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ECONOMIC COMMISSION FOR EUROPE

COMMITTEE ON HUMAN SETTLEMENTS
Working Party on Land Administration

REPORT ON THE THIRD SESSION
(17-18 November 2003)

Introduction

1. The Working Party on Land Administration held its third session in Geneva from 17 to 18 November 2003. Mr. B. Kjellson (Sweden) chaired the meeting.
2. Representatives of the following countries participated: Armenia, Austria, Azerbaijan, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Netherlands, Norway, Poland, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom.
3. A representative of the World Bank attended the session.

I. ADOPTION OF THE AGENDA

4. The provisional agenda (HBP/WP.7/2003/1) was adopted.

II. MATTERS ARISING FROM THE SIXTY-THIRD AND THE SIXTY-FOURTH SESSIONS OF THE ECE COMMITTEE ON HUMAN SETTLEMENTS, AND THE FIFTY-EIGHTH SESSION OF THE ECONOMIC COMMISSION FOR EUROPE

5. The Working Party took note of the Committee's decisions taken at its sixty-third and sixty-fourth sessions, in particular with regard to: (a) its contribution to the Regional Implementation Forum on Sustainable Development; (b) the need for cross-sectoral cooperation; (c) the further development of linkages between land administration and housing activities; (d) the preparation of the guidelines on spatial planning systems; and (e) the environmental aspects of human settlements development. The Working Party also took note of the relevant decisions taken at the fifty-eighth session of the Commission, in particular on the ECE role in implementing sustainable development strategies and the request to schedule bureau meetings of several ECE bodies, as far as possible, in the same week in order to hold a joint meeting of these bureaux. The Working Party agreed to bear these decisions in mind when discussing its programme and methods of work.

III. IN-DEPTH DISCUSSIONS

A. Current trends and policies in land administration in the ECE countries

6. Mr. P. Dale (United Kingdom) chaired the discussion on the current trends and policies. Mr. K. Deininger (World Bank) gave an introductory report on the World Bank's policy research. It was pointed out that policy research should strengthen the effectiveness of land policy in support of economic development and poverty reduction by setting out the results of recent research in a way that was accessible to a wide audience of policy makers, non-governmental organizations, donor agency officials, and the broader development community. The following three principal positive issues were underlined: (a) providing secure tenure to land can improve the welfare of the poor and it creates incentives needed for investments, which is a key element for sustainable economic growth; (b) facilitating the exchange and distribution of land is central for the development of financial markets that rely on the use of land as collateral; it establishes the basis for a positive investment climate and the diversification of economic activity; (c) governments have a clear role to play in promoting and contributing to socially desirable land allocation and use by introducing mechanisms of taxation and land-use planning.

7. In the discussion, the following main items of policy concern for land administration authorities in the ECE region were stressed:

- (a) Provision of geographic and land information for the users;
- (b) Financing of land administration activities;
- (c) Need to put land administration into a broader picture of land use policy;
- (d) Public-private partnership in land administration and public access to data;
- (e) Land valuation and taxation;
- (f) Land administration in the context of the information society, related new procedures and services; the Internet as a driver for change;

- (g) Role of cadastre and land registration for the national economy and its place in the national space information infrastructure;
- (h) Impact of EU enlargement on land administration activities;
- (i) Land consolidation and rental market;
- (j) A glossary of land administration terminology used in the ECE countries should be prepared to facilitate a common understanding of land administration policies and activities.

8. The Working Party agreed on the necessity to prepare a new version of the ECE Land Administration Guidelines (ECE/HBP/96), which would address all current problems and challenges, identified during this discussion, recent workshops organized by the Working Party and the country reviews on land administration carried out by ECE. It invited its Bureau to give priority to the preparation of the new version of the Guidelines.

B. Raising the public profile of the land administration work

9. Mr. F. Vogel (Germany) made an introductory statement and chaired the discussion on raising the public profile of the land administration work. The key speakers were Mr. S. Say (Russian Federation), Mr. I. D. Boo (Spain), Mr. K. Kangur (Estonia) and Mr. T. Beardsall (United Kingdom). Mr. M. Betts and Mr. S. Perkins (“North Design”) presented a case study on the corporate identity development process.

10. In the discussion, delegations stressed that to raise the public profile of the land administration sector in the ECE countries, the attention of the policy makers should be drawn to the following issues:

- (a) Land administration plays an important role in the economic and political context of European integration;
- (b) Land administration can improve social equity and the welfare of the poor;
- (c) Land valuation and taxation supports the budgets of local authorities for local development programmes;
- (d) Land cadastre is essential for infrastructure development;
- (e) Land cadastre is necessary for a common EU agricultural policy and related subsidies;
- (f) The cadastre helps the effective development and implementation of different public policies;
- (g) Like population censuses, the cadastre’s information is objective and useful for different types of political considerations and decisions.

11. It was further agreed that to raise the public profile of land administration it was important to:

- (a) Inform potential customers about the information available in the cadastre (achieve public visibility, advertise products and services);
- (b) Increase the number of customers (development of proactive policies to seek out new users of cadastre information);

- (c) Convert suppliers of land information into partners (creation of a permanent network of suppliers of information, for example local and regional authorities);
- (d) Achieve flexibility and compliance with the needs identified by the client;
- (e) Identify the needs of politicians;
- (f) Pay attention to cost recovery (however, the public performance of the cadastre office must be valued, not only by the amount of money recovered through the sale of cadastral products, but also by the degree of social needs that it satisfied);
- (g) Promote a professional approach to corporate identity of land administration companies and authorities.

IV. REVIEW OF WORK ACCOMPLISHED OR IN PROGRESS

A. Programme of workshops

12. The Working Party reviewed the workshops organized or planned since its second session. The workshop on mass valuation systems of land had taken place in Moscow from 28 to 29 June 2002 (HBP/WP.7/2003/3). The workshop on customers-cooperation services had been held in Vienna from 12 to 13 September 2002 (HBP/2002/10). The workshop on spatial information management for a sustainable real estate market had been organized in Athens from 28 to 31 May 2003 (HBP/WP.7/2003/4). The workshop on organizational sustainability and capacity-building had been held in Edinburgh (United Kingdom) from 1 to 3 October 2003. The delegations of these countries and experts from other countries reported on the outcome of the workshops.

13. The delegation of Armenia reported on the organization of a workshop on real property markets and access to mortgages to be held in Erevan on 6-7 May 2004. The delegation of Lithuania informed the Working Party of the preparations for a workshop to be held in Vilnius on 22-25 September 2004. For the years 2005-2006 workshops were planned in Hungary, the Czech Republic, Finland and Cyprus.

B. Land administration reviews

14. Mr. A. Overchuk (Russian Federation) reported on the results of the land administration review of the Russian Federation (HBP/WP.7/2003/7 and Add.1). The mission of the international expert team had taken place on 10-16 November 2002. Mr. A. Overchuk presented the review's conclusions and recommendation and the follow-up actions taken by the land administration authorities of the Russian Federation. In line with the terms of reference of the mission, the review and its recommendations had concentrated on: (i) land cadastre and registration of land rights; (ii) land valuation for taxation; (iii) real estate market development; (iv) urban land management; (v) rural land management; and (v) geodesy and mapping. It was recommended that the focus of land reform should be on improving existing laws and regulations, instead of creating a myriad of new laws, that priority should be given to the government policy of establishing a unified real property cadastre, which should be the sole source of information on real property. Mr. A. Overchuk informed the Working Party that as a follow-up to this recommendation, a new conception of a law on real property cadastre had been

prepared. He also reported on the organization of a launching event in Moscow on 6 February 2004, as a follow-up to the land administration review of the Russian Federation.

15. The delegation of Lithuania reported on preparations for a land administration review to be implemented in this country in 2004 (a mission of international experts is planned for March 2004). The objective of the review was to assess the legal basis, organizational, technical and technological aspects of real property administration in Lithuania. Lithuanian experts had already started compiling the background material and establishing the programme of the mission. The delegation of Lithuania requested the Working Party, its Bureau and the secretariat to select five of six high-level international experts for this mission.

16. The delegation of Azerbaijan informed the Working Party that it had requested a land administration review in its country. In the request, it was stressed that land reform was one of major reforms in the country, and international advice and assistance was most needed at this stage. According to data of July 2003, 56.9% of land was in state ownership, 23.5 % belonged to municipalities, and 19.6% was privatized. The State Land and Cartography Committee of the Republic of Azerbaijan was the main body responsible for implementing the land reform.

17. The Working Party:

(a) Noted with satisfaction the success of the land administration review in the Russian Federation and the first actions taken to implement its recommendations. It supported the proposal of the delegation of the Russian Federation to organize a launching event in Moscow on 6 February 2004;

(b) Invited the Bureau and the secretariat, in consultation with the delegation of Lithuania, to establish a team of international experts for the land administration review in Lithuania;

(c) Invited the secretariat to contact the State Land and Cartography Committee of the Republic of Azerbaijan and agree on the practical details and programme of work for the land administration review in Azerbaijan.

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

18. The delegation of the Russian Federation reported on the main findings of the survey of restrictions on the ownership, leasing and transfer of real property in the ECE countries. The objective of the survey was to better understand the present legal position on these issues in the ECE countries. Ownership restrictions were usually not imposed on a person but on a certain type of real property. In urban areas, municipal regulations established minimum and maximum real property sizes. In rural areas, the imposition of limits on the number of small land holdings was usually intended to sustain the economic environment that would, unless regulated, lead to the necessity of land consolidation procedures and related public expenditures. It was recognized that mortgage finance mechanisms were vital development tools. However, lending institutions were very reluctant to issue mortgage loans in countries where they expected to encounter problems with the removal of the former owners from the premises.

19. The Working Party noted the usefulness of the survey prepared by the delegation of the Russian Federation. The full text of the survey was available on the web site of the Working Party.

D. Guidelines on public access to data

20. The delegation of Slovakia reported on the progress in the preparation of the guidelines on public access to data. The reason for this work was the fact that, until now, within manual systems, data had been maintained in analogue form, with limited possibilities for public access. Computerized data processing had created a number of opportunities for improving access to data; however, in different ECE countries, there were different legal procedures concerning what data sets could be accessible to ordinary citizens. There was also the problem of copyright.

21. The Working Party:

(a) Invited all countries (which had not yet replied to the questionnaire) to send, as soon as possible, their replies 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

(b) Agreed that the guidelines could represent a contribution to the new version of the ECE Land Administration Guidelines.

E. Guidelines on real estate units and identifiers

22. Mr. P. Dale, Consultant, and Mr. H. Onsrud, Chair of the task force, reported on the work on the guidelines on real estate units and identifiers, and presented the draft and contents of the guidelines. These guidelines had been prepared to assist countries to modernize their land book and cadastral systems and to facilitate harmonization within the European Union and across the ECE region. Each land parcel should have a unique identifier so that data concerning the parcel could be given an exclusive reference. However, in most ECE countries, the identifiers used at present generally reflected historical practice rather than contemporary need. The guidelines provided a framework within which appropriate identifiers could be developed.

23. The Working Party:

(a) Noted with satisfaction the comprehensive and useful work done by Mr. P. Dale and the task force;

(b) Invited its Bureau and the secretariat to review and approve the draft at its next meeting on 7 February 2004 in Moscow;

(c) Welcomed the offer of the delegation of the Netherlands to publish the guidelines after approval by the Bureau.

F. Public/private partnership

24. Mr. P. Creuzer, Chair of the task force, made a progress report on the preparation of a study on public/private partnership in land administration. The study would evaluate the current status of public/private partnership both in Western countries and countries in transition. It would review the benefits and problems arising from the collaboration of the public authorities and the private sector. It intended to provide guidance on the institutional set-up and legal framework for a “win-win situation” for both the public and the private sector. The work on the study would be coordinated with the preparation of a new version of the ECE Land Administration Guidelines.

25. The delegation of Poland indicated its interest in joining the task force on public/private partnership.

26. The Working Party noted the progress made and invited the task force to finalize the study by October 2004.

G. ECE Guidelines on condominium ownership of housing for countries in transition

27. The secretariat presented the ECE Guidelines on condominium ownership of housing for countries in transition (ECE/HBP/123). The Guidelines were intended to help countries in transition to eliminate financial, legal and institutional obstacles in the management of housing condominiums. The Guidelines are available on the web site of the Committee on Human Settlements at <http://www.unece.org/env/hs/chs/63rdsession.htm>.

28. 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 practical implementation. Particular attention should be given to the integration of condominium-related aspects in future workshops and land administration reviews.

H. ECE Land Administration Guidelines in the period up to the year 2010

29. The Working Party discussed the proposal of the Bureau to prepare a new version of the ECE Land Administration Guidelines. The original publication had been initiated in 1994 in order to assist countries of Central and Eastern Europe to establish a land cadastre and a register of property rights in the context of the transition. Now, the challenges of land administration in all countries of the ECE region were converging, with the main focus on the modernization of the land administration system. The new version of the guidelines should therefore be addressed to all ECE member States.

30. The following needs, items and issues were suggested for consideration in the preparation of the guidelines:

(a) A new chapter on technical issues: new processes and services to meet the customer's needs;

(b) New institutional set-up and financial sustainability of operations; coordination of different information systems within the information society's data infrastructure; the role of land administration in the national spatial information system, in the e-society and in e-business;

(c) Raising political awareness about the usefulness of good land administration for sustainable development, about its economic justification in terms of attracting investments and about the need to provide a service that will satisfy customers. This should be supported by statistical information;

(d) The impact of EU integration on land administration in the ECE countries;

(e) Attention should be given to meet the user's needs in such areas as urban and regional planning; informal housing construction; rental housing market development; agriculture and land consolidation;

(f) A glossary of land administration terminology and definitions should be developed;

(g) The recent work of the Working Party would be used in the preparation of the guidelines (the survey of restrictions on ownership; the statement on socio-economic benefits; the guidelines on cadastre identifiers; public/private partnership; access to data; etc.);

(h) In preparation of the guidelines the Working Party would coordinate this work with the ECE Committee on Human Settlements and cooperate with organizations such as the International Federation of Surveyors (FIG) and the Food and Agriculture Organization of the United Nations (FAO).

31. The Working Party:

(a) Supported the proposal of the Bureau that Mr. P. Dale (United Kingdom) should have the main responsibility for drafting the guidelines;

(b) Agreed that its Bureau should act as a reference group and provide all necessary assistance to Mr. P. Dale in the preparation of the guidelines (search for financial assistance, organizational and drafting support, revision of drafts);

(c) Invited Mr. P. Dale to make a proposal on the composition of the task force, on the outline of the guidelines and a timetable for the preparatory work, which would be considered by the Bureau at its meeting on 7 February 2004 in Moscow.

I. Adoption of the programme of work

32. The Working Party adopted its programme of work for the 2003-2005 period as presented in the annex below.

V. COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

33. The Chairperson reported on cooperation with the Real Estate Advisory Group. In particular, attention was drawn to the second Forum on Land for Development Programme, held in Rome from 30 to 31 October 2003. He also reported on cooperation between the Working Party and EuroGeographics.

34. The delegation of Italy reported on the activities of the Permanent Committee on Cadastre in the European Union, which had been established in 2002. Its main objectives were:

(a) to constitute a network of information on cadastre and to facilitate the exchange of information, expertise and best practices among its members; and (b) to be a link between cadastral institutions and the organs of the European Union that used cadastral information for their activities.

35. The delegation of Hungary reported on the activities of the Central European Land Knowledge Center, which had been established in January 2003 in Budapest in cooperation with the World Bank and the Government of Hungary. Its aim was to serve Central, East and South East European countries as a regional knowledge management, information dissemination and advisory centre.

36. The delegation of Switzerland reported on the development of the Cadastral Template, a worldwide comparison of cadastral systems. One of the main aims of this activity was to develop a better understanding of the relationship between cadastral and topographical mapping.

VI. ELECTION OF OFFICERS

37. The Chairperson of the Working Party reported on the work of the Bureau since the second session of the Working Party.

38. The following officers were elected for the period until the end of the fourth session of the Working Party:

Mr. B. Kjellson (Sweden), Chairperson; Mr. A. Overchuk (Russian Federation), Vice-Chairperson; Mr. H. Sahakyan (Armenia); Mr. H. Köenig (Austria); Mr. A. Kokkonen (Finland); Mr. P. Creuzer (Germany); Ms. C. Potsiou (Greece); Mr. B. Mikuta (Lithuania); Mr. J. Valis (Slovakia); Ms. B. Lipej (Slovenia); Ms. A. Solchaga (Spain); and Mr. T. Beardsall (United Kingdom).

Annex

PROGRAMME OF WORK FOR 2003-2005

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 land registration to secure land tenure and property rights, the development of real-estate markets in countries in transition and the facilitation of European integration processes. The Working Party exchanges information and experience on modern cadastre and land registration systems in the ECE region, and shares its experience with other regions.

Work accomplished: At its second session in November 2001, the Working Party held two in-depth discussions on: (a) public-private partnership; and (b) providing open access to land information. In response to the conclusions of the discussions, the Bureau of the Working Party gave further attention and supported work on public-private partnerships and access to land information. At its third session, the Working Party also held two in-depth discussions on: (a) current trends and policies in the ECE region; and (b) raising the public profile of the land administration work. As a follow-up to the discussion on current trends and policies, the Working Party agreed to prepare a new edition of the ECE Land Administration Guidelines (ECE/HBP/96) to address new priorities and challenges in the ECE countries. The Working Party contributed to the discussions at a number of meetings organized by the European Union, the Regional Center of Excellence in Budapest (initiated by the World Bank), EuroGeographics, the Real Estate Advisory Group (which operates under UNECE), etc.

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 2005. The Working Party will continue to coordinate international assistance projects in countries in transition, and strengthen its cooperation with other international organizations active in land administration.

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 to land information; legislation on registration of real property and its management (including housing condominiums); resolution of disputes on land rights, etc.

Work accomplished: A survey of restrictions on the ownership, leasing, transfer and financing of land and real property in Europe and North America was prepared and published in 2003 by the delegation of the Russian Federation (Federal Land Cadastre Service) as lead country. The

Working Party contributed to the preparation of the ECE Guidelines on Condominium Ownership of Housing for Countries in Transition (ECE/HBP/123).

Work to be undertaken: The Working Party will contribute to the promotion of the Guidelines on Condominium Ownership of Housing in the ECE region through, inter alia, land administration reviews and country-oriented workshops. The guidelines on legal and cadastral objects and their identifiers have been finalized and will be published in 2004. Work will continue on the preparation of studies on public-private partnerships and public access to land information. The Working Party will prepare a new version of the ECE Land Administration Guidelines (see item 10.1.3.1 above). The Land Administration Inventory will be updated by the delegation of the United Kingdom.

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), inter alia, through different types of operational activities in the ECE countries: land administration reviews and advisory missions of international experts; workshops and seminars; etc. These activities vary and are implemented according to the needs and requests of the recipient countries.

Work accomplished: Since the second session of the Working Party, workshops have been held in: the Russian Federation (Moscow, 27-28 June 2002) on mass valuation of land; Austria (Vienna, 12-13 September 2002) on customers-cooperation services; Greece (Athens, 28-31 May 2003) on spatial information management for a sustainable real estate market; and the United Kingdom on organizational sustainability and capacity-building (Edinburgh, 1-3 October 2003), which was hosted by the Registers of Scotland. The Working Party prepared and agreed on organizational procedures for the implementation of ECE land administration reviews (HBP/WP.7/2001/6). It carried out land administration reviews in Armenia (HBP/WP.7/2001/5, November 2000), in Georgia (HBP/WP.7/2001/9, May 2001) and in the Russian Federation (HBP/2003/7 and Add.1). International experts undertook fact-finding missions to these countries and prepared analytical reviews with practical policy recommendations. The land administration reviews were coordinated with the country profiles on the housing sector carried out by the Committee on Human Settlements.

Work to be undertaken: The publication of the land administration review of the Russian Federation will be launched in Moscow on 6 February 2004. In 2004 workshops are planned in Armenia on real estate property market and access to mortgages (Yerevan, 6-7 May 2004) and in Lithuania on advanced real property administration in developing information society (Vilnius, 22-25 September 2004). The Working Party will continue to carry out land administration reviews at the request of individual countries. In 2004, a land administration review will be implemented in Lithuania. The delegation of Azerbaijan has stated its interest in carrying out a land administration review in 2004-2005. The results of the workshops and land administration reviews will be reflected, as appropriate, in the new version of the Land Administration Guidelines.