

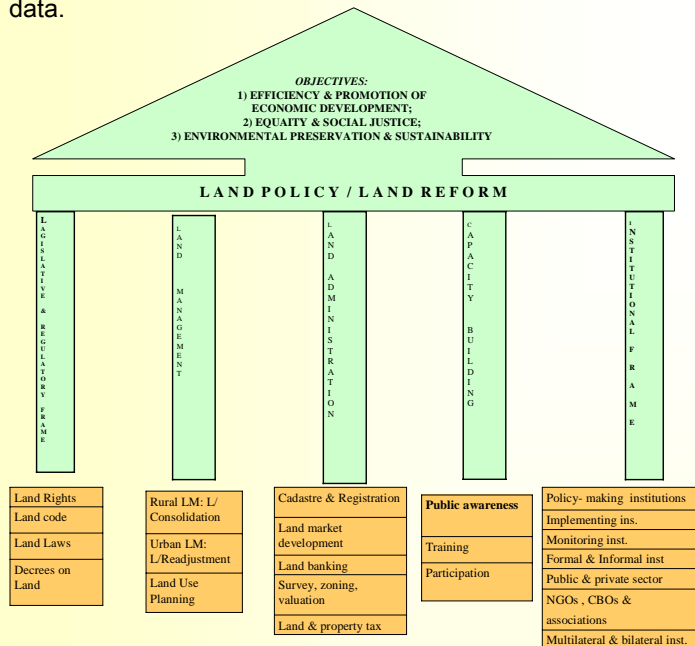


Centre of Land Management and Land Tenure

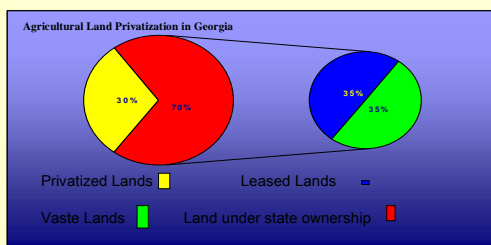
Land Policy in Transition Countries – Case study on Georgia: *Achievements, Shortcomings, possible Improvements*

Land Policy reform is the cornerstone of the transition of the post-soviet states and the Eastern European countries from centrally planned to market economy. Land policy and land tenure are determining to a large extend degree and direction of overall economic development and food security. Though Georgia has done certain steps towards the establishment and strengthening of private ownership rights on land and real estate, the government has been operating mainly *ad hoc* during the transition period. Therefore, the country still faces vagueness concerning land-related issues. There is no overall and comprehensive land policy.

A **qualitative research** approach has been applied, because it gives an opportunity to obtain detailed verbal as well as visual data.



Concept: "The land policy is a long-term oriented national policy encompassing social - economic and legislative norms regarding exploitation, utilization and conservation of the land as a resource in the manner to make feasible its main objectives"



	Main achievements	Shortcomings	Possible improvements
Privatization	<i>Provided Access to Land= food security</i>	1) 95% of the distributed land is too fragmented. 2) Land as the "Social Security", rather than an economic asset = restricts and access to credit facilities and insurance perspectives for the small holdings; 3) A big portion of land remains under the state ownership.	1) Provide further privatization so that avoid further fragmentation. 2) Elaborate clear and transparent agricultural land privatization policy. Identifying what land can be privatized and what land should remain in public ownership; moreover, prescribe procedures that would facilitate land transfer.
Legislative & Regulatory Framework	<i>Security of Tenure = Access to Financial Markets</i>	1) Absence of a comprehensive Land Code 2) Land related legislation is not systemized 3) Significant gaps in Land related Legislation 4) Legislative language is too complicated and vague	1) A systematic approach to preparing land-related legislation 2) Elaboration and setting up of the land code is one of the most vital fundamental. The code should be drafted to unify legislation that covers land regulations in a clear and understanding language
Institutional Frame	1) <i>Establishment of Formal Institutions for Land Policy Related Aspects</i> 2) <i>Formation of Partnership between: Public-private, Donor organizations - the Government</i>	1) Duplication of functions among institutions 2) Unclear division of responsibilities and obligations 3) Fragmentation of tasks, and 4) Shortage of financial and human resources.	1) Simplification of institutional set up. 2) The responsibilities and duties to be clearly prescribed to the different agencies. 3) Centralized power and top-down approach to be substituted by decentralization and delegation of power and responsibilities to the strengthened local self governments and municipalities. 4) Participatory approach to be appreciated. 5) Eliminate duplication of functions, unclear division of responsibilities and obligations, fragmentation of tasks. 6) Coordination of donor activities to be rearranged and improved.
Land Administration	1) <i>Establishment and Maintenance of Land Cadastre and Registration Systems</i>	1) unclear accuracy of surveys= precision inconsistency of cadastral works and data combination. 2) No registration procedure in place. 4) Registration information is incomplete; 5) Data on land and other real estate is not reliable 6) Problem of integration of cadastral information into one unique system; 7) Parallel registers exist.	1) Decide upon preciseness of the establish clear registration procedure 2) Integrate survey works and cadastral information into one unique system; 3) complete registration information 4) Introduce mechanisms for reliability of data (functional land and property taxation system; 5) Eradicate existence of parallel registers.
	2) <i>Land Market establishment</i>	1) Land market is more developed in urban areas, then in rural 2) Rental market in some regions does not exist at all. 3) The existing municipalities do not own land. 4) the municipalities have very weak role in land management. They are not actively included in decision-making in the land administration=Land banking inefficient 5) Requirements related to surveying techniques do not include legal cadastral knowledge 6) valuation and performance standards are not in place. 7) lack of urban master, development plans or zoning regulations. 8) Non-systemized tax code causing non-transparency = promoting corruption intensification. 9) The data on transaction prices in the most cases are faked.	1) Decide upon preciseness of the establish clear registration procedure 2) Integrate survey works and cadastral information into one unique system; 3) complete registration information 4) Introduce mechanisms for reliability of data (functional land and property taxation system; 5) Eradicate existence of parallel registers. Survey, Zoning, Valuation 1) Agree and decide upon the requirements of surveying methodology technologies. 2) Provide with necessary technical base and its utilization skills segment of surveyors within the state agencies. 3) Develop and put in place relevant urban master plans, development plans and zoning regulations. 4) Update without delay zoning regulations as well. 5) Valuation and performance standards should be elaborated and approved according to the modern requirements. Land and Property Tax 1) Simplification and clarification of the tax code. 2) Set up the mechanisms for the improvement of tax mobilization level.
Land Management		Rural LM: 1) LM is very weak 2) No appropriate land use policies in place (neither locally nor nationally) 3) No contemporary Land Use Planning 4) No Rural Regional Development or community support and village development. 5) No land consolidation . Urban LM 1) No effective urban land management or Sustainable Urban Development 2) Spatial planning still based on old Soviet legislative norms and regulations. 3) outdated master plans for land use. 4) No Public involvement in decision-making and planning strategies. 5) No land readjustment practice	Rural LM 1) To be improved the management of land resources such as forestry, soils or agriculture. 3) To be elaborated an appropriate land use policy 4) Introduce the Land Use Planning and Rural Regional Development, community support and village development alongside the land consolidation mechanisms. Urban LM 1) Elaborate and carry out effective urban land management and sustainable urban development 2) Update the outdated municipal master plans, development plans, and zoning regulations as well as spatial planning and land use management. 3) Involve public in decision-making and planning. 4) Integrate land readjustment practices in urban development of Georgian land policy.
Public Awareness and Capacity Building	Formation of Public Awareness and Capacity Building	1) Insufficient national, municipal, local capacity and 2) No state programs for public awareness.	To be elaborated and carried out national, municipal, local capacity building programs and awareness campaigns
Overall Land Policy		Non-existence of the Overall Land Policy	1) Elaborate a comprehensive and sustainable land policy, encompassing the overall development strategies: short, medium and long term and its implementation would not be dependant on the further governmental changes. 2) The elaborated land policy should consider and target globally acknowledged land policy objectives.