

LAND CONSOLIDATION ORGANIZED IN A SPECIAL COURT – EXPERIENCES FROM NORWAY

- **OUTLINE**
- Presentation of the land consolidation court
- What land consolidation may comprise in Norway
- The extent of land consolidation
- Different organizational models
- Land consolidation and local government
- Lessons learnt

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Presentation of the land consolidation court

- Permanent institution within the framework of the judicial system
- 34 court districts
- 5 court of appeal districts
- 250 employees (approx. 90 judges)
- Legislation from 1821
- The land consolidation service / court established in 1859 / 1950
- The judges has special education from the Agricultural University
- In each case – one judge and two lay judges (or only one judge)



Jurisdiction

1. Land consolidation in rural areas
2. Boundary disputes both in urban and rural areas
3. Valuation in connection with expropriation and exchange of properties in rural areas
4. Contractual appraisalment (valuation court)
5. Appraisalment for private roads, fences and easements (valuation court)
6. (Under consideration - land consolidation in urban areas)



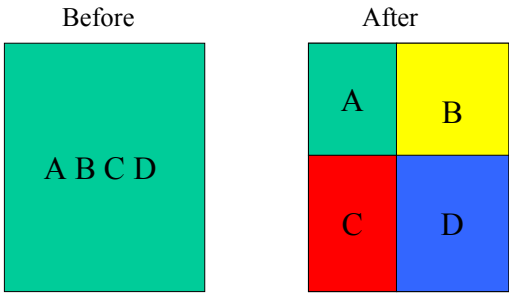
The extent of land consolidation

• Some statistics for the land consolidation courts

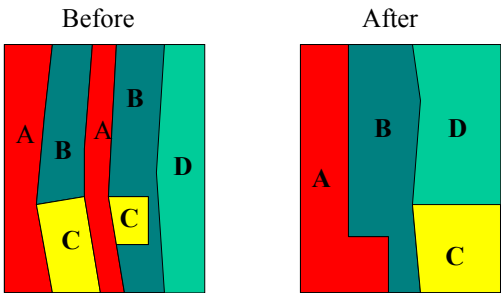
1. 1 000 – 1 100 cases closed each year
2. 8 000 parties
3. 600 – 800 disputes solved each year
4. 1 900 km of boundaries is marked
5. Investments in roads (3 mill. USD)
6. 72 000 hectare is consolidated
7. Backlog of 2363 cases (2001/2002)



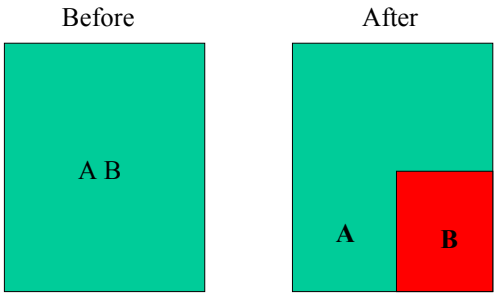
Measures (I)
Dissolving a system of joint ownership
(in the outfields or in the infield)



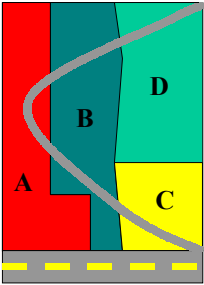
Measures (II)
Reallocating property through exchange of land
(reduction of fragmentation)



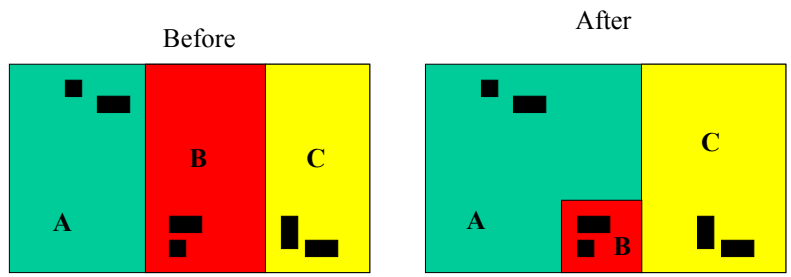
Measures (III)
Dividing properties
(personal joint ownership – the division needs permission from the municipality)



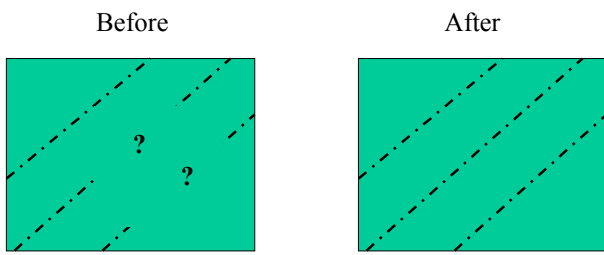
Measures (IV)
Organizing joint measures
(for example building of roads and fence)



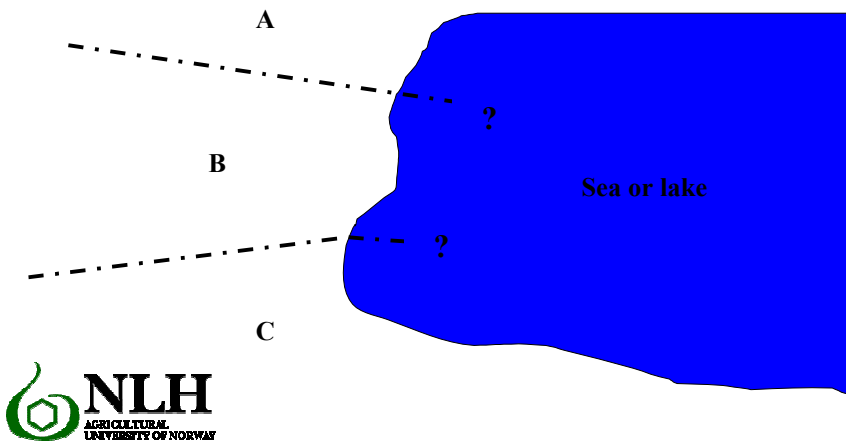
Measures (V)
Reallocating landed properties when land and rights are to be disposed of
in accordance to the Land Act



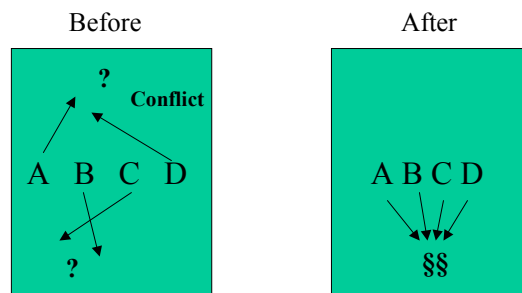
Measures (VI)
Boundary disputes
(both in rural and urban areas)



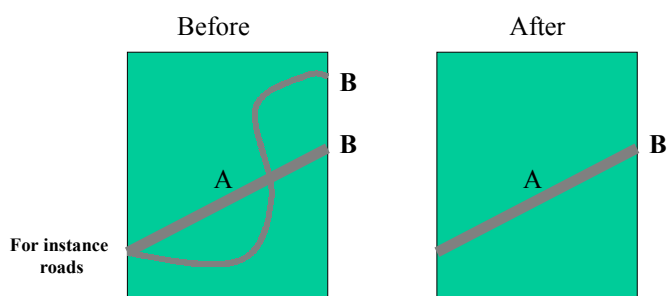
Measures (VII)
Boundary disputes out in the sea or the lake



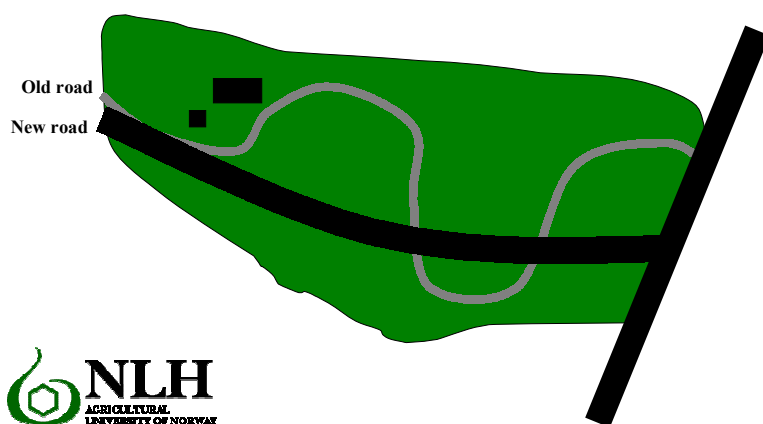
Measures (VIII)
- Prescribing rules relating to joint use
- Clarifying and determining conditions relating to property and rights of use under joint ownership



Measures (IX)
Eliminating outdated rights of use



Measures (X)
Valuation in connection with expropriation
and exchange of properties in rural areas



Different organizational models under consideration (I)

- **Specialized court as it is today**
 - Integration of judicial decisions in disputes with planning competency and administrative decisions.
 - Appeals to the ordinary courts of appeal or the land consolidation court of appeal .
- **A part of the administrative body**
 - Can give statutory administrative orders in a dispute and have planning competency.
 - Appeals to the ordinary courts or a higher level in the administrative body



Different organizational models under consideration (II)

- **A hybrid**
 - Disputes to be solved in the ordinary courts
 - Land consolidation issues handled through administrative bodies
 - Appeals to the ordinary courts (disputes) and to a higher level in the administrative body (land consolidation issues)



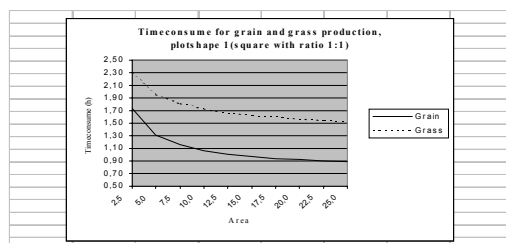
Land consolidation and local government

- This relation is widely debated because of the concern that the courts should be independent
- Some subsidies from the county and local government
- In certain cases permission from the county and local government is needed (land consolidation in urban areas and division of properties owned by two or more individuals)
- Consulting with public authorities if the consolidation plan will affect matters within their jurisdiction

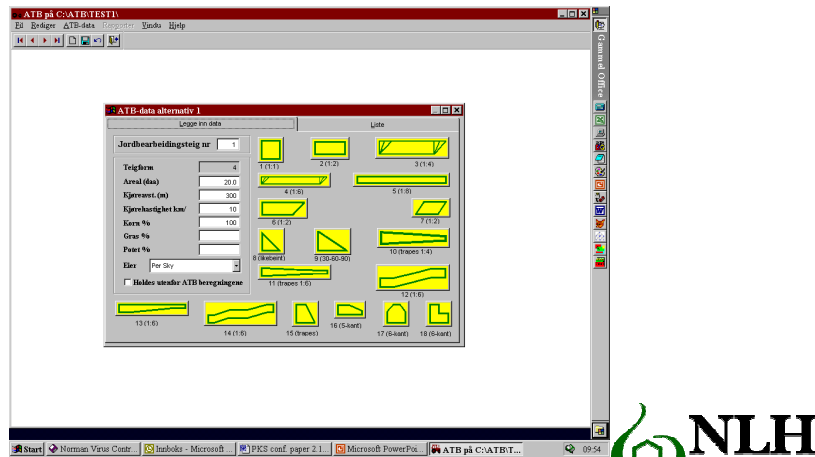


Benefits of land consolidation – one method

- Development of tools for analysing the operational costs for plots of different **size**, **shape** and **distance** (location) from the operational centre of the farm. The operational costs are expressed in terms of work hours for man and machines (equipment) per unit of land for different crops (grain, grass and potato).



Example from the calculation programme



Lessons learnt

- The "one-stop shopping model" (specialized court) is very efficient in countries with obscure descriptions of property boundaries
- Efficient dispute resolution techniques, for example mediation, is of great importance
- GIS and GPS make the land consolidation process efficient