

Welcome address

Michael Zurhorst, President

Speech CLGE Conference in Hanover on 11/10/2012



Dear Jean-Yves Pirlot

Dear Che-Hai Teo,

Delegates of CLGE,

Ladies and Gentlemen,

On behalf of the German Association of Publicly Appointed Surveyors, BDVI e.V., as co-host of this Conference, I would like to welcome you to the present congress. First of all, I thank those who organised the Conference and the following General Assembly, especially Mr. Clemens Kiepke, for their commitment. We all feel honoured that the CLGE has given us the opportunity of hosting the third Conference of the European Surveyor here in Germany.

The focus of the congress in terms of contents is ownership protection and possible tools for establishing and maintaining such a system. I think that Germany, which has established its own system of ownership protection, can be taken as an example for other CLGE member states. Example not in the meaning of copy but in the meaning of the way to install in a strange and new surrounding like Germany did in the eastern part after the reunification in the 90th last century.

Ownership protection is a pillar of economic success in a state. Ownership protection has to be elevated in constitutional law status, and the state has to extend guarantee for it. Consequently, the descriptive part of the system of ownership protection, i.e. the land register, has to be a basic responsibility with sovereign public structures assumed by the state.

It would be astonishing if I as president of the German Association of Publicly Appointed Surveyors did not point out the role which freelance surveyors can play in this system. There is a natural fluctuation of the amount of changes regarding proof of ownership. This fluctuation is influenced by the economic situation and changing legislation. For this reason, a large amount of cadastre operations could be carried out by publicly appointed surveyors. They are appointed professionals because commitment to and supervision by the state are required in view of the legal consequences of modifications in the land register in order to guarantee the protective function of the state. However, in such a system the state does not have to keep all resources at hand. In fact, delegating parts of these sovereign tasks may save the state a considerable amount of money. We as private surveyors can react to the demands of the market better than the state can. Publicly appointed surveyors combine the advantages of economic flexibility and the benefits of state guarantees.

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The important decision to establish a system of ownership protection guaranteed by the state has truly not been taken by me or the German state although international experts recognise Germany as a successful example.

During the years following the reunification of Germany it was clearly visible how important it is to have a cadastre and ownership protection: As long as the system of ownership protection was not working correctly, surveyors stood in the public and political spotlight. But as time went on and the system was mended, the surveyors disappeared into the shadows again.

I have brought you a quotation that was also used by the President of the DVW, Karl-Friedrich Thöne, at the FIG World Conference in Rome this may. The economist Hernando de Soto, who has currently a worldwide reputation, made the following case in 2000 when he was a guest of the BDVI at INTERGEO in Berlin:

„The successful countries will be those that spend their energies ensuring that property rights are widespread and protected by law, rather than those which continue to focus only on economic policy.“

After the German Wall came down most states in Eastern Europe tried to introduce various systems of free market economic, but until today most of them did not succeed. According to de Soto, this is also due to governments not being able or lacking the political will to introduce a sustainable system of ownership protection, especially in terms of real estate. Experts of the World Bank have a similar opinion regarding this matter and current developments also support de Soto's findings.

In Egypt, the cradle of site surveying, there does not exist any secure and located legal proof for more than 90% of the property.

Greece, which is to generate proceeds through selling state-owned property, cannot carry out this privatisation, because possible buyers have no guaranty neither in the dimension nor in the ownership of the individual real estate items to be sold. The simple truth: At least country-wide there is neither a suitable cadastre nor a suitable legal system.

It is not necessary to describe in detail the economic situation of the two states mentioned above. But having de Soto's findings in mind, it becomes obvious that the economic success of a country depends on the existence of a good system of ownership protection.

The other way around, we can conclude that the success in East Germany does not only result from billions of euro of subsidies, but it is particularly based on the introduction of a system of ownership protection up to West German sample. The success story in

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East Germany would not have taken place without establishing a property register with success

Unfortunately, it is not obvious for everyone to see how strongly the economic success of a society depends on its system of ownership protection. We as surveyors must promote these essential facts more effectively. I think that this holds true for all countries, and especially for the CLGE member states.

We are happy to share our experience. After the reunification East Germany was faced with the challenge of building a new system of ownership protection from scratch and under difficult conditions. The knowledge and experience gained in this may be helpful to other countries facing a similar challenge.

Let us all work together in promoting de Soto's findings in all states. Let us all work together to establish a system of ownership protection with constitutional status in all states. We as surveyors can then contribute our work: We can provide the documenting part of a system of ownership protection; in state organisations that work closely together with state-licensed offices. However, we must have the political will to create a system that is worth being called a system of ownership.

Thank you for listening, and may the Congress be a successful event for each of you

Thank you.