




Republic of Croatia
State Geodetic Administration

Transition of Land Administration in Post War Croatia

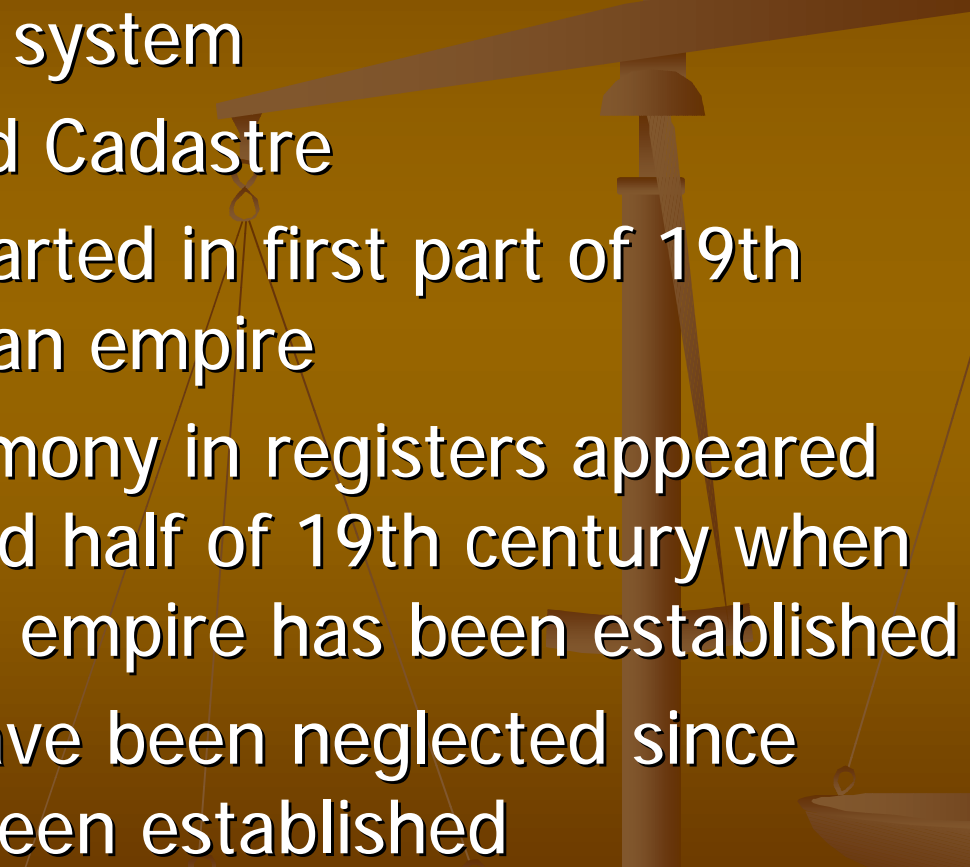
Željko Bačić

Symposium on Land Administration in Post Conflict Areas
UN-European Headquarter, Geneva 29 - 30 April 2004

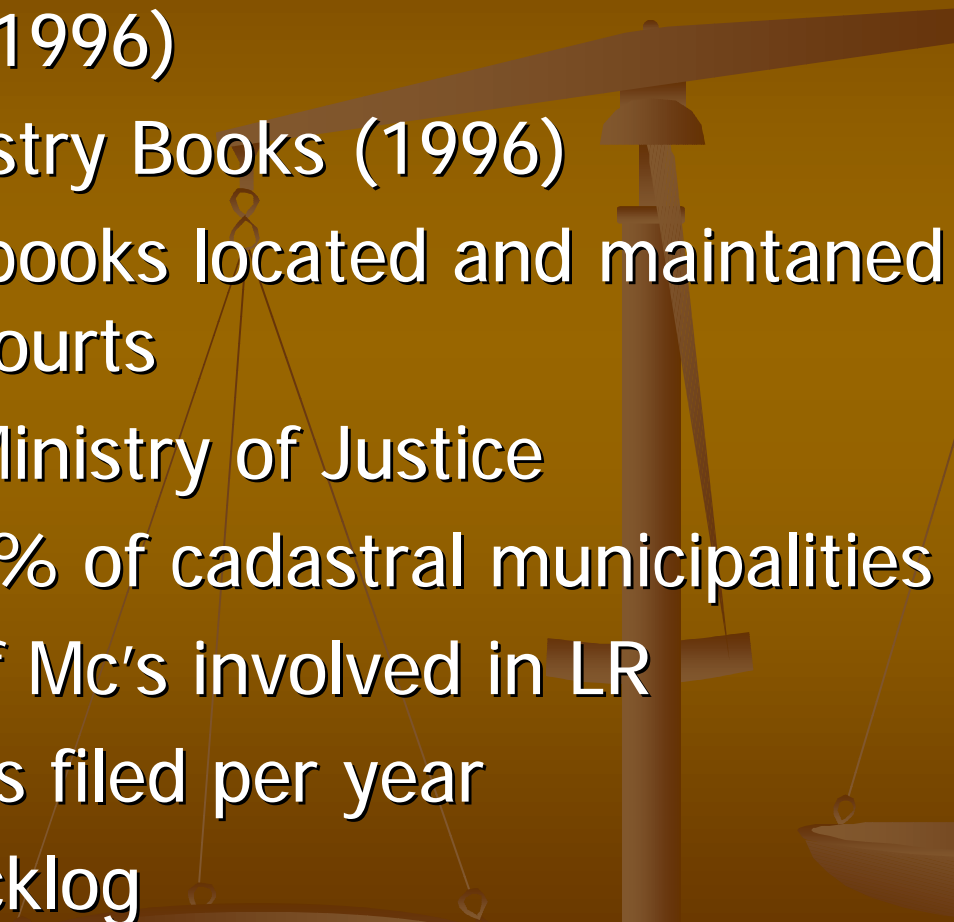
Facts about the Croatia

- n 56,537 km²
 - n 4.5 mio inhabitants
 - n GDP 25.7 mio US\$
 - n 5,650 US\$ per capita
 - n Parliamentary democratisation
 - n Internationally recognized – mid January 1992
 - n Become UN member May 22nd 1992
 - n Administrative organisation: 21 counties and 575 towns and municipalities
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Land administration in Croatia

- n Dual registration system
 - n Land registry and Cadastre
 - n Establishment started in first part of 19th century in Austrian empire
 - n First data disharmony in registers appeared already in second half of 19th century when Austro-Hungarian empire has been established
 - n Both registers have been neglected since Yugoslavia has been established
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... its Land Registry

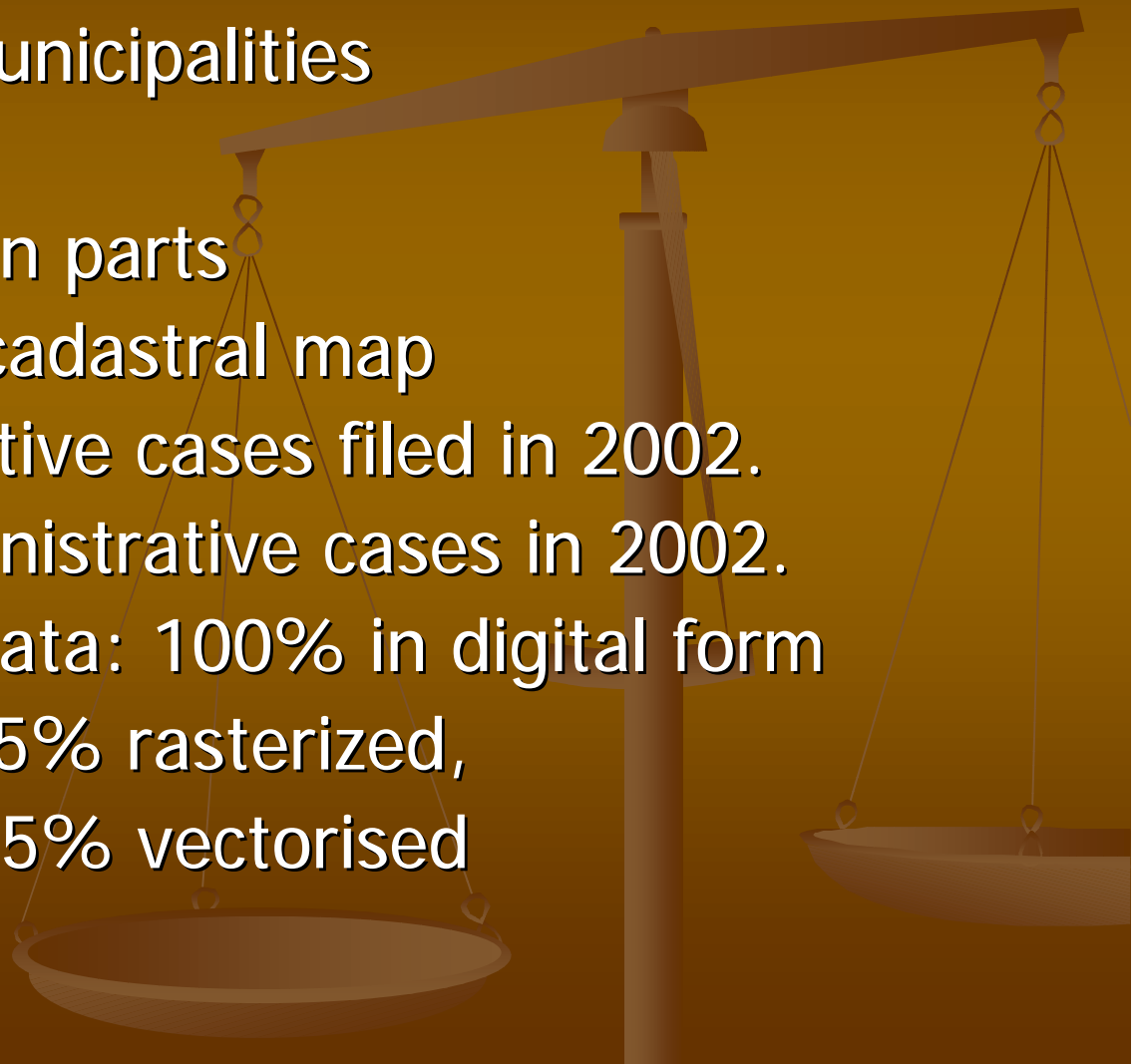
- n Law on Property (1996)
 - n Law on Land Registry Books (1996)
 - n Land registration books located and maintained in 106 Municipal courts
 - n Responsibility of Ministry of Justice
 - n Established for 93% of cadastral municipalities
 - n 1,050 employes of Mc's involved in LR
 - n 380,000 new cases filed per year
 - n 323,020 cases backlog
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and its Cadastre

- n Law on State Survey and Real-estate Cadastre (1999)
- n Cadastre data maintained by 21 cadastral office and their 94 branch offices
- n Cadastre offices part of the State Geodetic Administration
- n 1,400 employes
- n 493 private companies
- n Completely established before 1914.
- n Taxation role canceled on January 1st 1998.
- n Transfer to real-estate cadastre according to new law since March 1st 2000.

Figures on Cadastre

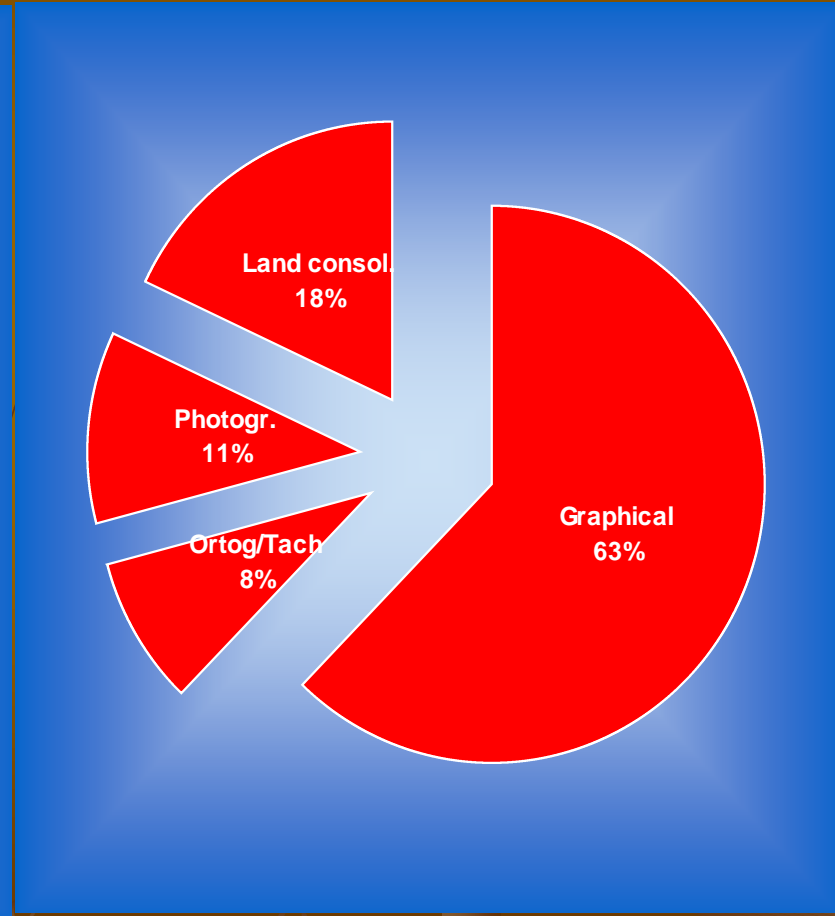
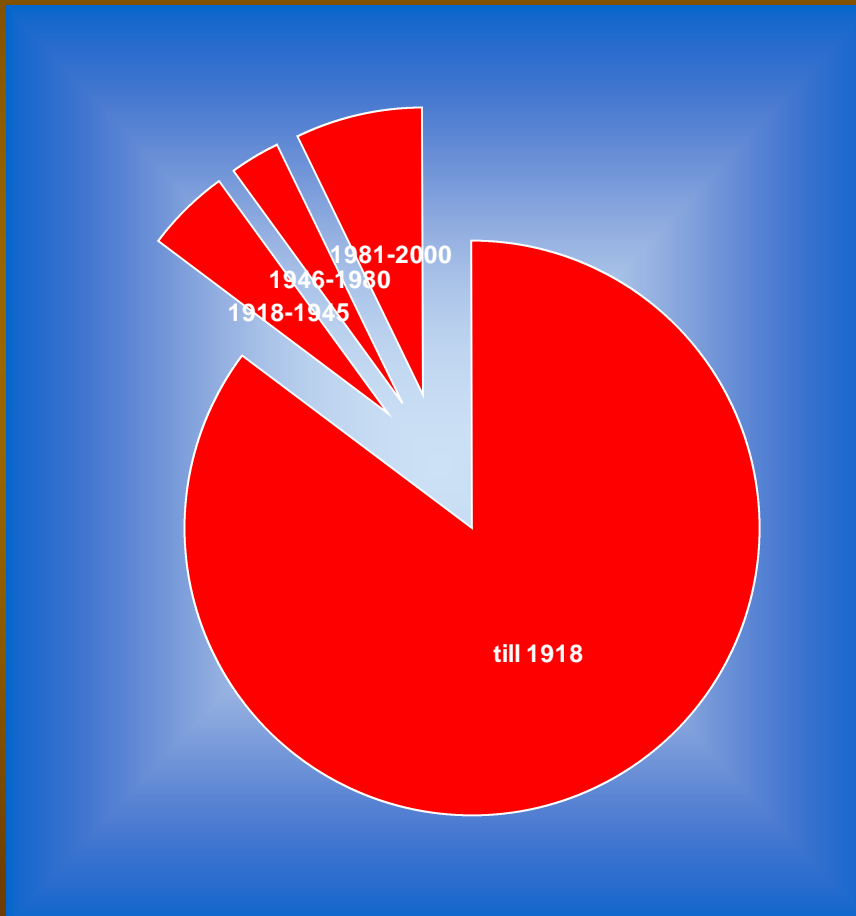
- n 3,324 cadastral municipalities
- n 13,436.037 plots
- n 9,179,122 plots in parts
- n 55,867 sheets of cadastral map
- n 96,789 administrative cases filed in 2002.
- n 907,530 non administrative cases in 2002.
- n Alpha/numerical data: 100% in digital form
- n Graphical data: 35% rasterized,
25% vectorised



Cadastral survey

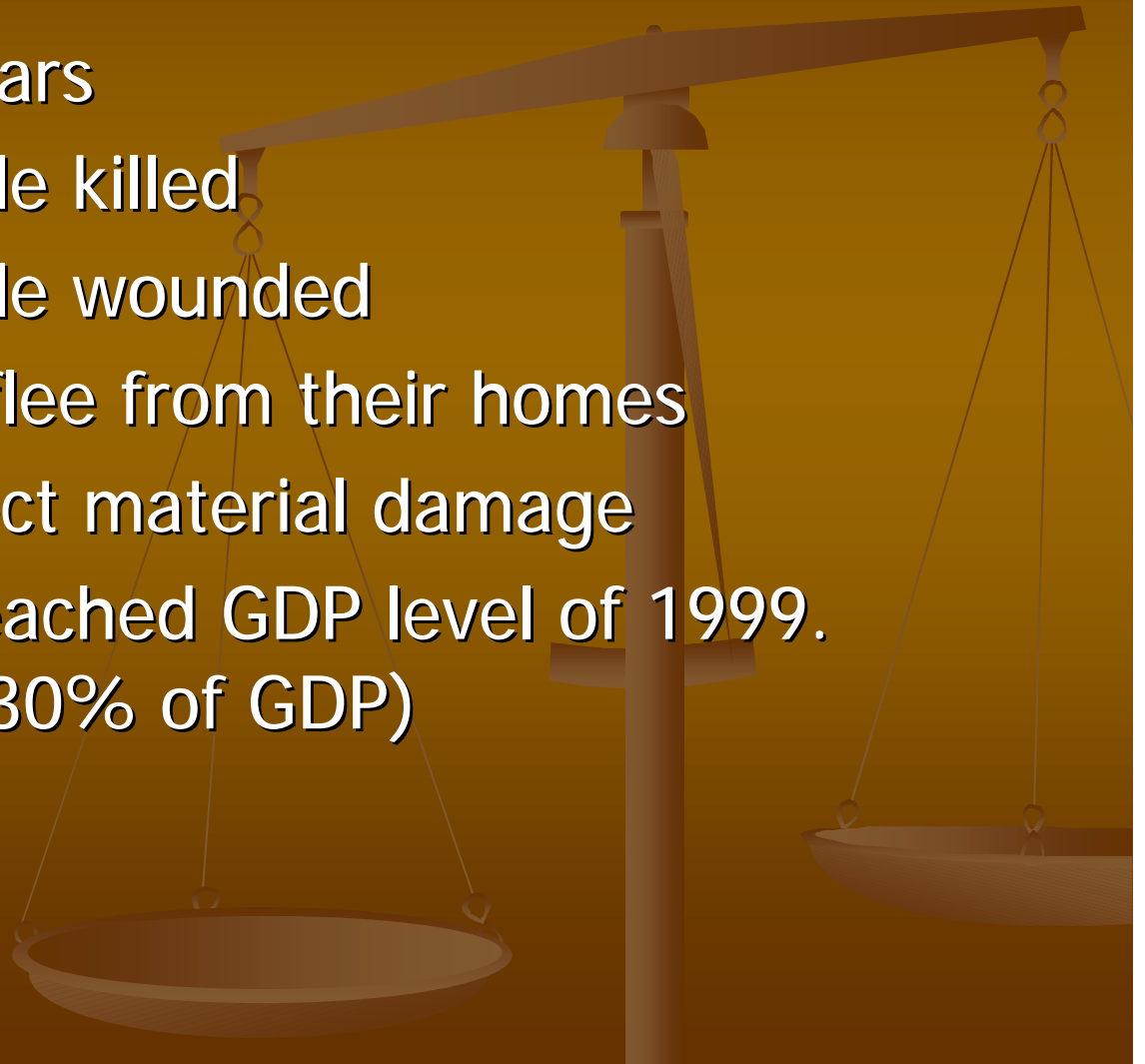
Age of cadastral survey

Number of sheets/type of survey



The Homeland War 1991.-1995.

- n Lasted full four years
- n Over 11.000 people killed
- n Over 37.000 people wounded
- n $\frac{3}{4}$ million people flee from their homes
- n 30 billion US\$ direct material damage
- n At end of 2003. reached GDP level of 1999.
(computable loss 30% of GDP)



Destruction of Vukovar



Exile of Vukovar inhabitants



Shelling of Dubrovnik



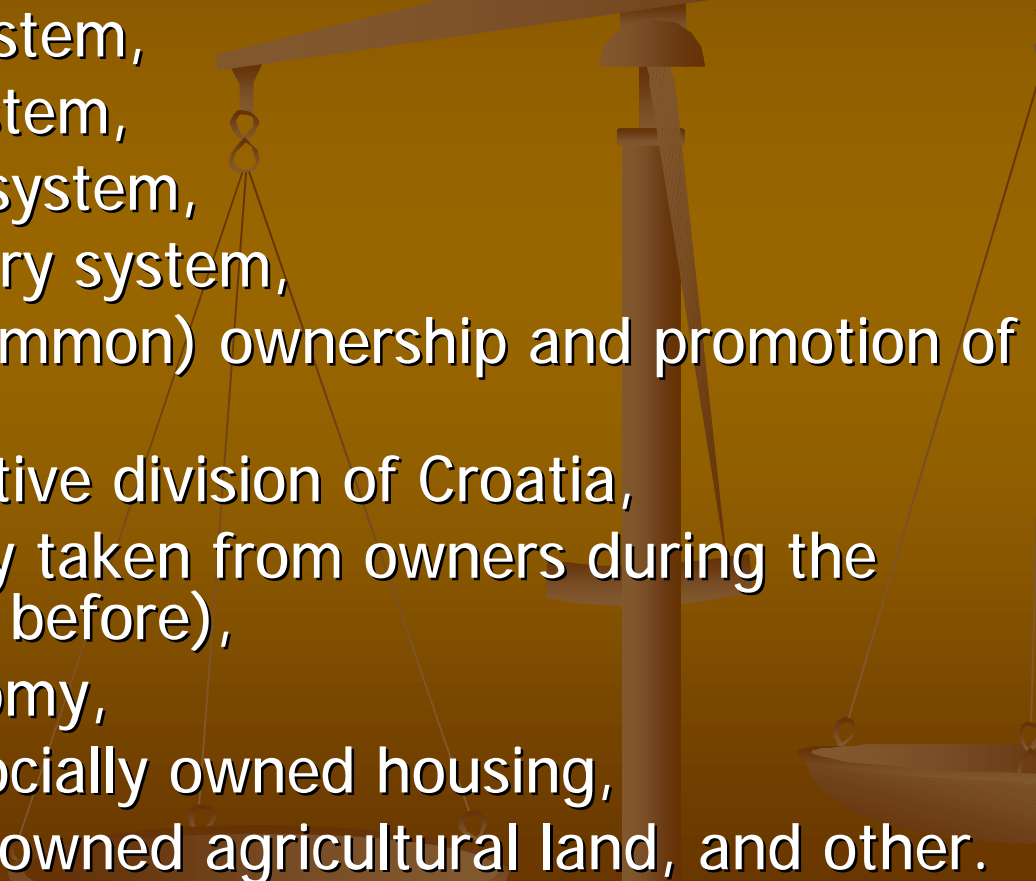
Specific problem

- n No topographical map production
- n Convalidation
- n Unsurveyed housing reconstruction
- n Resettled and badly tracable owners
- n Destroyed cadastre for 50 and alienated land registry books for 49 cadastral municipalities



Transition

Relevant for land administration:

- n change of political system,
 - n change of judicial system,
 - n change of economic system,
 - n separation of monetary system,
 - n abolition of social (common) ownership and promotion of private ownership,
 - n change of administrative division of Croatia,
 - n restitution of property taken from owners during the Communist rule (and before),
 - n privatisation of economy,
 - n privatisation of the socially owned housing,
 - n privatisation of state-owned agricultural land, and other.
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Transition and legal issues

Problems appearing:

- n Dual ownership (social, private),
- n Until 1990 principle *superficio solo cedit* was not in use,
- n Registration was poor so when privatisation started there was huge lack on reliable documents,
- n Transition of socially owned enterprises was not followed by transition of real estate since it was not properly identified,
- n Selling of flats with tenancy rights - successfully completed, but it was impossible to define the land belonging to a building for many blocks (built in socialist era) and to privatise it together with the block, because the land had never been defined,
- n Compensation is applied but in problems since there is again no reliable documentation

Transition and cadastre

Problems appearing:

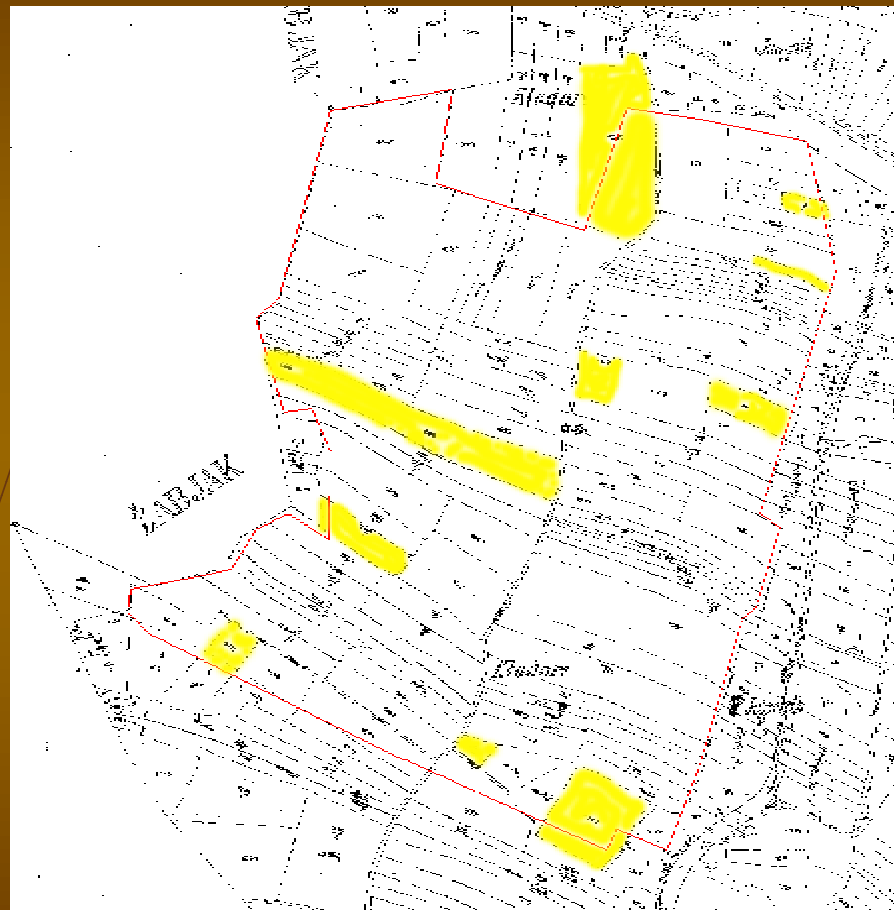
- n Loosing taxation function,
- n Introducing support to land registry as main function,
- n Implication change from possesor towards owner! Even assuming 80% of possessors inscribed in Cadastre are also owners transition is not simple,
- n Technica change due to IT modernisation but also due to EU harmonisation requirements
- n Servicing all privatisation acts, especialy jumping in for many of them since land registry is so outdated,
- n New solutions, models, financial agreements should be developed to cope with the detected problems (frequently in limited time span).


K.o. Klokočevac

Situation in field



Situation on Cadastral map



 Parcels with unsolved ownership

Role of Land Administration after the war

- n Basis for action - set of new laws.
- n Vision, initiated in LRB Act accepted and taken over by SSREC Act
- n Key vision – to develop accurate, reliable and efficient real property registration system with data collected in LDB by using cadastral and land registry data and avoiding any duplication of work.
- n Having additional amount of ambition to develop both systems should generally be enough to initiate and perform change



Role of Land Administration after the war

- n Tool for performing the changes – Programme on state survey and real estate cadastre for period 2001.-2005.
- n Programme defines the work and tasks in the competence of SGA to be done in the programme period, the manner of their execution, the people responsible for the execution, as well as the ways of their financing
- n Total value of the works in the Programme is about 121 million €, of which 37 million € were realised in the first three years of implementation.



Role of Land Administration after the war

- n Programme consists of 4 sub-programmes:
- n **A**: The first phase of the Real Estate Cadastre,
- n **B**: Development and completion of basic geodetic bases for the state survey,
- n **C**: Establishment of a multi-purpose information system to support the space management authorities and public utility companies,
- n **D**: Establishment of an IT system for the collection, management and distribution of data of the State survey and Cadastre.



Role of Land Administration after the war

- n Sub-programmes are splited in 25 concrete tasks:
- n **A**: sorting out 400,000 ha of the most valuable land by implementing systematic Cadastre reconstruction
- n **B**: ...
- n **C**: Production of 5,000 sheets of the DOP map, vectorisation of 15,000 sheets of cadastral maps and the establishment of the MSIS
- n **D**: IT equipment of SGA, establishment of databases,



International cooperation and technology transfer

- n International cooperation aimed not to waste limited resources on knowledge, (especially technical - already developed and applied in the world), used for calibration and used to train its staff in new knowledge and management skills.
- n In this way, intensive bilateral cooperation established with the Netherlands, Germany, Norway, Sweden, UK and the USA.
- n Result are numerous projects, generous financial grants and intensive cooperation which has proved exceptionally useful.



International cooperation and technology transfer

- n Bilateral projects were used as a basis for the Real Property Registration and Cadastre project, worth 40 mio €, financed from the WB loan, EU grants and the Croatian state budget.
- n 01/2003 – 09/2008,
- n Aim to solve the priority issues: system issues, establishment of LDB, staff training, digitalisation of Land Register data and Cadastre maps, to supply the courts and cadasters with IT equipment and to change the prevailing negative public opinion about the system.



Execution of Sub-programme A

	Executed cad. surv.	Cad. surv. in execution	Cad. Surv. prepared
2001 c. mun.	11,018 ha 4	44,672 ha 32	
2002 c. mun.	5,092 ha 6	52,472 ha 32	68,154 ha 48
2003 c. mun.	32,565 ha 32	67,650 ha 70	59,241 ha 84

Problems of Land Administration after the war

- n Cooperation among main stakeholders
- n Lack of capacity (specialists, new profiles, managers)
- n Still missing many parts of puzzle (bylaws, specifications, IT, skills, procedures, ...)
- n Increase of filed cases and work + need to digitalize records
- n Lack of capacity in private sector to cope with increased amount of work released
- n Negative public opinion about registers



Conclusions

- n Each country has its own history, legal system, organisation, conflict, way of transition – so each country has to look for its own way.
- n Challenges - need to change attitudes (civil servants and owners), to overcome negative aspects of conflict and transition and lack of capacity.
- n If there is a functional legal framework, clear vision and cooperation among key players, then remaining problems can be solved.
- n An active approach to the public and media by means of public information and awareness campaigns - essential factor in transition and reform of the registers.