



The Polish land administration system supporting good governance

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ABSTRACT

Good governance is a very broad concept that accounts for various processes in land management and land administration. Good governance is one of the management models in the public sector. It supports decision making and assists the public administration in the process of fulfilling its statutory duties. The relevant principles are defined by the European Commission. Above all, the public administration requires an interoperable land administration system (LAS) that integrates many public registers and supports efficient land management. At present, the public administration uses various types of data from different sources. This process is time-consuming and economically inefficient. The LAS provides public entities with access to integrated spatial data from multiple records. It supports the fulfilment of public tasks by providing a single-window facility.

The article analyses the architecture of the Polish LAS and the public administration's demand for real estate data with the aim of achieving good governance. The study discusses public administration processes where the LAS can be used extensively. An analysis of the land management system and the land administration system revealed that the Polish LAS is a highly useful source of data.

1. Introduction

The good governance concept has been widely discussed in the literature (Agere, 2000; Graham et al., 2003a; Armstrong et al., 2005; Andrews, 2008; Bovaird, Löffler, 2009). Good governance is one of the management models in the public sector (Armstrong et al., 2005). It is a process whereby societies and organisations make important decisions, select the key participants and hold them accountable for their actions. The process is difficult to observe. Agreements, procedures, conventions and policies are drafted to delegate authority, describe the decision-making process and render accountability (Graham et al., 2003a). There are many definitions of good governance, and the concept is relevant for both policy-making and academia. In the academic community, the definition of good governance has been formulated relatively recently (Esty Daniel, 2006), and it postulates that “good governance is the process whereby public institutions conduct public affairs, manage public resources and guarantee the realization of human rights in a manner essentially free of abuse and corruption, and with due regard for the rule of law” (OHCHR, 2018). Good governance can be described as a decision-making processes. Decisions do not have to be “correct”, but the decision-making process has to abide by a certain set of rules. Good governance means moving away from corruption, inefficiency, maladministration, secrecy and red tape to incorporate concern for governance accountability, transparency,

effectiveness, inclusiveness, fairness and responsiveness (Stoker, 1998; Graham et al., 2003a,b; UNESCAP, 2008). Good governance should be analysed at the national level (Devaney, 2016), but it can also be evaluated at the company level, the municipal level or the European level.

Several organisations have identified the values relevant to governance. Standards Australia (2003) lists the following values in the Good Governance Principles: accountability, transparency, fairness and balance, honesty, dignity and goodwill. Customer service is also frequently mentioned in the private sector. The principles that foster good governance are governance policies, infrastructure and actions that support the implementation of good governance measures (Gross and Żróbek, 2015). Good governance in land administration aims to protect the property rights of individuals and the state by promoting transparency, accountability, efficient and effective public administration, rule of law, equity, participation and effectiveness in land-related public sector management (Bell, 2007). FAO (2007) study on good governance in land administration defines governance as the process of governing: “It is the way in which society is managed and how the competing priorities and interests of different groups are reconciled. It includes the formal institutions of government, but also informal arrangements for achieving these ends. Governance is concerned with the processes by which citizens participate in decision-making, how government is accountable to its citizens, and how society obliges its

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Table 1
Principles of good governance in land administration.
Source: Zakout et al (2006)

PRINCIPLE OF GOOD GOVERNANCE	CONTEXT
Efficiency	Procedures to register property transactions should be short and simple. The fewer steps there are, the less opportunity for informal payments.
Effectiveness	The effectiveness of land administration depends on capacity building and financial provision, as well as on the general socio-political conditions, such as political will and commitment, the rule of law, regulatory quality and political stability.
Transparency, consistency and predictability	Transparent recruitment of staff and transparent service standards and costs of services will contribute to higher efficiency, accountability, fairness and confidence in agency integrity.
Integrity and accountability	Accountability in land administration can be improved through the implementation of uniform service standards that are monitored, codes of conduct for staff (as well as mechanisms of sanction) and incentives such as awards for outstanding employees.
Subsidiarity, autonomy and depoliticization	Increasing the autonomy of local land administration, while introducing checks and balances at the national level, can improve services and reduce corruption.
Civic engagement and public participation	Client orientation and responsiveness in land administration can be achieved through improved access to information, customer surveys to measure customers' satisfaction and hotlines to enable customers to report corruption and misconduct.
Equity, fairness and impartiality	All people should have the same access to service and receive the same service standards independent of their political or economic status. The introduction of counter offices and a numbering system for customers' arrival ("first come first served") may achieve this objective.
Legal security and rule of law	Good governance in land administration requires a consistent and coherent legal framework, a fair and transparent judiciary and general prevalence of the rule of law to protect property rights.

members to observe its rules and laws". Research has demonstrated the presence of an undeniable relationship between good governance as a determinant of sustainable development and the land administration system (Weiss, 2000; Zakout et al., 2006; Smith, 2007; Williamson et al., 2010; Buöko et al., 2014; Dawidowicz et al., 2015). Efficient, effective, transparent and accountable land administration services are as much about the administration of land as they are about the civil service that operates within every country (Bell, 2007). Zakout et al. (2006) have identified eight key principles of good governance for land administration which are summarised in Table 1:

The results of the survey conducted in selected public administration units revealed that not all principles of good governance are observed.

An effective Land Administration System (LAS) which is a part of the National Spatial Data Infrastructure (NSDI) can promote good governance (Ting and Williamson, 2000; Burns and Dalrymple, 2008). The main purpose of Land Administration is to determine the infrastructure for implementing sustainable land policies and land management strategies (Dawidowicz and Żróbek, 2012, 2017). The LAS is responsible for recording and disseminating information about the ownership, value and use of land and the relevant resources in the process of implementing land management policies (UN-ECE, 1996; Molen van der and Mishra, 2006). The Land Administration System is a useful source of information for land management. This system constitutes a source of spatial data, but it is also an object of scientific research. The implementation of the LAS contributes to the achievement of good governance at every level. The aim of this study was to evaluate the applicability of the Polish LAS for efficient land management and the achievement of good governance.

A detailed analysis of the literature (Williamson et al., 2010; Deininger et al., 2011; FAO, 2012; Enemark et al., 2015; UN Habitat, 2004, 2008; UN Habitat, 2015, 2012; UN Habitat, 2016; Enemark, 2012; Enemark et al., 2014, 2016; FIG, 2014; UNECE, 1996, 2005a; UNECE, 2005b) revealed that LAS should be designed to flexibly adapt to the needs of the public administration and the citizens. However, not all LAS are capable of meeting the growing demand for information. The above also applies to the Polish LAS, referred to as the Integrated Real Estate Information System (IREIS), which has been implemented gradually since 2000. This pilot project has not yet attained its full functionality because the process of integrating data from public registers has not yet been completed. The project is co-financed by the EU, and it has to be completed within a rigid time framework in line with formal requirements. The IREIS has not yet been fully implemented, but its final shape is already beginning to emerge. The ability of the future

LAS to good land management should be evaluated at the present stage of system development to ensure that it fully meets the users' needs and enables the government to apply for additional EU funds to expand the scope of the project.

In view of the above, the main aim of this study was to determine whether the IREIS complies with the fit-for-purpose approach and meets good governance principles in land management. The literature on good governance and land administration has been reviewed. The results of analyses and surveys revealed that the Polish LAS does not fully support good governance in land management. The authors have proposed several improvements to address the above issue. The results of this study can set examples of good practice, in particular for countries in transition.

2. Materials and methods

This study evaluated the applicability (Fit-for-purpose) of the Polish Land Administration System, referred to as the Integrated Real Estate Information System (IREIS) (Zintegrowany System Informacji o Nieruchomościach), for land management and the achievement of good governance. The main research methods were analyses of legal regulations (Opalek and Wróblewski, 1991; Stelmach and Brożek, 2004) and government reports on LAS implementation. Polish legal acts regulating the establishment and operation of the IREIS were analysed. The principles of the system's operation and its influence on land management and good governance were determined. The key legal act pertaining to the Polish LAS is the Regulation on the Integrated Real Estate Information System (Regulation, 2013). The Act on real estate management (Act, 1997), one of the key legal acts relating to real estate management in Poland, was also analysed to determine the correlations between the IREIS and land management. The above acts and other legal acts were analysed to evaluate the influence of the IREIS on State operations.

The study was conducted in several steps. The first stage involved a review of the literature on good governance, public administration tasks and the Polish Land Administration System, referred to as the Integrated Real Estate Information System (IREIS). The extent to which the IREIS can be used by the public administration was determined in the second stage of the study.

The information needs of public administration units were verified against their statutory duties. The types of data which are required by the public administration to perform selected types of real estate management operations were defined. The applicability of the IREIS was assessed based on the identified needs. The information ability (fit-

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