Transparent Land Governance:
Temporary Development Zones to meet the Requirements of Urban Expansion

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XXV FIG Congress, Kuala Lumpur, June 2014

Agenda

1. Scope ‘Urban Expansion Requirements’ ⇔ ‘Sustainable Property System’
2. Approach of ‘Temporary Development Zones’
3. Success factors
4. Conclusions
1. Scope ‘Urban Expansion Requirements’ ⇔ ‘Sustainable Property System’

Issues:

- Informal Housing / Land Use
- Construction
- Abandoned Property
- Hazard / Disaster Risks – Management
- Sprawl
- Public Services
- Minority Rights – Indigenous Heritage
- Etc.

Informal / illegal Construction
(Bestre’s Camp, Durban, SA, 2011)

Abandoned Property
(Monrovia Beach, Liberia, 2009)
Issues: … by Risk Based Land Use Planning

(Brienz, Switzerland, 2005) (Minamata, Japan, 2009)

Issues: … Informal Housing and Sprawl

(Sprawl and squatter evictions Cambodia, 2012)

Issues: … Minority Rights - Indigenous Heritage


Key Features:
• Legal Framework dedicated to the development / regularization task
• Development Zone = Perimeter A (+ Perimeter B)
• Defined Project Duration
• Funds / Land for compensation
2. Approach ‘Adjusting Laws – Set of Rules for TDZ’

<table>
<thead>
<tr>
<th>Civil Code, Real Estate Registration Law, Cadastre Law:</th>
<th>Changes to land parcels as well as to rights (encumbrances) are applicable and are registered free of charge to the new owners. Compensation by the TDZ project.</th>
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</thead>
<tbody>
<tr>
<td>Land Use Law:</td>
<td>Land use can be changed as technically accountable.</td>
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<td>Expropriation Law:</td>
<td>Land expropriation against appropriate compensation is applicable.</td>
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<td>Land Reform Law, Privatization Law:</td>
<td>Land allocations may be freely changed within TDZ (consolidation).</td>
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<td>Law on Constructions / Building Codes:</td>
<td>New constructions are permitted and registered free of charge to the new owners. Compensation by the TDZ project.</td>
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<td>Public Services Law:</td>
<td>Public utilities are forced to provide services and metering to TDZ under appropriate conditions.</td>
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- Set of Rules must override the existing laws in specific aspects.


1. Definition of the perimeter of action - the ‘Temporary Development Zone’
2. Common agreement and decision for a defined time period on TDZ (assembly of stakeholders) based on a Governmental Decree
3. Project Analysis Phase: Fast approach Documentation of land rights and demands (Fit-for-Purpose)
4. Land Management Phase: Re-distribution and allocation according to agreed rules of real-substitution and compensation
5. Public display of the allocation plan – right for appeal for stakeholders
6. Registration of new ownership – payments of compensation
7. (Re)construction of settlements and utilities
3. Critical Success Factors for the TDZ Approach (I)

- **Governmental Decree** on TDZ (Adjustment of legal framework) must be in place before any project can be started.

- **Documentation of informal occupation/construction** before regularization (again: Fit-for-Purpose!)

- **Regularization** under formal and appropriate compensation

- **Management of land** / resources according to a sustainability concept
3. Critical Success Factors for the TDZ Approach (II)

- Compulsory land acquisition by the public (e.g. services, right-of-way) - since 2009 possibly financed by the World Bank!

- Active role of the Government to take action an within a short time – enforced because TDZ shall expire after a limited period

- Easy / free of charge registration (compensation of fees by the TDZ project)

4. Conclusion

✓ Sprawl and informal tenure problems ask for
  - joint approach of land consolidation, land rights documentation and urban planning
  - special rights overruling existing land related laws

✓ Temporary Development Zones combine regularization, services improvements, and legal protection of housing

✓ Fast approach and actual documentation is a pre-condition (independent layer technology/Cadastre 2014 principles – Fit-for-Purpose)

✓ Governmental Decree on TDZ must be put into force before as well as funds for compensation must be available
WHAT IS SWISS LAND MANAGEMENT?

Swiss Land Management…
… is a private foundation aiming at transferring experiences of methodologies and technologies to reach the UN millennium development goals.

Our Mission – Our Goals:

Sustainable land management as an essential contribution to GOOD GOVERNANCE and CONFLICT PREVENTION.

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Thank you for your attention…

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