

# Land Administration in Estonia

Since Estonia gained independence in 1991, huge efforts have been made to re-establish private property. Technologically speaking, land reform and land administration are a success; nearly the whole country has been registered and information on individual parcels can be disseminated to institutions and the general public via the web. However, lack of transparent land policy incapacitates the system from optimally serving land-management aims.<P>

## What are the main goals of land administration in Estonia

During the nineties the main goal was land reform, with the political and economic goal of re-establishing private property. Land reform was the focus of attention for many politicians and political groups, and its execution was a major priority for subsequent governments. But the complexity of the task surfaced too, and as a result land reform is not yet realised; the remaining area is not big, but the cases are complicated. The common opinion was and is that there is no need to limit and regulate land use and the free market is the best way to solve most land related problems. However, the main goals of land administration cannot be defined in the absence of clear land policy, and this is the situation in Estonia today. The term 'land policy' is sensitive, and often people try to avoid its use. Some do not understand the nature of the concept or consider it a relic of soviet times, while others have a vested interest in the absence of land policy: the current situation enables them to make decisions, favouring certain individuals or groups. Land-administration activities are often problem-driven, or begin only when certain stakeholders feel the time is right. For example, the campaign for exchange of protected areas ended in an accusation on the part of some high-powered persons, and the case is to come before the court.

## How are land administration processes organised and funded in Estonia

The term 'land administration' means different things to different people. I see it as a wide spectrum of land related activities, including land-use planning. The main tasks of land administration are allocated to four ministries, county government and to local authorities. The Ministry of the Environment is responsible for most land-administration tasks subsequently executed by the Estonian Land Board. The Ministry of Justice is responsible for registration of property rights. Estonia has a sound system for land titling, property rights being registered in a title book. The Ministry of Internal Affairs administers land resources; two of its departments are responsible respectively for regional development and spatial planning. Planning is mainly orientated towards the prospective development of settlements and solving problems related to developing built-up areas. The Ministry of Agriculture provides conditions for sustainable and diverse development of rural areas in general. County governors represent the state in the land privatisation process and supervise municipalities in their land reform and planning activities. Three main municipal land-administration tasks are land reform execution, planning administration and assessment of land, and land taxation. Most are financed from the state purse.

## What is the land administration role of the Estonian Land Board

In the past its most important role was general guidance on land reform, the execution of which was mainly carried out by local authorities, county government and private surveyors, but other tasks gradually grew in substance. Today, cadastral registration of land, and related activities such as land assessment and analysis of land-market data form the bulk of the workload. Organising the exploitation of state land has also become central. Since the birth of sovereignty in Estonia much attention has been paid to geodesy, cartography and photogrammetry, including the preparation of orthophoto maps using our own modern camera and small aircraft. During the last decade a great deal of effort has gone into the development of a Land Information System (LAS) aimed at providing web-based services for institutions and the public at large.

## For a long time Estonia was ruled as a centrally planned economy. Do any remaining relics of this haunt the current land administration process and progress?

I see no relics. On the contrary, land-administration activities and tasks of soviet times have been abandoned. And this we should not have done. Land policy in soviet times was more articulated than today; that is not to say that we should revert to this type of land policy, but unfortunately today we have none. What is more, cadastral data is not fully exploited. We have generalised data about the progress of land reform, but changes in land-use patterns over time remain undiscovered. In the aftermath of independence the reasoning seemed to be as follows: soviet land policy was bad, stupid and centrally planned, and since we no longer had a centrally planned economy we no longer had any need for land policy. A further line of thinking seemed to involve the dismissal as unnecessary of analysis of land-use processes. Such analyses were made first and foremost for the benefit of state enterprises that no longer existed, so why carry them out? Do these sound like tough statements? This is today's reality. I do not embrace a centrally planned economy or the soviet system, but taking decisions on the basis of emotions and antipathy is not that good an idea.

## What are the strong and weak points of the way land administration in Estonia has been organised?

A difficult question; not everyone in Estonia will agree with me when I say that one of the weaknesses is uneven development. The registration of land and dissemination of land information is well organised. In this respect we have a modern cadastre. Obtaining varied parcel-level information via the internet is both easy and comfortable. These are strengths. But aggregated data on land and land use is missing, and the processes of land use change are a tabula rasa. How much arable land has been transformed into residential land? This is a question we cannot answer. Measures are required to prevent future undesirable outcomes. Another weak point is lack of clear and transparent land policy, which, if well documented and adopted, provides an umbrella for different land-management tasks. Various such tasks are currently distributed across several institutions, and it can happen that nobody wants to take responsibility. The human being is still a weak link; sometimes professionals lack knowledge and skills, sometimes stakeholder expediency causes problems. On the other hand, we have good technical conditions for overcoming our problems. We should start with using the full capacity of our information resources.

**What is the attitude of the authorities and politicians concerning land administration and land management issues?**

Free-market ideas today dominate and affect the way authorities and politicians think with respect to land issues. Released from soviet pressure, people tend to embrace other extremes and underestimate the role of land administration. The technical side does not depend on political and social systems, but the legal and economic aspects of land management do. The transition from state to private ownership allowed some people, including politicians, landowners and administrators, to think of ownership as an absolute right transcending all other interests. Consequently landowners fail to consider the interests of their neighbours, omitting, for example, road easements and property development rights. Expropriation, confiscation of private property for public needs, is another sensitive issue. Some individuals do not understand that private property can be taken away from them for the benefit of all. This kind of resistance is probably induced by a lack of awareness that land is a limited resource, demanding that the rights and interests of landowners be in sync with those of society as a whole. Simplified calculations regarding the need for arable land has led to the perception that Estonian land resources are limitless. According to figures generated towards the end of the soviet era, the current need for arable land was 600,000-800,000 hectares, while 1.1 million hectares were available; this left 300,000 to 500,000 hectares 'free'. The 'free land' surrounding many towns has since been used to build dwellings and other constructions; no wonder that protection of arable land is not a popular subject.

**Estonia received support from donors, particularly during the nineties, to establish a proper land-administration system.****Looking back, what can be said about the gains from this financial aid?**

There are many benefits, definitely. But how to assess the effects and value them? It is so intangible. But I am sure that we avoided mistakes as a result of the recommendations of foreign advisers. On the other hand, professionals and politicians do not use all the capacity offered by western experts. Not all the recommendations have been implemented, for example, with respect to land consolidation. But this is common practice all over the world; it takes time before you understand the nitty-gritty of a proposed change, and what you do not understand you hesitate to implement. Technical solutions in land administration are easier to implement than solving issues of property rights. As the land-administration system has been unevenly developed, so too was donor aid unevenly applied. The land-administration system should now be critically assessed and might be considerably improved were enough attention paid to its weak points. The recognition of problems is the most important step towards solving them. Professional and political attitudes to land need to change in order to arrive at improvement of the system. In theory, the conditions for improvement are on the ground and I am optimistic it will happen.

*Siim Maasikamäe PhD, Head of Geomatics Department, Estonian University of Life Sciences, email: [Siim.maasikamae@emu.ee](mailto:Siim.maasikamae@emu.ee)*