

**National Agency of
Public Registry**


**Irrigation and Land Market Development
Project financed by the World Bank**

International Consultant of Systematic
Land Registration

Guidelines for Systematic Land Registration Pilot



by Valentin Kotzev

Document Record

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1.0	November 15, 2016	V. Kotzev	Draft.
1.1	November 17, 2016	V. Kotzev	Minor corrections to Sections 1, 23 and 24. Added Figure 2.
1.2	February 6, 2017	V. Kotzev	<p>Corrections to Sections 1, 5, 8, 15 and Pilot Project Brochure</p> 

			<p>On November 21, 2014 the Ministry of Finance of Georgia and the International Development Association (IDA) of the World Bank Group concluded the Financing Agreement for the purpose of improving irrigation and drainage services in the selected areas, as well as the development of the rules and procedures for the national program of land registration. The first component of this project is being implemented by the Ministry of Agriculture of Georgia (MOA) and the second one – by the Ministry of Justice of Georgia through the National Agency of the Public Registry (NAPR).</p>
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			<div data-bbox="598 257 1402 369"> <h2>About project</h2> </div> <div data-bbox="571 376 1402 526"> <p>The Land Market Development Component envisages systematic registration of land titles in 12 settlements across Georgia specified in the GoG Regulation No 351 of July 28. Within the framework of this project state and municipality surveyed and registered, as established and discrepancy data will be corrected.</p> </div> <div data-bbox="606 555 1165 593"> <h3>Where the Pilot Project will be implemented?</h3> </div> <div data-bbox="606 611 1402 676"> <p>The 12 settlements across Georgia listed below have been selected for the Pilot Project and they represent various land registration problems:</p> </div> <div data-bbox="590 689 1058 1294"> <ul style="list-style-type: none"> ◆ Manglisi (Tetritskaro Municipality); ◆ Jimiti (Gurjaani Municipality); ◆ Arboshiki (Dedoplistskaro Municipality); ◆ Arkhiloskalo (Dedoplistskaro Municipality); ◆ Salkhino (Vani Municipality); ◆ Karaleti (Gori Municipality); ◆ Zaridzebi (Tianeti Municipality); ◆ Vedidkari (Martvili Municipality); ◆ Lakhamula (Mestia Municipality); ◆ Saguramo (Mtskheta Municipality); ◆ Mzisguli (Sagarejo Municipality); ◆ Shuakhevi (Shuakhevi Municipality). </div> <div data-bbox="1003 712 1402 1216"> <p>A map of Georgia with 12 blue pins indicating the locations of the pilot project settlements. The pins are distributed across various regions of the country, including Abkhazeti, Samegrelo-Zemchi, Guria, Samegrelo-Zemchi, Imereti, Samegrelo-Zemchi, Guria, Samegrelo-Zemchi, Guria, Samegrelo-Zemchi, Guria, and Samegrelo-Zemchi.</p> </div>
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			<div data-bbox="587 266 1402 416" data-label="Section-Header"> <h2>How the Pilot Project is going to</h2> </div> <div data-bbox="574 450 1086 734" data-label="Text"> <p>If you have a land plot, which you can't register due to the lack of ownership evidence, deficiencies in the documents, ownership disputes, cadastral survey costs, or any other obstacles, forget about these issues! From now on NAPR will take care of your problems under the Pilot Project. NAPR will carry out the Pilot Project activities with the help of the Municipal Working Group involved in the Pilot Project and a contractor company.</p> </div> <div data-bbox="592 891 1086 1102" data-label="List-Group"> <ul style="list-style-type: none">  A Municipal Working Group comprises the representatives of the local municipality, mediators, the World Bank regional facilitators and NAPR representatives;  A contractor selected through the tender procedure will be responsible for the field works component. </div> <div data-bbox="604 1263 630 1294" data-label="Page-Footer"> <p>4</p> </div> <div data-bbox="1098 454 1402 1323" data-label="Image"> </div>
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			<div data-bbox="585 262 1402 416" data-label="Section-Header"> <h2>Locating a Land Plot</h2> </div> <div data-bbox="588 448 1414 848" data-label="List-Group"> <ul style="list-style-type: none"> Locating a land plot is the basis for a cadastral survey under the Pilot Program. It shall be located by request of a landowner, a person eligible to apply for a land title, or by the instruction of a municipality representative. Each of them shall accurately locate a land plot to be registered; If necessary, the location of a land plot shall be confirmed by the neighbors; If neither the ownership evidence specifies the location of a land plot, nor the land plot boundaries, an individual administrative legal act shall be issued by a municipality representative to identify such a land plot; If the ownership evidence accurately locates a land plot, the neighbors' confirmation and an individual administrative legal act issued by a municipality are not required. </div> <div data-bbox="574 947 1402 1321" data-label="Image"> </div>
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			<div data-bbox="587 264 1402 414"> <h2>Cadastral Survey</h2> </div> <div data-bbox="611 443 1402 723"> <ul style="list-style-type: none"> A contractor shall carry out a cadastral survey of a land plot. Based on evidence collected through the systemic procedures, a contractor shall accurately survey a land plot with the proper equipment and prepare a survey in accordance with standard requirements; After a land plot survey, a land owner/rightful owner shall furnish his/her title registration to a contractor; A contractor shall announce the date of a survey publicly at least 15 days before the commencement of the works. </div> <div data-bbox="587 761 1402 911"> <h2>Registration Procedures</h2> </div> <div data-bbox="611 925 1402 1238"> <ul style="list-style-type: none"> The registration procedures shall start on the basis of an application, supporting evidence collected by NAPR in advance and the other required documents; Before the registration completion the cadastral survey results shall be made available in public places of the Municipal Building and posted on the NAPR website for citizens to check the data; If a citizen finds any inaccuracies in the publicly disclosed data, he/she may file a complaint within 10 calendar days. A citizen shall furnish his/her complaint to the Municipal Building. NAPR shall review such a complaint within 10 calendar days and if necessary, make corrections on the corrections in the data. </div> <div data-bbox="611 1261 630 1294"> <p>6</p> </div>
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Dispute Resolution Has Become E



If a land plot is disputed, a Municipal Working Group and a contractor will resolve the dispute. If the parties fail to reach an agreement, a contractor will provide an alternative way of dispute resolution. Thus you will be able to avoid litigation.





















If the parties fail to reach an agreement, a disputed land plot will be registered by consent of the parties. In addition to the area belonging to the co-owner, the registry will contain a note that the land plot boundaries are not specified (area) and the dispute will be resolved by court or through arbitration by the parties.






If the parties refuse to register the disputed land plot as one land plot surveyed in the boundaries specified by the parties. Such registration will be suspended until the reasons for suspension are eliminated.

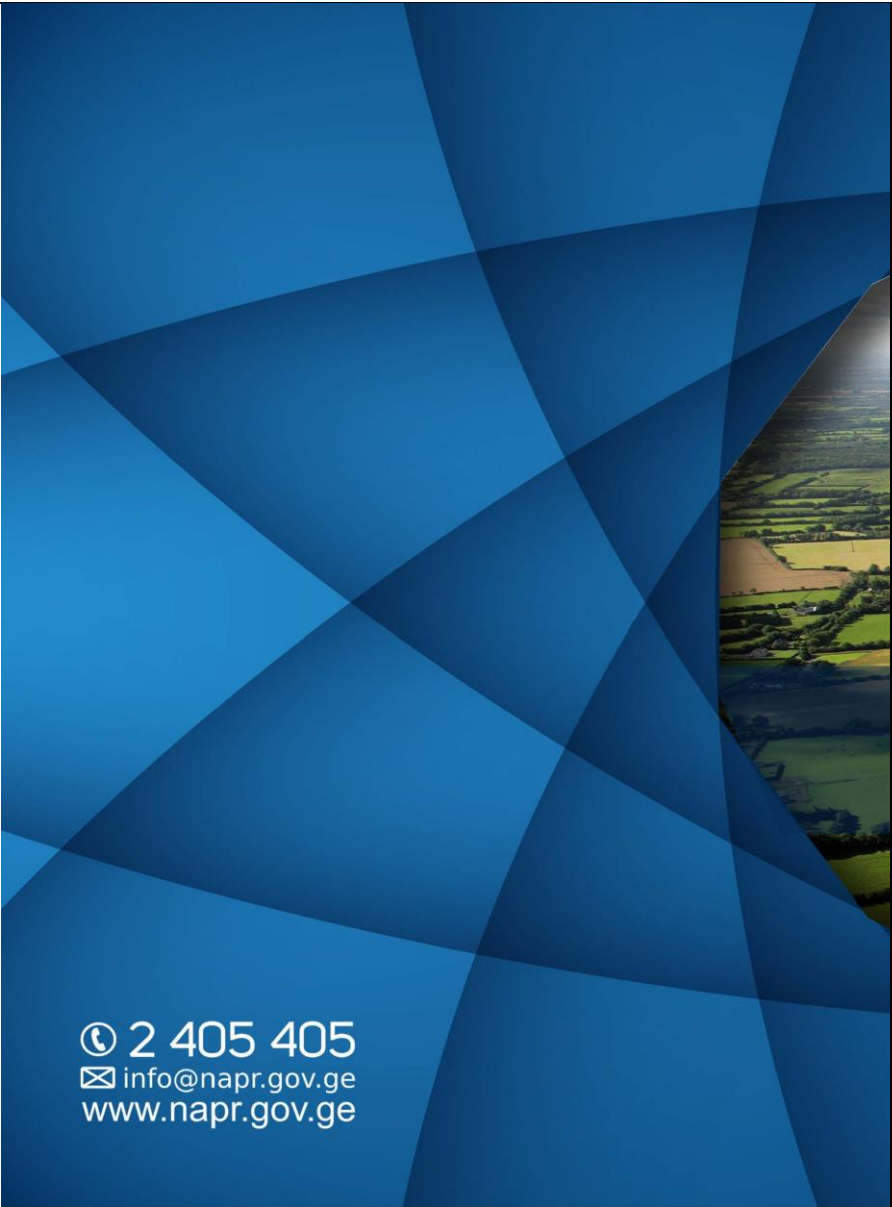


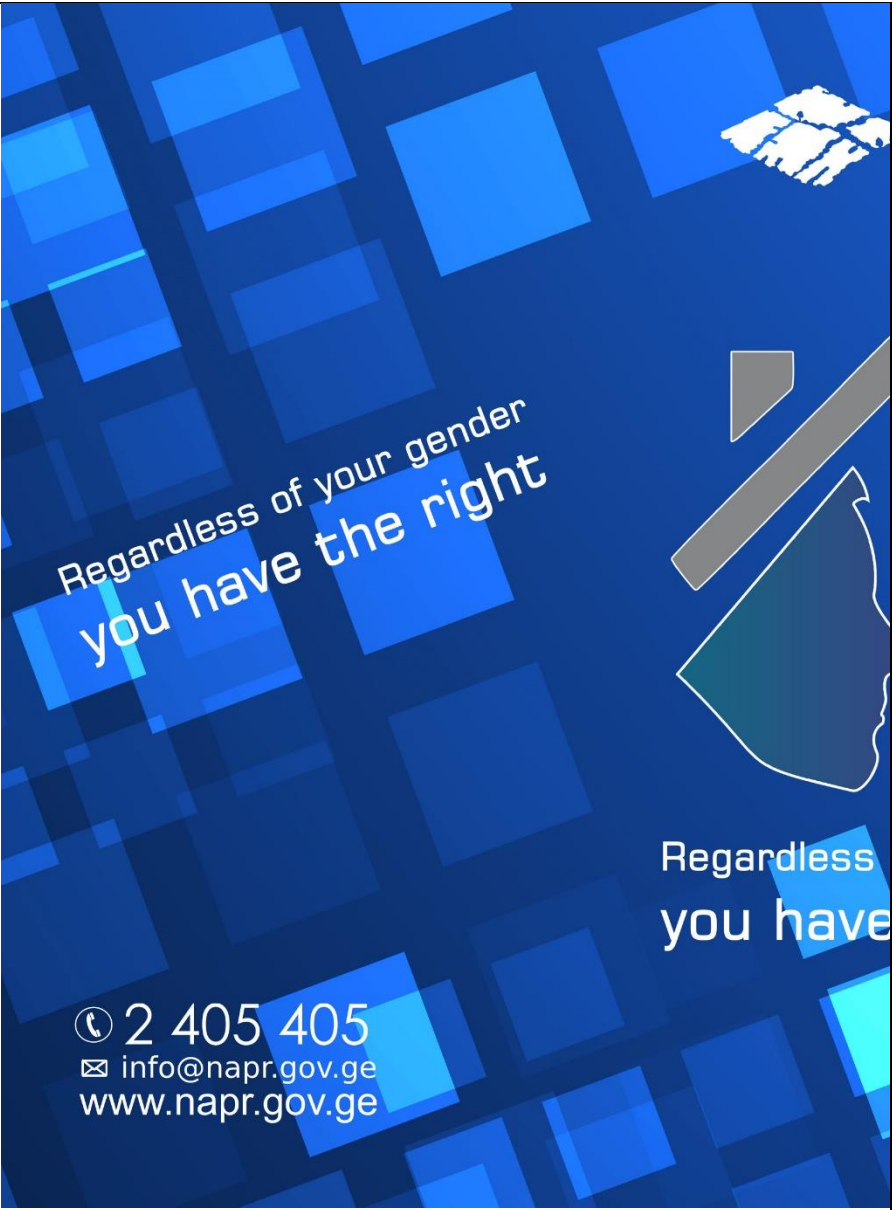
			<div data-bbox="587 264 1402 414" data-label="Section-Header"> <h2>Important!</h2> </div> <div data-bbox="603 448 1404 1294" data-label="List-Group"> <ul style="list-style-type: none">  If you cannot register your land because you bought it years ago and do not have a formal (oral or written) without any notarization or application to the Public Registry, you can apply to either a notary or the Public Registry during the Project implementation phase to legalize the transaction free of charge and register your land plot easily;  If you occupy a land plot unrightfully and have no ownership evidence, you can apply to the Commission for Recognition of Land Titles on your behalf. The Commission will issue a decision free of charge within the shortest possible time. You can register your land plot free of charge based on an ownership certificate issued by the Commission;  If a land plot is in the community ownership, all the members of the community can be considered as co-owners of such a land plot on the basis of their ID documents;  If the actual area of a land plot is 15% larger than the area specified in the registration documents and is enclosed (fenced), the actual area of a land plot shall be registered in the Public Registry;  If the built-up area or the area under crops is more than 10% larger than the area specified in the registration documents, the actual situation (i.e. the actual built-up area) shall be registered in the Public Registry;  If the evidence of rightful ownership is obtained through systemic procedures, but the owner refuses to register a land plot, the Public Registry shall include the information on his/her right to apply for land title registration. Within a three year period, he/she can apply and register his/her land title;  If a land owner is deceased and his/her successor has no certificate of inheritance, the Public Registry shall include the information on such a successor's right to apply for land title registration. Within a three year period, he/she can apply and register his/her land title in compliance with the Law "On Recognition of Private Property Rights in Plots Owned (Used) by Natural Persons and Legal Entities of Private Law". </div> <div data-bbox="609 1265 630 1294">8</div>
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			<p>  If a land owner cannot be identified, such a land plot shall be conditionally registered as state property. Such property cannot be alienated within one year. During this period, the land owner can submit the ownership evidence to the Public Registry to register the land plot without the need for the government's consent. </p> <div>  <p>All the following services will be provided free of charge under the Pilot Project:</p> </div> <ul style="list-style-type: none">  collect and systemize the documents;  prepare a survey plan;  register the changes in the cadastral data;  register in the Public Registry;  specify the land plots registered without a survey plan (which means registration of the changes in order to specify the data without digital drawing);  notarization of the parties' signatures on the transaction;  mediation, including notary mediation;  recognizing the ownership rights on an unrightfully occupied land plot;  recognizing a land title. <p>Systemic registration does not in any way limit the citizens' rights to register their property through an individual application through the sporadic procedures.</p>
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			<div data-bbox="587 266 1406 416" data-label="Section-Header"> <h2>About the State Reform of Land Registration</h2> </div> <div data-bbox="603 434 1406 721" data-label="List-Group"> <ul style="list-style-type: none">  The State Reform of Land Registration began on August 1, 2016 and consists of two stages. Stage 1 - sporadic registration based on the individual applications of citizens is successfully underway. The Stage 2 includes the systemic registration of all land areas based on the data obtained and processed through the systemic project.  The State Reform of Land Registration aims at simplifying the registration process, ensuring property and protecting ownership rights. The goal of the Reform is to eliminate the need for land owners in the land registration.  The systemic registration is going on under the Land Market Development Bank Irrigation and Land Market Development Project. </div> <div data-bbox="576 831 1406 1057" data-label="Image"> </div> <div data-bbox="598 1258 639 1296" data-label="Page-Footer"> <p>10</p> </div>
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			<div><p>Remember!</p><p>Registration of your land title in the Public Registry and the accurate and reliable data g your ownership rights.</p><p>NATIONAL AGENCY OF PUBLIC REGISTRY</p><div><p>For additional information, please, contact us at 2 405 info@napr.gov.ge</p></div></div>
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			 <p>☎ 2 405 405 ✉ info@napr.gov.ge www.napr.gov.ge</p>
			<p>Flayer on Women’s Property Rights</p>

			 <p>Regardless of your gender you have the right</p> <p>☎ 2 405 405 ✉ info@napr.gov.ge www.napr.gov.ge</p> <p>Regardless you have</p>
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			<div data-bbox="544 241 1404 1323"> <div data-bbox="544 241 590 398"> </div> <div data-bbox="595 277 1094 358"> <p>Did you know that according to the legislation of Georgia men and women have equal rights to immovable property concerning</p> </div> <div data-bbox="582 412 738 544"> <ul style="list-style-type: none"> ownership lease use </div> <div data-bbox="911 405 1082 539"> </div> <div data-bbox="608 580 1062 815"> </div> <div data-bbox="582 846 1080 952"> <p>The laws of Georgia guarantee equal ownership rights and gender equality. The Constitution of Georgia establishes the ownership rights as well as the other rights of women.</p> </div> <div data-bbox="582 996 1080 1075"> <p>According to the current legislation and registration procedures of the Public Registry all owners are equal regardless their gender.</p> </div> <div data-bbox="561 1115 1067 1323"> </div> <div data-bbox="1141 273 1404 378"> <p>In addition to sole owners a co-owner of her parent property may equally be in daughters.</p> </div> <div data-bbox="1141 385 1404 439"> <p>Both a husband and a wife are co-owners of the spouses</p> </div> <div data-bbox="1141 490 1404 551"> <p>Remember! Regardless of your gender</p> </div> <div data-bbox="1141 604 1404 916"> <ul style="list-style-type: none"> to have an equal share together with the other an equal share of you Even in case of existing or a parent, to demand specified in the law; to be a co-owner of the to conclude a prenuptial your ownership rights </div> <div data-bbox="1141 996 1404 1025"> <p>Equal ownership rights are</p> </div> <div data-bbox="1141 1043 1404 1120"> <p>The regional offices of NAPR Community Centers offer</p> </div> <div data-bbox="1141 1180 1404 1256"> <p>Call us at 2405405 or e-mail us at info@napr.gov.ge www.napr.gov.ge</p> </div> </div>
1.3	February 8, 2017	V.Kotzev	Corrections to Section 27.
1.4	February 24, 2017	V.Kotzev	Multiple corrections according to the recommendations of the NAPR commission.
1.5	February 25, 2017	V.Kotzev	The changes made are tracked.

2	March 16, 2017	V.Kot zev	Corrections according to recommendations of WB.
2.1	April 20, 2017	V.Kot zev	Corrections according to recommendations of WB. Added abbreviations, definitions and references. Added Sections 28.4, 28.5, 28.6 and 38.3. Corrections to Sections 12.1 and 38.1. Additions to Appendix 1. Added Appendix 4.
2.2	April 26, 2017	V.Kot zev	Corrections according to recommendations of WB. Corrections to Sections 28.6, 38.1, 28.4, 28.6, 38.1 and 38.3.
2.3	May 16, 2017	V. Kotze v	Final edits.

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Preface

This document provides guidance to the National Agency of Public Registry and contractors for implementation of the pilot phase of the land registration program of the World Bank Irrigation and Land Market Development Project.

Many sources were consulted during the preparation including strategies, standards, manuals, guidelines and technical documentation. Opinions were also sought from the NAPR staff involved in geodetic and cadastral surveys. The guidelines consolidate them into a single document, which defines roles and responsibilities of all stakeholders and provides simple instructions for implementation of the systematic registration process.

The guidelines reflect the new Law on Special Procedures for Systematic and Sporadic Registration of Land Titles and Improvement of Cadastral Data Under the State Project¹ promulgated in 2016.

Appendix 1 is taken from Communication Strategy and Action Plan for the Land Registration Pilot Project developed by the G4G project of USAID.

Pilot Project Brochure

¹ Called hereafter “the Law on Systematic and Sporadic Registration”.



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GEORGIA INVESTMENT
AND TRADE
COOPERATION

On November 21, 2014 the Ministry of Finance of Georgia and the International Development Association (IDA) of the World Bank Group concluded the Financing Agreement for the purpose of improving irrigation and drainage services in the selected areas, as well as the development of the rules and procedures for the national program of land registration. The first component of this project is being implemented by the Ministry of Agriculture of Georgia (MOA) and the second one – by the Ministry of Justice of Georgia through the National Agency of the Public Registry (NAPR).

About project

The Land Market Development Component envisages systematic registration of land titles in 12 settlements across Georgia specified in the GoG Regulation No 351 of July 28. Within the

framework of this project land plots in private, state and municipality ownership will be surveyed and registered, a unified database will be established and discrepancies in the cadastral data will be corrected.

Where the Pilot Project will be implemented?

The 12 settlements across Georgia listed below have been selected for the implementation of the Pilot Project and they represent various land registration problems:

- ✚ Manglisi (Tetritskaro Municipality);
- ✚ Jimiti (Gurjaani Municipality);
- ✚ Arboshiki (Dedoplistskaro Municipality);
- ✚ Arkhiloskalo (Dedoplistskaro Municipality);
- ✚ Salkhino (Vani Municipality);
- ✚ Karaleti (Gori Municipality);
- ✚ Zaridzebi (Tianeti Municipality);
- ✚ Veddkari (Martvili Municipality);
- ✚ Lakhamula (Mestia Municipality);
- ✚ Saguramo (Mtskheta Municipality);
- ✚ Mzisdguli (Sagarejo Municipality);
- ✚ Shuakhevi (Shuakhevi Municipality);



How the Pilot Project is going to help you?

If you have a land plot, which you can't register due to the lack of ownership evidence, deficiencies in the documents, ownership disputes, cadastral survey costs, or any other obstacles, forget about these issues! From now on NAPR will take care of your problems under the Pilot Project. NAPR will carry out the Pilot Project activities with the help of the Municipal Working Group involved in the Pilot Project and a contractor company.

- ✚ A Municipal Working Group comprises the representatives of the local municipality, mediators, the World Bank regional facilitators and NAPR representatives;
- ✚ A contractor selected through the tender procedure will be responsible for the field works component.



Locating a Land Plot

- ✚ Locating a land plot is the basis for a cadastral survey under the Pilot Project. A land plot can be located by request of a landowner, a person eligible to apply for a land title registration and/or by instruction of a municipality representative. Each of them shall accurately specify the location of a land plot to be registered;
- ✚ If necessary, the location of a land plot shall be confirmed by the neighbors;
- ✚ If neither the ownership evidence specifies the location of a land plot, nor the neighbors verify the land plot boundaries, an individual administrative legal act shall be issued by a municipality representative to identify such a land plot;
- ✚ If the ownership evidence accurately locates a land plot, the neighbors' verification and/or an individual administrative legal act issued by a municipality are not required.



Cadastral Survey

- ✚ A contractor shall carry out a cadastral survey of a land plot. Based on the ownership evidence collected through the systemic procedures, a contractor shall visit the site and accurately survey a land plot with the proper equipment and prepare a survey plan meeting all the standard requirements;
- ✚ After a land plot survey, a land owner/rightful owner shall furnish his/her application for a land title registration to a contractor;
- ✚ A contractor shall announce the date of a survey publicly at least 15 calendar days prior to the commencement of the works.

Registration Procedures








- ✚ The registration procedures shall start on the basis of an application, survey plan, the ownership evidence collected by NAPR in advance and the other required data;
- ✚ Before the registration completion the cadastral survey results shall be displayed in the visible places of the Municipal Building and posted on the NAPR website to allow citizens to check the data;
- ✚ If a citizen finds any inaccuracies in the publicly disclosed data, he/she can lodge a complaint within 10 calendar days. A citizen shall furnish his/her complaint to a regional facilitator. NAPR shall review such a complaint within 10 calendar days and if necessary, make a decision on the corrections in the data.

Dispute Resolution Has Become Easier

- ✚ If a land plot is disputed, a Municipal Working Group and a contractor will help you to resolve a dispute. If the parties fail to reach an agreement, a contractor will offer mediation – an alternative way of dispute resolution. Thus you will be able to avoid litigation;
- ✚ If the parties fail to reach an agreement, a disputed land plot will be registered as one plot by consent of the parties. In addition to the area belonging to the co-owners, the title of the registry will contain a note that the land plot boundaries are not specified (coordinates and area) and the dispute will be resolved by court or through arbitration by mutual agreement of the parties;
- ✚ If the parties refuse to register the disputed land plot as one land plot, each land plot shall be surveyed in the boundaries specified by the parties. Such registration proceedings shall be suspended until the reasons for suspension are eliminated.



Important!

-  If you cannot register your land because you bought it years ago and the transaction was informal (oral or written) without any notarization or application to the Public Registry, now you can apply to either a notary or the Public Registry during the Project implementation, formalize the transaction free of charge and register your land plot easily;
-  If you occupy a land plot unrightfully and have no ownership evidence, NAPR will apply to the Commission for Recognition of Land Titles on your behalf. The Commission will make a decision free of charge within the shortest possible time. You can register your land plot free of charge based on an ownership certificate issued by the Commission;
-  If a land plot is in the community ownership, all the members of the community shall be registered as co-owners of such a land plot on the basis of their ID documents;
-  If the actual area of a land plot is 15% larger than the area specified in the ownership evidence and is enclosed (fenced), the actual area of a land plot shall be registered in the Public Registry;
-  If the built-up area or the area under crops is more than 10% larger than the area specified in the registration documents, the actual situation (i.e. the actual built-up area) will be registered in the Public Registry;
-  If the evidence of rightful ownership is obtained through systemic procedures, but a rightful owner refuses to register a land plot, the Public Registry shall include the information about his/her right to apply for land title registration. Within a three year period such an owner can apply and register his/her land title;
-  If a land owner is deceased and his/her successor has no certificate of inheritance, the Public Registry shall include the information on such a successor's right to apply for the recognition of his/her land title in compliance with the Law "On Recognition of Property Rights of Land Plots Owned (Used) by Natural Persons and Legal Entities of Private Law";

- ✚ If a land owner cannot be identified, such a land plot shall be conditionally registered as state property. Such property cannot be alienated within one year. During this period a potential land owner can submit the ownership evidence to the Public Registry and easily register such a land plot without the need for the government's consent.

All the following services will be delivered free of charge under the Pilot Project:

- ✚ collect and systemize the documents;
- ✚ prepare a survey plan;
- ✚ register the changes in the cadastral data;
- ✚ register in the Public Registry;
- ✚ specify the land plots registered without a survey plan (which means free of charge registration of the changes in order to specify the data without digital drawings);
- ✚ notarization of the parties' signatures on the transaction;
- ✚ mediation, including notary mediation;
- ✚ recognizing the ownership rights on an unrightfully occupied land plot;
- ✚ recognizing a land title.

Systemic registration does not in any way limit the citizens' rights to register their land titles based on an individual application through the sporadic procedures.

About the State Reform of Land Registration

- ✚ The State Reform of Land Registration began on August 1, 2016 and consists of two stages. The Stage 1 - sporadic registration based on the individual applications of citizens across the country is successfully underway. The Stage 2 includes the systemic registration of land plots in the selected areas based on the data obtained and processed through the systemic procedures.
- ✚ The State Reform of Land Registration aims at simplifying the registration procedures of immovable property and protecting ownership rights. The goal of the Reform is to eliminate the obstacles faced by land owners in the land registration.
- ✚ The systemic registration is going on under the Land Market Development Component of the World Bank Irrigation and Land Market Development Project.



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Registration of your land title in the Public Registry and the accurate and reliable data guarantee the protection of your ownership rights.

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Regardless of your gender
you have the right



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Did you know that according to the legislation of Georgia men and women have equal rights to immovable property concerning

-  ownership
-  lease
-  use



The laws of Georgia guarantee equal ownership rights and gender equality. The Constitution of Georgia establishes the ownership rights as well as the other rights of women.





According to the current legislation and registration procedures of the Public Registry all owners are equal regardless their gender.



In addition to sole ownership, a woman can also be a co-owner of her parents' property. The parents' property may equally be inherited by their sons and daughters.

Both a husband and a wife can be registered as co-owners of the spouses' property.

Remember!
Regardless of your gender you have the right

-  to have an equal share in the inheritance, i.e. together with the other heirs you are entitled to an equal share of your parents' property;
-  Even in case of existence of a will of parents or a parent, to demand your rightful share as specified in the law;
-  to be a co-owner of the marital property;
-  to conclude a prenuptial agreement stipulating your ownership rights and obligations.

Equal ownership rights are protected by the law!

The regional offices of NAPR, Public Service Halls and Community Centers offer consultations on ownership rights.

Call us at 2405405 or
e-mail us at info@napr.gov.ge
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Appendix 2 is originally prepared by Geodesy and Geoinformation Department at NAPR but is reworked to become more suitable for the systematic registration process. This includes two new sections “Surveying Techniques, Accuracy, and Survey Work”, and multiple edits in “Purpose of the Document”, “General Description of Technical Fieldwork” and “Hardcopy of Cadastral Survey/Measurement Plan.

Appendix 3 is taken from Order No 153 “On Approval of the Regulations for Systematic and Sporadic Registration of Rights, Public Disclosure of the Cadastral Survey Results, Their Verification and Change and Selection of a Mediator Under the State Project”².

Executive Summary

Purpose. This document is draft guidelines for systematic registration in the pilot phase of the land registration program financed by the Land Market Development component of the World Bank Irrigation and Land Market Development Project.

Overview. The guidelines provide description of components, workflows, processes, roles/responsibilities and quality control during the systematic registration process.

² Called hereafter “regulations on systematic and sporadic registration”.

Abbreviations

2D	Two-dimensional
ASCII	American Standard Code for Information Interchange
BTI	Bureau of Technical Inventory
CORS	Continuously Operating Reference Station
DOCX	Microsoft Word Open XML Document
ESRI	Environmental Systems Research Institute
G4G	Governing for Growth
Geo-CORS	National CORS Network of Georgia
GGD	Geodesy and Geoinformation Department
GIS	Geographic Information System
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GNSS	Global Navigation Satellite System
GoG	Government of Georgia
GPS	Global Positioning System
GSD	Ground Sample Distance
ID	Identification Data
IDA	International Development Association
ILMDP	Irrigation and Land Market Development Project
JPG	Joint Photographic Experts Group
KfW	Kreditanstalt für Wiederaufbau
LEPL	Legal Entity under Public Law
LMD	Land Market Development
LPRRC	Local Property Rights Recognition Commission
MoF	Ministry of Finance
MoJ	Ministry of Justice
MWG	Municipal Working Group
NAG	National Archives of Georgia
NAPR	National Agency of Public Registry
PAC	Public Awareness Campaign
PD	Public Display
PDF	Portable Document Format

PP	Pilot Project
PPCT	Pilot Project Core Team
PRD	Property Registration Department
PRU	Public Relations Unit
PSDA	Public Service Development Agency
QA	Quality Assurance
QC	Quality Control
RINEX	Receiver Independent Exchange Format
RTCM	Radio Technical Commission for Maritime Services
RTK	Real Time Kinematic
SHP	ESRI Shapefile
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
UTM	Universal Transverse Mercator
WB	World Bank
WGS84	World Geodetic System 1984
WMS	Web Map Service
XLSX	Microsoft Excel Open Xml Spreadsheet
XML	Extensible Markup Language

Definitions

The definition for most of the terms below is the one provided in the Law on Systematic and Sporadic Registration. For the rest, the source is given in the footnotes.

Agricultural land plot	pastures, hayfields, arable land (under perennial crops, orchards or vegetable gardens) or household land plots;
Cadastral data	accurate graphic and textual information on the location and borders of a land plot, its related buildings/structures, including linear structures, servitudes or other legal restrictions; ³
Cadastral map	document showing cadastral data of a specific area, including Information on land plots, buildings/structures

³ Compiled for these guidelines based on the Law on Systematic and Sporadic Registration, Article 3, Paragraph 1, Subparagraph n).

	with registered ownership, immovable property with unregistered ownership right registered in the cadastral database, grid, cadastral code/number as well as rights and limitation on land plots and buildings in this area as registered in the Registry of Immovable Property; ⁴
Cadastral plan	document showing cadastral and graphic data of a land plot, including the cadastral code, area, shape, function, coordinates, buildings and structures on a land plot (including those under construction), number of their storeys, rights and limitations on such a land plot registered in the public registry; ⁵
Cadastral survey / Measurement plan	document comprising the cadastral data of a real asset and prepared in accordance with the requirements of the present Guidelines; ⁶
Interested person	a natural person, as well as his/her heir presumptive or successor who lawfully possesses (uses) or has squatted a state-owned agricultural or non-agricultural parcel of land with a residential house (built or destroyed) or a non-residential building built upon it, as well as a natural person, which has purchased/acquired the property right to fixed structures built upon this parcel of land from the user of a state-owned agricultural or non-agricultural parcel of land, according to the legislation of Georgia; ⁷
Illegally occupied land	<p>a state-owned agricultural or non-agricultural parcel of land:</p> <ul style="list-style-type: none"> • with a residential house (built or destroyed) or a non-residential building built upon it before entry into force of this Law; • with or without fixed structures built upon it adjacent to and smaller in area than the parcel of land owned or lawfully possessed by the interested natural person, which, at the moment of requesting recognition of the property right is not disposed of by the State, except for

⁴ Order No. 4 of the Minister of Justice of Georgia, Article 8, Paragraph 5.

⁵ Order No. 4 of the Minister of Justice of Georgia, Article 8, Paragraph 2.

⁶ Compiled for these guidelines.

⁷ Law of Georgia on Recognition of Property Rights of the Parcels of Land Possessed (Used) by Natural Persons and Legal Entities Under Private Law.

	the cases that meet the requirements for lawfully possessed land; ⁸
Illegal possession	see illegally occupied land;
Land plot	agricultural land or non-agricultural land plots with or without their related buildings and structures (constructed, under construction or demolished); the terms “plot” and “parcel” are used interchangeably in the text;
Land user	a natural person actually owning a land plot prior to the enactment of the Law on Systematic and Sporadic Registration based on an informal agreement with a person entitled to apply for registration of their land ownership;
Lawfully possessed land	a state-owned agricultural or non-agricultural parcel of land with or without fixed structures built upon it (built, under construction, or destroyed) for which the natural person had acquired the right to lawful possession (of parcels of land or structures) before this Law entered into force, as well as land squatted (illegal possession) before 1994, and registered in the technical inventory archive; ⁹
Lawfully used	see Lawfully possessed land;
Lawful possessor/owner	a natural person, whose right to apply for the land title registration arose from an evidence of a lawful land possession (use);
Mediation	an alternative way of dispute resolution in accordance with the procedures stipulated in the Law on Systematic and Sporadic Registration;
Mediator	a person who meets the requirements of the Law on Systematic and Sporadic Registration, Article 19 and conducts negotiations between the contending parties;
Notary mediation	mediation conducted by one or more mediating notaries; ¹⁰

⁸ Law of Georgia on Recognition of Property Rights of the Parcels of Land Possessed (Used) by Natural Persons and Legal Entities Under Private Law.

⁹ Law of Georgia on Recognition of Property Rights of the Parcels of Land Possessed (Used) by Natural Persons and Legal Entities Under Private Law.

¹⁰ Modified from the Law on Systematic and Sporadic Registration.

Person eligible to apply a legal title registration	a person whose eligibility to apply for a legal title registration arises from a title document or evidence of lawful ownership (use) of land;
Pilot project	a component of the state project, which envisages the systematic registration of land titles and is implemented in 12 settlements across Georgia selected to represent geographic variety of the country;
Registration block	a set of land plots located in a specific geographic areas as specified in a legal-administrative act issued by the municipality;
Rightful owner	a natural person, whose right to apply for a land title registration arose from the evidence of lawful land ownership (use);
Sporadic registration	registration of land titles and changes in the registered data across the country based on applications and registration documents submitted by interested persons according to the special procedures stipulated in the Law on Systematic and Sporadic Registration;
Squatted land	see Illegally occupied land;
State project	Special public administration arrangements related to the systematic and sporadic registration of land titles as envisaged in the present law and carried out with preferential terms stipulated herein to encourage registration of land plots in private ownership;
Survey plan	see Cadastral survey / Measurement plan;
Systematic registration	proactive registration of land titles and changes in the registered data under the pilot project according to the special procedures stipulated in the Law on Systematic and Sporadic Registration;
Title document	an administrative agreement (delivery-acceptance act or other document), individual administrative-legal act, a judicial (arbitral) act in force, a transaction or other legal act, which gives rise to the right to apply for registration of a title to real assets.

Introduction

Georgia and International Development Association signed in 2014 a \$50 million loan agreement for improvement of delivery of irrigation and drainage services in selected areas and development of improved policies and procedures as a basis for a national program of land registration. The resulting Irrigation and Land Market Development Project consists of three components: Component 1 - Irrigation and Drainage Improvement implemented by the Ministry of Agriculture of Georgia, Component 2 - Land Market Development implemented by the Ministry of Justice through the National Agency for Public Registry and Component 3 - Project Management.

The Land Market Development component will finance a pilot phase of a land registration program designed to redefine and test the policies and procedures for registration of agricultural land. The pilot will inform the design of the national land registration program.

The pilot phase will implement the new Law on Systematic and Sporadic Registration passed by the Parliament on June 3, 2016, and designed to resolve several overarching challenges to land registration in Georgia, such as incomplete documentation; unofficial transactions; boundary disputes; overlapping boundaries; actual occupation deviating from ownership documentation; unregistered state-owned lands and lack of information on property rights.

The registration data from previous projects are considered not reliable and NAPR developed a systematic registration program¹¹ to survey and create a seamless database of land records across the country while also completing the cadastral mapping process. The Law authorizes NAPR on its own initiative to carry out cadastral surveys, review registration documents and register changes in the existing cadastre data.¹²

Prior to the national rollout, a pilot project will conduct surveying and proactive land registration in 11 pilot areas consisting of 12 settlements across Georgia¹³ selected to represent geographic variety and land tenure situations in the country and grouped in 5 lots (Table 1 and Figure 1). The pilot project will test the NAPR Strategy of Land Registration and Improvement of Cadastral Data in Pilot Areas and will provide important data on potential challenges in implementing on a national scale. Acquired experience will be used as a basis for development of relevant methodology and recommendations for the national registration rollout.

¹¹ Strategy for Land Registration and Improvement of Cadastral Data in Pilot Areas.

¹² Law on Systematic and Sporadic Registration, Article 4.

¹³ Regulation No 351 of the Government of Georgia, The List of Settlements Selected for Systematic Registration of Land Plots under the Pilot Project, Article 1.

Table 1. Pilot project areas.

Settlement	Municipality	Lot
Manglisi	Tetritskaro	Lot 1
Jimiti	Gurjaani	Lot 2
Mzisdguli	Sagarejo	
Arboshiki	Dedoplistskaro	
Arkhliskalo	Dedoplistskaro	
Zaridzebi	Tianeti	Lot 3
Saguramo	Mtskheta	
Karaleti	Gori	
Vedidkari	Martvili	Lot 4
Lakhamula	Mestia	
Shuakhevi	Shuakhevi	
Salkhino	Vani	Lot 5

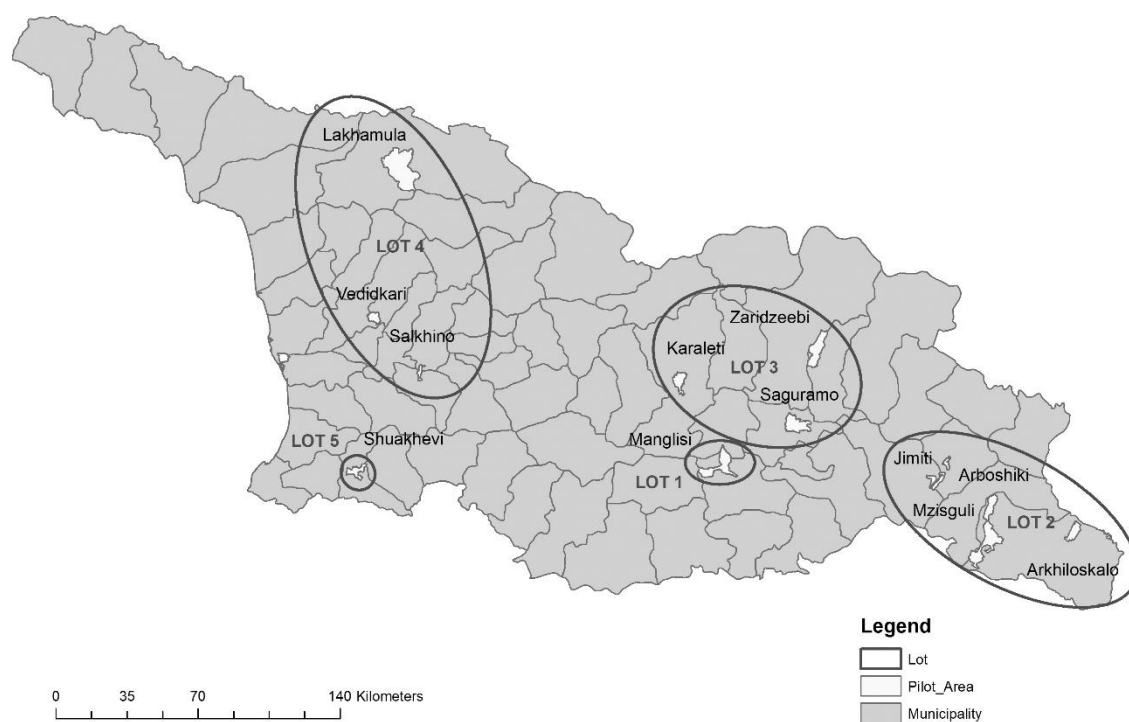


Figure 1 Location of pilot project areas.

Objective of the Pilot Project

The pilot project is aimed at carrying out systematic land registration in the pilot areas. The process will include full cadastral survey and creation of a database of all privately owned land, land owned by the GoG, and land owned by the municipality. The pilot should resolve data inconsistencies caused by missing or incorrect cadastral information and unspecified cadastral data, and will provide NAPR with information in order to:¹⁴

- Ascertain compliance of the cadastral data with the actual location of the land plots.
- Ensure compliance of the unspecified land plot cadastral data registered in the public registry with the requirements of the laws in Georgia.
- Ensure compliance of the specified land plot cadastral data registered in the public registry with the actual location of the land plots and make relevant correction in line with the procedure prescribed by the laws in Georgia.

Under the pilot project, NAPR on its own initiative will specify the land plots registered with unspecified data and will register changes based on the cadastral maps/measurement plans prepared according to the current legislation ensuring involvement of all interested persons in the administrative proceedings.¹⁵

Roles and Responsibilities

1. Stakeholders

Stakeholders of the pilot project are: Pilot Project Core Team, municipal representative, Mediator/Notary Mediator, Local Property Rights Recognition Commission, interested persons, contractor, government institutions including municipalities¹⁶, Ministry of Economy, National Archives of Georgia, Revenue Service and National Agency of Public Registry.

¹⁴ Law on Systematic and Sporadic Registration, Article 2.

¹⁵ Regulations on Systematic and Sporadic Registration, Article 5, Paragraph 3.

¹⁶ The term refers to district level municipalities.

2. Pilot Project Core Team

The Pilot Project Core Team (Table 2) under the Management Department of NAPR supervises all field personnel and activities in the pilot project areas, including the project monitoring and evaluation.¹⁷

Table 2. Pilot Project Core Team.

Project Manager
Finance Manager
Assistant to Project Manager
Procurement Specialist
Lawyer
Surveyor
Program Developer
Regional Facilitator

2.1. Project Manager

The Project Manager performs strategic planning and policy development and supports NAPR, Ministry of Justice and other concerned authorities in their strategic planning and policy development related to pilot land registration. He/she leads project planning, budgeting, financial planning, reporting in compliance with audit requirements, procurement, project implementation, staffing and logistics in accordance with the Project Financing Agreement and WB procedures; organizes and implements project monitoring and evaluation activities and ensures timely implementation of baseline and repeat surveys; establishes a reporting system in line with the Project Results Framework and prepares bi-annual and annual reports to the WB in line with progress against stated indicators.

2.2. Finance Manager

The Finance Manager is responsible for financial management and disbursement of funds in accordance with requirements of GoG and WB. He/she maintains project accounting system;

¹⁷ Work Plan for the Pilot Project, Paragraph 4.1.1.

prepares financial reports; monitors financial implementation of contracts; prepares invoices for payment, reports, budgets, accounts, commentaries and financial statements.

2.3. Assistant to Project Manager

Assists the Project Manager in professional project management internally and externally; provides general administrative support; helps produce plans and reports, organizes and maintains project files.

2.4. Procurement Specialist

The Procurement Specialist is in charge of all procurement of goods, works, non-consulting and consultant services for the ILMDP. He/she establishes project procurement systems; undertakes procurement planning and implementation including legal and commercial contract aspects of; prepares procurement documents, including procurement plans, procurement schedules, legal agreements, and contracts for goods, civil works and services; ensures timely publication of procurement notices and advertisements; undertakes bid evaluation, contract/amendment preparation and contract dispute resolution.

2.5. Lawyer

The Lawyer has authority to prepare and process registration documentation for systematic registration of land plots. In this process, he/she ensures proactive identification of problems and adoption of relevant preventive measures; cooperates with donor organization, state, municipalities, contractors and society. The lawyer participates in the quality control process of contractor deliveries; analyses the registration process and as a result initiates amendments and prepares drafts of conformable legal acts.

2.6. Surveyor

The Surveyor coordinates cadastral survey activities and monitors contractor's work onsite; performs field checks of positional accuracy and map content; conducts quality control of cadastral plans produced by the contractor using GIS software and ortho images; analyzes survey work and recommend changes in technology and technical instructions.

2.7. Program Developer

The Program Developer reviews current systems, presents ideas for system improvement and increase of program's effectiveness; creates and delivers custom software; develops software documentation, fixes problems with computer software and recommends upgrades; creates and maintains project database.

2.8. Regional Facilitator

Ensures social mobilization, communication, participation and cooperation of population in the pilot regions according to the agreed plan; provides public awareness and information; organizes together with the Public Relations Unit of NAPR events in the pilot areas and introduces normative acts to the population; facilitates surveying and collection of documents by the contractor; advises survey teams; provides guidance and support to vulnerable and illiterate people through the registration process; identifies land-related problems through close communication with local governments and residents and respond appropriately in accordance with the Project Manager's consent; keeps connection with the population, administrative units, city councils, NAPR and / or other administrative bodies; assists in dispute resolution; informs the Project Manager about issues with property registration the pilot project areas and the local self-government bodies; participates in public display and collects questions, comments and complaints; provides monitoring and control of contractor activities.

2.9. Municipal Working Groups

PPCT works in the field with 5 municipal working groups, one for each lot, established to communicate and cooperate with LPRRC, governors' offices, interested persons and contractors. Each MWG includes:

- Regional Facilitator from the staff of PPCT who assists the registration work on site and ensures good communication with local authorities and citizens (see also 2.8).
- Municipality representative who can be the head of municipal government¹⁸/mayor or an official/employee of the municipality government¹⁹/town hall authorized to represent the municipality with an individual administrative-legal order issued by the head of municipal government/mayor.²⁰

During the implementation of the pilot project, the municipality representative²¹:

- Issues individual administrative-legal acts for identification of land plots specified in title documents and/or registered with unspecified cadastre data and land plots on cadastre maps/measurement plans when their actual location cannot be reliably determined.

¹⁸ Gamgebeli.

¹⁹ Gamgeoba.

²⁰ in accordance with the Subparagraph (a. f) of Paragraph 1 Article 54 of the Organic Law of Georgia – Local Self-Government Code.

²¹ Law on Systematic and Sporadic Registration, Article 16.

- Submits applications to NAPR for registration of land titles on behalf of interested persons if their ownership evidence was issued by an administrative body/official or local authority (municipality) and/or with engagement of government bodies.
- Issues individual legal acts for verification of cadastral survey findings by NAPR.²²
- Exercises any other authority envisaged by the Law on Systematic and Sporadic Registration and legislation of Georgia.

MWG may also include a Mediator/Notary Mediator who will be appointed by the contractor for dispute resolution or when necessary.

3. Property Registration Department

Property Registration Department at NAPR performs final quality control on documents for registration²³ according to the established procedure and makes registrations in the public registry based on the cadastral survey plans and legal documents prepared by the contractor. PRD receives documents for registration prepared by the contractor after passing quality control and verification by PPCT and GGD.

4. Geodesy and Geoinformation Department

Geodesy and Geoinformation Department at NAPR prepares geospatial data for the pilot areas, performs final QC on the cadastral survey plans²⁴ before registration according to the established internal procedure, and enters data into the cadastral database. GGD receives mapping data, coordinates and reports prepared by the contractor after passing quality control and verification by PPCT.

5. Public Relations Unit

Public Relations Unit at NAPR implements communication strategy to maintain awareness of citizens, municipalities and local governments of the pilot project activities, produces and disseminates information materials about the registration process, organizes meetings, information campaigns and media events.

6. Local Property Rights Recognition Commission

Local Property Rights Recognition Commission at the municipality takes decisions for recognition of ownership rights in the cases of illegally occupied land and makes reference to

²² Regulations on Systematic and Sporadic Registration, Annex 2, Article 5, Paragraph 5.

²³ Prepared by the contractor and passed verification and quality control by PPCT.

²⁴ Prepared by the contractor and passed verification and quality control by PPCT.

the Law on Recognition of Title to Land Plots Possessed (Used) by Natural Persons and Legal Entities of Private Law (September 20, 2007), on which decisions will be based.

7. Contractor

Contractors are private companies, authorized through contracts with NAPR to perform cadastral survey and collect documents for registration in the public registry in a pilot area. They are selected through a competitive tender process and work under the overall supervision of PPCT, to which they directly report, seek approval and obtain the acceptance of outputs.

Contractors participate in public awareness campaign, conduct surveying of parcel boundaries and cadastral objects, collect documents necessary for registration in the public registry, prepare cadastral survey plans, collate registration documents, conduct internal quality control, assist interested persons in settling the discrepancies on land ownership, upload cadastral survey plans, documents for registration, spatial data and reports into the electronic system of NAPR, participate in public display and perform technical fieldwork for verification of survey results.

8. Interested Persons

Interested persons cooperate with the contractor by preparing and submitting documents related to their property and controlling the data on their property during public display. They have also the obligation to participate and co-operate in the demarcation and measurement.

Process Description

The implementation process for systematic registration includes (Figure 2):

- Preparation activities.
- Public awareness.
- Technical fieldwork.
- Public display.
- Verification of survey results.
- Registration.

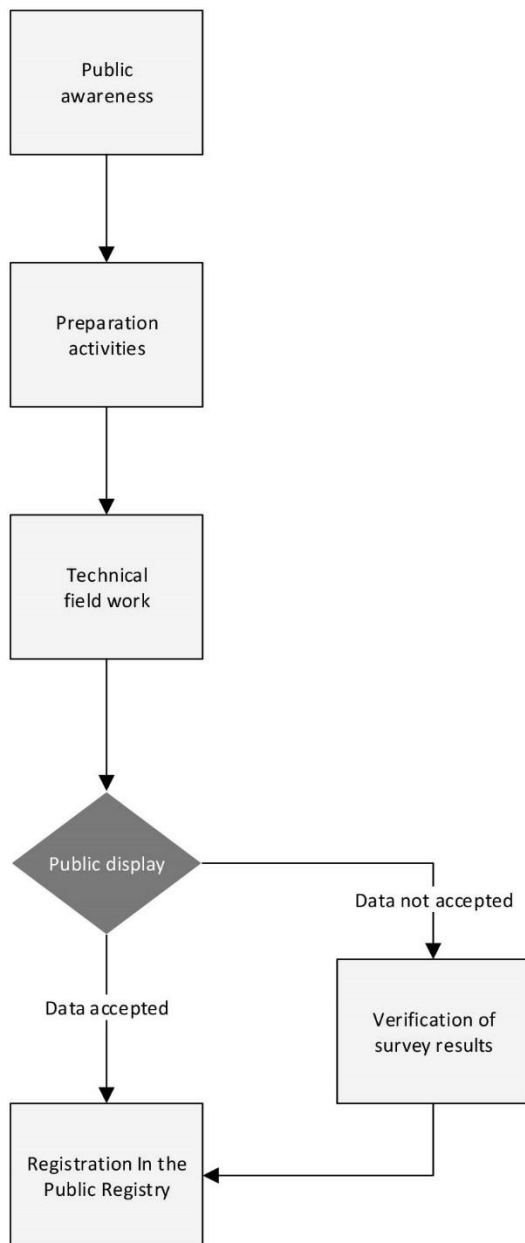
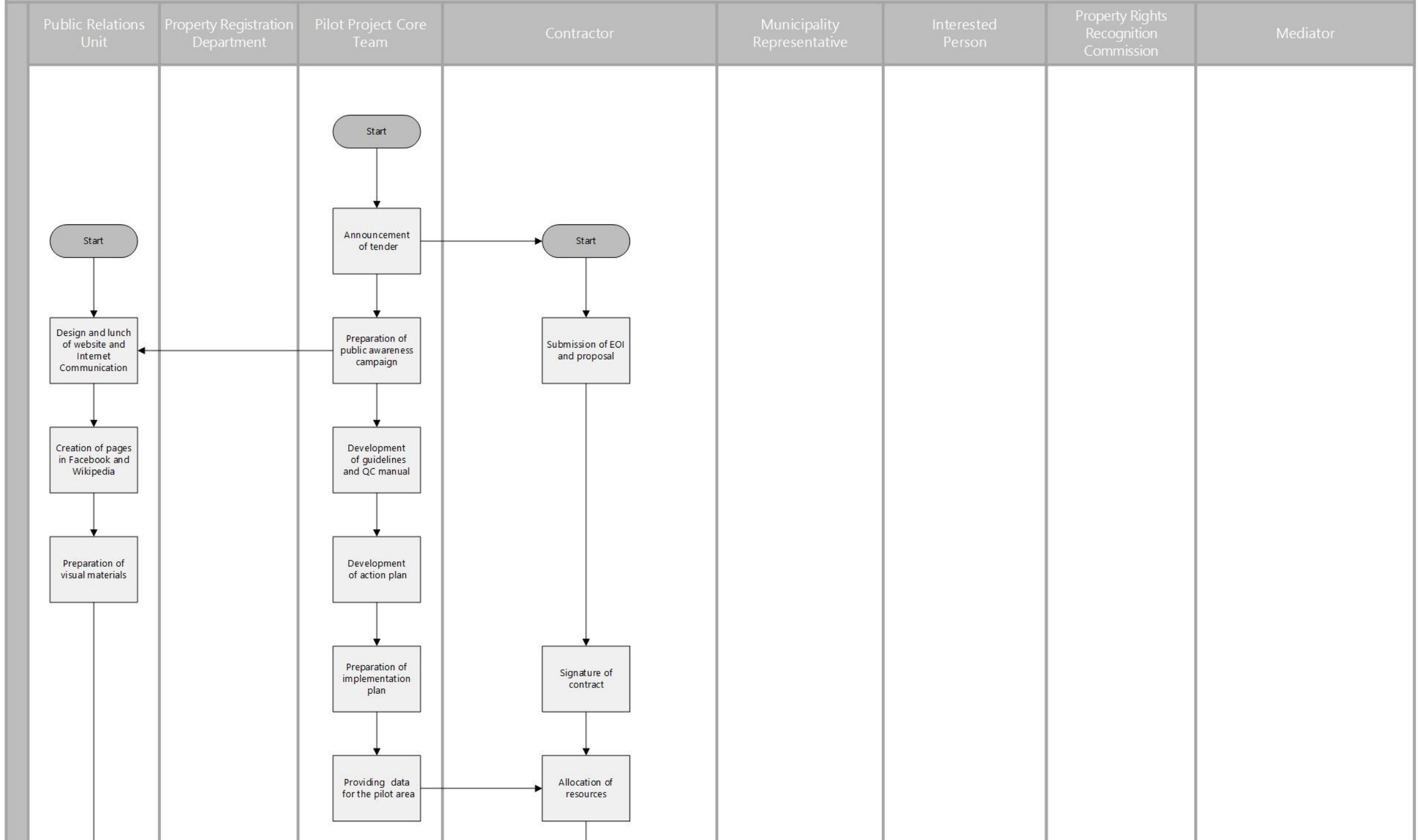
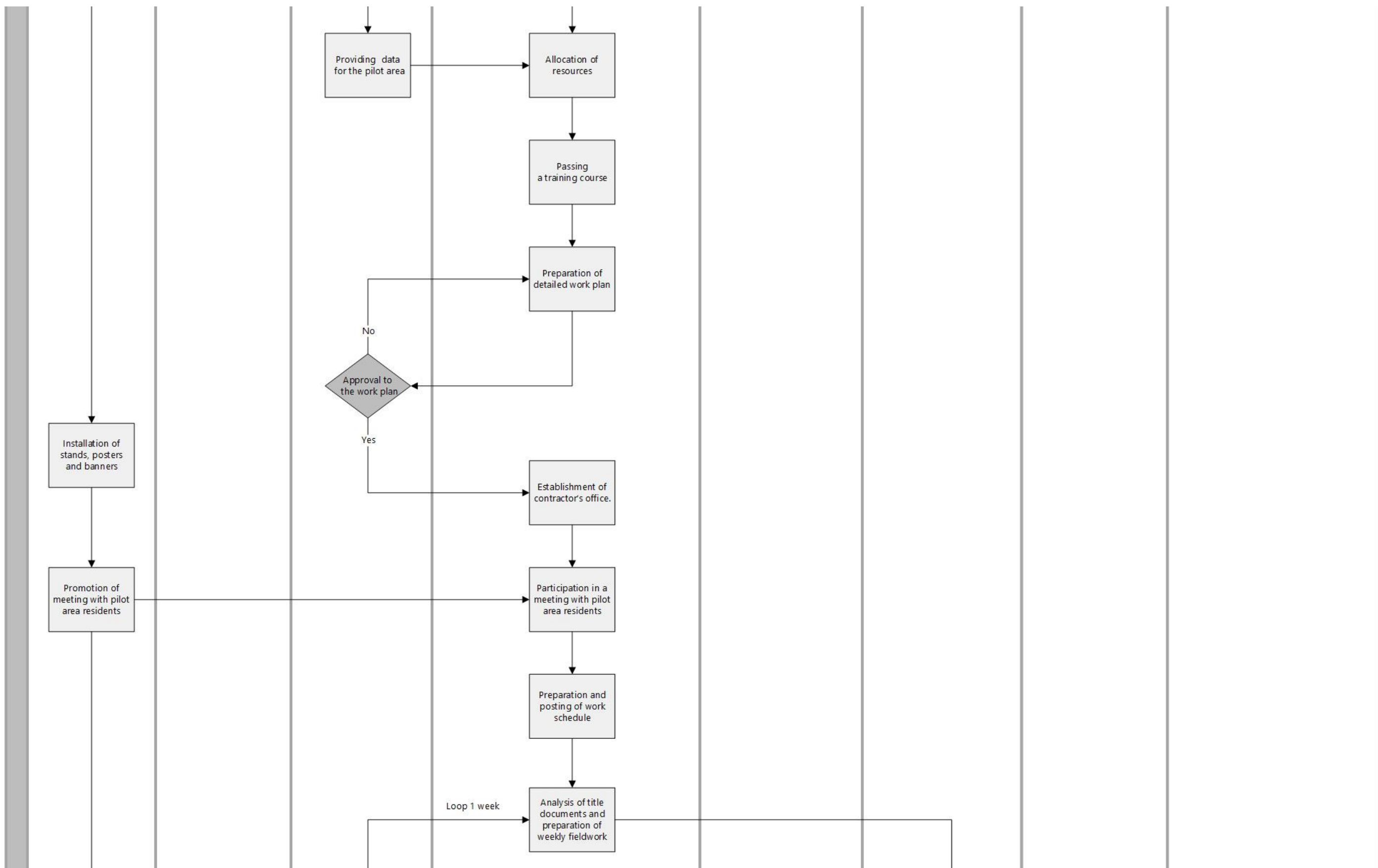


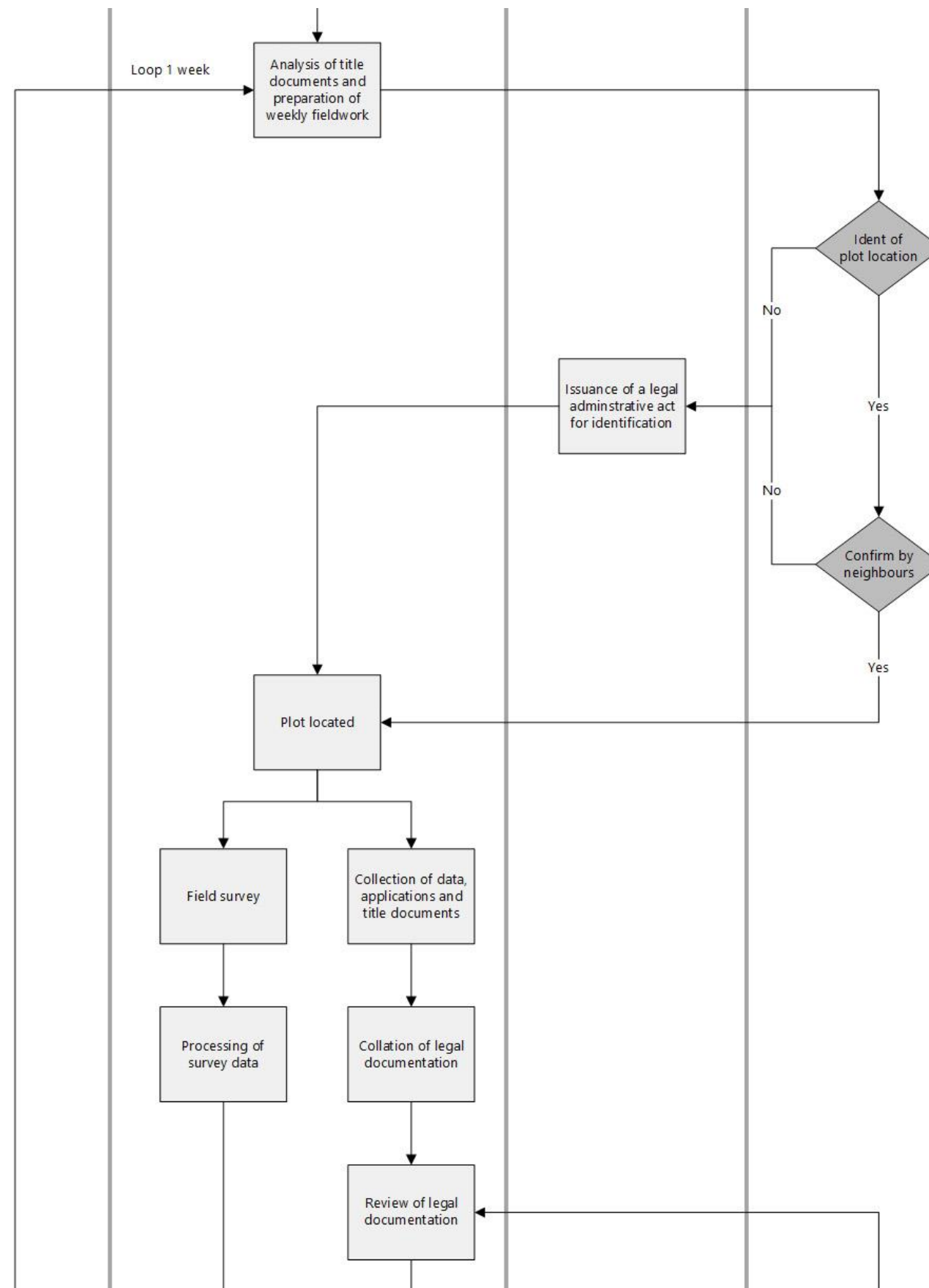
Figure 2. Main phases of systematic registration.

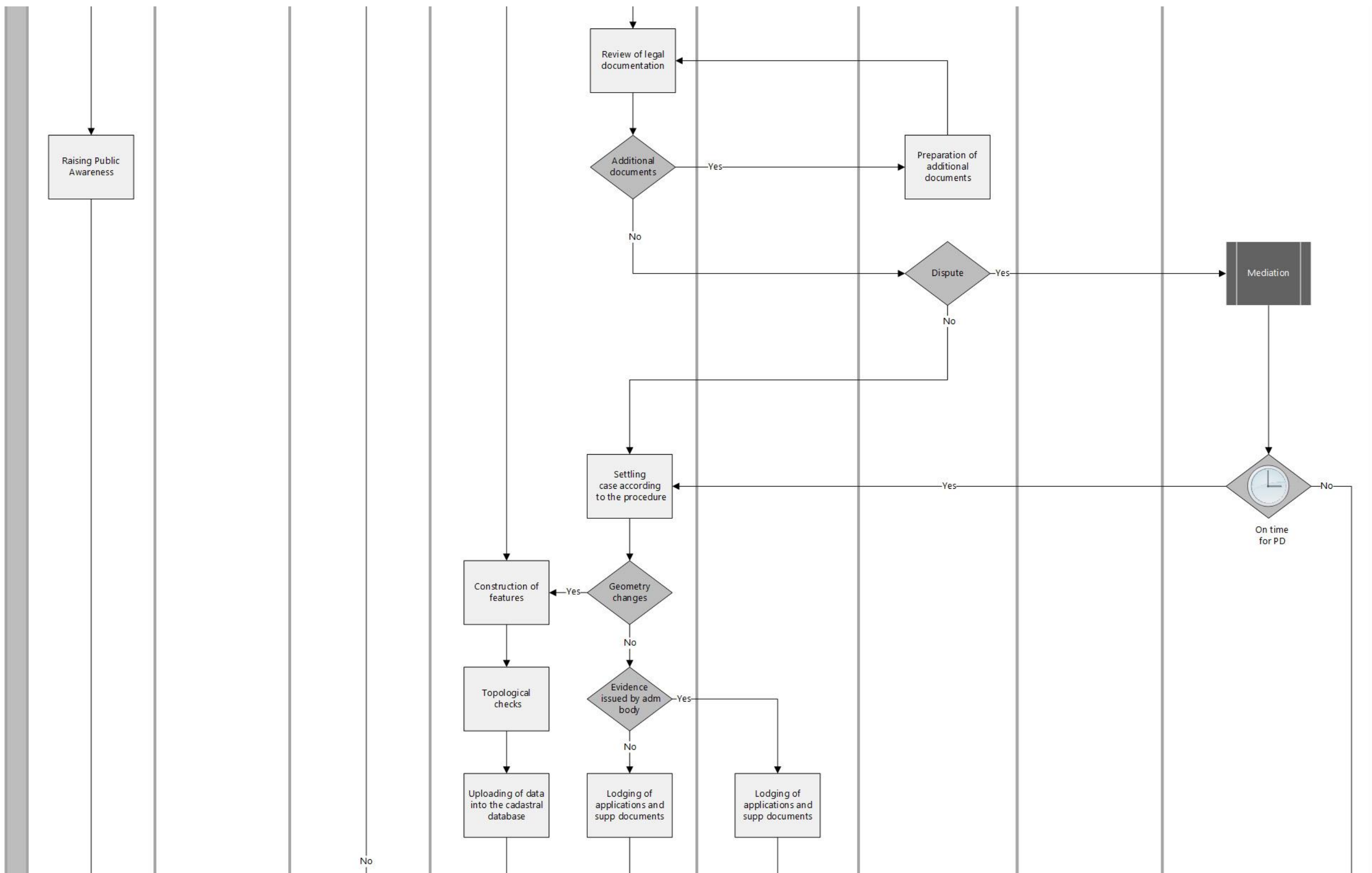
The workflow of systematic registration in the pilot areas is shown in Figure 3.

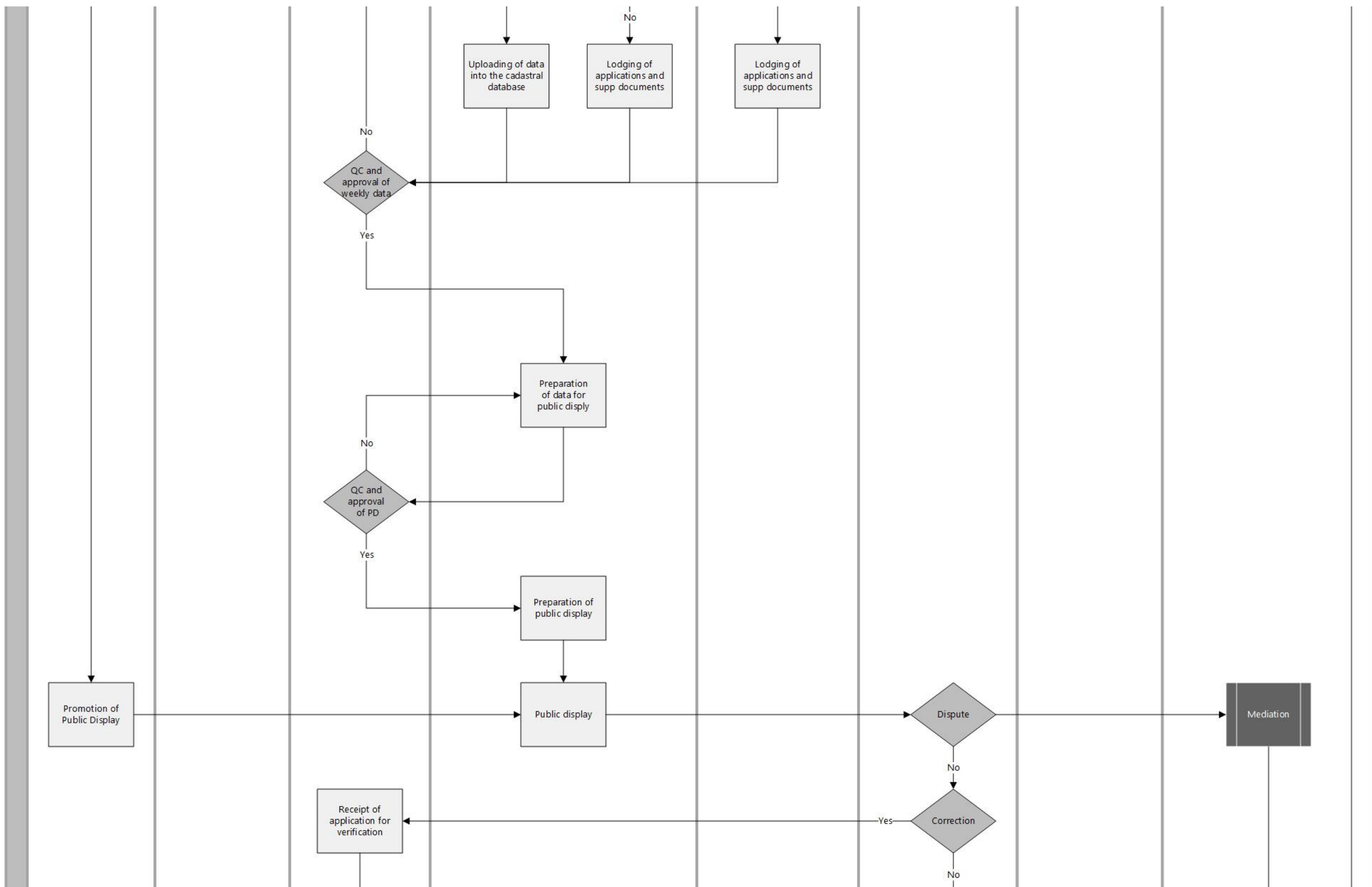
Systematic Registration in Pilot Project Areas

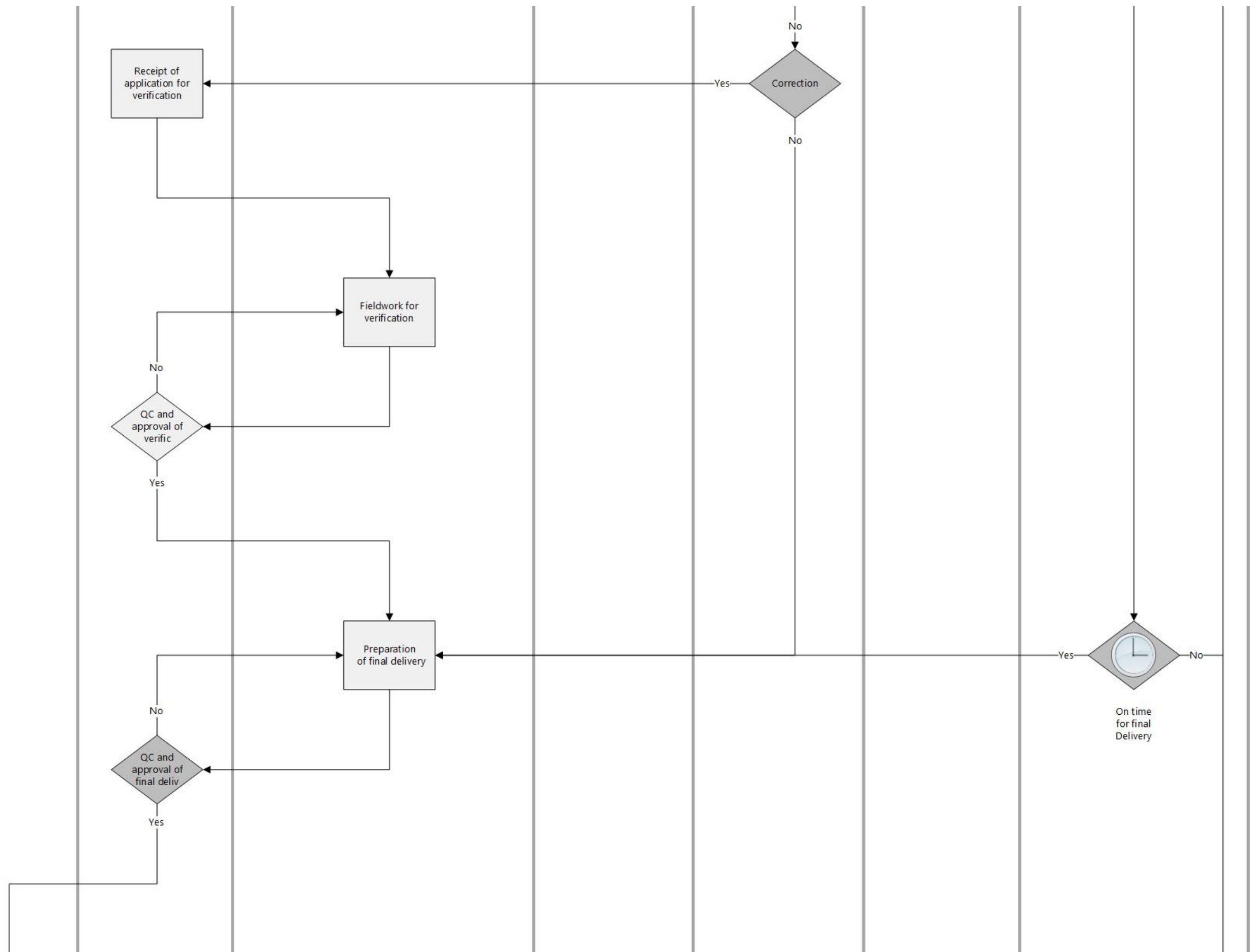












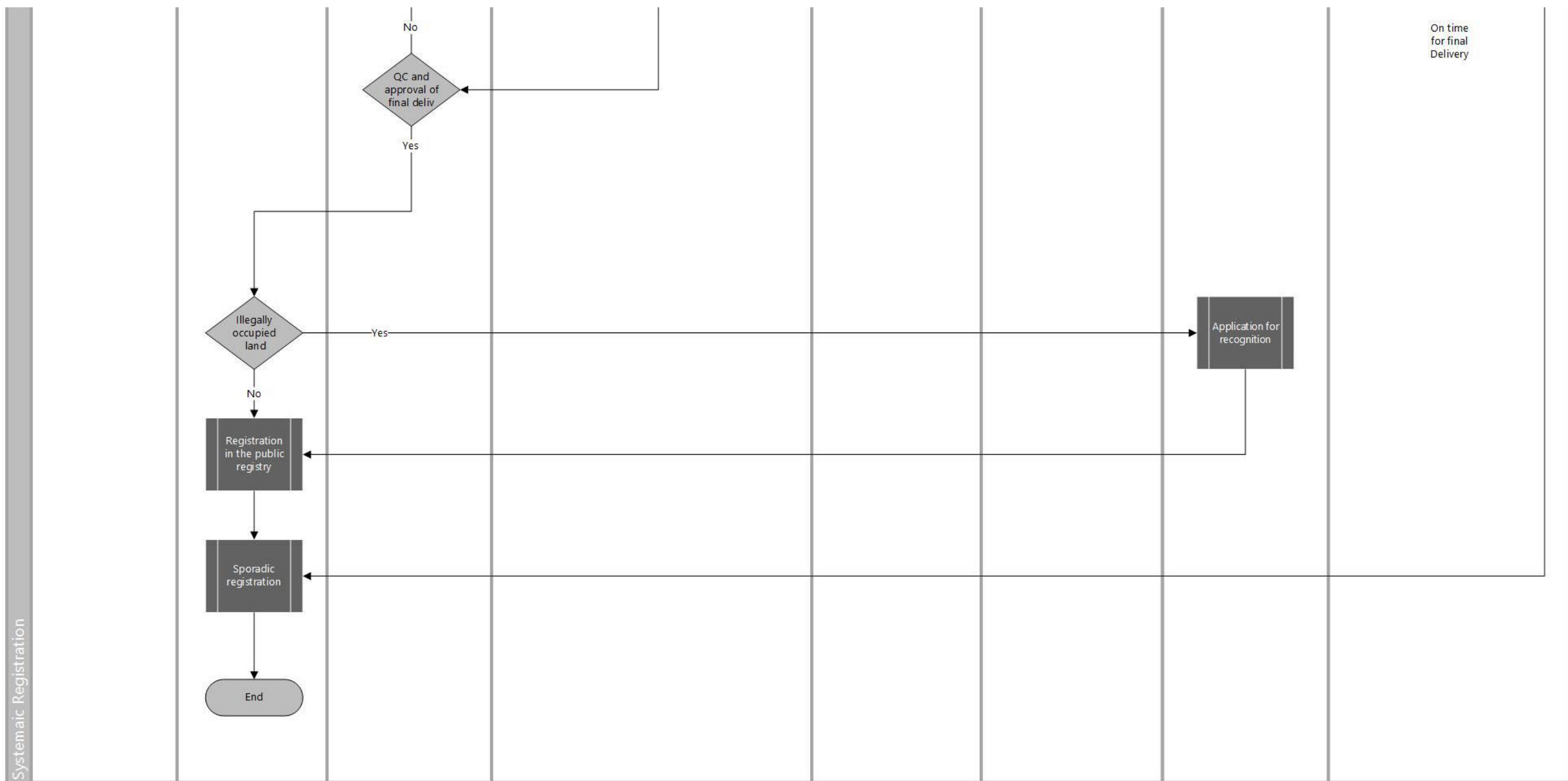


Figure 3. Workflow of systematic registration in pilot areas.

Preparation Activities

9. Development of Documentation

PPCT develops documentation necessary for implementation of the pilot project including:

- Terms of Reference for Selection of a Surveying Company, serve as a basis for selection of a contractor to conduct cadastral survey and mapping activities in the pilot project areas.
- Technical Specifications for Survey/Registration Contracts, which describes scope of work, standards, deliverables, duration, milestones and institutional arrangements for the assignment.
- Guidelines for Systematic Land Registration Pilot (this document), which provide description of components, workflows, processes, roles and responsibilities for implementation of systematic registration in the pilot areas and ensure production, collection and publication of accurate cadastral data.
- Quality Control Manual, which provides NAPR and contractors with guidance and a toolkit with checklists and spreadsheets for conducting quality control on systematic registration data.
- Action Plan, which contains details of the key tasks that are required to successfully implement the pilot project.

10. Contracting of Technical Field Work

The PPCT procurement specialist prepares a package of procurement documents.

Surveying companies submit bids in line with the bid requirements.

Submitted bids are evaluated by NAPR Tender Evaluation Committee that serves PPCT on the basis of the qualification requirements and weight of the criteria specified in the tender documents.

The tender is awarded and a contract is prepared by the procurement specialist.

11. Preparation of Data for the Pilot Area

PPCT prepares data for the pilot area based on:

- Registration database at NAPR.
- References from the BTI archive at NAPR.
- Records from household books provided by NAG.
- Land distribution list with or without the attached plans issued by the Land Reform Commission requested from NAG or municipality.
- Agricultural land taxpayers list approved by the local self-government bodies/authorities requested from the Revenue Department, Ministry of Finance or the municipality.

Work includes digitization of paper based agricultural land taxpayers list and household books for retrieval of necessary data.

12. Data Provided to the Contractor

12.1. NAPR provides following data for the pilot area:

- Agricultural land taxpayers list approved by the local self-government bodies/authorities in XLSX format and on paper.
- Land distribution list with or without the attached plans issued by the Land Reform Commission, if available.
- Information about the owners from the registration database and references from the BTI archive at NAPR.
- This guidelines and relevant legislation, prepared by PPCT.

12.2. NAPR provides the contractor with:

- Access to a Web Map Service with images of:
 - registered cadastral objects (existing cadastral maps),
 - orthophotos and
 - topography.
- Land inventory data created by different international projects between 1998 and 2006 (WB, USAID, KfW, UNDP) as SHP files.
- Access to the database with registration documents and BTI references from NAPR.

12.3. The contractor shall be authorized by NAPR to use web-based software for uploading applications, documents and reports, and a web link to upload mapping data.

- 12.4. The contractor shall be granted the right from NAPR to arrange the process of mediation.
- 12.5. NAG provides the contractor with access to the electronic database of household records.

13. Training

PPCT shall organize trainings for all staff, contractors, municipality representatives, members of LPRRC and mediators participating in the pilot project. The training shall be aimed at development of skills and knowledge to plan, manage and implement systematic registration. The main focus shall be on legislative framework, alternative dispute resolution mechanisms, technical standards for land surveying, land registration process and public awareness campaigns.

- PPCT staff shall receive training in supervision and monitoring of contractors, use of experience capture technologies, project monitoring and evaluation, legislative framework, alternative dispute resolution mechanisms, technical standards for land surveying, land registration process and public awareness campaigns and use of the electronic document management system²⁵ of NAPR.
- PRD shall receive training on legislative framework.
- Municipality representatives and LPRRC shall receive training on legislative framework, land registration process, and all statutory responsibilities related to the pilot project.
- Mediators shall receive training on the mediation procedure and legislative framework, and all statutory responsibilities related to the pilot project.
- Contractors shall pass training on land registration process, legislative framework, technical standards for land surveying, rights of female property owners, and all statutory responsibilities related to the pilot project.

PPCT will be supported in the organization of workshops for municipalities and LPRRC members by the GIZ project Improved Private and Administrative Law System.

²⁵ NAPRWEB.

14. Preparation by the Contractor

14.1. Detailed Work Plan

Within the timeframe indicated in the contract, the contractor shall submit to PPCT a detailed work plan with implementation schedule of the foreseen activities.

PPCT shall review the plan and give comments and suggestions for the final version.

The contractor shall begin fieldwork after getting final approval on the detailed work plan.

14.2. Contractor's Office

The contractor shall establish at its expense an office in the pilot area. The office shall be used for all activities during the registration process and should be:

- located in a place that is easily accessible and near public institutions such as administration buildings, school etc.;
- furnished, equipped and suitable for visitors;
- open in hours convenient for the interested persons;
- accessible by phone and e-mail.

14.3. Work Schedule

Prior to the commencement of fieldwork, the contractor shall announce a schedule when surveyors will work in specific parts of the pilot area. This way the interested persons will be prepared to provide all necessary documents for registration and participate in the demarcation process.

Public Awareness

To provide a basis for successful awareness-raising campaign during the pilot project, NAPR and GIZ with support from USAID G4G has developed a communication strategy and action plan (Appendix 1) which will serve as a basis for communication with the target audiences and stakeholders.

The overall goal of the communication strategy is to improve the understanding of the pilot project objectives amongst citizens, municipalities and local governments and encourage interested persons to apply for registration in the public registry.

Key interventions include visual branding of local offices, dissemination of information materials, organization of meetings, establishment of internet communication, promotion and Information campaign, film shooting and presentations.

All relevant materials shall be available in the languages spoken by the local population.

Public awareness shall include special activities to encourage women to register their property including specific sensitization sessions targeting women prior to land registration and organizing public information sessions at a time and place convenient for people with family responsibilities.

15. Preparation of Public Awareness Campaign

Based on the communication strategy, PPCT and PRU shall prepare a public awareness campaign with specific objectives to:

- inform about the need and benefits of registration;
- inform about the roles and responsibilities of every stakeholder, including citizens themselves;
- inform about the activities performed by the contractor;
- pay special attention to women, vulnerable people, ethnic minorities, and people with disabilities.

Communication with the pilot area residents and other stakeholders, as well as the design and printing of information and visual materials shall start after the announcement of tender for selection of surveying company (10).

Not less than 15 calendar days before commencing the fieldwork PRU shall:

- Install information stands and place posters/ banners in the pilot area.
- Provide PPCT and the contractor with flyers and triplets for dissemination to the general public.
- Design and launch website and Internet communication.

- Create a Facebook page, place information at Wikipedia and create a channel at YouTube.

16. Measures to Involve Interested Persons in the Registration Process

As a part of the public awareness campaign, NAPR shall publish on its website, the official website of the municipality²⁶ and in clearly visible places in the pilot area:²⁷

- Notice on administrative proceedings containing information on the interested persons, location of the land plots, and commencement and completion dates of the registration.
- Not less than 15 calendar days prior to commencement of fieldwork, NAPR shall publishes notification on the forthcoming cadastral survey.

17. Meeting with Pilot Area Residents

A pivotal event in public awareness is the meeting with the pilot area residents before commencing fieldwork.

The meeting is organized by PPCT. The invitation is announced at least 7 days in advance and contains date, venue, time and agenda of the meeting. The information is posted in public places, printed on leaflets, which are handed out to the residents, posted in the Internet and distributed by radio, TV and local newspapers, if available.

The meeting is led by the manager of PPCT and is attended by municipality representatives and the contractor.

In the course of the meeting, the residents are informed about:

- importance of the project;
- benefits of registration including: formalization of ownership, mortgaging, fees that are normally charged and will not be charged within the systematic registration project;²⁸
- obligations of NAPR, PPCT, and the contractor;
- location of the PPCT and contractor offices;
- detailed work plan of the contractor;

²⁶ If applicable.

²⁷ Regulations on Systematic and Sporadic Registration, Article 20.

²⁸ Regulations on Systematic and Sporadic Registration, Article 14.

- obligations of the interested persons in due course of the registration process including: preparation and submission documents related to their property, submission of claims, cooperation with PPCT, cooperation with the contractor in demarcation, measurement and adjudication by giving oral information, documents and/or evidences relevant to the registration process as specified by the cadastral surveyors;
- to whom they should submit questions, comments and complaints to, by which means these can be submitted, and what they should expect once they have submitted such feedback or complaints.

In pilot areas with minorities, at least one member from these vulnerable groups should be invited to attend the meeting.

18. Participation by the Regional Facilitator

To assist with public awareness, the Regional Facilitator (2.9) provides public awareness, information activities and advice throughout the whole project. Together with PRU, he/she organizes events in the pilot areas and informs citizens of normative acts related to the registration process.

19. Participation by the Contractor

The contractor shall contribute to awareness rising by:

- Participation in a meeting with pilot area residents prior to commencement of the fieldwork (17).
- Distribution of leaflets and posters with information on the registration process, schedules, public display etc.

Technical Fieldwork

20. Methodology and Scope

Technical fieldwork shall include cadastral survey and collection of documents for registration of all land plots, buildings and other cadastral objects located on agricultural land owned by private owners, GoG and local municipalities, which are:

- not registered;
- registered with unspecified data;
- where actual occupation deviates from ownership documents;
- Incorrectly positioned;
- have geometrical problems such as overlapping boundaries, gaps etc.

Highest priority shall be on the registration of privately-owned land plots.

The contractor shall prepare data allowing NAPR to:

- ascertain compliance of cadastral data with the actual location of the land plots;
- ensure compliance of unspecified land plot cadastral data registered in the public registry with requirements of the laws in Georgia;
- ensure compliance of specified land plot cadastral data registered in the public registry with the actual location of the land plot and make relevant corrections in line with the procedure prescribed by the laws in Georgia.

21. Analysis of Data and Preparation of Fieldwork

The contractor shall conduct cadastral survey measurements based on analysis of title documents (if available) and procedures prescribed by the law.

Preparation begins by overlaying registered cadastral data on top of an orthophoto backdrop. Suitable for the purpose are the drone-based orthophotos with a resolution of 10 cm GSD of 2016.²⁹

A visual inspection of the image will detect incorrectly positioned land plots, buildings etc., which shall be resurveyed. It is possible by this method also to detect some rough cases of actual occupation, which deviates from ownership documents.

Objects registered with unspecified data are identified by checking registration database against cadastral database.

²⁹ NAPR currently provides the contractor with 2 orthophoto data sets : with a 20 cm GSD from 2000, and drone-based orthophotos with a resolution of 10 cm GSD from 2016. The horizontal positional accuracy at 95% confidence level for the first dataset is 70 cm and 35 cm for the second one.

Plots with geometrical problems will appear when after insertion of new plots within existing neighborhoods.

In many cases, such an analysis and fieldwork are very time-consuming and is better just to go in the field and measure everything.

22. Procedures for Locating Land Plots³⁰

The actual location of the land plots shall be determined from the registration documents provided by PPCT (11). If a location cannot be reliably determined from these documents, it should be shown by the land owner, a person eligible to apply for the land title registration and/or the municipality representative. In doing so:

- 2) ³¹The actual location of each land plot (borders and shape in relation to adjacent plots) shall be confirmed by the owners or/persons eligible to apply for a title to adjacent plots.
- 3) Land plots specified in title documents and/or not shown on cadastre survey/measurement plans shall be identified by an individual administrative-legal act issued by the municipality representative.
- 4) If the owners of/persons eligible to apply for a title to adjacent land plots refuse to confirm the actual location of a land plot, or the whereabouts of these owners/eligible persons are unknown, the actual location of the plot shall be determined by the municipality representative after a careful consideration of all circumstances and based on the relevant evidence. The municipality representative shall prepare and sign a report that acknowledges the unclaimed land and what was done to try to find the owner. This report shall be made part of the file and archive for that property.
- 5) Identification of the actual location of an individual land plot, or joint identification of all or some of the land plots included in a registration block can be carried out with an individual administrative-legal act issued by the municipality representative.

23. Surveying Processes and Standards

The cadastral survey shall be based on terrestrial measurements and orthophotos. Orthophotos shall be used only for orientation, preparation of fieldwork, rough positional control, preparation of field sketches and presentation of data at public display.

³⁰ Regulations on Systematic and Sporadic Registration, Article 15.

³¹ Numbering with a right bracket is used to preserve the original order of paragraphs in the referred document.

Work shall be done according to Technical Specifications of Cadastral Field Works/Surveys under the Pilot Project of Land Title Registration³² (Pilot Project Brochure)



³² Hereafter call "technical specifications for the pilot project".

On November 21, 2014 the Ministry of Finance of Georgia and the International Development Association (IDA) of the World Bank Group concluded the Financing Agreement for the purpose of improving irrigation and drainage services in the selected areas, as well as the development of the rules and procedures for the national program of land registration. The first component of this project is being implemented by the Ministry of Agriculture of Georgia (MOA) and the second one – by the Ministry of Justice of Georgia through the National Agency of the Public Registry (NAPR).

About project

The Land Market Development Component envisages systematic registration of land titles in 12 settlements across Georgia specified in the GoG Regulation No 351 of July 28. Within the

framework of this project land plots in private, state and municipality ownership will be surveyed and registered, a unified database will be established and discrepancies in the cadastral data will be corrected.

Where the Pilot Project will be implemented?

The 12 settlements across Georgia listed below have been selected for the implementation of the Pilot Project and they represent various land registration problems:

- ✚ Manglisi (Tetritskaro Municipality);
- ✚ Jimiti (Gurjaani Municipality);
- ✚ Arboshiki (Dedoplistskaro Municipality);
- ✚ Arkhiloskalo (Dedoplistskaro Municipality);
- ✚ Salkhino (Vani Municipality);
- ✚ Karaleti (Gori Municipality);
- ✚ Zaridzebi (Tianeti Municipality);
- ✚ Veddkari (Martvili Municipality);
- ✚ Lakhamula (Mestia Municipality);
- ✚ Saguramo (Mtskheta Municipality);
- ✚ Mzisguli (Sagarejo Municipality);
- ✚ Shuakhevi (Shuakhevi Municipality);



How the Pilot Project is going to help you?

If you have a land plot, which you can't register due to the lack of ownership evidence, deficiencies in the documents, ownership disputes, cadastral survey costs, or any other obstacles, forget about these issues! From now on NAPR will take care of your problems under the Pilot Project. NAPR will carry out the Pilot Project activities with the help of the Municipal Working Group involved in the Pilot Project and a contractor company.

- ✚ A Municipal Working Group comprises the representatives of the local municipality, mediators, the World Bank regional facilitators and NAPR representatives;
- ✚ A contractor selected through the tender procedure will be responsible for the field works component.



Locating a Land Plot

- ✚ Locating a land plot is the basis for a cadastral survey under the Pilot Project. A land plot can be located by request of a landowner, a person eligible to apply for a land title registration and/or by instruction of a municipality representative. Each of them shall accurately specify the location of a land plot to be registered;
- ✚ If necessary, the location of a land plot shall be confirmed by the neighbors;
- ✚ If neither the ownership evidence specifies the location of a land plot, nor the neighbors verify the land plot boundaries, an individual administrative legal act shall be issued by a municipality representative to identify such a land plot;
- ✚ If the ownership evidence accurately locates a land plot, the neighbors' verification and/or an individual administrative legal act issued by a municipality are not required.



Cadastral Survey

- ✚ A contractor shall carry out a cadastral survey of a land plot. Based on the ownership evidence collected through the systemic procedures, a contractor shall visit the site and accurately survey a land plot with the proper equipment and prepare a survey plan meeting all the standard requirements;
- ✚ After a land plot survey, a land owner/rightful owner shall furnish his/her application for a land title registration to a contractor;
- ✚ A contractor shall announce the date of a survey publicly at least 15 calendar days prior to the commencement of the works.

Registration Procedures

- ✚ The registration procedures shall start on the basis of an application, survey plan, the ownership evidence collected by NAPR in advance and the other required data;
- ✚ Before the registration completion the cadastral survey results shall be displayed in the visible places of the Municipal Building and posted on the NAPR website to allow citizens to check the data;
- ✚ If a citizen finds any inaccuracies in the publicly disclosed data, he/she can lodge a complaint within 10 calendar days. A citizen shall furnish his/her complaint to a regional facilitator. NAPR shall review such a complaint within 10 calendar days and if necessary, make a decision on the corrections in the data.

Dispute Resolution Has Become Easier

- ✚ If a land plot is disputed, a Municipal Working Group and a contractor will help you to resolve a dispute. If the parties fail to reach an agreement, a contractor will offer mediation – an alternative way of dispute resolution. Thus you will be able to avoid litigation;
- ✚ If the parties fail to reach an agreement, a disputed land plot will be registered as one plot by consent of the parties. In addition to the area belonging to the co-owners, the title of the registry will contain a note that the land plot boundaries are not specified (coordinates and area) and the dispute will be resolved by court or through arbitration by mutual agreement of the parties;
- ✚ If the parties refuse to register the disputed land plot as one land plot, each land plot shall be surveyed in the boundaries specified by the parties. Such registration proceedings shall be suspended until the reasons for suspension are eliminated.



Important!

- ✚ If you cannot register your land because you bought it years ago and the transaction was informal (oral or written) without any notarization or application to the Public Registry, now you can apply to either a notary or the Public Registry during the Project implementation, formalize the transaction free of charge and register your land plot easily;
- ✚ If you occupy a land plot unrightfully and have no ownership evidence, NAPR will apply to the Commission for Recognition of Land Titles on your behalf. The Commission will make a decision free of charge within the shortest possible time. You can register your land plot free of charge based on an ownership certificate issued by the Commission;
- ✚ If a land plot is in the community ownership, all the members of the community shall be registered as co-owners of such a land plot on the basis of their ID documents;
- ✚ If the actual area of a land plot is 15% larger than the area specified in the ownership evidence and is enclosed (fenced), the actual area of a land plot shall be registered in the Public Registry;
- ✚ If the built-up area or the area under crops is more than 10% larger than the area specified in the registration documents, the actual situation (i.e. the actual built-up area) will be registered in the Public Registry;
- ✚ If the evidence of rightful ownership is obtained through systemic procedures, but a rightful owner refuses to register a land plot, the Public Registry shall include the information about his/her right to apply for land title registration. Within a three year period such an owner can apply and register his/her land title;
- ✚ If a land owner is deceased and his/her successor has no certificate of inheritance, the Public Registry shall include the information on such a successor's right to apply for the recognition of his/her land title in compliance with the Law "On Recognition of Property Rights of Land Plots Owned (Used) by Natural Persons and Legal Entities of Private Law";

- ✚ If a land owner cannot be identified, such a land plot shall be conditionally registered as state property. Such property cannot be alienated within one year. During this period a potential land owner can submit the ownership evidence to the Public Registry and easily register such a land plot without the need for the government's consent.

All the following services will be delivered free of charge under the Pilot Project:

- ✚ collect and systemize the documents;
- ✚ prepare a survey plan;
- ✚ register the changes in the cadastral data;
- ✚ register in the Public Registry;
- ✚ specify the land plots registered without a survey plan (which means free of charge registration of the changes in order to specify the data without digital drawings);
- ✚ notarization of the parties' signatures on the transaction;
- ✚ mediation, including notary mediation;
- ✚ recognizing the ownership rights on an unrightfully occupied land plot;
- ✚ recognizing a land title.

Systemic registration does not in any way limit the citizens' rights to register their land titles based on an individual application through the sporadic procedures.

About the State Reform of Land Registration

- ✚ The State Reform of Land Registration began on August 1, 2016 and consists of two stages. The Stage 1 - sporadic registration based on the individual applications of citizens across the country is successfully underway. The Stage 2 includes the systemic registration of land plots in the selected areas based on the data obtained and processed through the systemic procedures.
- ✚ The State Reform of Land Registration aims at simplifying the registration procedures of immovable property and protecting ownership rights. The goal of the Reform is to eliminate the obstacles faced by land owners in the land registration.
- ✚ The systemic registration is going on under the Land Market Development Component of the World Bank Irrigation and Land Market Development Project.



THE WORLD BANK



Registration of your land title in the Public Registry and the accurate and reliable data guarantee the protection of your ownership rights.

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11



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Flayer on Women's Property Rights



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REGISTRY**

Regardless of your gender
you have the right



Regardless of your gender
you have the right

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Did you know that according to the legislation of Georgia men and women have equal rights to immovable property concerning

-  ownership
-  lease
-  use



The laws of Georgia guarantee equal ownership rights and gender equality. The Constitution of Georgia establishes the ownership rights as well as the other rights of women.





According to the current legislation and registration procedures of the Public Registry all owners are equal regardless their gender.



In addition to sole ownership, a woman can also be a co-owner of her parents' property. The parents' property may equally be inherited by their sons and daughters.

Both a husband and a wife can be registered as co-owners of the spouses' property.

Remember!
Regardless of your gender you have the right

-  to have an equal share in the inheritance, i.e. together with the other heirs you are entitled to an equal share of your parents' property;
-  Even in case of existence of a will of parents or a parent, to demand your rightful share as specified in the law;
-  to be a co-owner of the marital property;
-  to conclude a prenuptial agreement stipulating your ownership rights and obligations.

Equal ownership rights are protected by the law!

The regional offices of NAPR, Public Service Halls and Community Centers offer consultations on ownership rights.

Call us at 2405405 or
e-mail us at info@napr.gov.ge
www.napr.gov.ge

Appendix 2).

Scope of works includes:

- 23.1. Creation and proposing for approval by the municipality of registration blocks if such are not specified in a legal-administrative act issued by the municipality.
- 23.2. Establishment of a local control points for use with a total station or other optical instrument. Work shall include:
 - Monumentation.
 - Determination of coordinates using GNSS technology or a total station.
- 23.3. Demarcation of boundary points, which are not marked by permanent features such as fences, stones etc. Cadastral data on a land plot shall be collected on the basis on the borders of actual possession confirmed by the adjacent land plot owners (users). In case of disputed boundary, minutes shall be prepared and the boundary indicated by each concerned party shall be surveyed.
- 23.4. Instrumental survey with a horizontal positional accuracy of ± 15 cm (for each measured point) of:
 - Land plot boundaries (included disputed boundaries).
 - Exterior footprints (extents) of buildings and structures located in the plot.
 - Objects of independent right.
 - Objects required for description of legal borders such as servitudes or other legal restrictions on the use of property.
 - Boundaries of legal restrictions and/or encumbrances.
 - Linear objects such as communication facilities, motorways, railways, all kinds of pipelines, tunnels, cableways, power lines, telecommunication lines, cable railways, dams, for which there is an evidence of ownership/use/lawful possession per linear meter and a construction permit is issued.
 - Point objects.
 - Topographic features adjacent to the land plot (registration block), such as roads, shrubberies, forests, border sections of water bodies, etc.

- 23.5. Processing of survey data and computation of coordinates in the state coordinate system (UTM on the WGS84 datum).
- 23.6. Import of coordinates (and feature codes if available) into GIS and construction of polygons and attributive tables.
- 23.7. Topological checks on the acquired spatial data.
- 23.8. Preparation of a hard and soft copy of survey plans showing the features listed in 23.4 and the block boundary.
- 23.9. Upload of spatial data, maps and reports into the electronic system of NAPR and delivery of hardcopy documents to the Regional Facilitator (2.9) on a weekly basis.

24. Collection of Data and Documents Necessary for Registration in the Public Registry

In the course of fieldwork, the contractor shall:

- 24.1. Collect data for the field form provided by NAPR.
- 24.2. Collect applications for registration of property rights in the public registry.
- 24.3. Make copies of ID cards (if available) for attachment to the applications.
- 24.4. Collect original documentary evidences provided by interested persons and ensure their safety.
- 24.5. Prepare minutes of meeting for identification of disputed boundaries (Annex 6).
- 24.6. Keep records of each received or prepared document.

The contractor shall try to ensure the presence of both male and female spouses during the collection of data for the field form.

Non-Georgian speakers shall give power of attorney to a Georgian speaking person to fill out the field form on behalf of them.

Office work shall include:

- 24.7. Collation of the legal documentation.
- 24.8. Identification of the legal action for each case and check:

- if the interested person's ID document is valid and in full compliance with PSDA data;
- if collected application and title documents are complete are legally valid; if necessary, the contractor shall instruct the interested persons to provide additional documents, for example when the household books and/or agricultural land taxpayer lists contain data for the interested person;
- if NAPR registration database contains data on registration of the property to another person;
- if BTI database at NAPR contains data for allocation of the property to another person.

24.9. Collection of information about pledge, mortgage, lien/tax lien, and from debtors' registry.

24.10. Lodging of applications and documents through the NAPR web-based software and delivery of hardcopy and original documents to the Regional Facilitator (2.9) on a weekly basis. If the title documents supporting application were issued by an administrative body/official or local self-government (municipality) and/or government body, the application is lodged on behalf of the municipality representative.

24.11. Prepare and upload applications to the NAPR web-based software for submission to LPRRC after PD.

25. Legal Support to Interested Persons

During the fieldwork and the whole process, the Regional Facilitator with help from PPCT shall provide, legal advice to interested persons to help explain the process, what documentation is required and how this can be obtained, as well as legal assistance on the recourse options (mediation, verification of survey results and legal processes).

26. Deliverables by the Contractor

The contractor shall deliver data to PPCT in four stages: during the fieldwork, before public display, during verification of survey results and as final delivery. The contractor shall be authorized to use the NAPR web-based software for uploading applications, documents and reports, and a web link to upload mapping data.

26.1. Data Delivered During Fieldwork

After initiation of fieldwork, the contractor shall deliver survey data and documentation on a weekly basis. Each delivery shall include:

26.1.1. Report for establishment of local control points (if such points have been established for use with a total station or other optical instrument, see 23.2) including:

- Short description of work in PDF format.
- Site descriptions signed by an authorized representative of the contractor and scanned in PDF format.
- Original measurements in ASCII format for total station data and raw format for GNSS.
- Processing log for post processed data.

26.1.2. Report on instrumental survey including:

- Short description of work in PDF format.
- List of coordinates of surveyed points signed by an authorized representative of the contractor and scanned in PDF format.
- Original measurements in ASCII format for total station or raw format for GNSS.
- Processing log for post processed data.
- Field sketches scanned in PDF format.

26.1.3. List of all measured local control and boundary points in XLSX format.

26.1.4. Collected, produced and collated documents for each surveyed plot/linear structure including:

- Application for registration in the Public Registry signed by the interested person and scanned in PDF format.
- Cadastral survey/measurement plan consisting of a graphical part and field form, signed by the interested person and surveyor, signed and stamped by the contractor and scanned in PDF format.
- Title documents for registration provided by the interested person scanned in PDF format.

- Supporting documents (if applicable) such as: minutes for Identification of disputed boundaries, mediation agreement, legal administrative act issued by the municipality representative etc, properly signed and stamped and scanned in PDF format.
- Application to LPRRC for submission by NAPR after PD in PDF format if the plot is illegally occupied.
- Photographs of the plot boundary and related structures in JPG format.
- Copy of ID card of interested person (if available) scanned in PDF format.

26.1.5. Survey plan of the pilot area, which is current at the moment of submission, as SHP files with predefined attributes.

26.2. Data Delivered Before Public Display

The data delivered before public display shall include:

26.2.1. Cadastral maps based on the cadastral survey and showing the data on land owners/persons eligible to apply for title registration and land users including:

- Hard copy of an overview map of the pilot project area for hanging on the wall, at suitable scale for identification of registration blocks and consisting of orthophotos overprinted with the boundaries of registration blocks.
- Hard copy of a survey plan for each registration block at scales 1:1000-1:2000 for using on table and consisting of orthophotos overprinted with the features listed in 23.4. The old boundaries shall be shown in black; the new boundaries shall be shown in yellow.

26.2.2. List of land owners in each registration block in hard copy and XLSX format.

26.2.3. Dates of commencement and completion of cadastral surveys/measurements for each registration block in PDF format.

26.2.4. Data prepared in a suitable form for posting on the official website of NAPR (www.napr.gov.ge) and the official website of the municipality (if such website is available) during the time of PD.

26.3. Data Delivered During Verification of Survey Results

The contractor shall deliver all data requested by PPCT for verification of survey results.

26.4. Final Delivery

The final delivery shall be done not later than 5 calendar days of completing the verification of survey results (26.3) and shall include:

26.4.1. Electronic version of all data listed in 26.1, 26.2 with the additions and corrections during the verification of survey results (26.3) applied.

26.4.2. Final Report to NAPR, printed on paper and in PDF format, which shall include:

- Description of the whole registration process.
- Detailed report on the data quality control performed by the contractor.
- Statistical data on the registration results.
- Summary of the data that have been changed including as minimum: land plot number, owner/user name, performed operation, type and reference number of received documents.
- An analytical section to say what was achieved, what was not achieved, what the reasons were, and what the recommendations are.

26.5. Naming of Electronic Files

Created and collected documentation shall be placed in document files with following naming convention:

Table 3 Files naming convention.

Document	Type	File Name	Root folder
		Example for Manglisi	84.18
Report for establishment of local control points (26.1.1)	PDF	rp.84.18.005_151116.pdf	Reports
Report on instrumental survey (26.1.2)	PDF	rs.84.18.005_151116.pdf	Reports
Report for verification of survey results (35)	PDF	rv.84.18.005_151116.pdf	Verifications
List of all measured local control and boundary points (26.1.3)	XLSX	lp.84.18.005_151116.xlsx	Reports
Documents for registration including: Application (27) Survey plan of each plot (Error! Reference source not found.)	PDF	dr.84.18.NNNNNNN.pdf	Documents

Collected documents (26.1.4) etc			
Overview map of the pilot project area (31.1)	PDF	mp.84.18_151116.shp	Plans
Survey plan of registration block (26.2.1)	PDF	sp.84.18.005.pdf	Plans
Survey plan of pilot area (26.1.5)	SHP	sp.84.18_151116.shp sp.84.18_151116.shx sp.84.18_151116.dbf sp.84.18_151116.prj	Plans
List of land owners (26.2.2)	XLSX	lo.84.18.005.xlsx	Documents
Dates of commencement and completion of cadastral surveys/measurements (26.2.3)	PDF	dc.84.18.005.xls	Etc
Registry book	DOCX	rb.84.18.005.docx	Documents
<p>where:</p> <p>dc, dr, lo, lp, mp, type of document; rp, rs, rv, sp, rb</p> <p>84 zone number; 18 sector number; 005 registration block number; NNNNNNN application number; 151116 date of document in format DDMMYY (DD-day, MM-month, YY-year).</p>			

Documents Review

27. Processes and Analyses by PPCT

After passing quality control, the registration documents uploaded by the contractor are reviewed by PPCT to check:

- if the collected application and title documents are complete are legally valid;
- if household records contain data on the interested person and/or the interested person is included in the list of agricultural taxpayers;
- if NAPR registration database contains data on registration of the property to another person;
- if BTI database at NAPR contains data for allocation of the property to another person;

- if interested person identity is confirmed by the PSDA database.

PPCT shall also:

- verify that the legal action for each case is well established and documented by the contractor;
- instruct of additional documents if needed.

Based on the review, PPCT recommends approval or rejection. If rejected, the case is returned for correction, and PPCT sets a deadline to the contractor to fix the problem.

28. Requirements for Registration in the Public Registry

28.1. Registration of Lawfully Possessed Land Plots

A new land title to a lawfully possessed land plot is registered based on an application, evidence of lawful possession (use) and cadastre maps/measurement plan prepared in accordance with current legislation.

28.1.1. Basis for Legalization of Registration Documents

Pursuant to Article 17, Paragraph 2³³, of the Law on Systematic and Sporadic Registration, a basis for legalization of registration documents for agricultural land plots is provided by:

- a) ³⁴ Handover certificate issued by the Land Reform Commission, provided that it specifies the year of issue, bears signatures of at least two Commission members and the Commission seal.
- b) Handover certificate, which does not comply with the form approved by Decree No. 503 of the Cabinet of Ministers of the Republic of Georgia “On Regulation of Document Release on Land Plots Granted to Citizens of Georgia for Use on 28th June 1993”, but meets the requirements specified in a) above.
- c) Gardener’s book issued by a partnership of gardeners, indicating the year of issue, name of the gardeners’ partnership, size of the allocated land plot and bearing the seal of the partnership.

³³ Law on Systematic and Sporadic Registration.

³⁴ This numbering format is used to preserve the original order of paragraphs in the Law on Systematic and Sporadic Registration.

- d) Decisions made by a general meeting of agricultural cooperative workers and a meeting of an agricultural cooperative operating in the Autonomous Republic of Adjara, which are acknowledged by the authorized body of the local authorities.
- e) Land distribution list with or without attached plans issued by the Land Reform Commission (established by a village (settlement) authorities based on Order No. 48 (January 18, 1992) "On Reform of Agricultural Lands in the Republic of Georgia", issued by the Cabinet of Ministers of Georgia and approved by the village (settlement) meeting (general meeting), if the fact of approval of the land distribution list by the village (settlement) meeting (general meeting) cannot be ascertained.

Documents a) - e) were issued by an administrative body/official or local self-government (municipality) and/or government body, and therefore the application for a land title registration shall be submitted by the municipality representative³⁵. However, it does not impair the right of an interested person to apply for their land title registration themselves.

28.1.2. Evidence of Lawful Possession (Use) of Land

Basis for registration under the additional conditions 28.1.3 is provided by the following evidences of lawful ownership (use):³⁶

- a) Certificate of a real assets owner's registration in the technical inventory archive before 1994.
- b) Extract from households records.
- c) Gardener's book.
- d) Land distribution list with or without the attached plans, which was issued by the Land Reform Commission (established by a village (settlement) authorities based on Order No. 48 (January 18, 1992) "On Reform of Agricultural Lands in the Republic of Georgia" issued by the Cabinet of Ministers of Georgia), and approved by the village (settlement) meeting (general meeting).
- e) List of land taxpayers approved by the local self-government (authorities).
- f) An entail or a plan for a land plot allocated by the government or local self-government and authorities in accordance with the established procedures prior to enactment of the Law "On Privatization of Non-agricultural Land used by Natural Persons and Legal Entities of Private Law".
- g) Judicial acts or other documents.

³⁵ Regulations on Systematic and Sporadic Registration, Article 3, Paragraph 3.

³⁶ Law on Systematic and Sporadic Registration, Article 3, Paragraph 1 m).

Application for a title registration based on documents a) - g) shall be submitted by the interested person.

28.1.3. Additional Conditions for Registration of Lawfully Possessed Land Plots

- 1) The title to land rightfully owned (used) by a household member(s) shall be registered based on a relevant record in the household records comprising the latest data on the household's and household members' property, but no later than the enactment of Articles 6 and 8 of the Law "On Acknowledgement of Title to Land Plots Owned (Used) by Natural Persons and Legal Entities of Private Law" (September 20, 2007).
- 2) During the registration of a household members' joint ownership right to a real asset, all household members are registered as co-owners and their joint ownership is recorded. NAPR shall register the ownership rights only to those household members, whose identification documents copies have been furnished and a note shall be made about co-owners.
- 3) Based on the household records, a land title shall be registered only to those household members whose membership is verified. The household members for which the household records contains notes like "got married" (if recorded in the section showing the reasons for permanently leaving the household), "crossed out", "left the household", "set up his/her own household", "moved away", etc. shall not be registered in the Register of Real Assets Ownership Rights.
- 4) Each of the household members recorded in the household records shall apply for original registration of ownership rights based on the household records or for changes in the data registered on the basis of Presidential Order No. 327 "On the Urgent Measures of Primary Registration of Private Property on Agricultural Land Plots and Distribution of Registration Certificates to Citizens of Georgia" issued on May 16, 1999 (Order No. 327). If all household members recorded in the household records are deceased, a legal successor of the last deceased household member has the right to apply for an original registration or changes in the data registered on the basis of Order No. 327.
- 5) After the original registration of ownership right based on the household records, the persons registered in the Real Assets Registry acquire co-ownership rights. If one of the co-owners dies, the ownership right on his/her share shall devolve on his/ her successor.
- 6) If the registration document is an agricultural land taxpayers' list approved by the local self-government bodies, and the application requests acknowledgement of ownership of a land plot registered in the Technical Archives and unlawfully occupied before 1994, or changes in the data registered in compliance with Order No. 327, co-

ownership of household members on such a real asset shall be registered. In such cases, the data on household members kept in the National Archives shall be used for the purposes of the registration, taking into account the requirements of 1).

- 7) A real asset is considered registered according to Order No. 327, if a registration card and/or cadastre map bears a seal and/or the registering clerk's signature.
- 8) If according to the household records, a land plot area is reduced after the land reform and the information on the grounds/reasons for such reduction is not recorded either in the National Archives of Georgia, in the relevant municipality or NAPR, such a land plot shall be registered based on the latest data of the land reform.
- 9) If the evidence of a lawful ownership (use) of a land plot is a handover certificate issued by the Land Reform Commission and NAPR keeps the registration card prepared according to Order No. 327 with the same name as of an applicant's, NAPR shall make a decision on registration proceedings and shall offer the interested person to clarify the ownership of a registration card. If the interested person can provide the required clarifications and proves that a land plot registered in the registration card is the same as the one indicated in their application for registration, then such a land plot shall be registered through making changes in the registered data.
- 10) If the information on the owners of a land plots adjacent to a plot recorded in the handover certificate conflicts with the information kept at NAPR, the location of that land plot shall be confirmed by the adjacent registered land owners in a manner stipulated in the law.

28.2. Registration of a Build-up Area³⁷

- 1) The title registered in the public registry to structures and buildings includes the land area under them. Changes in the registration data shall be registered based on the cadastre maps/measurement plans of a land plot.
- 2) If the responsible government body manages only buildings and structures, the land title shall be registered according to the built-up area of the land plot.
- 3) If the comparison of title documents and cadastral survey shows that the area and/or shape of buildings and structures was changed with no legal basis, the title shall be registered according to the area under such buildings and structures. Such registration is allowed only if the built-up area is no more than 10% larger than the area specified in title documents.

³⁷ Law on Systematic and Sporadic Registration, Article 12.

- 4) If the built-up area is more than 10% larger than the area specified in title documents, it is allowed to register title to the whole built-up area if a proof of ownership is provided for an excess of the built-up area as specified in the legislation of Georgia.
- 5) In cases stipulated in 4), if no proof of ownership is provided for an excess of the built-up area, land title shall be registered to the built-up area specified in the title documents, taking into account the permissible deviations specified in 3).
- 6) If no proof of ownership is provided for an excess of the built-up area, the contractor shall prepare and upload the necessary data for submission of an application to LPRRC by NAPR after public display using the NAPR web-based software. LPRRC then proceeds according to the Law of Georgia “On Recognition of Title to Land Plots Possessed (Used) by Natural Persons and Legal Entities of Private Law” (September 20, 2007).

28.3. Registration of Land used by Other Persons³⁸

- 2) The basis for registration of a land user’s title in the public registry is provided by a written agreement between a rightful owner and a user, which is authenticated with their signatures and notarially attested, and cadastral maps/measurement plans.
- 3) Any informal (verbal or written) agreement between a rightful owner and a user, to be confirmed with a written agreement concluded between the parties and the authenticity of their signatures to be notarially attested. This action is considered as conclusion of an agreement anew according to Part 2 of Article 61 of the Civil Code of Georgia.

An interested person under this article can be a legal successor of person eligible to apply for the land title registration or a land user.³⁹

28.4. Recognition of Property Rights to Illegally Occupied Land

The property rights to the following Illegally occupied state-owned agricultural or non-agricultural lands shall be subject to recognition:

- 1) Illegally occupied state-owned agricultural or non-agricultural parcel of land with a residential house (built or destroyed) or a non-residential building (built) built upon it before entry into force of the Law of Georgia on Recognition of Property Rights of the Parcels of Land Possessed (Used) by Natural Persons and Legal Entities Under Private Law

³⁸ Law on Systematic and Sporadic Registration, Article 8.

³⁹ Regulations on Systematic and Sporadic Registration, Article 7, Paragraph 4.

(September 20, 2007). This does not pose restrictions on the registration of land parcels with residential or non-residential buildings built after 2007.

The pilot project shall collect complete data for the owners/users of land plots occupied prior to the effectiveness of the Law of Georgia on Recognition of Property Rights of the Parcels of Land Possessed (Used) by Natural Persons and Legal Entities Under Private Law. The data shall include when they occupied the land, how they benefit from it, whether this land is their only source of income, etc.

- 2) Illegally occupied parcel of land (with or without fixed structures built upon it) adjacent to and smaller in area than a parcel of land owned or lawfully possessed by an interested natural person, which at the moment of requesting recognition of the property right is not disposed of by the State.

28.5. Non Recognition of Property Rights to Illegally Occupied Land⁴⁰

- 2) The property right to the following squatted state-owned agricultural or non-agricultural lands shall not be subject to recognition:
 - a) stock routes;
 - b) land of the state water fund, except for parcels of land, ownership to which may be transferred and which may be used according to the requirements of the Law of Georgia on Water;
 - c) land of state industrial forest fund, except for parcels of land squatted by natural persons or legal entities under private law or any other organisational structure provided for by law and ownership to which may be transferred based on the conclusion of a body authorised to manage the state forest fund and which may be excluded from the state forest fund without disturbing the management and protection of the state forest fund;
 - d) protected areas (territories), except for protected landscapes and multiple use areas (territories);
 - e) recreational parks, woodland parks, public gardens and other areas, except for areas having the status of resorts of Georgia, resort places, alpine skiing centres, and a Recreation Area of the Black Sea Coast determined by ordinance of the Government of Georgia;

⁴⁰ Law of Georgia on Recognition of Property Rights of the Parcels of Land Possessed (Used) by Natural Persons and Legal Entities Under Private Law, Article 3.

- f) historical, cultural, natural and religious monuments;
 - g) parcels of land of public use (squares, streets, passages, roads, pavements, embankment), recreational places (parks, woodland parks, public gardens, allées), dendrological parks and botanical gardens;
 - h) lands where a water reservoir, a hydro technical structure, and sanitary protection zones of these facilities are located;
 - i) lands where public infrastructure facilities (transport and underground communications, water supply, sewage, telecommunication and electric wiring) are located;
 - j) special purpose parcels of land (intended for defence and defence mobilisation);
 - k) parcels of land occupied by state-owned facilities, including parcels of land with state property not subject to privatisation, according to the Law of Georgia on State Property;
 - l) cemeteries and pantheons;
 - m) sanitary and protection zones;
 - n) lands intended for construction and operation of oil and gas main pipelines and associated underground and aboveground facilities.
- 3) On the territory of the city of Tbilisi, squatted state-owned agricultural or non-agricultural land within the main pipeline protection zones III and IV, defined by an ordinance of the Government of Georgia, shall be subject to the recognition of the property rights.
- 4) In the case provided for by the Law of Georgia on the Special Procedure for Systematic and Sporadic Registration of Rights to Plots of Land and the Improvement of Cadastral Data within the Framework of the State Project, registration (systemic registration) of property rights, within the framework of the state project, to lawfully possessed (used) as well as squatted land, and changes in the registered data shall be performed according to the Law on Systematic and Sporadic Registration and normative acts issued under this Law.

28.6. Procedure for Recognition of Property Rights to Illegally Occupied Land⁴¹

- 1) A request for recognition of the property right on squatted land shall be reviewed based upon a written application submitted to LPRRC by the interested person.
- 2) When reviewing the request for recognition of the property right to squatted land, the compliance of the request with the conditions of spatial planning and territorial management, and land management strategic plan shall be taken into account.
- 3) Unless otherwise provided for by law, to obtain confirmation of an application for recognition of the property right to squatted land, the interested person shall submit:
 - a) a document confirming squatting of land and/or a witness testimony;
 - b) a cadastral surveying/measurement plan of the parcel of land and in the cases of squatted state-owned agricultural or non-agricultural land within the main pipeline protection zones III and IV on the territory of the city of Tbilisi, defined by an ordinance of the Government of Georgia, the interested person shall provide a cadastral measurement plan of the parcel of land showing the location of the main pipeline and the distance between the main pipeline and the parcel of land;
 - c) information necessary to define the amount of fees payable for recognition of the property right;
 - d) copies of identity documents of the interested person.
- 6) The procedure for issuing an inheritance certificate for an heir presumptive after issuing a certificate of the property right shall be determined by the legislation of Georgia.
- 7) If the request of an interested person for recognition of the property right to squatted land does not satisfy provisions of this Law, or the attached documents do not confirm the fact of squatting, LPRRC shall make a written decision refusing to recognise the property right. Such a land plot shall be conditionally registered as state property for a period of 1 year in line with the legislation of Georgia. During this 1-year period the state property administration authority does not have the right to administer the property or impose any encumbrance on it. As a conditional owner, the state does not enjoy the right to reclaim property from unlawful owners unless it becomes a rightful owner.

PPCT shall prepare a special report for each such case, which shall contain all the evidences and information concerning the properties in question.

⁴¹ Law of Georgia on Recognition of Property Rights of the Parcels of Land Possessed (Used) by Natural Persons and Legal Entities Under Private Law, Article 5.

NAPR shall make a substantiated application to LEPL National Agency of State Property under the Ministry of Economy and Sustainable Development, which shall include a detailed description of the land plot, information about the land owner, the interested person and the purposes of the Pilot Project. The application shall also comprise the reservation that no legal restrictions/encumbrances shall be placed on such a land plot until the completion of the Pilot Project, including the analysis of the project outcomes and the effectiveness of the law amendments initiated based on that analysis.

- 9) LPRRC shall issue an individual administrative-legal act – a decree with regard to its authority-related issue.

29. Resolving Typical Problematic Cases

29.1. Illegally Possessed Land

The contractor shall identify the cases of illegally possessed land. If the cadastral survey and comparison of registration documents show that, a registration object was partly or fully in illegal possession,⁴² the contractor shall prepare all necessary data for submission of an application to LPRRC by NAPR after public display.⁴³ For that purpose:

- 1) With a prior consent of the interested person, the contractor shall ask NAPR for additional information about administrative complains and type of land use.
- 2) The application shall be accompanied by cadastral maps/measurement plans of the land plot and with a complete set of the land plot related documents/information and justification of lack of legal possession.
- 3) In case of a request from LPRRC after submission, within 2 days NAPR shall appoint an employee of its structural unit/local office to represent NAPR at the meeting of LPRRC.

LPRRC shall take a decision within 10 working days of the receipt of the application and the accompanying documents and has the right to hear the applicant before taking a decision.⁴⁴

29.2. Disagreement on Boundaries⁴⁵

- 1) If parties disagree on a common boundary, and if the total area according to the cadastral plan equals the total area specified in the title documents, such a land plot shall be registered as one cadastre unit by agreement of the parties, unless otherwise

⁴² Regulations on Systematic and Sporadic Registration, Article 8.

⁴³ PPCT also can submit applications to LPRRC.

⁴⁴ Law on Systematic and Sporadic Registration, Article 9.

⁴⁵ Law on Systematic and Sporadic Registration, Article 10.

specified in the legislation of Georgia. In such a case, the registry extract shall show that the boundary is unidentified and the dispute shall be resolved by the court (or through arbitration by agreement of the parties) with the procedures established for cancellation of a joint right.

- 3) If the parties do not agree to register the land plots as one cadastre unit, cadastre plans for each land shall be prepared with the borders indicated by the concerned parties. The cadastre maps/measurement plans prepared in such a manner do not need to be approved by the municipality representative.
- 4) If the parties do not agree to register the land plots as one cadastre unit, the cadastre maps /measurement plans and registration documents are the basis for registration of conditional applications in the computer system of NAPR as specified in the Guidelines for Public Registry. Such registration proceedings shall be suspended until the reasons for suspension are eliminated and the provisions of Article 13 (Priority of Registrations of Rights and Registered Rights) of the Law on Public Registry of Georgia do not apply to such proceedings.

29.3. Registration of Enclosed (Fenced) Land Plots⁴⁶

- 1) If the comparison of title documents and cadastral survey data for an agricultural land plot shows that the enclosed (fenced) area of a land plot is no more than 15% larger than the area specified in the registration documents, the area registered in the Registry of Real Assets or the unspecified area stated in the card of the technical inventory archive, the land plot shall be registered with the enclosed area identified during the cadastral survey.
- 2) An enclosure (fencing) is either a fence or any other structure used as a boundary, which is firmly attached to the ground and impossible to move without demolishing it or its part, or losing its function of marking the actual border of a land plot and which existed prior to the enactment of the law systematic and sporadic registration.
- 3) This regulation applies only to land plots enclosed by a structure firmly attached to the ground. For the excess built-up area, the contractor shall prepare and upload the necessary data for submission of an application to LPRRC by NAPR after public display using the NAPR web-based software. LPRRC then proceeds according to the Law of Georgia “On Recognition of Title to Land Plots Possessed (Used) by Natural Persons and Legal Entities of Private Law” (September 20, 2007);

⁴⁶ Procedures on systematic and sporadic registration, Article 10.

29.4. Registration in Case of Incomplete or Inconsistent Identification Data⁴⁷

- 1) A citizen of Georgia or a legal alien are identified, and the identities are confirmed by means of the electronic database of the Public Service Development Agency – Legal Entity of Public Law under the Ministry of Justice of Georgia.
- 2) In case of inconsistencies between the interested person’s identification documents and the first names and/or family names stated in the registration document, a decision shall be made according to the procedures specified in Law on Public Registry of Georgia.

Public Display

The data acquired during the registration process and approved by PPCT are presented at public display⁴⁸ where interested persons can perform control and if do not agree with the information can make contests. If not contested, the data presented at PD are considered approved and legally valid.

The procedures for PD are specified in Order No 153 Of the Minister of Justice of Georgia On Approval of the Regulations for Systematic and Sporadic Registration of Rights, Public Disclosure of the Cadastral Survey Results, Their Verification and Change and Selection of a Mediator under the State Project. Pursuant to Annex 1, Article 2:

- The cadastral survey results shall be posted for PD for 1 month on the official web page of NAPR⁴⁹, the official website of the municipality⁵⁰ and in clearly visible places in the administrative building of the municipality board. People with limited mobility who had indicated that in the application form shall be provided with an alternative access the information displayed during PD.
- Interested persons have the right to apply to NAPR and request verification about the cadastral survey findings within 10 calendar days of the posting, for which, they should be duly informed.

⁴⁷ Law on Systematic and Sporadic Registration, Article 13.

⁴⁸ Called “Public Disclosure” in Order No 153 Of the Minister of Justice of Georgia On Approval of the Regulations for Systematic and Sporadic Registration of Rights, Public Disclosure of the Cadastral Survey Results, Their Verification and Change and Selection of a Mediator under the State Project.

⁴⁹ www.napr.gov.ge.

⁵⁰ If applicable.

- Office space for PD is provided by the municipality. It should be furnished, suitable for meetings and should provide technical conditions for exposing the documents listed in 31.

30. Preparation and Participation of the Contractor

The contractor shall prepare for PD all documents listed in 26.2.

31. Documents to be Presented

The documents presented at PD include⁵¹:

- 31.1. Overview map of the pilot project area for hanging on the wall at suitable scale for identification of registration blocks and consisting of orthophotos overprinted with the boundaries of registration blocks.
- 31.2. Survey plans for each registration block at scales 1:1000-1:2000 for using on table and consisting of orthophotos overprinted with the features listed in 23.4. The old boundaries shall be shown in black; the new boundaries shall be shown in yellow.
- 31.3. List of land owners in each registration block in hard copy and XLSX format.
- 31.4. Dates of commencement and completion of cadastral surveys/measurements for each registration block in PDF format.

32. Announcement

PD should be announced on the websites of NAPR and municipality.⁵²

PD starting date shall be announced on radio, TV, and at least in 2 national newspapers if available. This information should be repeated for 5 consecutive days before PD and during the last 5 consecutive days of the PD.

Posters should be displayed on public places and leaflets should be delivered to the residents at least 3 days before PD. The materials should indicate PD starting and completion dates, the working hours when the data shall be available to the public. They should also point on the right of the owners to file applications for verification of survey results, and complaints

⁵¹ Regulations on Systematic and Sporadic Registration, Annex 2, Article 2, Paragraph 2.

⁵² If applicable.

when they feel that the data are incomplete or erroneous. The posters and leaflets should be in place during the whole PD period.

During PD, brochures on women's property rights and NAPR newsletters should be available to the visitors. These brochures should inform women of the importance of land registration, the rights and obligations associated with holding land titles, benefits of registering joint or sole property, and how to claim and prove their rights.

33. Work of PPCT

The Regional Facilitator from MWG (2.9) shall be present in the office for PD every working day from 09^h until 18^h during the 10-day period for submitting applications for verification of survey results.

34. Work of the Contractor

At least one contractor's expert shall be present at the PD office every working day during the 10-day period for submitting applications for verification of survey results from 09^h until 18^h to make clarifications about the cadastral survey work.

35. Verification of Survey Results

Within 10 calendar days of posting the cadastral survey results at PD, interested persons have the right to apply to PPCT for verification of the cadastral survey findings.⁵³ The application shall be lodged with the Regional Facilitator (2.9).

The municipally representative on his/her own initiative also can issue individual legal acts to provide a basis for verification.⁵⁴

PPCT shall verify the cadastral survey findings within 10 calendar days of submission the application. PPCT is authorized to do the verification on site with the participation of the owner, a person eligible to apply for land title, interested person and/or municipality representative.⁵⁵

The technical fieldwork shall be done by the contractor under the supervision by PPCT.

⁵³ Regulations on Systematic and Sporadic Registration, Annex 2, Article 1.

⁵⁴ Regulations on Systematic and Sporadic Registration, Annex 2, Article 5.

⁵⁵ Regulations on Systematic and Sporadic Registration, Annex 2, Article 1.

PPCT shall inform the interested persons about the date and time of onsite verification.⁵⁶ If the interested person cannot be present during the verification process, the verification shall be done without him/her to present his/her complaint, and the interested person will be notified of the verification results.

Based on the verification results, NAPR has the right to change the cadastre map, the registration block plan and the list of land owners/users presented at PD.⁵⁷

Under the pilot project, any change of a registration block plan based on verification of cadastral survey findings shall be confirmed with the signatures of the land owners or persons eligible to apply for a land title.⁵⁸

Quality Control

Quality control shall follow the procedures outlined in Quality Control Manual. The process is shared between contractors, PPCT, GGD, PRD and interested persons:

- Contractors perform internal QC during the technical fieldwork, during verification of survey results and before final delivery. Only data passed the contractor's QC shall be delivered to PPCT.
- PPCT conducts QC during the technical fieldwork, before PD, during verification of survey results, at final delivery and after registration. Only data examined by PPCT shall be submitted for registration.
- GGD and PRD perform QC before registration. Only data passed the GGD and PRD quality control shall be registered in the public registry.
- Interested persons check the data for their plots during PD.

Complaints Handling

Interested persons can write and submit questions, comments and complaints to PPCT through their office in the municipality. The Regional facilitator acknowledges and records the receipt. PPCT investigates the issue and prepares a reply, which is then formally

⁵⁶ Regulations on Systematic and Sporadic Registration, Annex 2, Article 2.

⁵⁷ Regulations on Systematic and Sporadic Registration, Annex 2, Article 3.

⁵⁸ Regulations on Systematic and Sporadic Registration, Annex 2, Article 4.

communicated to the interested person within 10 calendar days. If necessary, PPCT can ask for clarification the contractor, municipality representative or PRD.

Dispute Resolution

The pilot project shall use informal and alternative mechanisms to resolve disputes outside the standard judicial process. If the dispute cannot resolved this way, appeals can be presented to the court, as provided by law.

36. Informal Mechanism

Informal dispute resolution involves participation of the regional facilitator an/or the contractor as facilitators. Neither of them has the power to take decisions concerning the registration process but they can promote communication between parties.

A facilitator should work on issues that show potential for some kind of agreement. His/her main task is to find a common starting point for the dialogue. The facilitator should help parties to analyze the situation by having separate sessions with each of them. He/she should focus on revealing motivations, clarifying issues, moving towards consensus. The facilitator should facilitate communication and information flow to improve the capacity of each interested person, but should not participate directly in negotiations between the parties.

36.1. Involvement of the Contractor

The contractor shall provide assistance in dispute resolution by:

- Examining the problem objectively and compiling technical evidence regardless of the interested persons' preferred solution.
- Comparing different sources of spatial information, which can show whether the use of land has changed over time and/or boundaries moved.

36.2. Involvement of the Regional Facilitator

The Regional Facilitator shall provide assistance in dispute resolution by:

- Establishing communication between the parties.
- Explaining the registration process.
- Clarifying the issues and providing options to resolve the dispute.

37. Alternative Mechanism

If the dispute cannot be resolved with assistance from the contractor, the contractor shall appoint a meeting with a mediator/mediating notary.

Within 3 working days of the decision, the parties shall select by a mutual agreement a mediator from the list prepared by NAPR. If parties fail to agree, NAPR shall appoint a mediator.

The mediation process shall end no later than 3 weeks after the engagement of a mediator in the matter.

If and when, parties fail to agree, the property rights on the plot shall be registered according to the rules defined in the present Law.⁵⁹

A detailed description of the mediation procedure is given in Appendix 3.

Registration

Once the registrar at PRD ensures compliance of the documentation and survey plans with the law, he/she submits the survey plans to GGD where a cadastral specialist performs integration of the land plot into the electronic cadastral database at NAPR.

After successful integration, PRD performs registration under the requirements (38).

In case of illegally occupied land, PRD submits the application prepared by the contractor to LPRRC (29.1) and performs registration after their decision.

38. Requirements at Registration

The registrar performs registration in the public according to the current legislation.⁶⁰

38.1. Registration of a Lawfully Possessed Land⁶¹

- 2) If the lawful possessor is unidentified, the public registry shall include information on a lawful possessor's right to apply for a land title. If a lawful possessor is deceased and his legal successor is unidentified, the public registry shall include the information on the legal successor's right to apply for a land title. The record about the right to apply

⁵⁹ Law on Systematic and Sporadic Registration, Article 18, Paragraph 2.

⁶⁰ Law on Systematic and Sporadic Registration, Article 7.

⁶¹ Law on Systematic and Sporadic Registration, Article 7.

for a land title shall remain in force until the declaration of a land title becomes possible under the Law “On Declaration of Title to Land Plots Owned (Used) by natural Persons and Legal Entities of Private Law”.

- 3) If the rightful owner or their legal successor refuses to register their land title, the public registry shall include the information on this person’s right to apply for a land title. The record about the right to apply for a land title shall remain in force for 3 years. If a rightful owner or their legal successor fail to register as a land plot owner within this period, the record shall be cancelled.
- 4) If within the period specified in 2) and 3) a rightful owner or their legal successor registers as a land plot owner, the record about the right to apply for a land title shall be cancelled based on the application and registration documents without the consent of an agency responsible for the state property management.
- 5) If within the period specified in 2) and 3), a rightful owner or their legal successor registers as a land plot owner, the record about the right to apply for a land title shall be cancelled based on the application and registration documents without the consent of an agency responsible for the state property management.
- 6) If an owner/person eligible to apply for land title registration cannot be identified under the pilot project, such a land plot shall be conditionally registered as state property for a period of 1 year in line with the legislation of Georgia. During this 1-year period the state property administration authority does not have the right to administer the property or impose any encumbrance on it. As a conditional owner, the state does not enjoy the right to reclaim property from unlawful owners unless it becomes a rightful owner.

PPCT shall prepare a special report for each such case, which shall contain all the evidences and information concerning the properties in question.

NAPR shall make a substantiated application to LEPL National Agency of State Property under the Ministry of Economy and Sustainable Development, which shall include a detailed description of the land plot, information about the land owner, the failure to identify the land owner and the purposes of the Pilot Project. The application shall also comprise the reservation that no legal restrictions/encumbrances shall be placed on such a land plot until the completion of the Pilot Project, including the analysis of the project outcomes and the effectiveness of the law amendments initiated based on that analysis.

NAPR shall ensure that information on absentee owners is widely publicly available with instructions on what they must through an official notice and link on the NAPR website and a public notice in local/national newspapers 2-3 months prior to expiration of the 1 year deadline.

The provisions of (38.3) for appealing the decision of the registration authority shall apply to absentee owners.

- 7) Within this period, a claim on such a land plot shall be registered based on an application by the interested person and registration documents, without consent of the authorized body managing the state property. After expiration of the aforementioned period, the plot shall be registered in the name of the state.

38.2. Registration of Natural Persons Registered in the Debtors' Registry⁶²

- 3) If during the land title registration according to the procedures specified in 28.3, it is established that the real assets has Public Law restrictions or an applicant for a land title registration is a natural person registered in the Debtors' Registry, the right of a person eligible to apply for a land title registration shall be registered, while a decision regarding the user's title registration will be made in accordance with the legislation of Georgia.

38.3. Procedure for Appealing the Decision of the Registration Authority

Pursuant to Article 29 of the Law on Public Registry:

- 1) An interested person may appeal the decision of the registration authority within 30 days upon becoming officially conversant with it, or if the decision is promulgated – within 30 calendar days of promulgation.
- 2) The decision of the registration authority on denial of registration, suspension or termination of the registration process other than the decision on registration of a right to a movable thing or immaterial goods shall be appealed in manner provided by the laws of Georgia.
- 3) The decision of the registration authority on registration of a right as well as on denial of registration, suspension or termination of the registration process involving a right to a movable thing or immaterial goods shall be appealed under the judicial procedure. The registration decision of the registration authority shall be appealed under the judicial procedure.
- 4) Appealing the registration decision of the registration authority shall not suspend the effectiveness of registered data and shall not prohibit the issue of an extract or any other legal act based on such data unless otherwise provided by the competent authority.
- 5) Appealing the decision of the registration authority on suspension of the registration process, termination of the registration process or denial of registration shall not suspend

⁶² Law on Systematic and Sporadic Registration, Article 8.

the effectiveness of such appealed decision. However, this stipulation is not absolute and a claimant (in both court and NAPR) can suspend the registered data, place the property under arrest by court decision, forbid its disposal, or implement any other measures to enforce the claim. According to the General Administrative Code of Georgia, NAPR is responsible to start an administrative proceeding on its own initiative for review of the decision, cancel illegal act and make a new decision.

On the basis of an interested person's justified application, where all circumstances will be referred, as to why he/she could not receive information about registration decision, and where it is substantiated that the decision made by the administrative body directly and explicitly affect his/her legal status and harms his/her interest, NAPR shall commence on its own initiative the administrative proceeding, involving all interested parties and shall make a new decision through investigation and comparing of all significant circumstances of the case.

References

Laws

Law of Georgia on Recognition of Property Rights of the Parcels of Land Possessed (Used) by Natural Persons and Legal Entities Under Private Law, September 20, 2007.

Law of Georgia on Public Registry.

Law on Special Procedures for Systematic and Sporadic Registration of Land Titles under the State Project and Improvement of Cadastre Data, June 3, 2016.

General Administrative Code of Georgia, June 25, 1999.

Administrative Instructions

The administrative instructions listed below are reflected in this manual and are given just for reference.

Regulation No 351 of the Government of Georgia, The List of Settlements Selected for Systematic Registration of Land Plots under the Pilot Project, July 28, 2016.

Order No 153 Of the Minister of Justice of Georgia On Approval of the Regulations for Systematic and Sporadic Registration of Rights, Public Disclosure of the Cadastral Survey Results, Their Verification and Change and Selection of a Mediator under the State Project, August 1, 2016.

Manuals

Operational Manual for Component 2, Irrigation and Land Market Development Project, October 2016.

Technical Specifications of Cadastral Field Works/Surveys under the Pilot Project of Land Title Registration, 2014-2016.

Other

Work Plan for the Pilot Project, December 2015.

Communication Strategy and Action Plan for the Land Registration Pilot Project, USAID G4G project, February 2015.

Strategy of Land Registration and Improvement of Cadastral Data in Pilot Areas, National Agency of Public Registry, May, 2015.

Appendix 1. Communication Strategy and Action Plan for Raising Public Awareness

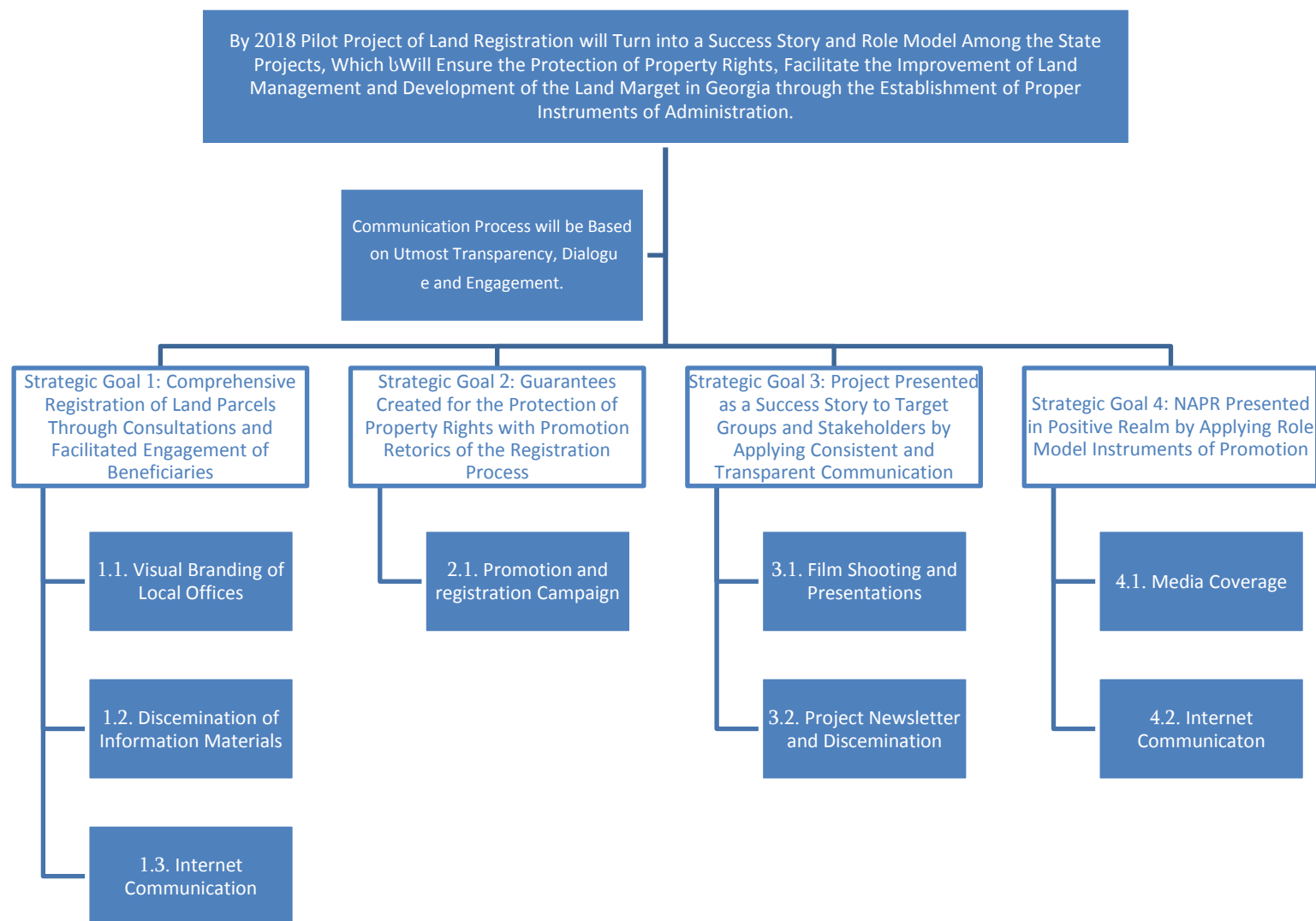


Figure 4. Goals and approach to communication strategy.

Table 4. Action plan for raising public awareness.

Activity	2017										Performance Indicator	Resource Name
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
STRATEGIC GOAL 1: COMPREHENSIVE REGISTRATION OF LAND PARCELS THROUGH CONSULTATIONS AND FACILITATED ENGAGEMENT OF BENEFICIARIES												
1.1. Visual Branding of Local Offices												
Selection and design of local offices											Office plots are chosen in every pilot area	NAPR
The equipment of offices with relevant techniques and inventory											All offices are equipped	NAPR
Design and install the name plates											Placed in every administrative unit	GIZ
Design and install the information stands												GIZ
Design and place the posters/banners												NAPR
Design and place a large map of the administrative unit												NAPR
Design and provide the staff uniforms (caps, shirts, bags)											All staff members are fully equipped	NAPR
Design and provide the staff badges												NAPR
Budget	0	0	0	0	0	0	0	0	0	0		
1.2. Dissemination of Information Materials												
Draft the narrative for information materials											Narrative and design are prepared and endorsed	NAPR
Design the information materials												NAPR

Activity	2017										Performance Indicator	Resource Name
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Print triplets											Materials are printed	GIZ
Draft the frequently asked questions											Narrative and design are prepared and endorsed	NAPR
Prepare the information schedules												NAPR
Disseminate the information materials in general public											3 meetings are held in each unit and 50 000 items of information materials are disseminated	NAPR
Organize informational meetings												NAPR
Informing Georgian citizens living abroad (through embassies and consulates)											Triplets are dissiminated to 127 embassies, 9 counclates, 16 diaspore offices. The citizens got information by calling the hotline.	NAPR
Budget	0	0	0	0	0	0	0	0	0	0		
1.3. Internet Communication												
Create a Facebook page and communicate											Information is posted and has been seen by 500 000 users	NAPR
Place the information at Wikipedia												NAPR
Create a channel at YouTube and Internet communication												NAPR
Prepare informational schedules and statistical visuals											8 posts monthly	NAPR
Post regularly												NAPR
Budget	0	0	0	0	0	0	0	0	0	0		

Activity	2017										Performance Indicator	Resource Name
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
STRATEGIC GOAL 2: GUARANTEES CREATED FOR THE PROTECTION OF PROPERTY RIGHTS WITH PROMOTION RHETORIC OF THE REGISTRATION PROCESS												
2.1. Promotion and Information Campaign												
Shoot a video clip											Placed in 7 TV companies	GIZ
Place a commercial through regional media												GIZ
Design an insert and place it in the printed media											5000 inserts are disseminated through regional newspapers	NAPR
Create flashbanners												NAPR
Budget	0	0	0	0	0	0	0	0	0	0		
STRATEGIC GOAL 3: PROJECT PRESENTED AS A SUCCESS STORY TO TARGET GROUPS AND STAKEHOLDERS BY APPLYING CONSISTENT AND TRANSPARENT COMMUNICATION												
3.1. Film Shooting and Presentations												
Shoot a film depicting the project implementation											5 minute film has been shot	NAPR
Compose a list of stakeholders											3 month schedule is designed and endorsed	NAPR
Negotiate with Stakeholders; Define a Schedule												NAPR
Organize meetings for the provision of information											12 meetings are held with various groups	NAPR /PPCT
Draft and disseminate a report on meetings												NAPR
Budget	0	0	0	0	0	0	0	0	0	0		
3.2.Project Newsletter and Dissemination												

Activity	2017										Performance Indicator	Resource Name
	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
Prepare a concept for the newsletter												NAPR
Preparation of design options												NAPR
Compose a list of addressees												NAPR
Draft and disseminate the newsletter												NAPR
Budget	0	0	0	0	0	0	0	0	0	0		NAPR
STRATEGIC GOAL 4: NAPR PRESENTED IN POSITIVE REALM BY APPLYING ROLE MODEL INSTRUMENTS OF PROMOTION												
4.1. Media Coverage												
Present the project											4 events have been held, 100 journalists have attended them	NAPR
Hold reporting press conferences												NAPR
Participate in TV and radio programs											60 media materials have been disseminated	NAPR
Place articles in the printed media												NAPR
Disseminate press-releases												NAPR
Budget	0	0	0	0	0	0	0	0	0	0		

Pilot Project Brochure





NATIONAL AGENCY OF
**PUBLIC
REGISTRY**

Register your land
title easily and become a landowner!



THE WORLD BANK

 The European Union
for Georgia
EJAJudice: Support to the Justice Reform

 german
cooperation
DEUTSCHE ZUSAMMENARBEIT

 giz

On November 21, 2014 the Ministry of Finance of Georgia and the International Development Association (IDA) of the World Bank Group concluded the Financing Agreement for the purpose of improving irrigation and drainage services in the selected areas, as well as the development of the rules and procedures for the national program of land registration. The first component of this project is being implemented by the Ministry of Agriculture of Georgia (MOA) and the second one – by the Ministry of Justice of Georgia through the National Agency of the Public Registry (NAPR).

About project

The Land Market Development Component envisages systematic registration of land titles in 12 settlements across Georgia specified in the GoG Regulation No 351 of July 28. Within the

framework of this project land plots in private, state and municipality ownership will be surveyed and registered, a unified database will be established and discrepancies in the cadastral data will be corrected.

Where the Pilot Project will be implemented?

The 12 settlements across Georgia listed below have been selected for the implementation of the Pilot Project and they represent various land registration problems:

- ✚ Manglisi (Tetritskaro Municipality);
- ✚ Jimiti (Gurjaani Municipality);
- ✚ Arboshiki (Dedoplistskaro Municipality);
- ✚ Arkhiloskalo (Dedoplistskaro Municipality);
- ✚ Salkhino (Vani Municipality);
- ✚ Karaleti (Gori Municipality);
- ✚ Zaridzebi (Tianeti Municipality);
- ✚ Veddkari (Martvili Municipality);
- ✚ Lakhamula (Mestia Municipality);
- ✚ Saguramo (Mtskheta Municipality);
- ✚ Mzisdguli (Sagarejo Municipality);
- ✚ Shuakhevi (Shuakhevi Municipality);



3

How the Pilot Project is going to help you?

If you have a land plot, which you can't register due to the lack of ownership evidence, deficiencies in the documents, ownership disputes, cadastral survey costs, or any other obstacles, forget about these issues! From now on NAPR will take care of your problems under the Pilot Project. NAPR will carry out the Pilot Project activities with the help of the Municipal Working Group involved in the Pilot Project and a contractor company.

- ✚ A Municipal Working Group comprises the representatives of the local municipality, mediators, the World Bank regional facilitators and NAPR representatives;
- ✚ A contractor selected through the tender procedure will be responsible for the field works component.



Locating a Land Plot

- ✚ Locating a land plot is the basis for a cadastral survey under the Pilot Project. A land plot can be located by request of a landowner, a person eligible to apply for a land title registration and/or by instruction of a municipality representative. Each of them shall accurately specify the location of a land plot to be registered;
- ✚ If necessary, the location of a land plot shall be confirmed by the neighbors;
- ✚ If neither the ownership evidence specifies the location of a land plot, nor the neighbors verify the land plot boundaries, an individual administrative legal act shall be issued by a municipality representative to identify such a land plot;
- ✚ If the ownership evidence accurately locates a land plot, the neighbors' verification and/or an individual administrative legal act issued by a municipality are not required.



Cadastral Survey

- ✚ A contractor shall carry out a cadastral survey of a land plot. Based on the ownership evidence collected through the systemic procedures, a contractor shall visit the site and accurately survey a land plot with the proper equipment and prepare a survey plan meeting all the standard requirements;
- ✚ After a land plot survey, a land owner/rightful owner shall furnish his/her application for a land title registration to a contractor;
- ✚ A contractor shall announce the date of a survey publicly at least 15 calendar days prior to the commencement of the works.

Registration Procedures








- ✚ The registration procedures shall start on the basis of an application, survey plan, the ownership evidence collected by NAPR in advance and the other required data;
- ✚ Before the registration completion the cadastral survey results shall be displayed in the visible places of the Municipal Building and posted on the NAPR website to allow citizens to check the data;
- ✚ If a citizen finds any inaccuracies in the publicly disclosed data, he/she can lodge a complaint within 10 calendar days. A citizen shall furnish his/her complaint to a regional facilitator. NAPR shall review such a complaint within 10 calendar days and if necessary, make a decision on the corrections in the data.

Dispute Resolution Has Become Easier

- ✚ If a land plot is disputed, a Municipal Working Group and a contractor will help you to resolve a dispute. If the parties fail to reach an agreement, a contractor will offer mediation – an alternative way of dispute resolution. Thus you will be able to avoid litigation;
- ✚ If the parties fail to reach an agreement, a disputed land plot will be registered as one plot by consent of the parties. In addition to the area belonging to the co-owners, the title of the registry will contain a note that the land plot boundaries are not specified (coordinates and area) and the dispute will be resolved by court or through arbitration by mutual agreement of the parties;
- ✚ If the parties refuse to register the disputed land plot as one land plot, each land plot shall be surveyed in the boundaries specified by the parties. Such registration proceedings shall be suspended until the reasons for suspension are eliminated.



Important!

-  If you cannot register your land because you bought it years ago and the transaction was informal (oral or written) without any notarization or application to the Public Registry, now you can apply to either a notary or the Public Registry during the Project implementation, formalize the transaction free of charge and register your land plot easily;
-  If you occupy a land plot unrightfully and have no ownership evidence, NAPR will apply to the Commission for Recognition of Land Titles on your behalf. The Commission will make a decision free of charge within the shortest possible time. You can register your land plot free of charge based on an ownership certificate issued by the Commission;
-  If a land plot is in the community ownership, all the members of the community shall be registered as co-owners of such a land plot on the basis of their ID documents;
-  If the actual area of a land plot is 15% larger than the area specified in the ownership evidence and is enclosed (fenced), the actual area of a land plot shall be registered in the Public Registry;
-  If the built-up area or the area under crops is more than 10% larger than the area specified in the registration documents, the actual situation (i.e. the actual built-up area) will be registered in the Public Registry;
-  If the evidence of rightful ownership is obtained through systemic procedures, but a rightful owner refuses to register a land plot, the Public Registry shall include the information about his/her right to apply for land title registration. Within a three year period such an owner can apply and register his/her land title;
-  If a land owner is deceased and his/her successor has no certificate of inheritance, the Public Registry shall include the information on such a successor's right to apply for the recognition of his/her land title in compliance with the Law "On Recognition of Property Rights of Land Plots Owned (Used) by Natural Persons and Legal Entities of Private Law";

- ✚ If a land owner cannot be identified, such a land plot shall be conditionally registered as state property. Such property cannot be alienated within one year. During this period a potential land owner can submit the ownership evidence to the Public Registry and easily register such a land plot without the need for the government's consent.

All the following services will be delivered free of charge under the Pilot Project:

- ✚ collect and systemize the documents;
- ✚ prepare a survey plan;
- ✚ register the changes in the cadastral data;
- ✚ register in the Public Registry;
- ✚ specify the land plots registered without a survey plan (which means free of charge registration of the changes in order to specify the data without digital drawings);
- ✚ notarization of the parties' signatures on the transaction;
- ✚ mediation, including notary mediation;
- ✚ recognizing the ownership rights on an unrightfully occupied land plot;
- ✚ recognizing a land title.

Systemic registration does not in any way limit the citizens' rights to register their land titles based on an individual application through the sporadic procedures.

About the State Reform of Land Registration

- ✚ The State Reform of Land Registration began on August 1, 2016 and consists of two stages. The Stage 1 - sporadic registration based on the individual applications of citizens across the country is successfully underway. The Stage 2 includes the systemic registration of land plots in the selected areas based on the data obtained and processed through the systemic procedures.
- ✚ The State Reform of Land Registration aims at simplifying the registration procedures of immovable property and protecting ownership rights. The goal of the Reform is to eliminate the obstacles faced by land owners in the land registration.
- ✚ The systemic registration is going on under the Land Market Development Component of the World Bank Irrigation and Land Market Development Project.



THE WORLD BANK



Registration of your land title in the Public Registry and the accurate and reliable data guarantee the protection of your ownership rights.

NATIONAL AGENCY OF
PUBLIC
REGISTRY



11



☎ 2 405 405
✉ info@napr.gov.ge
www.napr.gov.ge

Flayer on Women's Property Rights



Did you know that according to the legislation of Georgia men and women have equal rights to immovable property concerning

-  ownership
-  lease
-  use



The laws of Georgia guarantee equal ownership rights and gender equality. The Constitution of Georgia establishes the ownership rights as well as the other rights of women.





According to the current legislation and registration procedures of the Public Registry all owners are equal regardless their gender.



In addition to sole ownership, a woman can also be a co-owner of her parents' property. The parents' property may equally be inherited by their sons and daughters.

Both a husband and a wife can be registered as co-owners of the spouses' property.

Remember!
Regardless of your gender you have the right

-  to have an equal share in the inheritance, i.e. together with the other heirs you are entitled to an equal share of your parents' property;
-  Even in case of existence of a will of parents or a parent, to demand your rightful share as specified in the law;
-  to be a co-owner of the marital property;
-  to conclude a prenuptial agreement stipulating your ownership rights and obligations.

Equal ownership rights are protected by the law!

The regional offices of NAPR, Public Service Halls and Community Centers offer consultations on ownership rights.

Call us at 2405405 or
e-mail us at info@napr.gov.ge
www.napr.gov.ge

Appendix 2. Technical Specifications of Cadastral Fieldwork

Purpose of the Document

- 1) Establishment of rules for accurate field survey and mapping (Annex 1).
- 2) Establishment of procedures for standardized collection of cadastral data for registration of agricultural land under the pilot project (Annex 2).
- 3) Establishment of rules for preparation of hard copies and electronic copies of cadastral plans for registration blocks and individual land plots (Annex 3Annex 2).
- 4) Establishment of rules for representation of graphical and textual cadastral data at public display (Annex 4).
- 5) Establishment of quality control procedures.

General Description of Technical Fieldwork

- 1) A land plot shall be identified by its owner, lawful possessor, actual owner or the representative of the municipality.
- 2) Cadastral data on a land plot shall be collected based on the borders of actual possession confirmed by the adjacent land plot owners (users) (Annex 3).
- 3) During the fieldworks, survey points shall be documented (Annex 2).
- 4) During the fieldworks, survey points and borders shall be marked (Annex 2).
- 5) If necessary, the legal borders shall be established both electronically and with on-site marking.
- 6) In case of a disputed boundary, minutes shall be prepared (Annex 6) and the boundary indicated by each concerned parties shall be surveyed.
- 7) Graphical and textual representation of cadastral data shall be prepared for public display (Annex 4).
- 8) All data collected on the site shall be handed over to a registering entity or a body accepting the works.
- 9) Any inaccuracies or errors identified during the data check shall be corrected by the surveyor within the time period agreed with NAPR.

Annex 1. Surveying Techniques and Accuracy

Reference System

All coordinates produced during the pilot project shall be referenced to the state geodetic coordinate system.

Positional Accuracy

The horizontal positional accuracy for any point on a cadastral survey shall be ± 0.15 m.

Survey Techniques

Cadastral surveys can use any appropriate survey technique, which can provide the positional accuracy stated above.

GNSS Measurements

The GNSS surveys shall use differential carrier phase observations undertaken using Static, Fast/Rapid Static, Stop & Go, Kinematic, or Real-Time Kinematic (RTK) methods. The specifications and minimum occupation times for each method are given in Table 1 and Table 2.

Table 1 Minimum GNSS occupation times for dual frequency receivers.

Survey Method	Recording Rate	Elevation Mask	> 5 km	5 km < 15 km
Static	15 ^s	10°	30 ^m	30 ^m - 50 ^m
Fast/Rapid Static	5 ^s	15°	15 ^m	15 ^m – 25 ^m
Stop & Go	1 ^s	15°	180 epochs	180 epochs
Real-Time Kinematic	1 ^s	15°	180 epochs	180 epochs

Table 2 Minimum GNSS occupation times for single frequency receivers.

Survey Method	Recording Rate	Elevation Mask	> 5 km	5 km < 10 km
Static	15 ^s	10°	45 ^m	45 ^m - 60 ^m
Fast/Rapid Static	5 ^s	15°	30 ^m	30 ^m – 40 ^m
Stop & Go	1 ^s	15°	180 epochs	180 epochs
Real-Time Kinematic	1 ^s	15°	180 epochs	180 epochs

RTK Measurements

RTK measurements shall be preceded by a system setup check procedure. The procedure shall be performed every day before and after the cadastral measurements. The check includes observation of an existing control point or a monumented point measured on the previous day within 5 km of the surveyed area for the day. The observed horizontal position should be compared to the known position of the point. The difference should be within the tolerance:

$$\Delta \leq 0.050 \text{ m.}$$

Processing of Static, Fast/Rapid Static and Stop & Go Data

All data processing (baseline solutions) and data analysis (least squares or weighted mean average) shall follow the manufacturer's recommended procedures.

A double difference fixed integer solution is required for all measurements regardless of the positioning technique used.

Using Geo-CORS

RTK and static GNSS measurements can be performed using the Geo-CORS infrastructure, which provides:

- RTK corrections, generated at a rate of 1^s in RTCM 2.3, and RTCM 3.1 formats.
- Static data at 30^s sampling rate in RINEX format which can be downloaded from the Geo-CORS website (geocors.napr.gov.ge).

Geo-CORS provides online coordinate computation service allowing the user to upload static data in RINEX format and receive post-processed and adjusted coordinates from a baseline computation with manual or automatic selection of reference stations from Geo-CORS.

Total Station Measurements

The total station measurements shall use:

- horizontal circle orientation by reference (instrument is being set up on a known point) or
- resection (instrument is being set up on an unknown point).

Horizontal circle orientation by reference shall involve taking observations to minimum 2 orientation points with known coordinates.

The horizontal circle orientation by resection shall involve taking observations to minimum 3 orientation points with known coordinates (4 when using angles only).

Any additionally monumented point that is occupied by and/or used to orient the total station during a survey should be measured with GNSS and shall have horizontal positional accuracy of:

$$\sigma \leq 0.050 \text{ m.}$$

Field Sketch

Where point coding is not used, in parallel with the instrumental survey, the operator shall use orthophotos overprinted with the existing land plot data as a field sketch. The sketch should indicate:

- control points;
- boundary points;
- land plot polygons;
- building polygons with building information;
- boundaries of legal restriction;
- etc.

Annex 2. Survey Work

Preparatory Works

Preparatory works shall include:


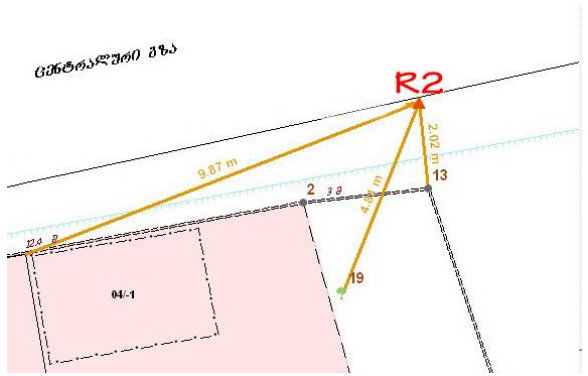


- 1) Creation of registration blocks and submission for approval by the municipality if such are not specified in a legal-administrative act issued by the municipality.
- 2) identification or establishment of local control points. Work includes:
 - Demarcation with pegs, pins, iron bars etc.
 - Measurement of reference distances to three fixed objects such as: fence corners, poles, trees etc.
 - Determination of coordinates using GNSS, total station or other technology.
 - Preparation of site descriptions.

The surveyor shall determine how many local control points will be necessary to achieve the required positional accuracy (see above).

- 3) Demarcation of boundary points, which are not marked by permanent features such as fences, stones etc. with temporary (wooden painted) or permanent (iron painted) markers.

Site Descriptions

Site descriptions shall be prepared in hard copy using the template below then signed by an authorized representative of the contractor and scanned in PDF format.

Site Description		
Pilot Area	MANGLISI	
Point Number	R2	
Type	<input checked="" type="checkbox"/> Local Control Point	<input type="checkbox"/> Boundary Point Block: Plot:
Mark	<input type="checkbox"/> Wooden peg	<input checked="" type="checkbox"/> Metal pin
	<input type="checkbox"/> Iron bar	<input type="checkbox"/> Other
Coordinates	UTM Zone	38
	Northing (x) [m]	Easting (y) [m]
	384162.802	4650386.304
Location on Orthophoto or Topographic Map		Reference Distances to 3 Fixed Objects
		
Overview Photo		Photo of the Point Marker
		
Prepared by		
Authorized Representative		
Date		

Annex 3. Cadastral Survey/Measurement Plan

Article 1. Definition of Cadastral Survey/Measurement Plan and Responsibilities of the Surveyor for Preparation of Cadastral Survey/Measurement Plans

- 1) Cadastral data is the accurate graphic and textual information for the location and boundaries of the land plot, its related buildings/structures, including linear structures, servitudes or other legal restrictions.
- 2) A cadastral survey/measurement plan is a document comprising the cadastral data for an immovable property and prepared in accordance with the requirements of the present technical specifications.
- 3) National Agency of Public Registry shall rely on a cadastral survey/measurement plan if such a plan meets the requirements specified by the present technical specifications and the legislation of Georgia.
- 4) In order to prepare a cadastral survey/measurement plan, the surveyor shall collect data on the land plot boundaries, its related buildings/structure, including linear structures, servitudes or other legal restrictions through measurements and surveying on site.
- 5) The surveyor shall prepare a cadastral survey/measurement plan in compliance with the forms and procedures set in these technical specifications.
- 6) The surveyor shall create and propose for approval by the municipality registration blocks if such are not specified in a legal-administrative act issued by the municipality.

Article 2. General Technical Specifications of the Cadastral Survey

- 1) The cadastral survey/measurement plan resulting from the measurements shall be prepared in the state geodetic coordinate system.
- 2) Cadastral objects represented on the survey/measurement plan shall have ± 0.15 m accuracy.
- 3) 0.3 m overlapping of survey/measurement data with the registered data is allowed.
- 4) According to the requirements of the present technical specifications, the following objects shall be shown on a cadastral survey/measurement plan:
 - a) land plots;
 - b) buildings and structures;
 - c) objects of independent right;
 - d) boundaries of legal restrictions and/or encumbrances;
 - e) point objects;

- f) other topographic features;
 - g) boundaries of registration blocks.
- 1) A cadastral measurement plan of an object of personal ownership shall be submitted in a hard copy at scales 1:100, 1:500, 1:1000, 1:2000 or smaller.

Article 4. Description of Cadastral Boundaries

The surveyor carrying out the cadastral survey/measurement shall indicate the type of the boundary as follows: fixed boundary and/or a non-fixed boundary. In case of a non-fixed boundary, the surveyor shall specify its location in relation to the fixed geographic features.

Article 5. Photographs made during a Cadastral Survey

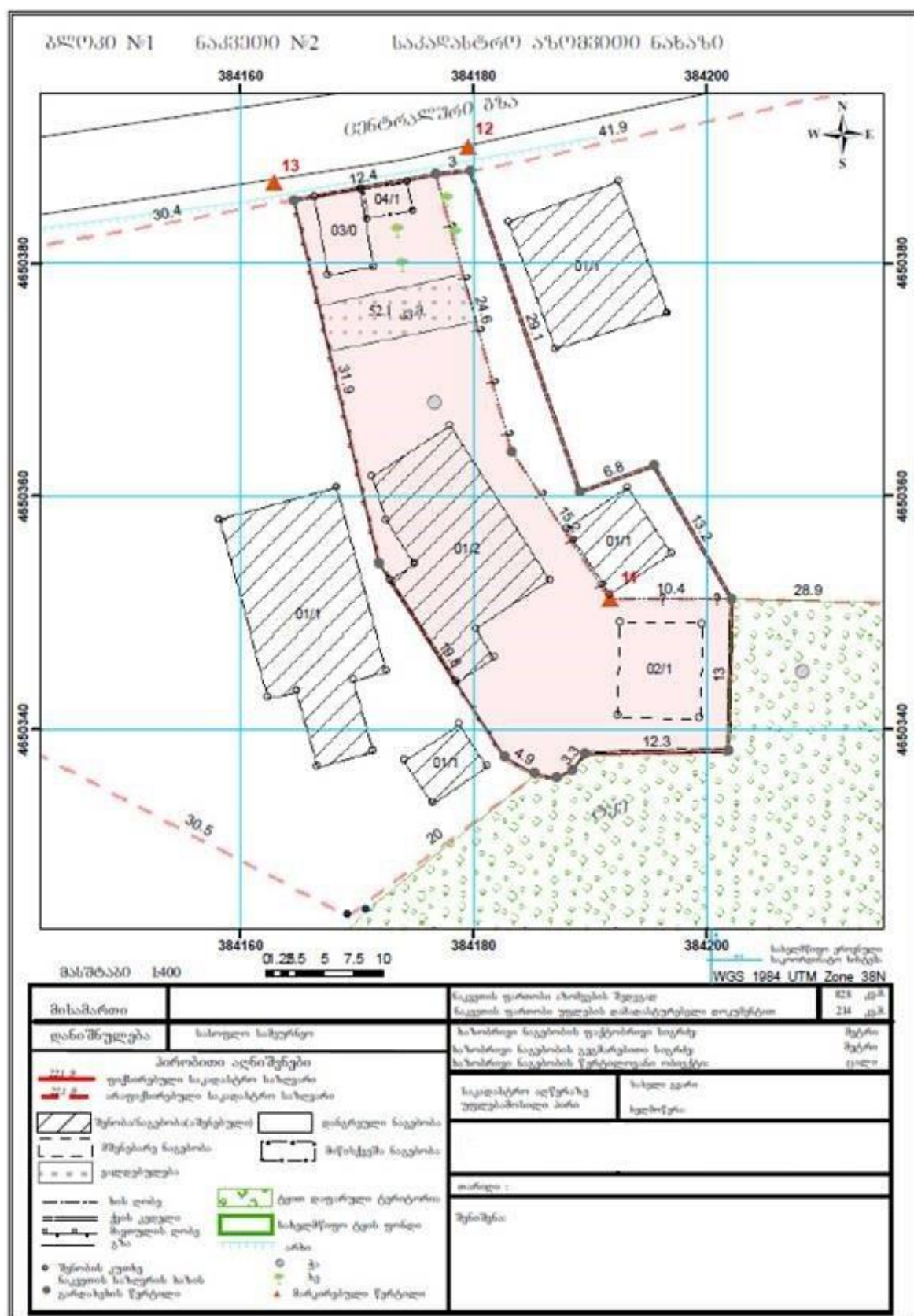
A general view of a surveyed immovable property or its unit and its boundary corners shall be photographed during the survey. Electronic versions of such photographs in "JPG" format shall be attached to the electronic version of the survey/measurement plan. The date of the photograph shall be the same as that of the survey. The surveyor shall take at least three photographs.

Article 6. Instructions for Preparation of the Cadastral Survey/Measurement Plan

The hard copy of the cadastral survey/measurement shall consist of two parts – graphical and textual (field form). The plan shall be printed out in portrait layout and on A4 size paper.

Article 3. Hardcopy of Cadastral Survey/Measurement Plan

1) The first page (graphical part) of a cadastral survey/measurement plan shall be as follows:



2. The second page (textual part) of a cadastral survey/measurement plan shall be as follows:

Pilot Area	Block	Plot	Application Number																								
Location/address of a land plot/linear structure		Area [m ²]	Purpose																								
Number of buildings/structures	Purpose	Condition	Number of floors																								
Description of Legal Restriction/Encumbrance boundaries		Types of obligation	Area (m ²)																								
Type of a linear structure	Actual length of a linear structure (m)	Shape length (m)	Type of a linear structure related point object																								
Boundary	Description of a boundary	Names of survey witnesses (if available)	Phone and E-mail of survey witnesses (if available)																								
1_____2																											
2_____3																											
3_____4																											
4_____1																											
Provided documents for registration																											
Full Name of a surveyor																											
ID details of a Surveyor																											
Phone and E-mail of the surveyor																											
Cadastral survey methods																											
<table border="1"> <tr> <td>Date of survey</td> <td colspan="2"></td> </tr> <tr> <td>Signature of the surveyor</td> <td colspan="2"></td> </tr> <tr> <td>Signature of authorized representative of the contractor and stamp</td> <td></td> <td></td> </tr> </table> <table border="1"> <tr> <td>Interested person</td> <td colspan="2"></td> </tr> <tr> <td>ID details of the interested person</td> <td colspan="2"></td> </tr> <tr> <td>Phone and E-mail of the interested person(if available)</td> <td colspan="2"></td> </tr> <tr> <td>Signature of the interested person</td> <td colspan="2"></td> </tr> <tr> <td>Name of the spouse of the interested person</td> <td colspan="2"></td> </tr> </table>				Date of survey			Signature of the surveyor			Signature of authorized representative of the contractor and stamp			Interested person			ID details of the interested person			Phone and E-mail of the interested person(if available)			Signature of the interested person			Name of the spouse of the interested person		
Date of survey																											
Signature of the surveyor																											
Signature of authorized representative of the contractor and stamp																											
Interested person																											
ID details of the interested person																											
Phone and E-mail of the interested person(if available)																											
Signature of the interested person																											
Name of the spouse of the interested person																											

Article 7. Graphical Part of the Cadastral Survey/Measurement Plan

The graphical part of the cadastral survey/measurement shall consist of the following data:

- 1) An arrow symbol indicating the north.

Sample:



- 2) Numerical and linear scale (either in 1:500, 1:1000, 1:2000 or increased thousand fold).

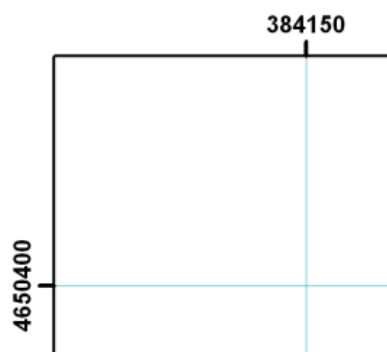
Sample:

Scale: 1:500



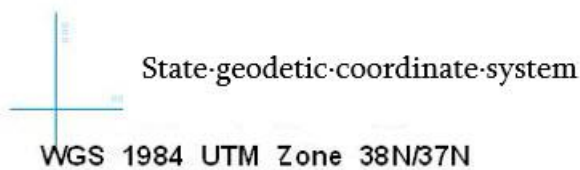
- 3) Coordinate grid in compliance with the state geodetic coordinate system with intervals rounded to the nearest whole number in conformity with the actual location of the immovable property.

Sample:



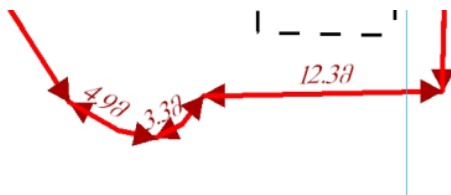
- 4) Name of the state geodetic coordinate system.

Sample:



- 5) Location/address of the immovable property to be registered. This information shall be specified by the surveyor based on the provided ownership evidence. In case of absence of ownership evidence, the location name of the immovable property shall be specified.
- 6) Data for land plots:
 - a) area - rounded to the nearest whole number, in square meters;
 - b) purpose - “agricultural” or “non-agricultural”;
 - c) lengths of the land plot border sides (below is specified where they can be shown).

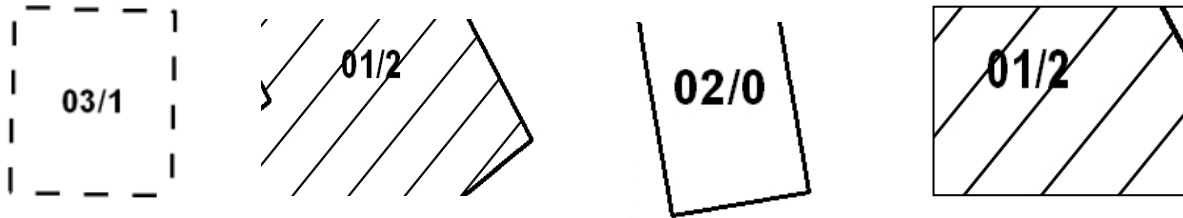
Sample:



- 7) Data for buildings/structures:
 - a) number of the building/structure (the numbering shall start from a multi-unit building/structure, if any). For the purpose of registering changes based on a cadastral survey/measurement plan, the numbering of buildings/structures on the cadastral survey/measurement plan shall be consistent with the numbering of buildings/structures registered with the ownership in the public registry. The exceptions are made in cases where old buildings/structures are replaced with new ones and/or a survey/measurement plan verifies the dismantle/demolition of such a building/structure.
 - b) number of floors (integer), if the number of floors is unknown – 0.

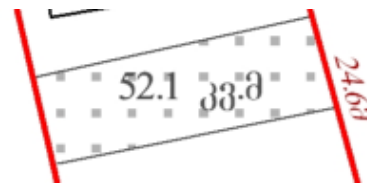
c) condition (under construction, constructed or demolished).

Sample:



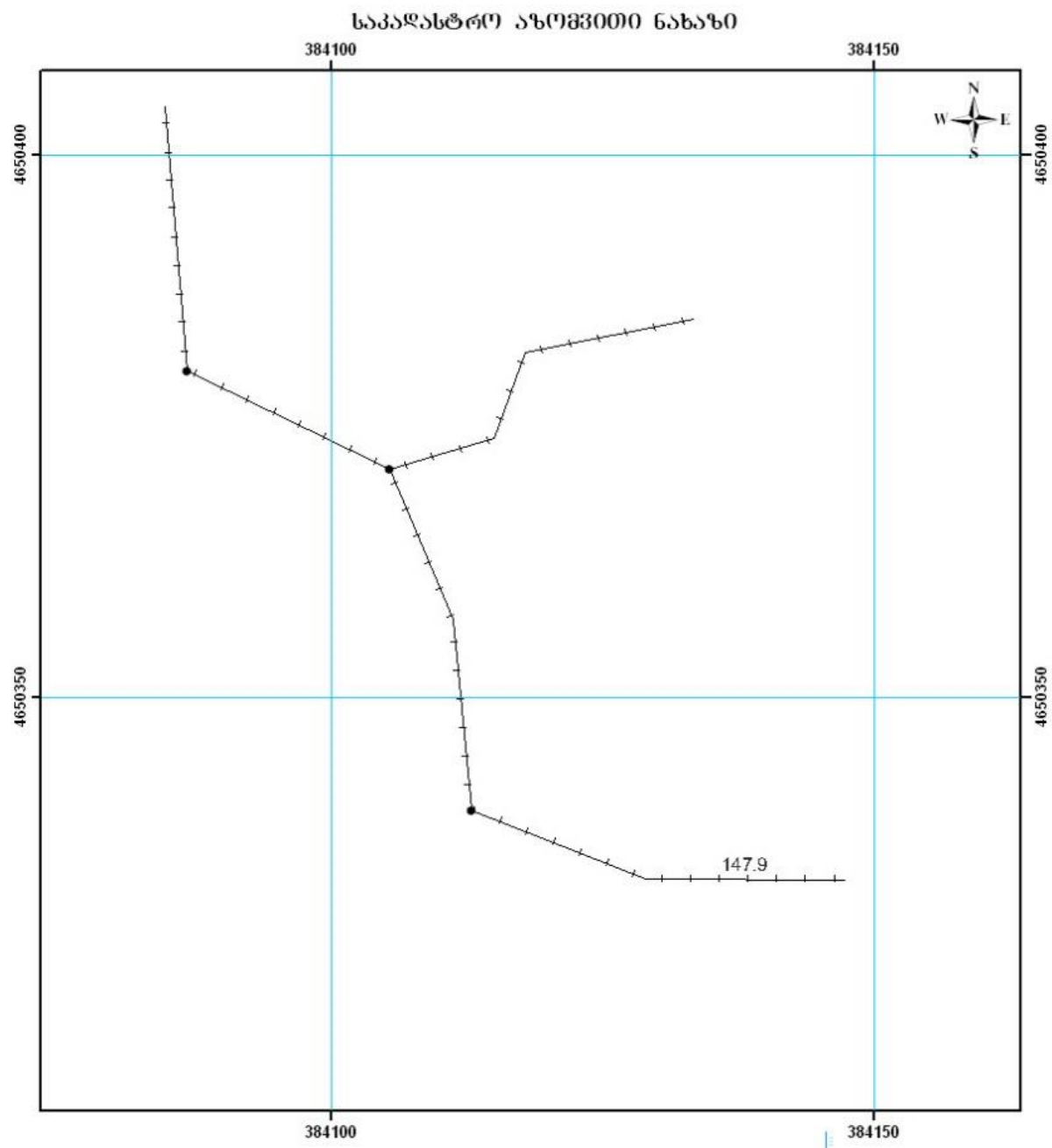
8) Obligations related to the immovable property through the conventional signs for borders of legal restriction and/or encumbrance (if they can be graphically represented and documented):

- a) servitude (area);
- b) usufruct (area);
- c) rent (area);
- d) hire (area);
- e) equitable servitude (area);
- f) mortgage (area);
- g) other restrictions with an area.



9) Linear structures (cadastral survey/measurement plan shall be prepared for the following objects: communication facilities, motorways, railways, all kinds of pipelines, tunnels, cable-ways, power lines, telecommunication lines, cable railways, dams, canals for which there is the evidence of ownership/use/lawful possession per linear meter and a construction permit is issued).

Sample:



a) Actual and shape length of the linear structure in meters.

b) Number of point objects related to the linear structure.

10) Date of the cadastral survey/measurement.











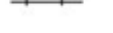

11) Full name and signature of the surveyor.
















12) Full name and signature of an authorized representative of the contractor.







13) Full name of the interested person.

14) The graphical representation shall use conventional signs according to the catalogue below.

Catalogue of Conventional Signs:


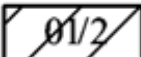






Name	Category : Cadastre2014	Symbol name and sign	Type
cadastre1	Point of the State Geodetic Network	 cadastre1	წერტილი(Point)
cadastre2	Marked Point	 cadastre2	წერტილი(Point)
cadastre3	Border line intersection	 cadastre3	წერტილი(Point)
cadastre4	Point objects related to a linear structure	 cadastre4	წერტილი(Point)
cadastre31	Building corner point	 cadastre31	წერტილი(Point)
cadastre10	Well	 cadastre10	წერტილი(Point)
cadastre11	Tree	 cadastre11	წერტილი(Point)
cadastre12	Tower/Pole	 cadastre12	წერტილი(Point)
cadastre5	Road	 cadastre5	ხაზი(Polyline)
cadastre6	Railway	 cadastre6	ხაზი(Polyline)
cadastre7	Linear structure	 cadastre7	ხაზი(Polyline)
cadastre8	Canal	 cadastre8	ხაზი(Polyline)

cadastre9	Wall	 cadastre9	ხაზი(Polyline)
cadastre32	Fixed cadastral boundary	 cadastre32	ხაზი(Polyline)
cadastre13	Non-fixed cadastral boundary	 cadastre13	ხაზი(Polyline)
cadastre33	Disputed boundary	 cadastre32	ხაზი(Polyline)
cadastre14	Wooden fence	 cadastre14	ხაზი(Polyline)
cadastre15	Wire fence	 cadastre15	ხაზი(Polyline)
cadastre16	Iron fence	 cadastre16	ხაზი(Polyline)
cadastre17	Hedge	 cadastre17	ხაზი(Polyline)
cadastre30	Size lines	 cadastre30	ხაზი(Polyline)
cadastre18	Land plot with ownership evidence	 cadastre18	პოლიგონი(Polygon)
cadastre19	Land plot without ownership evidence	 cadastre19	პოლიგონი(Polygon)
cadastre20	Obligations	 cadastre20	პოლიგონი(Polygon)
cadastre21	Constructed building/structure	 cadastre21	პოლიგონი(Polygon)
cadastre22	Demolished building/structure	 cadastre22	პოლიგონი(Polygon)
cadastre23	Building/structure under construction	 cadastre23	პოლიგონი(Polygon)

cadastre24	Underground building/structure		პოლიგონი(Polygon)
cadastre25	Water body		პოლიგონი(Polygon)
cadastre26	Wetland		პოლიგონი(Polygon)
cadastre27	Forest area		პოლიგონი(Polygon)
cadastre28	Shrubbery area		პოლიგონი(Polygon)
cadastre29	State forest fund		პოლიგონი(Polygon)

15) If other than the above features need to be shown on the plan, a relevant descriptive data (legend) shall be added.

Sample:

Address		
Purpose	Agricultural	
<div>Conventional Signs</div> <div><div> Cadastral boundaries of a land plot</div><div><div> Buildings/structures, building number, number of floors</div><div><div> Under Construction</div><div><div> Obligations</div><div><div> Point object related to a linear structure</div><div> Mark of an adjacent land plot</div></div></div><div><div> Demolished building</div><div><div> Linear structure</div></div></div></div></div></div>		

- 16) In case of land plots registered as a result of subdivision, a layout plan showing the subdivision shall be attached to the hard and electronic copies of the cadastral survey/measurement plan.
- 17) A cadastral survey/measurement plan showing consolidation of land plots shall specify the cadastral codes of such land plots.
- 18) The hard copy of the cadastral survey/measurement plan shall be filled in full and consistent with the information presented in the electronic version.

Article 8. Textual Part (Field Form) of the Cadastral Survey/Measurement Plan

- 1) The information about the surveyed/measured land plot shall be recorded in the relevant columns in the field form on the second page of the cadastral survey/measurement plan:
 - a) The surveyor shall assign provisional numbers to plots which do not have numbers.
 - b) The surveyor shall specify the address of the land plot based on the ownership evidence. If no such document exists, the name of the location shall be specified.
 - c) The area of the land plot shall be indicated as an integer number and in square meters;
 - d) The purpose of the land plot shall be specified as agricultural and/or non-agricultural.
- 2) Information about the surveyed/measured buildings/structures shall be recorded in the relevant columns:
 - a) The surveyor is responsible for assigning provisional numbers to buildings/structures on a cadastral survey/measurement plan. If the number of buildings/structures is less than ten, a surveyor shall use a two-digit number, e.g. 01, 02, 03, etc. If the number of buildings/structures is ten or more, the assigned provisional numbers shall be 10, 11, 12, etc. If the number of buildings/structures on a cadastral survey/measurement plan is 100 or more, the assigned provisional numbers will be 100,101,102, etc.;
 - b) The type of the building/structure shall be specified in the “Purpose” column, e.g. residential, non-residential, utility, mixed, etc.
 - c) The “Condition” column shall show whether the building/structure is under construction, constructed or demolished. The condition of the building/structure shall be shown with the relevant conventional sign and shall be in conformity with the building/structure number.

- d) The number of floors in the building/structure shall be specified in the column “Number of floors” and shall be separated from the building/structure number with a slash.
- 3) If the cadastral boundary of a legal restriction and/or encumbrance on the immovable property can be presented graphically, the column “Obligations” shall show the following:
- a) servitude;
 - b) usufruct;
 - c) rent;
 - d) hire;
 - e) equitable servitude;
 - f) mortgage;
 - g) other restrictions/encumbrances.
- 4) A cadastral survey/measurement plan of a linear structure shall include the following information:
- a) type of the linear structure: communication facility, motorway, railway, pipeline (any kind), tunnel, cableway, power line, telecommunication line, cable railway, dam, canal, etc.
 - b) actual length of the linear structure which shall be consistent with the real length;
 - c) shape length of the linear structure which shall be consistent with the length in the state geodetic coordinate system and the length in the relevant layer in the electronic (2-dimensional) version;
 - d) point objects related to the linear structure – only the property related to a specific linear structure. The type and number of structures shall be specified.
- 5) The following information about lawful possessors/owners of land plots adjacent to the plot being surveyed/measured shall be recorded:
- a) the surveyor shall record the existence of lawful possessor(s)/owner(s) of adjacent land plots in the “Lawful possessors/owners of adjacent land plots” column of the cadastral survey/measurement plan and shall put a mark denoted with a capital Latin letter on the border side;
 - b) the full name, ID number and other identification data of the lawful possessor(s)/owner(s) of the adjacent land plot. The surveyor shall record the failure to identify the aforementioned persons and shall specify the reasons.

- 6) Survey witnesses and their signatures:
- a) the surveyor shall specify full names, ID numbers and other identification data of the persons witnessing the survey of an immovable property in the “Survey witnesses” column;
 - b) if a survey witness is the same person as a lawful possessors/owners of an adjacent land plot, the information on his/her identity shall be repeated in the relevant column.
- 7) Information on the surveyor carrying out the cadastral survey/measurement:
- a) full name of the surveyor;
 - b) ID information of the surveyor;
 - c) contact information of the surveyor;
 - d) surveying method used:
 - d.a) GNSS RTK using Geo-CORS;
 - d.b) GNSS Static using CORS;
 - d.c) GNSS RTK using base and rover;
 - d.d) GNSS Static using base and rover;
 - d.e) Fast/Rapid Static using base and rover;
 - d.f) Stop & Go using base and rover;
 - d.g) Total Station;
 - d.h) Theodolite;
 - d.i) other.
- 8) Date, signatures and information about the interested person:
- a) date of the cadastral survey/measurement drawings (day, month, year);
 - b) signature of the surveyor carrying out cadastral survey/measurement;
 - c) name, ID, phone, E-mail (if available) and signature of the interested person;
 - d) name of the spouse of the interested person (including absentee spouse).

Article 8. Electronic Version of the Cadastral Survey/Measurement Plan

A template of the electronic version of the Cadastral Survey/Measurement Plan is available for downloading from the official website of NAPR (www.napr.gov.ge).

- 1) The electronic version of a cadastral survey/measurement plan shall consist of the following layers:
 - a) land plot (polygonal layer);
 - b) buildings/structures (polygonal layer);
 - c) obligations (polygonal layer): graphic borders of legal restrictions and/or encumbrances (if such can be documented);
 - d) linear structures (linear layer).
- 2) The additional layers of the electronic version shall be prepared as follows:
 - a) sides of a land plot boundaries (linear layer) to visualize side dimensions on the hard copy of the plan;
 - b) point objects related to linear structures (point layer) to visualize the property related to a linear structure as a point;
 - c) marking of the adjacent land plots; the points denoted with a capital Latin letter shall be plotted to mark the boundaries of adjacent lawful possessors' property.
- 3) Attribute table of each object (point, linear and polygonal) on the cadastral survey/measurement plan shall contain the following data:
 - a) object – a land plot with the following data:
 - a.a) area: real/precise;
 - a.b) purpose: agricultural or non-agricultural;
 - a.c) surveying method with a coding according to the list below:
 - a.c.a) GNSS RTK using Geo-CORS;
 - a.c.b) GNSS Static using CORS;
 - a.c.c) GNSS RTK using base and rover;
 - a.c.d) GNSS Static using base and rover;
 - a.c.e) Fast/Rapid Static using base and rover;

- a.c.f) Stop & Go using base and rover;
 - a.c.g) Total Station;
 - a.c.h) Theodolite;
 - a.c.i) other.
 - b) object – building/structure with the following data:
 - b.a) number of a building/structure (numbering shall start from a multi-unit building/structure, e.g. 01. 02 . . . 110, etc);
 - b.b) a number of floors (integer), if the number of floors is unknown - 0;
 - b.c) condition (under construction, constructed or demolished).
 - c) obligations: borders of legal restrictions and/or encumbrance (if any); the number of one of the rights listed below shall be entered in the column:
 - c.a) servitude;
 - c.b) usufruct;
 - c.c) rent;
 - c.d) hire;
 - c.e) equitable servitude;
 - c.f) mortgage.
 - d) other restrictions.
 - e) object – a linear structure; one of the following objects shall be entered in the column: communication facilities, motorways, railways, all kinds of pipelines, tunnels, cableways, power lines, telecommunication lines, cable railways, dams, canals; the shape length of a building/structure shall be consistent with the projection length of an electronic version of a linear layer (2D).
- 4) Topologic requirements for an electronic version of a cadastral survey/measurement drawing of registration objects:
- a) no self-crossing or self-overlapping are allowed in the polygonal layer;
 - b) the aforementioned layer shall not include records without the relevant graphical element, similar records on disconnected objects or one record for an object connected with one point;

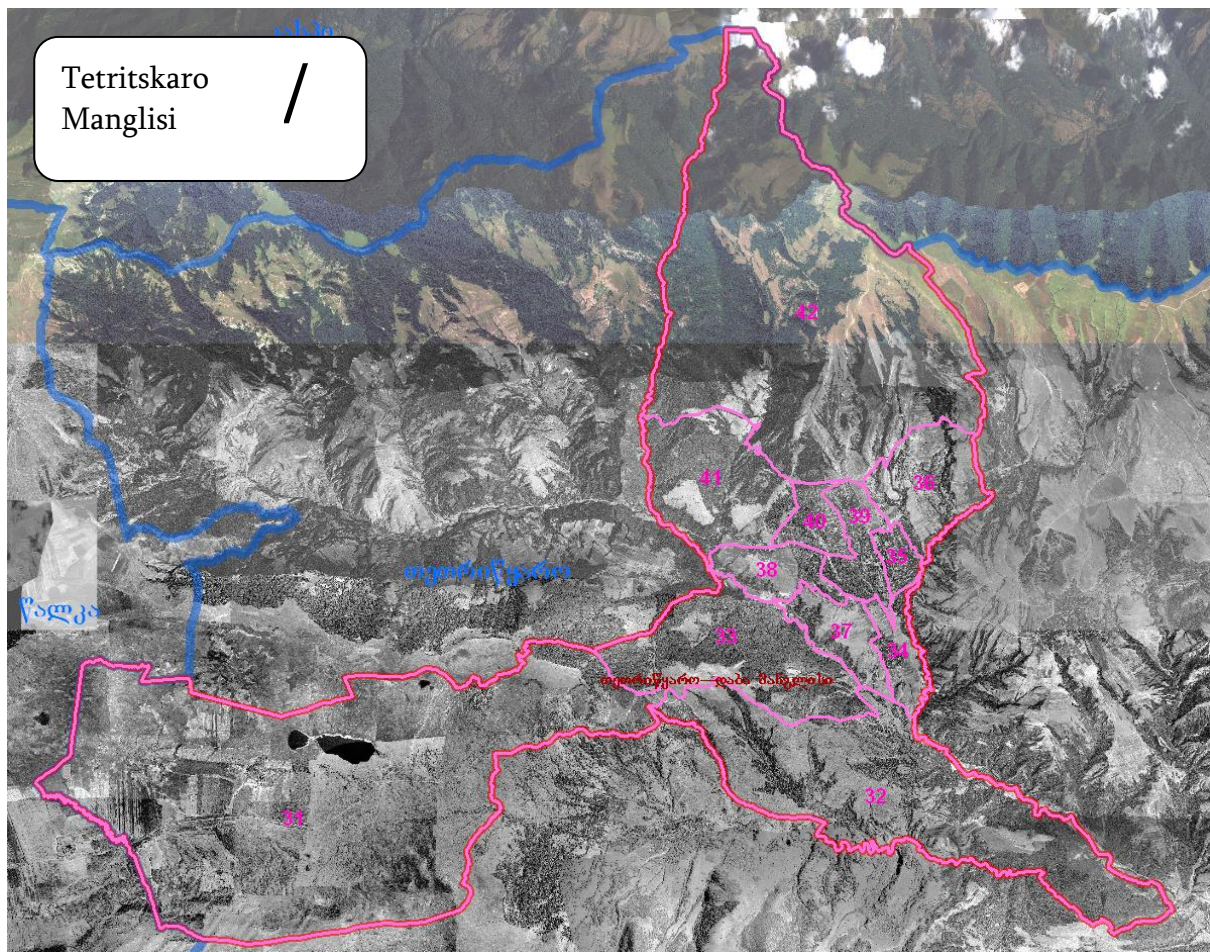
- c) a linear layer shall not include doubled or discontinuous line. A linear object to be registered shall be a single whole and expressed as a total in meters;
- d) the boundaries of buildings/structures shall not cross the boundaries of a land plot (except linear structures and the cases where the boundaries of a land plot were presented by a structural unit of the municipality responsible for planning the area of such a municipality);
- e) a point of intersection of a communication line crossing a point object shall coincide with (shall cross) this symbol;
- f) the data on all the objects shall be recorded fully;
- g) the information in an electronic version shall be consistent with the information recorded on the hard copy;
- h) the boundaries of consolidated or divided land plots shall be consistent with the registered ones;
- i) the boundaries of servitude shall not exceed the boundaries of a land plot to be registered.

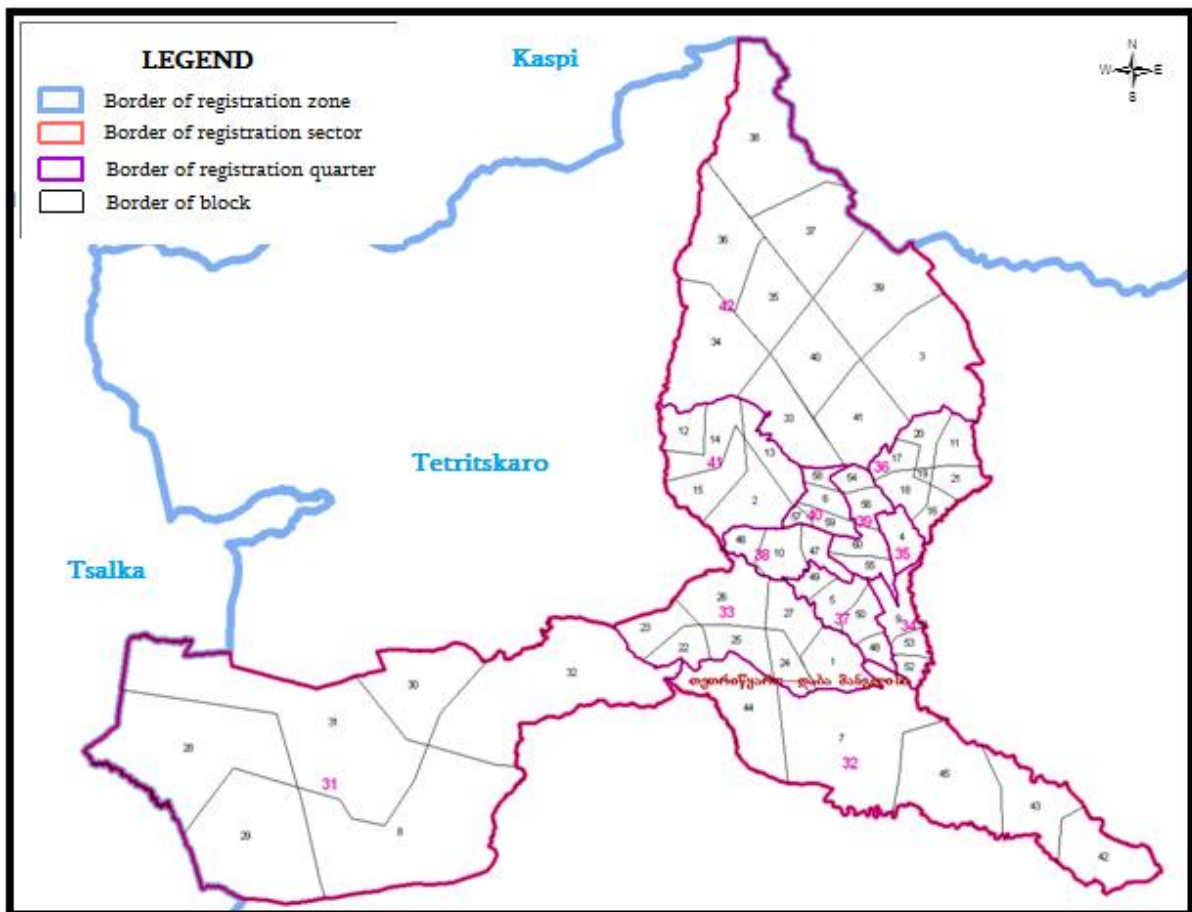
Annex 4. Procedures for Preparation of Visual and Textual Data for Public Display

The following visual data shall be prepared for public display:

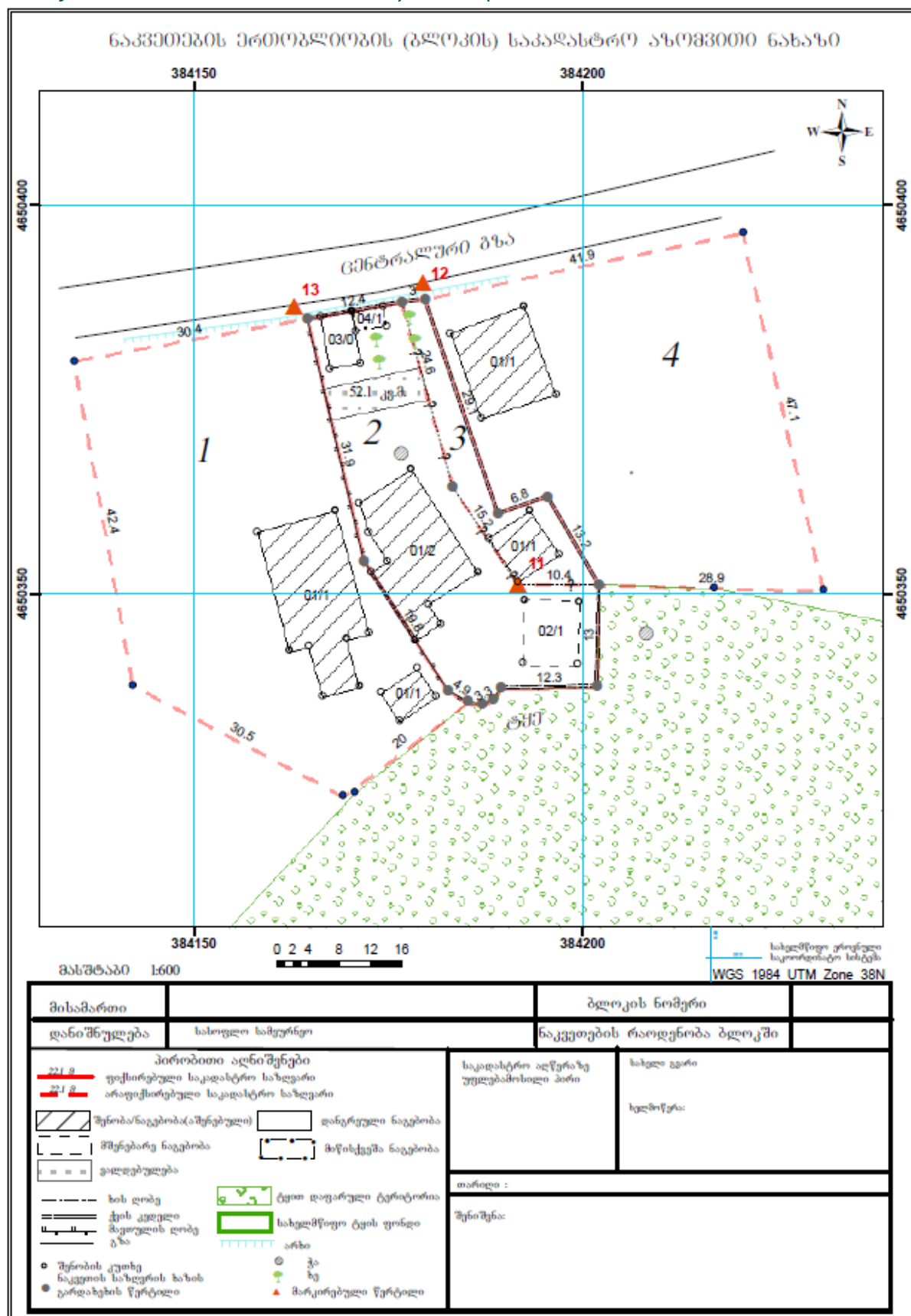
- 1) A map of the Council (Sakrebulo) on an orthophoto or without it, showing the borders of a registration zone, sector, area, block.
- 2) A plan of a block with the numbered surveyed land plots. The old boundaries are shown in black; the new boundaries are shown in yellow.
- 3) The list of land owners. Their numbers shall be consistent with the plot numbers on a block plan.

Map of the Council (Sakrebulo) for Public Display.





Plan of a block with the numbered surveyed land plots.

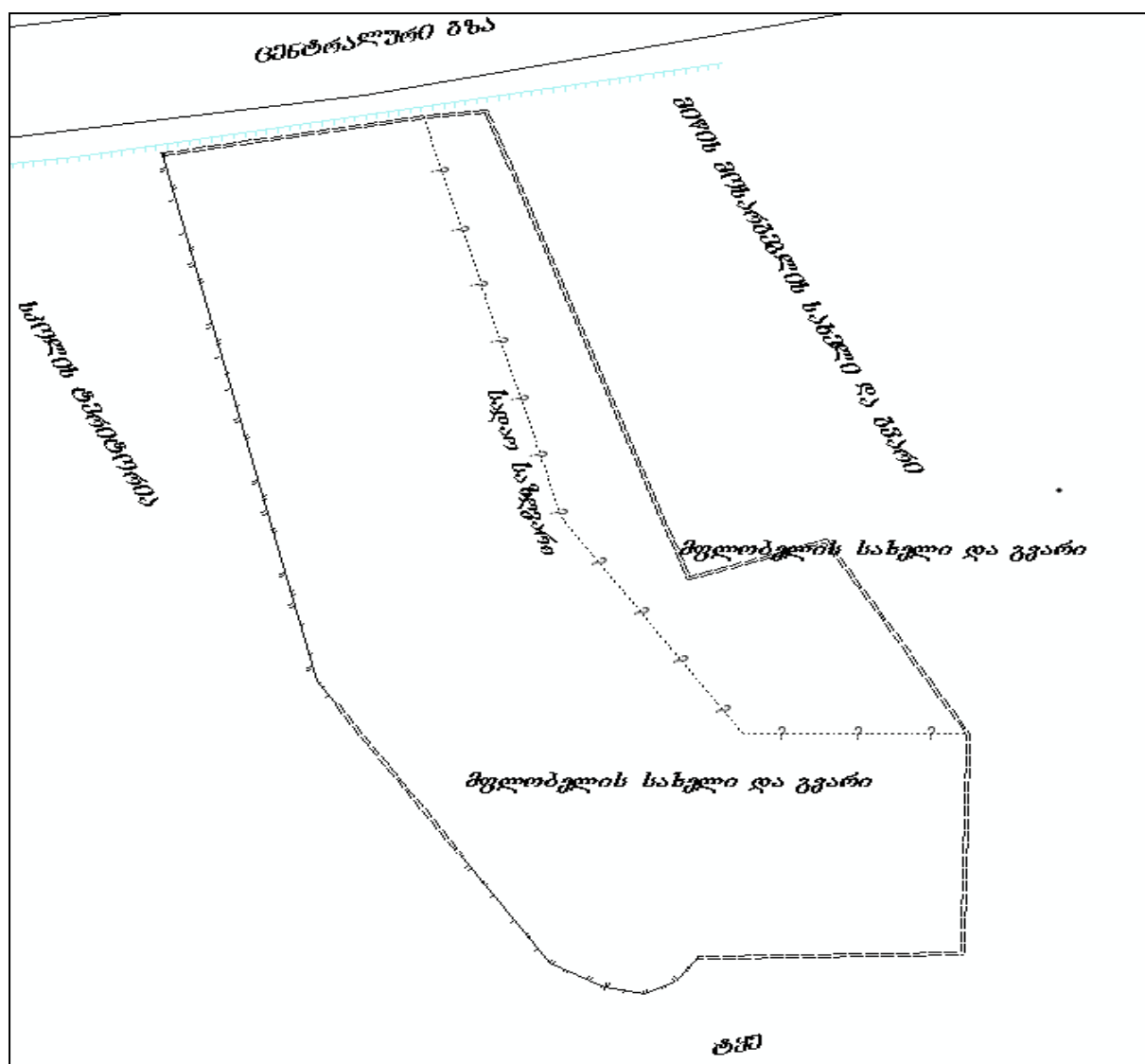


Register of owners' data.

Area (zone)													
Sakrebulo										Date			
Quarter													
No	Last Name	Name	Patronym	Organization	Number of Organization	Address	Date of Birth	ID Card (if available)	Land Plot No	Application Number	Surveyed Area	Type of Object	Status of Land

Annex 6. Minutes for Identification of Disputed Borders with a Layout Drawing

The Minutes of Identifying Disputed Borders with a Layout Drawing	
Cadastral code (or a number) of a land plot	
Address of a land plot	
Witnessed by :	
Full Name	ID Number
A dispute over the property border was identified during the cadastral survey	
Matter of the dispute :	
The following documents are enclosed with the Minutes:	
<input type="checkbox"/> Written description of the matter of dispute <input type="checkbox"/> Plan/sketch/drawing of the matter of dispute <input type="checkbox"/> Other	
The Minutes were prepared by:	
Full name	Signature and Date
Confirmed by the parties of the dispute:	
Full name	Signature and Date
Full name	Signature and Date



The scale of the drawing is representative.

Appendix 3. Alternative Ways of Dispute Resolution (Mediation)⁶³

The contractor shall receive the right from NAPR to appoint a mediator.

Article 17. General Procedures of Mediation

1. If and when a dispute arises by and between the parties within the implementation of a State Project, NAPR shall approach a Notary Mediation in a compulsory manner to resolve such dispute or shall engage mediator(s) in the matter, who shall in turn inform the parties about the terms and conditions of mediation and appoints a meeting with an agreement of the parties on the venue and timing.
2. In case of the parties' prior consent, NAPR (see above) shall select a mediator/mediating notary and notify the interested parties about such a selection in its decision on registration proceedings. If there is no prior consent of the parties, NAPR make a decision on the registration proceedings and give the parties 3 working days to select a mediator/mediating notary from the list of mediators/mediating notaries. A party to the dispute which is not an applicant for registration shall be sent a decision on the registration proceedings by post. The procedures specified in Paragraphs 7-11 of the Article 5 of the present Regulations shall apply to the delivery of a decision on registration proceedings taking into account the terms stipulated herein.
3. The parties to the dispute shall select a mediator/mediating notary by submitting a joint application to NAPR. If the parties to the dispute fail to select a mediator/mediating notary within 3 working days after they officially receive a decision on registration proceedings, a mediator/mediating notary shall be selected by NAPR. The parties to the dispute shall be informed about the selection of a mediator/mediating notary by NAPR in a decision on registration proceedings.
4. The mediator/mediating notary selected by the parties to the dispute or NAPR receive the case related information/data kept in NAPR.
5. Mediation shall be completed within 3 weeks after application for the mediation/involvement of a mediator(s) in the case. If the parties to reach an agreement of mediation is terminated, NAPR shall make a decision according to the procedures

⁶³ Regulations on Systematic and Sporadic Registration, Chapter V.

specified in the Law “Law “On Special Procedures for Systemic and Sporadic Registration of Land Titles under the State Project and Improvement of Cadastral Data” of Georgia.

6. A mediator can be either one or several persons depending on the specific character and complexity of the case.
7. The key principles of mediation are good will, good faith, equality, collaboration, impartiality and independence of a mediator, confidentiality.
8. The parties involved in the mediation are as follows: the parties to a dispute (their representatives), mediator/mediating notary. By mutual agreement of the parties and a mediator’s consent other parties can also be involved in the mediation to resolve a dispute.

Article 18. Mediation Procedures

1. Mediation meetings shall be held at a venue appointed in advance and agreed between the parties.
2. The mediation process is confidential. The mediator shall not provide explanations and clarifications on the circumstances communicated to him/her by the parties during the mediation, unless the parties agree to disclose such information.
3. In order to facilitate the negotiations and reveal the common interests of the parties, the mediator shall conduct individual and joint meetings with the parties.
4. If the parties reach an agreement, they shall conclude a mediation agreement. The mediation agreement shall be signed by both parties and the mediator(s) and the authenticity of the signatures shall be notarially attested.
5. If the parties fail to reach an agreement, a mediator shall make the minutes. The parties and/or mediator(s) shall sign minutes. The authenticity of the signatures shall be notarially attested.
6. A mediation agreement concluded in compliance with 4 of serves as the basis for land title registration.
7. A party involved in meditation shall have the right to:
 - a) select a mediator;
 - b) refuse to continue mediation at any time;
 - c) make proposals on the mediation process;
 - d) submit the documents./information for the purposes of a dispute resolution;

- e) ask the other party and the mediator questions;
 - f) initiate an individual meeting with the mediator;
 - g) make proposals to the other party for the purpose of dispute resolution;
 - h) participate in the review of the other party's opinions and proposals.
8. During the mediation neither of the parties can:
- a) disclose information communicated to them during the mediation without the other party's consent;
 - b) unreasonably delay the mediation process;
 - c) physically, morally or otherwise coerce the other party, the mediator or third parties participating in the mediation and/or treat them improperly.
9. A party in mediation shall:
- a) meet the requirements of the current legislation;
 - b) attend the meetings appointed by a mediator at the specified venue and time;
 - c) follow the rules and condition of mediation as agreed by the parties;
 - d) respect the principles of mediation;
 - e) make valid proposals to the other party on the subject of mediation;
 - f) timely and duly implement a mediation agreement concluded between the parties.
10. The mediator shall:
- a) conduct the mediation process;
 - b) allow each party to fully express their opinion on the reasons for dispute;
 - c) define the expectations of the parties regarding the mediation;
 - d) ensure favorable environment for negotiation.
11. The mediator shall have the right to:
- a) familiarize himself/herself with the case-related documents;
 - b) invite the parties to submit additional documents;
 - c) consult the specialists in the relevant fields;

- d) facilitate the exchange of documentation, information and notifications between the parties;
- e) propose elaboration and review of several options (best, acceptable, unacceptable) of a dispute resolution by the parties in order to reveal common interests.

12. The mediator shall:

- a) be independent and impartial;
- b) check the representative authority of the parties' representatives in terms of their participation in mediation and signing of a mediation agreement;
- c) inform the parties about any circumstances preventing a mediator from conducting mediation;
- d) explain to the parties the consequences of a mediation agreement.

13. During the mediation, individual and joint meetings of the parties shall be conducted in manner ensuring their equality.

14. The parties have the right to make proposals for the purpose of dispute resolution if such proposals do not violate the provisions of the current legislation or legal rights of and interests of third parties.

15. If one of the parties or their representatives repeatedly fail to attend an appointed meeting without giving a prior notice to the mediator, the mediator can terminate mediation.

16. A mediator can conduct the mediation in the following stages:

- a) opening of the mediation (a mediator's opening speech);
- b) explanations of the parties regarding the subject of a dispute (stating the facts of a dispute and specifying the interests of the parties);
- c) discussion of the agenda and the issues under consideration by the parties;
- d) mediator's individual interview with each of the parties;
- e) elaboration of a proposal for dispute resolution;
- f) completion of the mediation.

17. The mediator shall explain to the parties the advantages of a dispute resolution through mediation, objectives and purposes of the mediation, consequences of a mediation agreement.

18. Individual meetings with the parties shall be focused on their preparation for constructive and mutually respectful negotiations.
19. NAPR shall be informed about the completion/termination of the mediation within 2 working days after the completion/termination. If NAPR is informed about the completion of mediation through an automated system of record keeping, an original of a mediation agreement or the minutes of mediation shall be submitted to NAPR within 2 weeks after the completion of mediation.

Article 19. Rejection of a Mediator⁶⁴

1. A mediator shall not conduct mediations if he/she:
 - a) is an interested party in the case under review or has joint rights or obligations with one of the parties;
 - b) participated in the preparation of a registration document or a registration documents is prepared by his/her relative.
 - c) is a relative of an interested party or their representative;
 - d) is a representative of an interested party;
 - e) was an expert in the case under review;
 - f) is in employment relations with an interested party;
 - g) participated in the preparation or issuing of an administrative-legal act regarding the disputed asset;
 - h) has personal, direct or indirect interest in the mediation results or there are other circumstances compromising his/her impartiality.
2. For the purposes of this article, a relative is a person stipulated in Regulations on Systematic and Sporadic Registration, Article 5, Paragraph 8.
3. A party to the mediation, which believes that there are grounds for a mediator's rejection, has the right to petition for a mediator's rejection. Such a rejection should be duly justified.

NAPR shall review a petition for a mediator's rejection. If a mediator is rejected, NAPR shall involve other mediating notary/mediator(s) in the mediation.

⁶⁴ Regulations on Systematic and Sporadic Registration, Article 19.

Appendix 4. Document Templates

To: National Agency of Public Registry
Interested person: _____
Personal number/ID number : _____
Residential address/legal address: _____
Representative: _____
Personal number : _____
Address _____

APPLICATION⁶⁵

We would like to ask you to register **under the Pilot Project the ownership right/change in the ownership right of a fixed asset located in Tetritskaro, Manglisi Settlement** (zone: Tetritskaro, sector: Manglisi settlement) and issue the following documents:

1. an extract from the Public Registry;
2. a cadastral plan;
3. a cadastral map of the block.

I hereby agree that the National Agency of Public registry (NAPR) shall implement all the measures/arrangements required for the ownership right registration as specified in the Law “On Special Procedures for Systemic and Sporadic Registration of Land Titles under the State Project and Improvement of Cadastral Data” of Georgia, including the following:

1. send the documents to the Ownership Rights Recognition Commission;
2. appoint a mediator/ a mediating notary;
3. public display of cadastral survey data;
4. verification of cadastral survey data on site.

If based on the cadastral survey results a fixed asset belongs to the state forest reserve, I hereby agree to the correction of the state forest reserve borders according to the current legislation.

I understand that I can apply to NAPR requesting the verification of cadastral survey data within 10 calendar days after the public display of such data. NAPR is authorized to verify the accuracy of the cadastral survey data on site in the presence of my/municipality’s representatives.

Interested person:-----

Representative:-----

Date: „—„—————, 2017

⁶⁵ Associated with 24.2.

Minutes № _____
for the on-site verification of a fixed asset under the State Project

Full name of a Municipality Representative:

Position of a Municipality Representative:

Owner/used of a fixed asset:

_____ ; Personal

№ _____
/Full name/

Fixed asset location:

Cadastral code of a fixed asset (if any): _____

Ownership evidence/details of a fixed asset:

Information on owners/rightful owners of the adjacent land plots (if any):

161

_____; Personal

Nº _____

/Full name/

_____; Personal

Nº _____

/Full name/

_____; Personal

Nº _____

/Full name/

Verification date and time: on ____ of ____; at ____

Verifying persons/experts/specialists:

_____; Personal

Nº _____

/Full name/

_____; Personal

Nº _____

/Full name/

_____; Personal

Nº _____

/Full name/

Remarks/comments (if any) made by verifying persons

verification results:

Annex: Cadastral survey/measurement plan, _____ pages

Signatures of verifying persons:

Signature of an authorized representative of the Municipality

Remarks:

1. The number of the minutes consists of 5 digits and numbering shall be sequential (e.g. 00001);
2. The minutes shall be numbered by all authorized persons independently;
3. The address shall consist of the following data: (1. Municipality; 2. Settlement; 3. The name of an area within a settlement, which is used by the local residents and/or shown on topographic maps (if any) or any other data on the location of a land plot/fixed asset.

INSTRUCTIONS⁶⁷

On Taking Minutes of the On-site Verification of a Fixed Asset under the Pilot Project

Under the Pilot Project, a land plot specified in the ownership evidence and/or registered in the public registry based on the imprecise data and a land plot shown on a cadastral survey/measurement plan shall be identified with an individual administrative legal act issued by a Municipality representative.

A municipality representative shall follow the administrative procedures in exercising this power.

The key identification tools are on-site verification of a land plot and interviews with the owners of the adjacent/neighboring land plots.

A municipality representative shall take Minutes of the on-site verification process and findings.

The Minutes shall meet the following key requirements:

1. The **numbering** of Minutes for the Pilot Project of Systemic Registration shall start with 1

MINUTES No 00001

for the on-site verification of a fixed asset under the State Project

Each representative shall determine the numbering of Minutes individually in ascending order.

2. It is mandatory to include the data on an owner/user of a fixed asset regardless of whether or not he/she participates in the verification.

An owner/user of a fixed asset:

_____; Personal № _____
/Full name/

3. The Minutes shall include the data on a fixed asset location. If the exact location cannot be specified, the names (if any) of a settlement, a village or a street can be included in the Minutes.

A fixed asset location:

4. A cadastral code of a fixed asset shall be included in the Minutes only if this asset is registered in the Public Registry and has been given such a code.

Cadastral code (if any) of a fixed asset: _____

⁶⁷ Associated with 22.

5. The ownership evidence shall be referred to in the Minutes. As regards the details, the number and date of such a document shall be specified.

If the ownership evidence does not have a number and a date, only the name of the document shall be included in the Minutes.

In case of locating a land plot registered in the Public Registry, only a record card or an extract from the public Registry can be included in the Minutes.

Ownership evidence/details:

6. It is mandatory to include the information on owners/rightful owners of adjacent land plots in the Minutes. If no data on those persons can be obtained, only the information available to the municipality representative shall be included in the Minutes.

Information on owners/rightful owners of adjacent land plots (if any):

_____; Personal №_____
/Full name/

_____; Personal №_____
/Full name/

7. The Minutes shall include the information on verifying persons. It is not necessary to include experts/specialist in the verification of a land plot. However, if they are involved, their names and qualifications shall be included in the Minutes.

Verifying persons/experts/specialists:

_____; Personal №_____
/Full name/

_____; Personal №_____
/Full name/

8. This section of the Minutes shall include the opinions of the verification participants, which are important in decision-making by a municipality representative.

Remarks/comments (if any) by verifying persons

9. This section of the Minutes shall include all the information/evidence obtained and reviewed by a municipality representative.

It shall also include the summary of the assessment and review of such information/evidence.

If an owner/user is not involved in the aforementioned procedures, a municipality owner shall include a note in the Minutes that despite all the implemented measures an owner/user was not identified.

If no ownership/rightful ownership evidence has been found and despite all the implemented measures an owner/rightful owner has not been identified, this information shall be included in the Minutes. In such cases, the land is declared to be in the state or municipality ownership.

Verification and review results:

<hr/> <hr/> <hr/> <hr/> <hr/>

If the available information is sufficient, a municipality representative can conclude that a land plot specified in the ownership evidence and/or registered in the public registry based on the imprecise data is identical with a land plot shown on a cadastral survey/measurement plan.

Note:

Please note that the approved form does not limit the length of the Minutes. You can expand the fields if you need!

All verification participants shall sign the Minutes!

Warn all the verification participants that they will be held accountable in case of intentionally making false statements! It is advisable to include the warning in the Verification and Review Section of the Minutes.

Remember that attesting the Minutes/signatures of verifying persons is not mandatory!

The measurement plan shall be enclosed with the Minutes!

Tetrtskaro Municipality Board

Order No 1⁶⁸

by **Tetrtskaro Municipality Head's (Gamgebeli) Representative in Manglisi Administrative Unit**

March 15, 2017

Manglisi Settlement

On Identifying a land plot specified in the ownership evidence and/or registered in the public registry based on the imprecise data and a land plot shown on a cadastral survey/measurement plan

In accordance with Article 61 of the Local Self-government Code and Subparagraph (a) of Paragraph 1 of Article 16 of the Law “On Special Procedures for Systemic and Sporadic Registration of Land Titles under the State Project and Improvement of Cadastral Data” of Georgia and Order No1 “**On the Delegation of Authority to the Gamgebeli’s Representative in the Administrative Unit of Tetrtskaro Municipality**” issued by Tetrtskaro Municipality Gamgebeli on August 5, 2016

ORDERED

Taking into account the circumstances as specified in the fixed asset on-site verification Minutes No 00001 prepared according to Order No 150 “On Approval of the Minutes Form for the on-site verification of a fixed asset by a municipality representative under the State Project” issued by the Minister of Justice on July 18, 2106:

1. to identify a land plot specified in the ownership evidence and/or registered in the public registry based on the imprecise data and a land plot shown on a cadastral survey/measurement plan.
2. Minutes No 00001 for the on-site verification of a fixed asset under the State project is enclosed herewith.
3. The present Order shall come into force immediately after its signing.

The present order may be appealed according to Paragraph 2 of Article 62 of the Local Self-government Code within a month after its issue, first before the Gamgebeli Of Tetrtskaro Municipality (**address: No2 Tamar Mefe Street, Tetrtskaro Municipality**) and then in court.

⁶⁸ Associated with 22.

APPOINTMENT OF A MEDIATING NOTARY/MEDIATOR⁶⁹

The Pilot Project of Systemic Registration is underway in order to establish the complete databases of land titles and cadastral survey.

Based on the review of the facts of the case it was established that there is a dispute on (*brief description of the dispute*) between the Parties (*ID data of the Parties*).

We would like to inform you that a mediating notary/mediator -----
----- was appointed to settle the aforementioned dispute between the Parties in compliance with the Law “On Special Procedures for Systemic and Sporadic Registration of Land Titles under the State Project and Improvement of Cadastral Data” of Georgia.

A meeting with the mediating notary/mediator on the aforementioned issue was appointed on -----
--(*date*) of 2017 at -----(*address*).

Please note that the participation of the Parties in the mediation is essential for the dispute resolution. Therefore the attendance of the parties at the meeting is mandatory.

We would like to ask you to attend a meeting with the mediating notary/mediator ----- (*full name*)
at -----(*time*) on -----(*date*) at the following address:

Mediation is an alternative, simple way of dispute resolution without litigation and with the help of a mediator.

The advantages of the mediation are as follows: fast dispute resolution free of charge; a dispute will be resolved when the mediation is completed.

The key principles of mediation are free will, good faith, equality, collaboration, a mediator’s impartiality and independence, confidentiality.

The mediation will be completed no later than within 3 weeks after approaching a mediating notary/involving a mediator/mediators. If the parties fail to reach an agreement or the mediation is terminated, National Agency of Public Registry shall make a decision in compliance with the Law “On Special Procedures for Systemic and Sporadic Registration of Land Titles under the State Project and Improvement of Cadastral Data” of Georgia.

If the parties reach an agreement, they shall conclude a mediation agreement to be signed by the parties and the mediator/mediators and attested by a notary. **A mediation agreement/a notary mediation act concluded between the parties serves as the basis for registration.**

Your failure to attend the appointed meeting may become the basis for the mediation termination. In addition, please note that in compliance with paragraph 6¹ of Article 3 of the Law “On Public Registry” of Georgia a registration authority has the right according to the legislation of Georgia to specify, change, and declare invalid or null and void any inaccurate or discrepant data of a fixed asset registered in the public registry. Therefore, in case of the mediation termination, the data of a fixed asset registered in your ownership will be reviewed and your ownership right may be declared invalid.

Besides, under the Pilot Project searching and systemization of documents, preparation of a cadastral survey/measurement plan, attesting the parties’ signatures by a notary, notary mediation, recognition of a land title, mediation, statement of facts are carried out **free of charge** and **a land title and its changes are registered with a service fee payment** to NAPR (only the mediation process).

⁶⁹ Associated with 37.

Mediation Agreement⁷⁰

City _____

Date: --/ --/ 20----

In compliance with the Law “On Special Procedures for Systemic and Sporadic Registration of Land Titles under the State Project and Improvement of Cadastral Data” of Georgia **in order to resolve the dispute** between the parties under the Pilot Project

We, the Parties

- -----
Full name and personal number of the disputing party
- -----
Full name and personal number of the disputing party

hereby confirm that we have been given a detailed explanation of the legal consequences of the mediation. We are aware that a mediation agreement is a basis for a land title registration in accordance with the attached cadastral survey/measurement plan(s).

In witness whereof we conclude the following agreement based on the principles of free will, good faith, equality and collaboration.

Subject of the Mediation

- We, the Parties, agree to register the fixed assets under the Pilot Project with the following data (detailed description of the Parties’ will----- --);
- We also agree on the location and borders of land plots shown on cadastral survey/measurement plan(s)

Mediator/...../
Full name in block letters Signature

Parties:

⁷⁰ Associated with 37.

...../...../

Full name in block letters

Signature

...../...../

Full name in block letters

Signature

To: National Agency of Public Registry
Interested person: _____
Personal number/ID number : _____
Residential address/legal address: _____

Representative: _____
Personal number : _____
Address _____

APPLICATION⁷¹

We would like to ask you to verify the data of the cadastral survey conducted **under the Pilot Project for a fixed asset located in Tetritskaro, Manglisi Settlement** (zone: Tetritskaro, sector: Manglisi settlement) and issue the following

An owner/a rightful owner/a person eligible to apply for the ownership rights registration/user requesting the verification of the cadastral survey data is

(Full name)

Registration Block and Land Plot No: _____

Cadastral code of a land plot _____
(if any)

JUSTIFICATION

Interested person:-----

Representative:-----

Date „—„—————, 2017

⁷¹ Associated with 35.

To: National Agency of Public Registry (NAPR)
Lawyer (Full name)
of Land Market Development Component
of the World Bank Irrigation and Land Market Development Project (ILMDP)

(Position)
(Full Name)

EXECUTIVE SUMMARY⁷²
(On Verification of the Cadastral Survey Data)

We would like to inform you that the Cadastral Survey data was verified on site on ----- (*date*). As a result of the verification it was decided that -----(*full name*)'s application is justified/unjustified and the request shall be satisfied.

Evidence-based Justification:

Annex: Minutes on the Verification of the Cadastral Survey Data

⁷² Associated with 35.

MINUTES No⁷³
On the Verification of the Cadastral Survey Data

Applicant: _____

Application Date: _____

Applicant's request: verification of a fixed asset cadastral survey data located in Tetritskaro, Manglisi Settlement (zone: Tetritskaro, sector: Manglisi settlement).

An owner/a rightful owner/a person eligible to apply for the ownership rights registration/user requesting the verification of the cadastral survey data is

(First name, family name)

Registration Block and Land Plot No: _____

Cadastral code of a land plot _____
(if any)

Verification Date of the Cadastral Survey Data: _____

A Person Authorized to Verify the Cadastral Survey Data:

_____; Personal № _____
/Full name/

_____; Personal № _____
/Full name/

_____; Personal № _____
/Full name/

An interested person/municipality representative verifying the cadastral survey data:

_____; Personal № _____
/Full name/

_____; Personal № _____
/Full name/

_____; Personal № _____
/Full name/

Persons/experts/specialists verifying the cadastral survey data:

⁷³ Associated with 35.

_____; Personal N^o _____
/Full name/

_____; Personal N^o _____
/Full name/

_____; Personal N^o _____
/Full name/

Remarks/comments (if any) made by the persons verifying the cadastral survey data :

Annex: _____.

Signatures of the persons verifying the cadastral survey data:

MEMORANDUM⁷⁴

On Failure to Locate a Rightful Owner

Fixed asset Location _____

Rightful Owner _____
Full name, personal number

Ownership Evidence Obtained for the case:

- 1.
- 2.
- 3.

The Measures Implemented to locate a rightful owner:

- 1.
- 2.
- 3.

Despite the implemented measures a rightdul owner of a fixed asset has not been located.

In view of the above, in compliance with Paragraph 2 of Article 7 of the aforementioned law, we would like to ask you to record in the Public Registry a rightful owner's right to apply for the recognition of his/her ownership right.

Yours faithfully,

Date: _____

⁷⁴ Associated with 38.1.

NOTIFICATION⁷⁵

On Failure to Locate a Rightful Owner's Legal Successor

Location of a Fixed asset: _____

Rightful owner: _____
First name, family name, personal number

Ownership Evidence obtained for the case:

- 1.
- 2.
- 3.

The Measures Implemented to locate a rightful owner's legal successor:

- 1.
- 2.
- 3.

Despite the implemented measures a rightdul owner's legal successor has not been located.

In view of the above, in compliance with Paragraph 2 of Article 7 of the aforementioned law, we would like to ask you to record in the Public Registry the right of a deceased owner's legal successor to apply for the recognition of his/her ownership right

Yours faithfully,

Date: _____

⁷⁵ Associated with 38.1

NOTIFICATION⁷⁶

On a Rightful Owner's/Legal Successor's Waiver to Register his/her Ownership Rights

Location of a Fixed Asset: _____

Rightful Owner/Legal Successor of a Fixed Asset:

Full name, personal number

Ownership Evidence Obtained for the case:

- 1.
- 2.
- 3.

A land plot owner/Legal successor hereby waives his/her right to register the ownership right.

In view of the above, in compliance with Paragraph 3 of Article 7 of the aforementioned law, we would like to ask you to record in the Public Registry the aforementioned person's right to apply for the recognition of his/her ownership right.

Yours faithfully,

Date: _____

⁷⁶ Associated with 38.1

NOTIFICATION⁷⁷

On the Failure to Identify an Owner/a Person Eligible to Apply for the Ownership

A fixed asset location: _____

The Measures Implemented to identify an owner/a person eligible to apply for ownership:

- 1.
- 2.
- 3.

Despite the implemented measures no evidence of ownership/rightful ownership of a land plot has been found. Besides, despite the implemented measures an owner/user has been identified.

Therefore in view of the above, we would like to ask you to provisionally register the state ownership right in the Public Register in compliance with Paragraph 1 of Article 23 of the aforementioned "Pilot Law".

Yours faithfully,

Date: _____

⁷⁷ Associated with 38.1