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## Economic Commission for Europe

### Committee on Housing and Land Management

#### Working Party on Land Administration

##### Seventh session

Geneva, 30 June and 1 July 2011

## Report of the Working Party on Land Administration on its seventh session

### Note by the secretariat

#### I. Introduction

1. The Working Party on Land Administration held its seventh session in Geneva on 30 June and 1 July 2011.

##### A. Attendance

2. Representatives of the following countries participated: Armenia, Austria, Azerbaijan, Croatia, Czech Republic, Denmark, Finland, Georgia, Germany, Greece, Ireland, Italy, Lithuania, Netherlands, Norway, Poland, Republic of Moldova, Russian Federation, Spain, Sweden, Tajikistan, The former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland.

3. Representatives of EuroGeographics, the European Land Registry Association (ELRA), the International Federation of Surveyors (FIG), the European Land Information Service (EULIS), and the Real Estate Market (REM) Advisory Group also participated.

##### B. Organizational matters

4. The Chair of the Working Party on Land Administration, Mr. Damir Pahić (Croatia), opened the session and the Director of the United Nations Economic Commission for Europe (UNECE) Trade and Sustainable Land Management Division welcomed the participants.

5. The Working Party adopted its provisional agenda as contained in document ECE/HBP/161.

## **II. Matters arising from the seventy-first session of the Committee on Housing and Land Management and the sixty-fourth session of the Economic Commission for Europe**

6. The secretariat informed the Working Party about the decisions taken by the Committee on Housing and Land Management at its seventy-first session as well as decisions taken by the Economic Commission for Europe at its sixty-fourth session that have a bearing on the work of the Working Party.

7. In particular, the Commission decided to undertake a review of its future work priorities. It requested the Executive Committee to conduct the review during 2011-2012, and propose decisions on the matter to be taken by the next Commission session in 2013. This exercise aimed to ensure that the work of UNECE was effective and that it focused on those areas which are most relevant to the needs of member States. For the subprogramme on housing and land management, this would mean a review of the programme of work, and the related activities and accomplishments of both the Committee and the Working Party.

8. On housing-related issues, the Commission decided the following:

- (a) Invited the Committee on Housing and Land Management, after its annual session in October 2011, to report to the Executive Committee; first, on the possibility of holding a Ministerial meeting to assess progress in the implementation of ECE housing instruments and to define future policy directions for the Committee's work, and second, on the outcome of the work of the relevant open-ended Working Group on the advantages and drawbacks of a possible legally binding instrument on housing;
- (b) Encouraged the Committee to consider land administration and real estate markets as key components of its work.

9. The Working Party was also informed about the Committee decision to set up a Working Group on a possible legally binding instrument on affordable, healthy and ecological housing in the UNECE region, and was briefed on the main outcomes of discussions at the Working Group's first meeting.

10. The Working Party took note of the information provided, which would be taken into account in its future work.

## **III. Reports of the Bureau of the Working Party on Land Administration and of the Real Estate Market Advisory Group**

11. The Chair of the Bureau provided information on the Bureau's activities, as well as both recent and future workshops, the Working Party's publications, land administration reviews and cooperation with international organizations.

12. A representative of the Real Estate Market Advisory Group (REM) provided information on the Group's activities in 2010 and 2011. He highlighted the successful release of the publication *Policy framework for Sustainable Real Estate Markets*, which had been published jointly by UNECE and REM in April 2010 with the support of Tecnoborsa. Given the interest shown by member States in this topic, the guidelines and main principles contained in the publication had been widely promoted through roundtable discussions that were organized in Kiev (17 June 2010), Lisbon (27 January 2011) and Rome (12 May

2011) and have been translated into several languages, including Spanish, Portuguese, Chinese and Russian.

13. He also referred to an international workshop on "Greening Real Estate Markets: A Multi-stakeholder Perspective" (ECE/HBP/W.P.7/2011/4), which had been held in Dessau, Germany, in November 2010. It was organized jointly by REM and the German Federal Environment Agency. Speakers and participants discussed existing obstacles as well as the economic and social benefits associated with a green real estate sector.

14. He introduced the main elements of the Advisory Group's programme of work for the next biennium. The proposed activities would include projects focused on the following areas:

- (a) Real estate market and housing policies: the organizational, financial, technical and administrative aspects of management and maintenance;
- (b) Real estate market and energy efficiency in real estate: Regional analysis of policy reforms to promote energy efficiency and renewable energy investments;
- (c) Valuation standards, also in relation to measurements, methodology and criteria of evaluation;
- (d) Financial aspects of real estate market and social housing policy.

15. The Working Party took note of the report provided by the Bureau of the Working Party and that of the REM advisory group. It assessed the progress made and offered advice on future activities.

#### **IV. Discussion of the findings of the study on the challenges of fraud to land administration institutions**

16. The Working Party was informed that the study "The challenges of fraud to land administration institutions" (ECE/HBP/WP.7/2011/3) had been approved for publication at the Bureau meeting held in Antalya, Turkey, on 29 October 2010. A representative of the United Kingdom introduced the publication to the Working Party, presenting its scope and main findings. The study is based on the analysis of surveys of online access to land-registration information that were distributed among member States after the sixth session. The study examines three main areas: accessibility of systems, experience with fraud, and countermeasures. It consolidates and presents good practices in the detection and prevention of fraud in land registration systems in UNECE countries and, in particular, the protection of information against misuse by fraudsters.

17. Representatives of Denmark and Austria delivered presentations on this topic, presenting their country's national experiences with strategies to monitor and prevent fraud in electronic registration and conveyance.

18. The Government in Denmark had established a personal identification system via digital signatures. The use of digital signature and e-registration systems for cadastral registrations and for registrations of rights at the Land Book had proved successful in preventing fraud in this area.

19. A representative of Austria gave an overview of the identification rules applied by the Government of Austria. The use of digital work processes at all stages of land register could potentially reduce the risk of falsifying paper documents and therefore could decrease the risk of fraud. The representative further recommended close monitoring of the processes, yearly audits and revisions, training of staff and the use of digital signatures.

20. In the ensuing discussion, delegations shared country-specific experiences of fraudulent activities and potential follow-up activities on this subject, including how to utilize the good practices and the knowledge consolidated through the study.
21. Specific examples included challenges related to family inheritance, ownership of businesses in cases of splits between partners, and cases where documents are signed and the signatory leaves for another country.
22. Delegations concluded that tackling fraud would remain a priority activity as e-governance systems continued to evolve. The study could therefore serve as a valuable tool for reviewing and updating legislation and policies taking into account each country's legal and institutional framework for land administration. Delegations further pointed out the value of the study for those member States which are establishing new electronic land registration systems.
23. The delegation of Sweden offered to organize a follow-up workshop in 2013 on the topic of identification rules for registration purposes.
24. The Working Party welcomed:
- (a) The publishing of the study on "The challenges of fraud to land administration institutions" and agreed to continue to promote joint activities on this topic within in its programme of work, including the organization of workshops;
  - (b) The proposal of Sweden to organize a workshop in 2013 on the topic of identification rules for registration purposes.

## **V. Programme of Work for 2012-2013**

25. The Working Party reviewed the implementation of activities reflected in its programme of work for 2010-2011. It also reviewed the programme of work for 2012-2013 and took decisions on each item of the programme as follows.

### **A. Land administration policies**

26. The Working Party was informed about the workshops held in 2010 and 2011.
27. The representative of Azerbaijan reported on the outcomes of the workshop "Efficient and Transparent Land Management in ECE countries" (Baku, 4-5 March 2010). The workshop highlighted fraud as a threat to land administration authorities and the importance of country-specific solutions to the implementation of IT reforms. The workshop also highlighted that policy guidance on transparency was key to the development of real estate markets.
28. The secretariat reported on the outcomes of the workshop "Real property cadastre and registration services in the ECE region: the impact of 'E-government' reforms" (Minsk, 8-9 June 2010). The workshop focused on the analysis of issues pertaining to the process of immovable property formation, as well as the functions of address registries and their role in improving land administration. It concluded that successful integration of national property information would result in diminished costs for Governments, time savings for consumers and increased transparency.
29. The representative of Italy reported on the outcomes of the workshop "Cadastral and Real Estate Registration Systems: Producing Quality Information for the Real Estate Market in the ECE Region" (Rome, 5-6 May 2011). The workshop highlighted the role of

cadastral and real estate registration systems and their influence on the development of well-functioning housing markets. It concluded that sound information on land and property is essential to support real estate markets. Producing property index price information was specifically emphasized. An integrated and holistic approach was thus recommended for the development of the real estate economy both at national and international levels.

30. A representative of the United Kingdom informed participants about the possibility of organizing a joint workshop to be hosted by the Her Majesty's Land Registry in London in October 2012 to mark that organization's 150th anniversary. Various themes for the workshop were discussed, including land and land use disputes, and the role of land management policies in promoting sustainable real state market.

31. A discussion followed on the subject of land administration policies. Questions related to the role of the private and public sectors and their insurance and compensation systems were raised. The participants agreed that the proposed workshop in Sweden would be a platform where such issues could be addressed.

32. The Working Party:

- (a) Took note of the information provided on past and future workshops organized under this programme element;
- (b) Welcomed the offer of the United Kingdom to organize a workshop on the occasion of the 150<sup>th</sup> anniversary of Her Majesty's Land Registry (October 2012); and suggested the following topics to be discussed: (a) land and land use disputes and (b) the role of land management policies in promoting sustainable real estate markets.

## **B. Major trends in land administration**

33. The secretariat reported on the outcomes of the workshop "The Role of Spatial Planning to Improve Security of Tenure in the UNECE Region" (Antalya, Turkey, 28-29 October 2010). The workshop highlighted spatial planning as one of the most important areas for policy action to address informal settlements. It concluded that the provision of information is critical for managing spatial development because it supports the formulation and implementation of effective human-settlements policy.

34. An in-depth discussion followed on country-specific challenges related to illegal settlements, including regulation issues and the lack of policy guidelines on the legalization of buildings. Participants shared their national experiences and concluded that the issue was of greater concern in the transition countries in Eastern Europe than in the West. They stressed the importance of holding a future workshop to address these issues. The representative of Greece offered to organize this workshop.

35. The representative of the Netherlands informed participants about an upcoming workshop in Amsterdam (12-15 October 2011). The theme will relate to land administration in a network society. The workshop will focus on the changing role and attitude of parties involved in land administration, e-Land Administration, and 3D cadastre as a new information source for the society.

36. The secretariat informed the meeting about the proposal of the Bureau of the Working Party to undertake a benchmarking study of land administration systems. In particular, the Bureau agreed to merge two questionnaires developed for this study, and the delegation of Ireland offered to be the lead country in this task. The Bureau also suggested preparing the study in cooperation with a task force of land administration experts of other countries.

37. The representative of Ireland introduced the concept of the benchmarking study of land administration systems including an overview and introduction to the merged questionnaire (ECE/WP.7/2011/6).

38. In the ensuing discussion, members of the Working Party welcomed the proposal to develop the study on benchmarking. Some participants raised concerns over the length of the questionnaires and that the questions might be too technical, or might not relate to the particular cadastre and registration systems of some respondents. It was therefore suggested that the members of the task force might consider filling in the questionnaires first and distribute these among member States as sample responses, along with the questionnaires.

39. The representative of the Russian Federation delivered a presentation on the activities of the Federal Service for State Registration, Cadastre and Cartography aimed to assess and manage effectively the ecological safety of state land properties in order to improve overall environmental performance of the Russian Federation.

40. The Working Party:

- (a) Took note of the information provided on past and future workshops;
- (b) Stressed the importance of the issue of informal settlements and security in land tenure and agreed to continue to promote activities, including workshops, on this topic and in its programme of work; and welcomed the proposal from the delegation of Greece to organize a workshop on this topic;
- (c) Approved the undertaking of the study on benchmarking of land administration systems;
- (d) Welcomed the offer of the delegation of Ireland to provide staff resources and to take the lead in conducting the study;
- (e) Approved the establishment of a task force comprised of representatives of Croatia, Denmark, Germany and Ireland;
- (f) Agreed to the distribution of the questionnaires to Governments in the UNECE region along with a set of sample responses to the questionnaires to be provided by the task force

### **C. Land administration reviews**

41. The Working Party was informed about the status of the country profile studies on the housing sector of Tajikistan and Ukraine. The country profile of Tajikistan, which contains a chapter on land administration, has been submitted to the Government for factual review.

42. The request to undertake a country profile of Ukraine was approved by the Committee on Housing and Land Management in September 2010. The first step in developing the study – a pre-mission to Ukraine – was undertaken by the secretariat in mid-June 2011. A number of meetings, including with the national team of experts and representatives of government agencies and NGOs were held, leading to the development of the draft outline of the study. The study will cover such issues as: (a) housing stock, utilities and new housing construction; (b) financial and legal framework for housing; and (c) land administration (institutional and legal framework, cadastre and land registration; land reform; topographic and cadastre mapping; and taxation). As agreed with national counterparts, a research mission will take place in early March 2012.

43. A discussion followed on the topic of country profiles. The delegation of the Republic of Moldova expressed interest in having a country profile review undertaken that would also include a chapter on land administration.

44. The Working Party:

- (a) Welcomed the completion of the country profile of Tajikistan, which contains a chapter on land administration;
- (b) Welcomed the proposal by the Republic of Moldova to undertake a country profile study, which would include a chapter in land administration.

## **VI. Report on the review of the activities of the Working Party and the evaluation of the activities of the Real Estate Market Advisory Group**

45. The Chair explained that the guidelines for the establishment and functioning of working parties within UNECE require that the mandate of a Working Party is reviewed every five years by the parent Committee. The work of advisory groups is reviewed every two years by the parent body.

46. The secretariat introduced a comprehensive overview of the activities (workshops, seminars, publications and other initiatives) undertaken by the Working Party during the period 2007-2010, and an evaluation of the work implemented by the REM Advisory Group in 2009-2011. Both documents were prepared by the secretariat to assess the relevance of activities of the Working Party and the REM Advisory Group, to identify possible ways to strengthen the impact of their work, and to facilitate discussion under this agenda item.

47. The delegations welcomed the outcome of the review exercise and highlighted the relevance of the work undertaken by the Working Party and the REM Advisory Group. Participants reviewed the proposed new terms of reference of the Working Party and highlighted its consistency. They also reviewed the draft new terms of reference of the REM Advisory Group and proposed amendments aimed to ensure complementarity and avoid overlapping with the programme of work of the Working Party.

48. The Working Party:

- (a) Welcomed the main findings of the evaluation of the work of the REM Advisory Group and the overview of the activities of the Working Party;
- (b) Endorsed the new terms of reference of the REM Advisory Group with amendments aimed at avoiding overlapping and ensure complementarity with the programme of work of WPLA;
- (c) Reviewed the terms of reference of the Working Party and requested to submit this document to the seventy-second session of the Committee for approval.

## **VII. Cooperation with other international organizations**

49. The Working Party highlighted the importance of cooperation and networking with other international organizations and acknowledged the need to foster cooperation among international organizations dealing with land administration issues. Representatives of various organizations were invited to deliver presentations on inter-agency work in the area of land administration.

50. A representative of the European Land Information Service (EULIS) gave an overview of the objectives and activities of this organization, and highlighted issues related to the work of the Working Party, including their recent project, LINE (Land Information for Europe). The aim of this project was to facilitate compliance with the requirements of e-justice programme in the area of land registration.

51. A representative of EuroGeographics presented the work of this organization, including the “pilot cadastral parcel index project”.

52. A representative of the International Federation of Surveyors (FIG) delivered a presentation on the work of this organization and the topics relevant to land management, future workshops and task forces.

53. In the ensuing discussion, the participants stressed the importance of strengthening collaboration with international organizations, and considered ways of improving coordination amongst land administration institutions in the future, including in the preparation of publications and the undertaking of joint activities.

54. As a follow-up to the discussion, it was proposed to establish a comprehensive list of partners (including local partners) dealing with issues of land administration in order to enhance coordination among the stakeholders. It was further suggested that the list be hosted on the Working Party website. At a later stage, this comprehensive list could be further developed and published as a resource guide.

55. Members of the Working Party also encouraged the Bureau to follow up on this subject to discuss next steps and identify focal points dedicated to coordinate these future joint efforts.

56. The Working Party:

- (a) Emphasized its interest in strengthening cooperation with other international organizations dealing with land administration issues;
- (b) Requested the secretariat to prepare a comprehensive list of partners including local partners;
- (c) Agreed that the Bureau will identify focal points to take up the work/coordination for future cooperation.

## **VIII. Elections of the Bureau**

57. The Chair informed the participants that Mr. Sergei Shavrov (Belarus) and Mr. Vit Suchanek (Czech Republic) would not be continuing as Bureau members. He also informed them that delegates of Azerbaijan and the Netherlands had expressed interest in becoming new members of the Bureau.

58. The Working Party elected the following members for its eighth session: Mr. Damir Pahić (Croatia) as Chair, and Mr. Rupert Kugler (Austria), Ms. Pia Hojgaard (Denmark), Ms. Ekaterina Meskhidze (Georgia), Ms. Chryssy Potsiou (Greece), Mr. Marco Selleri (Italy), Mr. Bo Lauri (Sweden), Mr. Makhmudzon Khabirov (Tajikistan), Mr. Elshad Khanalibayli (Azerbaijan), Mr. Rik Wouters (Netherlands) and Ms. Julie Barry (United Kingdom) as members.

## **IX. Any other business**

59. The secretariat invited delegations to announce their contributions to the UNECE Trust Fund on Human Settlements for particular programme activities.

60. The Chair concluded the session with a summary of the main decisions and announced that after the session the secretariat would prepare the report of the current session, circulate it among the participants and post it on the Committee website.

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