



Stakeholders' perception of defragmentation of new plots in a land consolidation project: Given the surprisingly different Slovak and Czech approaches



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ABSTRACT

There is a fundamental difference in the way of merging the fragmented plots of one owner within a land consolidation (LC) in Slovakia (the Slovak Republic, SK) and the Czech Republic (CZ). All the scattered shares of a single owner in SK are merged into a minimum amount of new plots in the proportion of 1/1; the shares of one owner in CZ are merged only to a group of owners who are on the same ownership title.

Through an LC project a Slovak owner automatically acquires sole ownership and the Czech one remains in an unchanged ownership in equal shares. Authors wondered what general public and the owners themselves in particular think of these two ways of merging. A simple online questionnaire for all surveyed groups (representatives of owners, public administration officials, LC designers/experts) for a virtual model territory was created. The results based on the questionnaire (563 responses, 10–25% estimated rate of return, were evaluated at the time of preparing the contribution) show that there is a clear preference (90–98%, estimated margin of error 5–16%) for the exclusive ownership. The (surprising) differences in merging as well as subsequent findings provoked an informed debate about the causes which is still pending.

1. Introduction

Land consolidation (LC) is a tool that can bring benefits to a territory such as ensuring conditions for improving the environment, soil and water management protection, increasing the ecological stability and related improvement in the quality of rural life. LC has always been regarded as an instrument or entry point for rural and agricultural development (FAO, 2003). According to Thomas (2006), typical measures in the implementation of land consolidation procedures are the merging of fragmented parcels, ownership, farms (land tenure), creation of an appropriate design of plots, construction of rural roads, landscape development, soil conservation, creation of irrigation and/or drainage infrastructure, measures for village renewal, creation or rehabilitation of water supply, sewage systems and other rural infrastructure, flood protection, measures for recreation and leisure, etc. There are no doubts about multidisciplinary approaches to the whole LC process. This is witnessed by a large number of contributions of authors who classify LC benefits according to their areas of impact. For example Sklenicka (2006), Hiironen and Niukkanen (2012), Long (2014), Platonova and Baumann (2014), Zhang et al. (2014) define LC

as a standard tool for increasing the effectiveness of soil use with a subsequent significant economic impact on rural development. Social benefits with the objective of implementing a new policy in relation to the basis of land ownership and managing are described e.g. in the works of Pašakarnis and Maliene (2010), Sikor et al. (2009), Goodale and Sky (1998), Li et al. (2014). Land consolidation has a great impact on diversity and ecological functions in different areas through technical and biological measures as stated by Wang et al. (2015), Yu et al. (2010), Yin et al. (2011), Kupidura et al. (2014), Gábor et al. (2016) etc. mention methods of landscape evaluation and perception in terms of land consolidation for the development of rural tourism and politics.

All the economic and landscape benefits of LC must be reconciled with the conditions for rational management of land owners (social aspects). It is necessary to create new merged plots with clarified ownership rights. The owners see (for more than 100 years) a gradual reduction in the value of the land that once formed the basis of their livelihood. Obviously, the fragmentation of land ownership is (potentially) significantly increasing with each new generation, which is the consequence of past/present inheritance laws. Fragmented ownership is

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a serious problem for the future in many countries, not only in Europe (Hartvigsen, 2014). According to McPherson (1983); Krčílková and Janovská (2016) the existence of land fragmentation can be a major barrier to agricultural development.

King and Burton (1982) define land fragmentation as the existence of a number of spatially separate plots of land farmed as single units. According to Kopeva et al. (2002) land consolidation is simply understood as means to solve the situation of land fragmentation by reducing the number of individual plots.

The land re-allotment process (also referred to as land pooling, land re-allotment planning, re-allotment design) is the most difficult and the most important step in land consolidation studies. Oldenburg (1990), among others, sees land re-allotment as an exchange of private ownership and the location of spatially dispersed plots of farms to form new holdings containing a single (or as few as possible) plot(s), with the same or similar value as the original areas. Land re-allotment is a core part of land consolidation which comprises the distribution of property to different person, i.e. division of property into different portions according to each one's contribution (Grossman and Brussaard, 1988). The process is used to improve efficiency with larger plots of better shape, reduction of distances and improved parcel layout. Re-allotment of land aims at bringing together the small scattered pieces of land into compact units (Mitra and Singh, 2015; Jusková and Muchova, 2014; Muller, 2015). The points which the farmers and implementers pay attention to in land re-allotment can be (Cay and Iscan, 2011): location of the biggest and the second biggest parcels of a farmer, parcel density of an owner, location of immovable facilities. Each owner's total post-consolidation holding should be same in size as his or her total pre-consolidation holding (Gonzalez et al., 2007). A traditional principle has been that an owner should not be worse off after the consolidation than before (FAO, 2012). Projects often aim at ensuring that an owner's holding after consolidation is equal in value to the original holding; if the value of the holding is smaller after consolidation, equivalency can be achieved by paying financial compensation. Equal value is thus not only a question of soil values but includes all factors that have a substantial impact on the use of the land, FAO (2003).

1.1. Comparison of methodological procedures in Slovakia and the Czech Republic

Land (plot) affected by LC can be owned A) by one person in **exclusive ownership** (it refers simply to ownership by one individual), B) in **co-ownership** (owned by a number of people, in a certain share expressed by a fraction) C) as a **marital property** (undivided co-ownership of spouses established on the basis of marriage and property acquired after the date of the wedding is entered under an 1/1 share) or D) by a land community in **shared ownership** (all plots form a common property and the owners cannot manage them separately due to common legal regime). All co-owners (in all forms of ownership) are registered in Slovakia (SK) and the Czech Republic (CZ) on one ownership title (OT – a public document which contains an inventory of property owned by a particular owner or a group of co-owners in a given area, a common registry based on an imperial patent of the Austrian Empire from 1852, when the registration of land-books insertions, OT predecessors, started). Goals at input (claim) and output (draft of new plots) in the LC process are the same in Slovakia and the Czech Republic and are based on their respective national legislation. The basic law on land consolidation in the Slovak Republic is Act No. 330/1991 Coll. Act No. 139/2002 Coll. plays the role in the Czech Republic. In Slovakia, LC projects generally have 3 basis stages (Table 1). In the Czech Republic, the situation is similar, i.e. 3 basis stages too (Table 2).

1.1.1. The research problem

One of the goals of the LC is to process owners' claims and propose new maximally merged plots accessible from public roads with a

suitable location and shape for farming or other use.

The property inventory for owners entering the plot merging is created in stages known as *the Register of the Original State* in SK and *the Inventory of Claims* in CZ. The aim of these stages in both countries is to create input data (descriptive and graphic information) on the land ownership which LC will address. The intention of both stages is the same but the way of processing is radically different and has a significantly different impact on the owner.

It can be assumed that differences, which have a long lasting impact on resolving ownership issues, occurred when implementing the initial/first methodological procedures in both countries. Neither legislation nor the methodologies specify the defragmentation procedures. In Slovakia, claims of individual owners are processed without binding to the original ownership title. However, in the Czech Republic, the system works with OT (i.e. with a group of property owners and usually there is no separation of individual owners at defragmenting/merging). These are common practices that appear to have originated in the first pilot projects and were generally accepted.

The new land arrangement is carried out in a step of a same name in both countries: *the Plan for the Re-allotment of New Plots*. Again, the two countries significantly differ already in the basic idea for merging. Plots are consolidated for individual owners in SK and for owners grouped together on a single OT in the Czech case.

Revealing this entirely different approach is also surprising for the authors. Relevant literature (including methodological approaches) mentions merging/consolidation of ownership in both cases, which leads/led to the conviction about the same procedures. Nobody before pointed out the differences and dealt with their causes and consequences. Merging on OT is significantly easier, which (when excluding this fact) leads to arguments about better CZ practices.

Reflection on this subject leads to changing the point of view on the long-established approaches in LC processing. One gets to the issue why the two neighboring states, with a common history, differ so much in the way of merging the plots in the LC. With logical reasoning, even at the beginning of the research, one could clearly conclude that the Slovak approach is more convenient for the owner, bringing huge benefits in contrast to the Czech owners. Authors wanted to substantiate this statement based on the stakeholders' opinion (especially the owners themselves) through an online questionnaire as a means for data gathering and evaluation. The results of the questionnaire are an indicator of the public view on land ownership processing within the LC.

1.1.2. Research objective

Authors tried/try to get the support or rejection of the assumption about the advantage of the Slovak procedure (merging to the exclusive property) for the owner but also for the other stakeholders in a transparent manner.

2. Material and methods

2.1. The proposal of a virtual model project

For the sake of visualization of the land ownership merging processes in both countries, a model LC project has been proposed. The project includes 5 ownership titles with the description of the owners and properties owned by them (Table 3). The input data on the properties, ownership and descriptive and graphic information (Fig. 1) as well are the same for both countries. 7 owners in 31 property relations on 11 plots placed on a virtual territory. A potential respondent for the questionnaire in owner's role was denoted as "YOU" for better identification with the case (Table 4).

We defined the basic parameters of the project as follows: the perimeter of the LC project has 26300 m², comprised of 97.6% of arable land, 2.4% in other areas (unpaved lane, original unregistered public property).

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