



Pre conditions LC

Conditions (Hartvigsen):

- 1) Land consolidation is embedded in land policy
- 2) Legal framework for land consolidation
- 3) Public lead agency established
- 4) Secured funding to plan activities
- 5) Technical and administrative capacity

Conditions for land rights through LC:

- 1) Integrated approach
- 2) Legal protection
- 3) Social acceptance all stakeholders

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Legal process

Legal protection of owners:

- List of rightful claimants (inventory of properties)
- Re-allotment plan
- List of financial arrangements



Public inspection and Process of objections → Provincial Government – Court – Supreme Court)

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List of rightful claimants

- Owners
- Burdens, servitudes
- Mortgages
- Long leases
- Tenants with short leases is not registered in Netherlands' Kadaster

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All in cadastral registration

List of rightful claimants

- Determine who has a right for allocation of land (entitled land owners), based on register Dutch Cadastre
- List gives owners right to receive land of same type, quality and acreage as he/she brought in

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What if...?

Land administration is incomplete, contains flaws

Unknown rights:

- Who are legal heirs?
- Owners are living abroad
- Historical use rights



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Steps to registration

- 1. Consistency check for existing administrative and geometric data from large registry and Cadaster
- 2. Comparing the legal late with the factual land use in the field
- 3. A check on complete the check if all existing titles are known)
- 4. Agreement between land the ners and land users (and the notary)

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Land banking Netherlands

- State owned land: revolving to start the puzzle
- Owners' land that is sold to land bank
- Parcels of un-known owners
- Parcels of absent owners

> Allocation right<

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Increase social support

- Board committee of representatives (all stakeholders)
- 2. Public inspection of products: right to appeal



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Increase social support

- 1. Maximise transparency in process
 - a) Communication
 - b) Manage expectations
 - c) Explicit legal rights
- 2. Involve farmers in making the re-allotment plan

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LC can be used to check/improve/register rights?

- a) List of rightful claimants
- b) Public inspection
- c) Right to appeal
- d) Allocation right
- e) Increase social support

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Discussion

- Deed is cleansing all legal rights en restrictions (both Cadastral map and Registration)
- 2. Role of notary is to check the new titles (not the allocation of rights)

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Questions

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