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ECONOMIC COMMISSION FOR EUROPE

COMMITTEE ON HUMAN SETTLEMENTS
Working Party on Land Administration*/

REPORT ON THE FIRST SESSION

Introduction

1. The Working Party on Land Administration held its first session in Geneva from 15 to 16 November 1999. Mr. H. Onsrud (Norway) chaired the meeting.
2. Representatives of the following countries participated: Albania, Armenia, Austria, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom and the United States.
3. The United Nations Centre for Human Settlements (Habitat) and the World Bank were represented.
4. The following non-governmental organizations (NGOs) attended: French Geographic Information (IGN France International), International Federation of Surveyors (FIG), International Real Estate Federation (FIABCI) and Union Internationale de la Propriété Immobilière (UIPI).

*/ At its fifty-fourth session in May 1999, the United Nations Economic Commission for Europe granted the Meeting of Officials on Land Administration standing character and renamed it the Working Party on Land Administration (E/ECE/1374, para.36).

I. ADOPTION OF THE AGENDA

5. The Working Party adopted its agenda (HBP/WP.7/1999/1).

II. MATTERS ARISING FROM THE FIFTY-NINTH AND THE SIXTIETH SESSIONS OF THE ECE COMMITTEE ON HUMAN SETTLEMENTS AND THE FIFTY-FOURTH SESSION OF THE ECONOMIC COMMISSION FOR EUROPE

6. The Working Party took note of the decisions taken at the Committee's fifty-ninth and sixtieth sessions and the Commission's fifty-fourth session. The Working Party agreed to bear these decisions in mind when discussing its programme and methods of work.

III. SOCIAL AND ECONOMIC BENEFITS OF GOOD LAND ADMINISTRATION

7. The Working Party held a discussion on the social and economic benefits of good land administration on the basis of the statement prepared by the task force chaired by Mr. J. Manthorpe (United Kingdom) (HBP/1998/8). The discussion was chaired by Mr. J. Wolters (Denmark) and moderated by Mr. P. van der Molen (Netherlands). A summary of the discussion based on presentations by Mr. J. Rodriguez Sanchez (Spain), Mr. J. Manthorpe, Mr. S. Say (Russian Federation), Mr. P. Jakobsen (Denmark) and Mr. C. Kragh (Denmark) is presented in annex I.

IV. INTERNATIONAL ASSISTANCE ON LAND ADMINISTRATION IN COUNTRIES IN TRANSITION

8. The discussion was based on the reports by Mr. H. Onsrud "Ensuring success in land administration projects in economies in transition" (HBP/WP.7/1999/3) and by Ms. B. Lipej (Slovenia) "Critical factors of donor assistance: views of the recipient countries" (HBP/WP.7/1999/4).

9. The discussion was chaired by Mr. J. Manthorpe; Mr. A. Overchuk (Russian Federation) acted as moderator. A short summary of the discussion is presented in annex II.

10. The Working Party agreed to:

(a) Continue its work on efficiency of external and internal coordination within international assistance projects in countries in transition;

(b) Invite its Bureau to consider preparing recommendations or guidelines to ensure the efficiency of donor assistance.

V. LAND ADMINISTRATION ISSUES IN THE BALKAN REGION

11. The discussion was chaired by Ms. B. Lipej.

12. Mr. J. Ratia (Finland), ECE focal point on land administration issues in the Balkan region, reported on the initial work done and the needs for international cooperation in the region. He presented the draft development

strategy on land administration in Kosovo. Mr. Ratia also said there was a need for an ECE mission to visit Belgrade to discuss related issues. The delegation of the Russian Federation expressed its willingness to participate in such missions.

13. Mr. J. Gavidia (Habitat) reported on Habitat projects in Kosovo on: housing and property rights; municipal administration; and property registration and cadastre.

14. The delegation of the Russian Federation stated that all ECE activities in Kosovo should be agreed with the Government of the Federal Republic of Yugoslavia in accordance with Security Council resolution 1244 (1999) of 10 June 1999, which had reaffirmed the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other States of the region.

VI. PROGRAMME OF WORK

A. Programme of the workshops

15. The Working Party:

(a) Agreed that future workshops should be more targeted at specific issues;

(b) Decided to consider arrangements for an evaluation of the implementation of workshops' recommendations;

(c) Adopted the guidelines for the organization of workshops on land administration (annex III).

B. Expert missions

16. The Working Party agreed to promote expert missions at the request of individual ECE countries.

C. Survey of existing legislation on land administration

17. The Working Party decided that:

(a) The delegation of the Russian Federation should continue work on the study on restrictions in landownership, in consultation with the delegations of Hungary, the United Kingdom and all other interested countries;

(b) The study should not be limited to rural areas.

D. Proposals for new programme activities

18. The Working Party agreed that:

(a) Any national delegation could submit proposals for new sub-programme elements and substantive activities in writing to the secretariat. Project proposals would be considered and approved by the Bureau for

submission to the Working Party. Implementation could start if some other substantive activities of the existing programme of work were terminated to allow the secretariats' resources to be reallocated to the new activity. Joint activities with other international organizations should first be discussed between the secretariats of the international organizations concerned;

(b) These proposals should preferably be submitted at least three months before the session of the Working Party to allow enough time for their submission according to United Nations rules for the preparation and distribution of documents;

(c) Proposals should have a clear description of the aims and the organizational arrangements for the implementation of the foreseen activities with a timetable and should estimate the resources needed, both financial and in kind;

(d) Some of the possible future activities could be: the preparation of specific technical guidelines as a follow-up to the Land Administration Guidelines (ECE/HBP/96); guidelines for the harmonization of land administration systems according to EU requirements; guidelines for security of tenure; recommendations for effective cooperation between donors and recipient countries and organizations; harmonization of land information;

(e) Consideration should be given to starting activities on the definition of numbering and objects in cadastre and land consolidation.

19. The Working Party adopted its programme of work for the period 1999-2000 (annex IV).

20. The Working Party adopted its terms of reference (annex V).

VII. ELECTION OF OFFICERS

21. The following officers were elected for the second session of the Working Party: Ms. B. Lipej (Slovenia), Chairperson; Mr. J. Wolters (Denmark) Vice-Chairperson; Ms. M. Laha (Albania); Mr. M. Vardanyan (Armenia); Mr. G. Muggenhuber (Austria); Mr. F. Vogel (Germany); Mr. P. van der Molen (Netherlands); Mr. E. Kapostins (Latvia); Mr. V. Kislov (Russian Federation); Mr. J. Valis (Slovakia); Mr. F. de la Puente (Spain); Mr. B. Kjellson (Sweden) and Mr. T. Beardsall (United Kingdom).

22. The Working Party invited its Bureau to work out procedures for future elections to be approved at the second session of the Working Party.

Annex I

SUMMARY OF THE DISCUSSION ON THE SOCIAL AND ECONOMIC
BENEFITS OF GOOD LAND ADMINISTRATION

1. At the beginning of the discussion, reference was made to article 222 of the Treaty of Rome, which stipulated that the Treaty "shall in no way prejudice the rules in Member States governing the system of property ownership." Article 1 of the Protocol to the European Convention on Human Rights also held that every person "is entitled to the peaceful enjoyment of his possessions." The general principle of private property was, therefore, widely accepted, as was its role as an instrument for the operation of a market economy. Some limitations in the public interest were also generally accepted. Finally, there was the principle of non-discrimination. The main freedoms of the European Union (movement of workers, of capital, etc.) and its main policies, such as its common agricultural policy, its environmental policy and its consumer protection, all had a major impact on property.

2. A lively debate ensued on the interpretation of the non-discrimination requirement, the possibilities for harmonizing the civil concept of property with land administration systems, and the influence of the liberalization of the mortgage market on land administration.

3. There was a report on the European Union's requirements for geographic information infrastructure. Some spatial requirements were imposed on its member States. The most extensive requirements were to be found in the agricultural sector. These had resulted in nearly all member States setting up completely new land administration systems. The European Commission had partly footed the bill. Countries in transition that were applying for EU membership were advised to prepare plans for their geographic information infrastructure in accordance with EU requirements, but to wait for accession to the EU before carrying them out, so as to be eligible for EU funding. The participants discussed how countries might be able to create land administration systems and at the same time meet EU requirements, given that land administration systems focused on the registration of property objects, while the EU requirements on land-use objects were not necessarily the same. Another concern was that investments in systems designed for the agricultural sector might delay investments in urban land administration systems, which were much needed to facilitate urban development and its management.

4. A Danish case study was presented on the contribution that land administration systems could make to land management, soil improvement, structural improvements in agricultural holdings, secure ownership, land regulation, taxation, land credit and environmental protection. The Danish land administration system was part of a geo-information infrastructure with all the necessary information for decision-making. Many lessons could be learned from the Danish experience. A multiple-use system secured data better. Users should have a real economic interest in updating the data. The private and public sectors should share the cost. It took time to build a reliable system that users felt they could trust.

5. A Russian case study of the establishment of a State land cadastre was also presented. The Russian Federation was in a middle of a land reform, which stretched from 1999 to 2005. Several federal measures had been approved or prepared on the use of this State land cadastre for the purposes of land-use planning, land assessment, taxation and land credit. It was considered important for the State to have proper control over the system. Problems had emerged with regard to the former State farms and other collective property. Some land, which had traditionally belonged to the State, was to be divided, but it was not clear how. Legislation was thought to be extremely important at all levels.

6. The discussion then turned to the context of public administration (centralization versus decentralization), how to build up confidence in the land administration system, and the need for good governance in land issues. The discussion concluded that the ECE Statement on the Social and Economic Benefits of Good Land Administration, which the Committee on Human Settlements had recently adopted, provided a source of information for policy makers, which could help them legitimize administrative decision-making on land administration.

Annex II

SUMMARY OF THE DISCUSSION ON
INTERNATIONAL ASSISTANCE ON LAND ADMINISTRATION IN COUNTRIES IN TRANSITION

1. International assistance to countries in transition in the area of land administration was an important supportive element of market reforms in these countries. Countries in central and eastern Europe had good expertise in land surveying and cartography. However, international assistance had made it possible to transfer the kind of land administration knowledge that had not been required nor available under the previous economic system (private property concept, laws, valuation of real estate, new surveying technologies, etc.).

2. In the ten years of transformation the countries of central and eastern Europe had gained considerable experience in land administration through international assistance programmes. Successful projects had demonstrated the need for a set of critical conditions, for instance:

- Clear market-oriented land tenure policy;
- International assistance projects needed to fit into local land administration programmes;
- Avoid duplication by channelling international assistance through one coordination centre, establish good communications between local and foreign experts.

3. International assistance was provided in the form of grants or loans. Grants were mostly used to cover technical assistance costs provided by foreign experts, while loans were mostly used for the procurement of technologies. The countries of central and eastern Europe underlined the importance of maintaining a ratio of grants of at least 20% for the procurement of hardware and software.

Annex III

GUIDELINES FOR THE ORGANIZATION OF WORKSHOPS ON LAND ADMINISTRATION

1. A workshop is an informal meeting. It is organized by an ECE country in consultation with the secretariat and the Bureau of the Working Party on Land Administration.
2. The main aim of a workshop is to assist the organizing country (or group of interested countries) in formulating appropriate land administration policies, share knowledge and best practices and give recommendations for progress on specific issues.
3. The workshop's dates, venue and programme, including specific topics and issues for discussion, are proposed by the organizing country (or group of interested countries) and agreed on at a meeting of the Working Party or its Bureau.
4. At the request of the host country, a member of the Bureau can be nominated to assist the organizers in the preparation of the workshop's programme, the identification of rapporteurs and the coordination of their work. One or more experts may be invited by the host country to evaluate the situation and needs before drafting the programme. In that case, the host authorities should cover the travel costs and accommodation of the expert(s).
5. Invitations to participate in a workshop are sent by the organizers, if need be through the ECE secretariat, to the heads of delegations to the Working Party and related international organizations. The organizers may also invite directly individual experts competent in the matters to be discussed.
6. The organizers are responsible for providing premises for the workshop and booking hotels for participants. The host authorities prepare the provisional and final lists of participants, with postal addresses, telephone/fax numbers and E-mail addresses, and arrange for photocopying and audio-visual equipment.
7. There is no participation fee, but all participants are responsible for covering their own travel and related costs, as well as for making their own travel arrangements. Since the participation of a secretariat member is desirable to provide organizational and substantive assistance, the travel and other costs for such participation should be covered by the organizers, in accordance with relevant United Nations regulations (the participation of the secretariat in workshops organized in a country in transition is covered from the ECE Trust Fund).
8. Workshops are conducted in English. Workshops are normally chaired by an expert from the host country. The host country may arrange for interpretation into other languages. Documents for discussion at a workshop are to be prepared by the organizers and other interested delegations, in

consultation with the secretariat and the Bureau, in at least one of the ECE working languages (English, French or Russian). The secretariat assists in the preparation of the final report with conclusions and recommendations. The synthesis report with all discussion papers can be prepared by the host country.

9. The implementation of the recommendations of workshops should be assessed by the Bureau and/or the Working Party. To increase awareness of ECE countries about ECE land administration activities, participants should inform their respective embassies in the host country about the venue and its results.

Annex IV

PROGRAMME OF WORK
(1999-2002)

The activities of the Working Party on Land Administration are under the programme element 10.1.3 **Land registration and land markets** of the programme of work of the ECE Committee on Human Settlements adopted by the Committee at its sixtieth session in September 1999 (ECE/HBP/114, annex II).

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 officials on land administration to meet and discuss current trends and policies. In particular, it will focus on the establishment of real estate markets in countries in transition and on the facilitation of the European integration processes. The Working Party encourages the sharing of information and experience on modern cadastre and land registration systems.

Work accomplished: The delegation of the United Kingdom prepared the Statement on the Social and Economic Benefits of Good Land Administration, which was approved by the Committee and published with the assistance of the delegation of the Netherlands. The Land Administration Inventory was prepared and issued by the delegation of the United Kingdom. Documentation on international land administration projects in Europe was prepared by the delegation of Austria. The Conference on Property Rights was organized jointly with the EU, the World Bank and the Government of Austria in Vienna in May 1999.

Work to be undertaken: The Land Administration Inventory will be updated in 2001. An exchange of views on land administration trends and policies will be organized at the second session of the Working Party in the year 2001. The Working Party will make a contribution to the special session of the General Assembly "Habitat+5". The Working Party will continue its work on efficiency of coordination within international assistance projects in countries in transition. The issue of land valuation will also be addressed.

10.1.3.2 Legislation on land administration

Description: The Working Party promotes the development of legal rights in real property: 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 progress report on the Key Aspects of Land Registration and Cadastral Legislation was prepared by the delegation of the United Kingdom. The questionnaire for a survey on landownership was prepared by the delegation of Hungary.

Work to be undertaken: A study on the key aspects of land registration and cadastral legislation will be prepared. A survey on restrictions on ownership, leasing, transfer and financing of real property will be prepared. The Working Party will provide expert assistance to the Committee for the preparation of ECE guidelines on housing condominiums.

10.1.3.3 Operational activities on land administration

Description: The Working Party carries out operational activities in the ECE member States (consultative and advisory missions; workshops and seminars; country-oriented studies; etc). These operational activities vary according to the needs of the recipient countries and sub-regions.

Work accomplished: Workshops on land administration issues were organized in Latvia (Riga) in May 1998, in Hungary (Budapest) in November 1998, in Germany (Bonn) in March 1999 and in the United Kingdom (London) in September 1999. A team of international experts from Austria, Spain and the United Kingdom undertook a mission to Albania in June 1998 to assess its land market plan. Two experts on land administration (from Germany and Norway), an expert on spatial planning and the secretariat, took part in the mission to Kyrgyzstan in June 1999 organized by the ECE Committee on Human Settlements to evaluate the implementation of the National Strategy for Sustainable Human Development.

Work to be undertaken: The Working Party will organize a workshop on land markets in Tirana (Albania) in spring 2000 and in Spain in autumn 2000. For the year 2001 workshops are planned in Armenia and Austria. The Working Party will promote expert missions. A document on organizational arrangements for the ECE missions on land administration issues will be prepared by the Bureau of the Working Party in cooperation with the secretariat. The Working Party will provide support to the ECE focal point on land administration issues in the Balkan region.

Annex V

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 assists the ECE Committee on Human Settlements in implementing activities on housing reforms and land-use 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 between 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 (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 Centre for Human Settlements

(Habitat), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), the Comité Européen des Responsables de la Cartographie Officielle (CERCO), the International Federation of Surveyors (FIG), the International Centre of Registration Law (CINDER), the European Umbrella Organisation for Geographic Information (EUROGI) and other organizations active in land administration issues. 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.