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PROGRAMME OF WORK FOR 2008-2009

**REPORT ON THE WORKSHOP ON THE EFFECTIVE AND SUSTAINABLE LAND
MANAGEMENT: A PERMANENT CHALLENGE FOR EACH SOCIETY**

Note by the secretariat in cooperation with the delegation of Germany

Introduction

1. The workshop on Effective and Sustainable Land Management - a permanent challenge for each society took place in Munich (Germany) on 24 and 25 May 2007. The German Federal Task Force on Land Development (ArgeLandentwicklung) and the Working Committee of the Surveying Authorities of the States of the Federal Republic of Germany (AdV) hosted the workshop.
2. Representatives of the following countries participated: Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Cameroon, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Lao People's Democratic Republic, Latvia, Lithuania, Malta, Mongolia, The Netherlands, Norway, Poland, Portugal, Spain, Sweden, Switzerland, Tajikistan, Turkey, United Kingdom of Great Britain and Northern Ireland, Ukraine and United States of America.
3. Representatives from the European Commission, the United Nations Economic Commission for Africa (UNECA) secretariat, the UNECE secretariat and the World Bank also took part in the workshop.

4. Mr. Peter Creuzer, Chairman of the UNECE Working Party on Land Administration (WPLA), opened the workshop and welcomed the participants.

5. In his opening speech, Mr. Josef Miller, Bavarian State Minister for Agriculture and Forestry and Member of Parliament, pointed out that effective rural development ensures valuable living space, promotes regional industries based on agriculture and forestry, slows down migration to urban areas, and contributes to preserving the natural environment. Land consolidation, together with infrastructure improvements, is a crucial tool in integrated rural development programmes.

6. Welcoming addresses were made by:

Mr. Michael Kunz, UNECE secretariat;

Mr. Holger Magel, Chairman of the German Geodetic Commission/Working Group Land Management and Working Committee of Academies for Rural Areas;

Mr. Hans Gerd Stoffel, Vice-Chairman of the Working Committee of the Surveying Authorities of the States of the Federal Republic of Germany;

Mr. Maximilian Geierhos, Chairman of the German Federal Task Force on Land Development.

The topics addressed at the workshop are described in the annex.

Summary of the discussion

7. Challenges in rural areas in Hungary include the out-migration of young educated people, a decline of agriculture, and the poor quality of rural infrastructure. The National Rural Development Programme was described as a policy initiative to address these problems, in particular with regards to land use and land management issues.

8. It was pointed out that urban and rural areas in the Netherlands have strong interdependencies and linkages, e.g. regarding land needs for growing cities, environmental conditions, and the provision of food and drinking water.

9. Citizen participation in Bavaria follows the principle, "Help us to help ourselves". Citizens are called upon to take an active part in the process of rural and community development. For this purpose, they are provided with information, are trained at special schools for village and rural development, take part in decision-making, and participate in the implementation.

10. Land rearrangement in Finland takes place in accordance with the Real Estate Formation Act, a means for implementing land conservation projects, such as nature reserves, so as to minimize disadvantages. Land rearrangement has been used successfully for implementing nature reserves for about 10 years. A major problem with land rearrangement is the lack of suitable land for exchange in southern and central Finland.

11. Different initiatives have been undertaken in Estonia to develop a modern land administration system.
12. The transition of the agricultural sector and the reorganization of land property and land use in eastern Germany and related difficulties were illustrated. The tools of land tenure and land management have played a crucial role in this process.
13. The social function of rural and urban property is recognized in the Constitution of Spain. Land consolidation is an instrument that facilitates the introduction of modern cultivation techniques. Land consolidation is defined as the set of administrative actions aimed at clustering excessively split-up rural property by awarding to each landowner, in replacement for the parcels he has submitted to the process, one or more equivalent properties organized for economically viable farming.
14. Land consolidation in France is regulated within the framework of the rural code. Different types, procedures and responsibilities for carrying out land consolidation projects were highlighted.
15. The Constitution of Poland protects ownership as well as the right of succession. Interventions into private ownership should therefore be an exceptional measure. Before initiating expropriation, the authority is obliged to seek a civil agreement. In the case of expropriation, a compensation corresponding to the market value of the property has to be provided.
16. In Armenia, land reforms are coming to the final phase. In all communities, cadastral mapping activities have been finalized. The title registration as well as the provision of certificates of ownership free of charge are coming to an end. The legal framework and other necessary preconditions for the creation of the mortgage system have been established. In all 916 communities, State land has been transferred to the ownership of communities for future disposal.
17. The prevailing land tenure structure in Cyprus and the main problems which result from this situation are, to a large extent, remedied by the implementation of land consolidation measures which were adopted in 1970. Since then, land consolidation implementation has steadily progressed with very satisfactory results. Today, the implementation of land consolidation measures in non-agricultural areas which, similarly to agricultural areas, face land tenure problems and cannot be rationally developed and managed, is under serious consideration.
18. In the late 1990s, it was expected by the National Land Survey of Finland that land consolidations were coming to an end. Land division in the rural areas of western Finland was not suitable for modern farming, and land consolidation projects were often long-lasting and opposed by landowners. There was a need to reform the land consolidation procedure. New guidelines made land consolidations more farmer-driven, and emphasis was put on preparatory work. By the end of 2006, over 50,000 hectares of new land consolidations were pending in Finland.

19. Land development practices have been continuously changing over the last 50 years. There is an increasing number of spatial conflicts and a demand for a wider range of solutions in this area. To meet these challenges, the Flemish Land Agency has aimed at making the existing instruments (e.g. land consolidation, land development, land development for nature) more modular and flexible. Also, new, very flexible instruments without legal procedures (e.g. demand-driven project initiation, land banking, project implementation based on contracts) were developed. These tools are intended to be included in new legislation.

20. The new rural development regulation of the European Union for the period 2007-2013 lays down four core themes for rural development policy. Land consolidation is recognized as a tool for rural development. The German land consolidation act provides a comprehensive approach which is suitable to achieve all of the objectives set out in the regulation. A case study of an integrated land consolidation procedure in Milchenbach/Northrhine-Westfalia was presented.

21. The preliminary results of the FARLAND project of the EU were presented. Based on a comparative analysis of the existing land development instruments in six European countries, consequences and conclusions for future policies were derived.

22. Land Registry is building a comprehensive Land Register for England and Wales. To this end, a statutory framework and an extensive register development strategy is being used. Fast and comprehensive electronic access to the register is being provided. The register services are particularly useful to those responsible for managing and developing land and promoting large infrastructure projects.

23. Experiences with the implementation of legal acts pertaining to agrarian reform in Turkey were evaluated.

24. The experience of the Ukraine in the regulation of cadastre and land registration was highlighted. Due to land privatization, the number of landowners, and that of land parcels in private ownership have increased dramatically. In order to ensure environmentally and economically effective land use, the issue of land consolidation and land reallocation will be addressed.

25. Lithuania experienced a number of land reorganization processes throughout its history. An important period in the history of current land management in Lithuania is related with the Lithuanian independence in the period 1918–1940. Through the land reform at that time, those who worked on the land became landowners and the achievements in agriculture were treated as the real agrarian revolution. During the socialist period, all land was nationalized and there was no private ownership instituted in Lithuania. The present land reform started in 1991 and is based on the restitution of land ownership rights. Main provisions of legal framework of land management are basically linked with the restitution of land ownership rights in Lithuania after 1990.

Conclusions

26. Challenges faced in different countries vary due a variety of underlying reasons. Each challenge needs to be addressed through tailored approaches.
27. A clear legal framework is very important for land management in general.
28. A sound institutional framework, including a strong state administration, independent experts, and owners, is also important for land management projects.
29. Challenges relate to the restructuring of the agricultural sector, growth of agglomerations, and consequently, a pressure on land in the surrounding regions, land conflicts, and public participation to create identification, acceptance and self-confidence.
30. A revitalized approach to rural development needs to create a common responsibility for citizens, authorities and experts.
31. Land management projects can be either voluntary- or mandatory-based, and may be carried out through voluntary exchanges of properties, acquisitions of land, expropriation, land readjustment, land rearrangement, and land consolidation.
32. Property rights must be protected and guaranteed in land management projects.
33. Land administration data are the base for land management projects.
34. Land consolidation projects need to establish clear goals at the outset.
35. Simple and targeted pilot projects with beneficial results can help to establish trust for future projects.
36. A coherent and consistent land policy is needed before designing land management programmes.

Annex
(English only)

MAIN TOPICS OF THE WORKSHOP

The sessions and main topics were organized as follows:

Session I: New Approaches to Rural Development

Chair: Mr. Maximilian Geierhos

Moderator: Ms. Vilma Daugaliene

Presentations:

“Contemporary Rural Development in Hungary” by Mr. Andrew Cartwright, Central European University, Hungary

“Metropolitan Areas and Interdependencies to Land Development” by Mr. Rolf Müller, Dienst Landelijk Gebied, Netherlands

“Citizen’s Participation in the Rural Development” by Mr. Stephan Wiediger, Bavarian State Ministry of Agriculture and Forestry, Rural Development Service, Germany

“Land Rearrangement in Implementation of Nature Reserves in Finland” by Mr. Jouko Sillanpää, National Land Survey of Finland

Session II: Modern Land Consolidation

Chair: Mr. Arvo Vitikainen

Moderator: Ms. Isabel Gonzalez Garcia

Presentations:

“Land Consolidation Pilot Project in Armenia” by Mr. Hayk Sahakyan, State Committee of the Real Property Cadastre of the Government of the Republic of Armenia

“Land Consolidation in Cyprus past, present, future” by Mr. Panos S. Ioannides, Land Consolidation Department, Cyprus

“Modern Land Consolidation in Finland – a farmer-driven project with many goals” by Mr. Kalle Konttinen, National Land Survey of Finland

“Challenges for Land Development in Flanders” by Ms. Griet Celen, Flemish Land Agency, Belgium

“Integrative Land Consolidation – an approach for fulfilling the objectives of the rural development policy” by Mr. Ralf Wilden, District Government Arnsberg, Germany

“Future Approaches to Land Development across Europe” by Joachim Thomas, EU-INTERREG IIC “FARLAND”- Chair of Steering Committee, Ministry for Environment and Nature, Agriculture and Consumer Protection NRW, Germany

“Outcomes of the Workshop on Informal Settlements in Athens” by Ms. Chryssy Potsiou, National Technical University of Athens, Greece

Session III: Social and Constitutional Dimension of Land Management

Chair: Mr. Edward Geoffrey Beardsall

Moderator: Mr. Damir Pahic

Presentations:

“Land Administration System in Estonia: does it meet the need of time?” by Mr. Siim Maasikamäe, Estonian University of Life Sciences

“Client’s Demands on an Integrated Land Management Approach in Eastern Germany- legal and socio-cultural aspects” by Mr. Karl-Friedrich Thöne, Thuringian Ministry for Agriculture, Nature Conservation and Environment, Germany

“Land Consolidation in Spain: the Land Registry perspective” by Ms. Isabel Gonzalez Garcia, Colegio de Registradores de la Propiedad y Mercantiles de Espana, Spain

“Land Consolidation Projects in France – are property rights preserved and guaranteed?” by Mr. Michel Epinat, CMS, France

“Constitutional Aspects of Land Administration and Protection of Property Rights in Poland” by Ms. Malgorzata Kutyla, Ministry of Construction, Poland

Session IV: Legal Framework of Land management

Chair: Ms. Magret Hauskdottir

Moderator: Mr. Arvo Kokkonen

Presentations:

“Unlocking the Potential of the Land Register for the Good of Society” by Mr. Peter Collis, Chief Land Registrar and Chief Executive, Land Registry, England and Wales

“Land Reform and Practices in Turkey” by Fatma Tüz Zehra Gülsever Saban, General Directorate of Agrarian Reform, Ministry of Agriculture and Rural Affairs, Turkey

“Ukraine’s Experience in Legal Regulation of Cadastral and Land Registration System” by Mr. Olexiy Yanov, NGO Center for Land Reform Policy in Ukraine

“Legal Framework of Land Management in Lithuania after 1990” by Ms. Vilma Daugaliene, National Land Service under the Ministry of Agriculture, Lithuania
