as essential features of an active and successful market economy based on private land and property ownership.

16. The Working Party expressed its thanks to the delegation of the Russian Federation and invited it to finalize the survey.

D. Study on mass valuation for taxation and other purposes

17. The delegation of the Russian Federation presented the study on mass valuation for taxation and other purposes. A workshop on this topic would be taking place as a follow-up to the study. The Federal Land Cadastre Service of Russia had prepared and published the study on the basis of replies from ECE countries to the questionnaire prepared by the Bureau of the Working Party.

18. In the ensuing discussion, the delegations reported that the study was important for all ECE countries and that they would welcome its updating. The Working Party expressed its thanks to the delegation of the Russian Federation for preparing and publishing the study.

E. Inventory of international land administration projects in Europe

19. The delegation of Austria reported on progress in updating the inventory of international land administration projects. The purpose of the inventory was to facilitate the flow of information on ongoing international projects and coordination among donors and investors in land administration systems in the ECE region.

21. The Working Party invited the Bureau to consider ways to make the electronic database, maintained in Austria, accessible to all ECE countries.

F. Inventory of land administration systems in Europe and North America and Study on key aspects of land registration and cadastral legislation

22. Mr. J. Manthorpe (United Kingdom) presented the third edition of the Inventory of land administration systems in the ECE region and the Study on Key Aspects of Land Registration and Cadastre Legislation prepared and published by HM Land Registry.

23. The Working Party:

(a) Expressed its thanks to the delegation of the United Kingdom for having prepared and published the Inventory and the Study;

- (b) Invited its Bureau to decide when the Inventory should be updated again.

G. ECE guidelines on housing condominiums

24. The secretariat reported on the progress in the preparation of the ECE guidelines on housing condominiums. The guidelines were intended to help countries in transition to eliminate financial, legal and institutional obstacles in the management of housing condominiums.

25. Mr. J. Gudjonsson (Iceland), member of the project's Reference Group, reported on the content of the guidelines and made a presentation on the organization of housing condominiums in Iceland.

26. The Working Party agreed to assist the ECE Committee on Human Settlements in the promotion of the guidelines in countries in transition and in their implementation. Particular attention should be given to reaching organizations and individuals at the local level that deal with the practical issues of condominium management.

V. PROPOSAL FOR NEW PROGRAMME ACTIVITIES AND ADOPTION  
OF THE PROGRAMME OF WORK

27. At its first session in November 1999, the Working Party agreed on procedures for the submission of new programme elements and substantive activities (HBP/WP.7/1999/2, para. 18).

A. Guidelines on legal and cadastral objects and their identifiers

28. The delegation of the Netherlands presented the project proposal, prepared in cooperation with the delegation of Norway, on the preparation of guidelines on legal and cadastral objects (HBP/WP.7/2001/8, annex II, sect. A).

29. The Working Party:

(a) Noted the usefulness of this activity for an effective design, development and maintenance of land information systems and adopted this proposal;

(b) Invited all interested countries to designate experts to work on this project and to send this information preferably before 10 January 2002 to the secretariat and to:

Mr. P. Van der Molen  
Director, Cadastre and Public Registers Agency  
P.O. Box 9046, Hofstraat 110  
NL-7300 GH Apeldoorn, The Netherlands  
Fax: +3155-528 50 29  
E-mail: paul.vandermolen@kadaster.nl

(c) Invited interested delegations to raise a budget of US\$ 15,000 for a consultant and inform the secretariat by 10 January 2002;

(d) Invited its Bureau to consider this issue at its first meeting in 2002 in the light of the responses received.

B. Guidelines on public access to data

30. The delegation of Slovakia presented the project proposal and a draft questionnaire on the preparation of guidelines on public access to data (HBP/WP.7/2001/8, annex II. sect. B).
31. The following countries agreed to participate and designate experts to the task force: Finland, Germany, Latvia, Romania, Russian Federation, Slovakia, Sweden and the United Kingdom.
32. The Working Party:
- (a) Adopted the project proposal;
  - (b) Invited all interested delegations to designate experts for the task force and send this information preferably before 10 January 2002 to the ECE secretariat and to:

Mr. J. Valis, Deputy Director  
Institute of Geodesy and Cartography;  
Chlumeckeho 4, SK 82662 Bratislava, Slovakia  
Fax: 4217-43 29 20 28  
E-mail: valis@vugk.sk

C. Adoption of the programme of work

33. The Working Party agreed on and adopted its programme of work for the 2001-2003 period as presented in annex II.

VI. COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

34. A representative of the European Commission made a presentation on two EC initiatives: the European Environmental Spatial Data Infrastructure (EESDI) and the Global Monitoring for Environment and Security (GMES). He invited representatives of the Working Party to take part in meetings on these initiatives to explore possibilities for cooperation.
35. A representative of Habitat reported on two global reports: Cities in a Globalizing World and The State of the World's Cities 2001. Information was also provided on the publication of Innovative Approaches to Secure Tenure for Urban Poor, and on the progress in the Habitat Kosovo Cadastre Project. The Working Party was invited to contribute to the preparation of the next issue of the Global Report on Human Settlements to be published in 2003, and to prepare best practices case studies for the Global Best Practices Database.
36. The delegation of Spain reported on the preparations for the first Congress on Cadastre in the European Union, to be held in Granada (Spain) on 15-17 May 2002.
37. Representatives of EuroGeographics and the International Federation of Surveyors (FIG) reported on the ongoing activities of their organizations.

VII. TERMS OF REFERENCE OF THE WORKING PARTY AND  
ELECTION OF OFFICERS

38. The Working Party revised its terms of reference (see annex III).
39. Ms. B. Lipej, the Chairperson of the Bureau, reported on the work of the Bureau since the first session of the Working Party.
40. The following officers were elected for the third session of the Working Party:  
Mr. B. Kjellson (Sweden), Chairperson; Mr. A. Overchuk (Russian Federation), Vice-Chairperson;  
Mr. H. Sahakyan (Armenia); Mr. A. Kokkonen (Finland); Mr. P. Creuzer (Germany); Ms. C. Potsiou  
(Greece); Mr. B. Mikuta (Lithuania); Mr. P. van der Molen (Netherlands); Mr. G. Popescu (Romania);  
Mr. J. Valis (Slovakia); Ms. B. Lipej (Slovenia); and Mr. T. Beardsall (United Kingdom).

Annex I

SUMMARY OF THE DISCUSSION ON PUBLIC-PRIVATE PARTNERSHIP AND  
PROVIDING OPEN ACCESS TO LAND INFORMATION

A. Public – private partnerships

1. Member States of the Economic Commission for Europe have been actively examining how the delivery of public services can be supported and improved by private sector participation. There was a recognition that ‘good governance’ and quality public services required the mobilization of the best public and private skills and experience available.
2. In the particular field of land administration, governments needed to consider and define a clear policy identifying those core functions which must remain within the public sector and those which could be undertaken by the private sector.
3. In pursuing effective public-private partnerships the following criteria needed to be observed:
  - (a) Public confidence in land administration systems must be maintained;
  - (b) Contracts that maximize the benefits of both the public and private sectors should be developed;
  - (c) Effective control and performance measurement systems should be established to manage contracts.
4. It was also observed that constructive collaboration between agencies within the public sector in the field of land administration would contribute significantly to the effective delivery of public services.
5. The Working Party took note of the initiatives taken in many ECE member States to improve services by creating effective public-private partnerships. It agreed that there was much scope for sharing experience between countries. It was proposed that the Working Party could cooperate with EuroGeographics (representing surveyors in Europe) to define more clearly the criteria and the opportunities that existed to develop ‘best practice’ in the field of public-private partnerships.
6. The participants pointed at the potential for developing European (or global) standards and systems such as those which had been proposed for the European Land Information Service (EULIS). Accordingly, it was proposed that the Working Party could prepare guidelines for effective public-private partnerships.



(B) Access to land information

7. The discussion focused on:
- (a) Access to land information to:
    - Reduce costs;
    - Increase the level of security; and
    - Facilitate the effective operation of the property market;
  - (b) The fact that the Internet opened new possibilities and the strong political requirement to make the government more transparent;
  - (c) The importance of privacy and the national restrictions that limited:
    - Easy access to information;
    - Revenue generation;
    - The opportunities for shifting the responsibility for costs from users to taxpayers; and
    - Accurate registration;
  - (d) The need for harmonization in the ECE region;
  - (e) The need for different types of access to land-related data in rural and urban areas.
8. The discussion showed that, in those countries where information was openly available, no difficulties or problems arose as a result. Information on ownership, other land rights, prices and valuation was generally accepted as public information. But in those countries where traditionally land information had not been public, there was real concern about moving towards more openness. Although some countries had total access, it was recognized that personal privacy could be compromised if access to information about citizens was permitted.

## Annex II

### PROGRAMME OF WORK FOR 2001-2003

#### **10.1.3.1 Situation and trends in land administration in the ECE region**

**Description:** The Working Party promotes land administration activities in the ECE region. It provides a forum for senior land administration officials to meet and discuss current trends and policies. In particular, it focuses on the development of real-estate markets in countries in transition and on the facilitation of European integration processes. The Working Party exchanges information and experience on modern cadastre and land registration systems.

**Work accomplished:** The delegation of the United Kingdom prepared the Statement on Social and Economic Benefits of Good Land Administration, which was approved by the Committee on Human Settlements and published with the assistance of the delegation of the Netherlands. The Working Party held in-depth discussions on the efficiency of donor assistance to land administration projects in countries in transition, public – private partnerships, and access to land information. In 2001 the third issue of the Land Administration Inventory was prepared and issued by the delegation of the United Kingdom. The Working Party contributed to the special session of the General Assembly “Habitat+5” held in June 2001. The Working Party contributed to the discussion on facilitating social cohesion and security through urban development at the sixty-second session of the Committee on Human Settlements in September 2001.

**Work to be undertaken:** An exchange of views on land administration trends and policies will be organized at the next session of the Working Party in 2003. The Working Party will continue its work on efficient coordination of international assistance projects in countries in transition.

#### **10.1.3.2 Legislation on land administration**

**Description:** The Working Party promotes the development of legal rights in real property, including ownership rights; security of data; public access; legislation on registration of real property and its management (including housing condominiums); resolution of disputes on land rights, etc.

**Work accomplished:** A study on the Key Aspects of Land Registration and Cadastral Legislation was prepared and published by the delegation of the United Kingdom on behalf of the Working Party. The delegations of Iceland, the Netherlands and Spain provided expert assistance to the Committee for the preparation of the ECE guidelines on housing condominiums. A study on mass valuation for taxation was prepared and published by the delegation of the Russian Federation.

**Work to be undertaken:** The Working Party will contribute to the promotion of the Guidelines on housing condominiums in the ECE region. A survey on restrictions on the ownership, leasing and transfer of real property in the ECE countries will be prepared. The delegation of the Russian

Federation is the lead country for the study. The Bureau will consider organizational arrangements for the preparation of guidelines on legal and cadastral objects and their identifiers. The Working Party also agreed to prepare guidelines on public access to data. Cooperation with the European Commission will be strengthened in regard to environment-related EC initiatives.

### **10.1.3.3 Operational activities on land administration**

**Description:** The Working Party on Land Administration promotes the practical application of the ECE Land Administration Guidelines (ECE/HBP/96) in countries in transition, inter alia, through different types of operational activities in these countries: land administration reviews and advisory missions of international experts; workshops and seminars; etc. These activities vary according to the needs and requests of the recipient countries.

**Work accomplished:** Workshops were organized in Tirana (March 2000) on public institutions/private sector relationships in the establishment of land registration systems; in Madrid (September 2000) on security mechanisms in the creation of real-property markets: protecting rights; in Gavle (Sweden, June 2001) on EU accession from a land administration perspective; and in Yerevan (October 2001). The Working Party carried out two land administration reviews: one in Armenia (November 2000, in cooperation with the United Nations Development Programme (UNDP)) and another in Georgia (May 2001). International land administration experts (including an expert from the Food and Agricultural Organization of the United Nations (FAO)) undertook fact-finding missions to these countries and prepared analytical reviews with practical policy recommendations. The Working Party has prepared and agreed organizational procedures for the implementation of ECE land administration reviews (HBP/WP.7/2001/6).

**Work to be undertaken:** As a follow-up to the land administration reviews in Armenia and Georgia, the implementation will be assessed in 2003-2004. The Working Party will organize a workshop on mass land valuation in the Russian Federation (Moscow, 27-28 June 2002) and in Austria (Vienna) on customers-cooperation-services (12-13 September 2002). The Working Party will continue to carry out land administration reviews at the request of individual countries. The delegation of the United Kingdom will organize a workshop in Edinburgh in autumn 2003. The delegation of the Russian Federation indicated its interest in implementing a land administration review in 2002.

Annex III

TERMS OF REFERENCE  
OF THE WORKING PARTY ON LAND ADMINISTRATION

1. The Working Party on Land Administration operates under the auspices of the ECE Committee on Human Settlements.
2. According to the ECE Guidelines on land administration (ECE/HBP/96), land administration refers to the process of recording and disseminating information about the ownership, value and use of land and its associated resources. Land administration includes, inter alia, cadastre, land registers, land consolidation, valuation and land information systems for a sustainable management of land resources. Such processes include the determination of rights and other attributes of the land, the survey and description of these, their detailed documentation and the provision of relevant information in support of land markets.
3. The Working Party aims at improving and promoting land administration in the ECE region. It contributes to the comprehensive approach of the Committee on Human Settlements in its activities on housing reforms and sustainable spatial planning. In particular, it will focus on privatization through security of tenure and the establishment of real-estate markets in countries in transition. These activities will also assist ECE activities on the environment, facilitation of trade, foreign investment and industrial development. They are also necessary for agricultural development. The activities of the Working Party will promote cooperation and the exchange of experience among all countries of the ECE region.
4. The Working Party works in the following areas:
  - (a) Basic land management legislation (legal rights in real property including ownership; registration of real property, ownership and mortgages; transfer of ownership; security of ownership; adjudication of land rights and resolution of disputes; land-use restrictions; etc.);
  - (b) Land administration measures (real property formation; land registration, cadastral mapping; real property valuation; etc.);
  - (c) Land information systems (geo-spatial data infrastructure; real property register; land register; assessment data; land-use data; cadastral maps; etc.); and
  - (d) Organization and management issues (institutional matters; management; financing of operations; data policy and pricing of services and cost-recovery requirements; development of professional skills; privacy; citizen participation; etc.).
5. It cooperates and determines its activities in close contact with other international governmental and non-governmental organizations active in related fields, such as the United Nations Human Settlements Programme (UN-Habitat), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), the European Commission, the International Federation of Surveyors (FIG), the International Centre of

Registration Law (CINDER), the European Umbrella Organisation for Geographic Information (EUROGI) and EuroGeographics. It promotes cooperation and facilitates direct contacts with international organizations and programmes that fund land registration and cadastre projects in countries in transition, such as the PHARE and TACIS programmes of the European Union, the European Bank for Reconstruction and Development and the World Bank, and it encourages partnership among the public and private sectors in managing land resources for sustainable development.