Land Reforms and the Importance of Security of Tenure

Dr Chryssy Potsiou, Greece
FIG Vice President

National Technical University of Athens, NTUA
School of Rural & Surveying Engineers
Presentation Contents

- Challenges we need to address
- Land Policies (rapid urbanization versus balanced urban-rural development)
- Examples of Land Reforms
- Tools used for Land Reforms
- The Importance of Security of Tenure
- FIG, FAO, UN-HABITAT/GLTN, World Bank Activity
Global Challenges related to Land

- Free market economies
- Democratization
- Privatization of lands & registration of property rights
- Population growth-rapid urbanization
- Accelerated development
- Environment & Climate change
- Global financial crisis
- New era of peace and harmony
Place matters- Need for spatial information

- Reliable cadastral information
- Education
- Professional ethics
Millennium Goals

- Sustainable urban and rural development
- Poverty reduction
- Climate change

- Social & economic reforms
  - Land reforms (urgently)
  - Readjustment of property rights

- Emphasis on security of tenure: who owns what (land parcel), for how long (type of right), for what purpose (land use)

Land is extremely political in nature
Urbanization is irreversible & is viewed as an indicator of Development

- It is a matter of human rights that people are free to choose where they will live

However....

- Nobody wants to live in a city which is congested, suffers constant blackouts and frequent floods, with few parks, awful schools and clinics, devoid of any buildings of charm and character, governed by incompetent public sector

- It is a matter of good governance to achieve sustainable urban growth

- Need to prepare the necessary infrastructure in the cities

- All must assume the costs of the natural resources they consume, knowing that their competitors do the same!
Urbanization is an irreversible process

Rapid urbanization/ growing inequality between rural and urban areas

Megacities: home to >10 million

- 1950s New York, Tokyo, Buenos Aires, European Capitals
- 2005 Latin America, India, North America, Asia
- 2015 Latin America, Central Africa, Asia
High urban densities

High urban densities in Hanoi

Satellite image

Master plan

Cadastral map

Also in Europe
Rapid Urbanization

Lack of Affordable Housing policies ➔ Informal Settlements ➔ Informal Real Estate Markets
Impacts of rapid urbanization

- Waste management - garbage treatment
- Energy, food, water insecurity
- Traffic Management
- Pollution
Disasters hit rich and poor alike

Sao Paulo

UK

New Orleans

Greece

Delhi

Hanoi
Negative environmental and food security impacts

- Use of large parts of forested land for the production of bio-fuels
- Dedication of large areas of fertile land in a country to the production of food for another country
- The unplanned expansion of urban areas on agricultural land or ecologically fragile areas (UN-HABITAT)
Climate change

(a) Graph showing the increase in CO₂-equivalent emissions from 1970 to 2004:
- 1970: 28.7
- 1980: 35.6
- 1990: 39.4
- 2000: 44.7
- 2004: 49.0

(b) Pie chart showing sources of CO₂:
- F-gases: 11.1%
- N₂O: 7.6%
- CO₂ (other): 2.8%
- Waste and wastewater: 2.8%
- Energy supply: 25.0%
- Forestry: 17.4%
- Agriculture: 15.5%
- Industry: 19.4%
- Transport: 13.1%
- Residential and commercial buildings: 7.9%

(c) Bar chart showing contributions of different gases:
- CO₂ from fossil fuel use: 85.6%
- CO₂ (destruction, decay of biomass, etc): 17.3%
- CO₂ (other): 2.8%
- N₂O: 7.6%
- F-gases: 11.1%

1st International Conference of the Albanian Association of Geodesy, Tirana, Albania
Dr Chryssy Potsiou, FIG Vice President

22 January 2011
Europe: Combined methods against rapid urbanization?

Compilation and maintenance of good land records

- **Motives for the farmers to eliminate urbanization** (e.g., clear rights, tax releases, tourism promotion, schools / education), that will make rural life quite attractive

  - Land consolidation projects, land-use zoning & urban planning projects

- **Administrative** (determination of responsibilities), legislative & perhaps constitutional reforms are needed
Examples of Land Reforms (rural and/or urban)

- Restoration of land rights, redistribution of state land rights or from owners of large estates to landless people,
- Formalization of land tenure (informal and/or customary rights)
- Changes in the technology and the type of agriculture for economic development and climate change (more competitive & productive, bio-products, organic fertilization, reforestation), in financing of development or the marketing of products
- Major construction/ infrastructure development
- Changes in the planning and building regulations (e.g., > urban densities, energy efficient buildings, move people from seashore, for the sake of climate change), city center redevelopment
- Urban or Village regeneration
Privatization, Access to land & regularization of land

- Privatization of rural and urban land – inefficient land administration systems??

- Rural land to low or middle class people? or to big investors?

- Regularization (cultural heritage, forests, public coastal zone, avoid fragmentation of rural land)

- Protection of private ownership rights, and private property?

- Pressures on land have grown, problems related to land tenure grow rather than diminish
Tools used for Land Reforms

Land administration systems,

Land-use zoning, spatial plans, regulations, city plans, urban regeneration projects, land taxation (alters the value according to its use and vice versa and leads to redistribution of land)

Land Takings (for public benefit?):

Land Exchange (Land-for-Land Exchange) (Lands Banks)
Voluntary Market sales (e.g., motives, land taxation, early pension)
Land Consolidation (voluntary, obligatory)
Compulsory purchase of partial rights
Land Expropriation (legitimate)

Protection of private property within free market economies
Land Consolidation in Europe

- Better quality of rural products, less costs, competitive
- Improve employment, rural livelihoods
- Infrastructure improvement
- Environmental aspects, disaster management (flooding), land-use reforms
- Access to Housing

Forest land consolidation: Sweden

Village redevelopment!
Land consolidation should not result in making people landless

Value of Private Properties should not be affected – valuation methods
Public trust is essential
Participation process in practice is essential (owners/ farmers and other sectors)
Trends in Europe

- Change of legislation for land consolidation
- Low cost (lack of funds)
- Less time-consuming
- Smaller projects
- Tangible results

Nature restoration in the Netherlands

Appears in land consolidation area

20

1st International Conference of the Albanian Association of Geodesy, Tirana, Albania
Dr Chryssy Potsiou, FIG Vice President
22 January 2011
<table>
<thead>
<tr>
<th>Year</th>
<th>Number of studies</th>
<th>Acreage (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>4.681</td>
<td>4,242,172</td>
</tr>
<tr>
<td>1990</td>
<td>4.015</td>
<td>3,412,724</td>
</tr>
<tr>
<td>1995</td>
<td>10.060</td>
<td>3,246,834</td>
</tr>
<tr>
<td>2001</td>
<td>7.031</td>
<td>3,100,415</td>
</tr>
<tr>
<td>2002</td>
<td>6.791</td>
<td>3,136,018</td>
</tr>
<tr>
<td>2007</td>
<td>7.461</td>
<td>2,985,198</td>
</tr>
<tr>
<td>2008</td>
<td>6.972</td>
<td>3,009,112</td>
</tr>
</tbody>
</table>
Accelerated Development
Accelerated Development - Land Takings
Land Expropriations- best practice

- Right for compensation (for all losses / depreciation in value)
- Land taking should be exercised only for public interest, in accordance with the legislation, in an objective, impartial, independent and ethical manner, preferably by administrative procedures
- Right to appeal to an independent court
- Payment of compensations shall be made in due time
- The obligation for restitution, in case of cancellation of the project, shall be determined by the law.

- FIG publication 54
The Norwegian NSDI: a step ahead in citizen participation

Reference geodata

- Properties, buildings
- Transport
- Hydrography
- Adm. borders
- Geodetic points
- Elevation
- Ortophoto

Thematic geodata

- Flood areas
- Population
- Land cover
- Biology
- Economy
- Health
INSPIRE

- INfrastructure for SPatial InfoRmation in Europe
  - [http://www.ec-gis.org/inspire](http://www.ec-gis.org/inspire)
  - Initiated by DG Environment, Statistics and Research

- INSPIRE principles; data should be
  - Stored, made available and maintained at the most appropriate level
  - Possible to combine from different sources
  - Possible to share between users and applications
  - Easy to discover, evaluate and find conditions for use
  - Available on conditions that do not restrict their extensive use
Service based infrastructure

- metadata
- view services
- download services

Public sector, national and European

Citizens and private sector
Services on MyPage

The illustration below presents the different types of services available on MyPage.

Register services provide citizens with personal data stored in public registers.

Notification services allow SPs* to correspond with citizens.

Transaction services allow citizens to interact digitally with public sector agencies.

Calendar services help citizens keep track of important dates and events.
Digital Planning Dialogue
Technical approaches alone are not sufficient; in order for any investment on major technical projects (e.g., cadastre, NSDI, etc) to be efficient and meet our expectations significant policy reforms are necessary. Effective land governance is critical to addressing these challenges.

Land governance recognises that land is not only technical but also extremely political in nature; improving governance on land requires bridging the gap and preventing conflicts between the so called formal, customary and informal systems and institutions.

It means establishing new partnerships between governmental authorities, people, academia and the private and professional sectors.