

From a Traditional to a Comprehensive Cadastre

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Key words: Cadastre, Cadastre 2014, modern cadastral systems

ABSTRACT

The Statement 1 of the FIG Brochure 'Cadastre 2014' states: *Cadastre 2014 will show the complete legal situation of land including public rights and restrictions.*

Based on this statement the author outlines the way to go to achieve the 'Comprehensive Cadastre' starting from the traditional property cadastre. The Comprehensive Cadastre will be the future tool for sustainable land management, which is increasingly important to master the future challenges.

The author explains the design, the content, and the processes of the Comprehensive Cadastre and he shows the criteria and the preconditions for a successful implementation.

1. DEVELOPMENT OF CADASTRES

The first cadasters date back to roman times to recover state owned lands that had been appropriated by private individuals, and thereby recover income from such holdings. With the fall of Rome the use of cadastral maps effectively discontinued. Medieval practice used written descriptions of the extent of land rather than using more precise surveys. In the sixteenth and early seventeenth centuries did the use of cadastral maps resume, beginning in the Netherlands. Napoléon, after taking the power about 1800, commanded to survey the parcels and to install cadastral systems for the land taxation wherever he invaded. Since then the official cadastre systems were spreading over the world and they served for the documentation of land rights and for land taxation.

These purposes remained unchanged for a long time until the issues of overcrowding and environment protection became obvious mainly after World War II. Emission cadasters, pipeline cadasters and multi-purpose cadastre arose, in many cases as parallel facilities to the property cadastre.

In view of the developments taking place in the field of cadastre, FIG Commission 7 launched in 1994 a working group with the following terms of reference:

'Study cadastral reform procedures as applied in developed countries, take into consideration automation of the cadastre and the role of the cadastre as part of a larger land information system, evaluate trends in this field and produce a vision of where cadastral systems will be in the next 20 years, show the means by which these changes will be achieved and describe the technology to be used in implementing these changes'.

The result of the work was published 1998 under the title CADASTRE 2014 - A Vision for a Future Cadastre System by the leader Jürg Kaufmann and the secretary Daniel Steudler with

the Working Group 1 of FIG Commission 7.

CADASTRE 2014 after the publication was translated in about 30 languagesⁱ and influenced the thinking about cadastre systems.

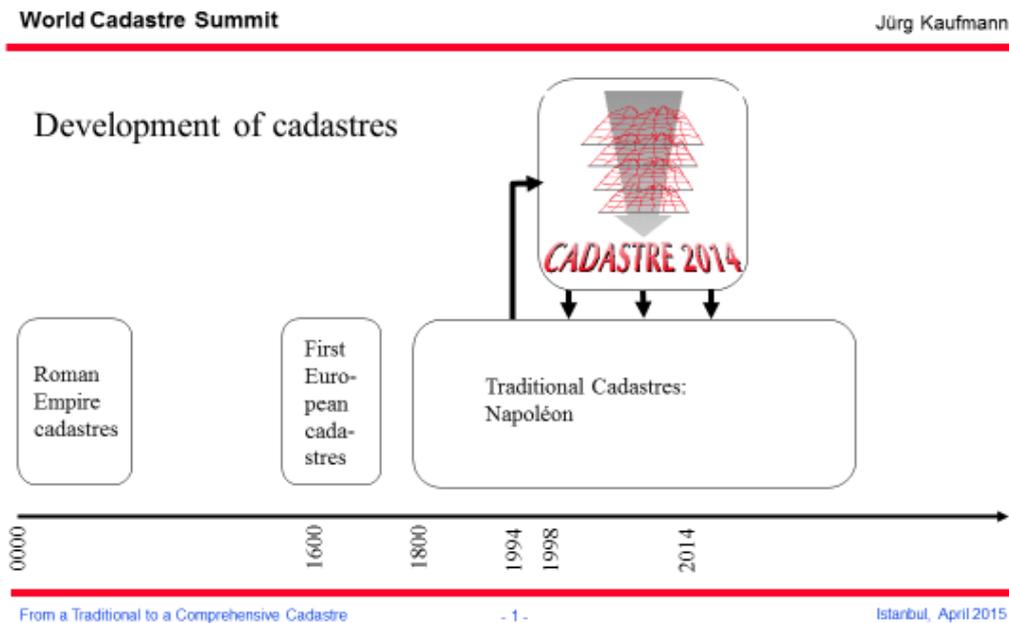


Figure 1 Development of cadasters

The brochure Cadastre 2014 launched six statements showing the developments to be expected in the next 20 years:

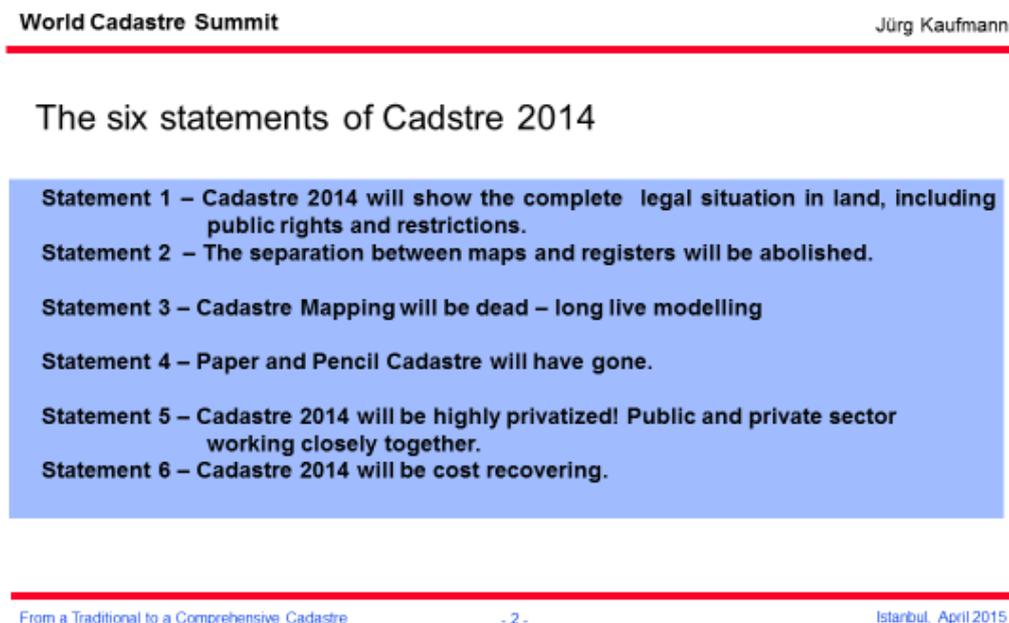


Figure 2 The six statements of CADASTRE 2014

Statement 1 describes the idea of a Comprehensive Cadastre as a further development of the traditional cadastre to an infrastructure documenting not only the land property rights but also all the rights restriction and responsibilities imposed on land by official or traditional whether written or unwritten regulations.

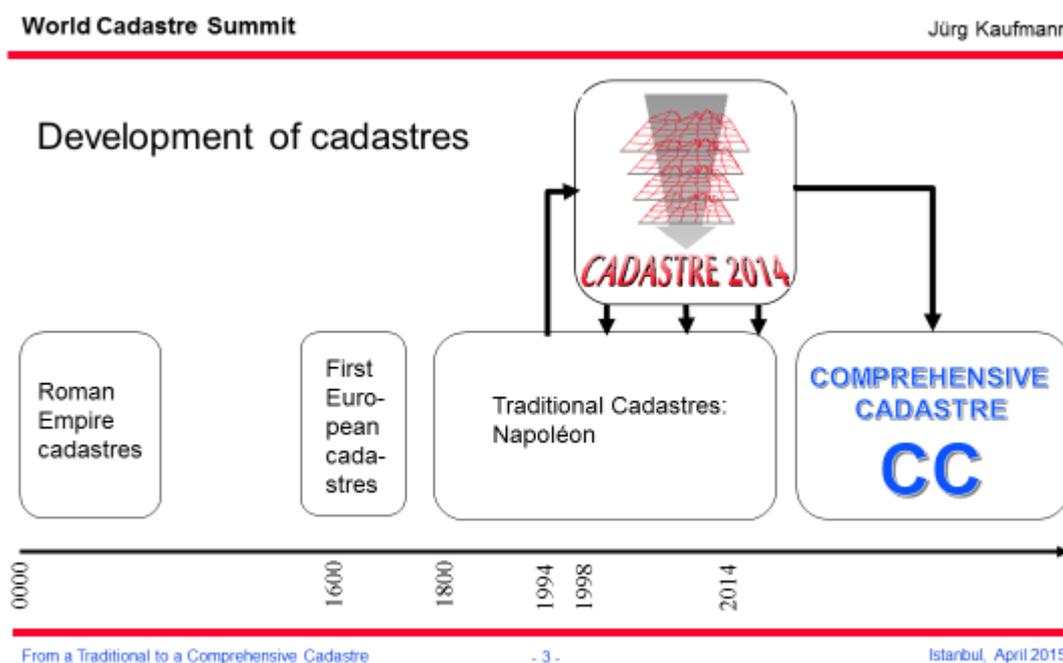


Figure 3 The next development step: The Comprehensive Cadastre

The Comprehensive Cadastre must cover a wider field than the traditional cadastre has since its introduction. The circumstances of the resource land have changed significantly since its inception.

During the development of the legal systems the private laws were dominant. The constitutions of most countries defined the rights of the citizens, one of which is the guarantee to own property. Civil codes have reinforced this guarantee and defined clear procedures and institutions to protect the rights of citizens against alienation.

The growing world population and the development of new technologies lead to an intensified use of natural resources including land. To protect the natural resources from being totally consumed, damaged, or destroyed, restrictions of the absolute right to use the natural resources were defined in the name of the social necessity.

Especially after World War II a growing number of new public laws were created. Land use planning, environment protection, noise protection, construction laws, protection against danger caused by natural phenomena, and so on, were regulated by public laws.

These definitions under public law can have an impact on the property right of the owner, but they are not part of the official register. The boundary definition process of the rights and restrictions defined under public law follows democratic legal rules. But there is no

boundary verification, no title verification, and no registration in an official legal register. Aside from land objects from private and public law, a third category of legal land objects occurs in several countries where traditional rights exist. In these cases, areas are defined where tribal land use rights exist. They can overlap other legal land objects, such as private property rights and public rights and restrictions, and concessions for the exploitation of natural resources. These traditional, customary rights are often not documented in a manner that creates the necessary legal security.

World Cadastre Summit Jürg Kaufmann

Statement 1 on Cadastre 2014

Cadastre 2014 will show the complete legal situation of land, including public rights and restrictions!

Comment: The population of the world is growing. The consumption of land is increasing. The absolute control of the individual or of legal entities of land is increasingly being restricted by public interest. To provide security of the land tenure, all facts about land must be made obvious by the cadastral system of the future.

Consequences: A new thematic model is necessary. Surveyors must take into consideration public law.

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Figure 4 Statement 1 of CADASTRE 2014

The Comprehensive Cadastre must correct this situation, which is becoming more and more precarious. It must document, in a safe manner, all legal aspects of land.

2. STRUCTURE OF THE COMPREHENSIVE CADASTRE

CADASTRE 2014 has introduced some principles to be applied for the structure of the Comprehensive Cadastre.

The structure of the Comprehensive Cadastre is to follow the principle of legal independence.

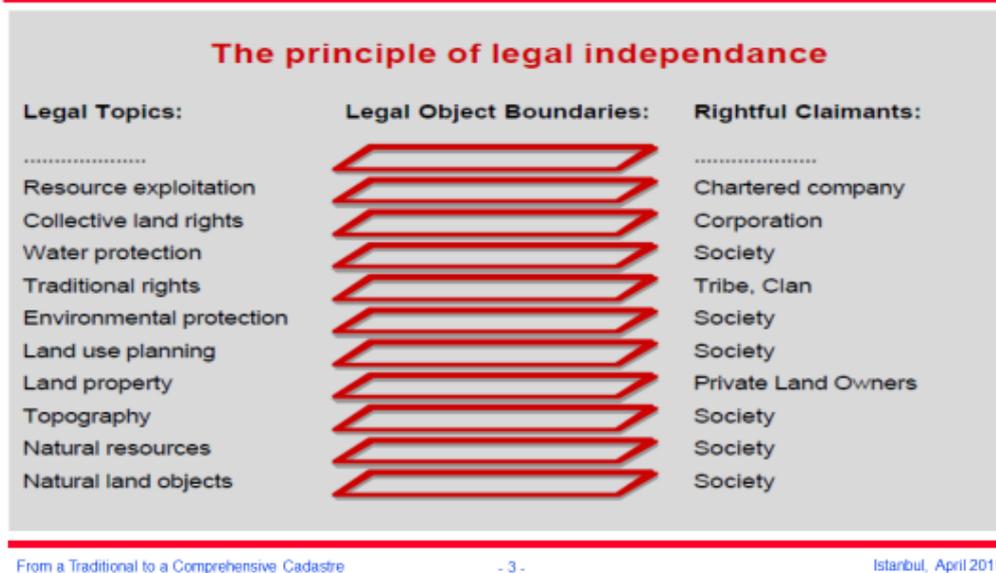


Figure 5 The principle of legal independence

The principle stipulates that:

- *legal land objects, being subject to the same law and underlying a unique adjudication procedure, have to be arranged in one individual data layer; and*
- *for every adjudicative process defined by a certain law, a special data layer for the legal land objects underlying this process has to be created.*

The Comprehensive Cadastre is therefore based on a data model, organized according to the legislation for the different legal land objects in a particular country or district.

While the traditional cadastre consists in general of one information layer representing the information about boundaries between different properties, in the Comprehensive Cadastre are added information layers representing the boundaries between land objects defined by different legal topics, which exist in a jurisdiction.

Daniel Steudler and Abbas Rajabifard designate this principle in the FIG Publication No 58 Spatially Enabled Societyⁱⁱ as institutional independence. With this term, they indicate that this structure is suitable to assign the responsibility for the data layers to the authority charged with the enforcement of a certain Act.

3. PRECONDITION FOR THE COMPREHENSIVE CADASTRE

A further principle stipulated in Cadastre 2014:

To make sure that legally independent organized land objects can be combined, compared, and brought into relation to each other, it is necessary that they will be localized in a common reference system. The combination and comparison of the thus located land objects can be

realized by the method of polygon overlaying. This method was published in already in 1973 by Kaufmann and Bigler [1973]ⁱⁱⁱ.

The Comprehensive Cadastre will only function in an efficient manner when the relations between land objects can be derived from their location. This avoids links between land objects in different information layers. According to experience in many cases, traditional and distorted maps are anyway to be replaced by data sets located in a common reference system in order to enable modern geographic information systems be able to render the expected services.

4. STEPS TO IMPLEMENT A COMPREHENSIVE CADASTRE SUCCESSFULLY

4.1 Introduce the possibility for the Comprehensive Cadastre in your legal framework

It is wise to fix the principle of a Comprehensive Cadastre before starting with the setup. Switzerland decided to introduce the cadastre of Public Law restrictions on Landownership, which can be considered as a first step of the Comprehensive Cadastre. A short article was introduced in Switzerland's Federal Act of 5 October 2007 on Geoinformation (Geoinformation Act) http://www.admin.ch/ch/e/rs/c510_62.html:

Cadastre of Public-law Restrictions on landownership

Art. 16 Subject matter and form

1 The Cadastre of public-law restrictions shall contain public-law restrictions on landownership rights which, in accordance with the provisions of the Civil Code are not part of the Land Register.

2 The Federal Council determines which official geodata under federal legislation are entered in the Cadastre of public-law restrictions.

3 The cantons may define additional official geodata of proprietary nature that must be recorded in the Cadastre of public-law restrictions.

4 The Cadastre of public-law restrictions shall be made available in electronic form either online or by any other method.

5 The Federal Council shall determine the minimum requirements with regard to the organization, management, data harmonization, methods and processes for the Cadastre of public-law restrictions.

In the Principality of Liechtenstein the legal base was laid in the Law on the official surveying as follows:

Documentation of the public-law restriction of the landownership

Art. 57 Basic principle

1) The public-law restrictions with geometric characteristic as, in particular land use and development plans, protection zones or building lines, are represented in specific information

layers.

2) The government determines the spheres, where information layers are defined.

4.2 Develop a short enactment on the Comprehensive Cadastre

Because the rules for the Comprehensive Cadastre are the same as those for the traditional cadastre a regulation can be kept short. In Switzerland we developed an Ordinance on the Cadastre of Public-law Restrictions on Landownership (PLR-Cadastre) with 33 articles regulating the details.

World Cadastre Summit		Jürg Kaufmann
SWITZERLAND: CONTENT OF THE ORDINANCE ON THE CADASTRE OF PUBLIC-RIGHT RESTRICTIONS OF THE LANDOWNERSHIP		
Section 1:	General provisions	
Section 2:	Content and Information	
Section 3:	Inclusion into the Cadastre	
Section 4:	Forms of Access	
Section 5:	Authentication	
Section 6:	Function as official gazette	
Section 7:	Organization	
Section 8:	Financing	
Section 9:	Participation	
Section 10:	Final Provisions	

Figure 6 The content of the Swiss Ordinance on the PLR-Cadastre

4.3 Introduce data and representation modeling as mandatory

One important aspect for the successful implementation is the provision to use data modelling for the description of all data topics of the Comprehensive Cadastre and representation models to define how these data are to be represented on maps or other documents.

Switzerland regulated this in the framework of the Federal Act of 5 October 2007 on Geoinformation. As modeling standard we use INTERLIS 2. Details may be found under www.interlis.ch

4.4 Determine a responsible authority for the Comprehensive Cadastre

In every country a responsible authority must be designated to organize the Comprehensive Cadastre. To allocate this task to the authority already taking care of the traditional property cadaster seems to be appropriate and advantageous.

4.5 Scan your legal framework including traditional rules authority

A first task of the responsible is the scanning of the existing legal framework and also all existing unwritten traditional legal arrangements. As soon as a law or a regulation contains arrangements concerning maps, sketches, schemes, boundaries, building lines, etc., it is to be supposed that the respective land objects are candidates for inclusion in the Comprehensive Cadastre.

4.6 Identify the stakeholders

A further result of this scan shows the institutions responsible for the enforcement of the law. These institutions are the stakeholders to be involved in the implementation of the Comprehensive Cadastre. Together with these stakeholders the further steps are to be executed.

4.7 Create data models for all legal topics included into the Comprehensive Cadastre

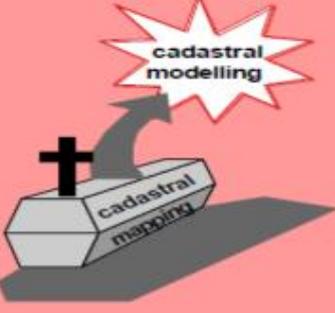
It is absolutely important to describe all data of the Comprehensive Cadastre in a precise and easy to interpret manner in cooperation with the respective stakeholders. The modeling paradigm was launched by statement 3 of Cadastre 2014.

A tool for data modeling is determined in the ISO/TC211 - Geographic information/Geomatics Standards. The ISO 19152 standard deals with the Land Administration Domain Model (LADM) and was published in 2012. The standard describes the data model with Entity-Relationship-Diagrams but does not offer automatic model and data checking possibilities.

Switzerland uses since 1993 the standardized data description language INTERLIS 2 which allows computer-assisted model and data checking. Recently the developers of the LADM from The Netherlands and Swiss data modelling specialists undertook an initiative to combine these modeling approaches by description of the LADM in INTERLIS 2 to profit from automatic checking facilities.

Data modeling for the Comprehensive Cadastre

Statement 3 on Cadastre 2014



**The Cadastral mapping will be dead!
Long live modelling!**

Comment: Maps have always been models, but the available technology did not allow for the use of these models in a flexible manner. So in mapping flexibility had to be brought in by different scales. Different scales had to be represented by different data models. Modern technology allows the creation of maps of different scales and registers in different forms from the the same data model.

Consequences: In 2014 there will be no draftmen and cartographers in the domain of cadastre.

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Figure 7 Data modeling

For all data topics to be included in the Swiss PLR-Cadastre data models have been developed. They are public and can be found on <http://models.geo.admin.ch/> .

4.8 Identify the procedures for the definition of legal arrangements

Similar to the traditional cadastre the effective procedures must be known and pursued by the Comprehensive Cadastre System to make sure it works correctly. Sometimes these procedures are complicated and in many cases not handled correctly. It is worthwhile to analyze the procedures carefully and to take the opportunity to simplify them if this is possible.

4.9 Develop a feasible IT-Infrastructure

A Comprehensive Cadastre can only be realized with the help of IT. In a modern environment it makes sense to base the Comprehensive Cadastre on internet-technology.

In Switzerland's PLR-Cadastre a modern solution GeoApp replacing WebGIS by Web-Application was chosen to realize an integration platform organizing the access to the different information systems of the stakeholders by governing the directories, controlling the access rights, integrate data from different sources, and managing the rules to be applied.

Switzerland GeoApp: A modern Web-Application approach

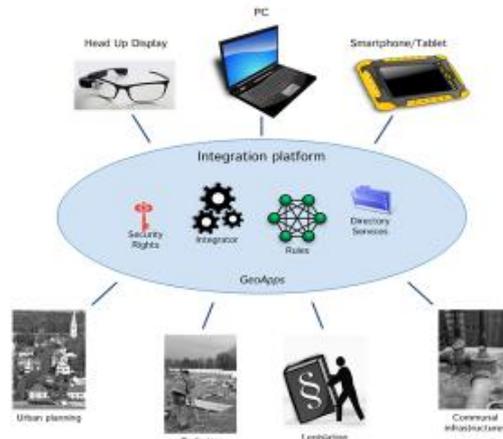
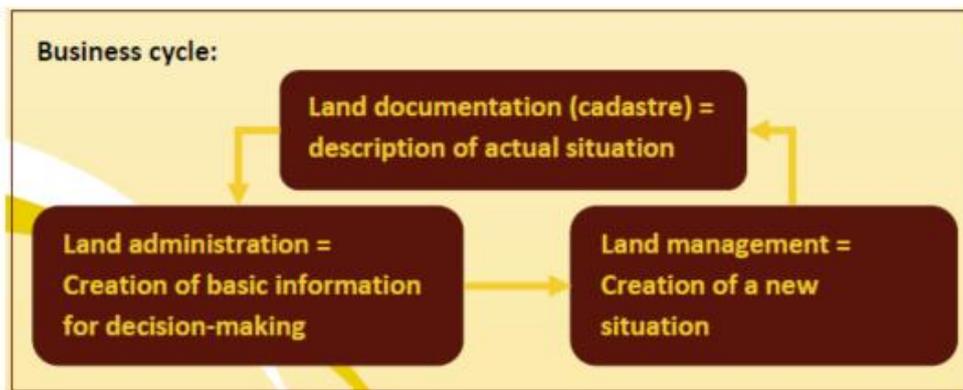


Figure 8 Modern approach in Switzerland

5. CONCLUSION

The Comprehensive Cadastre is the tool to keep the land matters under control and to allow sustainable land management. Only a comprehensive land documentation makes land administration and land management possible.

Comprehensive Cadastre – the basic tool for sustainable land management



¹ www.fig.net > publications

² Spatially Enabled Society FIG Publication Nr. 58

³ Kaufmann & Bigler: New Techniques in Land Consolidation