Real Estate Registration and Cadastre

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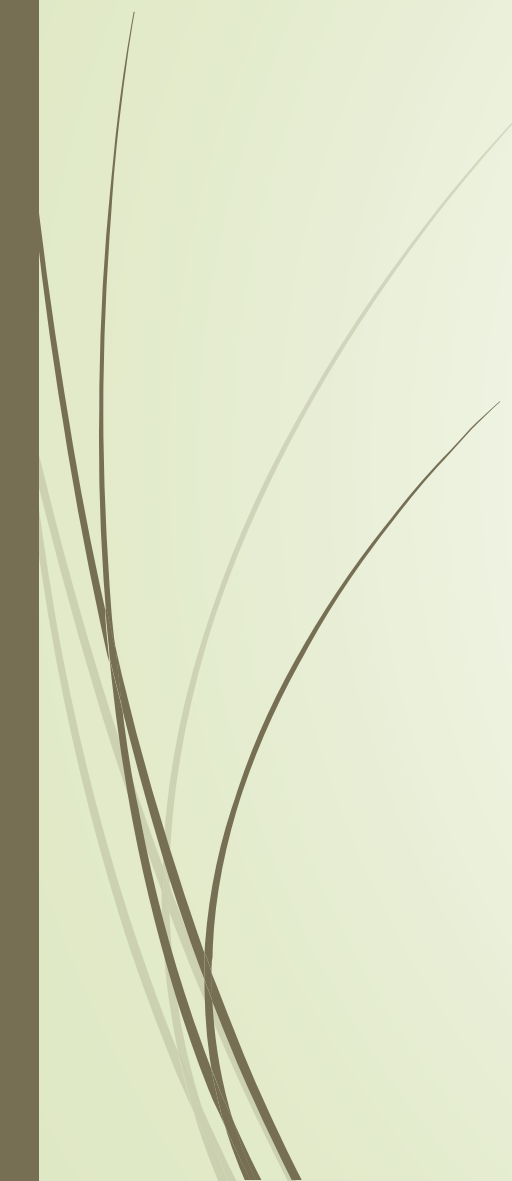
Presentation to Eurogeographics, June 17, 2020
Gavin Adlington and Robin McLaren

Practical Lessons and Experiences

Adlington, Lamb, Tonchovska and McLaren

Forewords by Peter Dale and Kate Fairlie

- "As in many areas of professional activity, there is theory and there is practise. The former tends to be based on the ideal or what is assumed to be while the latter deals with hard facts and reality and is the starting point for this book. Gavin Adlington and his co-authors have each worked at the sharp end and have learnt the hard way what works and what does not. They share their experiences in what follows."

The Audience for This Book

1. World Bank task team leaders and other financing partners
2. Heads/ Senior Staff of Government Agencies
3. Consultants
4. Students and Researchers

Annex 1 is very Important

The Chapters

1. The Purpose of the Training Materials – an Introductory Chapter
2. Know Your Country, Know Yourself and Know Your Team
3. Preparing a Project or Reform
4. Implementing the Project or Reform – The 9 C's
5. Project Management and Institutional Development
6. Legal Framework
7. Boundaries and Cadastral Survey
8. IT Systems for Cadastre and Property Registration
9. Land Information Services

Annex 1 – Book List

Annex 2 - Abbreviations and Glossary

Annex 3 – List of World Bank project documents

Chapter 1 – The Purpose of the Training Materials. An Introductory Chapter

- Who lives where and who owns what?
  - For government land management, taxes, etc.
  - For tenure security and the real estate market
- It is basically a 'legal' issue
  - Civil law, common law, Islamic law, customary law – and mixtures thereof
- Surveyors provide the boundary information in support of the land information needed to provide the tenure security – Know your place!
- Real Estate Registration is just one cog in the great machine that makes the economy work, helps governments to manage national resources and society needs, while providing the security needed for the basic needs of food and shelter.
- The chapter describes approaches and considerations for systematic first time registration and sporadic registration approaches, together with the need to ensure that existing systems for the registration of transactions are not affected.

   Ensure you do no harm!

Chapter 2 – Know Your Country, Know Yourself and Know Your Team

- Do your research.
  - Don't waste people's time – think from their perspective.
  - Respect another person's knowledge about their own country or their own subject matter. Do not assume you know better!
- Can you be an expert in something you have never done?
- Know Yourself and Your Team
  - Technician
  - Professional – what's the difference?
  - Academic
  - Manager
- Diversify your team and **Listen**

Chapter 3 – Preparing a Project or Reform

- Who asked for this? Why are you there? What problem needs to be solved?

- What do the Stakeholders say?

- Beware the Cartels

- Coordinate with others in the Sector – that's hard!

- **Your Team**

  - **Lawyer, Geospatial, IT, Social Scientist**

  - **Others as needed**

- Vision, Goals, Components, etc. leading to the Project Document

Chapter 4 – Implementing the Project or Reform. The 9 C's

1. Champion
2. Corruption
3. Customer
4. Computing
5. Consultants

6. Cadastral Survey
7. Communications
8. Capacity Development
9. Continual Adaptation

Simple, **C**heap, **A**ccessible, **R**eliable, **F**ast

Chapter 5 – Project Management and Institutional Development

- Project Ownership
- Risk Assessments
- Monitoring and Evaluation
- Single Agencies
- Self-funding/ Running as a Business

Chapter 6 – The Legal Framework

- I am not a a lawyer, but ………
- Lawyers need guidance from policy makers and specialists and social scientists
- Then fit in with: Custom   Family Law   Gender   Religion   Condominium   Dispute Resolution
  Constitution   Civil Code   Privacy   Minors and Vulnerable   Other related laws

  - So usually require both a local and an international lawyer
- Regulation in parallel with law development, departmental instructions separate
- Remember the transitional provisions
- Focus on the most common cases
- Always do a **REALITY CHECK**
- **Laws take a long time to change and you can usually work with what you have at first.**

Chapter 7 – Boundaries and the Cadastral Survey

- Primary purpose to relocate a boundary when disputed, new owners want to know and to protect against land-grabbing or invasion.

- A wall, a hedge, monuments and descriptions is usually enough for the owners

- New South Wales "Legal Aspects of Boundary Survey" give precedents as follows"

  1. Natural Boundaries 2. Monumented lines 3. Old occupation that is long undisputed

  4. Abuttals   5. Statements of length, bearing and direction

- Mass systematic registration requires a different methodology to the 'one-off' individual survey because of time and cost constraints: 1960's onwards using aerial photography;   EDM and Total Stations from 1970's onwards; GPS and Satellite imagery 1990's onwards; Drones and high accuracy satellite imagery in 21st century. What next??

- Question: Why do we still need licensed cadastral surveyors when measurements are now so easy?   Answer is in the book!

Chapter 8 – IT Systems for Cadastre and Property Registration

- Surveyors are generally NOT also IT specialists!

- Up to 75% of Software Projects will Fail – Geneca 2017

- Chapter has 3 main sections: Initial Considerations; How to Make it Happen; and New Technology to Consider

But Remember, IT is just a tool to make processes more efficient and data more reliable

- Key Messages:

1. You need a Champion at highest level
2. Think about services and data first – the technology is already available.
3. Fit-for Purpose – complicated is often not necessary.
4. Think Big, Act Small. Step-by step approach.
5. Clear management and reporting mechanisms

6. Independent Quality Assurance and Control
7. National data model standard – LADM
8. Modular Approach
9. Funding for IT training and Legal and Procedural Training for IT team.
10. Cybersecurity, personal data protection and intellectual data protection.
11. Sustainable Business Model

Chapter 9 – Land Information Services

- Here I hand over to Robin McLaren to continue

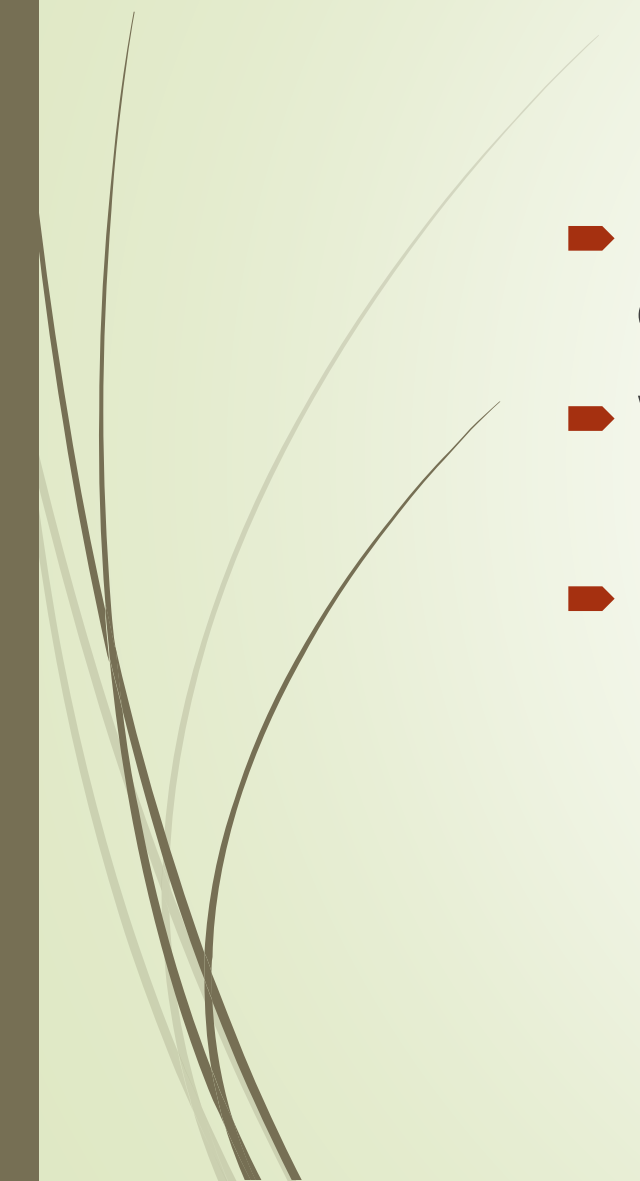# Chapter 9 – Land Information Services Continuing the Journey

- Delivering effective Land Administration services to customers is not the end of the journey.

- Need to integrate Land Administration information into the wider geospatial information infrastructure to create a more comprehensive Land Information Service.

- Supports evidence-based decision making.

- Unlocks knowledge and insights.

Chapter 9 – Land Information Services
The Origins of LIS

- Edinburgh, Scotland was the centre of excellence for GIS in the 1970s.

- World's first LIS produced in Scotland in 1977 for City of Basel.

- Recognise 2 key LIS pioneers:
  - Prof Peter Dale (Systems View of Cadastre, 1979)
  - Dr John McLaughlin (NSDI, 1993)
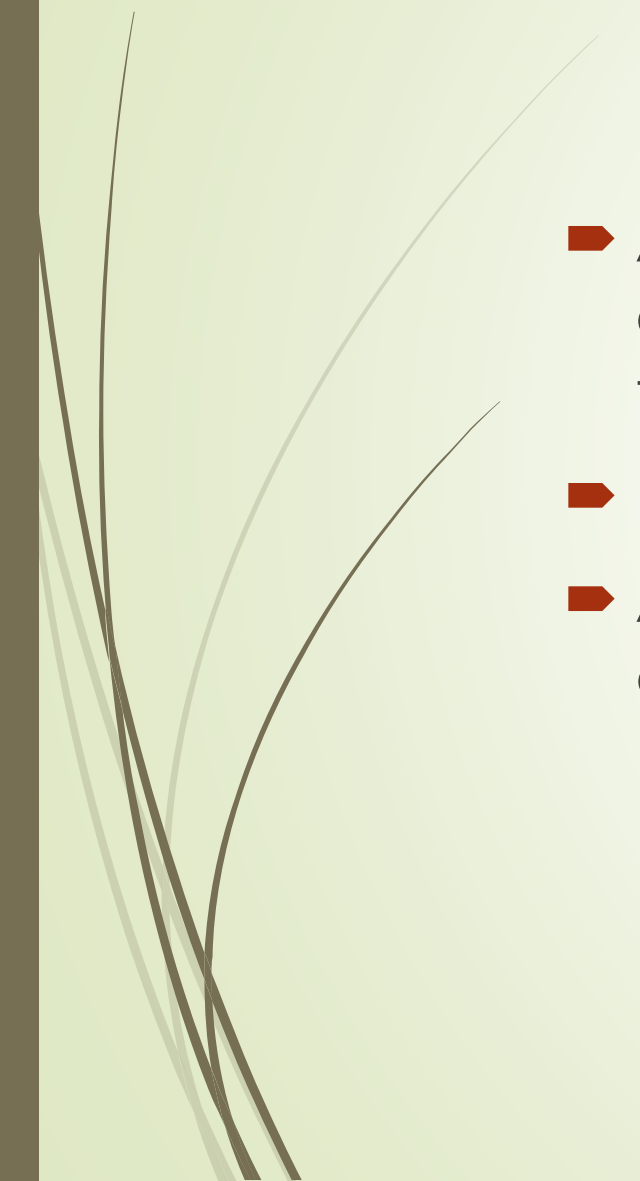
Chapter 9 – Land Information Services
The LIS Drivers

- Align your initial data and services within the LIS to be focused and aligned with the priorities for government land policies.

- Design quick wins to build political support.

- Do not just create data and hope that they will be used - deliver services with clear benefits.

- Use political / economist speak not our usual technology speak to convince politicians to support and invest.
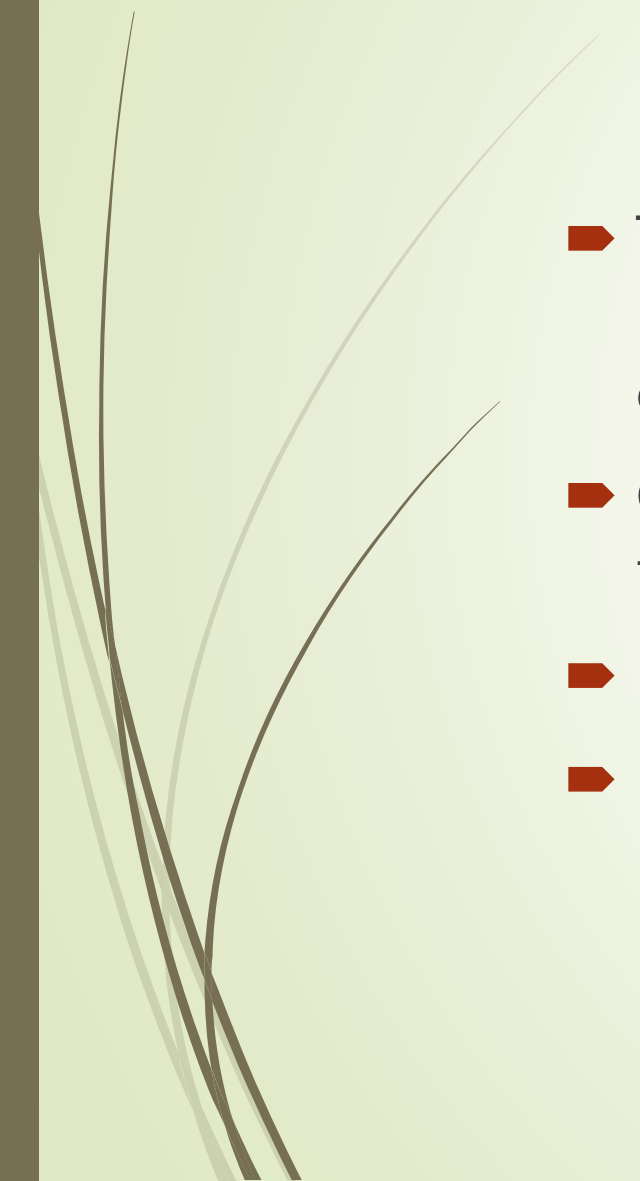
Chapter 9 – Land Information Services Key Messages - Data

- Adopt the Fit-For-Purpose approach to data and launch a Minimum Viable Product that can be improved over time.

- Data quality will be improved through exposure and use.

- A culture of data sharing and trust amongst stakeholders doesn't always come naturally.

Chapter 9 – Land Information Services
Key Messages - Key Registers

- The introduction of interoperable 'Key Registers' (individuals, businesses, real property, buildings, addresses….) delivers significant benefits, e.g. Denmark.

- Open data will benefit public sector efficiency as well as triggering innovation and value to society.

- Needs robust business case.

- Be realistic about time to implement and costs.

Chapter 9 – Land Information Services Key Messages - Partnerships

- Collaboration and partnerships across different levels of government and the private sector are a key success factor.

- Think beyond data to services and insights - super Swiss example of assessing the potential of solar panels on buildings.

Chapter 9 – Land Information Services Key Messages - Capacity Development

- Open data will deliver innovation and significant benefits.

- South Korea's successful management of the Covid-19 crises involved innovate use of open, geospatial information to inform and track citizens.

- First App developed by a university student, next App by 2 middle school students, next App by the private sector and then by the government.

- This happened because of open data and CAPACITY DEVELOPMENT.

Thank You

Questions?