

TWO DECADES OF THE PROCESS OF RESTITUTION IN THE CZECH REPUBLIC

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Key words: ownership right, restitution, allocation of land and buildings, land office, cadastre of real estate.

SUMMARY

Restoration of ownership right to real estate after 1989 became a constituent part of renovation of legal status of the society after the fifty-year period of violent interference with civil rights. These interventions were particularly in the agricultural domain the most extensive and most radical. This paper aims to give an overview of legitimacy, the course and the results of restitution of agricultural and forest property after two decades of the process of restitution in the Czech Republic.

A brief historical excursion is followed by a section dealing with the Law on Land (Act No. 229/91 Coll.). Next part is devoted to the process of restitution itself and to irreplaceable activities of Land offices which were responsible for the implementation of the Law on Land. Further the legal and technical problems associated with restitution are mentioned. Summary statistics illustrate the extent and intensity of the whole process. Finally, the importance of the cadastre of real estate for ensuring of the successful progress of the entire process and the cooperation between Land offices and Cadastral offices is pointed out.

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1. INTRODUCTION

At the end of the year 1989, the historical radical change took place in the Czech Republic. The “Velvet Revolution” returned the freedom to our country. The recompense or at least mitigation of injustices committed on land owners was also related to agricultural and forest land. The property taken after the February 1948 by nationalization, confiscation or involuntary consolidation into collective usage was necessary to return to former owners. It was necessary to find the ways, how this decision should be put into practice as soon as possible.

This presentation gives readers an idea of the legitimacy of that process and it gives an overview of the course and results of restitutions of agricultural and forest estate in the Czech Republic after more than 20 years of publication of the restitution law.

2. 20TH-CENTURY’S DISRUPTIONS OF PROPRIETARY RIGHTS TO LAND

To understand the propose and selected way of solving restitutions it is necessary to mention basic facts about land tenure and land property in last period, since this question was fundamental in agriculture and it determined its development in many ways. The legal adjustment of the ownership and usage of agricultural land always belonged to the most difficult questions in legal set of rules. The basics of often difficult legal adjustments are necessary to find in a historical development of Czech countries. The development of adjustment of land rights in the Czech Republic is connected mainly with the implementation of two land reforms, which significantly influenced economic and social development of the country.

Already after the origin of the independent Czechoslovak Republic in 1918, the extent interventions into land tenure and ownership of agricultural and forest land were done, by which mainly economic influence of aristocracy and large farmers was restricted. In 1918, the Law on sequestration of large farmers was published. In 1919, the Confiscation law was published, where the concept of “great land property” was delimited. According to this law the property units, which were larger than 150 ha should be confiscated or the total owned land of 250 ha should be also confiscated. According to the Allocation law from 1920 the state determined, how to handle confiscated property. All this process is determined as the First land reform.

In 1945, after the Second World War the decrees of the president of the republic were issued. On their basic the properties of Germans and Hungarians were confiscated without any compensation and with the immediate validity. The confiscated land was consequently

assigned to the ownership of natural or legal persons. In the interest of quick frontier settlement, the decree of settlement of agricultural land of Germans and Hungarians and the other enemies of the country by Czech, Slovak and other Slavonic farmers was published.

In 1947 the Law on revision of the First land reform was published. It caused next elimination of the ownership, i.e. the confiscation of land of private and church manors. The confiscation of the land by this law was made partly before 25.2.1948 and partly after this date. During this stage of post-war land reform the aristocratic great farmers which often had existed for more than 300 years vanished. After the violent assumption of power by the Communist Party of Czechoslovakia in February 1948 conditions drastically changed in agriculture and rural areas in the following periods. The leaders of the Communist Party approved the project of socialistic collective farms, into which the land owners were forced to enter. For joining to these collective farms the farmers were forced by inconsiderate manners - by fines, by moving out of whole families or by jails in cases they failed to meet prescribed supply etc. The members of the collective farms were obliged to integrate their lands and hand in the other production equipments (live and dead stock, supplies, houses and other buildings) into the ownership of the collective farm.

The process of liquidation of the ownership in rural areas lasted quite long time and it ended at the end of the sixties of last century. Almost all farmers were rid of the ownership of land and productive equipments. The exception was only those private farmers, who lived in mountain areas and who resisted all that pressures. In 1977 they represented only 2.4% from the total number of persons working actively in the agriculture.

3. LAW ON LAND - ACT NO. 229/91 COLL.

After the revolution in November 1989 the ways how to mitigate injustices committed in previous period on the landowners' properties including agricultural and forest land had to be found. After long and difficult discussions the federal Act No. 221/1991 Coll. on the modification of proprietary rights to soil and other agricultural assets was created. This law is also known as a Law on Land. This law delimits the extent of authority, specifies entitled and compulsory persons, and determines processes and limits for the application of rights and compensations for the returned property.

The aim of the law was to mitigate the consequences of property injustices, which were done to agricultural and forest landowners in the period of 1948-1989 and also to improve agricultural and forest soil by restoration of the original proprietary rights to soil, to modify proprietary rights to soil in conformity with the interests of economic development of rural areas and with the requirements for landscape and environment formation, while there was a strong emphasis on personal responsibility of the individuals. The law is related to soil, which comprise agricultural soil fund or which belong there in the extent determined by the law and also the residential and other buildings which serve for an agricultural and forest production or related water management and finally the other agriculture property (so called live and dead stock).

4. PROCESS OF RESTITUTION

Before the own implementation of restitutions of agricultural and forest assets it was necessary to deal with the basic question of which authority should decide about the applied restitution requirements of physical persons. Our valid legal modification stated that decision about the ownership is entrusted to general law courts. But due to overloading of courts by common civil agenda the solving through courts was practically impossible and politically not tolerable, when judicial notaries required 25-30 years for solving of the whole process at that time. Finally, it was decided that the decision about the restoration of ownership to estate according to the Law on Land was entrusted to state administration and for this purpose the Land offices were established.

Land offices as materially accessible bodies for the application of the Law of Land and land consolidations were established to the date 15.7.1991 by the Act of Czech National Council No. 284/1991 Coll., on the land consolidations and Land offices, as a set of District land offices and Central Land Office. The District land offices, whose authority was done in the § 8 of the cited law, were incorporated into District Offices. The Central Land Office as a department of the Ministry of Agriculture of the Czech Republic directed the District land offices mainly methodologically. It served (and still serves) also in specific cases as an appeal body against the decisions of District land offices according to the Law of Land and Land consolidation law, and finally, it decides in the doubts if certain estate is related to the Law of Land or not.

The society with the interest and excitement expected the acceptance of restitution regulations, mainly the Law on Land. Many people had naive thinking that in new free conditions and by publication of new laws their injustices will be quickly solved without any problems. The decision-making experience of Land offices and the testimonies of citizens, which gained certain experiences with at that time published restitution laws, however very soon showed, that this process didn't take place so seemingly easily and that in the Law on Land there were enough essential differences in comparison to the other legal regulations which were concerning restitutions and property administration.

After the approval of the Law on Land many people ask themselves a basic question, if they were the entitled persons according to the law. There were many doubts which came out mostly from the fact, that many documents weren't available or that certain legal facts weren't possible to verify, or often the witnesses missed, or it wasn't known, where the given estate was situated or that certain relative wasn't alive etc. At that and many other cases the applicant was confronted with helplessness and legal uncertainty.

In that situation, regarding estate, the process started by finding if the proprietary right to the estate or the whole agricultural farmstead was preserved, as it was stated above. One of the oddness in the development of land ownership was the fact, that socialization of rural areas and the development of agricultural large-scale production weren't necessarily conditioned by land nationalization. In reality private land ownership was preserved in quite great extent, even though the content of ownership right was minimized by published legal regulations and

other measures. However, the fact itself that lands are in usage of an agricultural cooperative or a state farm didn't have to mean that the citizen still didn't remain their owner.

The Land office, except for the processing decisions, while making the decisions about applied claims could issue following kinds of administrative decisions:

- decision of the approval or disapproval of the agreement on the assumption of the property,
- decision of the entitled person's ownership,
- decision of the establishment or cancellation of the easement at transferred estate or decision of the assignment of the other measures for environment conservation or important interests of the other owners,
- decision of the receivables towards the other persons,
- decision of delivery of lands within buildings,
- decision of presumed entitled person,
- decision in the case of the concurrence of titles to entitled persons

The Land office didn't immediately made decisions about the compensation for non-restituted real estate, in justifications the office only referred applicant with its titles to the provision of compensations (the provider of the compensations is usually Land office, district council or compulsory person). In the case of rejection of their title or release of negative decision the applicants (entitled persons) had a possibility to file legitimate, or alternatively repaired extraordinary means. Against the decision about the approval of the agreement on takeover of real estate, which was made between the entitled person and compulsory person, the appeal to the Ministry of Agriculture – Central Land Office could be done. In other cases, i.e. against the decision of the Land office about the disapproval of the agreement on the release of real estate, on the establishment of the easement and handing over of the estate together with the building it was possible to make an appeal at the corresponding regional court. Besides that after the depletion of all correcting means it was possible to ask the Constitutional Court of the Czech Republic, which could annul the contested decision.

Without exaggeration it is necessary to state that the difficult and demanding restitution process fulfil basic precondition for renewal of the property and rectification of injustices, which were done in previous period in agriculture. By all means, it's the case of the process, which positively influence not only social relations, but also ensures better legal preconditions for private business in agriculture including economic and ecological aspects of its further development, as it is stated in a preamble of the Law on Land. Besides that the law also follows such awaited reinforcement of personal responsibility of each owner.

Despite its undisputed positive the Act No. 229/1991 Coll., as subsequently amended, has shown some imperfections, which have been rightly criticized by the restituted persons. Besides the reasons given by the law when it's not possible to return real estate to former owners or their legal successors into their possession there are cases when the restitution is problematic. We are thinking of the returning of real estate – farm and other buildings which serve for an agricultural production in the broadest sense of the word and which are in the time of their handover in a technically bad or other unsatisfactory condition or which are devaluated to such an extent, that they request considerable costs for their reparation and

putting into operation. These costs often exceed compensation for devaluation, which a compulsory person must provide according to the law. The problem itself is providing compensations according to the Law of Land, which are heavily enforceable and their enforceability by legal action is too lengthy and not always efficient. The other shortcoming of this law is that in some cases the law makes the restoration of ownership impossible to former estate, which was subject of economically-technical adjustments and consolidations in the previous period.

The critical voices and dissatisfaction with the law are finally related also to the cases, when a construction or a house in physical person's ownership stands on a restituted plot or when there is a cottage on the plot although the area doesn't have the character of cottage area. Though here it is also necessary to point out that this described situation support the legal state, which is possible to solve additionally by an agreement of involved sides. For that matter it's ever impossible to assume, that each law will meet its purpose and conception and will suit to everybody. That is also the case of our restitution Law on Land.

4.1 Restitution of the aristocratic estate

In addition to that, just a few words about the restitution in general, pointing at restitutions of the aristocratic property. Due to restitutions, for a long time forgotten names of aristocratic families settled on the Bohemian and Moravian territory from the Early Middle Ages are being known again. After 1990, Czech aristocracy is mainly for the younger generation almost an unknown term. Formerly known names as e.g. Schwarzenberg, Sternberg, Wratislav, Lobkowitz, Czernin, Kinsky, Bubna from Litice, Kolovrat, Colloredo-Mansfeld, Harrach, Clam-Gallas, but also controversial persons as Walderode, Buquoy or Podstatzky-Lichtenstein are often being heard nowadays. Some members of aristocratic families are coming back from forced foreign emigration in connection with filed restitution claims and often in higher extent related to physical obtaining of restituted property and they take charge of the ownership with all its joys and worries.

Czech aristocracy representing an integral part of the existence of Czech nation want to become an integral part of the society in an independent and legal state again and with their experience want to contribute not only to revival of spiritual and moral values, but also to the development of agriculture and rural areas. Just at the last mentioned field it can follow in its rich and successful past. For example in last hundreds of years, the Schwarzenbergs built up an extensive manor in South Bohemia, which everybody remembers until nowadays. They rationally managed land and water, and even back then they appeared to be good and sensitive farmers with regard to contemporary strict ecological requirements. The memories of František Schwarzenberg are worth reading for what South Bohemian landscape and social or national services meant to the family. Similar activities strengthening the stability of agriculture and rural areas were done by the other members of aristocratic families.

The fate of each individual aristocratic member, whether domestics or those returned after 1989, was bounded mainly with family property. However family properties were not only castles, fields, forest, ponds or other real estate. In the following lines there will be short

introduction of the results of the restitution of some members of Czech aristocratic families and their attitude to the restituted property.

We may mention Jan Maxmilián and Leopoldina Dobrzenští who came back from Canada to Czechoslovakia after revolution. Jan Maxmilián restituted about 80% of his real estate including a local castle in Choběboř in Železné Mountains. Local people no longer knew them, so when they met them for the first time, some people just turned their back on them, others dropped their eyes. Old-new owners founded private cooperative of restituted persons, cleaned ponds, rid forests of bark beetles and reconstructed the castle, in which a special school and museum is placed at present. Leopoldina Dobrzenska tells how they were accepted at home: “How did they accept us? We were coming back home, so we didn’t care about it. We came back as poor Canadian pensioners”.

The Melník’s castle was given back in restitution to Otakar Lobkowicz. His family belonged to the oldest families in Bohemia. Due to his age he immediately transferred it to his son Jiří. After 2 years he proclaimed: “To assume that property can either a stupid man or an aristocrat. The profits are small and the investment won’t be paid even after 50 years. But it’s our house”. Jiří Lobkowicz took charge of the management of family property with his wife Bettina, who was Swiss origin.

Jan Wratislav from Mitrovce restituted property in his advanced age in the village Dírná at Soběslav and in nearby vicinity. Subsequently the whole family concentrated on its restoration, to bring a sawmill, a power station and a brewery again into prosperity. The agriculture, compared to former tradition, eased off in their activities. The prosperity was brought by forest (approximately 1000 ha of forest were returned in restitution) and the sawmill with associated production of floorboards. They have systematically been investing to improve forest management which has brought profit. Wratislav has offered jobs to local residents and is counting increased capacity.

The daughter of the leading Czech aristocrat Leopold Sternberg Mrs Diana Sternberg-Phipps came back from Great Britain to the Czech Republic where she restituted castles Častolovice and Zásmuky. What does her credit is that she personally equipped and arranged the Častolovice castle. New owner is not engaged in agricultural or forest production; her aim is to renovate the castle and to renew the castle park.

Perhaps the most eligible and successful behaviour of a restituted person to the property, with the right aristocratic approach to the family values, is the case of doyen of the Czech aristocracy; 72-year-old Josef Kinský. The Kinský family, the old Czech aristocratic family which hold high provincial rank, owned roughly 71.000 ha of fields, forests and ponds in the land reform in 1920 and they were returned about 14.000 ha of agricultural and forest land in restitution after 1990. Josef Kinský regarded the recovery of the family residence – the castle in Kostelec upon Orlice as the biggest success. The Research Institute for Agriculture Production has resided in this unique cultural monument for last 40 years.

The return of the property of course caused worries but it also gave a new power to the owner. Moreover, Josef Kinský said, in this context, indeed wise words about the meaning of

restitution: “Restitution is meaningful and meets the moral essence in the moment, when concerned person lives near the restituted property, works on it and takes care of it”. On the other place he tells about the family property: “I don’t regard Kostelec as property, but as an ownership. I own it and it means that I have a task to take care of it and to develop it. Property is something really different which I can throw away, it has no personal connection. The ownership has. When our family die out, this object will always be connected with the name Kinský and it shouldn’t have brought disgrace on us”.

5. STATISTICS ON RESTITUTION PROCEEDINGS

Statistics on restitution proceedings to the date of 31. 12. 2011

Number of restitution claims IN TOTAL		219 505	
Number of issued administrative decisions		438 991	
Decisions in legal force	IN TOTAL	429 694	
	Recorded in Cadastre of Real Estate	363 375	
Lodged appeals		26 767	
Closed and almost closed restitution cases	IN TOTAL	219 025	
	Completely closed restitution cases	218 218	
	Almost closed restitution cases	807	
Other disclosed restitution cases	IN TOTAL	480	
	Partially solved	238	
	Practically uncompleted	215	
	Practically uncompleted for inactivity of appropriate person	68	
Land area that was requested [ha]		1 881 824.86	
Land area which decisions was made on [ha]	IN TOTAL		1 777 300.85
	Really restituted	IN TOTAL	1 336 335.34
		agricultural	956 710.98
		forest	304 196.07
		other land uses	75 430.28
	Non-restituted (with compensation)		133 031.79
	Non-restituted (without compensation)		307 934.23

6. MUNICIPAL PROPERTY AND CHURCH RESTITUTION

Real estate property was also directly or indirectly affected by other laws, such as the Act No. 172/1991 Coll., on the transfer of certain assets from the Czech Republic ownership to the ownership of municipalities. According to the Section 1 in the Act and on the date of its efficiency, the self administered municipalities became the owners of the Czech Republic properties, which at that time were managed by the then Municipal and Local National (Administrative) Committees. The provisions of the Section 2 of this Act then had the nature of the restitution regulations. According to the Act, the municipalities became the owners of the properties, which were owned by the Czech Republic before the Act became effective and which municipalities had registered in the Land Register at the date of December 31, 1950. It involved the properties that did not have any installations of buildings owned by the state on the land. The 2001 Amendment to Act has stipulated that as of the effective date of the amendment, municipalities are the owners of those properties that were allocated to them in the frame of the post-war allotments.

Restitution of the church properties is a hot topic in the Czech Republic. After 1989, the church started to operate freely again and restored its activities which were needed for its material security and properties. Among other things, that was one of the main reasons of the partially fair restitution of the church properties at the very beginning of the 90s in the last century. The first legislative act directed to the remedy was the issue of the Act 298/1990 Coll., amending certain property relations of the religious orders and congregations. However, this Act only dealt with the return of the most important buildings, which allowed the religious orders and congregations to resume their activities. Therefore it involved only about 170 properties that were directly named in the Act. This Act and its amendment provided only a minimal, rather symbolic restitution mainly of the Roman Catholic Church. Other churches have raised only limited demands which were mostly upheld. In the following period the Church had requested the release of forest properties, which has not been fulfilled yet.

It can be stated that after more than 20 years, the alternating governments have never been able to agree or to enforce the full restitution of immovable and movable properties owned by the Church, which would alleviate the consequences of injustice committed against the Church and which would also allow the breaking of the Church's dependency on the state budget of the Czech Republic. Already in the Law on land of 1991, the lands that could be affected by the Church restitutions were blocked and cannot be disposed until such time as the Church restitution is finally decided. This long-unresolved unfavourable situation brings about relatively large problems, such as to the municipalities when planning the development of a village, to the Land Fund during the sale of the state-owned agricultural land or to the Land offices when dealing with the land consolidations.

7. LAND CONSOLIDATIONS

First of all, Land offices' responsibility was primarily to return land to the original owners, secondly, to enable land management to beginning farmers by land consolidations. Land consolidations, whose purpose is defined in the Section 2 of the Act No. 139/2002 Coll. on

the Land Consolidation and Land Offices, in the public interest spatially and functionally, arrange plots, which are being consolidated or vice versa divided in such a way to enable good availability and simultaneously align boundaries in the field. The arrangement of the ownership rights and related easements is a part of the land consolidation process. It is necessary to emphasise, that land consolidations are done in the public interest. That's why this law has public-law character. They are also, with some exceptions, financed by public sources. Their results are positively reflected in the improvement of the quality of life in rural areas, in restoration of rural areas and maintenance of sustainable development of the area, in restructuring agriculture etc. They help in implementation of landscape planning and enable better use of the financial support from the EU. According to the law we can distinguish 2 forms of land consolidations:

- simple land consolidation (simple LC)
- complex land consolidation (complex LC)

The simple LC is a special-purpose solution with a limited scope (part of a cadastral area, solving of allotments etc.). It is launched usually only for solving of some economic needs (accelerating of the unification of plots, an access to land etc.) or some ecological needs in landscape (e.g. local erosion control or flood control measures) or in case when land consolidation should concern only part of the cadastral area (e.g. due to construction activities). In this case Land offices can modify the requirements of a proposal and carry out the LC differently than it is stated in the Regulation No. 554/2002 Coll., on the process of performing the land consolidation. The simple LC can specify or the reconstruct the allocation of land allocated in the context of decrees of the president of the Czech Republic No. 12/1945 Coll. and No. 28/1945 Coll. and Act No. 142/1947 Coll. and Act No. 46/1948 Coll.

Only in the mid of the 90's the first complex LC were implemented. Complex LC enables to change ownership rights to plots, propose the plan of common measures, mainly new way system and also the elements of nature and landscape formation and conservation. Their extent must fulfil all the requirements defined by the law and by the special regulation mentioned above.

The constituent part of the proposal of the complex LC or the simple LC is also the plan of common measures. It represents the set of measures that should provide fulfilment of one of the main aims of land consolidation which is to create conditions for rational management and to ensure the conservation of natural resources. The set of suggested measures contains the ones which serve to arranging land accessible, the erosion control measures for conservation of the agricultural land fund, the water management measures and the measures for environment creation and conservation. The high importance has an implementation of the erosion and flood control measures of local meaning, which should increase the retention landscape ability and mitigate flood risk.

Generally, land consolidations should create primarily conditions for conservation and reclamation of land fund and to rational land management; they also should contribute to the improvement of landscape quality and increase its ecological stability. They contribute significantly to fulfilling local programmes of renewal of rural areas, mainly to realization of landscape programmes in the field of modification of water management conditions,

restoration of water sources and reservoirs, implementation of erosion and flood control measures and systems of landscape stability. That motivates rural inhabitants to make an effort to the full harmonious development of the environment, to maintain natural and cultural values of rural landscape and to develop nature-friendly agriculture.

Summary of land consolidations to the date of 31.12.2011

Type of land consolidation	In preparation		Closed	
	Number	Land area [ha]	Number	Land area [ha]
Complex land consolidations	779	404 037.58	1,334	589 091.85
Simple land consolidations	170	44 142.64	2,553	251 622.99

Implementation of common measures to the date of 31.12.2011

Implemented erosion control measures [ha]	Implemented ecological measures [ha]	Implemented water management measures [ha]	Implemented ways [m]
518.05	1 200.39	329.90	1 913 075.72



8. THE ROLE OF THE CADASTRE OF REAL ESTATE

The Cadastre of Real Estate (Cadastre) and its cadastral offices in the regions and in the districts play an irreplaceable role in the field of land management. The Cadastre contains a set of data on the properties in the Czech Republic, with their description and location. It includes the records of the property titles and other property rights to such properties. The Cadastre is maintained by the Information System of the Cadastre of Real Estate, which is almost entirely managed by the computer technology. The free remote access to the Information System of the Cadastre of Real Estate is widely used by many public authorities and funds, which are closely cooperating with the cadastral authorities in the area of the land management.

The most important and extensive cooperation in the land management, which is supposed to facilitate the transition from the planned socialist management of the agricultural and forest land to the management based on the market principles, exists between the Cadastral offices and the Land offices. In the early 90s of the last century it mainly involved the cooperation in the restitution process according to the Law on Land. At the end of the century and primarily in the first decade of this century, the focus of this collaboration shifted to the area of implementing the complex land consolidations.

The Cadastral offices have become an important partner of the Land offices in the restitution process primarily because its archives contain the most important written and graphic materials needed to find the content and extent of the restitution claims. It mainly involved the land register books, old cadastral maps, land plot protocols, graphical allotment plans and the written proposals of allocations of the land and buildings. All these documents provided indispensable information for the identification of individual restitution claims. It was specifically the cadastral offices employees who upon the request of the Land Offices carried out the identification of the restituted properties by comparing the current status of the Cadastre against the state at the time of the forced and unlawful seizure of properties by the state.

During restitutions and land consolidations, the Cadastral offices and the Land offices must address and phase out some of the deficiencies in the earlier land records. The fundamental problem is a simplified recording of the agricultural and forest land, whose field boundaries do not exist, since they were merged into the large land units used in the past by the socialist cooperatives and organizations owned by the state. Although the owners did not lose these lands, they were not able to use them and so the state was not interested that these would be fully recorded in the socialist land registers. Therefore the simplified recording was transferred into the current Cadastre. During the land consolidations, this simplified registration of agricultural and forest land has been gradually eliminated. At the same time it is necessary to use the historical documents from the earlier land cadastres, land register books and other documents from the rationing and consolidation proceedings.

Currently, the prevailing activities of the Land offices include the management, organization and implementation of the particularly complicated land consolidations with an emphasis on the construction and reconstruction of country roads, erosion control limits, polders, bio-

corridors and other landscape elements. The results of these treatments are used for the renewal of cadastral records, but also as an essential base for the regional planning.

During restitutions and land consolidations the Cadastral Office has been providing the Land Offices with the information from the Cadastre and from the earlier cadastral records for the administrative proceedings, it updates them continuously, takes over and controls the results of the survey work and based on the final decisions of the Land Offices makes the changes in descriptive files and in the geospatial information of the Cadastre.

A specific example of cooperation between the Cadastral Office, the Land Offices and the private sector are the previously mentioned complex land consolidations. The Cadastral office will determine the conditions and method of processing the results of the land consolidations for the renewal of cadastral records. The Cadastral office will provide the updated files with the geodetic and descriptive information and other necessary information from the earlier records to the Land office, to the landscaping designer and to the contractor of land surveying work.

The actual work on the land consolidations is divided into the land surveying and design activities. The basis for the design of the land consolidation is to focus on the objects that will remain in the file of the geodetic information of the Cadastre and other elements of planimetry and altimetry, which are necessary to process the proposal. The land surveying activities also include identifying the boundaries of the land consolidations, measuring the perimeter of the cadastral unit and the internal land consolidations perimeter (usually on the border with the urban areas) and a preparation of the digital cadastral map (DCM) and the definition of the ownership boundaries. Detection of the boundaries is performed by a committee composed of the staff of the Cadastral office and the Land offices, the processor of the proposed design and the municipalities. Subsequent locating of boundaries is done once and it is conducted free of charge upon the request of the owners of the land that was the subject of the land consolidations and the angular points in the borders were specified only numerically. Land surveying activities, whose results are subsequently used to renew the cadastre records must be carried out with a precision and the necessities corresponding with the cadastral regulations and must be officially verified by the authorized Land Survey engineer.

The approval of the landscaping design is issued by the Land offices. This decision can be issued only if the three-quarters of the owners of the land acreage addressed in the land consolidations agree with the proposal. The Land offices will announce its approving decision by a public notice and will deliver it to all known participants. When the decision becomes legally effective, it will be forwarded to the Cadastral office to be recorded in the Cadastre. According to the approved proposal, the legal status is also binding for the legal successors of landowners.

Thus approved proposal forms a binding basis for the decision of the Land offices about the exchange or transfer of the property titles, the level of remuneration and deadlines under the Act, or the establishment or abolition of an easement on the land in question and for the processing of the renewed files with the geospatial information.

The Land offices will deliver this decision to the concerned owners and to the Cadastral office. In the event the results of the land consolidations are intended to restore the cadastral geospatial information, then the verifier is obliged to submit the written results of the land survey activities to the Cadastral office in advance. This office will use the results to restore the cadastral documents and the new files with the geospatial and descriptive information will be used immediately after the receipt of the final decision.

The biggest benefit for the Cadastral office comes from the cooperation on the complex land consolidations and from the restored cadastre documents in the rural municipalities with a current content and all the necessities. The new set of geospatial information in the form of the digital cadastral map meets the current requirements for accuracy, standard updates and serves as the source for the provision of geo-information. The digital cadastral maps usually replace the cadastral maps with the measurements originating in the early 19th century. However, the lack of funds does not allow the Cadastral offices to enter the changes in the urban areas shortly after the completion of the land consolidations. Currently, the new mapping is substituted by the more economical and faster option - digitizing of the existing analogue maps. So it happens that the analogue maps with the old measurements and the graphics of a significantly lower accuracy serve as the basis for the processing of the digitized cadastral maps, in order to have the entire cadastral region kept in a digital form.

9. CONCLUSION

In the twenty years since the issue of the Law on Land it virtually seems that the complicated and demanding restitution process has met the basic prerequisites for the restoration of ownership and the remedy of injustice and illegal acts that occurred in the past in the field of agriculture. In any case, it involved a process that positively influenced not only the social relations, but also the process that ensures better conditions for the private enterprise in the agriculture, including the economic and environmental aspects of its further development. It can be said that currently the society and the legal field has just completed a unique process of restitution of agricultural and forest properties. With respect to the interpretation and application of the various laws, it is necessary to emphasize the fact that the restitution process was a challenging test to the legal profession. However, the human factor was the decisive factor in the implementation of restitution. With the perseverance and effort primarily on the side of the Land office employees to comply with the Law on Land most effectively and with a considerable help from the employees of Cadastral Offices, the entire restitution process was successfully completed. What remains is to fulfil the main task – so that the properties which were returned “de jure” could be also used by the owners “de facto”. Logically this step must be followed by land consolidations, which will allow the farmers to use the land effectively and meaningfully, whether the land is rented or owned.

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