and for growth. A framework of land and property laws that environments share common aspirations for certainty and their people. Countries with different histories, cultures and sustainable economic performance for their countries.

...Administration Chairman UN/ECE Working Party on Land BENGT KJELLSON model from an European cadastral Candidate countries expectations from candidate countries can be drawn. conclusions concerning a European Cadastral model and European Union from a land administration perspective. The Working Party on Land Administration (WPLA) is also, as you are well aware of, an active organisation promoting efficient land administration. Guidelines, workshops, seminars and missions are of great interest for all concerned bodies, not at least for the accession countries. Eurogeographics and WPLA are now working more close together in order to avoid duplication of work and instead strengthen the efforts to bring important issues forward.

**Summing up**

Land information issues has for centuries being of great importance on the national levels in order to guarantee ownership and security of tenure, provide security for credit and development of land markets, to support property taxation, etc.

Today land information issues are being more and more important also on the European agenda. There are, as I have tried to describe, several driving forces for this. We, who are involved in this process, must therefore find efficient forms for handling the collaboration and development needed. I therefore warmly welcome this initiative from Spain to arrange the first formal EU Congress on land information and I am convinced that the outcome from this meeting will be of great importance for the future developments.

**Candidate countries expectations from an European cadastral model**

BENGST KJELLSON
Chairman UN/ECE Working Party on Land Administration

Throughout the world governments seek social stability and sustainable economic performance for their countries and their people. Countries with different histories, cultures and environments share common aspirations for certainty and for growth. A framework of land and property laws that recognise the rights and duties of the individual, but also the shared concerns of the wider community, is essential if these aspirations are to be realised.

No country can sustain stability within its boundaries, or economic development within the wider world, unless it has a land rights policy that promotes internal confidence between its people, its commercial enterprises, and its government. Recognising that land is the source of all wealth lies at the heart of good government and effective public administration. States that prosper promote widespread and secured private ownership of land as a foundation of social and economic policy.

For nations to unlock that wealth requires effective systems of cadastral and land registration. Good systems of registration promote an active land market and productive land use. It makes possible the security of tenure and the development of a mortgage market on which a functioning economy depends. Thereby investments, for example into the housing sector, are encouraged.

The United Nations' Economic Commission for Europe (ECE) was the first international organisation which defined and addressed the issue of land administration in Europe in a comprehensive manner. The Meeting of Officials on Land Administration (MOLA) was set up as an ad hoc group of experts under the auspices of the ECE Committee on Human Settlements in February 1996. In 1999 the ECE granted a standing status for MOLA and transferred it into the Working Party on Land Administration.

The Working Party, and before that MOLA, aims at promoting land (real property) administration through security of tenure, establishment of real estate markets and promotion of land administration in the ECE region. The organisation soon after its inception developed into an effective network of land administration officials in Europe. A number of workshops, meetings with donors and lending organisations have been organised, guidelines and policy papers prepared. The Working Party also operates by sending expert missions to the ECE countries to render policy advice and recommendations on national programmes on land market development, cadastral and real property registration. These activities have been implemented in response to a high demand from the ECE member states.

One of the topics dealt with by the Working Party during the last year has been the enlargement of the European Union from a land administration perspective. From this, and other activities by the Working Party, a few conclusions concerning a European Cadastral model and expectations from candidate countries can be drawn.

**The Working Party on Land Administration**

**The foundation**

The main aim of the Working Party is the improvement and promotion of land administration in the ECE region. This is achieved through the promotion of privatisation and effective real estate markets by means of modern cadastral and land registration systems. A special focus is put on security of tenure and the establishment of real property markets in the transition countries of eastern and central Europe. But the work of the Working Party promotes co-operation and exchange of experiences.
between all countries of the ECE region. Therefore the modernisation of cadastral and land registration systems in the market economies of western Europe is also promoted by the Working Party.

The work undertaken by the Working Party is very much based on the Guidelines on Land Administration, elaborated by MOLA and adopted by the ECE in 1996. These guidelines, which have been translated into a number of languages and used extensively for policy decisions in transition countries, uses the term land administration to describe the process of recording and disseminating information about the ownership, value and use of land and its associated resources.

According the Guidelines, land administration thus includes cadastral, land registers, land consolidation, valuation and land information systems for a sustainable management of land resources. These 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 real property markets.

**The structure**

After having started as an ad hoc meeting under the auspices of the ECE Committee on Human Settlements in 1996, the Working Party was —as a measure of the importance of the work undertaken— established by the Committee as a standing body in 1999. The ECE region covers the whole of Europe as well as North America.

The Working Party holds a general assembly (or —using the UN terms— a session) every second year. The second session was held in November 2001 in Geneva. At such a session administrative matters are dealt with, and the work program for the following two years is adopted. In addition to that, in-depth discussions relevant to the representatives of ministries and top level management of land administration organisations taking part, are held. At the second session in 2001 these discussions focused on institutional and economic aspects of public/private partnerships and on how to provide an open access to land information whilst protecting personal privacy.

The Terms of Reference for the Working Party are adopted at the sessions. The current Terms of Reference for the Working Party states that the aims of the Working Party are to improve and promote land administration in the ECE region. It shall assist the ECE Committee on Human Settlements in implementing activities on housing reforms and land-use planning. In particular, the Working Party will focus on privatisation through security of tenure and the establishment of real estate markets in countries in transition.

The Working Party works in the following areas:

- 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.).
- Land administration measures (real property formation, land registration, cadastral mapping, real property valuation, etc.).
- Land information systems (real property register, land register, assessment data, land-use data, cadastral maps, etc.).

Organisation 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.).

The current Terms of Reference can be found in Annex 1. At the sessions a Bureau is elected. The Bureau acts as a management board for the Working Party during the time until the next session. The present Bureau consists of experienced, senior representatives of land administration organisations in Armenia, Finland, Germany, Greece, Lithuania, the Netherlands, Romania, Russia, Slovakia, Slovenia, Sweden and the United Kingdom. The Bureau works in close co-operation with the Secretariat of the Human Settlements Committee in Geneva.

Being a body under the Human Settlements Committee means that the work of the Working Party should support the policies and activities of the Committee. The close links between e.g. the Working Party's focus on security of tenure and the Committee's work on housing policies make this a very natural place for the Working Party in the UN and ECE structure.

In addition it should also be said that the activities of the Working Party are open to all countries in the ECE region, and that there is no system of membership or fees. This, on the other hand, also means that the work is entirely based on the voluntary input from all participating organisations, e.g. when it comes to arranging workshops. Using this very open UN structure, the Working Party has become a unique forum and networking facility, mainly for senior government officials from cadastr and land registration organisations. In fact, the Working Party is the only existing, regular meeting place for such officials representing the technical (cadastral surveying) and legal (land registration) sides of land administration.

The Working Party is involved in many activities, but it is mainly by organising workshops, land administration reviews and producing guidelines, inventories and studies that it is active.

**Workshops**

Since the inception of MOLA, at least two workshops have been held every year. These workshops, which have been organised by land administration organisations in transition countries as well as in western Europe, have covered a long list of subjects (often more than one at each workshop). This list includes subjects such as:

- Definition and numbering of objects in cadastres and land registers
- Land markets
- Modern cadastral and land registrations systems
- Managing and developing effective land registration and cadastral services
- Public/private sector relationships in the establishment of land registration systems
- Safety mechanisms in creation of real estate markets
- Protecting rights
- Land consolidation
- Valuation methods
- Title registration systems and real property markets

Sometimes workshops have been more country-oriented, focusing on the special circumstances of a particular country or region. Such workshops have for example been held concerning land administration in the Baltic States, Albania and Armenia.

The next workshop is scheduled to take place in Moscow on June 28-29 2002, the subject being Mass valuation systems for real property taxation purposes.
In June 2001, a workshop was organised in Sweden on the subject of EU accession from a land administration point-of-view, which of course is of special interest for this Congress.

Following UN procedures, every workshop closes with the adoption of conclusions and recommendations based on what has been discussed. These are not binding but are useful starting points for ECE countries as well as for the participating land administration organisations.

**Land administration reviews**

The Working Party undertakes reviews of specific countries when asked to do so. This means that a small team of international experts undertakes a study of certain land administration aspects in accordance with a request made to the ECE. Such a study is often intended to constitute part of the basis for policy decisions, or for discussions with various donor organisations or lending institutions.

So far, land administration reviews have been carried out for Albania, Armenia, Georgia and Kyrgyzstan. Another review is scheduled to take place in Russia later this year and in Lithuania next year.

**Guidelines on Land Administration**

In 1993 ECE first launched the initiative to strengthen land administration capabilities, mainly for countries in east and central Europe. A seminar on reform of real property, land and cadastre took place in Copenhagen, Denmark. To follow up the seminar, workshops were organised in Austria, Croatia, Hungary, Latvia, the Netherlands and Romania. At the same time the Committee on Human Settlements established a task force to prepare the Guidelines on land administration. Professor Peter Dale led the task force.

The Guidelines are mainly written for senior governmental staff and politicians engaged in land administration issues. The aim is to out-line the benefits of having a relevant and reliable land information system in place.

The Guidelines identify the factors that should be taken into account in developing the legislation, organisation, databases and maps, as well as the funding mechanisms, required to implement and maintain a solid land administration system, frequently referred to either as a cadastral or a land registration system.

The Bureau of the Working Party is presently considering the need to up-date the Guidelines on land administration.

**Inventory of Land Administration Systems**

The third edition of Inventory of Land Administration Systems in Europe and North America was published in July 2001. This very comprehensive look at land administration in the ECE region is, as was the previous two editions, based on national reports. These have been put together by HM Land Registry in London.

This Inventory includes information from 49 separate jurisdictions in 42 ECE countries (including Canada). It consists of four parts:
- Organisation and government responsibility
- Land and title registration
- Cadastral and topographical mapping systems
- Land use of recording systems

**Inventory on Key Aspects of Land Registration and Cadastral Legislation**

The Key Aspects of Land Registration and Cadastral Legislation was published in May 2000 (once again compiled by HM Land Registry in London). The study includes twelve chapters, concerning subjects like:
- Constitution and legislation
- Statutory powers and the legal status of registered land
- Procedures for registration
- Registrable rights and interests
- Publicity and freedom of information.

It includes information from 43 separate jurisdictions in 36 ECE countries.

**Inventory of Land Administration Projects**

The Austrian national cadastral and mapping authority, Bundesamt für Eich und Vermessungswesen, keeps and updates Documentation on International Land Administration Projects in Europe on the Internet. The Documentation presents individual countries from the aspect of government institutions, description of projects and their implementation agencies. It is available at www.bev.gv.at.

**Study on Land (Real Estate) Mass Valuation Systems for Tax and Other Purposes**

The latest study that has been published (November 2001) is The Study on Land (Real Estate) Mass Valuation Systems for Tax and Other Purposes in the UN/ECE Member States. The Federal Land Cadastre Service of Russia prepared the study.

The study contains detailed information from 29 different countries in the region, providing answers to 35 questions that were put. It is divided into three parts, dealing with:
- Organisational and legal aspects of mass real estate valuation systems for tax purposes
- Methodical aspects of real estate valuation system
- Real estate tax system

**The Survey on Restrictions on Ownership, Leasing, Transfer and Financing of Land and Real Properties**

An ongoing study, which will soon be published, concerns different kinds of restrictions that exist in the ECE region. Once again based on national reports, this study is being compiled by The Federal Land Cadastre Service of Russia.

**EU Accession from a Land Administration Perspective**

A workshop on EU accession from a land administration perspective took place in Gävle (Sweden) 14-15 June 2001. Lantmäteriet, the National Land Survey of Sweden, organised it. The workshop, which was linked to the Swedish presidency of the European Union (EU), was attended by representatives from 33 countries.

At the workshop, a number of countries—both accession countries and other transition countries—presented their views on issues related to the requirements put on land administration as part of the negotiations with the EU. The main conclusions from the workshop were:
- Several countries had experienced difficulties in identifying a single directorate-general (DG) in the European
Commission with overall responsibility for land administration and considered that this created problems of co-ordination. It was recommended that the European Commission set up a DG or another body responsible for land administration.

— The workshop underlined the fact that the main role of land administration, with respect to EU accession, was to support the free movement of goods, services, people and capital. Observing that the EU had recently been mainly preoccupied with the development of land market and agricultural subsidy programs, the workshop noted that in future the EU should broaden its interest in basic land administration issues.

— In some candidate countries land administration issues were insufficiently recognised by the government as a key element to accession. It recommended that governments should be fully aware of the role of land administration in the accession process.

Individual countries — candidate as well as others— reported on the development in view of the increasing need to take international demands into consideration. The following points illustrate issues reported, as they were at the time of the workshop.

**Albania**

There is considerable international assistance for land administration issues. The local land administration authority deals with agricultural land, while the Ministry of Public Works supervises urban land activities (urban planning, infrastructure and utilities). Comprehensive work is being carried out on environmental initiatives, valuation and taxation. One of the major problems is co-ordination of international activities.

Some public activities should be transferred to private firms in districts. For example digitisation and data entry should be carried out locally, avoiding transport to Tirana and back again. Contracts with private companies have many advantages compared to state institutions, which are not competitive with their fixed prices and lack of flexibility in meeting specific interests and needs.

**Bulgaria**

In the context of EU accession, Bulgaria has asked for a 10-year transition period to abolish all restrictions on the acquisition of land by foreign physical and legal entities and security of their rights in land ownership. The Government priorities have been the development of farms, the establishment of a land market and the creation and maintenance of a cadastre and real property register.

**Lithuania**

With respect to the EU integration programme, Lithuania foresees the implementation of the following tasks to improve its land administration:

— The full restitution of land and the completion of land reform
— The creation of operational land and credit markets
— The setting up of a «one-stop shop» service for customers
— The further development of public cadastre and real property registers, by integrating available public registers
— Institutional reform
— The improvement of communication infrastructure by introducing more competition in the telecommunications sector.

**Malta**

There is strong pressure to regenerate the vacant housing stock. Land administration is seen as an instrument to identify redevelopment opportunities and areas for new housing development. There is a strong linkage between land administration on the one hand, and the preservation of the environment and sustainable tourism development on the other. The legislation concerning the acquisition of real property by foreigners is under consideration and revision. At present the Minister’s permission is required for the acquisition by foreigners for some kinds of real property.

**Slovakia**

Although agricultural land is mostly in private ownership, it can not be traded, and the land is farmed cooperatively. Modernisation of the cadastre and land registration system has concentrated on the legal framework, the re-establishment of land and property records, the restitution process and technical infrastructure. This modernisation programme is severely handicapped by the high level of co-ownership and the absence of legal boundary data.

**Conclusions of the workshop**

The report prepared at the end of the Swedish workshop contains a number of observations and recommendations concerning the accession process, and the relationship between the EU and the candidate countries.

The Workshop confirmed the crucial need for EU candidate countries to receive as much help as possible in establishing sound land administration systems to support economic growth and a well functioning market in land and other real property.

The participants invited the EU to provide clear, practical guidance and advice on land administration issues to help candidate countries meet EU land administration regulations. However, it was also felt by some that such advice could create or lead to unnecessarily detailed regulations. There were different opinions on whether the advice should be specific, or of a more general nature. It was felt that the EU should consult candidate countries and give very serious consideration to the value of introducing documentation, which would offer authoritative help and advice and have a wide application.

Any such EU documentation should endeavour to be positive and helpful. It should provide examples of best practices, drawing on existing authoritative work such as the UN/ECE Guidelines on Land Administration. It would be very important to avoid a prescriptive approach. Rather, candidate countries should be encouraged to adopt the
most suitable administrative structures for their own circumstances whilst maintaining a focus on the desired outcome.

The participants welcomed the increase in EU activities on land administration. They noted the importance of all aspects, and recommended that the EU should consider a wide range of issues, including legal ones, in their further deliberations on land administration.

Several accession countries had experienced difficulties in identifying a single DG in the European Commission, with lead responsibilities for land administration. These countries considered that this creates problems of co-ordination. It was noted that cross-DG groups, such as that concerned with geographical information, would be of assistance in rectifying this problem, and recommended that European Commission set up a DG or another body responsible for land administration.

Following presentations from several candidate countries on their activities towards EU accession, it was noted that some countries are well advanced in creating land administration systems adapted to their own situation, with good practice incorporated into it, to meet the EU entry requirements. The Workshop recommended that other candidate countries should follow this route, and design systems that will meet EU accession requirements.

The Workshop underlined the fact that the main role of land administration, with respect to EU accession, is to support the free movement of goods, services, people and capital. Observing that recently the EU has been mainly preoccupied with the development of the land market and agricultural subsidy programmes, the workshop noted that in the future the EU should broaden its interest in basic land administration issues.

There are systems in which the fiscal, physical and legal cadastres are separated to a certain degree, and that there are difficult issues related to their integration. The Workshop recommends that the UN/ECE Working Party on Land Administration should organise a workshop to address this issue.

Several countries in transition stated that the adoption of the principle that foreigners should be able to acquire land without restrictions would result in considerable internal economic and social problems.

The Workshop noted that in some candidate countries, land administration issues are insufficiently recognised by the government as a key element to accession, and recommended that governments should be fully aware of the role of land administration in the accession process.

The participants underlined the importance of including land information issues in the development of the European spatial data infrastructure. The Workshop recommended that the UN/ECE Working Party on Land Administration should take a leading role in bringing experts together in a working group in order to consider the priority actions needed in the development of spatial data infrastructure.

The Workshop also noted that there is a lack of communication in many directions, between the European Commission, candidate countries and donor organisations. It recommended that better communication and co-ordination should be established between:

— The European Commission and candidate countries
— The European Commission and other organisations with an interest in land administration such as the World Bank and FAO
— The different land administration projects within a candidate country
— All organisations active in land administration within a candidate country

The Workshop recommended that individual candidate countries should appoint a focal point for land administration within the country.

The Workshop acknowledged information from the candidate countries that some land administration projects are not meeting expectations and hence, losing public confidence. The Workshop further noted that it is important to improve co-ordination to maintain public support and called on the parties engaged to address this problem.

The Workshop noted with interest the initiative to develop a European Land Information Service (EULIS) to assist the creation of a pan-European land markets.

A European Cadastre?

The title of this paper indicates that there is—or will be—a uniform, European model for the cadastre. This automatically leads to questions such as:

— What is a cadastre?
— For what purpose shall the cadastre be kept and used?
— Must there be a cadastre in every country?
— Is there a difference between the cadastre and the land register?
— How similar are the candidate countries, and indeed the member states?
— Is the broader term land administration better suited for discussions as this?

The discussions at WPLA workshops clearly illustrates the fact that there are substantial differences between candidate countries, just as there are between the member states. As a result of different history, traditions, economic development, approaches to land reform and privatisation, deregulation, etc. very different models for legislation, organisation, private sector involvement and technical systems have been chosen.

But there are of course similarities, and probably more so than differences. Many of the issues under discussion, from when MOLA was inceptioned up to now, are very policy-oriented. The approach to public-private partnerships, public access, privacy and division of responsibilities between different ministries and government departments are perhaps the most important ones. But these are also issues under discussion in some of the member states.

If we look at the approach chosen in candidate countries, it is easy to see that these issues concern the need for uniform systems, a simple organisational structure and institutional building are very important. In some of the member states there are very good solutions to study, while other member states have just as long way to go as certain candidate countries. It is very obvious that several member states could gain a lot by looking at a country like Lithuania. Besides having carried out an impressive land reform, introduced the necessary legislation, established a competent and functioning land administration organisation and developed the basic information infrastructure, the country is now into what can only be called a second wave of development.

This includes improving the legislation, establishing links between information of different kinds and refining
the organisational structure. I would say that the fact that State Land Cadastre and Register is part of the EULIS project is something that says a great deal about what not only Lithuania but also other candidate countries have achieved in a short time.

Conclusion

This leads me to the conclusion that there is no such thing as uniform expectations on a European cadastral model.

Speaking partner

Instead I think it is true first of all to say that the candidate countries have had reason to expect a more distinct response from the European Commission concerning land administration issues during the negotiation process. As was obvious at the Gävle workshop many found it difficult to locate a speaking partner concerning land administration issues, and the demands that would be faced. One very concrete example of this is of course the rights for foreigners to acquire land.

Uniform approach

Secondly, I think that issues concerning public access, privacy, service levels and standards for the provision of information are areas where organisations in candidate countries as well as in many member states lack a uniform approach. The fact that technology, and the possibilities that the Internet provides, is the main driving factor for today’s development puts many of the candidate countries well ahead of certain member states. I think that the large differences in the land administration sector between the member states, which e.g. makes the integration of the mortgage market so difficult, has been somewhat of a surprise for many.

Practical co-operation

I have mentioned standards for service and as an example of areas where expectations are quite high. Initiatives such as INSPIRE and EULIS, which have been taken during the last twelve months, are examples that something new is happening.

It is my belief that such very practical projects, together with ongoing and planned activities by WPLA concerning public access and privacy, cadastral objects and identifiers, and public-private partnerships — hopefully in collaboration with EuroGeographics— will lead to more uniform approaches on specific issues across Europe.

A consumer-driven European model

Such practical co-operation will make it easier for organisations, and their customers, to benchmark activities, putting best practices more in the open for others to follow. This more customer-driven approach to achieving what might be called a European land administration model is what I think candidate countries as well as member states can look forward to.

WPLA will certainly be part of that development. Through our regular activities the Working Party will be providing a meeting-place for the whole land administration sector. It will also, e.g. in partnership with EuroGeographics, contribute policy-oriented materials based on the needs among participating countries as well as results from very concrete discussions at the workshops.

Annex 1

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, cadastral, 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 contributes to the comprehensive approach of the Committee on Human Settlements in its activities on housing reforms and sustainable spatial 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 among 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 (geo-spatial data infrastructure, 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 Human Settlements Programme (UN-Habitat), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), the European Commission, the International Federation of Surveyors (FIG), the International Centre of Registration Law (CINDER), the European Umbrella Organisation for Geographic Information (EUROGI) and EuroGeographics. It promotes cooperation and facilitates direct contacts with international organizations and programmes that fund land registration and cadastral 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.

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Candidate countries expectations from a European cadastral model