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Item 3(d) of the provisional agenda

**WORKSHOP ON THE INSTITUTIONAL FRAMEWORK  
FOR SECURING REAL PROPERTY RIGHTS**

Report prepared by the delegation of Georgia in cooperation with the secretariat\*

**Introduction**

1. The Workshop on the Institutional Framework for Securing Real Property Rights took place in Tbilisi on 11–12 May 2006. The National Agency of Public Registry of the Ministry of Justice of Georgia hosted the workshop.
2. Representatives of the following countries participated: Armenia, Austria, Azerbaijan, Belarus, Croatia, the Czech Republic, Finland, Georgia, Germany, Hungary, Iceland, Latvia, Lithuania, The former Yugoslav Republic of Macedonia, Mongolia, the Netherlands, Norway, Romania, Slovakia, Spain, Sweden, Switzerland, Tajikistan, Turkey, the United Kingdom and the United States.
3. Representatives from the World Bank, the International Real Estate Federation (FABCI), the International Federation of Surveyors (FIG), USAID and the UNECE secretariat also took part in the workshop.
4. Mr. David Egiashvili, Chair of the National Agency of the Public Registry (NAPR), opened the workshop and welcomed the participants.

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\* This document was submitted on the above date because of processing delays.

5. Welcoming addresses were made by:

Mr. Michael Kunz, UNECE secretariat

Mr. Peter Creuzer, Chair of the UNECE Working Party on Land Administration

Mr. Levan Bezhashvili, Chair of the Legal Committee of the Parliament of Georgia

6. Mr. Kakha Bendukidze, State Minister of Georgia, made a keynote speech.

7. The purpose of the workshop was to discuss issues related to: (a) development of institutions dealing with real property rights registration; (b) enhancing the security of real property ownership and rights; and (c) improving services for customers.

8. The workshop addressed the following main topics:

### **Session I: Case studies on institutional frameworks for land administration**

Chair: Mr. Peter Creuzer, Chair of the Working Party on Land Administration (Germany)

Moderator: Mr. Heinz Koenig, Federal Office of Metrology (BEV) (Austria)

#### **Presentations:**

“Institutional Reform in Georgia” by Mr. David Egiashvili, Chair, NAPR, Georgia

“From Secure Tenure towards Urban and Rural Land Management: FIG’s Role in Servicing the Needs of Societies” by Mr. Holger Magel, President, FIG

“Institutional Framework of Real Property Registration System in Lithuania” by

Mr. Kestutis Sabaliauskas, Director General, State Enterprise Centre of Registers (SECR) (Lithuania)

### **Session II: Case studies from countries of the Caucasian region**

Chair: Mr. Kestutis Sabaliauskas, Director General, SECR (Lithuania)

Moderator: Mr. Bronislovas Mikuta, SECR (Lithuania)

#### **Presentations:**

“Tbilisi Registration Office Reform” by Ms. Tea Dabrundashvili, First Deputy Chair, NAPR (Georgia)

“Armenian Experience with the Cadastre System” by Mr. Hayk Sahakyan, State Committee of the Real Property Cadastre (SCRPC) (Armenia)

“Registration Body of Immovable Property Rights of Azerbaijan” by Mr. Ilham Bayramov, Deputy Chief of the State Register Service of Real Estate under the Cabinet of Ministers of Azerbaijan

“Importance of State Land Cadastre in Land Administration” by Mr. Huseynli Rafiq, State Committee on Land and Cartography of Azerbaijan

### **Session III: Case studies from countries of Central Asia**

Chair: Mr. Vazha Chopikashvili, Head of Registration Office, NAPR (Georgia)

Moderator: Mr. Jurai Valis, Geodesy, Cartography and Cadastre Authority (Slovakia)

#### **Presentations:**

“Recent Developments in Land-use Rights in Tajikistan” by Mr. Mahmoudjon Khabirov, Vice Chair, State Land Committee (Tajikistan)

“Cadastre Project and Other Related Projects in Tajikistan” by Mr. Ake Olson, Project Manager (Swedesurvey)

“Swedesurvey Experiences of Cadastral Development in Countries in Eastern Europe and Central Asia” by Mr. Tommy Osterberg, Technical Director (Swedesurvey)

### **Session IV: Case studies on improving customer service**

Chair: Ms. Tea Dabrundashvili, First Deputy Chair, NAPR (Georgia)

Moderator: Mr. Edward Beardsall, Deputy Chief Executive, HM Land Registry (United Kingdom)

#### **Presentations:**

“Institutional Framework Improving Customer Service in Registers of Scotland” by Mr. Marcus Mackenzie, Register of Scotland

“Cadastre Online” by Mr. Rik Wouters, Kadaster International (Netherlands)

### **Session V: Case studies on the experience of other countries**

Chair: Mr. Joachim Thomas, Federal German Working Assembly on Land Development

Moderator: Mr. Damir Pahic, Assistant Director, State Geodetic Authorities (Croatia)

#### **Presentations:**

“Institutional Reform in Mongolia” by Batbileg Chinzorig, Project Manager on Capacity Building and Human Resource Development (Mongolia)

“Turkish Land Registry and Cadastre System” by Mr. Sedat Bakici and Mr. Sinasi Bayraktar, General Directorate of Land Registry (Turkey)

### **Summary and conclusions**

9. The National Agency of the Public Registry (NAPR) of Georgia aims at: (a) secure registration and recognition of real property rights through legal registration; (b) ensuring accessibility of information in the Public Registry; and (c) creation of unified, customer-oriented processes and systems for information about real property. To reach these goals, the Agency is implementing institutional, legislative, administrative and technological reforms. The institutional reform provides for the following:

- Establishment of NAPR;
- Creation of territorial registration offices instead of regional land management offices;
- Setting up an Information Management Centre;
- Cadastral surveys activities to be done by licensed surveyors;
- Shorter registration period;
- Optimization of registration procedures;
- Differential registration fees;
- Special services for major users of the system;
- Registration of municipal and church properties;
- Registration of real estate under construction.

10. In order to deal with such a challenge as combining sustainable development of society with efficient management of natural resources, it is imperative to introduce sustainable land management practices and systems. Therefore it is reasonable and even mandatory to advance the development of secure tenure and land administration into land management with all its essential elements such as land valuation, land markets, land use and the like. Good governance is based on good land management and needs both civil society and committed professionals.

11. In Lithuania, important economic reforms, restitution of ownership rights, privatization and the ongoing development of a modern real property administration system have completely changed the institutional framework of real property administration. The State Enterprise Centre of Registers is engaged in the administration of the Real Property Cadastre and Register and the fledging registers of legal entities' addresses, and in the appraisal of real property, cadastral surveying, providing official information stored in the registers, and updating the cadastral map. The Ministry of Justice drafts laws and government resolutions, oversees institutions such as the State Enterprise Centre of Registers and the Central Mortgage Office, and supervises the activities of notaries. Cadastral surveying of land and buildings is carried out by the public sector and the private sector represented by surveying companies operating only through licences issued by the National Land Service. The Central Mortgage Office administers the Mortgage Register, the Register of Property Seizure Acts, the Register of Marriage Settlements, the Register of Leasing and Sale and Purchase by Instalments Contracts and the Register of Wills.

12. The Tbilisi Registration Office, which is the biggest office in NAPR, with a flow of about 1,000 customers and 150,000 transactions daily, is under reform. The registration software consists of: (a) client-server applications; (b) elimination of the duplication of functions; (c) a user-friendly interface; and (d) anti-corruption mechanisms.

13. In Armenia, the reform of the real property cadastre system in the period 1997–2006 had the following objectives: (a) introducing a modern real property cadastre system; (b) establishing institutional and legal frameworks for this system; (c) introducing a market-based valuation system for taxation purposes; and (d) establishing a unified database on real property. The State Committee of the Real Property Cadastre (SCC) is a government authority with the following structure:

- SCC headquarters;
- Geodesy and mapping centre;
- Land management and monitoring centre;
- Information centre;
- 48 local offices.

14. The state land cadastre being established in Azerbaijan is a unified system of databases containing legal and technical information. Since May 2006, maintenance of the registry of immovable property has been done using a unified database. Since then, in the Baku Regional Department alone, 4,895 different objects of immovable property have been registered. There are plans to transfer to the electronic database all information on registration of rights to immovable property collected by the regional offices. In the near future, new, specialized software be created to connect the Central Office with regional departments of the country.

15. In the Republic of Tajikistan, an institutional reorganization of responsibilities for land administration is under way. According to the draft law on Registration of Immovable Property Rights and Transactions, registration of rights to land would be conducted by the State Land Committee, while the registration of rights to immovable property not related to land would be carried out by notaries (the Ministry of Justice).

16. Swedesurvey is implementing a project on establishing a modern cadastre in Tajikistan. The major components of the project are: (a) cadastre development; (b) development of a legal framework; and (c) cost recovery. The legal objectives are tenure security; establishment of a land market infrastructure; and establishment of an institutional framework. The property market cannot by itself promote economic development of agriculture and other land use. Other important factors are access to output services; prices; access to inputs (seeds, fertilizers, labour, energy) and protection against land speculation.

17. Turkey's Directorate General of Land Registry and Cadastre is organized into central and provincial units. Owing to its importance in the state's structure, its duties and its functions, the Directorate General operates under the supervision of the Ministry of Public Works. It is responsible for:

- Making and registering all types of contracts related to real property;
- Controlling, protecting and maintaining real property and land registries which are under the responsibility of the state;
- Entering real properties onto plans by establishing a national cadastre; and
- Determining and ensuring the application of principles for the coordination and development of land registry, cadastre and mapping services.

18. In Mongolia, the Administration of Land Affairs, Geodesy and Cartography was established in 2003 under the Ministry of Construction and Urban Development. Major challenges are:

- Development of comprehensive and clear policy and strategy;
- Capacity-building in human resources;
- More security for real property rights;
- Development of a land market and better services for the public;
- Better coordination among government organizations and ministries.

### **Conclusions**

19. Workshop participants examined the different experiences and perspectives in various countries. Notwithstanding the remarkable success of the reform process in terms of significant improvement of property rights registration, some aspects are still at an early stage of development and need further solutions to make results more effective and sustainable. During the workshop, participants came to the following conclusions:

- The institutional framework in most UNECE member countries is under ongoing consideration by policymakers. A trend towards more integration of different land-related authorities and agencies is obvious, as, for example, in the centralization and integration of data on real property cadastre, land register and mapping material in one system.
- The aims of national authorities are to give customers easy access to information, quick registration and service at fair prices. Clarity, compatibility and security of registration, legislation and procedures are the key factors. Simplicity and transparency with rapid and inexpensive registration procedures are highly recommended in order to eliminate corruption and be customer oriented.
- Individual countries' approaches to building cadastre and land registration systems differ according to individual and historical circumstances. Cadastre and registration systems should be developed in line with the UNECE recommendations on land administration and adapted to the national economic situation and traditions.
- Surveyors and land registrars are part of a dynamic process and development that includes land and property registration, land administration and land management. While the tasks of "land administration" are clearly defined, "land management" issues cover a broader range of tasks. A discussion on relevant tasks of "land management" is indispensable for an efficient institutional framework.
- The international economy needs more unified access to data and information about land, with unified spatial reference. There is a need to take into account requirements for more unified information by using and improving existing instruments (like the UNECE Guidelines on Real Estate Units and Identifiers and the EULIS project).

- Simplified, customer-friendly services should be developed to meet customer needs and demands to improve services and reduce demand for public resources and state budget.
- Registration procedures should be optimized and automatic registration systems introduced.
- Property registration systems should be improved and connected to banks, credit companies and other potential clients.
- Simple, customer-oriented, efficient and economically relevant, transparent and secure systems should be established.
- Private/public partnerships should be strengthened and the private sector should be involved in land administration processes.
- Cadastre and register e-services should be introduced and 24-7 accessibility implemented.
- The existing cooperation among national and international development agencies, professional associations, NGOs, the private sector and universities on issues related to property rights should become broader, stronger and more systematic.
- It is highly recommended that registration of all types of real estate (agricultural, non-agricultural land and buildings) as well as all types of real estate rights be conducted by the same institution. That would ensure optimal access to property information for public as well as private customers. Having information about all rights to and restrictions on property in one place would considerably increase the efficiency of the system by reducing costs related to data migration among different institutions.