

Expropriation of Land Rights for Implementation of Mega Infrastructure Projects - the Case of the Fehmarn Belt Connection Between Denmark and Germany

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SUMMARY

Security of tenure is now placed at the top of the UN 2030 Global Agenda (SDGs). There is an oppositional relation between security of tenure rights on the one hand and on the other hand a (public) wish to acquire land for infrastructure projects that in the longer term will create economic value for the entire community. This is a paradox because both parts contribute to achieving the SDGs.

The Fehmarn Fixed Link is a tunnel project from Denmark to Germany. At 18 kilometers in length, the tunnel will be the world's longest immersed tunnel for both trains and cars. The construction budget is approx. 7 billion EUR.

To build the tunnel, large areas of private owned land are required on the Danish side of the project.

The expropriations are carried out by a special commission - the Expropriation Commission - which is independent. Even though the infrastructure project has not yet started, a number of landowners, have chosen to sell their property voluntarily to the project authority. The plots that are not used for the project are included in an organized land consolidation process. The land consolidation process means that the remaining farmers will overall not lose agricultural land and in addition they achieve a more efficient agricultural production.

Experience shows that this approach means that farmers can, at an early point of the process, continue to operate efficiently and undertake profitable agriculture even though the implementation

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of the infrastructure project is ongoing.

The Expropriation Commission approves the land consolidation and allows it to be included in the subsequent expropriation process.

In determining compensation, both parties are involved: If an agreement cannot be reached, the Expropriation Commission will determine the compensation. After this, it is possible to appeal to a higher and independent authority. This process is free of costs for the landowners. Subsequently, it is possible to appeal to the ordinary judicial system.

All in all, experiences from this process show that expropriation of even very large land areas for mega infrastructure projects can be done in a manner that takes all parties' interests into account.

This paper thus provides a description of the participatory process used in an infrastructure megaproject and how the use of the process entails taking into account both land tenure rights and the implementation of infrastructure projects. They are both essential prerequisites for achieving the 2030 Global Agenda.

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