

## REFORM OF LAND ADMINISTRATION IN THE REPUBLIC OF SRPSKA - TOWARDS UNIQUE REAL ESTATE CADASTER SYSTEM

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### Summary

*Topic of this article is the just started reform of land administration in the Republic of Srpska. The reform refers to the implementation of the unique Real Estate Cadaster (land and buildings registration), leaving behind the former land books system. The objective of this paper is to indicate the major reason for the reform of land administration and especially the reasons for the choice of cadastral instead of land books system. For this purpose, the historical, institutional and legal aspects are analysed and highlighted. Apart from that, public opinion is also taken into consideration by presenting the results of the short empirical survey. According to the results of the survey, the citizens of the Republic of Srpska regard the cadastral data as by far more accurate and reliable in comparison with the data from land books. Besides, European Union standards in the field of land administration are also taken into account, because EU recommends the member states to implement the unique Real Estate Cadaster system. Based on these considerations, the choice of the unique Real Estate Cadaster system instead of land books system in the Republic of Srpska represents the reasonable and justifiable step toward the reform of land administration.*

**Key words:** *land administration, the Republic of Srpska, real estate cadaster, land books*

**JEL:** *Q15*

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## Introduction

The on-going land administration reform in the Republic of Srpska refers to the harmonization of cadastral data and data from land books into one unique registry, abandoning the concept of dual land administration system of Austro-Hungarian type. In the period from 2003 up to 2012 the Law on Land Books<sup>4</sup> was in force, which represented the legal basis for the implementation of land books system. During that period, the data about the properties were recorded in cadastre at executive public authority, whereas the data about property rights were recorded in land books at judicial authority. However, the concept of dual registry proved to be inadequate, because during its implementation the data about properties and property rights from the previous period were not arranged, nor the new, actual changes were recorded and updated. Eventually, this led to the substantial discrepancy between recorded and actual situation in the field of real estate and legal holders of property rights. The inaccurate and unreliable land administration record caused many problems for real estate market, land management and investments in the Republic of Srpska. Consequently, the reform of land administration has become one of the priority issues at the national level, especially because of the fact that accurate and reliable data about property rights has a significant impact on the future socio-economic development of the Republic of Srpska. In the year 2012 the Law on survey and cadastre of the Republic of Srpska<sup>5</sup> was passed, which became the legal basis for the implementation of the unique real estate cadaster concept, at executive public authority (the Republic Administration for Geodetic and Property Affairs of the Republic of Srpska). The concept of unique real estate cadaster means that the data about property and property rights are recorded in one place, within unique cadastre registry. The reform of land administration in Republic of Srpska has the aim to merge and consolidate various former records of land administration (cadastre, land books, land cadaster, deed book, cadaster records from the period of SFR Yugoslavia), in order to harmonize the recorded and actual situation in the field of real estate and property rights.

### EU standards in the field of land administration

Aligning the system of land administrations among the member states of the European Union has become very important goal at the supranational level. At the conference in Brighton, which was held in the year 1998, the decision about the strategy for harmonizing land administration systems at the European Union level was made. The same year, this strategy was officially defined in the document known as Cadastre 2014. Main goal of the common European strategy of cadastre management include the support to sustainable development, political stability, removal of the conflict between the public and private interests, support to

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4 Zakon o zemljišnim knjigama, Službeni glasnik Republike Srpske, br. 67 od 15. avgusta 2003; 46/04; 109/2005, 119/08 (Law on Land Books, Official Gazette of the Republic of Srpska, no. 67 from 15<sup>th</sup> of August 2003; 46/04; 109/2005; 119/08).

5 Zakon o premjeru i katastru Republike Srpske, Službeni glasnik Republike Srpske, br. 6/12 (Law on survey and cadaster of the Republic of Srpska, Official Gazette of the Republic of Srpska, no. 6/12).

economic development and achievement of adaptability and effectiveness.<sup>6</sup> In 2007 the European Union issued a directive (2007/2/EC) about the establishment of the infrastructure of spatial information in European Union (INSPIRE- Infrastructure of Spatial Information in the European Community), which came into force the same year. Apart from that, in 2002 member states made a decision to formally constitute permanent Committee for Cadastre in European Union, with the aim to make the network for exchange of information about cadastre systems at the supranational level as well as to link the cadastre institutions with the European Union authorities which have a need for the cadastre data for their activities. In addition, to support the common European strategy for infrastructure of spatial information the association Eurogeographics was established. Eurogeographics gathers 56 European countries with the aim to develop European infrastructure of spatial information through the cooperation in the field of geographical data, including topographical information, cadastre and land information.

With the document Cadastre 2014 as well as the Directive INSPIRE, the European Union recommends the member states, actual and future, to apply the concept of unique real estate cadaster. However, the decision about which authority should be in charge for this record, executive or judicial authorities, is left to be defined at national level, within the framework of national legislation. With the document Cadastre 2014 concept of unique real estate cadaster is promoted at European level, and great number of European countries (Czech Republic, Slovakia, Hungary, Lithuania, Latvia, Sweden, the Netherlands, Greece, Cyprus, Malta and Belgium) has already applied it. Many European countries have gone through a phase of merging two land administration records (cadastre and land books), while the others made advancement in technical merging of these records, leaving them as legally and institutionally separate areas.<sup>7</sup>

Although a sufficient number of member states of the European Union have applied the concept of unique real estate cadaster within the public executive authority, still in Europe there are good, although rare, examples of successful functioning of land administration based on the concept of land books. The most well-known example include the Republic of Austria which has centuries of experience in keeping the record of property and property rights according to the dual concept of land books (Grundbüch). In 1811 in the Austrian legal order the General Civil Code was issued (Allgemeines Bürgerlichen Gesetzbuch- ABGB) which laid a solid legal basis for the development of a modern land registration system.<sup>8</sup> The explanation for efficient functioning of the land books system of real estate record in a country like Austria can be sought in the fact that in Austria there is a large and rich experience in managing property and property rights record according to the dual concept of land books. In addition, the land books in Austria have been regularly updated so the information in them

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6 Kaufmann, J., Steudler, D. (1998): Cadastre 2014- A Vision of the Future Cadastral System, FIG, p. 30-31.

7 Prezentacija Svetske banke o prednostima i mogućnostima jedinstvene evidencije nekretnina, 2012, Republička Uprava za geodetske i imovinsko-pravne poslove, Banja Luka, p. 3.

8 Lukić, V., Begić, M., Imamović, J. (1991): Teorijski i praktični komentar Zakona o premjeru i katastru nekretnina, Sid Struka, Sarajevo, p. 32.

is completely reliable. However, the successful functioning of the land books concept in the area of Austria does not imply the conclusion that the same system of land administration and property rights can be equally efficient in other countries. The Republic of Srpska can serve as an example because in spite of one decade long implementation of land books concept, the role of the land books in the legal system was largely ignored, was not updated and eventually became an unreliable source of information about the real estate and property rights.

### **Land administration in the West Balkan region**

When it comes to the West Balkan region, the concept of unique real estate cadaster is applied within the public executive authority in the Republic of Serbia, the Republic of Montenegro and the Former Yugoslav Republic of Macedonia. It should be noted that in these countries there has been a long tradition of the implementation of unique real estate cadaster system, because the pertinent legislation, which is necessary for the establishment of the unique real estate cadaster, was made at the time when these countries were parts of the SFR Yugoslavia.

The Republic of Serbia passed the Law on State Land Survey, Cadaster and Registration of Rights on Real Property in 1988<sup>9</sup> and established the concept of unique real estate cadaster. This process was meant to integrate existing but separated data from cadastre and land books. The Republic of Montenegro passed the Law on Land Survey, Cadastre and Registration of Rights on Real Property in 1984.<sup>10</sup> Since then the concept of unique real estate cadastre within the public executive authority in the Republic of Montenegro is in force. The Former Yugoslav Republic of Macedonia passed the Law on Land Survey, Cadastre and Registration of Rights on Real Property in 1986<sup>11</sup> choosing the same concept of unique real estate cadastre, with public executive authority being in charge of it. The dual land books concept has remained in the Republic of Croatia and the Republic of Slovenia that used to have this concept of land administration even during the period of SFR Yugoslavia. Therefore, in modern times, only Western Balkan countries where the concept of land books is still in force are the Republic of Croatia and the Republic of Slovenia.

Land administration in the Republic of Slovenia is organized according to the concept of dual recording of property and property rights, which mean that land books and cadastre are managed separately, within the judicial authority and within the executive public authority, respectively. Land books and cadastre are completely independent in terms of organizational, personnel and financial solutions, but they are united in a connected

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9 Zakon o državnom premeru i katastru i upisima prava na nepokretnostima, Službeni glasnik SRS, br. 17/88 (Law on State Land Survey, Cadaster and Registration of Rights on Real Property, Official Gazette of SRS, no. 17/88).

10 Zakon o državnom premjeru, katastru i upisima prava na nepokretnostima, Službeni list SR Crne Gore, br. 25/84 (Law on State Land Survey, Cadaster and Registration of Rights on Real Property, Official Gazette of the SR Montenegro, no. 25/84).

11 Zakon za premjer, katastar i zapišivanje na pravata na nedvižnostite, Službeni vesnik na SRM, br. 27/86 (Law on Land Survey, Cadaster and Registration of Real Estate Rights, Official Gazette of SRM, no. 27/86).

database. Each office or branch office of land books and cadastre maintains the data within its jurisdiction in the database.<sup>12</sup>

In the Republic of Croatia, where the separated system of land books (attached to the Ministry of Justice) and cadaster (attached to the State Geodetic Administration), good quality records however are generated only by a new cadaster survey. Practical experience shows that there are problems to implement the new data in the land books because the courts in charge of that often obstruct the process of updating the land books with the new data from cadaster survey.<sup>13</sup> Although the reform of land administration in the Republic of Croatia means the reestablishment or restoration of the land books and their connection with the cadaster data, forming a common database of land information, this has not yet been done for any of the cadastral municipality.<sup>14</sup> Consequently, it can be said that cadaster and land books system obviously do not have the common vision of the land database.<sup>15</sup> Therefore, even in the Republic of Croatia there are fewer of those who oppose the application of modern European Union strategy for spatial data infrastructure and management at internal market, which refers to the full withdrawal of land books from the courts and complete merge of land books and cadaster public services. Having in mind the current situation in the field of land administration in the Republic of Croatia it would be particularly useful to substantially improve the cooperation between land books and cadaster, since it represents the main prerequisite for successful land administration reform, which should be implemented as soon as possible and with the least cost.<sup>16</sup>

Generally, when the systems of property and property rights are managed separately, they tend to develop at different speed and on different technical platforms. The difficulties in regulating the flow of information and the lack of a formal exchange of data between cadaster and land books can result in repetition of activities and additional costs due to duplication of effort and complex process of land administration.<sup>17</sup> In comparison with that, land administration system based on the concept of unique real estate cadaster is simpler, faster and cheaper because all relevant information about property and property rights are recorded in one cadaster, in one place within the public executive authority.

12 Kain, R., J., P., Baigent, E. (1992): *The Cadastral Map in the Services of the State, A History of Property Mapping*, the University of Chicago Press, USA, p. 4.

13 Ivković, M., Džapo, M., Lasić, Z. (2005): *Jedan od načina obnove evidencija vlasništva i nekretnina, III hrvatski kongres o katastru sa međunarodnim sudjelovanjem*, Zbornik radova, Hrvatsko geodetsko društvo, Zagreb, p. 143.

14 Mačković, V. (2005): *O reformi zemljišnih knjiga, III hrvatski kongres o katastru sa međunarodnim sudjelovanjem*, Zbornik radova, Hrvatsko geodetsko društvo, Zagreb, p. 89.

15 Antonović, V. (2005): *Što je baza zemljišnih podataka?, III hrvatski kongres o katastru sa međunarodnim sudjelovanjem*, Zbornik radova, Hrvatsko geodetsko društvo, Zagreb, p. 9.

16 Mačković, V. (2005): *O reformi zemljišnih knjiga, III hrvatski kongres o katastru sa međunarodnim sudjelovanjem*, Zbornik radova, Hrvatsko geodetsko društvo, Zagreb, p. 86.

17 *Land Administration in the UNECE Region- Development trends and main principles*, 2005, Economic Commission for Europe, United Nations, New York and Geneva, p. 19.

## **The reasons for the reform of land administration in the Republic of Srpska and the implementation of unique Real Estate Cadastre system**

By the Constitution of Bosnia and Herzegovina<sup>18</sup> ten responsibilities at the level of Bosnia and Herzegovina are defined. However, the issue of property rights and land administration record are not among them. These issues are left to be defined and managed at the level of both entities- Federation of BiH and the Republic of Srpska. So when it comes to the current overall situation of land administration in Bosnia and Herzegovina there are two different systems applied in practice. In the Federation of BiH, as well as in the district of Brcko, dual land administration system has been in force (cadastre and land registry), whereas in the Republic of Srpska unique real estate cadastre system has been officially in force since the year 2012.

The Law on Land Registry, which represents the legal basis for the implementation of dual land administration system, was in force in the Republic of Srpska from 2003 up to 2012. However, during that period the situation in the field of property registration in the Republic of Serbian was not improved. Although substantial amount of money was invested into the implementation of the land books system, only 5 % of reliable record was made.<sup>19</sup> Consequently, the approach to land administration based on the concept of land books proved to be not just expansive but insufficiently effective and efficient and thus non-functional for the future development of the Republic of Srpska. In fact, as many as 31 municipalities in the Republic of Srpska (Istočno Novo Sarajevo, Istočna Ilidža, Istočni Stari Grad, Pale, Rogatica, Trnovo, Drvar, Gradiška, Kneževo, Kotor Varoš, Kupres, Mrkonjić Grad, Drinić, Oštra Luka, Šipovo, Ribnik, Krupa na Uni, Derventa, Pelagićevo, Orašje, Vukosavlje, Osmaci, Novo Goražde, Berkovići, Čajniče, Foča, Istočni Mostar, Jezero, Ljubinja, Petrovo i Kalinovik) have not the land books at all. Furthermore, 16 municipalities (Banja Luka, Laktaši, Novi Grad, Srbac, Čelinac, Teslić, Prijedor, Bijeljina, Dobož, Han Pijesak, Sokolac, Srebrenica, Višegrad, Vlasenica, Rudo and Trebinje) have only partially arranged land books.<sup>20</sup> As a result of that, there are cases where in land books the property rights are assigned to Ottoman Empire, Austro-Hungarian Empire, Independent State of Croatia, The Kingdom of Yugoslavia, as well as to people who ceased to exist long time ago. The concept of land books proved to be inefficient in the case of the Republic of Srpska primarily because of the fact that property has undergone a number of ownership changes but most of them have not been recorded by land books. The inaccurate data in land books in the Republic of Srpska certainly do not reflect the on-going, real situation as far as the real estate and property rights are concerned, but can be used only in purpose of historical research. So, the main drawback of land administration based on land books system

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18 [www.ccbh.ba/public/down/USTAV\\_BOSNE\\_I\\_HERCEGOVINE\\_engl.pdf](http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf)

19 The Republic Administration for Geodetic and Property Affairs of the Republic of Srpska, cadastral information.

20 Gligorić, T., Blagojević, M. (2011): Osvrt na nerazumijevanja Zakona o katastru Republike Srpske- Ustavnopravna analiza jednog slučaja, JU Službeni glasnik Republike Srpske, Banja Luka, p. 9.

refers to the inaccuracy of data entry in land books in most of the municipalities, which leads to significant discrepancies between the official data and actual state in respect of real estate in the Republic of Srpska.

On the other side, the Republic Administration for Geodetic and Property Affairs of the Republic of Srpska made on 98% of its territory a new survey with all the necessary technical and other data related to 4,041,406 million cadastral parcels and real estate that are placed on them. Public record of current real estate owners and beneficiaries which amount for 883.350 individuals has also been established. This public executive authority has been recorded in average 460.000 changes in property of the citizens per year, caused by various contractual and other obligations.<sup>21</sup> Thus, the cadastral data of the Republic Administration for Geodetic and Property Affairs of the Republic of Srpska reflect the real and the actual situation in the field of real estate in the Republic of Srpska. Although new cadastral survey data should have been taken by land books, it, however, had not been done on the regular basis so that the gap between the cadastral record and data in land books had further deepened. That is the main reason of low efficiency of land books system, which in case of the Republic of Srpska, amount for only 5% of updated and relevant data.

Very low level of data accuracy in land books in the Republic of Srpska can be explained by insufficient and inexperienced personnel and material equipment of the land books offices, as well as by general lack of expertise and long experience of real estate record in the Republic of Srpska. In comparison with that, within cadaster system in the Republic of Srpska firm foundation of real estate survey and record has been developed over time so that it functions well even today mostly thanks to long tradition, experienced and highly educated personnel from different professions (Law, Geodesy, Economics, and Informatics) required for successful performing of land administration.

The consequences of low database accuracy in the area of property rights, among others, include: a serious threat to the real estate market and capital investment, the inability to create a database for the purposes of the tax system as well as for registration of illegal buildings and process of their legalization. In modern economic terms, the stability of the economic system depends on the clarity in defining land and property rights issues.<sup>22</sup> So, the unresolved question of ownership right prevents all the other matters that enter in the economic mechanism: market, productivity, profitability, environment and many others.<sup>23</sup> Disorganized and not updated system of real estate and property rights represents the serious barrier to the economic development of the Republic of Srpska, and thus prevents

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21 Program of survey work and establishment of real estate cadaster for the period 2011-2015 (2010), Republic administration for geodetic and property affairs, Republic of Srpska, Banja Luka, p. 33.

22 Gnjatović, D., Ljubojević, R., Milutinović, I. (2012): Ownership changes on arable land in the Republic of Serbia in historical perspective, *Economics of Agriculture*, Belgrade, vol. 59, no. 3, p. 456.

23 Popescu, G. (2012): Postindustrial economy and the property, *Economics of Agriculture*, Belgrade, vol. 59, no. SI-1, p. 23.

the realization of goals defined by economic policy, especially in the area of attracting foreign direct investments. As a result of these considerations, the new draft of the Land Books Act (2010) had been withdrawn from the procedure of Laws passing. Considering the actual situation and possible solutions, the relevant stakeholders gradually achieved consensus that already well know system of unique real estate cadaster system of land administration should be returned and implemented again throughout the territory of the Republic of Srpska. Passing of the new draft legislation was preceded by a scientific expert and public debate on the issue of solving problems in the field of real estate and property rights registration.

One of the main arguments for the implementation of unique real estate cadaster record includes the past experience and already existing infrastructure, dated from the period of Socialist Republic of Bosnia and Herzegovina. Namely, in SR BiH, after 18 year of public debate, the Law on survey and Cadaster was passed in 1984<sup>24</sup>, which became the legal basis for the implementation of real estate cadaster system of land administration within the public executive authority (the Republic Administration for Geodetic and Property Affairs). Ten-year period for alignment of data in land books with those in cadaster was provided by the Law. However, the turbulent events that followed in the territory of SR BiH in the last decade of the twentieth century prevented the realization of this project. In spite of the difficulties, the concept of cadaster system proved to be effective during the period of its implementation. After the establishment of the Republic of Srpska as a full entity within Bosnia and Herzegovina, achieving the results anticipated by that project had been additionally prevented by imposed Law on Land Books, which was in force from 2003 up to 2012. This legislative solution is considered to be imposed because of its insensitivity to cultural, historical and socio-economic conditions that characterize the situation in the Republic of Srpska. The decision to return to the concept of unique real estate cadaster system is considered as adequate step to address the problem of discontinuity in land administration in Republic of Srpska. Apart from that, this concept of land administration is in line with the European Union strategy for spatial information infrastructure and management, which enables the Republic of Srpska to integrate into the regional and European projects in the field of property management. The preparation for the land administration reform started in 2010 when the Program of survey and establishment of the real estate cadaster for the period of 2011 to 2015 was adopted by the National Assembly of the Republic of Srpska.<sup>25</sup> Two years after, in 2012, the Law on state survey and cadaster of the Republic of Srpska was brought into force and the implementation of the activities defined by the Program mentioned above has started throughout the whole Republic.

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24 Zakon o premjeru i katastru nekretnina, Službeni list SR BiH, br. 22/84, koji je kasnije revidiran u tri navrata 12/87, 26/90 i 36/90 (Law on Land Surveying and the Real Estate Cadaster, Official Gazette of SR BiH, no. 22/84, which was amended three times 12/87, 26/90 and 36/90).

25 Program of survey work and establishment of real estate cadastre for the period 2011-2015, 2010, Republic administration for geodetic and property affairs, Republic of Srpska, Banja Luka.



### **Empirical survey of the citizens' attitudes about the accuracy and reliability of land administration concepts in the Republic of Srpska**

The subject of this survey is to examine the attitudes of the citizens of the Republic of Srpska about which land administration records they consider as more accurate and thus more reliable - land books or cadaster. The respondents were asked two questions: "Which record do you consider more accurate in achieving your rights in regard to real estate in the Republic of Srpska?" and "Which record do you consider more reliable in achieving your rights in regard to real estate in the Republic of Srpska?"

The two questions survey was conducted using quantitative method. The short questionnaire was chosen as a research instrument. Primary data were statistically analysed and presented in tabular and descriptive manner. The research sample included 1705 respondents - citizens of the Republic of Srpska from 51 municipalities throughout the whole territory of the Republic, who own a certain property and had personally come to the Republic Administration for Geodetic and Property Affairs of the Republic of Srpska.

The research was undertaken from 1.11. up to 30.11. 2012 in the cadaster offices in 51 municipalities of the Republic of Srpska: Derventa, Vukosavlje, Rudo, Sololac, Srbac, Istočno Novo Sarajevo, Mrkonjić Grad, Ribnik, Istočni Stari Grad, Donji Žabar, Prijedor, Kostajnica, "PJ Srebrenica PK Skelani", PJ Petrovac i Drinić, Banja Luka, Kneževo, Lopare, Nevesinje, Čajniče, Šamac, Teslić, Novi Grad, Vlasenica, Rogatica, Šekovići, Doboj, Zvornik, Kalinovik, Gradiška, Ljubinje, Modriča, Foča, Laktaši, "PJ Zvornik PK Osmaci", Bileća, Kozarska Dubica, Gacko, Han Pijesak, Brod, Pale, Milići, Srebrenica, Bratunac, Petrovo, Pelagićevo, Istočna Ilidža, Višegrad, Prnjavor, Ugljevik, Čelinac, Bijeljina, Trebinje.

**Table 1.** The accuracy of data about the property rights in the Republic of Srpska

| <b>Which record do you consider more accurate in achieving your rights in regard to real estate in the Republic of Srpska?</b> |      |
|--|------|
| Cadaster   | 1201 |
| Land Books   | 243  |
| I do not know  | 157  |
| Undecided  | 104  |
| Total number of respondents  | 1705 |

*Source:* Authors' calculation

When it comes to the accuracy of land administration records, even 1201 of the total 1705 respondents consider cadastral data more accurate than the data in land books (71% of total sample). Land books data are considered as more accurate by 243 respondents (14% of total sample). The answer "I do not know" was chosen by 157 respondents (9% of total sample), whereas 104 respondents were undecided (6% of total sample).

**Table 2.** The reliability of data about the property rights in the Republic of Srpska

| <b>Which record do you consider more reliable in achieving your rights in regard to real estate in the Republic of Srpska?</b> |      |
|--|------|
| Cadaster   | 1047 |
| Land Books   | 390  |
| I do not know  | 154  |
| Undecided  | 114  |
| Total number of respondents  | 1705 |

*Source:* Authors' calculation

As far as the reliability of property rights records in the Republic of Srpska is concerned, 1047 respondents expressed their attitude that cadastral record is by far more reliable than the land books, which is 61% of total sample. Land books record is preferred by 390 respondents (23% of total sample). On the research question asked 154 respondents answered with "I do not know" (9% of total sample) and 114 respondents were undecided (7% of total sample).

Furthermore, based on the research from 2009 conducted in 39 municipalities (1000 respondents) in the whole territory of Bosnia and Herzegovina (cadastre and land books offices) it was concluded that the citizens are more satisfied with the work of cadastre offices than the land books offices.<sup>26</sup>

Based on the primary data of the empirical survey, backed also with the previous research and secondary data, it can be concluded that solid majority of the citizens of the Republic of Srpska consider the cadastral information as more updated, accurate and thus more relevant for the achievement of their rights in regard to real estate in the Republic of Srpska. This affirmative public attitude toward the cadastral system additionally justifies the decision to replace land books system with the unique real estate cadastre. Positive public opinion about the cadastre system also facilitates the implementation of the whole range of activities needed for the full reform of land administration in the Republic of Srpska.

### **Conclusion**

The implementation of the land books system, which was in force from 2003 up to 2012 in the Republic of Srpska, did not result in the improvement of accuracy and reliability of land administration records. Very low level of property data consistency between land books and cadaster caused over time serious problems in the domain of tax system, legalization of buildings, sales transactions in the property market, as well as domestic and foreign investments. The inefficiency of land books system in the Republic of Srpska represented the major reason for the reform of land administration. The reform began with passing the reforming Law on state survey and cadaster of the Republic of Srpska and its adoption in the National Assembly of the Republic of Srpska in the year 2012. Although first this step is very important because it sets the legal basis for the practical implementation of the

<sup>26</sup> Reforma zemljišne administracije u BiH-društvena procjena 2010 - konsolidovani izvještaj, 2011, Prism research, Sarajevo.

unique real estate cadaster system. Based on the historical overview and the institutional background of the land administration system in the Republic of Srpska it can be concluded that there is solid experience, infrastructure and capacity for the implementation of the unique real estate cadaster concept. Apart from that, the results of the empirical research clearly indicate that citizens of the Republic of Srpska, as major users of public record services, consider cadastral data by far more accurate and reliable than those of the land books. Therefore, having in mind the historical, traditional, institutional and legal aspects together with the substantial public support, the choice of cadastral instead of land books system of land administration is considered to be fully justified. Apart from that, through its well-known INSPIRE Directive the European Union recommends the member states the implementation of unique real estate cadaster. Accordingly, it can be concluded that the reform of land administration in the Republic of Srpska is in line with the EU standards. The compliance of the land administration reform with the European Union recommendations enables the Republic of Srpska to join the European land management network, benefit from access to broader knowledge, expertise and information, and strengthen its cooperation with land administration institutions, both at regional and the European level.

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## REFORMA ZEMLJIŠNE ADMINISTRACIJE U REPUBLICI SRPSKOJ - KA JEDINSTVENOJ KATASTARSKOJ EVIDENCIJI NEKRETNINA

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### Rezime

*Predmet ovog rada je tek započeta reforma zemljišne administracije u Republici Srpskoj. Reforma se odnosi na primenu koncepta jedinstvene katastarske evidencije nekretnina i prava na njima (prijava zemljišta i zgrada), i napuštanje prethodnog sistema zemljišnih knjiga. Cilj rada je da ukaže na glavni razlog za reformu zemljišne administracije i posebno na razloge za izbor sistema jedinstvene katastarske evidencije umesto sistema zemljišnih knjiga. U tu svrhu, analizirani su i naglašeni istorijski, institucionalni i pravni aspekti. Pored toga, mišljenje javnog mnjenja je uzeto u razmatranje prezentovanjem rezultata kratke ankete. Prema rezultatima istraživanja, građani Republike Srpske smatraju katastarske podatke daleko ažurnijim i pouzdanijim u odnosu na podatke iz zemljišnih knjiga. Povrh toga, pažnja je posvećena i standardima Evropske unije iz oblasti zemljišne administracije jer Evropska unija preporučuje državama članicama primenu sistema jedinstvene katastarske evidencije. Na osnovu ovih razmatranja, izbor sistema jedinstvene katastarske evidencije umesto sistema zemljišnih knjiga u Republici Srpskoj predstavlja razuman i opravdan korak ka reformisanju zemljišne administracije.*

**Ključne reči:** *zemljišna administracija, Republika Srpska, katastar nekretnina, zemljišne knjige*

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