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### Needs and Reality of GI and LA Political Awareness in Poland

Administration of space in the times when population increases, and the shrinking resources of land, as no new land is at hand and the existing one is destroyed and devastated, is a grave world-wide problem. That problem is closely linked with the need to have updated information about land. Hence the association of the two domains is an objective necessity, and issues of both cannot be solved separately. Awareness of the fact is not always and not everywhere as obvious, and that is problem No. 1.

Administration of land in various political and economic systems, in different parts of the world and periods in history, has been and is different, located within the wide spectrum between very intensive and extensive-wasteful, and neither the existing situation nor plans for the future can be measured with the same yard-stick. Awareness of the fact is very different, both in various countries and various social layers, as well as among various decision makers, which is problem No. 2.

Information on space (land), labelled as geographic information, has various historic, technological, cultural roots, belonging to a wide spectrum between extremely detailed, precise, complete one, and approximate, random, dispersed one. Any attempts of its quick unification in accordance with the pattern coming from one kind of producers may cause incalculable losses, which would not even in part compensate for the fact of having access to reasonably complete (full) information about the whole. The awareness of that fact is, even in the highest ranks of decision-makers in Europe, low. And that is problem No. 3.

Administration of land is an extremely delicate part of social relations, with enormous potential for conflicts. Every interference of the public administration with shaping of space (land) results in more or less stable social resistance. There is little awareness of that fact, especially among decision-makers, especially those of the low ranks, contrasted with very high awareness in the society (community). And that is problem No. 4.

Administration of land is supported with a huge set of technical, economic, organisational and legal tools (institutions of the cadastre, land registers, judicature, state budget, research institutes, developer enterprises, realtors and managers of real estates, real estate experts, and others), the usefulness of which is not really realised among decision-makers and citizens. And that is problem No. 5.

Functioning of the EU, advanced processes of integration with countries of Central and Eastern Europe, and the violent eruption of IT technologies resulted in the phenomenon of systemic protectionism, consisting of, more or less hidden, manifestation of superiority, on the part of EU members towards candidate countries, on the part of the US towards Europe. The source of origin of that phenomenon is the wealth, which in unjustified manner is transformed into technologies, organisational regulations, as well as legal ones. A stronger partner sees it his duty to instruct and advise the weaker one, even in domains in which that stronger partner happens to have little orientation in the actual state of affairs, while the level of awareness of actual socio-economic conditions existing in the country that is advised appears to be very limited. And that is problem No. 6.

*Poland concentrates, as a lens would, all the above-mentioned problems, due to its location, climatic conditions, and stormy historic past. Poland may be a test field for any possible solution in the field of GI and LA (land administration). And somehow it is, only that the results of experiences are not known yet, or are to desired to be recognised by key European decision-maker circles.*

*Before I proceed to analyse the six problems listed above in Polish conditions, let me express in a few words why Poland is such a versatile exercise ground for experiments.*

*First of all, because of its location, as lacking any naturally protective borders throughout history, the land invited penetration of various cultures throughout history, and was exposed to various forms of land administration and registering rights to land, including the first in Europe system of registering of rights to land, dated 1347, the so-called piotrkowsko-wiślickie statutes. In*

*1793 Poland lost its independence for the three invaders : Prussia, Austria, and Russia. Our country regained its independence only as late as in 1918. During the 125 years, 3 cadastral systems and 3 systems of registering rights for land got developed, the results of which can be experienced until today. After Poland regained independence, its engineers and lawyers selected what is best of the 3 systems, and created a system that is unique for Poland and, as Poland belongs to the more northern climatic zone in Europe, the selection did not lack the inventiveness and consequence in overcoming difficulties that is characteristic for that zone, thus the system is one of the better in Europe. The times after World War II, in the realities of the new political system, made a bad influence upon the quality of ownership registration rights, yet we did not stop registering those rights for one single moment, Polish farming remained private, in difference from other countries of Central and Eastern Europe. At the same time, however, the quality and completeness of geodetic works improved substantially, which many countries of western and southern Europe can envy us. The political changes that took place in 1989 were followed by far-reaching ownership transformations, which entails that there may not be any other country which could compete with Poland - I am afraid – as to the variety of rights to land, buildings, and apartments/premises, as well as ways of administering land. Hence the statement about the versatile exercise ground that Poland is appears fully justified.*

*How do, against such a background, the problems with awareness level concerning GI and LA listed in the beginning look?*

Re 1/ The first problem, concerning awareness level as regards the need to base land administration system upon updated information about land, has a good legislative solution in Poland, as the law precisely obliges to do so, yet in practice it appears much worse, due to the fact that administrative functions are performed by staff that is not fully prepared for them. The post-war administration has never received proper remuneration, which discouraged people with suitable qualifications to work there, and the work is extremely difficult and requires high qualifications, in particular as regards administration of land and registering information about land. The transformations of the last 13 years and strives in politics only added to that problem. Despite the detailed and well-organised system of information about land (LIS) in Poland, its use for the purpose of land administration is not satisfactory. Particularly worrying are the multiple attempts to register the same information, undertaken in particular by the ministry of finance.

Thus, problem No. 1 may be summarised in the following way: the level of political awareness as regards administration of land, observing the ownership rights is very high among the citizens of Poland, which was one of the engines driving the changes of 1989. The level of the same awareness is quite high at the basic level of administration, and gets worse and worse as the level of administration gets higher. Of course, such a situation does not promote proper policy in that respect, and caused many costly mistakes, enabling for example speculative “freezing” of land bought very cheaply, e.g. by foreign capital. It is similar with access to information about rights to land, as the information about land should be commonly available, in specific scope and scale. Enhancing the awareness in this respect is exceptionally difficult, as those who create the land administration policy should have very versatile knowledge of law, technologies, and economics.

Re 2/ It is somehow different with issue No. 2, concerning the difference of patterns of land administration and registering of information about land. If we take into consideration the historic experience, then almost every county (poviat) would have a different system of registering the rights and information on space. Of course, this is not really the case, as over the years we developed standards of data gathering and administrative procedures, yet they have local nuances that should be taken into consideration. The EU guidelines saying that something should be unified in a manner conceived in Brussels would not help much here. Often, it is not Brussels, but the place of residence of a given expert who, not knowing the language or local conditions, would advise us on what to change. Because, as I have already indicated in problem No. 1, the worst awareness is at the top, as regards land administration and registering of information on space, there are numerous misunderstandings and unnecessary costs involved. To solve that, we need to enhance the political awareness among top rank decision-makers, EU included. This statement should not be perceived as expression of lack of trust towards high level experts. The issue is that at the basic level, where administration deals with citizens, the complexity of the problem is properly perceived, whereas those officers who got promoted quickly lose touch with the fast tempo of awareness changes, not the physical changes, which happen much slower.

In this domain, implementation of one universal model is inexpedient, as we may lose touch with the historic development.

Re 3/ Issue No. 3, concerning the attempts to force one system for all EU member states: it may be right as concerns toothpaste of washing powder, but is a sheer misunderstanding for the system of land administration and gathering of spatial data. The enormous expansion of *de facto* OGC standards, and the activities of the so-called OGC-Europe will surely simplify global management with the use of generalised geographic information, yet will cause commotion in the level of land administration which is based on real estates, I mean here the real-estate registration systems, which are both expensive and slow. The

specific unique Polish GIS system is many times cheaper and quicker, and already functions in some 70% of the territory of the state. These solutions should complement each other.

Every monopoly is harmful, and in such a subtle area as land administration it is particularly harmful. Here, the local system of registration should be especially respected, and it is a task of institutions and organisations that influence public opinion to make the EU officers and state agencies aware of that. Harmonious co-operation between systems, not a ruthless domination of one system, born in different technological and cultural conditions, is the chance for Europe.

Re 4/ The subject matter of problem No. 4 is, in fact, the sphere of social relations, which is greatly influenced by the land administration policy and registration of information about land. Any unlawful breaching of the rights of the owner, physical or regarding registration, causes a long-term social dissatisfaction, leading sometimes to open crisis. The very information about speculative purchase or sale may embitter local community for a long time. In Poland we are at present witnesses of numerous sections of motorways that cannot be built due to inefficient land-purchase procedures. The process of regrouping and integration of land in areas where the land use structure is similar has been put virtually to a stop. The procedures of establishing the legal status of land under roads seem endless, despite the fact that owners of such land are really interested in finalising them. The issue that has a particularly negative social impact in Poland is the expected purchase of land by foreigners after Poland joins the EU. It is not a real problem, yet caused solely by the inadequate level of political awareness and the way of creating that awareness.

Re 5/ A particular problem of extremely low social awareness is the use of organisational, technological, and legal resources for land administration. A violent development of technical means, including telecommunications, invites for their quick implementation, with expectations to get such precise data as can be obtained by means of modern computers, processors, and optic fibres.

This, however, is not followed by the manner and universality of data registration.

In particular in the field of registering rights to real properties, the so-called data are the outcome of complex and not always univocal processes of interpretation and technical organisation. Hence the surprise that the cadastral system may differ almost in 100% from the land and mortgage register system, despite applying to the same subject and object.

Unfortunately, in a computer system Mr. Mac Guinness and Mr. Mc Guinness are two different people. Awareness of that is very poor among organisers of GI systems, poorer still among the users of such systems.

It is not an exception to use the ZOOM function to search for power line in a digitised topographic map, in order to compare it with the plot border, or to obtain the value of real estate by multiplying the value of 1 m<sup>2</sup> of space by the area of original plot obtained from the old cadastral map.

One may say that professionals are to do the interpretation, yet it is an issue of technical, legal, economic awareness, generally of political awareness.

GIS may be for everyone, yet on condition the level of awareness is equal.

The aspirations of GIS producers function in virtual space, while life forces us to activity in real world.

Thus, IT people see no problems where surveyors perceive hordes of them.

That is the heart of problem No. 5.

Such systems and geographic information for land administration must be built and interpreted by professionals, whereas general users may have access to a properly prepared, clear, and understood semi-product.

Re 6/ Finally, issue No. 6, perhaps the most embarrassing one: teaching the countries of Central and Eastern Europe how to organise the administration of land, how to organise systems that register information on space, and how to administer land.

We had such experts also in Poland, and they cause a lot of harm, treating our country as „terra incognita” and legal relations as “carte blanche”.

The negative consequences in the form of lame state information system have already exceeded the so-called benefits from aid funds many times.

Unfortunately, the attempts of disrespectful treatment of EU candidate countries are demonstrated in many forums, let me name only the research and development projects of the European Commission.

Language barriers are, in the consciousness of many people, identified with technical problems, and give birth to enormous problems. In that respect, the process of bringing closer the points of view will take years, as in the domain of geographic information and land administration will take years, as it is not something to be learnt but something to be practised, and practitioners generally have difficulties in speaking foreign languages.

The hardest thing will be to overcome the language barrier in this respect.