Participatory approaches to land re-allotment: on the interplay between institutional frameworks and trust

Raoul BEUNEN and Marije LOUWSMA, the Netherlands

Keywords: public participation, re-allotment, trust, institutional framework, governance

SUMMARY

This paper presents the preliminary findings of an ongoing study towards novel approaches of land re-allotment in the Netherlands. In the traditional approaches to land consolidation, planning experts played an important role. They were the ones who based on an inventory of current ownership and use rights and the wishes of individual land owners, developed and proposed a land consolidation plan. The more participatory and voluntary forms of re-allotment processes require a more active role of land owners and accordingly a different process. Two different approaches to land re-allotment can be distinguished in current practice in the Netherlands: one whereby land owners individually discuss the development with a facilitating coordinator (facilitated decision-making), and another whereby land owners together discuss the development (collective decision-making). Both practices co-exist depending on land owners’ and governments’ preferences.

This study compares both approaches of re-allotment, paying attention to ways in which stakeholders perceive the process and its outcomes. We are particularly interested in the role of trust in these processes. The study shows that the interplay between the institutional framework and trust helps explaining how land re-allotment processes unfold and how the involved actors evaluate the process and its outcomes. The findings from this study offer a novel angle for analysing policies and practices of land governance and insights that can be used for developing more effective and legitimate approaches and instruments that are appreciated and trusted by all relevant stakeholders.
An exploration of participatory approaches to land re-allotment: on the interplay between institutional frameworks and trust

Raoul BEUNEN and Marije LOUWSMA, the Netherlands

1. PUBLIC PARTICIPATION IN RE-ALLOTMENT PROCESSES

Land consolidation is an important tool to align property rights with spatial claims. It can for example be used to improve the agricultural structure of a region, to realize a network of nature areas, or to create space for water retention and climate buffers. It is a process in which land ownership rights are exchanged among land owners. Traditionally, governments took the lead in initiating, preparing and implementing land consolidation projects in the Netherlands. In line with wider shifts in society and governance a shift towards more participatory and voluntary approaches can be noticed. In these novel forms of re-allotment land owners have become active participants that co-create the final re-allotment plan. Contrary to the mandatory form of land consolidation for which procedures and rules were described into detail, the law in the Netherlands does not prescribe the form for the voluntary exchange of ownership rights (Rural Areas Development Act, 2007). Despite having no formal rules that structure the re-allotment process, decades of practice created a more or less conventional approach with a coordinator that supports the re-allotment process and maintains contacts with individual land owners. We call this approach ‘facilitated decision-making’. Recently, a new approach was introduced in which land owners discuss possibilities for land exchange together. The novelty in this approach lies in the fact that participants together explore possibilities for the new allocation plan. In other words, the reallocation plan originates from a collaborative discussion and negotiation process. Governmental representatives in the re-allotment process are regarded to interact on an equal basis with other participants. For governmental organizations involved in the re-allotment process this means that some hierarchical interactions with actors are partly replaced by horizontal forms of interactions. The two approaches, facilitated decision-making and group decision-making, do not necessarily substitute each other. They co-exist in the Netherlands.

In this paper we compare both approaches from the perspective of the individual land owners. We are interested in their perceptions of the process and its outcomes and in the factors that influence these perceptions. What does it mean to discuss and negotiate your future land allocation with multiple actors, often your neighbours, instead of individually talking things over with a coordinator? What are their expectations at the beginning of the process and how do these expectations change over time? How do they deal with the uncertainties they face during the process? And how does the relationship between the actors evolve during the process and how does that conversely influence the process? Answering these questions helps to improve our understanding of the land re-allotment processes. Such knowledge is invaluable input for the further innovation of land re-allotment approaches and for the societal debates about which approach could be used in a particular situation.
2. TWO PARTICIPATORY APPROACHES TO LAND RE-ALLOTMENT

2.1 Facilitated decision-making

The exchange of land rights is not an individual activity, but involves a number of stakeholders, including different land owners. The number of land owners involved can vary from minimal three to over a hundred. The behaviour and decisions of each land owner depend among other things on the available information and the behaviour and decisions of other land owners in the negotiating process. In a facilitated land re-allocation process the process manager consults all land owners individually to hear their wishes regarding the new allocation. Moreover, the process manager also designs the new allocation based on the land owners’ wishes and discusses this plan with all land owners one by one. Several consultation rounds may be needed to have the plan adapted according to land owners’ wishes. Like most spatial planning processes, voluntary re-allocation addresses potentially conflicting interests of involved stakeholders. For example, farmers may be reluctant to cooperate with a certain proposal for land exchange when it will benefit the realisation of new nature around their farm. They fear that nature might hamper the business of their agricultural holding due to environmental restrictions that often coincide with nature conservation. Overcoming such different interests and finding an acceptable solution to all is part of the negotiation process. In this approach, the process manager has a powerful position because of his intermediary role. The process manager has access to information on the preferences, considerations and decisions of all land owners insofar that they are willing to share this information with the process manager. Potentially, the process manager as information coordinator and as intermediary holds an influential position during the re-allocation process. The land owners have access to information provided by themselves and the information that is provided, mostly analogue, by the process manager. The latter generally encompasses information on the reallocation options for the involved landowner, but not of other land owners. Thus for land owners, the complexity of the total reallocation process is reduced to the complexity of their own situation.

![Figure 1 Facilitated decision-making (left) and collective decision-making (right)](image)

3.2 Collective decision-making

The participation of land owners is differently organised in the recently developed collective decision-making approach. Instead of having a process manager facilitating communication and negotiation among land owners, land owners are invited to participate and discuss together the possibilities for land exchange for sustainable development of the area. Different interests among land owners will result in different wishes for the new allocation. Land owners discuss these wishes and possibilities for land exchange together, but in a structured...
manner with the help of a facilitator. Furthermore, wishes are visualised and displayed on the fly in a digital geographical information system (GIS). This system can also calculate differences in the amount of allocated land for each land owner and it shows which parcels are wished by whom. Consequently it clearly reveals popular locations that multiple land owners wish to add to their allocation. This information is known among all participating land owners, and is the starting point for the process of co-creating the reallocation plan. It is up to the land owner to decide to what extent he or she shares arguments to support the desired new allocation. This may unintentionally reveal competitive information on the strategy of a land owner with respect to their holding, organisation or business. The role of the facilitator is to make sure that all land owners can have their say and that some will not dominate the discussion on the expense of others. This might be challenging, because relations between land owners (individually or in groups) and possible differences in power can influence the discussions, negotiations, and decision-making. Each region often has its own informal rules that shape these power relations. These may become apparent in group process as described. Because of the collective discussions among land owners, the process is relatively structured. It starts with a walk-in evening where potential participants can see how the process will be organised and what the aims for sustainable development are. Land owners who would like to participate are invited for a group session where possibilities for land exchange are explored and discussed among land owners. A second group session takes place to discuss the final issues. After initial agreement of all land owners, the reallocation plan will be described in a deed and formalised.

3. ANALYSING RE-ALLOTMENT PROCESSES: INSTITUTIONS AND TRUST

Once the decision to organize a land re-allotment process has been made, land owners are faced with a number of questions and uncertainties. They have questions about the way the process will be organized, about the possibilities it will create for them, and about their rights. For most of them it will be the first time that they have become involved in a re-allotment process. Actors might face uncertainty about the behaviour and skills of other actors, about the situational context in which the process operates, e.g. political decisions or economic developments, or the process itself.

Research shows that uncertainty plays a major role in the land re-allotment process, especially at the start of a project (Kool, 2013). Land owners and process managers do not know who is willing to participate and what conditions may apply. The feasibility of achieving a desirable reallocation for involved stakeholders is often unclear in the beginning of the process, as it depends highly on the willingness, and conditions, of participation of land owners. The fact that few formal rules apply (see Rural Areas Development Act, 2007), means that it is up to the land owners and process manager to design and decide on a clear process. Most often, the process manager takes the lead in proposing a specific process. Given the role of the process manager and his influence on transparency with respect to provided information and a clear process, it is crucial that the process manager is trusted by involved land owners (Kool, 2013). In the collective decision-making approach trust in other participating stakeholders is important as well, as stakeholders sit together to discuss possibilities for reallocation. This is the place where personal interactions and negotiation take place led by a facilitator. In the facilitated decision-making approach trust in other participants appears to be less influential as interactions take place via the process manager.

In order to unravel how re-allotment processes unfold we pay particular attention to the role of institutions and trust. Both influence the interactions between the actors involved in the re-
allotment process and both are a way to deal with uncertainties that actors perceive. Institutions are defined as humanly devised formal (e.g. laws, property rights, constitutions) and informal (e.g. tradition, customs, code of conducts) constraints that structure political, economic and social interaction (North, 1991). This definition entails that institutional structures are not static, but evolve over time and differ across places (Van Assche et al., 2014). Institutional structures define property rights, the roles, responsibilities and rights of involved actors, and the rules that the actors have to take into account. As mentioned before the procedures of a re-allotment are only partly predefined. That implies that actors also need to negotiate the rules according to which the process will be organized. Furthermore it is important to mention that some of the actors will also interact with each other in other contexts. The land-owners are also each other’s neighbours and they may be part of a local community, members of farmers unions, or specific local organisations. The relation they have beyond the re-allotment process is likely to play a role within the re-allotment process, as are all kind of formal and information institutions that structure those interrelations. Various authors have shown how trust is a mechanism that helps people in dealing with uncertainties (Luhmann, 1979; De Vries et al., 2014). Trust can be understood as people’s dynamic expectation about the thoughts, behaviour, and decisions of others. Through trust, people reduce the complexity of a decision-making situation by ruling out undesirable options and focussing on a positive outcome. Trust influences the relationship between actors (Smith, 2010). Basically two types of relationships can be distinguished; a professional relationship, defined as a task-oriented relationship in which the parties' attention and activities are primarily directed toward achievement of goals external to their relationship, and a personal relationship, defined as a social-oriented relationship whose primary focus is the relationship itself and the persons in the relationship (Lewicki, 2006). Although no single definition of trust as a relationship is generally accepted, Lewicki et al. (2006) conclude that certain central elements recur in trust definitions. These are the positive or confident expectations about another person and a willingness to accept vulnerability in the relationship, under conditions of interdependence and risk (p. 1014). In this research we define trust as the willingness of an actor to be vulnerable to the actions of another actor based on the expectation that the other will perform a particular action important to the trustor, irrespective of the ability to monitor or control that other party (Mayer et al., 1995: 712). Trustworthy actors are expected to refrain from opportunistic behaviour. Trust is dynamic, depending on personal experiences as well as those that are shared by others (De Vries et al., 2015). It evolves over time as a result of interactions between actors (see Lewicki et al., 2006; de Vries, 2014). These interactions can take place in a relatively short time, but may also last for a longer period of several years with intermittent interactions.

Trust can also be related to institutional structures. The extent to which actors trust that certain institutions will be upheld and enforced, affects the relationship between two actors. Institutional structures evolved as a means to shift from personal trust to institutional trust (Greif, 2006). Institutional trust is defined as placing trust in the role an actor takes as defined by institutions. It is a form of trust that is independent of the people occupying those roles (Smith, 2010). These institutional structures through which roles and rules were defined made transactions less dependent on particular persons, more predictable and less risky. Institutional trust does not necessarily refer to a specific agency, but may refer to the whole system of institutions of rules, roles and norms. It can be conceptualized as a phenomenon within and among institutions, and as the trust individuals put in those institutions (Lewicki, 2006). Institutional trust is related to relational trust. Trusting someone becomes easier if formal rules apply that delimit the possibilities and risks of the actor’s behaviour. Trusting is also easier if one knows that incorrect behaviour will be corrected and enforced. On the other
hand, a situation with loose rules and roles increases insecurity and consequently increases the appeal for a stronger basis of relational trust.

4. COMPARING THE TWO APPROACHES

The two approaches are compared on the basis of a multiple case study; three case studies following the facilitated decision-making approach (Heusden, Epe-Vaassen, Kempen-Broek) and two case studies following the collective decision-making approach (Winterswijk, Veessen-Wapenveld). Table 1 provides some key figures (duration, project area, the amount of exchange land, number of participants and number of deeds) of these case studies. Most re-allotment projects followed a comprehensive approach, i.e. multiple aims were realised.

Table 1 Key figures of studied re-allotment projects

<table>
<thead>
<tr>
<th></th>
<th>Heusden</th>
<th>Epe-Vaassen</th>
<th>Kempen-Broek</th>
<th>Winterswijk</th>
<th>Veessen-Wapenveld</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project area</td>
<td>8500 ha</td>
<td>10000 ha</td>
<td>8000 ha</td>
<td>6900 ha</td>
<td>2000 ha</td>
</tr>
<tr>
<td>Exchanged land</td>
<td>1943 ha</td>
<td>1130 ha</td>
<td>529 ha</td>
<td>450 ha</td>
<td>220 ha</td>
</tr>
<tr>
<td>Participants</td>
<td>215</td>
<td>429</td>
<td>49</td>
<td>123</td>
<td>58</td>
</tr>
<tr>
<td>Deeds (#)</td>
<td>15</td>
<td>50</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

The case studies draw on semi-structured interviews with involved actors. During these interviews the process and its outcomes were discussed. The interviewees were asked about their expectations, perceptions, and their relationship with other actors, as well as how all these aspects changed over time. Although trust plays an important role in this study we did not directly measure trust levels. Trust was studied indirectly by discussing related concepts like uncertainty, risks, and vulnerabilities (following De Vries, 2014).

5. PRELIMINARY FINDINGS

The study shows that one of the most important differences between the two approaches can be found in the way and extent in which involved actors should be open about their own preferences. In the facilitated approach land owners can discuss their preferences with the process manager, but in the collective decision-making approach they have to share these with all other actors. The latter is something which they do not always like. During the interviews it became clear that land owners might be reluctant to share information with the other actors, because this possibly delimits their options to negotiate possible transactions and desired outcomes. This tension, for example, became clear in the collective process when multiple land-owners indicated their interest in a particular piece of land. In an open process it immediately becomes clear that there will be a competition for that piece of land. Some land owners might strategically respond to that, while others might restrain in presenting their claim in order to avoid tensions and, possibly, conflicts. In a facilitated process the collection
of preferences and dealing with competing claims can be managed more easily by the facilitator.
Furthermore, the land owners indicated that they don’t always feel comfortable sharing, partly personal, information with others. This not only relates to strategic reasons, but also because they know that their preferences or ideas might deviate from the shared discourse within the community of land owners. As a group these land owners might for example disagree with certain plans or developments such as the creation of protected nature areas, while for individual land owners this development could introduce interesting opportunities (cf. Holtslag-Broekhof, 2014).

Table 2 summarizes some of the differences between the two approaches and the way in which these differences impact stakeholders.

Table 2 Differences between the two re-allotment approaches

<table>
<thead>
<tr>
<th></th>
<th>Facilitated decision-making</th>
<th>Collective decision-making</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quantity of information</td>
<td>Information on own situation, along with general information on process.</td>
<td>Information on own situation, along with information from other actors and general information on process. All actors have access to collectively shared information.</td>
</tr>
<tr>
<td>Quality of information</td>
<td>Spatial information is shared analogue, with limited access to attribute information. As information is limited it is difficult to compare (except for the own situation).</td>
<td>Spatial information is shared digitally, with access to attribute information, and analogue to take home. Unclear, inaccurate, or unstandardized information can be directly clarified in discussions.</td>
</tr>
<tr>
<td>Actionability</td>
<td>Actors can use their information to influence the facilitator, and thereby indirectly influence the outcome.</td>
<td>Actors can directly elucidate and use the information to influence the outcome.</td>
</tr>
<tr>
<td>Normative effects</td>
<td>Actors have the right to know for their own situation and the general process, but do not get an overview of the overall situation.</td>
<td>Actors have the right to know for their own situation, but due to the set-up of the process they get more information of the overall situation.</td>
</tr>
<tr>
<td>Procedural effects</td>
<td>Actors can hold the facilitator to account, but the facilitator can blame other actors without taking responsibility.</td>
<td>Actors can hold each other to account during the process and enhance their voice in the re-allotment process.</td>
</tr>
<tr>
<td>Substantive effects</td>
<td>Individual awareness of need for sustainable solution, but impact does often not reach further than own situation.</td>
<td>Common awareness of need for regional sustainable solutions, but to what extent this really influenced improvements is difficult to measure.</td>
</tr>
</tbody>
</table>
6. DISCUSSION

It is clear that the way information is shared has an important influence on the process and the willingness of actors to participate in that process. It is not possible to make generic statements about the effectiveness and legitimacy of both approaches as these strongly depends on the power and trust relations between the actors involved. Drawing on the preliminary findings of this study we can distil a number of topics that are relevant for further exploration.

Perceived uncertainties
Whether or not actors are willing to disclosing particular information depends on the uncertainties that they perceive during the process. They have, for example, uncertainties about how other land owners will act or react upon that information. To some extent the availability of more information can help them in dealing with these uncertainties. Yet uncertainties are likely to change during the process, partly under influence of the information that becomes available (Domingo and Beunen, 2013). Part of these uncertainties relate to what happens if land owners share particular information about their business or about the preferences for a future situation with other actors. The process managers involved in the facilitated approaches were very well aware of these feelings of uncertainty and explained that it was part of their job to create trust among the different land owners in order to proceed with the process. Trust in that sense is thus a prerequisite for the disclosure of information.

The institutional structure
Given all the uncertainties that land owners face during the process, it is very interesting to observe that neither within the discussions and negotiations, nor in the interviews any of the actors did raise doubts about the underlying data and the institutional order that makes the re-allotment projects possible. All actors assume that the data about property rights and about parcel boundaries is correct and neither do they question the role of the land administration organization or the role of the facilitator. All these are more or less taken for granted. This shows the importance of trust in institutional structures and in the organizations that implement and enforce certain institutions. This trust facilitates complex interaction and transactions between different actors that would be much more difficult, or even impossible, if all underlying rules and roles would have to be agreed upon over and over again. That would simply make the transactions too uncertain and too risky. Through these institutional structures many options are ruled out, which reduces complexity and makes transactions less risky. Yet some uncertainties remain and personal relations, e.g. between different land owners and between the land owners and the process facilitator do play an important role as well. This is even more the case because of the voluntary nature of re-allotments. Land owners simply have more options to choose from and trust is a mechanism to cope with the uncertainties that do come along.

Roles and individuals
The study shows that certain roles, like that of the process manager, can be institutionalized to a large extent. This depersonalizes such role and can create trust among participants in the process. The process managers are mostly experienced persons who understand the process, the uncertainties land owners perceive, and who know how to build a trust relation with these land owners. All this facilitates interactions and it helps land owners in dealing with their uncertainties. Yet, although this role can to a large extent be institutionalized, the personal side of relations is still very important. Something of which process managers are very well aware off. In the collective decision-making approach trust dynamics become more complex
as land owners also need to interact and negotiate with other land owners. Here it is more difficult to predict how trust relations will develop as there are few formal rules that define roles and because the process is largely influenced by the relations that participant have outside the process. These relations can make cooperation easier, but they can also make it difficult for land owners to state wishes that go against the socially accepted way of thinking about the development of the area or about organizing your agricultural holding. Participants can therefore have very different perceptions about the collective discussions and negotiations.

Understanding the ongoing interplay between institutions and trust and the way in which that influences the interactions between the actors as well as the expectations and perceptions of the land owners can help in designing and implementing processes that are perceived as transparent, fair and just by most of the actors involved and that therewith generate the trust and confidence that is needed to enrol such a complex set of land transactions on a voluntary basis within a reasonable amount of time. This study shows that this requires attention for the relation between the land owners and the process facilitators, for the relations among the different land owners, and for the underlying institutional framework that shapes property rights, transaction procedures, and particular roles for the actors involved (cf. Van Assche et al., 2014). Although institutional framework can help in depersonalising this process to a large extent, something which shifts personal trust to institutional confidence, the personal dimension should not be overlooked.

REFERENCES
Kool, S., 2013. Voluntary re-allocation in the Netherlands – A case study about the processes of voluntary re-allocation in Heusden, Epe-Vaassen and Kempen-Broek. WUR


**BIOGRAPHICAL NOTES**

Dr. ir. Raoul Beunen is assistant professor Environmental Governance at the Open University the Netherlands and at Wageningen University. His research deals with innovation in the field of spatial planning and natural resource governance. He extensively studied the implementation of planning and environmental policies in different institutional settings and investigated the importance of path dependence in enabling new perspectives in various policy landscapes.

Marije Louwsma is senior advisor in the department of spatial planning at the Netherlands’ Cadastre, Land Registry and Mapping Agency. She has a Master’s degree in spatial planning from Wageningen University and a Master’s degree in geo-information management and applications from Utrecht University. Currently, she works on product and process innovations in the domain of land management and spatial planning. She also conducts PhD research which concentrates on the role of e-government services with spatial data in interactive planning processes.
CONTACTS

Dr. Raoul Beunen
Open University - Faculty of Management, Science & Technology
PO Box 2960
6401 DL Heerlen
THE NETHERLANDS
Tel. +31 (0)45 576 27 35
Email: raoul.beunen@ou.nl
Web site: www.governancetheory.com

Marije Louwsma, MSc
Cadastre, Land Registry and Mapping Agency
PO Box 9046
7300 GH Apeldoorn
THE NETHERLANDS
Tel. +31 88 183 44 63
Email: marije.louwsma@kadaster.nl
Web site: www.kadaster.nl