



Standardization of the LADM – Modelling of non-formal RRR

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Content

- Short introduction to LADM RRRs
- Legal Cadastral Domain Model (LCDM)
- Social Tenure Domain Model (STDM)
- Extended LADM
- Code lists



The paper is a discussion on how to specialize the LADM and better describe non-formal/customary RRRs

Based on the expanded LADM described in:

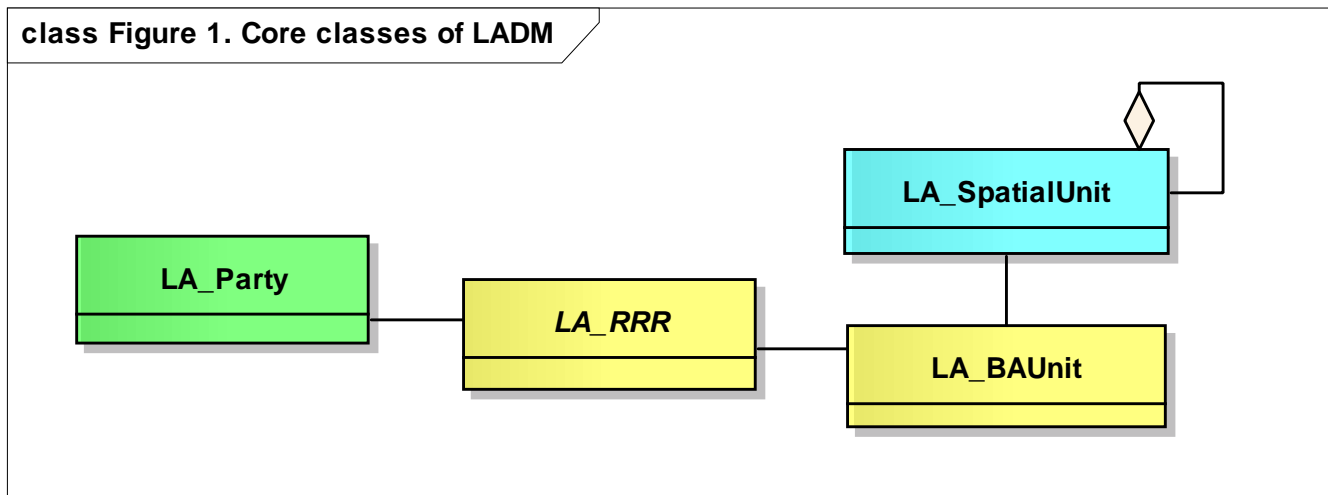
*Specialization of the Land Administration Domain Model
– An Option for expanding the Legal Profiles*

by Paasch, J.M., van Oosterom, P.J.M., Paulsson, J. and Lemmen, C.H.J. FIG Working Week, Abuja, Nigeria, May 2013.

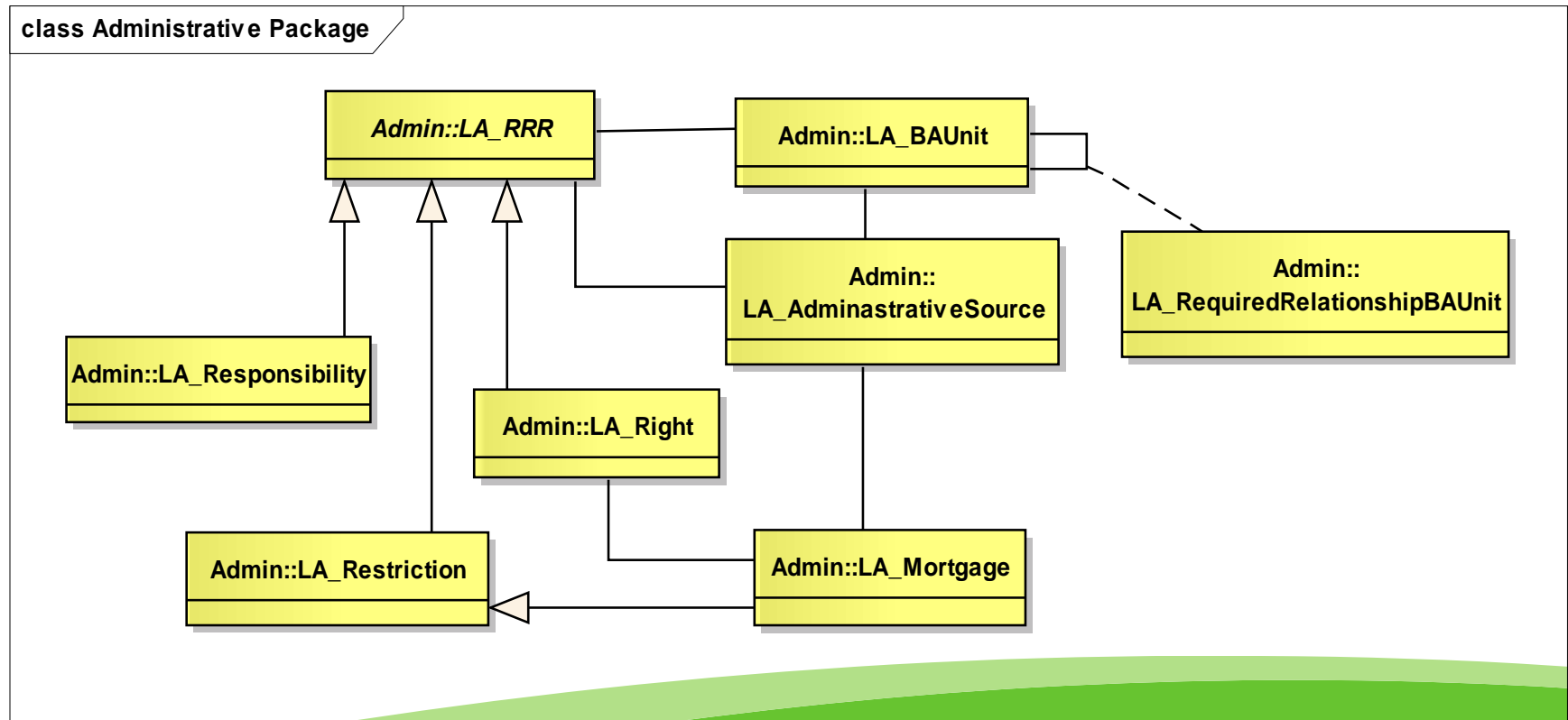


The LADM includes:

- Spatial part (geometry, topology)
- Extensible frame for legal/admin parts



- RRR (Right Restriction Responsibility) has associations with Party (Person) and Basic Administrative Unit (and indirectly to SpatialUnit)
- RRRs are in principle based on legal documents or decisions
- A RRR can be temporal



- Right
"action, activity or class of actions that a system participant may perform on or using an associated resource"
- Restriction
"formal or informal obligation to refrain from doing something"
- Responsibility
"formal or informal obligation to do something"

- A more detailed classification of rights, restrictions and responsibilities than LADM is possible
- Standardization of Real Property Rights and Public Regulations – The Legal Cadastral Domain Model (LCDM)
(PhD-thesis J.M. Paasch, September 2012)
- Classification based on how RRR influence ownership
← central concept

Some RRR:s

(from *Sweden, Ireland, Germany, the Netherlands* (Paasch, 2011) and *Portugal* (Hespanha, Jardim, Paasch and Zevenbergen, 2009))

Possibility of reverter *Easement* *B.P. right*
Beschränkte persönliche Dienstbarkeiten *Freehold covenant*
Grunddienstbarkeit **Ownership** *Erbbaurecht*
Wayleave *Servidão de Estilicio* *Gemensamhetsanläggningar* *Profít á pendre*
Servitut *Niessbrauch* *Erfdienstbarkeit*
Servitut *Bearbetningskonsession* *Building lease*
Right of entry or re-entry *Vruchtgebruik* *Rentenschuld*
Emphyteusis *Mortgage* *Opstal* *Leasehold* *Detaljplan*
Reallast *Usufruct* *Erfpacht* *Lien* *Grundschild*
Reallast *Usufruct* *Erfpacht* *Lien* *Right of pre-emption*



Interests in land are in the LCDM classified as

Private interests:

1. Common

→ e.g. a property jointly owned by other properties

2. Property to property right → e.g. an easement

3. Person to property right → e.g. a personal use right

4. Latent right (a right not executed yet) → e.g. a pre-emption right

5. Monetary liability (a financial claim) → e.g. a mortgage

Public interests:

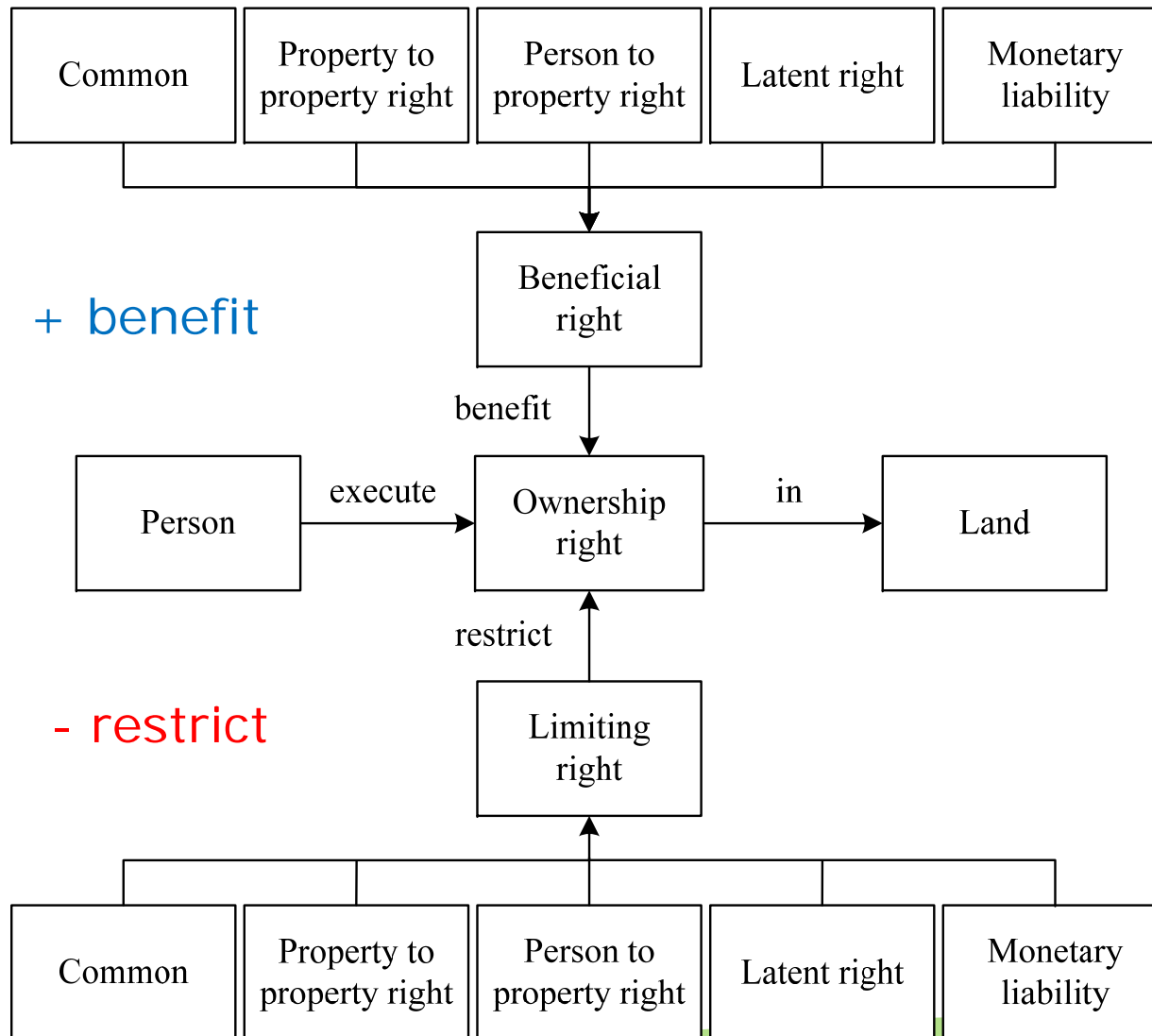
1. Public general interest

→ e.g. a regulation affecting “all” properties/type of properties

2. *Public specific interest*

→ e.g. a regulation affecting specific properties, or a dispensation from a regulation

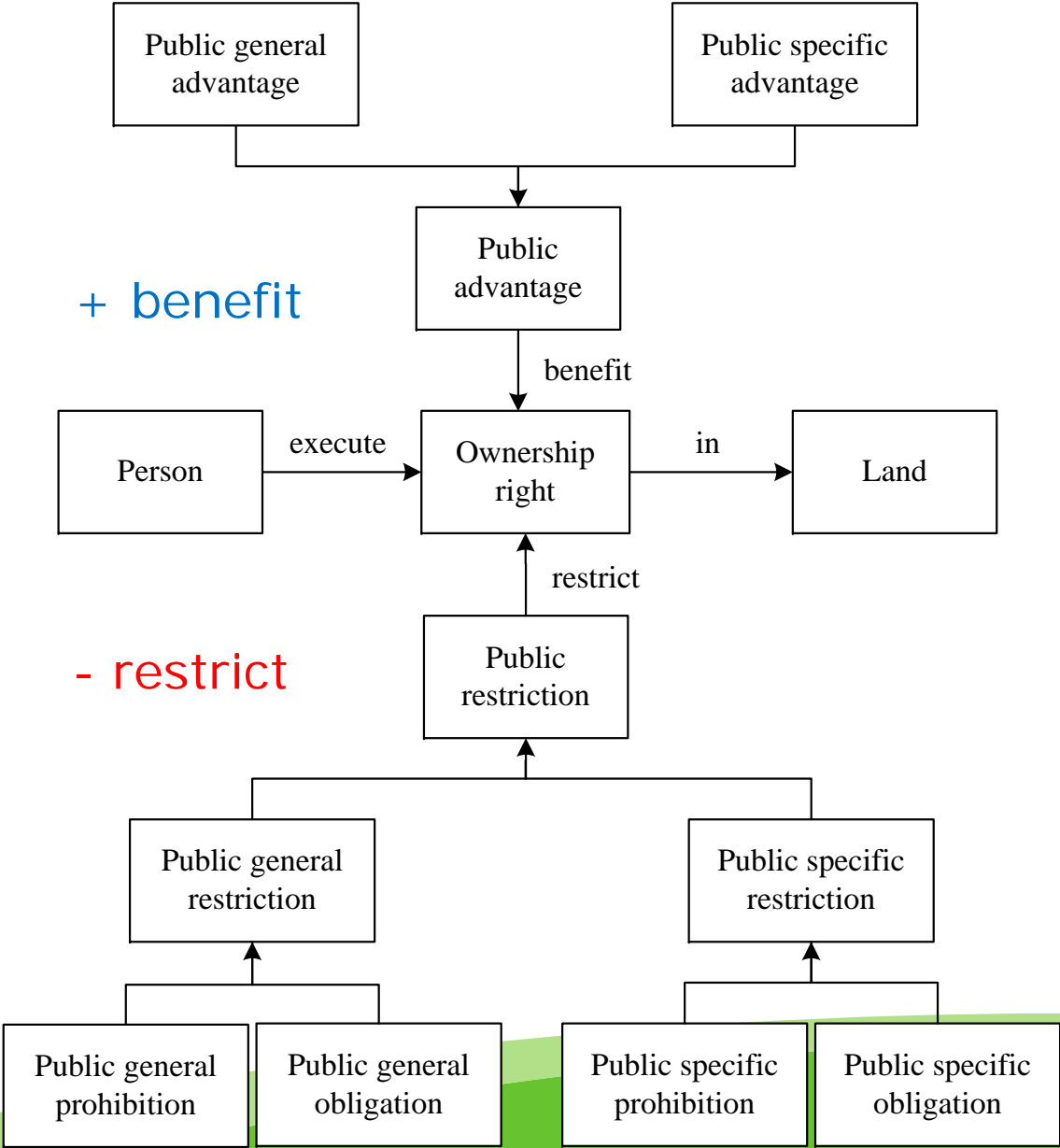
Private interests, LCDM



(Paasch 2012)

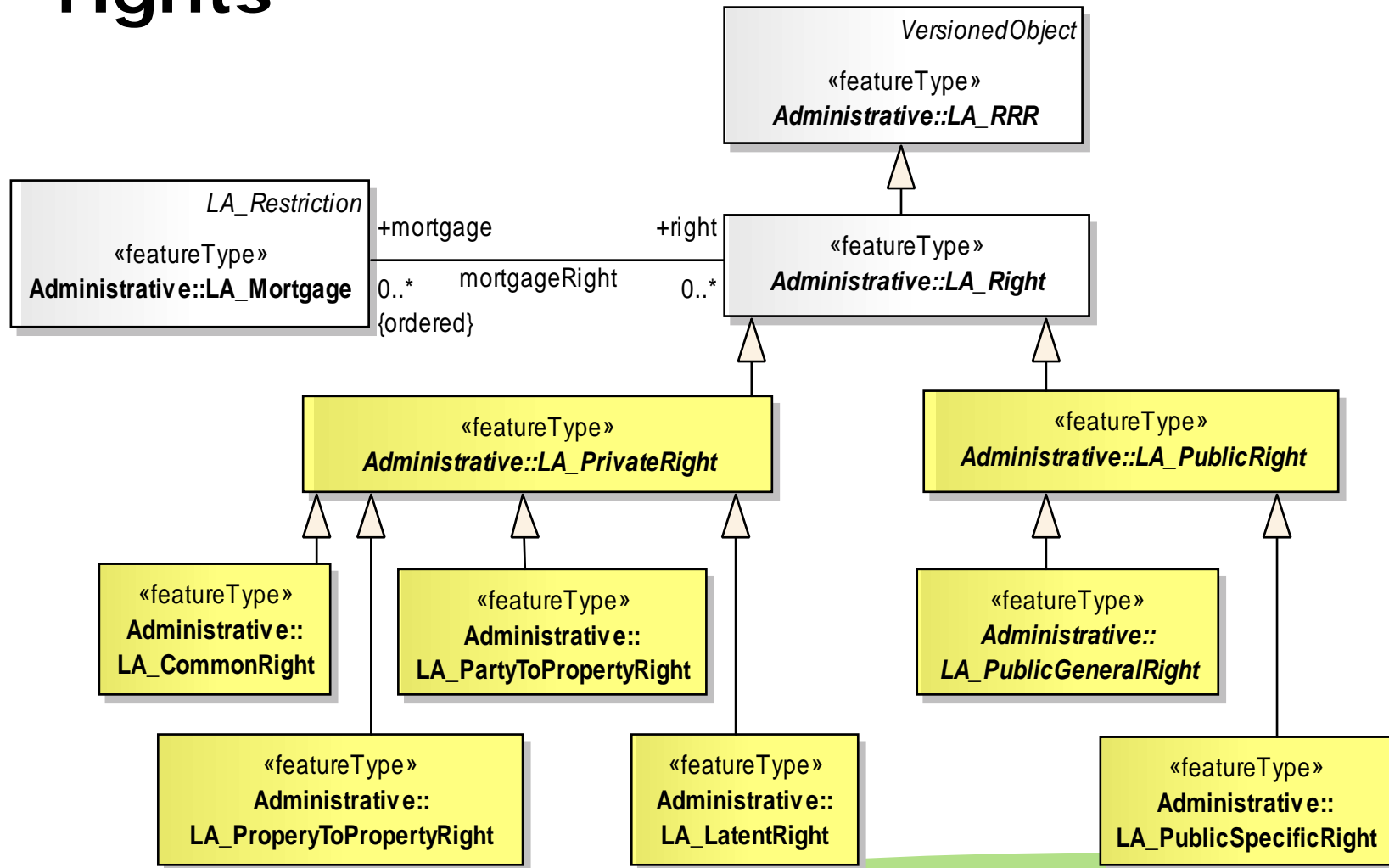


Public interests, LCDM



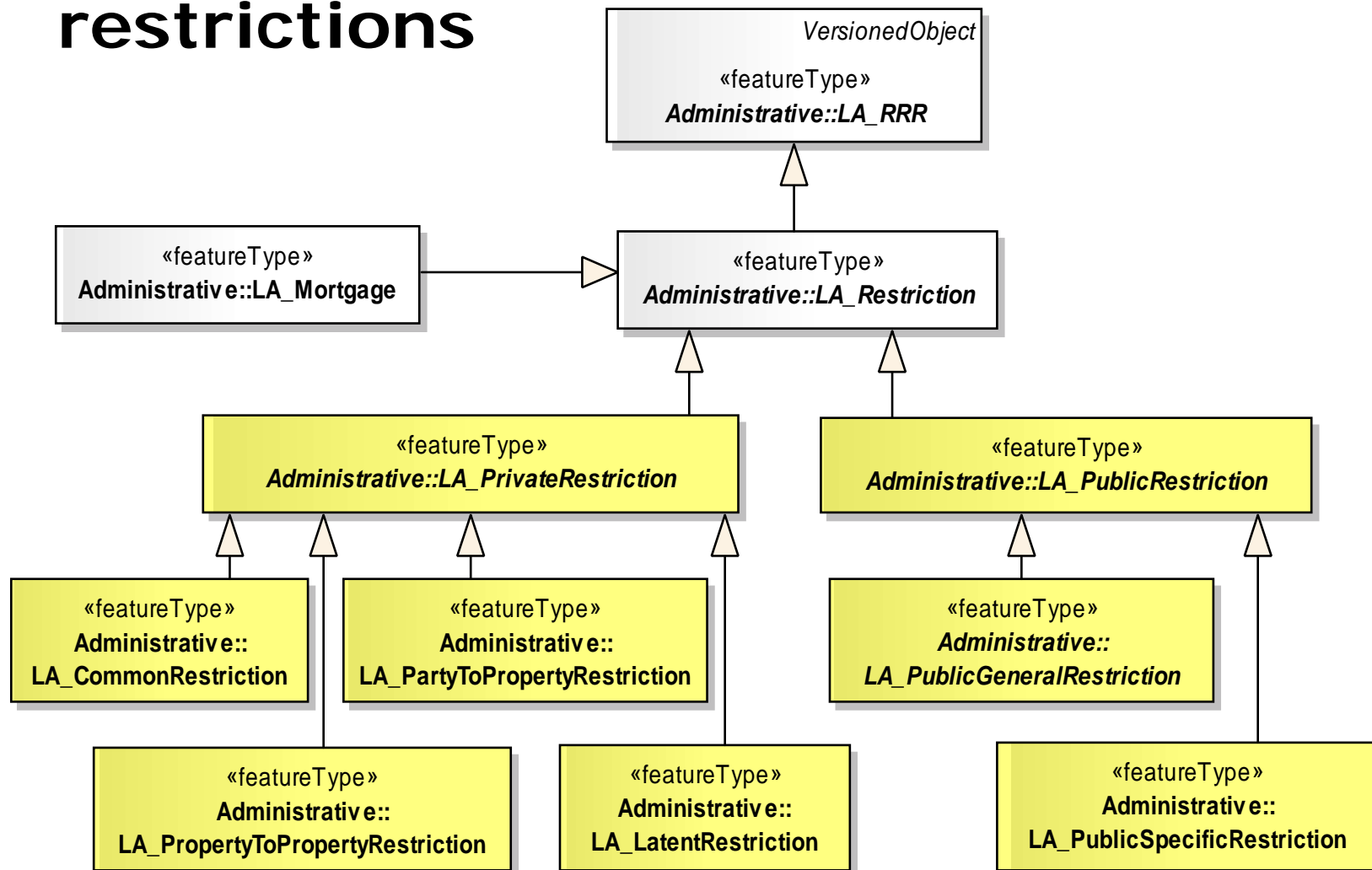
(Paasch 2012)

LA_Right extended profile for privately and publicly imposed rights



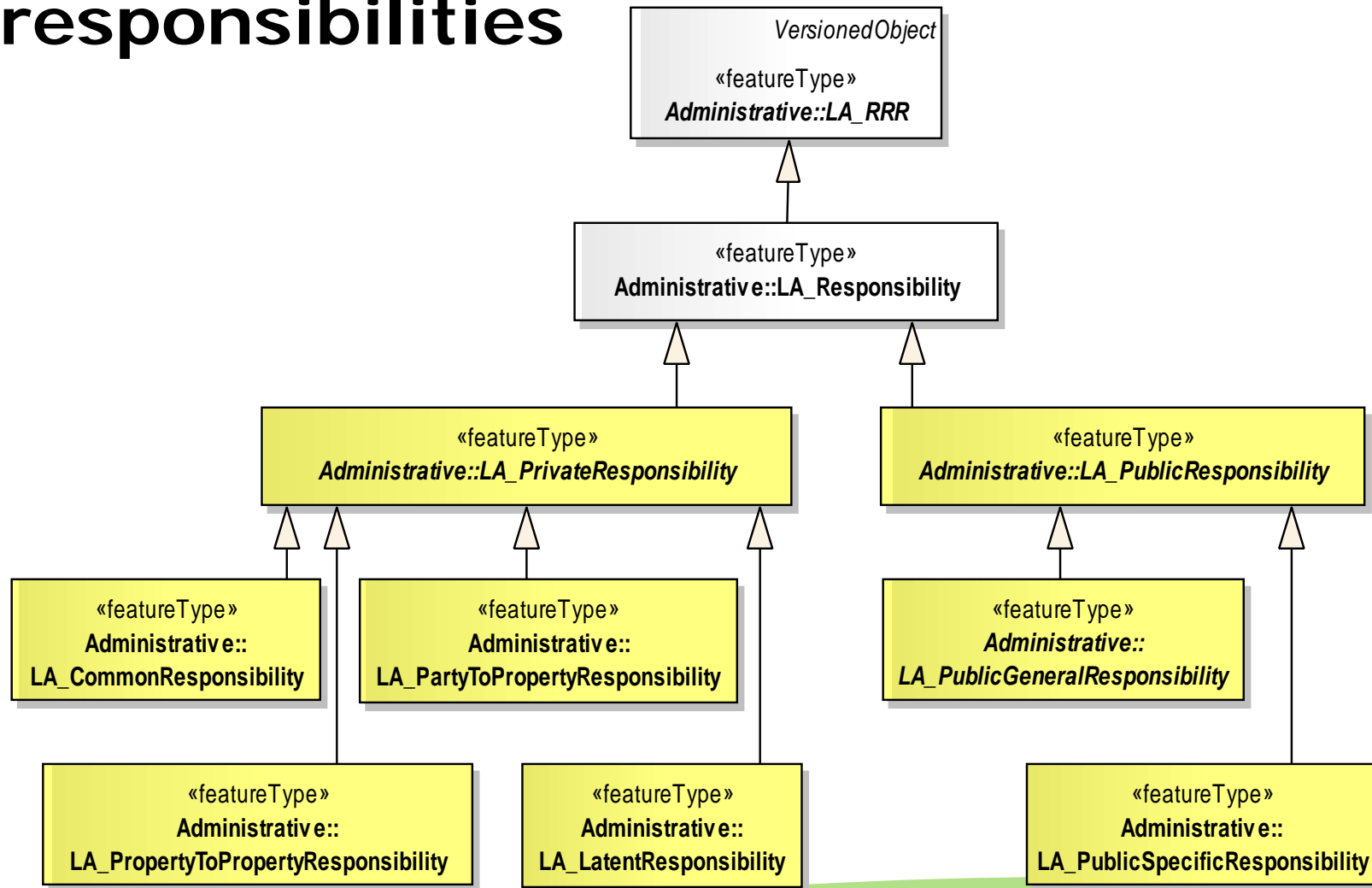
(Paasch, Oosterom, Paulsson and Lemmen, 2013)

LA_Restriction extended profile for privately and publicly imposed restrictions



(Paasch, Oosterom, Paulsson and Lemmen, 2013)

LA_Responsibility extended profile privately and publicly imposed responsibilities



(Paasch, Oosterom, Paulsson and Lemmen, 2013)

LADM's current code lists for Administrative Package (annex J.2)

«codeList» Administrative:: LA_RightType
+ agriActivity
+ commonOwnership
+ customaryType
+ fireWood
+ fishing
+ grazing
+ informalOccupation
+ lease
+ occupation
+ ownership
+ ownershipAssumed
+ superficies
+ usufruct
+ waterrights
+ tenancy

«codeList» Administrative:: LA_MortgageType
+ linear
+ levelPayment
+ microcredit

«codeList» Administrative:: LA_AdministrativeSourceType
+ agriLease
+ agriNotaryStatement
+ deed
+ mortgage
+ title
+ agriConsent

«codeList» Administrative:: LA_ResponsibilityType
+ monumentMaintenance
+ waterwayMaintenance

«codeList» Administrative:: LA_AvailabilityStatusType
+ archiveConverted
+ archiveDestroyed
+ archiveIncomplete
+ archiveUnknown
+ docAvailable

«codeList» Administrative:: LA_BAUnitType
+ basicPropertyUnit
+ leasedUnit
+ rightOfUseUnit

«codeList» Administrative:: LA_RestrictionType
+ adminPublicServitude
+ monument
+ monumentPartly
+ mortgage
+ noBuilding
+ servitude
+ servitudePartly



Formal property rights

Explicitly acknowledged by the State and protected by legal means

Informal property rights

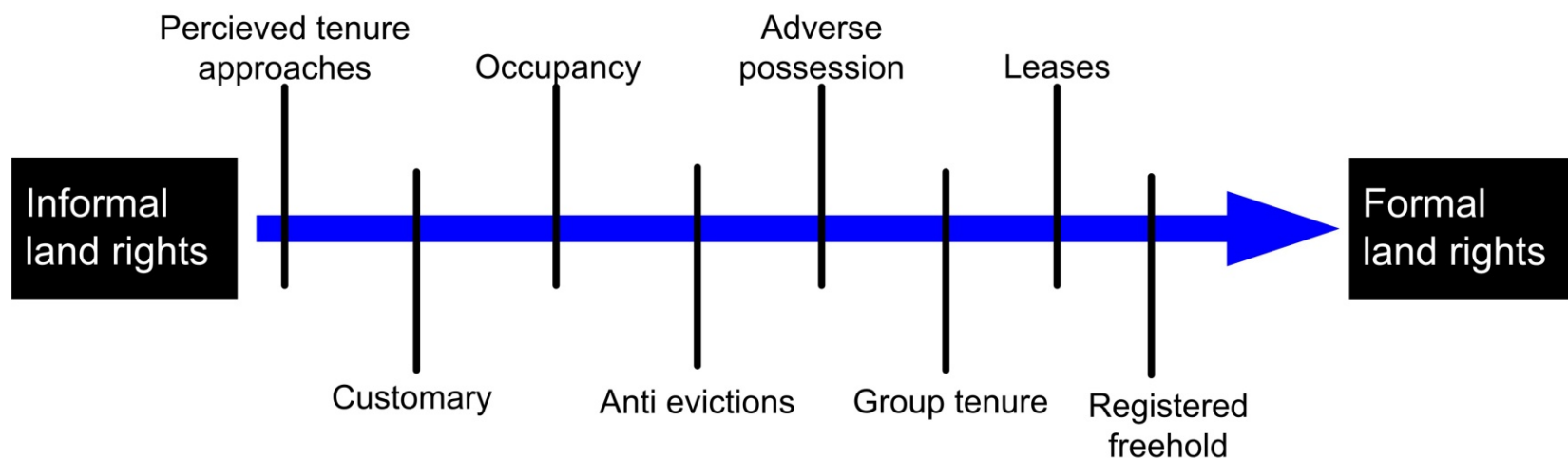
Lack of official recognition and protection

Customary land tenure

The norms derive from and are sustained by the community itself

(FAO, 2002)





UN-HABITAT 2008

LANTMÄTERIET



The Social Tenure Domain Model

A Pro-Poor Land Tool



LADM class names and corresponding STDM alias (ISO, 2012)

LADM class name	STDM alias
AdministrativeSource	SocialTenureInventory
LegalSpaceBuildingUnit	Unit
BoundaryFace	<i>identical name</i>
BoundaryFaceString	<i>identical name</i>
GroupParty	<i>identical name</i>
BAUnit	<i>n.a.</i>
Level	<i>n.a.</i>
Mortgage	Collateral
LegalSpaceUtilityNetwork	UtilityNetwork
Party	<i>identical name</i>
PartyMember	<i>identical name</i>
Responsibility	<i>identical name</i>
Restriction	<i>identical name</i>
RequiredRelationshipBAUnit	<i>n.a.</i>
RequiredRelationshipSpatialUnit	<i>n.a.</i>
Right	STDM_Relationship
RRR	SocialTenureRelationship
Source	<i>identical name</i>
Point	SurveyPoint
SpatialSource	SpatialUnitInventory
SpatialUnit	<i>identical name</i>
SpatialUnitGroup	AdminSpatialUnit
VersionedObject	<i>identical name</i>

New LADM classes?

E.g.

LA_RRR: LA_customaryRight

LA_RRR: InformalRight

as proposed in (Hespanha, 2013)

... or extend LADM code lists with non-formal rights?

E.g.

Tenancy

Grazing

Trusteeship

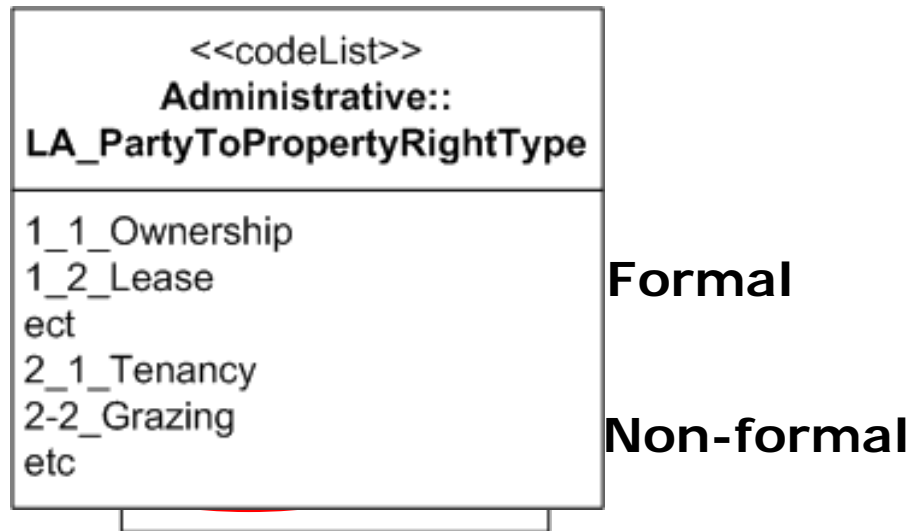
“Terra nullius” (customary lands without owners)

...

Based on (Alden Willy, 2013)

Example of formal and non-formal rights code list

Hierarchy in the code list values is a way to better define the values.



(FAO)

National identification can be done according to ISO 3166-1 country codes

- Semantic technologies (ontology, etc.) can be used to further provide explicit meaning to code list values
- More refined than just a hierarchy



» [Home](#)

Select a land registry

	Austria	Bundesministerium für Justiz
	Belgium	Patrimoniaire documentation
	Czech Republic	Český úřad zeměměřický a katastrální
	England and Wales	Land Registry
	Estonia	Kinnistusraamat
	Finland	Maanmittauslaitos
	Georgia	National Agency of Public Registry (NAPR)
	Iceland	Þjóðskrár Ísland
	Ireland	Property Registration Authority
	Latvia	Cadastre Information System
	Lithuania	Registrų centras
	Macedonia	Agency for Real Estate Cadastre
	Netherlands	Kadaster

Hide glossary

[Open in new window](#)

Glossary

Terms sometimes mean different things to different land registries. All content on this site uses generic definitions. Use this glossary to clarify the meaning of a term.

The generic definition is

Right to build

A right to have building or construction on, over or under someone's land including right to build such a building or construction.

Find the definition of

Separate ownership of the land and:

- the buildings
- structures
- plantings

in, on and above the land. This is an exception to the general rule

Compare definition to that of another land registry

Derecho a Edificar

The right to build on someone else's land or building, as well as the right to build new constructions over air or under someone else's tenement's ground.

This right can be divided into two kinds:

a)superficie: it's not only the right to build, but also holding the

Compare definition to that of another land registry

European Land Information Service, EULIS
<http://eulis.eu>

[Return to homepage](#) -

Cadastre and Land Administration Thesaurus (CaLAThe)

Ownership

Alternative label:

Broader terms:

[Real property right](#)

Narrower terms:

[Shared ownership](#)

[Individual ownership](#)

[Public ownership](#)

[Adverse possession](#)

Related terms:

Definition:

Collection of rights to use and enjoy property, including right to transmit it to others. The complete dominion, title, or proprietary right in a thing or claim (Source: BLACK).

Scope Note:

GEMET term

Identifier:

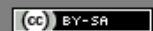
<http://www.cadastralvocabulary.org/CaLAThe/Ownership>

Exact match:

<http://www.eionet.europa.eu/gemet/concept/5971>

Version 2.0 (10/10/2012)

Please contact [Erik Stubkjær](#) or [Volkan Caqdas](#) for suggestions and comments.



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Cadastre and Land Administration Thesaurus(CaLAThe)

<http://cadastralvocabulary.org/>



Terms of the ISO/DIS 19152 LADM Administrative package		Secondary terms: Attributes and Enumeration and code list terms	Draft CaLAtThe terms based only on LADM terms	CaLAtThe thesaurus terms (ver.1) and related thesauri	
Primary terms	Adopted terms (+ alternative labels)			New terms (+ alternative labels)	
1	LA_BAunit		Basic administrative unit ~	Property unit ~ (Basic administrative unit)	(Real estate (S))
2 3 4 5	LA_BAUnitType	basicPropertyUnit leasedUnit propertyRightUnit	Basic administrative unit type ~ Basic property unit - Leased unit - Property right unit -	Property unit type ~	Servient property unit Dominant property unit
6	LA_RRR		Right, restriction and responsibility -		Law (S)
7	LA_Right		Right -		Real property right
8 9 10 11 12 13 14 15	LA_RightType	agriActivity commonOwnership customaryType firewood fishing grazing informalOccupation	Right type - Agricultural activity - Common ownership ~ Customary right ~ Firewood - Fishing - Grazing - Informal occupation -	Shared property ~ Customary law ~	Legal basis (G) (Formal right Real estate law (S) Individual ownership Public ownership (A) Party share Condominium right Timeshare ownership Planning law (G)

Cadastral and Land Administration Thesaurus (CaLAtThe)
<http://cadastralvocabulary.org/>

It is possible to extend the LADM code lists to describe non-formal RRRs by using

the *Legal Cadastral Domain Model, LCDM*

and

the *Social Tenure Domain Model, STDM*

More research is needed

Thank you!

Any questions?

