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**ECONOMIC COMMISSION FOR EUROPE**

COMMITTEE ON HOUSING AND LAND MANAGEMENT

Working Party on Land Administration

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Item 4 (b) of the provisional agenda

PROGRAMME OF WORK FOR 2008–2009

MAJOR TRENDS CHARACTERIZING LAND ADMINISTRATION DEVELOPMENT

**REPORT ON THE DUBLIN CONFERENCE “REGISTERING THE WORLD”**

Note by the secretariat in cooperation with the delegation of Ireland\*

**Introduction**

1. The UNECE Conference “Registering the World” took place in Dublin from 25 to 28 September 2007. The Property Registration Authority of Ireland organized the Conference under the auspices of UNECE.

2. Delegates representing the following UNECE member States participated in the Conference: Austria, Azerbaijan, Canada, Croatia, the Czech Republic, Estonia, Finland,

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\* The report is submitted on this date as the workshop took place after the 10-week deadline.

Germany, Iceland, Ireland, Latvia, Lithuania, the Netherlands, Norway, Poland, Portugal, Romania, Spain, Sweden, Tajikistan, Ukraine, and the United Kingdom of Great Britain and Northern Ireland.

3. The following United Nations Member States attended the Conference as observers: Australia, Barbados, China, Costa Rica, Indonesia, Jamaica, Lesotho, New Zealand, Nigeria and Singapore.
4. The United Nations Development Programme (UNDP) Country Office, Ukraine; the Food and Agriculture Organization of the United Nations (FAO) Tajikistan field office; and the World Bank participated.
5. A representative from the International Real Estate Advisory Network also participated.

### **I. OPENING OF THE CONFERENCE AND THE CONFERENCE AGENDA**

5. Mr. Brian Lenihan, Minister for Justice, Equality and Law Reform of Ireland, opened the Conference. On behalf of the Property Registration Authority (Ireland), Ms. Catherine Treacy, Chief Executive Officer, welcomed the participants.
6. Welcoming addresses were made by Ms. Christina von Schweinichen, Deputy Director of the UNECE Environment, Housing and Land Management Division, and Mr. Peter Creuzer, Chair of the UNECE Working Party on Land Administration (WPLA).
7. Mr. John Manthorpe, former Chief Land Registrar of England and Wales (International Land Consultant), gave a keynote presentation providing an overview of the development of land registration systems internationally and a perspective on what the future holds.
8. The following topics were included in the Conference agenda:
  - (a) Delivering integrated land information services;
  - (b) Developing modern and sustainable organizational structures;
  - (c) International development on electronic registration and electronic conveyancing;
  - (d) Fundamentals of a secure and accessible land register;
  - (e) Challenges and opportunities for the registers of the future.
9. The programme of the Conference is annexed to the report.

## **II. SUMMARIES AND CONCLUSIONS**

### **A. Delivering integrated land information services**

10. Land registration and land administration organizations hold vast databases of information. With the ongoing development of modern information systems and the pervasive use of the Internet, there is a clear and increasing demand for access to this information. This is particularly the case where available spatially referenced information can be readily combined with additional sources of information, resulting in added value.

11. In this new environment, institutional frameworks may need to be adjusted and new, more appropriate business models and solutions developed or adopted that adhere to common and approved technical standards. Such demands are no longer confined to customers within individual jurisdictions; the demand for cross-border services needs to be considered in future planning.

12. In so doing, organizations and policymakers must recognize the necessary balance to be achieved between freedom of information on the one hand and privacy and data protection on the other. While providing the most user-friendly mechanisms for access is important, traditional service channels must not be discarded if a “Digital Divide” is to be averted.

### **B. Developing modern and sustainable organizational structures**

13. The structures underpinning land registration organizations have been undergoing considerable evolution in recent years. Further developments, including the merging of organizations, are under way in a number of countries. While such mergers can be either virtual or physical, an emphasis on high-quality customer service, openness, transparency, and self-sustainability and self financing are likewise critical.

14. In planning such changes, the success of existing arrangements, the views of key stakeholders and the accommodation of different organizational cultures should all be taken into account. Other factors, such as institutional capacity, the higher-level government agenda and meeting the needs of the next generation, should also be considered. A key factor in successfully implementing and managing such change will be the appreciation that people (staff, managers, customers and stakeholders) are at the heart of such reform. Accordingly, to provide reliable and good service, each organization must build trust and introduce change incrementally.

### **C. International developments in electronic registration and electronic conveyancing**

15. To avoid confusion and promote clarity in future discussions, participants suggested that it might be helpful for the Working Party to adopt common definitions in this area. The following were proposed for consideration:

- (a) **e-Applications:** Documents or services ordered online;
- (b) **e-Lodgement:** Applications for registration are made online, but signed paper documents must follow;
- (c) **e-Registration:** Documents are lodged in electronic format only. All registrations are made on an electronic register. Documents can be either digitally signed electronic documents, scanned versions of paper documents, or instructions/applications delivered in a secure messaging environment;
- (d) **e-Conveyancing:** Paperless transactions through most or all stages of the conveyancing process, from pre-sale to post-completion.

16. Whatever the model, to make progress full stakeholder engagement is critical, and agreement and consensus is required. One basic decision to be made in each jurisdiction is whether automatic or *automated* access is proposed. This will often be determined by the nature of the guarantees or indemnity offered by the land registration organization. With automatic access, customers interact directly with and change the register. With automated access, staff make the final change to the register, based on the electronic information lodged by the customer. One trend where identification checks are readily available is to allow a level of electronic registration only to trusted and known users. This can be a phased approach, involving the building of trust and confidence, and changing attitudes, behaviour and mindsets while recognizing the need for training and support.

17. Just as the paper environment contains inherent risks, new risks have been identified in the evolution to electronic services. Even in an environment of digital signatures and public key infrastructures (PKI), there is an ongoing need to address issues relating to risk and liability. This is the case with all projects involving the redesign of business processes. Other issues for consideration include: (a) the archiving and long-term management of information for legal admissibility purposes; (b) the overarching need to establish audit functions; (c) the question of whether it is appropriate to make the electronic registration systems compulsory or voluntary; and (d) how to create incentives for their use.

#### **D. Fundamentals of a secure and accessible land register**

18. As the move towards electronic registers and electronic registration gathers pace, many jurisdictions will need to address legislative reform. While jurisdictions differ substantially, it is critical that risks be assessed, perceived fears allayed and genuine concerns addressed.

19. Organizations need to be continuously aware of the threat of fraud, and should develop systems for protecting their organizations data and customers. There may be a need for ongoing legislative changes which would define fraudulent instruments, enhance ability to rectify the register, improve insurance provisions, reconsider requirements for Powers of Attorney, and increase penalties for fraud. Particular challenges for jurisdictions that operate “open” registers in this regard.

### **E. Challenges and opportunities for the registers of the future**

20. It is apparent that present and future efficiencies will allow land registration organizations to review their traditional roles. Their long-term viability and ongoing importance may well require different or expanded operations.. This will include the possibility of adding more complete land and property related information to registers e.g. public utilities information, infrastructure such as cables and pipes, parcel and building topography, and a variety of information now contained in other electronic registers or in paper databases. This may further also include rights, obligations and restrictions not currently held within land registers, e.g. information on climate change, carbon trading, water rights, mining tenure leases and in some jurisdictions, native title rights. With more environmentally friendly construction techniques and the importance of energy ratings, such information will become more critical; in the European Union, this will become a requirement from 2009 onwards.

21. Such changes will enhance the long-term viability, importance and stability of land registration and land administration organizations. However, their value to citizens and their contribution to government will require continued reform of and investment in the various underlying data infrastructures.

22. Many of these issues are already being addressed in jurisdictions with the capacity to transform the business model under which they operate. These changes mean that benchmarking will have an increasing role in improving performance. If approached correctly, benchmarking can mimic competition in the private sector and be a catalyst for innovation and the promotion of universal standards. However, a variety of exercises are being undertaken, and it will be some time before clear, accredited methodologies emerge that allow for a holistic approach to the subject.

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**Annex**

**PROGRAMME OF THE DUBLIN CONFERENCE “REGISTERING THE WORLD”**

Discussions on the main topics of the Conference were organized in five sessions. Each session finished with a question-and-answer session and discussion.

**Session 1: Delivering integrated land information services**

Chair: Mr. Peter Creuzer, Head, Agency for Geoinformation, Land Development and Real Estate Hannover (Germany), and the Chair of the Working Party on Land Administration.

Presenters:

Mr. Per Christian Selmer, Managing Director, Norway Land Information Ltd (Norway), discussed the distribution of land information from multiple agencies in Norway.

Mr. Bruce Roberts, Registrar of Titles, Western Australia (Australia), spoke about how his organization's Landgate system was providing a range of integrated land information services to customers.

Ms. Patricia Montgomery, Registrar of Titles at Northern Ireland's Land and Property Services (United Kingdom) agency presented a paper on developments to enhance the range of land services for their customers.

**Session 2: Developing modern and sustainable organizational structures**

Chair: Mr. Damir Pahić, Assistant Director, Sector for Cadastre System, State Geodetic Administration (Croatia).

Presenters:

Mr. Mats Snäll, Project Manager, Lantmäteriet – the National Land Survey (Sweden) presented a paper on the development of a new land registry for Sweden.

Mr. Kim Salkeld, Land Registrar, Land Registry Hong Kong (Hong Kong Special Administrative Region of China), outlined in his paper, “Registering a Special Administrative Region”, the development of the land registration system in Hong Kong Special Administrative Region and work in progress on preparation for the conversion from deeds to title registration.

Mr. John Meadows, Land Registrar of the Land Title Registry Office in Bermuda (United Kingdom), presented a paper titled “Introducing Land Title Registration to Bermuda: Another World”.

Mr. Gavin Adlington and Ms. Victoria Stanley of the World Bank presented a paper on assisting development of self-sustaining systems and organizations for countries in transition. The World Bank has some 15 ongoing land administration projects, which they see as an integral part of the overall land administration and property rights reform process.

### **Session 3: International developments on electronic registration & electronic conveyancing**

Chair: Mr. Ted Beardsall, Deputy Chief Executive and Director, Her Majesty's Land Registry (United Kingdom).

Presenters:

Mr. Simon Libbis, Executive Director, National Electronic Conveyancing Office (Australia), presented a paper titled "e-Conveyancing sans Frontières" outlining developments on e-Conveyancing in Australia

Ms. Susan MacInnes, Legal Director, Registers of Scotland (United Kingdom), provided insights into Scotland's Automated Registration of Title to Land (ARTL) system.

Ms. Heidi Rätsep, Head of Land Register Division, Centre of Registers and Infosystems (Estonia), described "Estonian experiences on electronic conveyancing".

Ms. Robbie Muir, Registrar of Titles at Land Information (New Zealand), provided an overview of New Zealand's approach to electronic registration, progress made to date and key issues for the future.

Mr. Wim Louwman, Chief Registrar, Land Registry and Mapping Agency – Kadaster (the Netherlands) presented a paper titled "e-Conveyancing in The Netherlands".

Mr. John O'Sullivan of the Property Registration Authority (Ireland), outlined in his paper, "e-Registration and e-Conveyancing in Ireland – the story so far ...", the Authority's steps towards the roll-out of e-registration in Ireland and its role in the wider national e-conveyancing programme.

### **Session 4: Fundamentals of a secure and accessible land register**

Chair: Ms. Isabel González García, Land Registrar, Colegio de Registradores (Spain).

Presenters:

Mr. Mark Sneddon, Partner at Clayton Utz, Solicitors in Melbourne (Australia), delivered a paper on the issues associated with moving to a digital conveyancing environment and how this

could change risk profiles for private and government parties involved in the process. His paper drew on the lessons learned from an extensive assessment he had conducted on this topic.

Ms. Kate Murray, Director of Titles, Policy and Regulation Branch, Service Ontario (Canada), spoke on experiences and measures in Ontario relating to protection against fraud.

Mr. Joe Timothy, Director of Legal Services and Deputy Chief Land Registrar, Land Registry, England and Wales (United Kingdom), delivered a paper on issues and challenges arising from open access to land registers.

### **Session 5: Challenges and opportunities for the registers of the future**

Chair: Ms. Margrét Hauksdóttir, Vice Director General, the Land Registry (Iceland).

Presenters:

Mr. Rik Wouters, Regional Manager, Kadaster International (the Netherlands), delivered a paper titled “What next after the completion of LIS”.

Mr. Max Locke, Registrar of Titles for Queensland (Australia), in his paper titled “Challenges into the Twenty-first Century”, discussed contemporary Torrens titling issues and the challenges and opportunities for land registration authorities in the twenty-first century.

Ms. Karen Banks, Ms. Catherine Benning and Ms. Sheri Hupp, Information Services Corporation of Saskatchewan (Canada), presented a paper titled “Developing a Land Registry of the Future”.

Mr. Diarmuid Clancy, Deputy Registrar, Property Registration Authority (Ireland), presented a paper on the challenges associated with benchmarking the performance of registration organizations around the world and how these challenges might be addressed.