

Recording Land-use Rights

The United Nations Economic Commission for Europe through its Working Party on Land Administration (WPLA) defines land administration as the processes of determining, recording and disseminating information about the ownership, value and use of land when implementing land-management policies. The weak link in this chain is the recording of land-use rights, many of which do not appear either in the land books or in the cadastre. The primary objective of the land-book systems, including registration of title to land, found throughout the world, is to provide security of tenure. The primary objective of the cadastre has been to record the physical size and shape of parcels and, in many cases, their value. In both these components of land administration a variety of additional information is often recorded, depending on the jurisdiction, but this includes relatively little about land-use rights.

Although across Europe there is data used to justify subsidies under the common agriculture policy, in practice there are few countries that have detailed records of rural land use, while fewer still have complete records of urban land use. Many have generalised maps showing basic land-use zones, but if one asks, “What land-use rights and obligations are attached to a specific piece of land?” the answer is almost always difficult to obtain. The reasons for this are partly historical and partly financial. Often the responsibility for mapping land use lies with the local authority or municipality, and many such authorities are under-resourced. The mapping of land-use rights is for them not a priority. It should, however, be given more emphasis.

From the point of view of the landowner, what can be done with the land is the primary determinant of real property values. What can be done is dependent on the physical characteristics of the land: location, soil type, slope, aspect etc, but also on the rights associated with the land. As an obvious example, if permission is given to change the use of a land parcel from agriculture to housing the value of the land will increase significantly while its physical characteristics and location will not have changed at all. We need to know what we are allowed to do with the land that we own every bit as much as we need proof of our ownership. Furthermore, there has been increasing concern that all development should be sustainable. To achieve sustainable development we need to know the rights, restrictions and obligations associated with every piece of land. These should be clearly defined and the information easy to access.

Whether our focus is on the operations of the land market or on support for sustainable development, we need to map land use and land-use rights much more comprehensively than we have done in the past. Much is heard these days about Human Rights. Little is heard about Human Obligations. Mapping land-use rights is an obligation that cadastral surveyors should take onboard.