



Leased Land in Land Consolidation

Sofia, 20 May 2015

Marije Louwsma
Christiaan Lemmen




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feitelijk verrassend

Introduction

- Objectives:
 - Explain why leased land is important to include
 - Explain how this can be done
- 3 different countries with different context:
 - Netherlands
 - Romania
 - Turkey

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Land consolidation and food security

- Land consolidation can be defined as:

“the planned readjustment of the pattern of ownership of land parcels with the aim of forming larger and more rational holdings” (Pasakarnis and Vileine, 2010)

- Land consolidation contributes to food security by counteracting land fragmentation
- Land consolidation is based on land rights

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Land rights

- 3 groups of land rights:
 - Real rights (e.g. ownership, usufruct, long lease) } Ownership
 - Formal personal rights (e.g. land lease) } Leased land
 - Informal personal rights (e.g. family arrangements) }

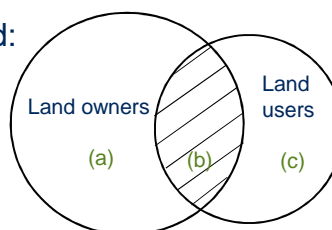
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Ownership and leased land

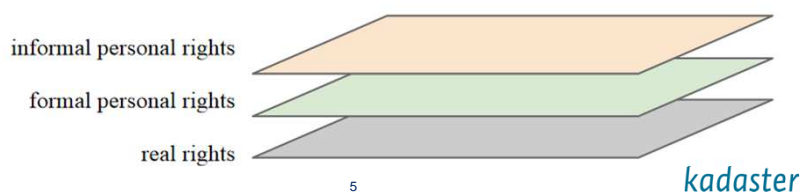
- Relation owner – user – land:

- (a) land owners not using their own land
- (b) land owners using their own land
- (c) Land users who do not own the used land



(after Van Dijk, 2003b)

- Spatial distribution of ownership and use rights:



The Netherlands

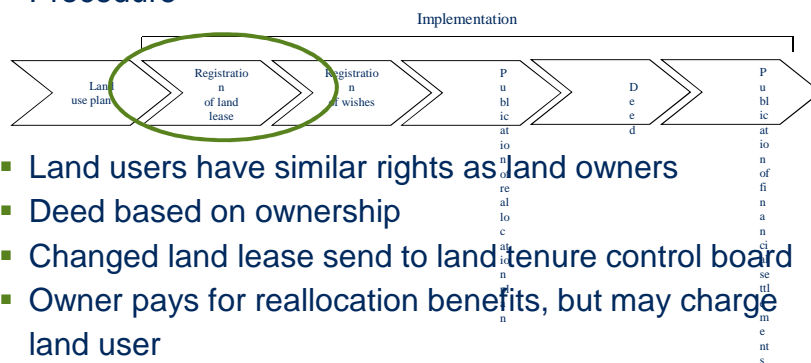
- Legislation on land consolidation available
- Ownership and formal land leased included
- Informal lease arrangements are often ignored; lease period shorter than land consolidation project
- Good land administration system, but land lease not included

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The Netherlands

- Procedure



- Land users have similar rights as land owners
- Deed based on ownership
- Changed land lease send to land tenure control board
- Owner pays for reallocation benefits, but may charge land user

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The Netherlands

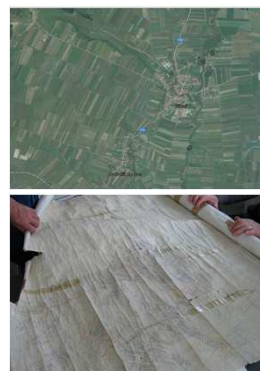
- Registered and approved lease in Blokzijl-Vollenhove



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Romania

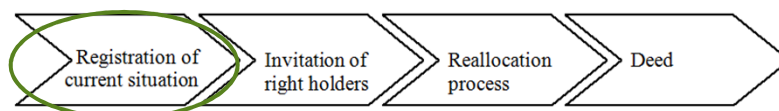
- Despite efforts no legislation yet on land consolidation
- Complex history regarding land administration
- Land redistribution to owners prior to socialist regime led to:
 - land fragmentation
 - absentee owners
 - uncertainty about boundaries
 - preliminary ownership rights



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Romania

- Developments affected land administration
- Including use rights even more important
- Technical procedure (not based on legislation):



- Land consolidation may lead to less complex relations

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Turkey

- Two sets of law apply:
 - On agrarian reform due to land reallocation in irrigation fields
 - On soil protection and land use
- Aim to:
 - decrease socio-economic differences
 - improve agricultural production
 - improve livelihoods in rural areas

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Turkey

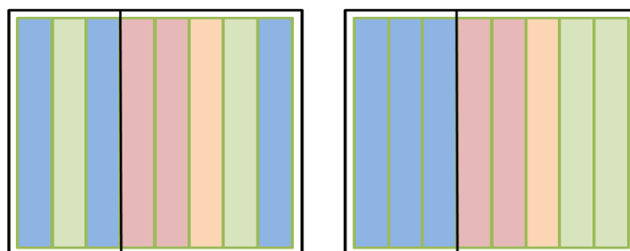
- Several parties may implement land consolidation:
 - General Directorate of Agricultural Reform (TRGM)
 - General Directorate of State Hydraulic Works
 - Municipalities
 - Province private administrations
- Design reallocation plan by private companies:
 - In accordance with land owners
 - Under supervision of TRGM
 - TRGM accommodates expression of preferences or alternative choices regarding new allocation
- Land owner's preferences are decisive; land owner may allow tenants to formulate their preferences
- Tenancy recorded in village books (since 2002)

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Rights in land consolidation

- Leased land in relation to ownership
- before (left) and after (right) land consolidation



Legend

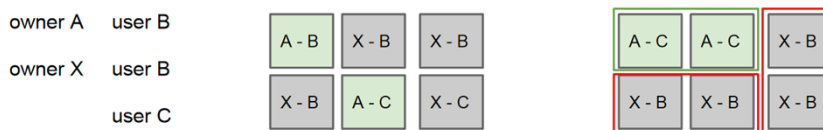
- Land owner (ownership rights)
- Land user (formal and informal use rights)

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Rights in land consolidation

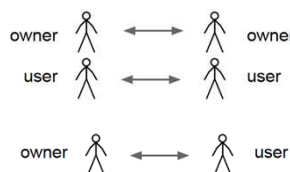
Example:



Allocation owners does change
Allocation users does change

Relation owner - user does change:
from A-B / A-C / X-B / X-C to A-C / X-B

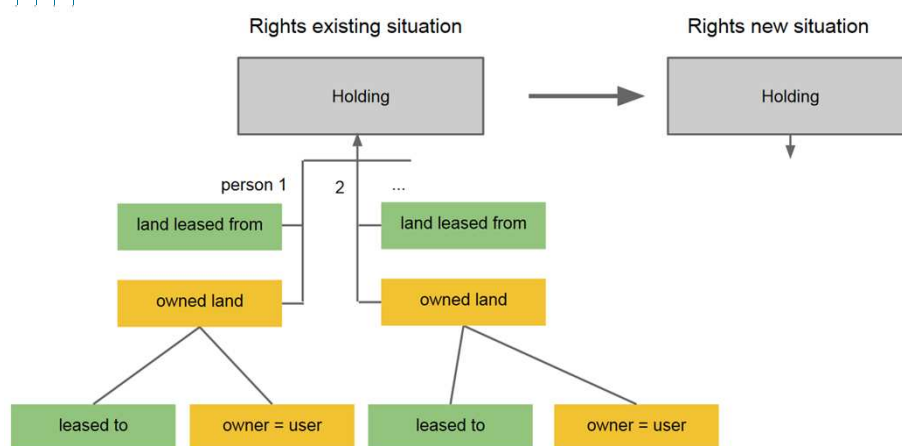
Improvement allocation owners
Improvement allocation users
Improvement, i.e. less complex, owner - user relations



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Rights in land consolidation



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Conclusions

- Include ownership and use rights in land consolidation:
 - to counteract land fragmentation
 - to improve food security
- Accessible information on ownership and leased land necessary:
 - plea for land administration system including both
- Extent to which leased land is taken into account and how this can be done varies; principle of reallocation remains in place

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