



THE INFLUENCE AND RELEVANCE OF SOCIAL VALUES AND BELIEVE SYSTEMS IN LAND READJUSTMENT PROCESSES

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Abstract

Land readjustment is on the one hand widely acclaimed as one of the alternatives for land expropriation in spatial planning and development processes, yet on the other hand criticised as being an instrument that is not always solving the socio-spatial problems for which it was actually employed in the first place. A vast amount of literature exists which compare land readjustment internationally and locally from a procedural, legal and economic point of view, however there still exists a research gap in evaluating to which extent social values and belief systems, or the redistribution thereof, are sufficiently represented in the readjustment outcomes. To investigate this aspect one needs a framework which captures, assesses and evaluates social values alongside economic values. Recent discussion about the use of indicators on spatial development and spatial injustice call for a greater relevance of incorporating more quantitative values related to property management and investment. Such qualitative values associated with strategic spatial development, changes in society, calls for ecological protection and new forms of land governance need to be better integrated in spatial development and land management processes. ‘Social’ values exists through the generation, legitimation and/or institutionalisation through social interactions. Social values systems are then sets of values which guide social behaviour and which provides agreed sets of frames for social actions. Social values in land management can be investigated through a theory of meta-governance of land, which assumes that processes and outcomes of land interventions are influence by co-existing and mutually influencing social value systems, which ultimately derive social outcomes such as (the perception of) inclusiveness, justice, fairness, stability, spatial responsibility, social responsibility (neighborship), (tenure) security, respect, and care. When assessing the degree to which such value systems are actively addressed and pursued in land readjustment processes then the documented evidence suggests that there is still a long way to go. Economic efficiency interest still outweigh the social interests. Hence, there is a need to re-

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evaluate and redesign land adjustment processes which can better incorporate social needs and social perceptions.

Key Words: land consolidation, land management, land readjustment, social values, urban development, urban planning

1. INTRODUCTION

Land readjustment is an instrument of spatial planning and land management whereby usually land is pooled in order to redesign the land use and the spatial structures, combined by pooling and sharing the cost for the investment in the area. It is on the one hand widely acclaimed as one of the alternatives for land expropriation in spatial planning and development processes (Cahill, 2018), yet on the other hand criticized as being an instrument that is not always solving the socio-spatial problems for which it was actually employed in the first place (Gielen and Mualam, 2019). Although seemingly a rather technocratic process, the outcomes of such a process largely depend on choices and agreements made in the redesign process and land readjustment plan. Many of such choices depend on either human discretions, social preferences, social agency, powering and influence, and social behavior. Yet, the question remains: to which extent are social and societal values incorporated in land readjustment rules, processes and outcomes? Despite the fact that most urban readjustment, renewal, renovation, reconstruction and reform projects aim ultimately to deliver social and societal benefits, it is not always evident which of these are really achieved. Instead, there is a predominant emphasis on economic, legal and spatial (geometric/geodetic/geographic) aspects (de Vries and Voß, 2018). It is not the aim of this paper to deny the relevance of these aspects. Instead, the paper will argue for the additional relevance of social aspects. The problem is however that these aspects need to be better concretized, measured and evaluated. Once this is done it can derive a more comprehensive framework of readjustment design and evaluation. This paper derives some of these values, based on both personal and documented experiences.

METHODOLOGY

The approach in this paper is relying on situational analysis of a number of cases. Situational analysis is suitable when aiming to understand the social worlds and social dynamics through describing discursive



and symbolic other elements in a particular context or situation and is particularly suitable when investigating a complex situation where multiple arenas, administrative levels and authorities and sequences of events interact (Vinge, 2018). This methodological choice allows connecting personal experiences in land consolidation and land readjustment projects with insights and analyses by jointly executed research and those research results provided in recent literature. The personal experiences start from both my original education in geodetic engineering which led me work in land consolidation and land reform projects in Indonesia and Namibia amongst other, and my living and housing experience in areas where urban readjustment took place, such as in the Netherlands, Germany and Rwanda. From these I got first hand experience in what seems to work and what seems to be complicated. In addition to these working experiences, I connect a number of jointly executed research experiences in the field of land consolidation and readjustment, focusing on evaluating impacts of land readjustment and urban development projects (for example on the degree to which spatial justice is achieved through these projects) and on evaluating the execution of the projects (the personal experiences of project managers).

Reflecting on land readjustment from a rural development perspective makes sense. Land readjustment can be seen as the urban equivalent of land consolidation, although the two instruments are not entirely the same and although sometimes the term ‘urban’ land consolidation alongside the term land readjustment. Land consolidation in a rural setting is usually a means to develop new socio-economic opportunities by shaping new farmlands, exchanging land rights, developing new infrastructure and, protecting the environment. Land consolidation acts have in many countries gradually changed in order to incorporate an increasing variety of requirements. Gradually it has become a component of integrated rural development on the one hand, and major infrastructural development on the other hand. In all cases, it involves the establishment of new boundaries, both in land ownership and sometimes also in land use. The major advantage of opting for land consolidation as opposed to others land interventions is that the aggregate value of the land should be increased and usually the degree of fragmentation – usually in ownership, although one could also include land use - should be decreased. A key aspect of land consolidation is also the inclusion of stakeholders in the process of readjustment, re-allotment and final allocation of new parcels, rights and values. Another aspect of land consolidation concerns the adequate compensation if the allotted parcel does not have the equivalent value as the pooled parcel. All of these aspects are equally valid in urban land consolidation, and therefore the rural perspective on urban instruments would be relevant at first glance, especially considering that urban and rural regions are increasingly merging or intertwining.



Using situational analysis is applied to evaluate how cases of land readjustment are situated in its socio-institutional context and what do people say and think about it. Core objective in all these cases is what can be learned in terms of social and societal values. The cases include the following countries and types of land consolidation and/or land readjustment projects:

- Indonesia – rural land consolidation
- Namibia – urban - informal - land reform
- Netherlands – urban land readjustment
- Rwanda – urban land resettlement
- Europe – study on urban and rural land consolidators

From these cases the aim is to derive a synthesis related to social and human values.

CASES

My first experience in land consolidation concerned contributing to a rural land consolidation project in Lampung, Indonesia from 1989 till 1992. Goal of the project was to redistribute land after reclamation of a swamp area. The project area hosted and attracted many transmigrants from other parts of the country, in addition to a number of residents who would consider themselves as original Lampungese. In other words, there was a mixed population and land which became available for agriculture after reclamation. The land needed to be equally adjusted to the present population, land tenants, 1 ha for each farmer. The land readjustment thus consisted of reshaping the landscape into plots of 1 ha, mostly in square or rectangular shape, with slight alignments according to the shape of the new drainage canals. All acknowledged land tenants were supposed to receive a registered title certificate, registered on the name of both spouses, to ensure tenure security for the entire household. Farmers were furthermore further educated in agricultural practices and opportunities in order to empower them to increase their agricultural production. Overall, the reclamation provided new settlements and agricultural production facilities. However during the project period, and long after the end of the project, the area witnessed social tension between new residential communities, overlapping land claims, land speculation and social unrest. Moreover, following an exploratory research many of the new title holders has sold their land fairly soon after they had received their certificates. Hence, from what had been originally designed as a fair redistribution and readjustment of land had quite quickly been converted into a landscape of few owners and many leaseholders (Abelen and de Vries, 2016). What had probably gone ‘wrong’ was a lack of appreciation for social needs and



expectations during the land re-allocation. Whilst a lot of attention was paid on the shape and size of the technical land readjustment plan alongside with the agricultural economic opportunities, there was a lack of acknowledging the social situations in which most of the original population and transmigrants were living. Perhaps they did not necessarily come to the area to start or continue a farming practice, but also to start other types of businesses, or even to stay for shorter periods in the area than anticipated by the project. Moreover, a collaborative plan together with stakeholder and possible land claimants and speculators was not made. Hence, social values of inclusiveness, stability, neighborhood were insufficiently fostered to sustain the land tenure situation.

A later experience in Namibia concerned a land reform program for which capacity needed to be built for and within the Ministry of Lands, Resettlement and Rehabilitation. The project was started in 1997 and would continue for 10 years. Aim of the institutional support and capacity development was to design and implement an educational program for paraprofessional community surveyors and land use planners which would implement the anticipated flexible land tenure act upon approval by the government. In large parts of Namibia land ownership was not divided equally and the flexible land tenure act aimed at securing land tenure for larger parts of the population through an upgradeable system of land rights. In other words, the land reform consisted of both new surveying implementation rules and an associated readjustment of land rights, both in informal settlement areas and in communal areas (de Vries, 2004, de Vries, 1999). The idea was that land reform and land readjustment would ultimately change the social inequity and create better spatial and social justice regarding land rights. This assumption was however severely slowed down by the delays in formulating and ratifying the Flexible Land Tenure Act, which only occurred in 2012. After this, the actual implementation of the Act needed to be organised by a regulation board. Due to political disagreement this process was only completed by 2018. Hence, it took about 20 years before the Act to regulate informal tenure was actually in place. In other words, all this time informal tenure continued and land allocation and/or readjustment could not be carried out formally – only in several pilot projects. One of the key complications were the different epistemic professional values regarding how to implement the cadastral surveys and registration. A dual system, one alongside the existing system, would possibly create uncertainty in the value of those parcels registered under the progressive, flexible land tenure system.

The third experience concerns the land readjustment in Enschede, Netherlands after a major explosion of a firework factory, which destroyed an entire residential area, close to the centre of the city on 13 May 2000. It 177 ton of firework exploded after a chain reaction of smaller explosions, which destroyed an area of



42,5 ha (~ Vatican city), affected 650 houses, 500 small sized enterprise buildings and 8 associations residing in buildings. It destroyed 400 homes and damaged 1500 buildings of the residential area. Factors which needed to be taken into account for the reconstruction and readjustment included: how to include the former residents, how to reconstruct their property rights, how to ensure new work opportunities, how to create or maintain the character of the former area, and how to preserve and/or reconstruct the memory and cultural identity (de Vries, 2016). It was found that with cultural memory reconstruction buildings may lose value in authenticity, because they are no longer original and can no longer be identified with the building labour of the past. The preservation and reconstruction of memory and cultural identity strongly depends on: imitating and prolonging traditions, physical recollection of the past personal linkages from the present to the past, reconstructing artefacts with the aim to restore previously existing values, and making both a physical and symbolic connection to the past. For this reason the objectives of the reconstruction and readjustment of the area were to maintain the area as a specific quarter with its own characteristics, especially the mixed types of social and economic activity and socio-economic backgrounds; to ensure the possibility for all previous residents and small enterprises to return to the area; to maintain part of the original layout of the area; to maintain or reconstruct old industrial buildings and restore the industrial heritage; to ensure that the area has an economic future; to interconnect the area as closely as possible with surrounding areas / quarters; to support autonomy of the area in terms of development and economic activity.

The fourth insight is derived from the urban re-development experience in Kigali, Rwanda, which was evaluated from the perspectives of land tenure security and spatial justice (Uwayezu and de Vries, 2018, Uwayezu and de Vries, 2019b, Uwayezu and de Vries, 2019a). Goal of the redevelopment was to renew the urban residential areas by relocating poorer, informal settlers in the centre of Kigali to other defined areas on the outer skirts or the boundaries of Kigali whilst upgrading the inner city. Part of the upgrading would be dedicated to forms of social housing. The spatial justice elements which were looked at concerned procedural, redistributive and recognitional justice. Each of these aspects appeared to be closely related to elements of land tenure security, including legal (de jure), de facto and perceived tenure security.

The final experience with land consolidation concerns a study on land consolidation practices in Europe. The study was executed in the context of a collaborative study under the auspices of the Working Party for Land Administration (WPLA). Goal of the study was to get a subjective insight from senior land consolidators on the actual work of land consolidation in their respective countries. The study assembled



experiences related to their perceived successes and difficulties, changes in practices and regulations and working together with farmers and administrations. From this study we could derive that success of land readjustment was often associated with opportunities and legal recognition of voluntary land consolidation, size of the project (Project area not too big: 200 participants and 2000 ha or 500 parcels), (Low) Number of objections, presence of Land banking and financial incentives, and the need to be connected to multiple policy agendas (in cl. rural development, spatial justice, integrated land and water management). What also became apparent from these experiences is that land readjustment requires a certain number of specific social skills and understanding of human values, such as a high ability to compromise, the art of communication by the responsible persons, a deep interest in all people living and working in the area, competence to deal with people, to motivate and inspire them, never to be discouraged from setbacks, be open for new challenges and have a personal vision (de Vries et al., 2019).

DISCUSSION

The experiences demonstrate that the practice of land readjustment requires a set of particular skills and attitudes which one can learn mostly from practice (i.e. learning by doing). One can argue that there is a steep learning curve to become land consolidator and/or professional in land readjustment, whereby experience is significant and whereby there is no obvious curriculum to prepare land consolidators except by showing examples. At the same time, one can also see a set of general aspects which seem to be similar for all cases and experiences. First of all, there is a set of common human values, which could be summarised by:

- recognition of human identity (or human recognition). This is the notion that all people in projects are potential stakeholders, whose interests need to be heard. Each stakeholder needs to be brought along in defining, achieving, maintaining the results.
- diversity and subjective values and belief systems. Opinions and perceptions differ per person but can probably be clustered around certain themes. So, instead of grouping people by their characteristics one should cluster views and opinions by their similarities. Only in such a way one can truly understand how and where disputes or resistance may emerge and where and how common themes and undisputed items exist.
- Sentiments are temporal and topic specific. People may have strong feelings about a particular issue or a particular person. This may affect the effectiveness of the process.



- The aspect of human dignity needs to be properly understood both from a human rights perspective and from the perspective of community identity and belief affiliation.
- People live and work in social relations, i.e. in personal relationships, groups, communities. This implies that group behavior or peer pressure may influence individual decisions or discretions. This may have an influence on acceptance or resistance of collaborative projects or decisions.
- Choices and decisions are not always rational. There is a certain degree of bounded rationality in the manner in which decisions are taken or in which decisions are coming to the forefront. Such bounded rational and/or discretionary behavior needs to be taken into account. It is not always so that people prefer the most efficient or economic solution. They may prefer other options for other reasons.

To investigate these social aspects one needs a framework which captures, assesses and evaluates social values alongside economic values. (de Vries and Voß, 2018) argue for example that in land interventions three types of social values are important:

1. values related to administrative duties and responsibilities. These include Responsibility to the citizen in providing land related services, Responsibility and accountability of the elected politicians to make responsible land related decisions, Proper and efficient use of public funds to support land interventions including land readjustments, Compliance with the laws related to land readjustment, Integrity and honesty, Facilitating the democratic will which acknowledges input and respect for all relevant stakeholders,
2. services oriented values. These include Service to the citizen in his or her different roles (a citizen is multi-dimensional), Respect for the individual, Responsiveness, Effectiveness, Efficiency, Transparency
3. socially oriented values. These include: Inclusiveness, Justice, Fairness, Equality of treatment and access, Respect for the citizen, Due process, Protecting citizen privacy, Protection citizen from exploitation, Protecting citizen security, Accountability to the public, Consulting the citizen, Impartiality

One could argue that ‘social’ values exists through the generation, legitimation and/or institutionalisation through social interactions. Social values systems are then sets of values which guide social behaviour and which provides agreed sets of frames for social actions. Social values in land management can be investigated through a theory of meta-governance of land, which assumes that processes and outcomes of



land interventions are influenced by co-existing and mutually influencing social value systems, which ultimately derive social outcomes such as (the perception of) inclusiveness, justice, fairness, stability, spatial responsibility, social responsibility (neighborship), (tenure) security, respect, and care. A theory of meta-governance of land need to rely on existing practices of land management, whereby influencing and steering land matters follow characteristics of governance networks related to land related sub-policy systems (de Vries, 2018). The core elements of land meta-governance can be defined through the tools of governance approach (Hood and Margetts, 2007), but applied to land domain. In this case it would include the land related nodality, authority, treasure and organizational resources on the one hand, and the tools of discursive framing, institutional design, network facilitation and network participation related to land matters on the other hand. Such tools need to be combined however with operant social belief systems. The above examples showed that belief systems are dynamic and highly complex. de Vries (2018) finds 4 principle belief systems on land: 'community-attentive', 'community-participative', 'community-based', 'community-ruled'. These core belief systems provide a reference system on the basis of which further land related beliefs systems can be mapped. The formulation of core elements of land meta-governance helps to overcome the disciplinary differences and provide an alternative view on land governance and associated land policy.

Based on these additional values, de Vries and Chigbu (2017) formulated a framework to evaluate to which extent land interventions, such as land readjustment interventions, are responsible. The framework combines 8 aspects through which land interventions can be evaluated, either before the intervention (a priori) or after the intervention has taken place. The 8 aspects include: responsivity, respectedness, reliability, resilience, robustness, reflexiveness, retraceability and recognizability. Each of the aspects can be connected to different steps and components of a project intervention: structure, processes and outcome. The result of the assessment is therefore a qualitative and/or quantitative tool which can be used to describe, compare and improve certain interventions. The goal of the 8R framework is also to make 'responsible' more measurable and comparable.

Finally, one needs more integrated indicators to make more specific and detailed assessments. Recent discussion about the use of indicators on spatial development and spatial injustice call for a greater relevance of incorporating more quantitative values related to property management and investment. Such qualitative values associated with strategic spatial development, changes in society, calls for ecological protection and new forms of land governance need to be better integrated in spatial development and land management processes. The frameworks of (Uwayezu and de Vries, 2018) specifies indicators for spatial



justice and land tenure, whilst that of (Maduekwe et al., 2019) looks at aspects of human recognition for example. Combined such indicators can support the assessment of land adjustment projects, and complement the 8R framework of responsible land management interventions.

CONCLUSION

Land readjustment is not just about addressing urban problems by designing the most optimal technical / construction, institutional, ecological or socio-spatial solution, and not just an alternative to expropriation. It requires an integrated approach in which all of these aspects are incorporated on an equal basis. Technical designs have social impacts, and socially constructed technical designs may also have negative economic effects for example. Currently however economic benefits are still acting on the forefront. This is what experts and professionals implicitly state when they argue that practitioners need more social skills and social affinity. Such social skills and attitudes remain however difficult to train. One should have a clear understanding on the one hand, but also have the right approach from the start.

Further to acknowledging that social values need to be incorporated in designing and evaluating land readjustment projects, there needs to be a system to understand land management interventions in general. This requires a new framework in which human and social values are defined and measured alongside economic and ecological values for example. This requires however also a proper understanding of the methodologies of measurement and assessment itself.

Land readjustment is not just a matter of rural development. It can equally be applied in an urban context, be it with different constraints and possible solutions. The key learning lessons for urban areas are to pay specific attention to

- Participation, inclusiveness, engagement, voluntary participation
- Simplification of obtainable goals in a language understood by all participants,
- Creating overseeable projects,
- Supporting the development of ownership of project / identity of space / recognition
- Paying particular attention to neighborhood, community preferences and values, group and place affinities



It is important that these social aspects not neglected. Further research should therefore also be carried out in how such aspects are and/or can be fostered.

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