Regional Cadastral Study Reforms in the Region

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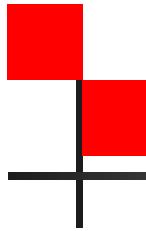
Content

- Introduction and Background
- Land Administration Systems
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- Conclusions

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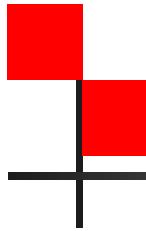
Introduction and Background

- ## The Initiative
  - ### SGA, Statens Kartverk
- ## Participating organisations (the region)
- ## The Study
  - ### visits
  - ### questionnaire
- ## The Conference Opatija

Ljubljana - LJ
Zagreb - ZG
Banja Luka - BL
Beograd - BG
Sarajevo - SA
Podgorica - PO
Priština - PR
Skopje - SK

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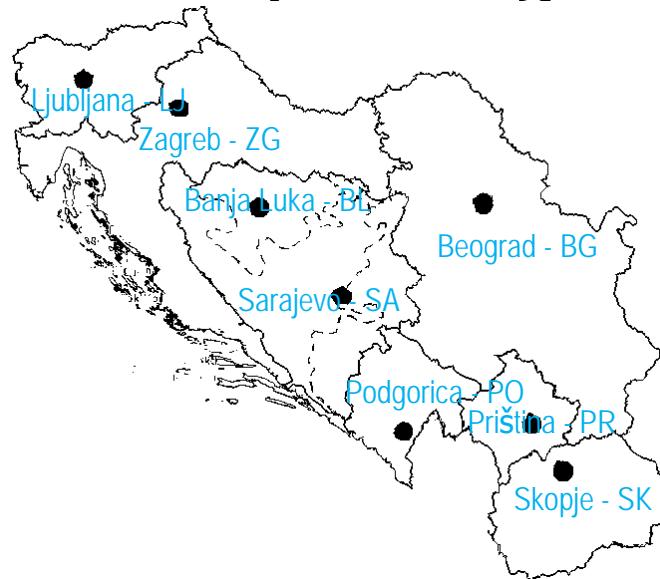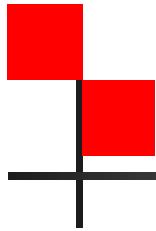
Questionnaire

1. Institutional and organizational framework for the cadastral mapping and registration of real property rights
2. Land Administration System (here defined as the system for cadastral map and related data and registration of real property rights)
3. Legal framework for real property
4. Own assessment of the current situation regarding cadastral map and rights registration
5. Reform Programs – policy and overall approach
6. Upgrading of the cadastral map and related data and registration of real property rights
7. Statistics

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Gross national product per capita

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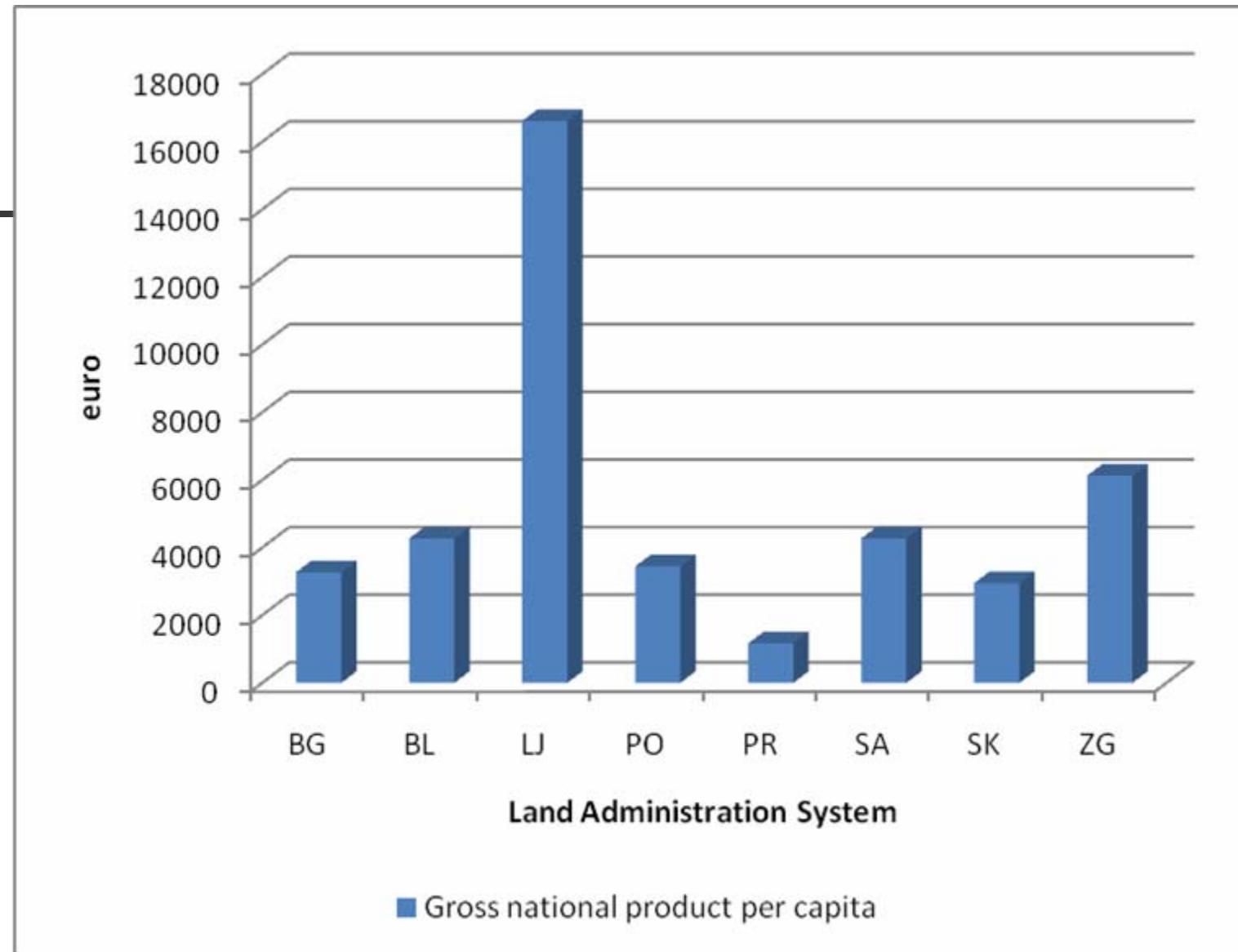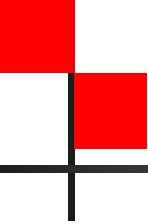
LAND ADMINISTRATION SYSTEM

- ## Defined in the Study
  - as *«the system for cadastral map and related data and registration of real property rights»*

- ## Basically
  - cadastral tasks are associated with the creation, maintenance and dissemination of data about real property units,

    while

  - registration undertakes the responsibility to record, make known and guarantee property rights

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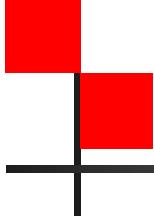
Institutional and Organisational Framework

- **Stakeholders – Reorganisation**
  - **Public institutions**
    - National level / (regional) / local (6)
    - National Administration and Municipal offices
  - **Private sector**
    - Licensing
      - Surveyors
      - Companies
  - **Education**

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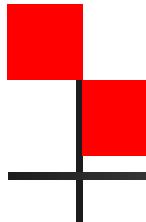
Single / Dual Institutions
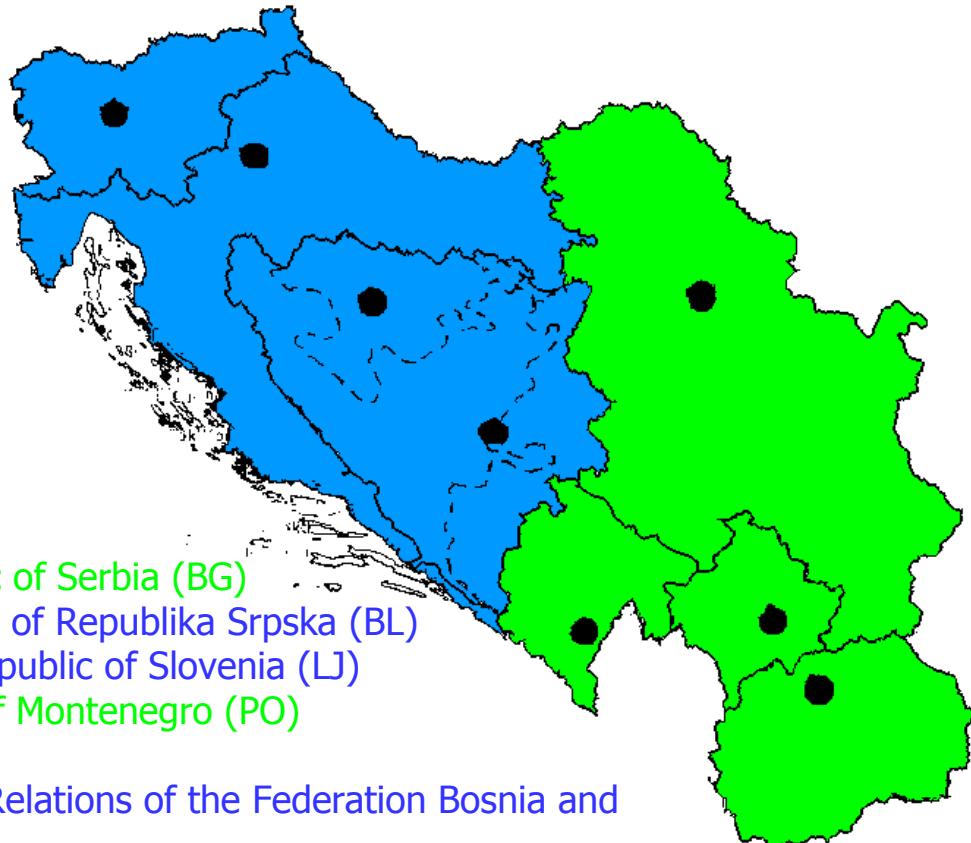
• Republic Geodetic Authority of the Republic of Serbia (BG)
• Bureau for Geodetic and Property Relations of Republika Srpska (BL)
• Surveying and Mapping Authority of the Republic of Slovenia (LJ)
• Real Property Directorate of the Republic of Montenegro (PO)
• Kosovo Cadastral Agency (PR)
• Federal Bureau for Geodetic and Property Relations of the Federation Bosnia and Herzegovina (SA)
• State Institute for Geodetic Operations of the Republic of Macedonia (SK)
• State Geodetic Administration of the Republic of Croatia (ZG)
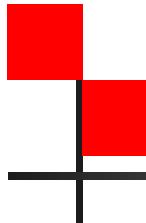
Legal Framework

- Laws -Year 2000 onwards
  - Civil code ("ownership and other rights")
  - Law on ... (Real Property) Cadastre
    - Registration of Real Properties - Cadastral map (7 – LJ)
    - Registration of Rights (4)
    - Surveying and Mapping (7 – LJ)
  - Law on Land Book- Based on Cadastral Map
    - Registration of Rights (BL, LJ, SA, ZG)
- Bylaws

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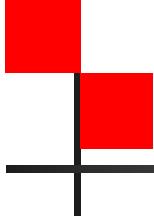
Parcel Based Systems in the Whole Region

- **The Cadastral Parcel is the key unit**
  - Uniquely identified through Cadastral Municipality (zone) and ordinal number
  - Described through technical characteristics
    - *Name & shape & position*
    - *Use & surface*
  - Alphanumeric and spatial representation
  - Holder of information about rights and obligations

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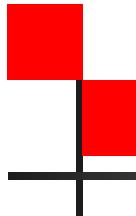
LAS Overview

Org.	Cad. map + related data	Rights registration
BG	Real Estate Cadastre + Land Register (11%)	
BL		
LJ	Land Cadastre + Building Cadastre	Land Register
PO	Real Property Cadastre	
PR	KCLIS, IPRR	
SA	Cadastre (4 types)	Land Register
SK	Real Estate Cadastre (70%) + Land Cadastre (30%)	
ZG	Real Property Cadastre	Land Register

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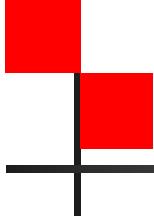
The Most Important Purposes an unanimous comprehension

1. Title registration and thereby legal security
2. Land transfer (sale and purchase)
3. Mortgaging
4. Basis for spatial planning
- Other: tax, urban planning
- Features needlessly: topography

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Cost Considerations

- None of the participating organizations have introduced cost recovery for cadastre and register services and information
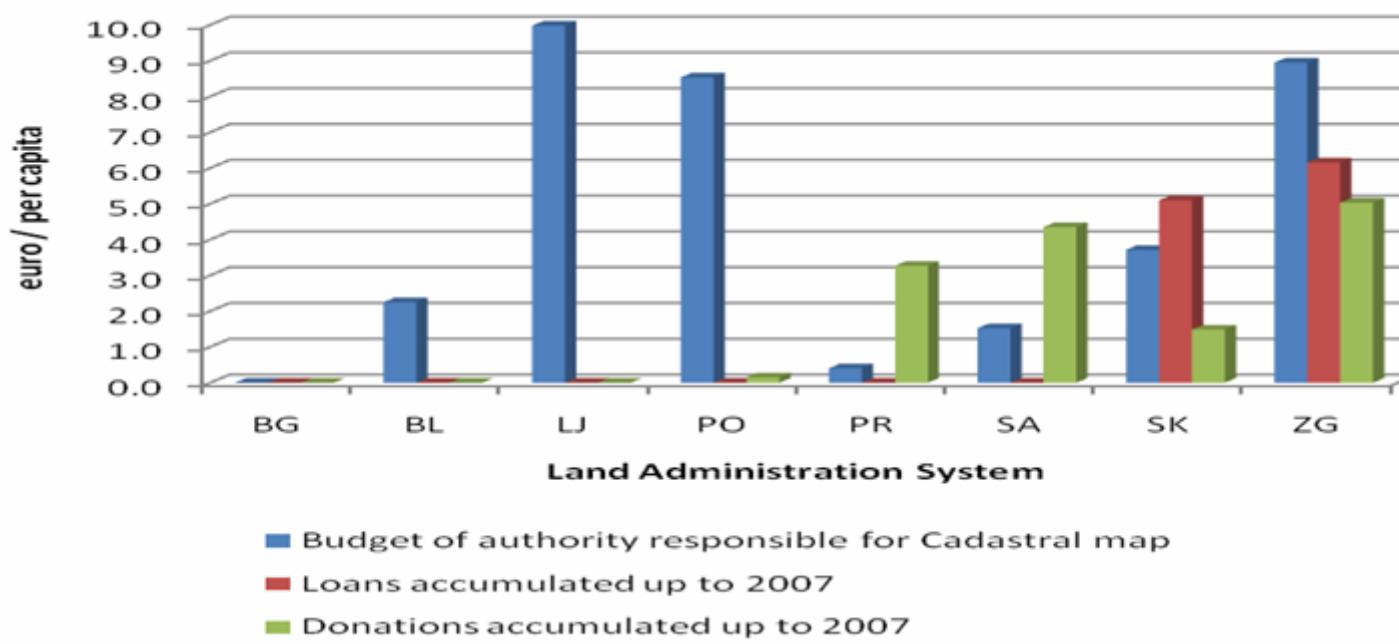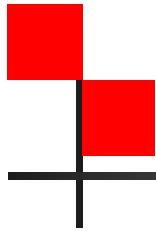
REFORM PROGRAMS

- Visions
    - timely provision of services (Internet)
    - to complete records where data is missing
    - upgrade and harmonize data
- Driving forces (real property market)
- Own assessments
    - *LAS serving the real estate market?*

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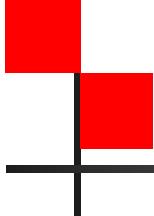
UPGRADING AND HARMONIZATION

- Approaches
  - Sporadic
    - Triggers
    - Responsibilities
    - Time and cost
    - Quality control
  - Systematic
    - Current situation
    - Goals
    - The scope of systematic registration
    - The role of the Commissions
    - Owners participation – public review
    - In the field
    - Use of old cadastral maps
    - Duration and cost

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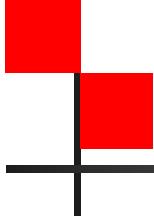
Scope of Systematic Registration

- Scanned and vectorized existing cadastral maps
- Geodetic network
- Aerial images
- Line maps
- Digital terrain model
- Orthophoto
- Analysis to design methodology for the systematic registration and prepare work descriptions for tendering.
- Real property reambulation

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Cadastral Surveying & Reambulation
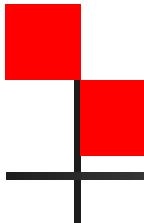
The purpose of the reambulation is to create technical and legal documentation for the Real Property Cadastre through the gathering, processing and public review of data collected

- Awareness campaigning
- Harmonisation of old cadastral maps
- Systemise and resolve registered issues
- Call for title holders
- Demarcation and marking of boundaries
- Surveying and subsequent data processing
- Public review
- Record resolutions

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Sporadic

- Updating
- On Request
  - Real property changes – mandatory
  - Right changes – not mandatory (PR, PO, SK - yes)
- Triggers
 - Development – constructions
  - Privatization

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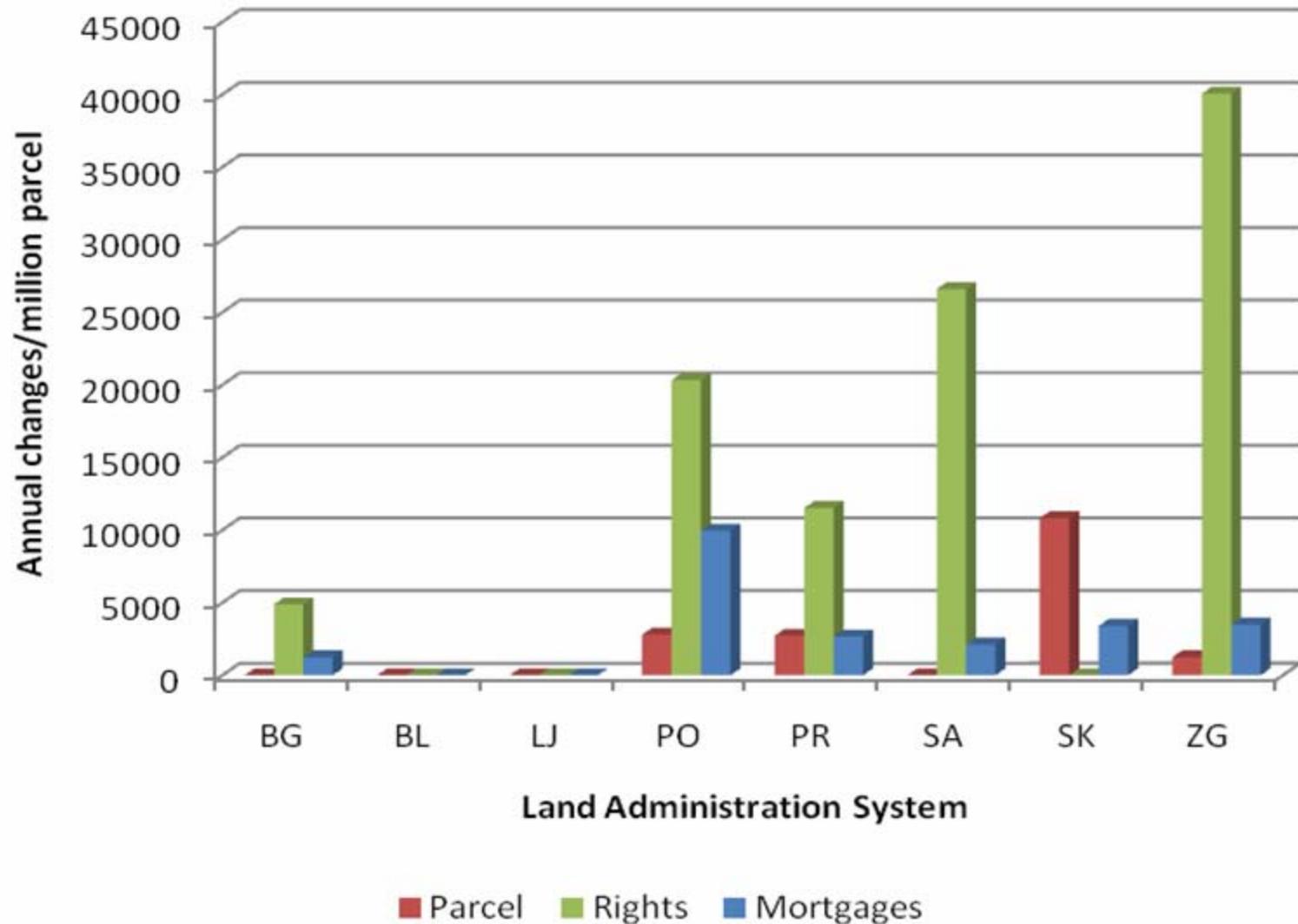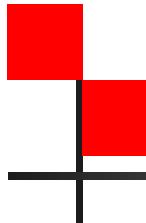
Transition

- Land -> Real Property (+apartments ...)

- Land Cadastre -> Real Property Cadastre

- Analogue -> Digital

- Sate -> Privat

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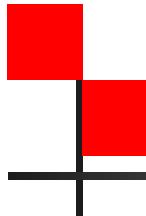
Goals
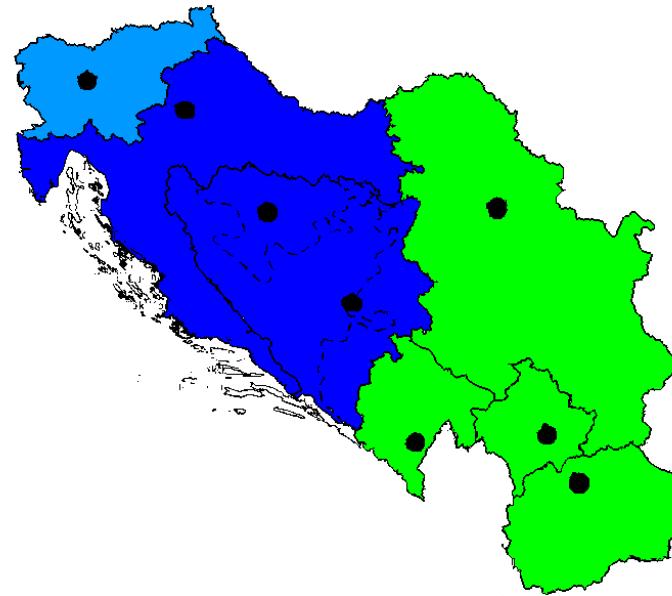
CONTENT	REGISTER		
- **parcels** - **buildings**	**Real Property Cadastre**	**Real Property Cadastre**	**Real Property Cadastre**
- *separate parts* *(apartments ..)*	**Building Cadastre**	**Land Book**	
- *owners*	**Land Book**		

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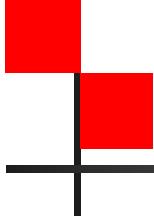
Five Typical Cases of Recording

1. Nothing *(there are no registers for some areas)*
2. Census Cadastre *(there are registered parcels, but without exact cadastral surveying)*
3. Land Cadastre *(parcels and possessors are registered, but no registration of ownership exists)*
4. Land Cadastre and Land Book *(<u>consistent</u> but without registered special parts – apartments...)*
5. Land Cadastre and Land book *(<u>inconsistent</u> – different identification of parcels)*
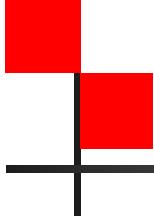
Priority – Registration of Rights

- Completing data coverage
  - Cadastral surveys (systematic)
- Registration of Ownership (possessor-owner)
  - Public display
- Harmonization
  - Sporadic
  - Systematic
- E-business
  - Data availability

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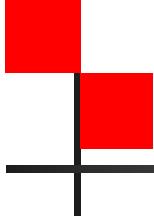
General Characteristics of a well functioning Cadastre / Register

- Efficient
- Accessible
- Good Customer Service
- Knowledgeable
- Reliable
- Well known to those having interest
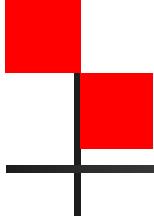
Property Rights for a Sustainable Market Economy

The absence of an efficient, trustworthy and transparent property rights infrastructure - and thereby access to modern financial services enjoyed by all citizens - constitutes one of the most important obstacles for economic growth in developing and transition countries in general.
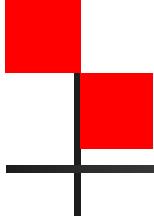
Property Rights in the Context of Good Governance

- *Good governance* means to improve the enabling environment for establishing and operating private businesses.
- Obstacles often met by entrepreneurs:
  - Lack of access to credit
  - Lack of access to land
  - «Red tape» and «rent seeking behaviour» (donor terminology for heavy bureaucracy and corruption)
  - Unreliable and inefficient registers
  - Lack of dispute resolution mechanisms
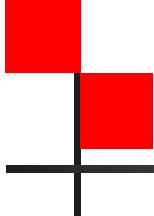
What to Reform? (Quote *«Doing Business in South East Europe 2008»*)

- Eliminate requirement for special certificates
- Reduce transfer tax and introduce fixed fees
- Take registration out of the courts
- Make the registry electronic – including payments of registration taxes
- Introduce fast track procedures
- Make use of notaries optional
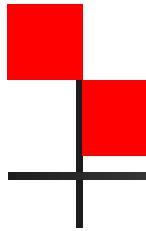
Conclusion

- Long term and expensive programs
    - Are all data elements in the cadastre-register really required?
    - Are the systematic reforms optimally organized?
- Critical success factors
    - No increase in back log!
    - Efficient data capture and management
        - Specifications and quality control
        - Competitive private sector
        - Procedures for data flow local ⇔ central
    - The legal instruments to formalize ownership

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