

Optimization of the Land Offices organisation in the Czech Republic

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Abstract: The land consolidation is a significant instrument for the ownership relations issue and for ensuring the maintenance of land functions and the increase of the ecological stability. Despite of the demonstrable arguments, this activity is not fully valued by the society, which is retroactively reflected from the long term point of view into the processes and structures of land consolidation in countryside. The analysis of the current organisation and management of the Land Offices pointed at substantial regional differences in the process management effectiveness, the utilisation of expert capacities during the land consolidation realisation and further administration actions. There is proposed an optimisation of the institutional structure that will be sufficiently flexible towards the changes of the demanded actions. The need for change of organisation and activities requires also the agro-environmental policies of the European Union.

Key words: land consolidation, Land Offices, organisational structures, management structures, countryside

List of abbreviations used in text:

KPÚ Krajský pozemkový úřad – County Land Office

MZe Ministerstvo zemědělství ČR – Ministry of Agriculture

OPÚ Okresní pozemkový úřad MZe – Regional Land Office

ÚPÚ Ústřední pozemkový úřad MZe – Central Land Office

The land consolidation is organised by the Land Offices of the Ministry of Agriculture in line with the Act No. 139/2002, Coll., about the land consolidation and land offices and further regulations as amended. The changes in the amount and complexity of the administrative agenda and mainly strengthening of the financial sources for its assurance show a need to deal with the working processes in the Land Offices as well as the effectiveness. Especially it is important to pay attention to the separate administrative acts from the executive or implementation acts. The current organisation of institutional activities related to land consolidation does not really reflect the administrative organisation of the state. There are 77 Land Offices on the level of district. This legally approved

structure and the above mentioned competences limit the total economic and professional effectiveness. As a consequence, it in principle leads to a lower efficiency of the overall highly qualified work.

The issue of the insistent social demand of land consolidation acts has not appeared just lately. Its origins we can see in the 19th century already. In that time in Bohemia, there was not approved the law from 1883 and the law about land consolidation from 1948 had unfortunately a very short validation (Mazín 2005).

The implementation of land consolidation is always a very difficult process when it is important to take into account both technical complications and the complicated reaction of the further owners and

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other participants as well, therefore, if there is to be a change, it would always be deeper and more permanent than in the other field of national economy. Therefore, immediately after the year 1991, more suitable methods of how to renew and speed up the process of land consolidation were searched. It was clear that it would be necessary to formulate strategic targets of land consolidations and to use the right experience from abroad, mainly from Bavaria and Upper Austria that have similar social-economic and land-ecological characteristics as well as a similar historical trend (Mazín 1993).

A certain specificity of the land consolidation realisation in the Czech Republic is the method of the Land Offices organisation where the project works are given through the tenders to the professional companies and identities with a special licence. This system seems to be more effective and flexible compared with the German method where it is the state that realises the work.

However, Hladík reminds that the current structure of organisation and realisation of land consolidation in Bavaria that has dated from 1886 stands now before a necessary vast reorganisation of the structure and performance of Land Offices. Especially, there is planned a significant reduction of human resources and a gradual privatisation of the activities that do not belong to the administrative decision making (Hladík 2007).

The land consolidation and the investment realisation are at present time the main activity of the Land Offices. This activity is dependent on the economy of the land consolidation realisation, on the specific regional conditions and the EU requirements. The economic conditions are given by the financial means on one side and the optimal number of workers at the Land Offices on the other side (Němec 2007).

Kaulich states that land consolidations in the Czech Republic became an important part of the agro-environmental policy and that there were processed 914 cadastral territories in the period of 1991–2008 and 998 cadastral territories are under process. In total the land consolidations affects 835 062 ha of agricultural land which represents approximately 27% of overall agricultural area of land resources of the Czech Republic. For project works and realisation of the proposed measures in the landscape, there were used CZK 10.79 billion from the state budget and CZK 4.51 billion from the EU Structural Funds (Kaulich 2009). Furthermore, 271.8 ha of the conservation treatment, 949.9 ha of ecological measures, 353.4 ha of water management measures were realised and 1 318 557.5 m of rural roads were build (Situační a výhledová zpráva MZe ČR, November 2009).

Vítek assumes that the perspective of Land Offices should follow the personal and professional stabilisations and direct responsibilities of each land office from such action. He considers the cultivation of social and partner environment as important too (Vítek 2008).

METHODOLOGY

(1) In 2006, there was performed a questionnaire inquiry at the Land Offices in order to find out and analyse the attitudes of employees to the agendas and actions carried out at each office (Skotnica 2006). A complex inquiry focused on the organisation of processes and management actions was performed in 2008. The data achieved were assessed by the statistic methods and tests. Besides there were carried out the interviews with managers at some Land Offices which were processed by the standard sociological methods.

(2) A case study of the District Land Office Plzen City, whose director is also authorised to manage the Land Offices Plzen North and Plzen South and Rokycany was elaborated in order to get a total detailed view of the area of organisation and management of working processes (Král 2008).

(3) To evaluating the elementary characteristics of the current structure of Land Offices, there served further written and verbal information provided by other information sources. The evaluation involved mainly the set of tasks and competence of the relevant structure hierarchy, then the legitimacy of the separate entities of structure on its lowest level (range of management) for the efficiency of actions and their management, the rate of actions concentration and the powers centralisation.

The obtained information and the current state were confronted with the principles of organization structuring formulated in the significant works in the area of theory of organisation (6, 7, 11 and 14).

The current structure was also assessed from the up-to-date public administration and local government point of view.

PROPOSAL OF THE NEW INSTITUTIONAL ORGANISATION

The reasons for importance of institutional organisation changes related to land consolidation

(1) The current state of the needed land consolidation and the expected progress show very pronounced differences in each area (district) both in the total volume of work and the type of work.

- (2) The analysis of progress of the so far performed land consolidations show the changes in volume of the related activities as well as changes in the type of activity.
- (3) It is still important to take into account the activities caused by ownership changes (usage or management) or the activities restitutional or investigative. The scope of such actions will decrease in the future.
- (4) The scope of measures interconnected with the countryside protection against geological or climate changes and critical events or consequences of human behaviour (both production and the others) or related to the formation or re-make of countryside due to the creation of healthy economic infrastructure or necessary for its sanitation or recreational utilisation will grow.
- (5) The scope of wider and more complicated goals (projects) will increase as well as the scope of very qualified work.
- (6) The current institutional organisation of land offices system does not correspond with the right organisation of the state: STATE – COUNTY – MUNICIPALITY.
- (7) Insufficient respect for the hierarchy of significance and the complexity of targets complicates the full use, maintaining competence and productivity of the highly qualified expert team.
- (8) The range of management (number of the OPÚ controlled by the ÚPÚ) is extremely high in the given situation.

Objectives of solution and principles of structures

Objectives of solution:

- To set up a base for managing qualitatively more demanding tasks.
- To create structure that will be enough flexible towards the changes of land consolidation demands.
- To allow the uncompromising meritorious and economical control (audit) and the pressure on both quality and economy of performance.

Principles of structures:

- To separate administrative activities from executive activities.
- To exclude executive activities from administrative institutions.
- To secure assumptions for the effective specialization of activities and people and for their professionalism and efficiency.
- Thoroughly differentiate the character of performed roles on each management level.
- To secure the enforcement of higher social interests on preservation of the current or newly set state of the territory and landscape character.

LAYOUT OF PROPOSED INSTITUTIONAL STRUCTURE

Administrative entity

Establishment of the Section Development of Countryside:

- As a central administrative body, there is proposed to set up a separate section “Development of Countryside” at the MZe.

The countryside in this connection introduces the territory outside the built-up part of the municipality (town or village). The proposal deals with the scope of the proposed section in a deeper or complex way than so far.

- The aim of the headquarter is a preparation and enforcement of the state policy implementation regarding the protection and creation of environment, its ecological stability, the territorial and land consolidation in the countryside.

The preparation means mainly the initiation by the effective means creation of the theme and the exercise of demands on the consolidation of the national significance or related to wider regions or by the national means donated consolidation of the county or regional significance. It includes summing up of the approved themes and demands into a draft of a comprehensive system, formulating executive tasks and setting priorities and the essential financial coverage.

- After the governmental approval, to carry out the allocation of tasks and financial means (payments) to the executors determining the elementary conditions of the appreciated achieved task.
- Implementation of the national policy is besides the planning agenda fulfilled by the relevant legislative acts, by creation of the performance and agenda standards, by the right of audit and by the arbitral competence in disputes.

The entity is internally divided into sections and departments:

- Determinant orientation of the department activities is legally planning and analytically prospective.

The employees in the sections monitor the state and progress of the relevant issues corresponding with the objective of the entity within the state territory (factually its determined areas), also they study the developing new knowledge of the problems (in the worldwide theory and practise of other states and countries). They evaluate the achieved state and the direction of trend comparing it with the new knowledge in the theory and practice worldwide. The evaluation – outcome of the situation analysis – leads to

searching the methods, trends and ways how the state politic in an area should be headed and they elaborate the appropriate recommendation and information for the decision making of political bodies.

They process the knowledge from the theory and practice as the documents of the elementary information basis for the creation of normative (standard) background and for the legislative acts (creation, adjustments and updates of legal regulations).

In cooperation with others, they prepare information for the executive entities of administrative agendas (i.e. county departments) as a source of the increase of the professional level of their employees and creation of assumptions for unifying the comprehension and explanation of the elementary regulations.

Apart from these responsibilities, they serve for the administrative entities as consultants of the special tasks with which the executors could get in touch during resolving certain problems and could be sent away in order to guarantee the solution of special problems of their profession in more complicated projects.

The sections of the entity could be formed in line with the problem areas influencing specialities of the performed protection and land consolidation. It is thematic specialization that is often accomplished by the regional restraints. Structuring the entity does not follow the hierarchy of the state administration but mainly ensuring the activities of the entity in a conceptional, professional knowledge and capability to transform the political orders into realisation (implementation) programs and actions. The methods that can be used for such segmentation of the overall performance vary by the different levels of the generality.

The proposal follows a segmentation of the entity according to the purpose (meaning) of the determination of parts of the overall entity performance. Therefore, the proposed sections are: landscape protection, landscape formation, remedies of natural disaster impacts etc. It is obvious that as the method of structuring approaches the purpose, the personnel composition changes too, especially with respect to the professional orientation or qualification of the employees. In general, the professional composition of the employees in the section must comply with the condition that the section is able to fulfil all objectives under its destination. The choice depends on the size of each section i.e. on its capacity to manage the expected scope of need of the given activities (professions) (Figure 7).

The solution proposed to set up sections on the political administrative level, as the departments

(level of the Counties) are set up on the level of direct performance of administrative part in “common performance” whose content was determined as the protection and formation of the environment, its ecological stability, territorial and land consolidation in countryside. In this conception, the section body takes priority over the department body but is not generally superior. The only superior body to the departments established by the County is a “Section of the Realisation of Operation of Protection and Formation of Countryside”. Such understanding and usage of both terms is known from large industrial companies, i.e. Škoda factory in Plzen (Figure 7).

The employees of sections fulfil, besides their elementary work determination, also the role of advisors for each complicated problem. They provide the consultations based on the director's request. They also could be temporarily allocated to working teams as the expert warrant. The allocation must be confirmed and assigned by a resolution of the deputy director of the entity, by the Head of the Realisation of Protection and Consolidation of the Countryside.

Departments and their role (sphere of action)

– The county departments, as the lowest parts of this proposal, have a function of approving, controlling, inspecting and registering in respect to the preparation and execution of land consolidation. They follow up the structure of state administration and are set up for a group of counties or each county based on the presumed volume (amount and demand) of land consolidations.

Considering the activities of the departments, it can be expected that the performance of less important agendas will be transferred to the sphere of action of other authority, especially those the standardisation of which achieves a certain level or those which have some notification duty.

The seats of departments are located into the centres of counties or into the place of the long-term and important demand. In special cases, they can be placed into the main address of the Main Section. The process of approval is not always conditioned by the applicant's attendance or personal handover of documents or resolution. More and more, there will be used in future information technologies instead of postal services.

– The county departments can in the case of a reasonable demand set up their “field work places”. With the end of demand, the “field work places” will end also if they are not, because of the recently arisen demand, renewed by a special resolution (Figure 7).

Execution entity

The solution of the execution entity of land consolidation has in fact three possible scenarios:

- (1) Establishment of one or several companies with the interest of the state or the acquisition of state interest in the already existing companies of the adequate business.
- (2) To keep the activities to entirely entrepreneur subjects which have been awarded the state authority (it is awarded based on a tender for the terminate time by the Section MZe Countryside Development).
- (3) Combination of the above mentioned.

Each scenario has its merit. The first one allows to resolve the allocation of some professionals from the reduced personnel of the present PÚ. The second one is the most consistent with market economy. The special authorisation award allows accepting the offer of a performer without a tender for each job mainly at the more complex land consolidations. The tender is realised by awarding the special authorisation valid in the Republic. The number of the authorisations is limited as well as their validity.

The combined variant merges the previous advantages especially if the first variant is applied on the nationally significant consolidations in combination with the second one used for the realisation of less significant actions and it is intended for smaller business companies.

Description of execution entity

- (1) The execution of land consolidation is granted to only one or several companies established by state due to this purpose or to the companies with state scope as for example a business company or other suitable legal form. The execution of land consolidation means the elaboration of the execution project and the draft realisation plan and securing full execution (materialisation) of the draft solution (project). It is a fully professional act of the execution of land consolidation and other professional activities for the countryside and municipalities (i.e. infrastructure building) in free capacity (Figure 6).

The company gets means for the realisation:

- from the state for the execution of ordinary transactions paid by state the scope of which is set in advance for the planned period of time (i.e. for one year), in the form of advance payment and payment for the preparation and realisation of consolidation ordered by the state and approved,
- from the demand parties, municipalities and counties, for the requested consolidations and executions,

- from the applicants (legal entities and physical persons) for the project and execution of the requested individual land consolidations and other operations.
- (2) The company deals with tasks either by itself or by supplies of other specialised legal or physical entities. The projects undergo, according to their significance and scope, an approval process by the relevant administrative structure, thus the approval by the relevant department, section or entity of the MZe.
 - (3) Legal status of the “purpose-built” company is given by the way of its establishment.
 - The method of establishment of a business company is determined by the Commercial Code. It sets not only the conditions of establishment but also the potential methods of control through participation in the company bodies and otherwise.
 - The purpose of the company is necessary to secure in a proper way partly in a basic deed, partly in the exact formulation of status, rules of procedures. For the business company, the Business Code sets ascertain will in the formulation of basic documents (status, rules of procedure) and it sets also the rules for the MZe interests’ protection.

The acquisition of a control part (stake) of the MZe in the business company can be obtained by purchasing an adequate part of the ownership stakes or by the commensurate increase of own equity. Effective means for the enforcement of the state interest is for example the achievement of stability by ordering long term orders which initiate the growth of efficiency and economy level allowed by savings from the increased volume of executions, assortment etc.

- (4) Structure of the purposely constituted company:
 - Structure of the basic executive entities is mixed, i.e. it is built partly in line with the principle of locality and partly of the project one. The basic local entities can be created on the level of counties that is either for one county or in common for several counties.
 - Project teams consist of specialists of the “functionally organised departments” of the headquarters. They are established for the intended land area or territorial changes related to the macrostructure or to the reparation work after natural disasters or in the situation with difficult landscape issues (environmental, ecological, geological or agro-technical). The project manager is in charge.
 - The headquarter offices of the specialists ensure support to the county divisions partly through

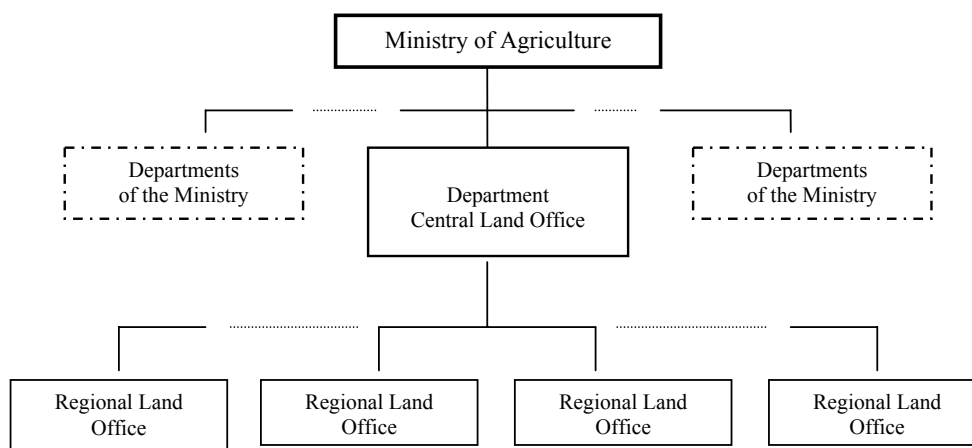


Figure 1. Initial institutional structure (step 0)

sending the specialists to consult special issues and partly through the permanent information supplies regarding work improvement on landscape and land consolidation elaborated in the relevant expert departments of the basic executive entity (business companies).

- The headquarters are equipped with staff divisions (planning financial, personnel, legal problems are ensured by one of the expert departments for legal issues related to the countryside including the land consolidations.)

The special body performing a role of the director's advisory committee is called the Committee of Coordinators' (chiefs) of Project Teams.

The potential establishment of other bodies relates to legal regulations for the establishment of a company of a similar type.

- The company or its territorial entity commonly ensure issues of a bigger scope and significance

either by the official allocation by a worker or the dislocation of the work place of the solution team into a centre needed out of the company address or of its entity. The objectives which do not need it are given to either the individual departments or to the project team. Potential workers are allocated temporarily or for a part of working time under the control of the Head Resolver (designer, engineer). It is related to both the preparation and realisation works.

- A target solution of the institutional structure at the expert executive entity – the Company of Landscape Development and Protection and Land Consolidation – involves several latent variants of organisation. It advisability consist in a possibility to react to the current or expected changes of the conditions and the type structure of the needed interference into landscape including land consolidation and to new problems of solution.

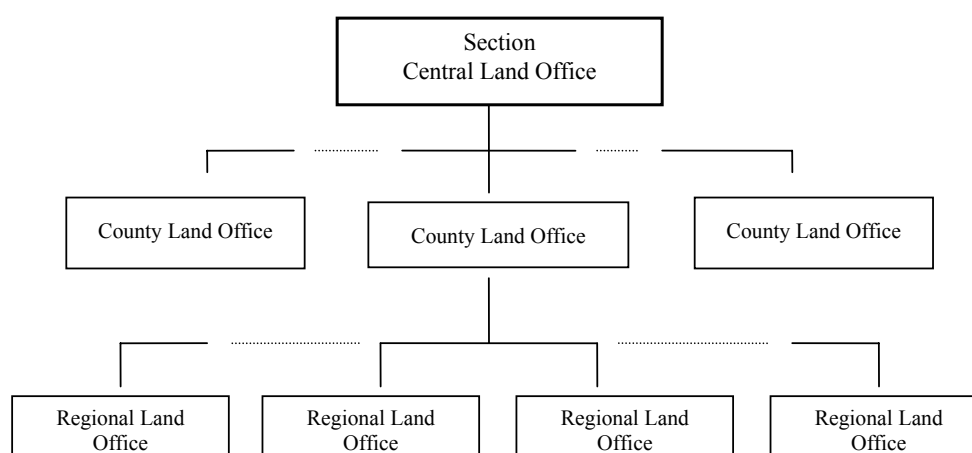


Figure 2. Transition organisation – established by the County Land Office (step1)

¹KPÚ can be established in common for more counties

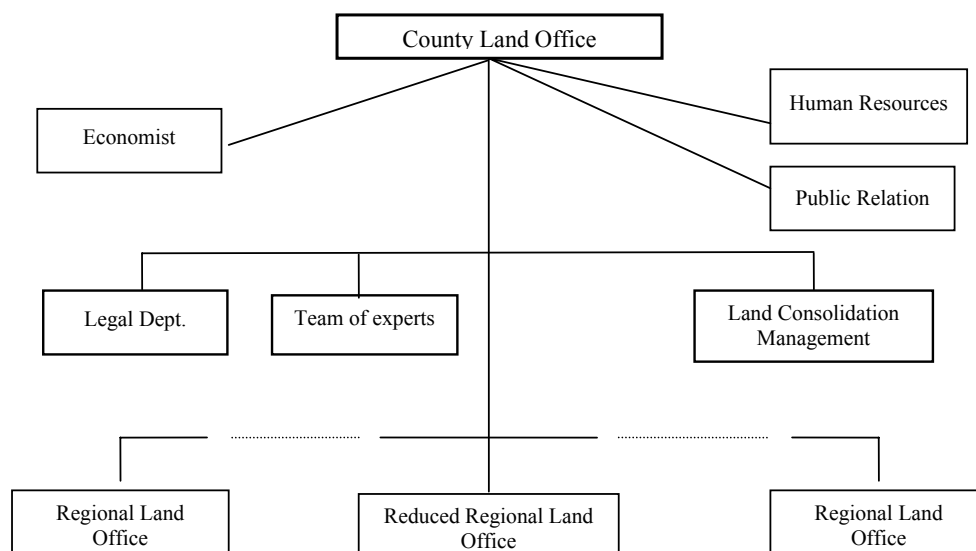


Figure 3. Structure of County Land Office (launch – step 2)

Adjustments of the company structure are one of the strategic instruments of the company management. For this role and the right to change the structure in this way, it is necessary to leave a sufficient will and it is not possible to determine a priori options.

- In the target solution of the institutional structure of activities and agendas related to the countryside development and land consolidation, there is thus included an executive phase of interference into landscape and the related land consolidations to the entirely business subject – business company with state participation (Figure 6).
- The relationship between the objective award and payment for its delivery becomes a con-

tractual subject controllable by both parties and mainly by the legal norms determined “out of it”. This approach allows a further continuation of the gradual privatisation of state stake in this process.

Steps of transition to target solution

- (1) Initial state of the Land Office scheme in the MZe structure (Figure 1).
- (2) Establishment of the “County Land Office” (KPÚ)¹ as an executive entity subordinated to the “Central Land Office” (ÚPÚ). Into its structure, there are included the relevant “Regional Land Offices” (Figure 2).
- (3) The nominated director of the KPÚ starts during the first year the centralisation of the preparation

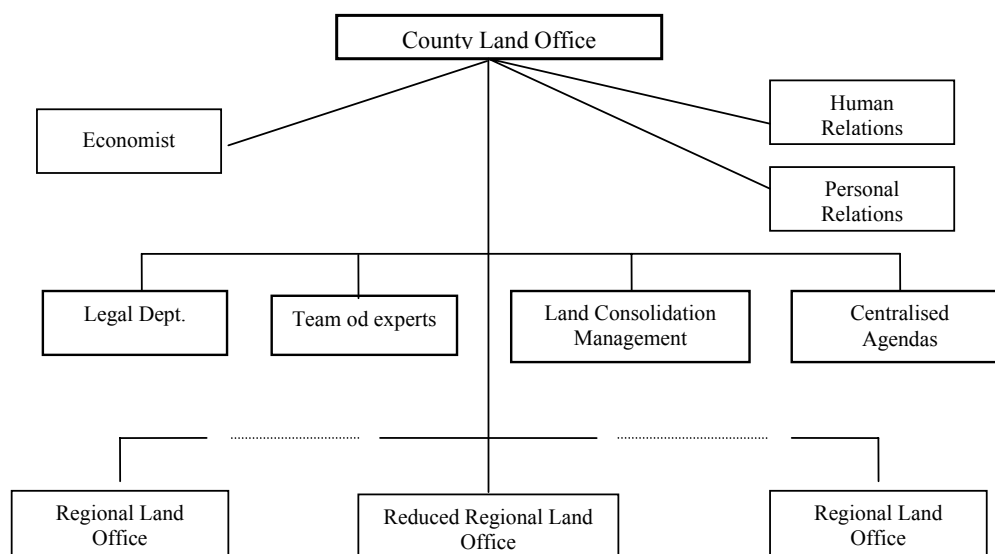


Figure 4. Structure of County Land Office (continuation – step 3)

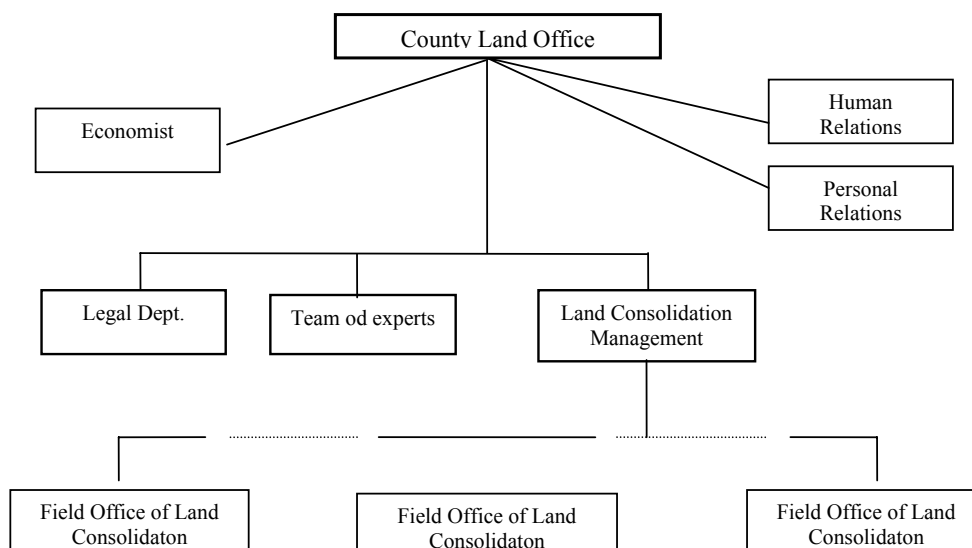


Figure 5. Structure of County Land Office (continuation – step 4)

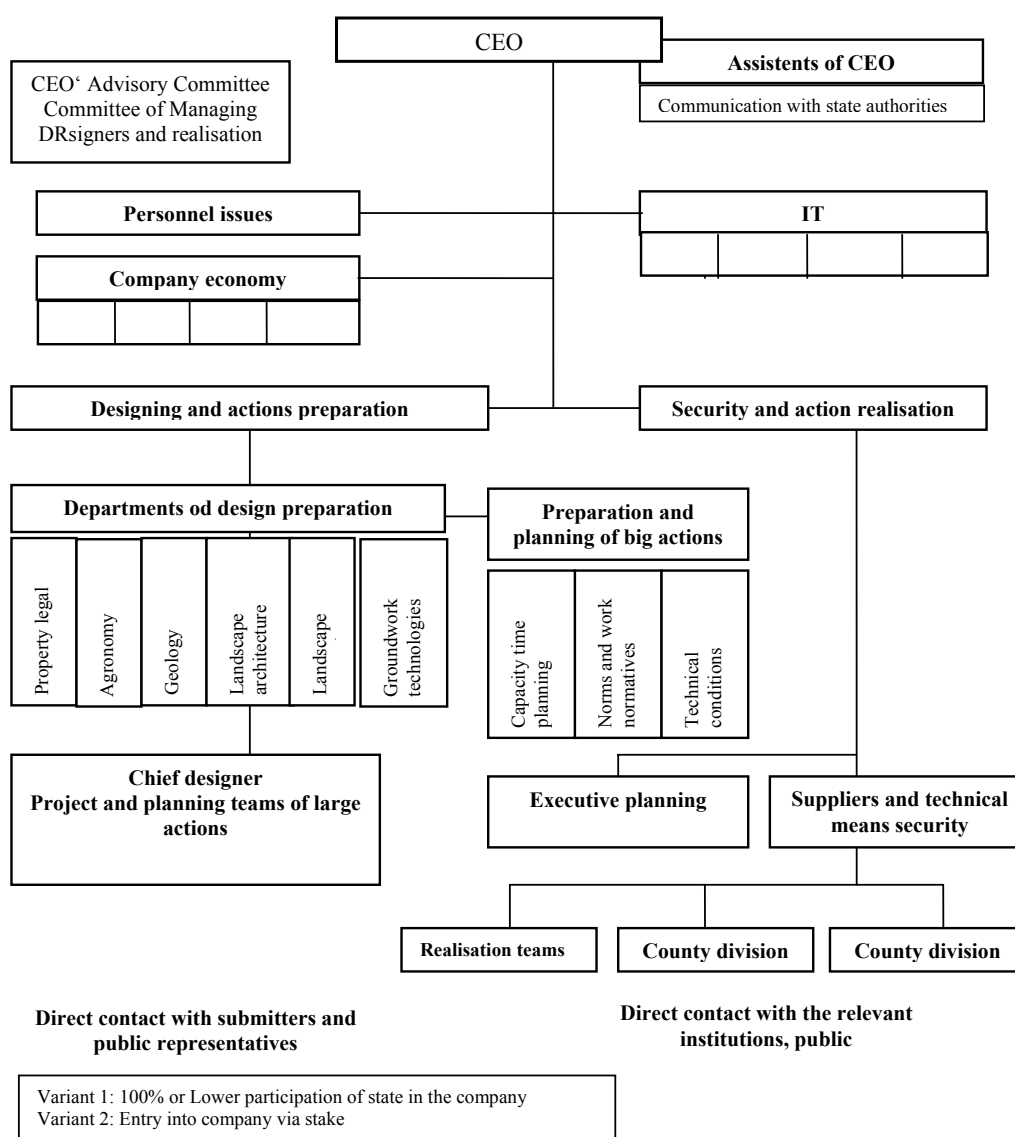


Figure 6. Outlined structure of the entrepreneur organisation (CEO) for land consolidation, protection and landscape formation

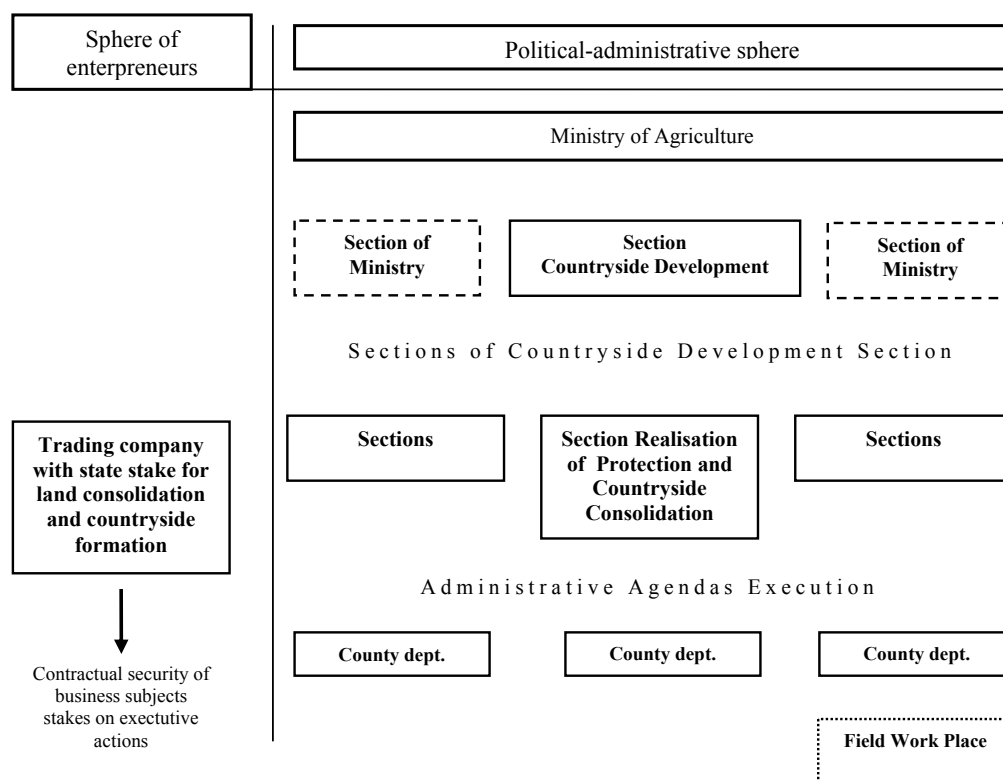


Figure 7. Proposal of the institutional structure of the Section Countryside Development (step 5)

and coordination of more complex consolidations and the transfer their performance into the KPÚ address. At the same time, there are transferred or accepted qualified workers who establish the supportive (staff) activities. By the help of the human relation officer, there are commenced works on the delivery of the main target of the phase (Figure 3).

- (4) The director of the KPÚ starts in line with the conditions a gradual reduction of the OPÚ, transferring the agendas performed by the OPÚ, which could be more efficiently performed by the centralised departments of the KPÚ. Thereby, there are created the prerequisites for separation of:

- (a) Standard administrative agendas
- (b) Non-standard administrative agendas or operations of land consolidation (as for example the approval of complicated projects of interferences into the landscape which are related to the long-term explanation of the changes of ownership (Figure 4).

- (5) Furthermore, there is carried on the separation of non-standard activities and the transition of the selected workers to the KPÚ (Department of Land Consolidation Management), which is related to further reduction of the existing OPÚs and the progressive status of the “field work places”. This transition step will be time-consuming in relationship to the

specific conditions and it will end in the final state which can be achieved by two methods:

- (a) The first one is carried out by the reduction of the existing OPÚ to a change of its status (to the “field work place”)
 - (b) The second one leads to jointing the OPÚ or its reduced units into the “departments” located in the “gravity centre” of strong and long term need of performance related to the realised land consolidations (Figure 5).
- (6) Establishment of a company with the state stake of business type, i.e. a business company or other proper legal entity (Figure 6).
- (7) Transfer of a part of the professional activities of the KPÚ immediately concerned with the executive, not administrative, performance of land consolidation into the competence of the company structure of the business type.
- (8) Establishment of the “Department of Countryside Development” in the MZe structure (Figure 7).
- (9) Establishment of units of the “department” and completing the whole system, namely by dissolving of the KPÚ and constituting county departments in the defined (agreed) seats.
- (10) The analysis if there are routine agendas (entirely determined by norms), related to the land consolidation that would be efficient to transfer into other institution within the state adminis-

tration. To ensure the conditions of the transfer, and after the approval to carry out the transfer of activities.

CONCLUSION

The supervision and execution of complex land consolidation in administrative proceedings is only one of the tasks of the Ministry of Agriculture. The critical and essential point is a system support to various developments and the permanent defensibility of countryside in accordance with the EU policy. The intent of the proposal is to gradually set up organisational and management assumptions for establishment of specifically determined structures responsible for solutions related to the countryside and countryside landscape. The proposals respect the principle of the consistent separation of management actions from execution actions. This approach eliminates the potential collisions of interests and the execution actions are therefore left to the impact of market environment and legal norms. It is a time-consuming process requesting an essential managerial decision and a definite political will with the outlined end in 15 to 20 years.

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