Land consolidation in Norway in an international perspective

Per Kåre Sky, 9. september 2014, Seminar in Land management and human rights, Bergen University College
Outline:

1. Introduction
2. Typical land tenure problems – some examples
3. The history of land consolidation in Norway
4. Organization of the land consolidation activity
5. Jurisdiction / tasks
6. The main objectives of land consolidation
7. Who can initiate proceedings?
8. Who is responsible for examining the situation?
9. Preparation and enactment of a land consolidation plan
10. Appeals and review of land consolidation
11. Something to learn from Norway?
1. Introduction

- Land consolidation is an international phenomenon
- It is a type of land reform
- It is given a guarantee that «no one should loose»
- Suffering under the economic crisis in Europe
2. Typical land tenure problems (Nolsøy, Faroe Islands)

- Small plots
- Fragmentation
- Challenging access
2. Typical land tenure problems (Kvivik, Faroe Islands)
2. Typical land tenure problems (Spain, Galicia)

- Small plots
- Fragmentation
- Joint ownership in the outfields
- Lack of roads
And how to take care of the cultural landscape?
One large plot designed by 52 small plots!
2. Typical land tenure problems – roads (Spain, Galicia)

New roads planned and built as a part of LC
2. Typical land tenure problems (Access to plots - Cyprus)

Source:
2. Typical land tenure problems (Cyprus)

Roads with white surface often means a road built as a part of land consolidation
2. Typical land tenure problems – need infrastructure (Galicia)
2. Typical land tenure problems (antiquated irrigation methods - Cyprus)

2. Typical land tenure problems (Germany)

Source: Prof. Dr.-Ing. Joachim Thomas,
2. Typical land tenure problems (Germany)

- Inner development of rural settlements
- Village development!

Source: Prof. Dr.-Ing. Joachim Thomas,
2. Land consolidation can also cause severe problems (Galicia)

Building of roads in LC-areas
"They are many"

Photo: Emilo Diaz, University of Santiago de Compostela
2. Land consolidation can also cause severe problems (Galicia)

"They are often wide"
- to meet modern standard

Photo: Emilo Diaz, University of Santiago de Compostela
2. Land consolidation can also cause severe problems (Galicia)

"They are steep"

Photo: Emilio Diaz, University of Santiago de Compostela
2. Land consolidation can also cause severe problems (Galicia)

"They are very steep!"
2. Land consolidation can also cause severe problems (Galicia)

And they cause erosion!

Photo: Emilo Diaz, University of Santiago de Compostela
2. Typical land tenure problems in Norway today

The answer!
«There is no typical problem»

If I have to mention some;

- Still many disputes about boundaries and easements (50 % of the caseload)
- Rules relating to joint use of an area (§ 3-8)
- Private roads (maintenance, new participants, ..)
Joint use! Need of rules!

Hunting
Fishing
Pasture
Forest
Grazing
Recreation
Housing
....
...
Typical boundary dispute in Norway
3. The history of land consolidation Norway

- Roots back to 1274 in the first written laws (regional laws and Magnus the Law Mender)

- The first specialized law in 1821. Land consolidation was led by the chief local judge *(No.: Sorenskriver)*

- New law in 1857 and in now land consolidation was led by a land consolidation officer
  - Problems to be solved was fragmentation of plots and joint ownership in infields and outfields

- The land consolidation service established 1859

- New law in 1881. Land consolidation is organized in a special court *(No.: Utskiftningsrett)*
3. The history of land consolidation Norway

- New legislation in 1950 and in 1979
  - Changes in jurisdiction such as cases of appraisement
  - “The LCC jurisdiction is a set of different instruments to solve problems of land tenure”
  - In 2006 LCC got formal jurisdiction to handle land consolidation cases for all types of properties (urban land consolidation)

- New act (2013) coming into force 1\textsuperscript{st} January 2016
  - Continued increase of jurisdiction
  - Simplified appeal system from two tracks to one track
4. Organization of the land consolidation activity (I)

- As part of the administration (Sweden and Denmark)

- Temporary commissions (the Netherlands, Belgium and Spain)

- Land Consolidation Programs (Eastern Europe)

- Special commissions for parts of the process or the hole process (Turkey and Cyprus)
4. Organization of the land consolidation activity (II)

- Representation of landowners in the commission (Germany and Cyprus)

- In some cases, led by an official or supervised by a court (Spain and Lebanon)

- Consultants perform (large) portions of land consolidation efforts (Spain, France and Eastern Europe)

- Norway totally within the court system
5. Jurisdiction / tasks

➢ “Traditional” land consolidation in rural areas
  o Dissolving joint ownership in the infields or outfields (§ 3-6)
  o Reallocating landed property through exchange of land (§ 3-4)

➢ Rural development, establishment of infrastructure (road and water) (§ 3-9)

➢ Land readjustment or urban LC (§ 1-2 and chapter 3 II)
  o Other countries; Japan, Sweden, Germany, Canada, Australia, Taiwan, South Korea and India (In Norway from 2006)
5. Jurisdiction / tasks

- Village development *(German: Dorferneuerung)*

- Nature protection measures

- Norway:
  - Land consolidation in rural and urban areas
  - Handling of disputes
  - Court hearings concerning cases of appraisement

  In other words - «one stop shopping model»
6. What are the main objectives of land consolidation

<table>
<thead>
<tr>
<th>Objective</th>
<th>Finland</th>
<th>Germany</th>
<th>The Netherlands</th>
<th>Sweden</th>
<th>Galicia (Spain)</th>
<th>Norway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improvement of agricultural land division</td>
<td>XXX</td>
<td>XXX</td>
<td>XXX</td>
<td>(X)</td>
<td>XXX</td>
<td>XXX</td>
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<tr>
<td>Improvement of forest land division</td>
<td>XX</td>
<td>(X)</td>
<td>(X)</td>
<td>XXX</td>
<td>XXX</td>
<td>XXX</td>
</tr>
<tr>
<td>Improvement of property division in village centres</td>
<td>X</td>
<td>XXX</td>
<td>XXX</td>
<td>0</td>
<td>0</td>
<td>X</td>
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<tr>
<td>Reallotment of leasehold areas</td>
<td>X</td>
<td>XXX</td>
<td>XXX</td>
<td>X</td>
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</tr>
<tr>
<td>Enlargement of the farm size</td>
<td>XX</td>
<td>XXX</td>
<td>XXX</td>
<td>XX</td>
<td>XX</td>
<td>0</td>
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<tr>
<td>Land use planning in village centres</td>
<td>X</td>
<td>XXX</td>
<td>XXX</td>
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</tr>
<tr>
<td>Acquisition of land for the municipality/state in village centres</td>
<td>0</td>
<td>XX</td>
<td>XX</td>
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<tr>
<td>Readjustment of building land (homestead areas) in village centres</td>
<td>X</td>
<td>XX</td>
<td>XX</td>
<td>0</td>
<td>0</td>
<td>X</td>
</tr>
<tr>
<td>Improvement of road network in the land consolidation area</td>
<td>XX</td>
<td>XXX</td>
<td>XXX</td>
<td>X</td>
<td>XXX</td>
<td>XXX</td>
</tr>
<tr>
<td>Improvement of drainage network in the land consolidation area</td>
<td>XXX</td>
<td>XXX</td>
<td>XXX</td>
<td>X</td>
<td>XX</td>
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</tr>
<tr>
<td>Implementation of environment and nature conservation projects, etc</td>
<td>X</td>
<td>XXX</td>
<td>XXX</td>
<td>X</td>
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<td>0</td>
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<tr>
<td>Promotion of regional development projects</td>
<td>X</td>
<td>XXX</td>
<td>XXX</td>
<td>X</td>
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<td>0</td>
</tr>
</tbody>
</table>

**Legend**

- **XXX** = primary objective
- **XX** = secondary objective
- **X** = of minor importance
- **0** = not the objective

Vitikainen (2004) is responsible for Finland, Germany, The Netherlands and Sweden.
7. Who can initiate proceedings?

- Landowners or holders of easement
- Landowners' organizations (the Netherlands, Spain and the former Yugoslavia)
- Land Consolidation Authority (central government)
- Optional (has not been a success)
- Forced (France and Germany)
- Political decision where it should be land consolidation (Galicia, Spain)
- Propaganda campaigns to convince landowners (Cyprus and Spain)

- Double majority ((owners + value) Denmark, Cyprus, Japan)
- Simple majority

- Norway: Owner of a property or easement (1 is enough!)
8. Who is responsible for examining the situation?

- The land consolidation authority (LCA) (Sweden and Denmark)

- The owners have to obtain evidence and necessary documents

- Information from the cadastral authority (Cyprus…)

- First level of dispute resolution done by the LCA (Denmark, Sweden, France, Spain)

- Norway: A combination of LCA and the participants dependent on the type of case
  - Boundary disputes – Normal court procedure
  - Land consolidation – combination of LCA and participants
8. Who is responsible for investigating? (Valuation committee – Cyprus)
Meeting people! (Presenting the plan - Cyprus)
Meeting people! (trying to convince the LC officer, Spain)
9. Preparation and enactment of a land consolidation plan

- The Land Consolidation Authority (LCA)
- Land Consolidation Authority together with the parties to a greater or lesser extent
- The landowners (Austria)
- Consultants on behalf of a LCA (Spain, Galicia)
- Hearing of the plan in a special court (Lebanon)
- A percentage of the total area within LC set aside for municipal purposes (the Netherlands, Germany, Faroe Islands)
- «Cadastre land consolidation»

- Norway: The land consolidation court (of course input from the parties involved)
10. Review or appeals of land consolidation

- Possible to appeal in different phases of LC
  - Adoption of the situation before LC
  - Adoption of the valuation
  - The final plan

- To a higher level within the public administration
- To a special commission
- To the ordinary courts
- To special courts (Sw.: Fastighetsdomstolen)

Norway: Complicated system
- Judgments to the court of appeal
- «The remaining» to the land consolidation court of appeal
- From 2016 all appeal to the court of appeal
Student project – Bergen University College

Source:
Case study – Vyzakia land consolidation scheme

- Visited in 1999, 2004 and 2008
- Documented with photographs and fieldwork done by 4 bachelor students from Bergen University College in 2008 (study area 2.5 hectares)

- The situation:
  - Only 119 of 511 holdings (plots) had road access before LC
  - Built 10 km of new roads
  - Number of holdings reduced to 335
  - Number of owners reduced from 445 to 268 after LC
  - The size of the average holding increased from 0.14 hectare to 0.34 hectare
  - Reduction Index* = 1.53

* Reduction Index = Parcels before LC / Parcels after LC
Case study – Vyzakia land consolidation scheme

Vyzakia in May 1999

New roads built, but holdings were still laid out as prior to consolidation
Case study – Vyzakia land consolidation scheme

Vyzakia in July 2004

New owners had taken over their holdings in 2000
Case study – Vyzakia land consolidation scheme

*Vyzakia in April 2008*

*The new situation is now established*
What had happened in Vyzakia land consolidation scheme?

- Prior to the LC, the landscape was relatively monotonous and limited agricultural creativity

After:
- The landscape had undergone moderate change
- Boundaries straightened out and plots had more logical shape
- The landscape was more varied – lush and had a variation of new agricultural products
- Crops requiring more water had been established
11. Something to learn from Norway?

- Totally different organization
  
  but

- Many similarities in the process
  
  and

- More or less the same result!

- One stop shopping is time saving

- Need for prioritization of cases

Danger – judicialisation of the land consolidation process!