

# **The United Nations Regional Economic Commissions – a Platform for International Cooperation on Land Administration**

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## **Summary**

The UN Economic Commission for Europe (ECE) established in 1996 the Meeting on Officials on Land Administration (MOLA), to facilitate cooperation between land administration institutions in Europe. In this respect land administration includes primarily the following five issues; cadastre, land registration, land consolidation, land valuation and land information systems. MOLA is a meeting place for representatives of land administration institutions, and priority is on assisting countries in transition in implementing sustainable land administration.

MOLA issues technical guidelines, arranges workshops and so on, MOLA has a particular focus on the needs of countries in transition who are undertaking major projects to establish legislation, systems and organisations for land administration. But also countries in West-Europe are currently modernising their legislation and registers, which makes MOLA relevant to all European countries.

MOLA follows the collapse of the socialistic regimes in Central and East Europe. Recognising the importance of private and secured ownership in land as a foundation for the introduction of market economy in the related countries, it was obviously relevant for the ECE to embark on an activity on land administration. MOLA is also a result of a decision in CERCO that the organisation of European National Mapping Agencies should not involve in land administration matters.

The paper discusses how MOLA can facilitate cooperation in this field in Europe, and the pros and cons of organising a pan-European activity on land administration under the auspices of the United Nations. The author will also reflect on the matter of current and future interaction with the NMAs, and the role of the mapping agencies in international cooperation on land administration.

## MOLA framework

### Establishing MOLA

The Economic Commission for Europe (ECE) is a regional United Nations organisation for countries in Europe, but includes also Canada and the United States. Corresponding UN economic commissions also exist for other regions of the world. The ECE was initially set up for helping in the economic development and cooperation throughout Europe after the Second World War. For a long time the ECE was an important arena for economic cooperation across the iron curtain. When the curtain was removed, ECE engaged in other issues of importance for the economic and social development in Europe. Turning to market economy in east and central Europe, privatisation of land and development of an infrastructure for a functioning land market, obviously became two basic issues.

The particular ECE activity on land administration came out of the preparatory process leading up to the Habitat II Conference in Istanbul in June 1996. As a contribution to the Habitat II Conference, an ECE Task Force, chaired by professor Peter Dale (President of FIG), prepared the so called 'Guidelines on Land Administration', on which a new ECE activity called Meeting on Official on Land Administration (MOLA) was founded.

MOLA is however also the result of a strong interest among some of the national mapping and surveying authorities in Europe in creating a pan-European activity in the field of land administration. There has since long existed an organisation for the mapping and surveying authorities in Europe, called CERCO. CERCO has traditionally been dealing with issues related to geodesy and cartography. Several of the CERCO members wanted that CERCO should take up land administration issues, but this was finally rejected by the majority of the members. As a result of this, the interested countries turned to the ECE as a natural platform for bringing the land administration authorities in Europe together.

Within the overall structure of the ECE, MOLA belongs to the ECE Committee on Human Settlements. No specific membership or membership fee is required to take part in MOLA; all ECE member states are automatically also entitled to participate in MOLA activities. So far approximately half of the ECE member states have been active within MOLA, which actually is a high figure compared with many other similar activities of the ECE. It is anticipated that MOLA takes all decisions by consensus, and no detailed administrative terms of reference are formulated.

### What's land administration?

Land administration refers to the process of recording and disseminating information about ownership, value and use of land and its associated resources. Land administration includes, *inter alia*, cadastre, land registers, land consolidation, valuation and land information systems.

The terms of reference identifies the following work areas for MOLA:

- **Basic land management legislation** (legislation concerning 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, and so on.)
- **Land administration measures** (real property formation, land registration, cadastral mapping, real property valuation, and so on.)

- **Land information systems** (real property registers, land registers, assessment data, land use data, cadastral maps, and so on.)
- **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, and so on.)

### Working within a political framework

It should be understood that MOLA is obliged to work within the framework of policies and guidelines as adopted by the ECE in general. In this respect MOLA shall contribute to the implementation of the **ECE Plan of Action** as adopted by its 52nd session. The following issues of the Action Plan are particularly relevant for MOLA:

- To undertake activities within the context created by the adherence of the whole region to the market economy system, for which a functioning land market is a prerequisite.
- To contribute to the development of standards and norms relevant to land administration.
- To respond to the needs and priorities of countries in transition.
- To strengthen cooperation with other international organisations active in the region.
- To cooperate with and involve the business community relevant to land administration.
- To contribute to environmentally sound land management, for which knowledge about land ownership, land use and land use changes are of vital importance, and to which contemporary land information systems can play an important role.
- To contribute to the creation of a clear, predictable and supportive environment for industrial and enterprise activities, and to facilitate investments across national boundaries, for which systems that guarantee security of ownership and allow the use of land as collateral, are indispensable.
- To contribute to housing reform and housing privatisation, urban renewal and sustainable human settlements development, for which systems that provide adequate access to land and a working land market, as well as adequate private financing through mortgaging in land, are of vital importance.
- To contribute to mainstreaming of the gender perspective, for which the development of legislation which gives women equal rights to buy, inherit, own and possess land is an important issue.

Within its terms of reference MOLA shall also contribute to the implementation of **The Habitat Agenda** adopted by the UN conference in Istanbul in 1996. In this respect MOLA shall, *inter alia*, contribute to:

- promoting efficient land markets and environmentally sustainable use of land;
- eradicating legal and social barriers to the equal and equitable access to land, especial the access of women, people with disabilities and those belonging to vulnerable groups; and
- facilitating access to land and security of tenure for all socio-economic groups.

## **Responding to a growing importance of good land administration**

Land is often referred to as the 'ultimate' resource for human well-being on earth. Saving land for production of food to the growing world population is of course of immense importance. But so is also land for human settlement. Making sustainable cities in developing countries, as they grow with a pace previously never seen, is a question of making and implementing a sound land use through appropriate planning. We all know the close linkage between ownership and land use.

To Europe in particular, privatisation of land and security of ownership is increasingly stressed as a prerequisite for a successful introduction of market economy in former socialistic countries. Hence there was definitely a mature market for establishing a pan-European activity to assist countries in transition in developing sustainable legislation, systems and institutions for land administration. In addition almost all countries in West-Europe are simultaneously engaged in modernising their land administration systems, for which information and experiences from other countries is a valuable source for domestic developments.

Land administration has so far been regarded as a national responsibility, where very little coordination has taken place across national boundaries in Europe. Even within the European Community harmonising the legal and institutional framework for the land markets has never really been put on the agenda. However, as land markets are liberalised, and increasingly larger investment in land is made in countries other than the investors own country, the market will slowly demand a harmonisation of the cadastres, land registries and of the legislation for transactions in land. MOLA has so far hesitated to enter into making model legislation, as many of the member states still stress the national differences in land policies, land history, and so on. It is however a tradition within the ECE to make model legislation in other fields, and I believe the issue rather soon will be on the MOLA agenda as well.

Land administration is also globally a fast growing field of interest. This is clearly visible in the growing number of projects assisted and financed through national aid programmes or international developing banks and programmes, like the World Bank, regional developing banks and the European Community. It is clearly communicated from international funding institutions that a better coordination of projects is needed. Also the recipient countries need to strengthen their capabilities to deal with foreign assistance. Too often it seems that the project premises are formulated by aggressive foreign consultants and companies, bringing hard currency, rather than by the country's own authorities. MOLA should in particular assist both donor countries, international banks and programmes, as well as the recipient countries in dealing with foreign assistance to land administration projects. As indicated below, MOLA has already arranged the first meeting between donors, lenders and countries to sum up experiences. During this meeting the first guidelines for foreign assistance to land administration projects were drawn up.

## **Being a part of the UN**

As mentioned, some countries tried to make CERCO engage in land administration, in the end without success. However, belonging to the UN has in some respect shown beneficial, in particular when it comes to assisting countries in transition. UN has still a strong position in many transition countries. That gives MOLA a stronger position than it possibly would have had as a part of a separate non-UN organisation.

Financing MOLA is a particular problem. As is the case for UN in general, the ECE can only provide limited financial assistance. The ECE is providing a secretary devoting 1/5 of his time to MOLA, and the ECE is also providing some printing, translation and so on. Further the UN system does not allow that MOLA introduces member fees. So far MOLA activities have been financed through volunteer contributions from countries. It has been very encouraging to experience that several countries have been ready to provide significant resources in undertaking surveys, printing and publishing inventories, hosting meetings, providing experts for missions, and so on. In the future, however, MOLA will need a more solid financial foundation. One will have to look for volunteer contributions from countries to a trust fund, or similar solutions. Encouraging dialogue has been initiated with the World Bank, and the cooperation with the European Community and its commission in Brussels will have to be improved.

Considering the experience from Europe, it seems relevant that other regional UN economic commissions should consider establishing similar activities to that of MOLA. I know that this is already considered in Africa.

## **National mapping agencies servicing land administration**

Many national mapping agencies in Europe and elsewhere are also responsible for parts of the land administration sector in their respective countries, most typically the cadastre. However, the reason for CERCO not to engage in land administration stems from the fact that the majority of the CERCO members in Europe still are not involved in cadastre and land registration. Many of the CERCO members are limited to geodesy and topographic mapping, frequently maintaining a strong link with the military.

Land administration is however heavily dependant on surveying and mapping, and the technical development in using GPS, digital orthophoto and GIS is of vital importance to land administration. Hence I certainly believe that CERCO and similar organisations in other parts of the world need to involve themselves in land administration issues. Land administration is becoming a very important user of surveying and mapping services, and all national mapping agencies should seriously look into how they best can service this sector. In this respect I would like to underline the importance of considering, or rather reconsidering, the question of geodetic precision and sophisticated computer systems needed for cadastre, land taxation, and a viable land market. There are many examples that traditional land surveyors have focused far too much on requiring high geodetic precision, and that money has been spent on computer systems becoming obsolete a long time before they are put into real production. The World Bank and other lenders and donors are concerned that a number of land administration projects in developing and transition countries have been significantly less successful than expected.

It should therefore be underlined that though surveying and mapping are vital to land administration, land administration needs other skills and professionals as well. The legal aspect of land administration should not be underestimated.

I do however, not believe in land administration belonging to the ECE or CERCO. The ECE should definitely maintain an activity in this field, but CERCO should also develop appropriate initiatives and actions in this respect. Further to this MOLA and CERCO need to collaborate, and the two organisations have agreed to do so, initially by inviting representatives to meetings arranged by the respective organisation.

MOLA has also started the dialogue with relevant non-governmental organisations, in particular the International Federation of Surveyors (FIG), the International Real Estate Federation (FIABCI), the European organisation for registrars (CINDER), the European Council of Geodetic Surveyors (CLGE) to coordinate activities and strengthen the impact of all parties.

## **MOLA's current achievements**

To further explain what MOLA is doing, some examples are given below.

MOLA has, *inter alia*:

- Prepared an Inventory of Land Administration Authorities and Agencies in the ECE Member States. It contains names and addresses for national authorities, as well as key characteristics concerning land and title registration, national topographic surveys and recording of parcel boundaries, valuation of land, land use records, and current and future development projects.
- Prepared an Inventory of Land Administration Projects in the ECE Member States, with particular focus on projects in countries in transition with foreign financial assistance.
- Arranged a seminar on financing land administration projects in countries in transition, with particular focus on financing through international and national aid programmes, the needs and constraints of the donors as well as the recipient countries, and published guidelines as resulting from the discussions at the seminar.
- Arranged a technical seminar on the definition and identification of objects in land registers and cadastres.
- Organised a work-shop on the impact of good land administration to government.
- Prepared and published a statement on the social and economic benefits of good land administration, including the importance of this for a functioning land market.
- Initiated a study of the current situation concerning the structure of land ownership in the ECE member states, and on legislation and practises to restrict/limit the sale of property, in particular regarding agricultural land.
- Initiated the preparation of a pamphlet on market driven solutions for land administration.
- Undertaken a mission to Albania to evaluate their land administration programme, and corresponding missions are in the pipeline for Kyrgyzstan and Croatia.

In addition to dealing with the above in relevant meetings, publications, and so on, it is underlined that MOLA, in line with CERCO, shall be a meeting place for heads of land administration authorities and agencies throughout Europe, thus providing a platform for making networks between persons and institutions, for the sharing of knowledge and experiences, and for the building of a common European understanding of land administration.

The following major documents as resulting from the ECE activity on land administration, are currently available:

- The Land Administration Guidelines, available in 8 languages (1996)
- Statement on Land Administration and Terms of Reference of the ECE/MOLA (1996)

- Memorandum on Habitat II in relation to land administration (1997)
- Report from workshop on definition and numbering of objects in Cadastres and Land Registers (1997)
- Statement on financing Land Administration Projects in Countries in Transition (1997)
- Reprint of the New Delhi Declaration on Access to Land and Security of Tenure as a Condition for Sustainable Shelter and Urban Development (1996)
- Statement on the social and economic benefit of good land administration (1998)
- The Land Administration Inventory in Europe
- The Documentation of Land Administration Projects in Europe

MOLA homepage: <http://www.sigov.si/mola/>

