

Mediation as a Component in Land Consolidation

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ABSTRACT

The land consolidation service is now being restructured in Norway. In this paper we discuss three different organizational models which are under consideration: (1) a specialized court; (2) a model structured as an administrative body; and (3) a hybrid. The purpose of this paper is to discuss which of these models provides the best environment for negotiation and mediation for land consolidation officers. Research shows that interest-based mediation provides better solutions for the parties than rights-based adjudication. The paper is based on fieldwork in several countries, literature reviews, and an in-depth study of land consolidation in Norway.

Theoretically, we have used transaction cost theory and the competence perspective. Moreover, we have drawn from resource-based theory so that our analyses have combined four effectiveness criteria for dispute resolution: fairness, efficiency, wisdom, and stability. We found that with court administered mediation the special court would provide the best environment for mediation. The crucial point is that in order for the land consolidation service to be effective, it must retain the opportunity to make decisions when the parties disagree.

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