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Concept Paper on Study on Land Consolidation

Note by the Secretariat

1. This information note presents the objectives and timeline of a study that will be prepared on land consolidation in the ECE region. The study will draw upon the results and recommendations of a survey study on land policy instruments in ECE member States. The study is an activity of the Programme of Work of the Working Party on Land Administration for 2018-2019.
2. The Committee is invited to take note of this information.

1. CHALLENGES OF LAND CONSOLIDATION

Land policy instruments, such as land consolidation, land readjustment, expropriation, land purchase, land banking or a combination of these, are crucial tools for the implementation of land policies in which all of these aspects tend to come together. The common principle of land policy instruments is based on a rearrangement of property rights in order to enable a sustainable spatial development in urban, peri-urban and rural areas. Sustainable in this sense refers to ecological, social and economic aspects. A key factor in the successful implementation of effective land policies involves working with multiple stakeholders and multiple value systems. This diversity of stakeholders sometimes poses a challenge and requires properly reconciling expressed interests, needs, perceptions and beliefs, whilst properly assessing the degree of urgency of each of these and managing their feasibility.

Land consolidation and land readjustment are not new instruments to reform, re-adjust and/or improve the distribution of land rights and land uses. However, contemporary spatial planning challenges in Eastern and Western Europe necessitate a re-evaluation on how to make the instrument more effective and possible new forms and methods of land policy instruments. Challenges to this include the increasing complexity of handling competing and often conflicting land claims, increasing scarcity of land as a resource (e.g. for food production or housing), increasing needs for environmental protection and climate adaptation measures, large-scale transnational land acquisition and an increasing amount of abandoned land in some regions.

Many currently executed government-led land consolidation projects are confronted with either mistrust or suspicion by citizens, or by an increasing demand to cater for more than just agricultural needs despite having historically collected scientific and professional insights as part of the process. In some instances people fear state-led land reform and reduction of private property rights, and either do not participate or resist the land reform plans. In addition, the role of government and the potential of social technologies in the relation citizens-state has changed drastically.

Current instruments to implement and execute land policy instruments are complex, and sometimes are difficult or take long to execute and difficult to steer and control; they involve multiple tiers and different areas of government and, hence, the need for improvement and enhancement of a set of land policy instruments. The challenges also include requests for more organic spatial development, more co-development and co-evolution, yet also better, more efficient and effective and quicker control and management instruments. Despite considerable experience and gradual improvements in land consolidation philosophies, tools, legal and regulatory instruments, there are still major problems observed during or after executing land consolidation projects. These problems are not only technical (Demetriou et al. 2013; Martínez et al. 2013), but also legal/regulatory, ecological (Muchová et al. 2016), spatial (Louwsma et al. 2014), social (Lisec et al. 2014) (Haldrup 2015), historical (de Vries 2016) and transdisciplinary.

An increased understanding of the underlying mechanisms would allow for innovation in land policy instruments. New forms of land consolidation or land readjustment for example can emerge, by improving the space to incorporate the opinion of all stakeholders in a more open and

transparent manner, by using smart data (administrative and geographic information) in combination with available data sets, and a wider use of new simulation technologies and collaborative hardware and software.

2. RELEVANCE AND TIMELINESS OF THE STUDY

Land policy instruments are potentially powerful instruments in the pursuit for a sustainable spatial development due to the possibility to rearrange property rights in line with the allocated land use or combination of land uses. Several Sustainable Development Goals (SDGs), such as on sustainable cities and communities, zero hunger, life on land, and climate action, are tied to the spatial allocation of land uses and the need for a well-balanced and integrative approach towards the spatial development of land. The need for food security, climate adaptation, sustainable urbanisation and access to resources are just a few demands that mark the need for a transitional turn towards a sustainable spatial development in urban, peri-urban and rural areas. Member States have taken different paths with respect to land policy and instruments to manage spatial developments. Land purchase, expropriation, land consolidation, land readjustment, land banking, and/or a combination of these, are known land policy instruments that have been applied across member States. Since land is a limited resource, especially in the light of sustainable development, appropriate land policies and instruments are necessary as a means to achieve balanced and sustainable spatial development.

Renovating and adjusting (innovating) land policy instruments is urgently required in order to better address the complexity of societal relations and advocacy coalitions. Louwsma et al. (2017) address a number of issues, which should be addressed in the renovations, and innovations of land consolidation such as:

- Many formal frameworks through which land exchange, land re-adjustment and land consolidation practices are possible should include the principles of participation, inclusiveness and sustainability.
- In addition to government, all possible land stakeholders should be included before, during and after land interventions. These include landowners and land users, cadastres, spatial planners, professionals, academia, international development agencies and relevant non-governmental organizations.
- Land consolidation and land readjustment needs a global scope in order to answer the question on how to use our land in the most sustainable way, not only from a local or regional point of view, but also from a global one.

3. OBJECTIVES OF THE STUDY

The focus of the study is twofold: (1) on the implementation of land consolidation policies at a level where land policy instruments affect property rights and the rights holders, and (2) on the implementation, evaluation and improvement of land consolidation policy instruments in relation to a sustainable spatial development.

The study will include:

1. Developing a commonly understood analytical framework for the application of land consolidation policy instruments in relation to the system of property rights and the transitional turn towards a sustainable spatial development at local, regional and national levels.
2. Analysis of how property rights are (re-)distributed and how stakeholders view this across countries when using land policy instruments.
3. Formulation of proposals for new participatory tools and means to use land consolidation policy instruments through collaborative and citizen-based experiments.

The study, when developed, will support:

4. The dissemination of results across member States and among scientific communities, governments, and other groups that use or are involved with land consolidation policy instruments.
5. Building capacity of researchers and practitioners and smart innovations in land consolidation policy instruments.

The main research questions of the proposed study include:

1. Which land consolidation policy instruments are used, how often and by which responsible government agencies in each of the member State countries?
2. Which policy and institutional systems exist in each of the member States related to land consolidation?
 - How do they support or hamper the effective use of land consolidation policy instruments for a sustainable spatial development?
 - How do they handle the view of stakeholders (individual citizens, citizen-based associations (such as local committees) and advocacy coalitions)?
3. Which of the opportunities and current systems could be enhanced by new technologies and new regulatory forms in each of the member States?
4. How do the responsible government agencies and government-nominated committees and other bodies change property rights and (re-)distribute property rights across countries through land consolidation policy instruments?
5. How can these enhancements lead to measurable improvements in each of the member States in terms of effectiveness and efficiency?
6. Which possibilities and opportunities exist in each of the member States for stakeholders, and in particular individual citizens, citizen-based associations (such as local committees) and advocacy coalitions to express their views before, during and after the implementation of land consolidation policy instruments? How do stakeholders view their rights in these systems and valuation procedures?

4. DESCRIPTION OF THE STATE-OF-THE-ART

So far, studies on comparing and innovating land policy instruments of land consolidation have primarily focused on the comparison of functional and regulatory tools, and to a more limited extent, on the potential role of stakeholder-based solutions. For instance, Hartvigsen (2015), Sky (2015) and Lisec et al. (2012) have carried out comparative studies assessing, *inter alia*, which elements of land consolidation could be transferred from one institutional and organisational context to another. All these studies pointed, however, to the distinctive character of land consolidation process in countries, i.e. not transferrable from one national context to another. These studies, nevertheless, found some common features in land consolidation processes in different countries related to the involvement of stakeholders, transparency of procedures, accountability of actors and coordination and alignment of procedures.

While the above-described studies addressed different aspects of land consolidation, so far there are no comprehensive studies on land consolidation. In addition, the existing studies did not address to a needed extent the application of innovative methods and procedures for land consolidation. Therefore, there is a need for a study also addressing new methods, processes and procedures in land consolidation.

5 PLANNING OF THE STUDY

5.1 Introduction

This section provides details of the scope and planning of work to develop the study. The work plan presented below includes the timeline and lists the main partners in the project. The work proposed blocks detailed below will be the subchapters to the study.

5.2 Project activities

The main proposed activities for the development of the study are presented in Figure 1. In the sections below for each of the activity blocks, a short description of the activity and the results are presented.

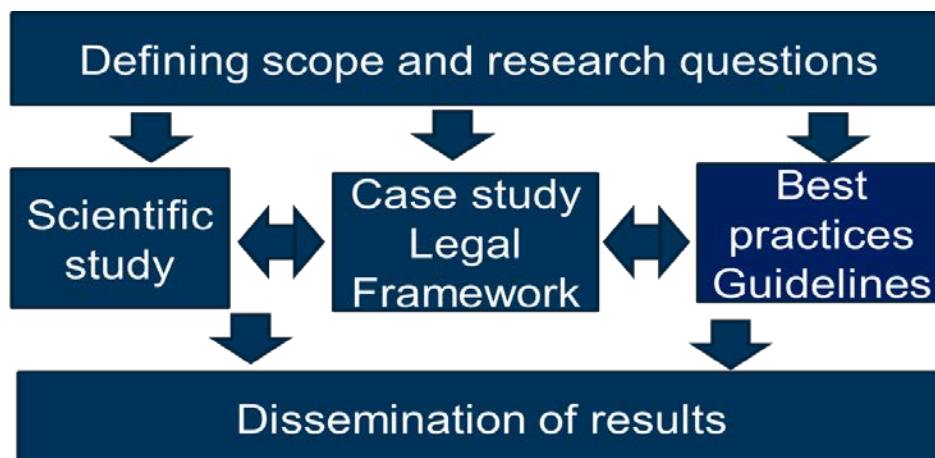


Figure 1. Main activity blocks of the project for the preparation of the land consolidation study

Block 1: “Defining scope and research questions”

This block includes activities such as:

- Further detailing and specification of the scope of the study
- Organising workshops/meetings to fine-tune the scope and results
- Preparing a detailed project plan including human resources, budget, timeline, etc.

The scope will require fine-tuning and further detailing and verification to make sure that there is an adequate connection in terms of results between the study blocks.

Block 2: “Scientific study”

This block includes the following activities:

- A comparative inventory of current and emerging practices, applications, institutional arrangements and opportunities of land consolidation and land readjustment in ECE countries;
- Comparisons of existing technical, participatory and policy development methods, instruments and tools of land consolidation and land readjustment in ECE countries;
- Development concept for of poly-rational and transdisciplinary land consolidation;
- Research into the use and developments of software to support land consolidation.

This part will include an analysis of the use of Information and Communications Technology (ICT) instruments and tools in land consolidation projects.

Results of work in the block:

- A draft paper on the comparative study;
- A draft paper on the development methods in land consolidation;
- Concept on poly-rational and transdisciplinary land consolidation;
- Overview of software in use for land consolidation projects.

The listed outcomes will be incorporated as chapters in the overall study.

Block 3: Legal framework in land consolidation

The Food and Agriculture Organization of the United Nations (FAO) will assess legal instruments for land consolidation and develop a concise comparative legal study on land consolidation to identify international and European best practices.

FAO will also elaborate a generic land consolidation framework based on the research of the legal instruments. The framework will be very useful for the fieldwork in the projects in FAO programme countries in the region (currently in The Former Yugoslav Republic of Macedonia, Azerbaijan, Kosovo and Ukraine, others to follow). The results of this study in Block 3 will be:

- A report on the identification of best legal practices related to land consolidation in some eight countries with policy recommendations and
- A generic framework for land consolidation.

Outcomes of research in this block will be incorporated as subchapters in the overall land consolidation study.

Block 4: “Best practices and guidelines”

A study in Block 4 will address effectiveness of land consolidation projects. This study will be based on an analysis of case studies in land consolidation in various countries. Case studies will be conducted to find out what contribution land consolidation played in the development of the countries. This block may include studies from Asia or elsewhere in the world; existing case study materials from FAO will be used. Guidelines will be produced based on lessons learned, best practices, critical success factors and critical conditions needed to generate successful projects.

Research in this block will include topics such as financial aspects, prerequisites for good projects and obstacles that prevent doing good projects.

Results of the study will be:

- A report on best practices in land consolidation and
- Guidelines for implementation land consolidation projects (optional).

Outcomes of the research in this block will be subchapters of the overall land consolidation study.

5.3 Project organisation

The project is led by the ECE Working Party on Land Administration (WPLA) with support from the ECE secretariat. The following partners are part of the project: Technical University of Munich (TUM), FAO and LandNet (network of practitioners and researchers in land consolidation). Apart from the overall coordination of the project, the WPLA with support from the ECE secretariat will also coordinate Block 4. TUM will coordinate Block 2 and FAO Block 3.

The activities are to be further detailed by the partners. The inception plan will be based on the input during autumn 2017 and spring 2018. The planning of activities will be adjusted based on the outcomes of the inception period.

The study report will be submitted for approval to the WPLA at its Eleventh Session in Spring 2019.