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in countries in transition: experience and cooperation
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EXPERIENCE WITH AND COOPERATION ON LAND REGISTRATION AND CADASTRAL PROJECTS
Discussion paper prepared by the secretariat

Introduction

1. The present paper contains an overview of information provided by national land administration authorities and donor organizations in response to a questionnaire distributed by the secretariat in August 1996. The following countries and international organizations submitted information: Albania, Bulgaria, Canada, Czech Republic, Denmark, Finland, Hungary, Netherlands, Slovenia, Spain, United Kingdom, and International Federation of Surveyors (FIG).

I. EXPERIENCE GAINED AND LESSONS LEARNT FROM PROJECT IMPLEMENTATION

A. Views of providers of international assistance

1. Legal considerations

2. While countries in transition have not found it difficult to draft legislation dealing with land, ensuring that the legislation passes promptly through parliament has been problematic.

3. Governments in countries in transition tend to view the cadastre and the information derived from it, as a mechanism to control development rather than to serve the public or promote the development of land and real property markets.

4. While there is a positive trend in transition countries towards defining real property in a legal sense to combine land and buildings, little has been accomplished to unify the existing cadastres and registration systems, in terms of both information and processes. There is still a distinct split in registration between rural and urban areas. Lenders and donors may unwittingly be promoting this split by developing separate municipal infrastructure projects and agricultural reform projects. In many cases these projects are carried out by different departments and task managers without coordination. Although there are different technical issues associated with urban and rural legal cadastres, they have much in common and a more global view is required.

2. Technical issues

5. There is a tendency for foreign consultants and technical experts in countries in transition to create fairly accurate base mapping with the support of foreign companies eager to sell their equipment and services. The actual cost-benefit ratio of this approach may not necessarily be addressed. The cost-benefit ratio should not be purely financial, but should include the social costs (for example, job losses). With the recent trend among bilateral aid agencies of measuring their effectiveness in terms of the commercial return on investment in foreign assistance, this issue may become more prominent.

6. There is a general belief that only high technology can solve the technical problems of the cadastre. However, such high tech is not always necessary. Moreover, there is often no funding to maintain this high technology once the pilot project is completed. In preparation of a land registration project, the recipients should be clearly informed that modern high tech is to be limited to mapping issues, and that only simple systems should at first be applied for the descriptive ("attribute") cadastral database.

7. It may be desirable to have several pilot projects in a country dealing with different components of a multi-purpose cadastre. For example, there might be projects on registration, fiscal cadastre, land-use planning. However, these pilot projects should all build upon common data and standards.

8. The cadastre authorities in countries in transition continue to collect data which was needed in the former centralized planning system. This collection of useless data should be stopped.

9. In several countries in transition, the secrecy of the geodetic network and the basic map (1:10,000) are the major problems. Surveys cannot be merged, nor can they have a common reference with topographic maps. At the same time, some donor agencies are concerned about releasing too much

confidential commercial information, which could hinder communication between the partners.

3. Institutional considerations

10. In countries in transition there is a general unwillingness to recognize that institutional and management issues are more important than technical problems.

11. In many countries more than one ministry is responsible for land registration. Consequently, the responsibilities of each ministry must be clarified. It would be better still if only one ministry were responsible for land administration. For donors the choice of national agency in the recipient country is critical. Bureaucracy and language barriers continue to undermine the effectiveness of the projects.

12. In many countries there is no overall programme for land administration (master plan) in which all pilot projects could be integrated in a harmonized way. So there is a risk of incompatibility between different systems and data, which, combined with inconsistent government policies, results in a lack of effectiveness.

13. Human resource issues such as recruitment, motivation, compensation, retraining, continuing education and career advancement in cadastral organizations have not yet been addressed adequately by lenders and donors. Independent local consultants and the private sector have potentially important roles to play.

4. Financial considerations

14. It is appropriate for lenders and donors to encourage cost recovery by the Governments of countries in transition, but it should be based on a realistic assessment of current economic and market conditions. It is unlikely that there will be sufficient economic activity in all the countries in transition during the coming five to ten years to support cost-recovery models. There is a need for the Governments in countries in transition to realize that initially they will have to carry the burden of maintaining the system, before any income is generated.

B. Views of authorities in countries in transition

15. Investments in geographical information infrastructure are the basis for other infrastructure investments, but they are frequently incompatible and not sustainable. The donors and Governments should impose some discipline regarding these investments.

16. Countries in transition prefer projects that focus on the procurement of equipment. The difficulty of carrying out comprehensive projects is that they are generally long term (3-4 years), while most foreign assistance projects have a shorter lifespan (18-24 months). The duration of large projects is usually underestimated in the initial stage, and there may be a

gap between the capacities of a recipient and the demands of project managers.

17. It is desirable to develop big, unified projects with unified and comprehensive solutions, delivered by one donor. Fragmentation of a project results in a lack of responsibilities, service after sale, etc.

18. Setting up a country-wide cadastral system is very expensive, but these costs must be seen as investments in the basic State infrastructure and funded from government sources.

19. Keeping highly qualified staff in national land administration authorities motivated is a problem (low salaries).

20. There is no concerted action by donors to bridge several sectors (agriculture, housing, environment) for the purpose of funding and supporting land market institutions. The idea of coordination is not widely accepted by donors.

II. CRITICAL ASPECTS OF COOPERATION AND COORDINATION

21. There is a clear need to coordinate and harmonize different international approaches and techniques to avoid overlapping efforts by different agencies and to develop systems that could easily be integrated.

22. There is a need to introduce some kind of reporting process at national and international levels on ongoing projects in the area of land registration and cadastre.

23. It can be difficult to coordinate satisfactorily projects initiated by different donor countries. These projects often show some overlap in their focus. The problem is partly due to the fact that the recipient country does not always inform the donor of ongoing projects. Economic and political considerations dominate the decision-making process.

24. It seems that even within major donor organizations there is no coordination. Each country project is separate and there is no transfer of experience from one country to another.

III. PROPOSED PRINCIPLES OF COORDINATION AND ACTION

25. In each country in transition there is a need for a strategy (master plan) for modernizing (establishing) the national cadastre and land registration system, which could be prepared jointly by foreign and national experts.

26. There should be continuous informal contact between all lenders and donors to a transition country on all cadastral and land registration matters to review the progress, consider long-term developments and monitor the implementation of the strategy (master plan). These informal consultations could take place within a joint task force (coordinating agency) which could also review related project proposals.

27. Lenders, donors and the Governments of countries in transition must coordinate their efforts as closely as possible to ensure that all legal, technical, institutional and financial considerations associated with the setting-up of cadastral and land registration systems are adequately addressed. Consideration should be given to the use of appropriate technologies, and the existing capacity of government, private sector and academic institutions to implement and maintain successfully large-scale cadastral modernization programmes should be assessed.

28. Donors and lenders should, at the outset, establish clearly the guiding principles and laws that the transition countries should put into practice as a condition for financial assistance.

29. Information about developed, ongoing and future projects should be widely available within a country and internationally.

30. Donors and lenders should exchange information on their projects, perhaps through a third institution, such as the ECE Meeting of Officials on Land Administration, which could generally harmonize the approaches to coordination and cooperation on land administration in the region.

31. Loans or grants could be made conditional on the establishment of working groups at the highest level within the client government to avoid inter-agency disputes. Such groups already exist for many projects, but they are rarely given realistic goals or measurable objectives which could be used to monitor their effectiveness. Perhaps the establishment of such groups can be a condition for further financial assistance.

32. The need for coordination should be first assessed by the recipient country, but international organizations and donors could suggest guidelines to make international assistance more effective. It would also be useful to harmonize the principles and rules for granting and managing assistance projects. The publication of impending plans and the dissemination of information would be helpful, too.

33. There is a need to prepare guidelines on assessing the cost-effectiveness of proposed land administration/land registration projects, especially dealing with the role of private/public sectors; refinancing options; advantages/disadvantages of "contracting out" operations.

34. The publication of the ECE Land Administration Guidelines is a good example of international cooperation. It should be continued by further publications at a more practical level. It may not be possible to find solutions acceptable by all parties, but it could be possible to make one model acceptable by a majority of countries and to provide other options.