

Slovenian Experiences: an example from a transition country

Milan BRAJNIK, Republic of Slovenia

Geneva, April 28th-30th, 2004

Key words:

Transition, process, capacity building, reorganization, modernisation;

SUMMARY

Conflicts are presented and are being resolved on different, frequently violent ways. Post conflict activities are a complex system of long-term measures and need a patient and sustained collaboration of all involved, strong international support and observation for some length of time. Every environment needs to find the own way and develop own opportunities.

The combination of different processes, like post conflict and transition processes, multiplies the problems in a region. Neighbourhood countries, not involved in the conflict, could be very useful in the post conflict process of the reconstruction of social system, acting a kind of a “bridge” among involved and passing country experiences and views in an area.

In this article the short review of transition experiences in Republic of Slovenia is presented. The period of communist regime in countries of an ex Eastern Block leaves serious consequences in whole nowadays society. From author point of view, the capacity building in private sector (not only reconstruction of the administration system) is of extreme importance for further development of the region. Transition from planned-administrative economy to market-oriented economy takes time and a lot of effort. Any foreign help and support is of a big importance.

Slovenia is considered as a quite successful country, nearly (these days) is becoming EU Member State, the process of transition now last approximately twelve years – but it is not finished yet and it will run for some more time ...

Slovenian Experiences: an example from a transition country

Milan BRAJNIK, Republic of Slovenia

1. INTRODUCTION

Every (armed) conflict has its own historical background and development. Post conflict activities, represented as a complex system of linked measures, are depending of a single, specific situation in the treated area. The same territorial particularity is valid for the observed land administration sphere too.

Republic of Slovenia is a transition country and could not be considered as a post conflict area – but there was an armed conflict presented! The conflict was a consequence of a common process of social system changes in the whole Central and Eastern Europe. There was no other serious territorial, ethnical or economical cause in the background. It is known as a “War for Slovenia” and was limited in time, damage and number of victims. Conflict was started as a resistance to the violent ex Yugoslav Army intervention after the independence declaration and was finished by Brioni Agreement when the Yugoslav Army terminates its military involvement in Slovenia.

Regarding the whole region and further development in other ex Yugoslav Republics, Slovenia could only be considered as a neighbouring country of the post conflict area, where the transition processes are combined with serious problems of ethnical envy.

The whole, so called, ex Eastern Block is nowadays in huge transition process. Slovenia has passed the first period of this process and it is today in a period of ripening – we could say that, after happily passing the childhood, finds itself in the problematic age of puberty.

2. HISTORICAL PERSPECTIVE

2.1 General overview

Considering historical period that is important for the land administration sector development, the German influences were most important through last centuries. Slovenian regions were included in Habsburg monarchy from 14th century till the changes after 1st World war, when the Kingdom of Serbs, Croats and Slovenes was formed. After 2nd World war Slovenia becomes one of ex Yugoslav socialist Republics.

2.1.1 Land Cadastre and Land Register

Started in the years between 1823 and 1828 the first systematic cadastral survey was performed and cadastral plans in scale 1:2880 produced. For the whole territory the

ownership, land use and land classification was defined and so the value of property for taxation purposes was gained. Later, based on mentioned data, the Land Register was established and dual (two book) property registration model legalised. The maintenance was correct enough till the communist regime was restored and land tenure becomes unimportant.

2.2 The period of planned – administrative economy

The period of communist regime in ex Socialist Federative Republic of Yugoslavia leaves crucial consequences, not only in land administration matters, in whole nowadays society. The educational system was adapted to the socialist philosophy and the whole today active population has got such a treatment (1945 – 1991).

The social system was not in favour of exact and complete real estate registration. Most property was social owned (it is difficult to find the difference between social and state ownership), private ownership and initiative was not popular (specially in first decades).

Land Cadastre and Land Register were in low accordance and generally in bad condition, renewal was very limited. Extreme backlogs and long waiting periods for land registration and alteration to cadastral data entries (1 – 2,5 years) were normal facts.

Geodetic service was in competence of local administration, performed by Municipal Cadastral Offices and a few geodetic organisations. State (central) Surveying Authority was in competence of preparing legislation, regulations, guidelines and orders and was a second-degree body in the administration procedure.

Land register remains in competence of local (district) courts.

2.3 The period of transition

New Slovenian constitution marked the way toward economic system changes (market oriented economy). Security of tenure becomes essential again. Problems of missed approach to land policy and bad real estate registration escalate.

Processes of privatisation, denationalisation and a new investment cycle brought new aspects and needs in front of surveyors. The situation was a challenge for quick and effective reorganisation of Land Administration sector.

3. TRANSITION PROCESS

3.1 Bad Condition of data collections

Big arrears and long waiting periods for land registration process were recognized as serious trouble for economic development. Different possibilities and different interests in different municipalities did result in a big difference in cadastral maintenance (similar in land

registration). There was different approach to a problem of cadastral data modernisation in different municipal centres; some separate tests of cadastral data and plans were made.

Central Surveying Authority was not in position to take a lead and has small influence on existed 46 Municipal Cadastral Offices.

3.2 Land administration reorganisation

Analogue approach to maintaining of the property (and other) data collections becomes totally impractical. Desires and needs of society leads toward effective Land Information System or even better Geographical Information System, where more spatial and other data would be connected in scope of better decision making.

Three fundamental real estate records were defined (Land Register, Land Cadastre and the Building Cadastre), two of them in bad condition and disharmonised because of historical reasons and third, the Building Cadastre as a new evidence to be set.

On the bases of new Organization and Ministries Sphere of work Act and Administration Act the centralization of vital public services was performed (1995). Geodetic service becomes a competence of state administration, the Surveying and Mapping Authority of Republic of Slovenia (SMA) with the main office, 12 regional authorities and their 46 affiliates gained present mandate.

As the legislation renewal was still in progress the Minister of Environment and Physical Planning issues the obligatory order on implementation of geodetic services via private sector. SMA contracted external performers for technical works in the process of land registration (as the considerable number of private companies were founded). The processes of registration were accelerated, backlogs in cadastral maintenance practically compensated, but data disharmony stays problematic.

New Geodetic Activities Act (2000) defines the surveying and mapping activity and determines conditions to implement this activity. Technical works and procedures in connection with geodetic service duties can only be implemented by geodetic company or an independent entrepreneur that has granted a permit to carry out geodetic services.

Judicial system stays with district, high and appeal courts and the Supreme Court as the highest court. Land Register stays in competence of district courts (Land Register Offices).

3.2.1 Data digitalisation

Digitalisation of cadastral data becomes one of priorities of geodetic services. Till the year of 1995 the theoretical basis of making the Digital Cadastral plans were clear and big enough, testing was finished (25% of cadastral data was already transformed and harmonized). Because of quicker and easier attain of the objectives, the decision of separate digitalisation and later harmonisation of textual and graphical records was made. Central database of textual cadastral records was restored for the whole state (as a result of an agreement between

different institutions responsible for public services and taxation). In next step all needed software solutions were prepared and training of involved SMA personal and executors staff was finished. Connection with Land Register was still a time consuming work (several projects of digitalisation of the Land Register somehow cant get to life).

The only serious problem of the moment was, that exposed needs seemed to be bigger than were sources for execution of all tasks to be done.

3.3 Real Estate Registration Modernisation (RERM)

On the field of Land Policy several branches of profession crosses their knowledge and interest. The cooperation between responsible agencies is crucial for further development. Slovenian Government has named Program Council for RERM (1998) and defined SMA to take coordinative role on the field of real estate registration modernisation.

Program Council, chaired by the Minister of Environment and Physical Planning and with other members of high influence in society, took an important role in further actions toward creating Land Policy.

The loan was raised at the International Bank for Reconstruction and Development and funds acquired from the Phare program in order to implement the RERM project. The project was started in 1999 and will last till the year 2005. There are five responsible agencies that are involved and are cooperating in the project, supported by foreign consultants and supervised by World Bank staff. The fundamental purpose and objective of the Project is to provide basic data on real estate and their ownership, to introduce new technologies, computerize real estate records and to bring the Slovenian legislation related to real estate management into line with the existing legislation of EU Member States. The goals of eight started subprojects were very ambitious, but results are already visible and presented through reports.

Step by step approach results in smaller development arrears, the project seems to be successful, but modernisation of Land Administration still last - new reorganisation is on horizon ...

4. CONCLUSION

The whole so called ex Eastern Block is in transition process. Slovenia has passed the first period of this process and it seems to act as "by the book" (regarding to issued FIG vision "Cadastre 2014" (1998) or United Nations Economic Commission for Europe recommendations "Land Administration Guidelines (1996)). But is there any such a way, a common recipe existing? Is Slovenian example useful for other transiting countries?

As it was already said, every conflict has its own historical background and development. The recipes could only exist on a general level. Post conflict activities are depending of a

specific situation in the treated area, but of course, as there are differences, there are similarities and possible patterns too.

The most important is the definition of a clear vision of the region development, but this is a difficult and sensitive mission to do. Observing Land Administration valid the same, creation of the clear vision is crucial (after first prevention of RE registration sets). International community has to define domestic experts and support them to find their own way of resolving the situation. Good cooperation between foreign and domestic experts is needed but difficult to achieve. Several times it depends of personalities involved. Neighbourhood countries, not involved in the conflict, could be very useful in this process of approach, acting a kind of a “bridge” among involved and passing their own experiences and views.

The combination of post conflict processes with transition process (economic social system changes) multiplies problems. Domestic knowledge, experiences and even way of understanding on any topic are adapted to another system. There is a traditional doubt in system and administration existing. Administration in Planned administrative economy was generally slow, with strong inert tendencies. Capacity building on all levels (public and private sector) is of extreme importance and shall enable further reconstruction of the Land Administration system.

While the market oriented economy is in construction, the private sector needs special attention and support for development. Competition between sectors has positive consequences on improvement of the services. Private sector could act as a kind of intermediate factor between clients and administration. Construction of private sector is depending of several factors, but mostly of enough appropriate work tendered in “open market” (the truth is that such a market is under construction in transition countries). Needs and demands in front of Land Administration system are extreme and claim quick results (possible donors also demand efficiency for their funds), but we have to consider that transition is a long process and some patience is needed! Capable private sector will be the important factor of further development in next steps, but there must be development of such a sector present! Preparation of the projects and tendering must consider development of this sector in the observed region too. This sector may not be immediately exposed to global open market, because it could not be prepared for such a competition and there will be any such a sector developed when needed! On the other side, attention is also needed because of possible deviations in direction of an organized crime and corruption growth. A Question of “Giving a fish or a fishing stick?” is a difficult one and needs special observation of the regional situation and lots of communication between foreign and domestic experts.

Every environment is developing, changing and reorganizing under historic and nowadays influences. Conflicts are presented and are being resolved on different, even violent ways. Post conflict activities, as transition processes too, are time consuming and need a lot of patient and sustained collaboration of all involved, strong international support and observation. Short-term solutions are important, but without further resolving of problems and compromise vision definition, have no serious effect, the conflict stays “frozen” and threatening. Every environment needs to find the own way and develop own opportunities. Reorganization is followed by another reorganization!

REFERENCES

Surveying and Mapping Authority of the Republic of Slovenia, Activities Report, 2003
SMA, Real Estate Registration Modernisation Project, Intermediate Report, 2003

BIOGRAPHICAL NOTES

Firstly employed in public enterprise Energetika Ljubljana (1986), next employment in Geodetic Institute of Slovenia (1993);
Organisation, preparation and execution of the survey measurements for civil engineering and cadastre, of the geodetic clerical work and of the research - development work;
Cooperation in the research groups on the fields of Geodesy, Cartography and GIS;
Sales department works and management;
Present position: Assistant Director
Actual President of Ljubljana section of the Union of Surveyors of the Republic of Slovenia

CONTACTS

Milan Brajnik
Geodetic Institute of Slovenia
Jamova cesta 2
1000 Ljubljana
SLOVENIA
Tel. +386 1 200 29 00
Fax +386 1 425 06 77
Email: milan.brajnik@geod-is.si
Web site: www.geod-is.si