

New Land Management Law for Providing a Sustainable Land Management in the Republic of Latvia

Armands AUZIŅŠ and Edvīns KĀPOSTIŅŠ, Latvia

Key words: sustainable land management, land policy, law, land use, framework

SUMMARY

The topicality of the study on land management system and its sustainability dimension is determined by globalisation tendencies of the global economy and reduction of the reproductive capacity of renewable natural resources. The land management system must be sufficiently flexible so that it could constantly adapt to changeable internal and external environment. In comparison with other economic resources, land is characterised by several unique features, quantitative and qualitative aspects of which are incorporated in the land management system. The study is concerned with an analytical assessment of a sustainable land management system on the basis of systems and modelling approaches and description of a framework of new Land Management Law of the Republic of Latvia. Institutional arrangements that formed during last 20 years – a transition period towards developed market economy, play meaningful role in land management systems and strongly influence socio-economic circumstances at least in Latvia. Various research methods are employed. Historical and logical approach, comparative analysis and synthesis methods are selected in the research. Finally, findings of the study show the most important aspects of newly developed land legislation in a light of sustainable land management concept.

SUMMARY (in Latvian)

Pētījuma par zemes pārvaldības sistēmu un tās ilgtspējas dimensijas aktualitāti nosaka pasaules ekonomikas globalizācijas un atjaunojamo dabas resursu reprodūktīvo spēju samazināšanās tendences. Zemes pārvaldības sistēmai jābūt pietiekami elastīgai, lai tā pastāvīgi varētu pielāgoties mainīgajai iekšējai un ārējai videi. Salīdzinājumā ar citiem ekonomiskajiem resursiem, zemi raksturo vairākas unikālas īpašības, kvantitatīvie un kvalitatīvie aspekti, kas ir iekļaujas zemes pārvaldības sistēmā. Pētījums sniedz analītisku ilgtspējīgas zemes pārvaldības sistēmas novērtējumu, pamatojoties uz sistēmisku un modelēšanas pieeju, kā arī raksturo jauna Zemes pārvaldības likumu ietvaru Latvijā. Institūciju sistematizācijai, kas veidojusies pēdējos 20 gados - pārejas periodā uz attīstītu tirgus ekonomiku, ir liela nozīme zemes pārvaldības sistēmās un tā būtiski ietekmē sociāli ekonomiskos apstākļi vismaz Latvijā. Pētījumu veikšanai ir izmantotas: vēsturiskās un loģiskās pieejas, salīdzinošās analīzes un sintēzes metodes. Pētījuma rezultāti izskaidro svarīgākos jaunveidoto zemes tiesību aktu aspektus, ievērojot ilgtspējīgas zemes pārvaldības pamatnostādnes.

New Land Management Law for Providing a Sustainable Land Management in the Republic of Latvia

Armands Auziņš and Edvīns Kāpostiņš, Latvia

1. INTRODUCTION

Land management is concerned with activities for more efficient use and protection of *land resources* in long-run term. Land management activities are not dependent on the position of an individual or organisation, but on their interaction for a purpose to achieve the land use goals in proper territory. Legally binding regulations are carried out in the framework of land management. The regulations serve for both governing and monitoring of land use according to the stated objectives of socio-economic and environmental development. Thus, the land management shapes as process of interrelation and collaboration of many involved parties. Institutional arrangements have a meaningful role to ensure this process.

Land management concept is known worldwide already for long time ago, but its comprehensive summary was available in the Baltic countries because of land administration guidelines, which were carried out by the Economic Commission for Europe of United Nations (UNECE) since 1996. The guidelines were provided for developing of land administration systems in the countries of transition (CEEC) towards market economics (UNECE/HBP, 1996). This initiative of UNECE was devised for the promotion of the implementation of land reform by reorganising the legal system of properties and relating the results of land reform with spatial planning and territorial development. However, assessing former experience, it can be concluded that at least in the Baltic countries with similar goals and progress, statements of the guidelines are not implemented properly.

Efficient management of land is a fundamental issue of the State development, which may promote more efficient activities of State and municipal institutions, public organisations and enterprises in achievement of their individual objectives. Organisations may achieve the objectives set forward and fulfil the relevant tasks with lesser resources because their activities in the land use issues have been strictly specified and are clear and understandable.

Good management is not only the cornerstone for increasing the efficiency of organisations, but also contributes to satisfaction of the social and economic needs of society (Mullins, 1996). Good management, private property of land and safety of property is the foundation of sustainable socio-economic development (UNECE/HBP/140, 2005).

Land management involves the implementation of fundamental policy decisions about nature and the extent of investments in the land. From an institutional perspective, the land management includes: formulation of land policy, legal framework, resource management, institutional arrangements, and land information management. It entails governmental and private initiatives, as well as the contributions of a society (NGOs).

Concepts '*land*' and '*land use*' are described by UNECE in the light of sustainable development in the publication on development trends and main principles of land administration in 2005. Although a definition of sustainable development concept is missing in this publication, it includes a definition of land management concept supplemented with the statements about land information applications, as well as multidisciplinary and systems

approach for the purpose of land resource management. Accordingly, the significance of *institutional arrangements* is pointed out, which in many publications is acknowledged as crucial for providing sustainable land management in the countries of UNECE region, including the Baltic countries (UNECE/HBP/140, 2005).

Topical issues of sustainable land management (SLM) are stressed and explored in many conferences and publications. 'Sustainable land development and land management is among major challenges of new millennium', was reported by former FIG president, professor Magel in an international conference on spatial information for sustainable development in 2001 (Magel, 2001). Food and Agriculture Organisation of UN (FAO) emphasizes the significance of SLM for preclusion of land degradation and promotion of optimal land use (UNFAO, 2008). Uppermost role of the SLM is examined by World Bank for providing knowledge-based agricultural production and rural development, as well as for evaluation and monitoring of rural upgrowth (World Bank, 1997; 2006). SLM concept and related to it goals and objectives are implemented into legal regulations and guidelines of various countries. Integrated approach is taken as basis for developing the *Framework for Evaluation of Sustainable Land Management* (FESLM). This framework is provided for substantiation of the evaluation process and efficiency growth of operational systems of rural farmsteads (Smyth, Dumanski, 1993).

In improving the land management system, it is important to identify land management levels existing in this system and the competences of actors involved in the system as regards taking decisions on the land use in a better and more efficient way, balancing private and public interests. In order to ensure a persistent operation of this system according to the sustainable development principles and national-strategic development guidelines, it is necessary to create such institutional and legal preconditions, which are favourable for solving of these problems. *National institutional environment* should be formed in a way that a holder of land-related rights (legal possessor) could be certain that he or she will have the possibility to use the specific land unit, without hindrance, in the best and most efficient way, taking into account the procedures specified for the land use.

Inefficient, unforeseeable and subjective actions of State institutions and municipalities complicate and hinder the implementation of the interests of landowners. They reduce the chances of using the property or lease object according to the interests insofar as they do not pose threats to the interests of inhabitants of the particular territory. Thus, subjective and inefficient land management system hinders national socio-economic development and ecological goals according to the sustainable development guidelines and poses threats to the trust of society individuals in the national political system.

Goals and objectives of the institutions involved in implementation of land policy are prescribed by land policy planning documents in Latvia (The Concept of the Land Management Law, 2009). The management problems of land resources' use and social and ecological problems caused thereby are largely related to the non-conformity of the institutional environment with challenges, which are faced by land users in conditions of economic globalisation. Analytical evaluation of institutional systematisation problems in relation to the issues of the land use management has already been performed in publications by author (incl. Auzins, 2004).

Historically, the land reform started in 1990; the regulations on spatial planning first adopted in 1994; but the draft of Land Management Law (LML) is being elaborated just this year in

Latvia. In general, the purpose of this Law is to replace provisions of land reform and modernize the Civil Law in the conditions that no unified Land Code exists in Latvian jurisdiction.

Preliminary analysis for developing of new Law initially was done since 2007 during development of the Land Policy Guidelines. Through the numerous discussions within the various working groups the decisions on conclusion of the land reform and land-use-related processes were analysed, as well as the set of resources, responsibilities and achievable resulting indicators was determined. During this analysis existing experiences of domestic authorities were recognised, as well as good practices of an international scope were explored. Afterwards by developing the Concept of the Land Management Law analytical study followed during 2009. The study was concerned with the analysis of the existing land-use-related regulations. Thus, the outcome of this study reflected significant topics to be improved and included into new regulations.

This study focuses on analytical assessment of a sustainable land management system on the basis of systems and modelling approaches, as well as on framework description of the new LML of the Republic of Latvia. Thus, *the aim of the study* is to discuss the provisions of the LML in the light of sustainable land management system.

The *methodology* of this study is closely related to the aim of research, thus: historical and logical approach; systems approach; comparative analysis and synthesis methods are employed.

2. THE SCOPE OF A SUSTAINABLE LAND MANAGEMENT SYSTEM

Land management includes different measures for increasing the efficiency of land resources' use and protection thereof for a longer period of time and does not depend on the position of any individual or organisation, but is more related to the results of interaction of various organisations in different land management levels.

Preconditions of legal nature are being developed within the scope of the land management system, which is directed towards land-use regulation within the interests of the society and landowner in a wider sense of the word. Land management is a process of co-operation and interaction of many participants, which determines the objectives and restrictions of land use, taking the development possibilities of relevant populated area according to the various interests into account.

Sustainable land management system as a scientific category of the land management theory is being explained as follows:

'sustainable land management system – a set of functionally compatible elements, within the scope of which land use in the best and most efficient way is promoted, balancing the economic, social and ecological interests of legal possessors of land, local inhabitants and municipality, region and the whole State in land use issues'.

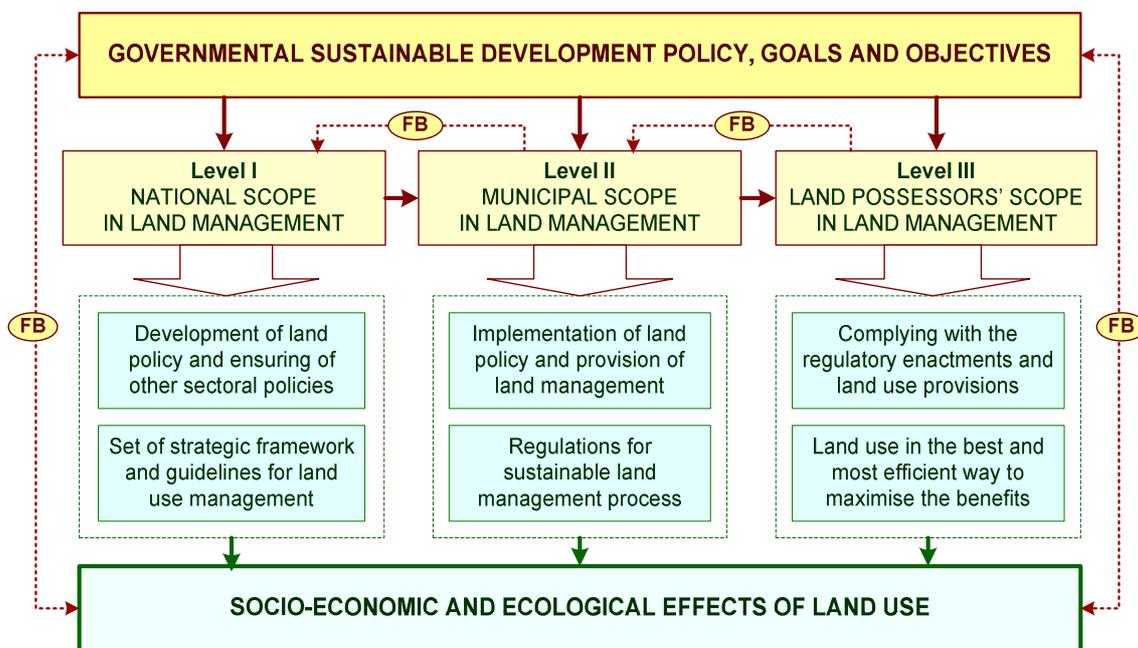
Following actors operate within the scope of a sustainable land management system as representatives of the most important elements of the system:

- *legal possessors of land* – holders of the property rights and/or land users;
- *professionals* – persons who prepare decisions on land management issues and persons who ensure execution of the decisions taken;
- *politicians* – persons who take decisions on land management issues, usually persons

- elected by citizens;
- *representatives of the society* – participants of land management processes, expressing their opinions on current land management issues, usually operate in a form of public organisations.

It should be noted that the actors involved in a sustainable land management system are mutually interrelated. Such interrelation within the scope of the system may ensure maximum conformity of the decisions taken with changes in internal environment of economic activity and external challenges.

Different land management systems of various countries essentially serve for multipurpose land use, looking from the point of view of the State's, region's, municipal and actual land possessor's interests. Within the scope of this system material interests of different actors are being balanced in institutional environment with the socio-economic and ecological interests of the society. Thus, in evaluating land management processes, the measures included therein and public status of participants, functional objectives of the State and municipal institutions, tasks set for fulfilment thereof, regulation in the field of land use and protection, as well as entrepreneurial, social and ecological aspects in land use may identify formally different land management levels.



Abbreviations used in the Figure: FB – feedback.

Fig.1. Functional relation of the land management levels in the sustainable development context

According to the functional relation proposed by the authors in Fig. 1, a sustainable land management system includes three main elements, which form *land management levels*. The actors involved in land management – the State, municipalities and legal possessors of land, represent each level. Each element of the system has a specific competence in land use issues. *The first level* includes State authorities, which determine strategic guidelines for land use and priority sectors of national economy in relation to the objectives and tasks of national sustainable development policy. Relevant institutions ensure development, implementation

and co-ordination of a sectoral policy in national management system. Such issues as the land use for development of infrastructure of national economy, for modernisation and expansion of the State security and protection system, as well as for nature protection measures for the preservation of species' diversity and utilisation of waste produced in national economy are solved in this level.

The second level is represented by municipalities, which take specific decisions on the possibilities of land use in accordance with the interests of local inhabitants and land users, taking the self-preservation possibilities of the biological system at a specific site, as well as positive and negative externalities into account, which are caused by the land use according to the interests of landowners.

The third level includes legal possessors of land who, to a great extent, determine the efforts of the preceding land management levels to promote the land use in such a way as to preserve the reproductive capacity of renewable biological resources. It means that, in determining the use of a specific land unit in the best and most efficient way, ecological aspects of land use should be taken into account.

It should be noted that the economic benefit of a land unit's use belongs to the landowner. However, public interests must be taken into consideration in relation to the ecological benefit. For the purpose of balancing material interests of landowners with the important social and ecological interests of the society, it is necessary to develop such system of compensations, within the scope of which the social and/or ecological benefit created by the use of a particular land unit would be evaluated accurately and the landowner would have an opportunity to transfer this benefit in return for an appropriate payment for public needs.

Such approach would deter owners, to a certain extent, from concentrating on maximisation of material benefits in the land use, which forms a foundation for excessive consumption of natural resources and promotes reduction of species' diversity. In such situation the issue regarding the price of social and ecological benefit remains open. The issue in relation to integration and socialisation of land use benefit should be solved in the first land management level within the scope of a specific regulatory enactment.

Feedback of a sustainable land management system ensures the participants of land management with the necessary information for timely decision-making regarding correctional and preventive activities to be performed in order to ensure land use according to the sustainable development guidelines throughout the State territory.

As shown in the model included in Fig. 1, it is necessary to form feedbacks of both directions – horizontal and vertical – within the scope of a sustainable land management system. Horizontal feedbacks are established in each level. For example, in the third level exchange of information is ensured regarding land use issues among the adjacent municipalities and territories with similar quantitative and qualitative aspects of ecological system. Vertical feedbacks ensure exchange of information among land management levels, ensuring co-ordinated activities of all elements included in the system and the conformity of an action with the objectives of the system.

Substantial changes in the national socio-economic and ecological system are necessary for introduction and application of set land-use principles, being aware that sustainable land use is constantly related to the maximisation of socio-economic and ecological benefit at a specific site and time regardless to the status of a holder of land-related rights. It is one of the weakest links for preservation of the restorative ability of the ecological system.

Previous practice clearly points towards dominance of material benefits in land use, which promotes further degradation of biological diversity. In political circles, the main attention in solving sustainability problems is concentrated on political discussion in order to find a mutually acceptable solution. However, due to insufficiency of measures taken for the preservation of the biological system of the environment, the degradation process of the environment intensifies.

3. SUSTAINABLE LAND MANAGEMENT PROCESS AND INTERRELATION OF ITS ELEMENTS

Land management may be regarded as one of the most ancient and significant processes for management of economic and public matters. Moreover, the interests of a specific individual, local government, region and the whole country are being constantly confronted within the scope of the land management system.

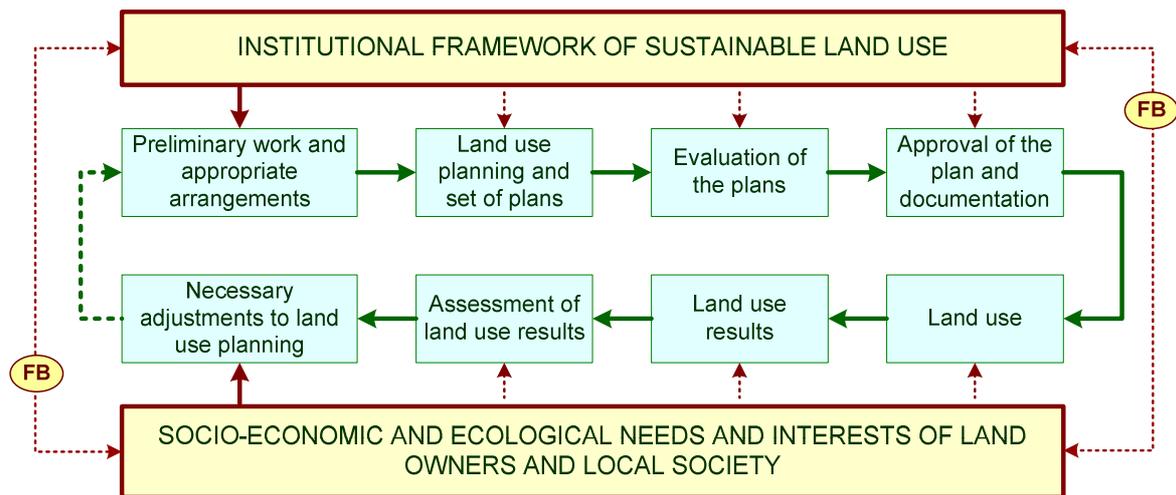
A land management system, which has endured radical changes along with the development of civilisation and evolution of administrative system in a democratic country, has already served as a purpose of balancing these interests for a long time.

Analysing the sustainability aspects in the field of land management, the authors identify the process of a sustainable land development, which consists of the following most significant elements:

- identification of material, social and ecological needs of individuals of the society;
- balancing on the needs of individuals of the society with the utility and resources at the disposal of the society;
- acquisition, aggregation, analysis of information and synthesis of conclusions regarding the use of each particular land unit in the best and most efficient way from the landowner's and the society's point of views, taking the social and ecological aspects of land use into account;
- specification of long-term and short-term goals of sustainable land use, "splitting" thereof in tasks oriented towards achievement of the objectives within the scope of the environment of a specific economic activity;
- land-use planning and development of alternative development plans, discussion and approval thereof;
- provision of the supervision of land use according to sustainability objectives;
- land use in the best and most efficient way within the scope of a specific socio-economic and ecological system;
- aggregation of the land use results, including externalities created and processing these results, including analysis and synthesis;
- preparation of the information regarding the alleged necessary changes in both the specification of the land use objectives and regulatory enactments regulating the land-use-related procedures;
- identification of changes in the needs of individuals of the society and their link to the utility.

The most significant stage in the land management process is the identification of the needs of society's individuals and the utility. It should be noted that it is not possible to implement all needs of society's individuals within the scope of the socio-economic system, but only the

needs, which conform to utility of the relevant need, which is restricted by the income at the disposal of participants of a market-oriented economic system. Only the needs to be implemented are reflected in development plans, so that the relevant land units would be used in the production of such goods and services, which are recognised as useful for the society at a specific site and time. Taking into account the increasing needs of inhabitants and the limited resources in land use, as well as the evidences of the ‘good land-use management practices’ described in the publications of the FAO, World Bank, UNECE WPLA and other reputable organisations, the authors of the publication offer a functional model of the sustainable land management process in Fig. 2.



Abbreviations used in the Figure: FB – feedback.

Fig.2. Functional model of the sustainable land management process

The content of the sustainable land management process and the basic principles to be implemented are determined by the national sustainable land use policy and its implementation in local governments.

Institutional framework in land use ensures the legal basis necessary for this process, respecting property rights and guaranteeing their protection, without endangering the property rights of each individual of the society and constantly promoting the observation of material, social and ecological interests of different social groups in land use issues. Institutional framework in sustainable land management process ensures conformity of the implemented land-use types with the sustainable land use policy.

Land-use planning is one of the most important elements of the land management process. It begins with the development of a uniform land policy and the implementation of the spatial planning system, taking society’s dominating socio-economic and ecological interests into account. Relevant regulatory enactments are used in regulation of planning, falling in a uniform system of interrelated elements of a spatial development planning. Land use forms a significant dimension of the spatial development for economic purposes. It is shaped according to the local spatial development plan and detailed plans, supplementing them with land survey measures, which determine the use of a specific territory for building up or other purposes specified in the plans. Within the scope of the sustainable land management system the objective of the land use for the economic activities is merged with the social and

ecological aspects of the relevant site's development.

Preparation works for the land-use planning are performed in an initial stage of the specific project cycle process. In this stage the most significant measures are related to information gathering regarding interests of the landowners, aggregation and systematisation thereof, on one hand, and finding out opinions of society's individuals living in particular territory regarding its preferable social and ecological development directions, on the other hand. In this stage it is important for spatial planners to find the necessary trade-off between the interests of landowners and the interests of society's individuals in a short-term and long-term period of time. However, this significant task is solved only in the next stage when the socio-economic and ecological *justification* of development in particular territory is formed.

The draft plan is developed and handed over for public discussion, during which inhabitants of the municipality have an opportunity to express their opinion on the land use type in specific land units and the establishment of infrastructure necessary for implementation of this type. Only after aggregation of discussions' results and their evaluation from the point of view of sustainable development of municipal territory, the authorised representatives of the society (public authority) approve the land-use plan and it becomes a regulatory document, within the scope of which interests of the involved parties are discussed enough and balanced – finally reached an *agreement*.

Land use according to the enforced development plans of particular territory is the starting point of examination or, in other words, putting theoretical formulations of land management into practice. In this stage preferable scenario meets the reality – the land use in the best and most efficient way, taking into account the socio-economic and ecological interests of the society, which have been included in the binding regulatory enactments.

A *system of indicators* should be determined for the evaluation of economic, social and ecological effects obtained as a result of land use. *Evaluation* should be performed, taking land-use categories into account, both in the territories where building up and technical infrastructure or, in other words, artificially created resources prevail as the basis of the main functionality, and in the territories where natural environment or natural resources prevail.

It should be noted that reality is significantly more complicated than the best development plan of a specific situation. It also fully applies to the land-use plan, in which it is impossible to foresee all internal and external factors that determine the opinion and choices of the landowners on use of a specific land unit in the best and most efficient way, on one hand, and the opinion and choices made by other society's individuals on the social and ecological development guidelines of the particular territory, on the other hand.

In order to detect the *changes* and to respond to them in due time, feedback is included within the scope of the land-use planning system, ensuring the actors involved in the process with the necessary information. In cases when the results of the land use practice indicate the environmental changes, as well as the material, social and ecological interests of society's individuals show a critical non-conformity with the existing plan for the use of specific territory, the measures for making *corrections and amendments* to the development plan commence in the process.

Thus, a *systemic and continuous mechanism* is introduced for the purpose of updating the system in the sustainable land management process, as well as the necessary sensitivity and flexibility is provided in relation to usual environmental changes within the territory caused by natural processes and human activities.

4. THE FRAMEWORK OF LAND MANAGEMENT LAW

The Cabinet of Ministers of the Republic of Latvia accepted 'Land Policy Guidelines 2008 – 2014' at the end of year 2008. This policy-planning document prescribes: the land policy goals, the problems that have to be solved to achieve the goals, the basic principles and results of the land policy, as well as operational directions for fulfilling the set goals and results. Thus, the purpose of the guidelines is a determination of governmental policy regarding to the land use and creation of necessary conditions for more efficient and sustainable land use, as well as ensuring the co-ordination and co-operation of development of different land usage related sectors.

Developing the land policy framework in Latvia, the conceptual considerations of a land administration system: 'land ownership-land value-land use', which were carried out by P. Dale and J. D. McLaughlin are complemented and implemented (Dale, McLaughlin, 1999).

The main problem sets are identified when analysing the land use problems and related to it processes in Latvia. First of all, inefficient land use, deficiencies in spatial planning system that cause land reservation problems for infrastructure development, as well as uncontrolled urban sprawl of rural lands that cause forming of the 'villages of remains' and risks of land and landscape degradation are recognised. Secondly, the process of land reform is prolonged and deficiencies in legal regulation of real property registration, restrictions of property usage and expropriation rights are recognised. Thirdly, there is a lack of information and knowledge regarding to land-related processes in Latvia.

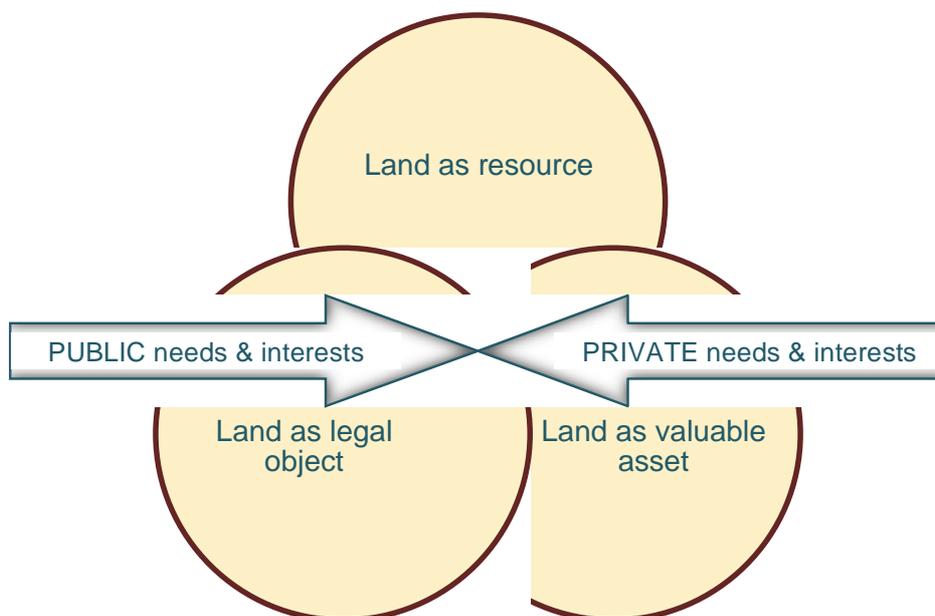


Fig. 3. Land policy framework [3]

In the context of Land Policy Guidelines, a land is mainly examined: as a resource for use and development; as an object of specific rights; and as an object of economic, social, ecological, historical and cultural value, because these land policy aspects are closely related and

significant changes in any of these aspects can affect the other (see in Fig. 3). Setting the land policy goals, the interests and needs of both public and private sector are taken into account. Generally, the *land policy goal* is formulated as follows: '*providing sustainable usage of land as unique natural resource*'. Two main objectives are determined according to the goal and land policy framework: providing a rational and efficient land use, considering provisions of the land protection, as well as developing an efficient and stable legal, informative and economic environment for promoting the sustainable land use. For a purpose to achieve the land policy goals and objectives, appropriate operational directions and expected positive policy effects are set.

Development of the sustainable land management system is in compliance with the main courses of actions to achieve the land policy objectives and ensure effectiveness of land use. Therefore, *The Concept of the Land Management Law* was carried out and accepted in year 2010. The concept proposes following sections to be included in the Land Management Law (LML): land use, land protection, land administration and monitoring.

Land use section is concerned with binding land use principles, rights and obligations of the land users, land use for the public purposes, management of the public land (municipal and State lands), as well as creation of the land reserve fund. For the purpose of promoting the sustainable land use, land use principles are proposed and formulated by the LML. For instance, land is used without causing damage (avoid negative externalities) to the own and other's property and taking into account the balance (proportionality) between owners' needs and public needs, land use is planned and determined by local spatial plans, for building purposes first are used brownfield sites and rebuild able territories, a person, which is responsible for land degradation, bears the land re-cultivation costs, etc. In addition, the concept prescribes preconditions for ensuring public needs and interests through imposing specific land use restrictions. For example, in some cases when development of the land unit is planned, contract with a municipality may provide the percentage of land area that is allocated to public usage, such as – whether the public infrastructure or construction of other buildings.

Land protection issues also are the ones that lead to the provision of sustainable land use. European Commission increasingly focuses on soil conservation problems. Thus, the draft directive is prepared that would establish the framework for soil protection. Accordingly, it is suggested to include the guidelines and regulations on development of the brownfield classification and potential levels and territories of risks regarding to soil degradation, as well as on the necessary measures to restore identified degraded areas. The indicators of a land quality and productivity are among the key indicators to rational land use and form a basis for decision making in relation to the land use development. Land quality evaluation is not provided by normative regulation up till now in Latvia, therefore the concept is concerned with the issues of land quality evaluation procedures, criteria and monitoring.

The aim of *land administration and monitoring* is determination of land conditions and its changes. The concept prescribes that a land survey is prepared, using data of the existing information systems. Land survey includes information about physical features and fertility of the soil, humidity, pollution, surface and quality of the land, as well as territorial allocation of both the land-use categories and land tenure. In addition, development of the land information infrastructure based on modern technologies and INSPIRE principles is stressed in the concept. Thus, also the types of data needed in the land management are set in the concept.

5. THE PROSPECTIVE POSITIVE EFFECTS IN THE LIGHT OF A NEW LAND LEGISLATION

It is anticipated that the LML and related to it other regulations will promote diverse land use and development in the best and most efficient way, thus providing the following benefits for the local society:

- preservation, rational use and renewability of natural resources;
- better management of unused agricultural lands;
- prevention of uncontrolled urban sprawl and illegal building;
- promotion of building in qualitative and properly arranged environment;
- improving spatial planning system and implementation of landscape policy;
- development of a motivation system for efficient land use;
- conclusion of the land reform and arrangement of the property rights;
- simplification of property registration procedures;
- improving efficiency of legal system and ensuring the proportionality between interests of landowners and local society – co-operation instead prohibition;
- improvement of a compensation system for ownership restriction and ownership expropriation;
- development of an efficient land information system for provision of complete and actual land related data;
- improvement of application of financial instruments for the purpose of land use development.

For the purpose of solving problems regarding to fragmented and insufficient land use regulation, it is not accepted to carry out the Land Code that would integrate both existing regulation and new regulation of the land policy scope, but instead is proposed LML that regulates the land management issues, which are not included in any existing regulation or which are regulated insufficiently or regulation is distributed to several other normative acts.

New land legislation proposes that there is no obligation to register public land in the land register (Land Book), but just in the cadastral information system because of 1477 Article of the Civil Law of the Republic of Latvia. This article prescribes that, if the rights *in rem* are established by the Law, they are enforced without recordation into land register. Thus, the State and municipal resources can be saved.

In addition, the creation of the land reserve fund is proposed because of necessity for land area compensations in the cases of property expropriation for the public benefits. The land reserve fund includes land that is not distributed during the land reform. Municipalities are responsible authorities for the management of the fund.

On the one hand, the main land use-related provisions are included in the Civil Law, but, on the other hand, these provisions are rather general and previous land management experience shows the necessity for a specific Law.

6. CONCLUSIONS

Land Policy Guidelines gives clear framework in the land use development taking into account different land-related aspects. In the land management system different actors are

involved. There should be *clearly set and mutually known* competences among them for ensuring sustainable land management. The draft of the LML sets clear competence among involved actors covering all land management levels. Thus, the competences of the State and municipalities for development of the land management system are defined and the rights and duties of land possessors are determined in the draft Law.

LML is going to be the first legislative act addressing the issue of land protection that imposes certain obligations to the *all actors* involved in the land management in Latvia.

Land use planning is regarded as one of the key activities in the land management. Today the territory of Latvia is completely covered by the spatial development plans in both the regional and municipal levels that in general form necessary preconditions to use the land in the best and most efficient way.

On the provisional basis of a new land legislation hopefully the main problems will be solved regarding promotion of the sustainable use of land resources and promoted the ‘good practice’ for management of both the land ownerships and the real property market, including beneficiary interrelation of different economic sectors and involved parties.

The draft of LML currently is in the stage of expert consultations and public discussions, and agreeably may be accepted in the beginning of next year. According to the regulatory framework of the LML, several regulations of the Cabinet of Ministers of the Republic of Latvia will follow, including regulations: on registration of public land into cadastral information system, on land consolidation process and its financing procedures, on procedures of operating land reserve fund, on compensation of the costs to the owners in the specific cases of land encumbrances, on classification, criteria and evaluation procedures of the brownfields and degraded areas, and on soil’s classification, mapping and quality evaluation.

Introducing of the land use-related regulations is just one of the ways to diminish the negative land use traditions and promote a sustainable land management. The key aspects to ensure the land use sustainability can be found in *implementation* of the provisions of the land legislation – the land use administration and monitoring, well-coordinated collaboration among parties that are involved in the land management, as well as the multifunctional analysis of land use results based on selected criteria and indicator sets.

Modern land administration in the light of a new land management paradigm is concerned with managing of the rights, restrictions and responsibilities (RRR – Williamson *et al.*, 2010). Accordingly, development of the LML involve RRR concept as base for *enforcement* of the new regulations. Thus, the rights are normally concerned with the ownership and tenure and provided mostly by the administrative resources. Regulations of the LML regarding to the restrictions of land use and land use for the public benefits contain provisions for the land-use control and expropriation and are implemented through the land-use planning process in a local municipality. Although the landowner has particular rights, he is also faced with a set of responsibilities that relate more to social and ethical commitment towards the environmental sustainability, as well as the economic resources can be used for ensuring the land protection processes.

REFERENCES

1. Auzins, A. *Institutional Arrangements: A Gate Towards Sustainable Land Use* // Nordic Journal of Surveying and Real Estate Research ed. by Finnish Society of Surveying

- Sciences in Helsinki. – Nr.1, 2004. – p. 61. – 65.
2. Dale, P., McLaughlin, J.D. *Land administration*. Oxford University Press, 1999. – 169 p.
 3. *Land Policy Guidelines 2008 – 2014*. [Zemes politikas pamatnostādnes 2008. – 2014.] / Cabinet of Ministers of the Republic of Latvia, No 613. [accessed 2011-10-11]. <<http://www.likumi.lv>>.
 4. Magel, H. *Sustainable land development and land management in urban and rural areas – about surveyors' contribution to building better world*. Report in International Conference on Spatial Information for Sustainable Development, Nairobi, 2–5 October 2001 [accessed 2011-07-07]. <<http://www.fig.net/pub/proceedings/nairobi/magel-PS1-1.pdf>>.
 5. Mullins, L. J. *Management and Organisational Behaviour*. 4th edition. – London: Pitman Publishing, 1996. – 810 p.
 6. Smyth A. J., Dumanski J. *FESLM: An international framework for evaluation of sustainable land development*. World Soil Resources Report. UN FAO, Rome, 1993.
 7. *The Concept of the Land Management Law*. [Zemes pārvaldības likuma koncepcijas projekts] / Ministry of Regional Development and Local Governments. Riga: RAPLM, 2009. – 62 p.
 8. UNFAO. *Sustainable Land Management*. UNFAO official site. 2008 [accessed 2011-07-07]. <<http://www.fao.org/docrep/010/ai559e/ai559e00.HTM>>.
 9. United Nations ECE/HBP/140. *Land administration in the UNECE region. Development trends and main principles*. – New York and Geneva: UNECE, 2005. – 104 p.
 10. United Nations ECE/HBP/96. *Land Administration Guidelines: with special reference to countries in transition*. – New York, Geneva: UNECE, 1996.
 11. Williamson, I, Enemark, S, Wallace, J, Rajabifard, A. *Land Administration for Sustainable Development*. ESRI Press Academic Press, Redlands, California, USA, 2010. – 487 p.
 12. World Bank. *Rural Development: From Vision to Action: A Sector Strategy*. Environmentally Sustainable Development Studies and Monographs. No 12, Washington, DC, USA, 1997.
 13. World Bank. *Sustainable Land Management. Challenges, Opportunities, and Trade-offs*. Washington, DC, USA, 2006.

BIOGRAPHICAL NOTES

Armands Auziņš takes a position of assistant professor in the Faculty of Engineering Economics and Management of the Riga Technical University, and currently is a PhD student researching in the land use management and efficiency evaluation areas. He got a Master's degree in Geodesy and Cartography at the Riga Technical University in 1999, and Master's degree in Land Management at the Royal Institute of Technology in Stockholm in 2000. He has a professional certificate in the field of land survey. He is a Board Member of the Latvian Association of Land surveyors (FIG member) and lecturing also in the Department of Geomatics at the Riga Technical University (FIG member).

Edvīns Kapostiņš is a head of the Land Policy Division of the Ministry of Environment Protection and Regional Development. He graduated as a surveyor from the Department of

Land Use Planning at the Faculty of Rural Engineering of the Latvia Agriculture Academy in 1988. He got a Master's degree in Land Management at the Royal Institute of Technology in Stockholm in 2000. He has professional experience in land administration and land management. He was the leader of working group for the development of Land Policy Guidelines and the Concept of the Land Management Law and is the co-author of Land Management Law. He was a member of UNECE Working Party of Land Administration (WPLA) Board from 2001 to 2003, but participating in WPLA activities up till know.

CONTACTS

Armands Auziņš
Faculty of Engineering Economics and Management, Riga Technical University
1/7 – 213 Meža Street
Riga, LV-1048
LATVIA
Tel. +371 29439004
Fax +371 67089034
Email: armands.auzins@rtu.lv
Web site: armandsauzins.lv

Edvīns Kāpostiņš
Land Policy Division, The Ministry of Environmental Protection and Regional Development
25 Peldu Street
Riga, LV-1494
LATVIA
Tel. +371 67770357
Fax +371 67770479
Email: edvins.kapostins@varam.gov.lv