Re-inventing Land Readjustment: Implications for Eminent Domain, Public-Private Partnership, and Land Governance

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Outline

Myths and Realities of Land Readjustment

Building Supporting Institutions through Land Readjustment
Myths & Realities
• Is a land readjustment legislation needed to implement the tool?
• Is a clear delineation of registered property rights necessary?
• Does land readjustment need a vibrant real estate market?
• Does the community need to be well organized and have experience of participatory planning?
• Do stakeholders must already trust each other?
Myth No. 1

We need land readjustment legislation to implement the tool.
• Not exactly true in Angola, Bhutan, China, and Ethiopia.

• The existing land readjustment legislation does not ease project implementation in Egypt, India, and Turkey.
Thimphu, Bhutan

What are helpful legislations?

- A constitutional provision that recognizes land value increment as a social asset.
- A law that guarantees citizens the right to access to affordable housing.
The requirement of the consent of the “supermajority” of affected landowners or occupants must be upheld.

Updated urban planning legislations with enforcement.
A clear delineation of registered property rights is necessary.
The Reality

• Unclear delineation of property rights did not hinder land readjustment in Angola, Colombia, Ethiopia, and Thailand.

• A rigid property law could marginalize the landless.
Lie De Village, Guangdong, China

Before

After

Source: George C. S. Lin and Xun Li (2014) an unpublished manuscript for a book project supported by UN-Habitat.
Sengki, Bangkok

Before

After

Lideta, Addis Ababa, Ethiopia

Before

After

What are helpful property rights perspectives?

- A flexible legal framework that recognizes the diverse land tenure arrangements and property claims.
- Temporary administrative recognition of informal rights.
The community must have trust relations and experience of participatory planning.
• Not true, except the Angolan case.
• Unorganized communities can still adopt land readjustment; it only requires more time and efforts.
• Homogeneity could lead to the exclusion of the minority and the poor.
Bogotá, Colombia

Source: Google Earth and presentation by Bappeda, Aceh.
How should communities be organized?

- Conduct consistent participation throughout the entire project.
- Set explicit standards of public participation but must be sensitive to the local context.
- Set up small income-generating activities to facilitate participation.
How to build trust?

• Find a reputable and neutral broker to promote the project.

• Identify mutual interests, assign responsibilities, and nurture commitment.
Other General Realities

- Affected landowners or land occupants have a motivation to stay in the neighborhood.
- Public financial assistance is available.
- The government shows credible commitment to the idea.
TOWARDS A GOVERNANCE CENTERED APPROACH

Not just a redevelopment tool but a consensus-building approach

A mechanism for building governance

Institutionalize emerging rules into formal legislations
Thank You