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COMMITTEE ON HUMAN SETTLEMENTS

Working Party on Land Administration

Geneva, 21–22 November 2005

REPORT ON THE FOURTH SESSION

Introduction

1. The Working Party on Land Administration held its fourth session in Geneva from 21 to 22 November 2005. Mr. B. Kjellson (Sweden) chaired the meeting.

2. Representatives of the following countries participated: Austria, Azerbaijan, Croatia, Cyprus, the Czech Republic, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, the Netherlands, Norway, Poland, Romania, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia and the United Kingdom.

I. Adoption of the agenda

3. The provisional agenda (HBP/WP.7/2005/1) was adopted.

II. Matters arising from the sixty-fifth and sixty-sixth sessions of the UNECE Committee on Human Settlements and the sixtieth session of the United Nations Economic Commission for Europe

4. The Working Party took note of the Committee's decisions taken at its sixty-fifth and sixty-sixth sessions (ECE/HBP/134 and ECE/HBP/136 respectively), as well as the decisions taken at the sixtieth session of the United Nations Economic Commission for Europe (UNECE) (HBP/2005/1). The secretariat provided additional information on the outcome of the external evaluation report on the state of the UNECE and the follow-up discussions and decisions, in

particular on the decisions to rename the Committee, further streamline its activities, and support the work on the main principles of public/private partnership. The Working Party briefly discussed possibilities of cooperation with the High Level Commission on Legal Empowerment of the Poor. It was concluded that the initiative for cooperation should come from the High Level Commission and additional resources should be available in the secretariat for this activity.

5. The Working Party agreed to bear these decisions in mind when discussing its programme and methods of work.

III. In-depth discussion on development trends and policies in land administration

6. Following the decision of its Bureau, the Working Party held an in-depth discussion on the development trends and policies in land administration in the UNECE region. The purpose of the discussion was to review recent trends in land administration in the ECE region at the local, national and international levels in order to identify new priorities and, if needed, to redirect the Working Party's future activities.

7. Mr. J. Manthorpe (United Kingdom) presented the new (second) edition of *Social and Economic Benefits of Good Land Administration*, published in January 2005. The purpose of the publication was to focus the continuing attention of policy makers in the UNECE region on the importance of good land administration for the well-being of citizens.

8. Mr. P. Dale (United Kingdom), the Consultant, presented a new study, *Land Administration in the UNECE Region: Development Trends and Main Principles* (ECE/HBP/140). The publication covers developments that have taken place since 1996. It reflects the lessons learned, many of which have been documented in recent workshops and in the land administration reviews undertaken in Armenia, Georgia, Lithuania and the Russian Federation by the Working Party.

9. The discussion was also based on presentations made by most delegations. These presentations were structured around the following main issues: (a) recent developments in land administration policies; organizational structure, distribution of responsibilities and coordination among national organizations engaged in land administration activities; (b) how to convey the importance of land administration activities to politicians and parliamentarians; and (c) how to disseminate the results of the Working Party's activities to the developing countries which are members of other UN regional commissions, particularly with regard to the implementation of the UN Millennium Development Goals (poverty reduction; environmental sustainability; and partnerships for development).

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

- (a) Ongoing harmonization and identification of common approaches to land administration services in EU member countries; however, this task is not easy given the existence of differing traditions and land administration systems;
- (b) Development of a European real estate market and new requirements for land administration, particularly in the area of legislation, and availability of related information across borders;
- (c) The need to give priority in harmonization to the development of geo-information and cadastre information related to protection of the environment, land-use rights and natural disaster risk assessment (floods, land allocation for new housing, bird flu, etc.);
- (d) Protection of data against criminal infiltration in the financial and real estate sectors;
- (e) Illegal housing construction and land administration for sustainable housing;
- (f) Strengthening state control of spatial planning and environmental impact assessment;
- (g) Ensuring the availability of textual and graphical data via the Internet;
- (h) Promoting the public availability and transparency of data;
- (i) Data sharing and cooperation among government institutions.

IV. Review of work accomplished or in progress

A. Guidelines on real estate units and identifiers

11. Mr. H. Onsrud (Norway), the Chairperson of the task force, and Mr. P. Dale, the Consultant, presented the *Guidelines on Real Property Units and Identifiers* (ECE/HBP/135).

12. The study addresses the need for an effective system of land registration, real property unit and land parcel identification. The terminology used in land administration differs among countries, and the guidelines aim to assist those who are seeking harmonization in the UNECE region.

13. The Working Party noted the useful work done and thanked the task force and the delegation of the Netherlands for the publication of the study.

B. Land administration reviews

14. In 2001–2003, land administration reviews were implemented in Armenia, Georgia and the Russian Federation. In 2004, a land (real property) administration review was carried out in Lithuania (HBP/WP.7/2005/3).

15. The delegations of the Russian Federation and Lithuania reported on the follow-up to the review and the implementation process. In February 2004, a launching event was organized in Moscow. A follow-up workshop on real property administration in developing the information society took place in Vilnius (Lithuania) on 23–24 September 2004 (HBP/WP.7/2005/5).

16. A pre-mission for the land administration review of Azerbaijan took place in April 2005 in conjunction with preparations for a country profile on the housing sector in Azerbaijan. Experts from Georgia, Lithuania and the UNECE secretariat participated in the pre-mission. The main mission of the international experts to Azerbaijan is scheduled for April 2006.

17. The delegation of Latvia indicated its willingness to undertake a land administration review in 2006–2007.

18. The Working Party agreed that land administration reviews were proving to be a very useful element of the Working Party's programme of work. A proposal was made to consider the possibility of carrying out a land administration review in a Western European country.

C. Public/private partnership (PPP)

19. Mr. P. Creuzer (Germany), the Chairperson of the task force, presented the study on public/private partnerships (HBP/WP.7/2003/8) and introduced the discussion on the issues covered in the discussion paper (HBP/WP.7/2005/6).

20. The following ideas emerged from the ensuing discussion:

- (a) Not only big but also smaller companies should be assisted in their participation in public/private partnership arrangements.
- (b) It is desirable for private partners to be selected on the basis of proper procurement or tendering procedures.
- (c) Since the quality of services is essential, standardization of land administration services should be facilitated.
- (d) Attention should be given to ensuring the protection of customers through proper implementation of public tasks.
- (e) Governments retain final responsibility for all public tasks.

21. The Working Party agreed that activities in this area should continue.

D. Future activities in land administration

22. The Working Party discussed its future activities and new priorities in the light of the in-depth discussions held under agenda items 3 and 4(d), and taking into account the results of the in-depth discussion on the social and economic benefits of human settlements development held at the sixty-sixth session of the Committee on Human Settlements (19–21 September 2005).

23. The delegation of Norway outlined the main organizational aspects of the future work of the High Level Commission for Legal Empowerment of the Poor, including its governance structure and financing. It was reported that cooperation by the Commission with the UNECE Working Party on Land Administration would be beneficial for the work of the Commission that is served by the UNDP secretariat.

24. The following issues were suggested for future activities:

- (a) Open access to land administration information and fees and charges for land information;
- (b) Resolution of land disputes between owners (a land tribunal);
- (c) Corruption in the land administration sector;
- (d) Secure mechanisms in land administration: balancing transparency and openness regarding information on land ownership with the concern for privacy;
- (e) Mass valuation of land;
- (f) Informal settlements;
- (g) Public/private partnership: good practices.

25. The Working Party agreed to consider its future contribution to the implementation of the Millennium Development Goals, including fighting poverty, sustainable development, housing, governance and partnerships, and to strengthen its partnerships with countries in Central Asia and the Mediterranean area as well as with developing countries of other regions.

E. Programme of workshops

26. The Working Party reviewed the workshops organized or planned since its third session (November 2003). The workshop on Development of Real Property Markets was held in Yerevan (Armenia) on 6–7 May 2004; the workshop on Real Property Administration in Developing the Information Society was organized in Vilnius (Lithuania) on 23–24 September 2004; the workshop on EU Enlargement and Developments in Land Administration was organized in Budapest (Hungary) on 7–8 April 2005; and the workshop The Multipurpose Cadastre – Be Inspired was held in Helsinki (Finland) on 1–2 September 2005.

27. The delegation of Georgia reported on the organization of a workshop on Property Rights – Institutional Aspects to be held in Tbilisi on 11–12 May 2006. The National Agency of Public Registry of the Ministry of Justice of Georgia is organizing the workshop.

28. Other workshops are planned in the Czech Republic (26–27 October 2006); in Greece on informal settlements (autumn 2006); in Germany on land consolidation (Munich, spring 2007); and in Ireland (26–28 September 2007).

F. Inventory of land administration authorities

29. The delegation of the United Kingdom presented the new edition of the UNECE inventory of land administration authorities.

G. Adoption of the programme of work

30. The Working Party adopted its programme of work for 2006–2007 as presented in the annex to this report.

V. **Cooperation with other international organizations**

31. Members of the Bureau of the Working Party reported on the activities of other organizations dealing with land administration. In particular, information was provided on the International Federation of Surveyors (FIG) and EuroGeographics.

Item 6: Election of the Bureau

32. The Chairperson of the Working Party reported on the work of the Bureau since the third session of the Working Party.

33. The following persons were elected to serve in the Bureau of the Working Party until the end of the fifth session of the Working Party in November 2007: Mr. P. Creuzer (Germany), Chairperson; Mr. A. Overchuk (Russian Federation), Vice-Chairperson; Mr. H. König (Austria); Mr. D. Pahic (Croatia); Mr. V. Suchanek (Czech Republic); Mr. D. Egiashvili (Georgia); Ms. C. Potsiou (Greece); Mr. G. Remetey-Füllöpp (Hungary); Ms. M. Hauksdottir (Iceland); Mr. B. Mikuta (Lithuania); Mr. M. Danielsen (Norway); Mr. F. de la Puente Alfaro (Spain); and Mr. T. Beardsall (United Kingdom).

Annex

PROGRAMME OF WORK FOR 2006–2007

10.1.3.1 Situation and trends in land administration in the UNECE region

Description: The Working Party promotes land administration activities in the UNECE 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 UNECE region and shares its experience, when relevant, with other regions.

Work accomplished: At its fourth session in November 2005, the Working Party held in-depth discussions on (a) development trends and policies in land administration in the UNECE region; and (b) public/private partnership in land administration. The discussion on development trends and policies was based on a new publication, *Land Administration in the UNECE Region: Development Trends and Main Principles* (ECE/HBP/140). The second discussion was based on the results of a new study on public/private partnership in land administration (HBP/WP.7/2003/8). The Working Party contributed to the discussions at a number of meetings organized by the European Union, EuroGeographics, International Federation of Surveyors and other bodies.

Work to be undertaken: The Working Party will continue to exchange views on land administration trends and policies, as well as public/private partnerships in land administration. The results of these discussions will be taken into account in future activities in the period 2006–2007. The Working Party will continue to facilitate the initiation of international assistance projects in countries in transition, and to 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 regarding registration of real property and its management (including housing condominiums); resolution of disputes on land rights; and various other such issues.

Work accomplished: A survey of restrictions on 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 the lead country. The Working Party contributed to the preparation of the UNECE *Guidelines on Condominium Ownership of Housing for Countries in Transition* (ECE/HBP/123). The UNECE *Guidelines on Real Property Units and Identifiers* were prepared and published in 2004. A study on public/private partnerships in land administration was prepared (HBP/WP.7/2005/8). A research activity on public access to data was implemented. The Land Administration Inventory and the study *Social and Economic Benefits of Good Land Administration* were updated by the delegation of the United Kingdom.

Work to be undertaken: In the period 2006–2007, the Working Party will focus on the practical implementation of the Guidelines on Condominium Ownership, the Guidelines on Real Property Units and public/private partnerships through different types of follow-up activities. The new Bureau of the Working Party will consider the results of the in-depth discussions held at the fourth session of the Working Party and will agree on new studies to be implemented in future.

10.1.3.3 Country-specific activities on land administration

Description: The Working Party on Land Administration promotes the practical application of the ECE Land Administration Guidelines (ECE/HBP/96) and the recommendations of the recent study on development trends and main principles in land administration in the UNECE region (ECE/HBP/140) through different types of operational activities in the UNECE countries – land administration reviews and advisory missions by international experts, as well as workshops, seminars and capacity-building activities. These activities vary and are implemented according to the needs and requests of the recipient countries.

Work accomplished: Since the third session of the Working Party, workshops have been held in: Armenia (Yerevan, 6–7 May 2004) on real property markets; Lithuania (Vilnius, 23–24 September 2004) on real property administration in developing the information society; Hungary (Budapest, 7–8 April 2005) on EU enlargement and developments in land administration; and Finland (Helsinki, 1–2 September 2005) on the multipurpose cadastre. The Working Party carried out land administration reviews in Armenia (November 2000, HBP/WP.7/2001/5), in Georgia (May 2001, HBP/WP.7/2001/9), in the Russian Federation (November 2002, HBP/2003/7 and Add.1) and in Lithuania (February–March 2002, HBP/WP.7/2005/3). A pre-mission on the land administration review of Azerbaijan took place in April 2005.

Work to be undertaken: The Working Party will continue to carry out land administration reviews at the request of individual countries. In April 2006, a mission of international experts will start a land administration review in Azerbaijan in conjunction with the country profile of the housing sector. Workshops are planned in Georgia (May 2006), Greece (autumn 2006), the Czech Republic (26–27 October 2006), Germany (spring 2007) and Ireland (September 2007).